

## HOUSE OF ASSEMBLY

Tuesday, 7 April 2020

The **SPEAKER (Hon. V.A. Tarzia)** took the chair at 11:00 and read prayers.

**The SPEAKER:** Honourable members, I respectfully acknowledge the traditional owners of this land upon which the parliament is assembled and the custodians of the sacred lands of our state.

*Parliamentary Procedure*

### STANDING ORDERS SUSPENSION

**The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning) (11:01):** I move:

That standing orders be and remain so far suspended so as to enable ministers and members to speak and conduct business from any seat within the chamber.

**The SPEAKER:** There being an absolute majority, I accept the motion. Is the motion seconded?

**An honourable member:** Yes, sir.

**The SPEAKER:** The motion is seconded. Do you wish to speak to that? No? I will put it at once.

Motion carried.

*Bills*

### CORONERS (UNDETERMINED NATURAL CAUSES) AMENDMENT BILL

*Final Stages*

The Legislative Council agreed to the bill without any amendment.

### SUPPLY BILL 2020

*Final Stages*

The Legislative Council agreed to the bill without any amendment.

### COVID-19 EMERGENCY RESPONSE BILL

*Standing Orders Suspension*

**The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (11:03):** I move:

That standing orders be and remain so far suspended as to enable the introduction of a bill without notice forthwith and passage through all stages without delay.

**The SPEAKER:** There being an absolute majority, I accept the motion. Is it seconded?

**An honourable member:** Yes, sir.

**The SPEAKER:** The motion is seconded. Does anyone wish to speak to that? If not, I will put it at once.

Motion carried.

*Introduction and First Reading*

**The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (11:03):** Obtained leave and introduced a bill for an act to make various temporary modifications of the law of the state in response to the COVID-19 pandemic, to make related amendments to the Emergency Management Act 2004, the Payroll Tax Act 2009 and the South Australian Public Health Act 2011 and for other purposes. Read a first time.

*Second Reading*

**The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (11:04):** I move:

That this bill be now read a second time.

I am pleased to introduce the COVID-19 Emergency Response Bill 2020. The bill seeks to ensure the safe and efficient functioning of government and mitigate the economic impacts on the state throughout the COVID-19 pandemic. It also promotes general community safety by adopting measures that will support social distancing and other community restrictions in line with health advice.

The government notes that some of the measures proposed in this bill are extraordinary. This is why the bill is divided into four different types of amendments. First, part 2 of the bill creates a number of general modifications to existing state law. Second, schedule 1 of the bill contains special provisions relating to the detention of certain protected persons. Third, schedule 2 of the bill provides for the temporary modification of the operation of particular state laws. Fourth, schedule 3 of the bill makes related amendments to the Emergency Management Act 2004, Payroll Tax Act 2009 and the South Australian Public Health Act 2011.

To ensure that these extraordinary measures only operate for so long as required to deal with this public emergency, clause 6 of the bill provides that this act will expire on the day fixed by the minister by notice in the *Gazette*, although provisions of part 2 schedule 1 or schedule 2 may expire at an earlier date. The day fixed by the minister for the expiry of that date must be the day on which all relevant declarations relating to the outbreak of COVID-19 within South Australia have ceased, provided that the minister is satisfied that there is no present intention to make further declarations. To be absolutely clear, the initiatives—except for those in schedule 3 in this bill—will all expire as soon as we get to the end of this pandemic declaration period.

Clause 6 further provides that, for the avoidance of doubt, the expiry of a provision of this act under this section does not affect the validity or operation of anything done in accordance with the provisions before that expiry. For example, a contract executed in accordance with any modified requirements under section 14 would remain validly executed, even after the expiry of that section. The provisions in schedule 3 will continue beyond the expiry of the act. For example, the provision exempting the JobKeeper payment from payroll tax assessment calculation needs to continue for as long as employers continue to receive that benefit.

I will now deal with each of the changes proposed by the bill. Clauses 7 to 10 of the bill contain provisions relating to commercial leases, residential tenancies, residential parks, rooming house agreements and supported residential facilities. These provisions seek to support the national cabinet's agreement that, amongst other things, a short-term temporary moratorium on eviction for non-payment of rent be applied across tenancies impacted by severe rental distress due to the COVID-19 pandemic.

Clause 7 of the bill modifies the law of leases to provide protections and relief for commercial tenants impacted by the pandemic. The provisions apply to all commercial leases in South Australia but exclude leases under the Pastoral Land Management Conservation Act 1989 and the Crown Land Management Act 2009, as those acts already provide broad discretion for government landlords to provide protection and relief to tenants as those landlords consider appropriate.

Landlords will be prohibited from taking certain actions against tenants who experience financial hardship, including eviction for non-payment of rent or outgoings, requiring a tenant to pay land tax, terminating a lease or imposing other penalties on tenants who stop trading or reduce hours, and charging interest on unpaid rent. In addition, there will be a freeze on rent increases during the prescribed period. There will also be a role for the Small Business Commissioner to mediate disputes and make determinations on the question of whether a tenant is suffering financial hardship and related issues with an appeal to the Magistrate's Court.

Clauses 8 and 9 of the bill set out the provisions applying to residential tenancies and residential parks with select provisions also applying to a rooming house agreement. Along with a moratorium on evictions solely on the grounds of unpaid rent, the proposed amendments also include a prohibition on rent increases; a provision for the South Australian Civil and Administrative Tribunal

(SACAT) to consider COVID-19 pandemic-related factors in cases of undue hardship to tenants or landlords and to make an order that it considers appropriate, including in relation to costs associated with the termination of an agreement; a general protection for tenants who breach their agreement as a result of complying with a direction under law relating to the COVID-19 pandemic; and a requirement that inspections be conducted by audiovisual or electronic means unless there are exceptional circumstances to conduct the inspection in person.

Clauses 7, 8 and 9 have limited retrospective operation if landlords take or have taken certain actions against tenants at any time from 30 March 2020 to the date of the assent of the bill. This is in line with the national cabinet announcement made on 29 March 2020.

The operation of the Supported Residential Facilities Act 1992 is modified by clause 10 of the bill. Primarily, the amendments seek to ensure residents of these facilities will not face homelessness unnecessarily during the COVID-19 pandemic, providing this vulnerable group security during a challenging time. The amendments also protect proprietors of supported residential facilities from being taken to have committed an offence under the act, or to have breached a term of licence or resident contract or other agreement, if they are reasonably complying with the proposed amendments to the act or any directional law applying to or regulating supported residential facilities during the COVID-19 pandemic.

Clause 11 of the bill enables the Treasurer to make instructions under section 41 of the Public Finance and Audit Act 1987 to suspend or modify the operation of any provisions or regulations of that act and any requirements under another act or law relating to financial reporting or auditing. Such instructions are only permissible when the Treasurer is satisfied that the suspension or modification is necessary as a result of circumstances brought about by the COVID-19 pandemic or to facilitate economic recovery during or following the pandemic.

Further safeguards include requiring the Treasurer to consult with the Auditor-General in relation to any instruction that modifies or suspends any provision of part 3 of the Public Finance and Audit Act, with the Auditor-General to certify that the suspension or modification is necessary; authorising the Auditor-General to prepare a report on any instructions issued by the Treasurer pursuant to this section and to deliver that report to the President of the Legislative Council and Speaker of the House of Assembly; and authorising the Auditor-General under clause 12 to conduct a review in place of an audit.

Clause 13 of the bill creates a broad general power for the Governor, by regulation, to extend time limits and terms of appointment. This broad power will assist in a number of different circumstances; for example, many appointments to various offices are currently in place for periods that may expire during the COVID-19 pandemic. For some of these appointments, there will not be the capacity for arrangements to be made for new appointments to take place. The ability for periods of appointments to be extended is paramount to ensuring that the state's courts, tribunals, boards and regulatory bodies can continue to operate.

There are many instances, including in legislation, where there is a requirement for face-to-face witnessing of documents, whether by a member of the public or a person fitting statutory criteria to do so. Examples include the witnessing of advance care directives and powers of attorney. The current directions under the Emergency Management Act 2004 impose legal social distancing restrictions which may increasingly impact the ability of people to execute documents in a legally effective way.

In addition to legal restrictions, there may be an unwillingness of persons qualified to witness documents where there are statutory requirements for them to do so, due to anxiety about the associated health risks. Clause 14 of the bill contains a regulation-making power to address these limitations, including giving scope to address particular policy and operation considerations such as the need to assess a person's capacity and ensure integrity of the process.

Clause 15 of the bill addresses a limitation in existing state legislation, such as the Associations Incorporation Act 1985 and legislation establishing boards of management for statutory authorities, which requires entities to meet. Although in some cases it is clear that the legislation allows for such meetings to be held personally or by other means including electronically, in many instances it is not clear that these measures are available for all these entities. The amendment

overcomes this limitation and provides clarity for all those bodies that they may continue to conduct their business and meet their statutory obligations.

Clause 16 of the bill contains provisions relating to the service of notices and documents. Clause 17 sets out the general regulation-making powers for the purpose of the bill. For example, regulations may provide for:

- circumstances in which a person will be taken to be suffering financial hardship as a result of the COVID-19 pandemic for the purposes of a tenancy provision of this act;
- matters to which the Commissioner must have regard in making a determination under section 7;
- the mitigation of adverse impacts on a party to a lease resulting from the COVID-19 pandemic, including by making provision for any measures to regulate the parties to a lease or the provisions of a lease;
- a scheme for a community visitor or visitors for the purposes of schedule 1; and
- fines not exceeding \$10,000 for offences against the regulations.

Clause 18 provides that the Governor may make regulations of a savings or transitional nature on the expiry of any provision of this act under section 6 or on the revocation of any regulation in accordance with section 17(5). This provision is reserved under the sunset provision in clause 6. Clause 19 of the bill provides immunity from liability.

Schedule 1 of the bill contains special provisions relating to the detention of certain protected persons. During the COVID-19 pandemic there is a risk that supported accommodation service providers will need to detain people with a mental incapacity—for example, requiring them to remain inside a supported accommodation premises—in order to follow the Chief Public Health Officer guidelines and to minimise the risk of exposure to COVID-19. However, under current law such detention might be seen as unlawful.

In order to prevent any such detention being unlawful and to manage other risks, it is proposed that temporary detention orders be approved by an appointed authorised officer or by the guardian of the person (if one has been appointed) for a period of 28 days. After 28 days a report must be made to SACAT, along with an application for further detention if that is required. A person subject to such an order would have access to existing internal review mechanisms at SACAT. To ensure additional external oversight, the amendments also provide that the Community Visitor Scheme be expanded so that visitors have the ability to make contact with any residents and service providers and provide reports to the Principal Community Visitor.

Schedule 2 of the bill temporarily modifies the operation of the following state laws. Part 1 of schedule 2 amends the Emergency Management Act 2004 to clarify the powers of the State Coordinator under section 25 on the declaration of an identified major incident, a major emergency or a disaster under division 3. Of course, as members know, that is exactly what we are under right now.

Under the current section 25(3), if the State Coordinator is of the opinion that the scope of an emergency is of such a magnitude that demand for medical goods or services cannot be met without contravening laws, the State Coordinator may, despite those laws, authorise the authorised officers or authorised officers of a particular class to provide goods or services or a particular class of goods and services on such conditions as he thinks appropriate.

The bill deletes section 25(3) of the Emergency Management Act 2004 and instead inserts a number of provisions in its place. New subsection 25(3) provides that the State Coordinator or his or her delegate may give or impose a direction or requirement under this section that is to apply generally throughout the state (which also clarifies that an authorised officer cannot).

New subsection 25(4) provides that any such statewide direction must be published within 24 hours after it is given (as per the current practice of these directions being published on the South Australian Legislation website).

New subsection 25(5) clarifies the State Coordinator's powers and provides that he or she, or an authorised officer, may exercise or discharge a power or function under this section even if that would contravene another law of the state. It allows the State Coordinator or an authorised officer to use such force as necessary in the exercise or discharge of a power or function under this section and clarifies what directions or requirements that are given or imposed by the State Coordinator or an authorised officer may do.

Subsection 25(6) allows the State Coordinator or an authorised person to exempt a class of persons or a place from a direction subject to any conditions. Under section 25(7) the State Coordinator must consider the advice—must consider the advice—of the Chief Public Health Officer before exercising or discharging a power or function that would authorise the provision or direct the provision of health goods or services or a particular class of such goods or services.

New section 26B makes it clear that if the State Coordinator requires the disclosure of information by a direction or requirement under section 25, then that person is under no obligation to maintain secrecy or other restriction on the disclosure of the information, except an obligation or restriction designed to keep the identity of an informant secret.

Under section 28(1) of the Emergency Management Act 2004 it is an offence to refuse or fail to comply with a requirement or direction of the State Coordinator or authorised officer without reasonable excuse. This section is amended so that the offence is now expiable with a fine of \$1,000 for a natural person or \$5,000 for a body corporate.

The amendments proposed by this bill are supported by the State Coordinator. He welcomes clarification of his powers to make it clear that he can make general directions in circumstances of emergency and that these powers are not to be hampered by the operation of general law. Further, in the event that he needs to order the construction of public works urgently to address the COVID-19 pandemic, he can do so without delay.

The operation of section 71A of the Environment Protection Act 1993 is modified by part 2 of schedule 2 to add to the ways that the collection depots may pay refund amounts to customers to include electronic funds transfer. This will provide a further payment option for collection depots and customers that is consistent with the Australian government Department of Health statement, updated 31 March 2020 re social distancing for coronavirus, stating that people use tap and go instead of cash.

A key part of the government's COVID-19 pandemic response is to fast-track key infrastructure projects in order to assist with economic stimulus. Current requirements under the Parliamentary Committees Act 1991 in relation to the Public Works Committee, whilst appropriate in normal circumstances, potentially could operate as a barrier to key construction work being undertaken quickly. The operation of the Parliamentary Committees Act is modified by a new section 16AA, which allows certain steps in the process to be bypassed in appropriate and limited circumstances.

To provide the government with the flexibility it requires to respond to the needs of the South Australian community in rapidly changing circumstances, it is proposed that, for 2019-20 only, part 4 of schedule 2 of the bill provides for an increase to the level of the Governor's Appropriation Fund established under section 12 of the Public Finance and Audit Act 1987, from 3 per cent of the amount set in the annual Appropriation Act for appropriation in respect of the previous year to 10 per cent.

Part 5 of schedule 2 of the bill amends the South Australian Public Health Act 2011 to provide the Chief Public Health Officer with the ability to enforce detention orders made under section 77 of the act. In the context of the COVID-19 pandemic, this means that, where a person who has been diagnosed with COVID-19 refuses to stay in hospital when they have been directed to do so by health and medical practitioners, the Chief Public Health Officer or their delegate will have the power to use reasonable force, where necessary, to ensure this a person does not go out into the community and infect others.

For example, clinical staff may need to escort a person from the emergency department to a secure COVID-19 ward. While these powers are already implied in the South Australian Public Health Act 2011, this amendment will ensure it is expressly clear that the Chief Public Health Officer

and clinical staff with delegated powers are able to act in this way in the interests of averting significant risks to public health.

The Minister for Health and Wellbeing is aware of the significant anxiety and concern raised by clinical staff on the frontline of the COVID-19 pandemic about persons leaving hospital against their advice. These amendments provide assurance for our clinicians that they can keep people in hospital when they need to.

Schedule 3 of the bill contains related amendments to certain acts. New section 32A of the Emergency Management Act 2004 provides that no liability attaches to the Crown in respect of any acts or omission in connection with the exercise or discharge of a power or function under this act, and that carrying out of any direction or requirement given or imposed under this act in relation to COVID-19 pandemic.

This provision operates retrospectively so that the Crown has no liability in relation to directions of the State Coordinator made prior to these amendments coming into operation, and members would be aware that a number already have been issued by him. A similar amendment is inserted into the South Australian Public Health Act 2011 in part 3 of schedule 3 of the bill. Finally, the Payroll Tax Act 2009 is amended to address payroll tax implications arising from the JobKeeper payment announced by the Prime Minister on 30 March 2020.

New section 17A will ensure that wages paid or payable by an employer to an employee that are subsidised by the JobKeeper payment are exempt. The exemption does not apply to any part of wages paid or payable to an employee that are not subsidised by the JobKeeper payment. The amendments reflect the agreement reached by the Board of Treasurers that wages paid or payable equivalent to a JobKeeper payment received by an employer should not incur payroll tax. This clause will expire on the day on which the JobKeeper payment ceases.

These are extraordinary times, unprecedented times. It is a time for governments to act and act decisively. No government has ever before had to confront challenges like the ones we now face. As members would be aware, this is the first time our Emergency Management Act has actually been put to the test. Our government is determined to do whatever is necessary, relying on the advice of experts to ensure that our people and our state get to the other side of this COVID-19 crisis as well as we can. The changes proposed to this unprecedented bill underscore the magnitude of the challenges ahead, but together we will get through them.

I would like to conclude by thanking all South Australians for their patience so far and for the patience they will need in the coming months. I commend the bill to members and I seek leave to insert the explanation of clauses.

Leave granted.

#### EXPLANATION OF CLAUSES

##### Part 1—Preliminary

###### 1—Short title

This clause is formal.

###### 2—Commencement

The provisions relating to commercial and residential tenancies are to be made retrospective to 30 March 2020.

###### 3—Interpretation

This clause defines 'instrument' and 'relevant declaration' for the purposes of the measure.

###### 4—Application of Act

This clause provides for extra territorial operation of the measure (to the extent possible).

###### 5—Interaction with other Acts

Except as is provided in the measure, it is in addition to and does not limit, or derogate from, the provisions of other Acts and laws.

#### 6—Expiry of Act

This is a sunset provision for the measure.

#### Part 2—General modifications

#### 7—Provisions applying to commercial leases

The provisions of this clause operate to modify the operation of the *Retail and Commercial Leases Act 1995*, the *Landlord and Tenant Act 1936* and the *Real Property Act 1886*, including the operation of retail shop leases under those Acts. It also operates to modify the operation of other commercial leases that don't fall within the ambit of those Acts. These modifications will be taken to have commenced on 30 March 2020 and will operate going forward during the 'prescribed period'. This is defined to be the period starting from commencement of this clause and ending on the expiry of the provision under clause 6 of the measure, or the period of 6 months (or a longer period fixed by the Minister by notice in the Gazette) from commencement of the provision, whichever is the earlier.

The clause provides that a lessor cannot take certain prescribed action against a lessee that is suffering financial hardship as a result of the COVID-19 pandemic on the grounds of a breach of a lease due to failing to pay rent or outgoings, not opening for business during hours required or other prescribed acts or omissions. Prescribed action is defined broadly to include eviction, exercising rights of re-entry, possession, forfeiture, termination, distraint of goods, seeking damages, payment of interest on arrears of rent, performance of obligations pursuant to a guarantee or recovery of a security bond.

The clause makes provision for a party to apply to the Small Business Commissioner to mediate a dispute between the parties as to whether or not a lessee is suffering financial hardship, or to otherwise apply for a determination of the Commissioner of that fact. A right of appeal lies to the Magistrates Court against a determination of the Commissioner. The clause also provides for the Small Business Commissioner to mediate disputes between the parties of a commercial lease in relation to other issues that have arisen in relation to the COVID-19 pandemic arising from the operation of this clause, the terms a commercial lease, or the occupation of premises or operation of business conducted at premises that are the subject of a commercial lease. In performing these functions and exercising these powers, the Small Business Commissioner may exercise the same functions or powers that the Commissioner has under Part 7 of the *Fair Trading Act 1987*.

The clause also clarifies that a lessee acting in accordance with the laws of the State in relation to the COVID-19 pandemic will not be taken to be in breach of their lease or constitute grounds for termination of the lease. The clause also provides that unless the parties otherwise agree, rent payable under the lease (other than turnover rent) may not be increased if a lessee is suffering financial hardship due to the COVID-19 pandemic. Nor can a lessee suffering financial hardship be required to pay, or reimburse the lessor for land tax during the prescribed period. Provision is also made by this clause in relation to the retrospective operation of these provisions so that any action or measures that have been taken between the commencement of the clause and the assent of this measure by the Governor (the relevant period), that would be contrary to the provisions of this clause, that have either not been completed, or only partially completed, or have ongoing or periodic effect, will be stayed or suspended.

To the extent that any action or measures may have been completed (in whole or in part) during the relevant period that would otherwise be contrary to the operation of this clause, the parties to a commercial lease may apply to the Magistrates Court for an order to mitigate those effects on the grounds of the financial hardship of the lessee.

#### 8—Provisions applying to residential tenancies

This clause makes a number of modifications to the way residential tenancy agreements operate during the COVID-19 pandemic, in particular aimed at minimising impacts arising out of the pandemic and relating financial hardship. The bulk of the modifications are set out in subclause (1), and have effect to according to their terms. The modifications include preventing landlords from evicting tenants for non-payment of rent, caused by financial hardship suffered as a result of the pandemic. Similarly, landlord cannot increase rent during the pandemic, and the Tribunal must take certain pandemic-related matters into account when making orders under the *Residential Tenancies Act 1995*. The Tribunal is also conferred with modified powers in relation to the kinds of orders it can make in certain applications. The Tribunal is also conferred with a special power to make orders that are necessary because of the retrospective commencement of this clause. The clause provides that any other provisions under that Act are modified as necessary to give effect to the modifications made by this clause. Acts and omissions necessary under a direction or law relating to the pandemic that might otherwise amount to a breach of an agreement is deemed not to. Finally, the clause contains a slightly modified expiry provision enabling the Minister to limit the period in which the modifications operate if appropriate.

#### 9—Provisions applying to residential parks

This clause operates to apply the modifications made under section 8 to the *Residential Tenancies Act 1995* to agreements under the *Residential Parks Act 2007* (namely residential park tenancy agreements, residential park site agreements or residential park agreements), ensuring consistency for proprietors and tenants under that Act with the benefits conferred on tenants with a residential tenancy agreement.

#### 10—Provisions applying to supported residential facilities

Similar to clauses 8 and 9, this clause modifies the operation of the *Supported Residential Facilities Act 1992* to confer similar benefits on residents and proprietors under that Act, albeit slightly different due to the slightly different mechanisms under that Act. But essentially, proprietors cannot terminate resident contracts for failure to pay fees and charges where the resident is suffering financial hardship as a result of the COVID-19 pandemic. Nor can they raise fees and charges during the period.

Similar to the other clauses, the Tribunal's powers are modified to allow it to make appropriate orders in the circumstances of the pandemic. The clause also limits visits by certain allied health and other persons to those that comply with any relevant COVID-19 directions or laws.

#### 11—Treasurer's instructions relating to financial and audit requirements

This clause allows the Treasurer to issue instructions to suspend or modify statutory requirements relating to financial reporting or auditing if satisfied that the suspension or modification is necessary as a result of circumstances brought about by the COVID-19 pandemic (or as a result of any measures taken to address the COVID-19 pandemic) or to provide economic stimulus during and after the COVID-19 pandemic. Instructions may not modify or suspend any provision of Part 3 of the *Public Finance and Audit Act 1987* unless the Auditor-General has certified that the Auditor-General is also satisfied as to the necessity of the measure and instructions may not diminish the powers or protections of the Auditor-General under any Act or law. The clause also contains reporting powers for the Auditor-General.

#### 12—Audits by Auditor-General

This clause allows the Auditor-General to determine to conduct a review, in such manner as the Auditor-General thinks fit, instead of any audit.

#### 13—Extension of time limits, terms of appointment etc

The Governor may, by regulation, postpone time limits or extend periods of time that would otherwise apply under an Act or law.

#### 14—Requirements relating to documents

The Governor may, by regulation, suspend or modify any requirements under an Act or law, or an instrument, relating to the preparation, signing, witnessing, attestation, certification, stamping or other treatment of any documents.

#### 15—Meetings in person etc may occur by audiovisual or other means

Despite a provision of any Act or law, a requirement that a meeting occur or that some other transaction take place that requires 2 or more persons to be physically present will be taken to be satisfied if the persons meet, or the transaction takes place, remotely using specified electronic means or a means prescribed by the regulations (which may also exclude certain meetings or transactions from the measure if need be).

#### 16—Service

This is a service provision for the purposes of the measure.

#### 17—Regulations

This is a general regulation making power for the purposes of the measure.

#### 18—Transitional regulations on expiry of measure

This clause is preserved under the sunset provision in clause 6 and allows for regulations of a savings or transitional nature to be made when the other provisions expire.

#### 19—Immunity

This clause provides immunity from liability.

#### 20—Further provisions in Schedules

This is a technical provision relating to the material in the Schedules.

#### Schedule 1—Special provisions relating to detention of certain protected persons during COVID-19 pandemic

This Schedule contains a scheme for the limited detention of certain mentally incapacitated persons living in supported care (*protected persons*) during the COVID-19 pandemic.

Guidelines made by the Minister will set out the relevant matters (and are binding on people acting under the Schedule), where mentally incapacitated persons are unable to properly comprehend or comply with a pandemic related direction, for example due to dementia, then the person in charge of the facility in which the person usually resides will be able to detain them within that facility, using no more force than is reasonably necessary.

The Schedule has a number of oversight measures. First, it establishes the office of the Authorising Officer, who will review detentions under the Schedule, will be able to direct other persons and will, if the protected person



does not have a guardian, be able to order their detention. The SACAT also has review functions, including reviewing the actions of the Authorising Officer.

Detention under the Schedule is able to be conditional, including conditions allowing a protected person to leave their residence to seek, for example, medical treatment.

There is also a capacity for authorised officers—police officers and others appointed under the measure—to detain protected persons who are unlawfully at large, and return them to their place of residence.

The Tribunal may give advice, directions or other assistance to those who are uncertain about their powers or responsibilities under the Schedule.

The Schedule creates an offence to remove a protected person from a place at which they are being detained.

Finally, all detentions under the Schedule cease on the expiry of the Schedule.

#### Schedule 2—Temporary modification of particular State laws

This Schedule contains specific modifications to the *Emergency Management Act 2004*, the *Environment Protection Act 1993*, the *Parliamentary Committees Act 1991*, the *Public Finance and Audit Act 1987* and the *South Australian Public Health Act 2011*.

#### Schedule 3—Related amendments

This Schedule contains related amendments to the *Emergency Management Act 2004*, the *Payroll Tax Act 2009* and the *South Australian Public Health Act 2011*.

**The Hon. S.C. MULLIGHAN (Lee) (11:32):** I rise to speak on the COVID-19 Emergency Response Bill just introduced into parliament by the deputy leader. I appreciate the explanation that she has provided to us of the range of measures contained within the bill. As she said, this is an extraordinary bill and it perhaps reflects in that respect that we live in extraordinary times. I indicate from the outset, as we did in the previous sitting week of parliament, that the opposition is keen to support the government's efforts in combating the impacts of the coronavirus that we confront as a community in South Australia.

In the last sitting week, we gave very speedy support to the unprecedented Supply Bill that was introduced—I say unprecedented not because it was a Supply Bill but merely for the quantum—the government's support within the bill of \$15.3 billion, a multiple of the \$5 billion or \$6 billion which is usually sought to maintain the operations of government into the months of the new financial year as the budget bills are still being debated and passed through the parliament.

Likewise, we seek to support the government's efforts in this bill, although these measures, as canvassed by the Deputy Premier, are not only very broad and far reaching in what they seek to do but also touch a great number of areas of both government and community activity. I think it is reasonable that, at a time when all South Australians are adjusting how they must go about their daily lives, the government seeks to adjust how it goes about conducting its own business. I think that is very reasonable. I appreciate the difficulties and the pressures the government has found itself under in trying to make sure that this bill provides for the government all the necessary powers and expansions of resources that it needs in order to combat the impacts of the coronavirus.

There are very significant changes in this bill and changes to the way in which the government intends to operate. The community may also be impacted by the operations of government. It is no mean feat for any government to try to step into the middle of commercial arrangements between landlords and tenants, for example, and to try to make sure, ideally, that neither party is left significantly worse off as a result of how the coronavirus impacts either the landlord, the tenant, or both.

I acknowledge up-front that the Attorney, her department and her officers are attempting to do whatever they can in trying to make sure that neither landlords nor tenants are left worse off. Having said that, though, we look forward to some discussion with the Attorney at the committee stage about how this will work and what is envisaged in that regard by the government.

It is important for there to be some discussion in this place about the limitations placed on these powers that the bill seeks to afford the government, and the exploration of these measures is of central importance. I forget the words used by the Deputy Premier verbatim, but I think the intent of the bill is for these powers to remain in place until the coronavirus crisis is over, for want of a better term. We will be keen to understand what the government specifically means in terms of it being over

and what sort of time period that will relate to. Of course, we do not know the actual number of days, weeks or months that this might mean but, in terms of the legislative sense, we are very keen to understand the particulars of the government's thinking in that respect.

Some parts of this bill are worded in a way that is relatively open ended. Perhaps I am just reflecting my bias in immediately looking towards the parts of this bill that relate to financial reporting and so on. In that respect, the wording that these measures may remain in place, in terms of the Treasurer being able to issue instructions up until the circumstances brought about by the COVID-19 pandemic, or as a result of any measures taken to address the COVID-19 pandemic, or to provide economic stimulus during and after the COVID-19 pandemic, suggests a very open-ended application of the measures contained in this bill, at least in that respect. That is something of keen interest to the opposition and, I would suggest, would be of keen interest to other members of parliament regarding how long these extraordinary measures should remain in place.

I do not mean to continue my bias by skipping over the lengthy and detailed provisions the government is putting to this place with regard to commercial and residential leases, for example, but I will continue my remarks with regard to the Treasurer's capacity to issue instructions relating to financial reporting requirements and also the Auditor-General's auditing requirements. As I said earlier, only last sitting week we were asked to effectively provide the government a \$15 billion blank cheque.

We are also being asked now, with this bill, to provide a further one with a more than threefold increase in the size of the Governor's appropriation fund, which I roughly calculate, based on some of the information that was provided to the opposition in yesterday's briefing, at approximately another \$1.5 billion, presumably for the period of time between this bill coming into effect and the end of this financial year.

It should be of great interest to not only the parliament but also taxpayers how the government intends to spend those funds and that they are adequately reported on and rigorously audited by the Auditor-General. I think we can all agree that we would prefer those agencies that are responding to the coronavirus pandemic—of course the health department is an obvious example, but it is not just limited to the health department—to respond with their efforts in dealing with that rather than the bean counting that goes into the requisite financial reporting each financial year. I think we can all agree on that. For them to be given some relief from those requirements I think is absolutely understandable and I think the government is right to suggest it to this place.

It comes at the same time that extraordinary amounts of money are being approved by the government, firstly through the Supply Bill that we saw last sitting week and now with this change for the Governor's appropriation fund and also with the suggestion that the Auditor-General will provide not the full audit, as he is required to do under the Public Finance and Audit Act each year to this place, but a different type of financial review, which was described in the briefing that the opposition received yesterday as an assurance review, merely seeking to assure the Auditor-General that the amounts of moneys have been appropriated and expended properly without the full rigour of a financial audit.

I think in the circumstances we can also agree that the Auditor-General might need some breathing room to work with government agencies that are otherwise busy responding to the coronavirus pandemic rather than hauling them through the rigorous process of the end of year audit. That would be fine if this parliament was assured that, at some point in time after the fact, the Auditor-General would be able to turn his mind back to the 2019-20 and, presumably, 2020-21 financial years and be required still to conduct a full audit, as he usually does. That is not, as we understand it, how this bill is currently worded, that for the period of time, when the state is responding to the coronavirus pandemic, the Auditor-General will be required to provide only that lesser review of the state's finances.

I am not sure that that is in the state's interests. I am not sure that that is in the parliament's interests. What I am getting at is that I think we can afford those agencies and the Auditor-General some temporary breathing room under the current requirements of the Public Finance and Audit Act, but that should be matched with a requirement at some later date that a full audit is undertaken. I think that would satisfy the concerns of at least the opposition, that while these enormous amounts of moneys are being approved by the parliament for the government to spend we can be assured

there is the full accountability, transparency and rigour in accounting for how those moneys have been spent.

I appreciate that the way in which the bill is worded requires the Auditor-General to certify that agencies should be alleviated of the obligations that they usually have for financial reporting for the purposes of the Auditor-General conducting his annual audit. Given that the Auditor-General must deem it necessary, then perhaps that should be enough for the parliament to feel confident that the watchdog is across what is being proposed and sufficiently comfortable with why this is being undertaken. I think that that in itself is a good start, but it should not end there.

I think it is important to have that step where the Auditor-General is required to certify that agencies be free from or have their burden of financial reporting temporarily eased during this period, but it must be linked with a full and normal audit after the fact, after we emerge from this coronavirus pandemic. Because, without that, it is quite feasible that agencies, either in the front line of responding to the coronavirus pandemic or elsewhere in government, may well not be subject to that normal level of scrutiny and there may be a misapplication or a misuse of funds.

That is not only undesirable but I think we all agree that we are at a time here when every single resource of the state and every single resource of the government, including its expenditures, should have its shoulder to the wheel to help limit, as far as possible, the impacts of this coronavirus pandemic. If we are left in a situation where we do not have that level of transparency and accountability, I do not think that that is an acceptable outcome.

I was encouraged that the government did make contact with the opposition and suggested there may be some amendments to the bill. I am not sure if this will be one of the areas in which the government may seek to provide some changes. If it is one of the areas where the government does seek to make some slight modifications to alleviate the opposition's concerns, then clearly we would welcome that because, as I said at the beginning, we are seeking to assist the government in their efforts to respond as quickly as possible to this coronavirus pandemic.

We also understand that it is reasonable for government agencies to be free from the burden of having to go through the rigmarole of reappointing some appointees to key positions around government at this time. It is a necessarily onerous process to make sure that only appropriate people are appointed to key positions within government. For this limited period of time, if the government can be free from some of those onerous arrangements I think that is reasonable. Of course, as I understand it, we have one or two questions to ask about that in the committee stage, but we should be satisfied in relation to that.

Likewise, regarding documentation, particularly given the difficult times we are in, when we are trying to maintain distance from one another, we have many laws that require the personal sighting and witnessing of documents or even the serving of documents. I think the Attorney has been forward thinking in identifying that as something from which some red tape can be removed during these extraordinary times.

Meetings, for example, occurring via audiovisual or other similar means are likewise another very sensible arrangement that the government is putting to this place. The government is also seeking to give it a very broad regulatory power to give effect to some of the details necessary under this act. You only have to look at the acts listed in clause 17 to understand how far reaching they may need to be.

In terms of the transitional regulations on expiry of measures, clause 18 will, again, be an area where we will be seeking some further information from the government about what is intended here and whether there is likely to be an end point, and what that end point might look like for the operation of some of these provisions.

There are further provisions regarding the detention of individuals whereby that detention is deemed necessary by the government to further protect the public during the coronavirus pandemic. Of course, we seek to tread lightly in these areas and only when necessary. We look forward to hearing from the Deputy Premier some further particulars about how that may work.

We are also interested to hear from the Deputy Premier about how far these powers may be delegated, where they seek to be delegated and, in particular during these times, whether there will

be any reporting or any accounting for how delegated powers were used and for what purposes they were used according to this bill. We do, of course, place a great amount of responsibility and, hence, trust in those officers who are taking the lead in the state's response to the coronavirus pandemic, and so it is of the utmost importance to ensure that, if powers to be exercised in responding to the pandemic are delegated, how far those delegations may go in terms of how many levels—if I can put it like that—down the chain they may go and to what limits in reporting there will be on them.

I understand the necessity of perhaps alleviating the government of some of the reporting and approvals requirements that the Parliamentary Committees Act imposes, particularly on capital works of the government, and seeking to temporarily step around the requirements of the Public Works Committee I think is reasonable. I can report to the chamber that as an Economic and Finance Committee we have also resolved to no longer meet unless necessary to conduct a legislative purpose.

I think that is an appropriate way in which this place can modify the way in which we conduct our business to make sure that we are not meeting unnecessarily, and that we are maximising opportunities to maintain appropriate distancing and so on. That should not be taken as a comfort in this place not doing its work. I hear the suggestion from the Deputy Premier that the government seeks this place to meet merely monthly rather than according to the schedule, which was set out late last year.

I think we can all agree that meeting according to the schedule that was set out late last year is unlikely to be feasible, if not for the fact that we are likely to have a much later budget, I think foreshadowed as being roughly October, give or take—perhaps even later. Hence, with that portion of the sitting schedule and the subsequent estimates process, it is unreasonable to think that we would try and keep to that part of the sitting schedule.

But I do think the government would be making a significant error of judgement if they thought it was appropriate for us as a parliament to decrease the number of sittings that we have, notwithstanding that change to the budget process, the budget and estimate schedules. This parliament is already giving the government tremendously more funds and powers to respond to this pandemic. While the signs are very encouraging at the moment about how the state is responding to the coronavirus pandemic, of course we all live—perhaps if I can put it so bluntly—in fear that the current trends that we have seen in the last couple of days may not continue and we may have broader, deeper and more hurtful impacts on the community from this pandemic.

This place has an important role to play in making sure that not only the government is responding to the pandemic as best as it possibly can but that those people in our community who are suffering the impacts of the pandemic are being protected and supported as best they can be by this government. Again, perhaps showing my bias in a portfolio sense once more, as I said earlier, we want to make sure that these funds—these extraordinary approvals that the parliament is providing to the government for \$15.3 billion in a supply bill and now an increase to the Governor's Appropriation Fund to 10 per cent or approximately \$1.5 billion—are being expended in a way that both limits the spread of this virus as far as possible and supports the community to the greatest extent possible.

This place has a key role to play in making sure that the government is doing everything it possibly can to do that. The suggestion that the parliament does not need to sit, or it does not need to sit as often, is wrong. I think the federal government has been proven wrong when it recently tried to stop sitting for a period of over five months before realising, of course, that they needed to reconvene to deal with urgent legislation. That is just looking at the legislative obligations of a parliament and not the fundamental accountability role that the parliament has in making sure that we are engaging in the basic tenets of responsible government, that we are holding the government of the day to account.

If the government thinks that it can seek this parliament's approval for these sorts of bills, and at the same time send a message that it is no longer interested in convening the parliament or only convening the parliament for what it considers to be a bare minimum, I think that is an appalling message for the government to send. I think we are all doing what we can as a parliament to reduce how our sittings impact on each other and also on the staff of this place, but merely not to sit because

it might be seen as an inconvenience to the government I think is a terrible mistake and the opposition certainly will be taking that point up with the government.

I will conclude my remarks there, but perhaps if I can ask the government if it does have amendments we would be very keen to see those so that we can work with the government as quickly as possible on this bill and its passage through this place in a way in which some of those concerns that I mentioned previously can be dealt with.

**Mr PICTON (Kaurua) (11:59):** I rise on this new piece of legislation, a very important matter for the house to be dealing with, in the COVID-19 Emergency Response Bill 2020. I believe this is now the fourth piece of legislation the government has introduced following the outbreak and the pandemic of COVID-19.

The first was in relation to the South Australian Public Health Act and amendments to strengthen that piece of legislation to prepare. That, of course, received bipartisan support and unanimous support from the opposition. Then there were another two pieces of legislation that we dealt with last week, one in relation to the Coroners Act and the other in relation to the supply act for the government, in which the government was granted \$15 billion without the usual budgetary process in place, both of which received the full support of the opposition.

Now we have this bill, and—as the member for Lee outlined in his speech, and which I associate myself with—obviously we are aiming to be supportive of measures in relation to this. There are a similar number of areas where we are seeking clarification. Clearly, there are a number of areas where it might be necessary to look at amendments in relation to this legislation, but certainly I believe that it can pass through this house easily today and we can work together with the government in relation to those amendments and to those areas that need clarification.

As the member said, there were a number of briefings granted to the opposition last night as part of the very rapid process in which this legislation is being dealt with. Following the member for Lee's briefing that he had with the shadow attorney-general, I had a briefing with some health officials and Dr Chris Lease, now the Deputy Chief Public Health Officer—or one of them—of the state in relation to some of the health aspects of this legislation.

While there were a number of areas where we were able to receive information that provided us with the basis on which some of these amendments were being made, there are areas in which clarification is still needed to be provided, and we are still waiting for that information to be provided as at lunchtime on Tuesday; however, I am hopeful that that will come soon. I am hopeful that we will see any amendments that the government is considering soon, so that they can be dealt with appropriately.

In relation to the health aspects, there are a number of areas that we will go through in detail in the committee stage where the government is seeking to expand some of the powers, expand some of the time frames and expand the ability to provide information, even if it breaches other pieces of legislation in relation to any potential liabilities the Crown would face. The government is seeking to avoid any potential liabilities, which is obviously a very broad exemption that they are seeking to make.

There are some very broad powers the government is seeking in relation to the State Coordinator. Obviously, we are in a situation now where, as a primary basis, it is not the South Australian Public Health Act that is being used by the government; it is now the Emergency Management Act. There were a few days where it was declared a public health emergency, at which point the Chief Executive of the Department for Health and Wellbeing, Dr Chris McGowan, had powers under that act and took some from the Emergency Management Act under the Public Health Act. That lasted for a few days, until it became a matter where the state controller is now in regard to the situation.

This bill would seek to expand that range of powers. It sets forth a detention regime that would now sit under the Emergency Management Act, separate from the detention regime that was in place under the Public Health Act. It seems clear that those provisions of the Public Health Act, particularly the ones where the powers were extended previously, have not necessarily been used during this pandemic. That is not a criticism, it is just a comment that it has not been used to this

date, and we are obviously now seeking another range of powers. It think it is important that we do seek those assurances and seek those explanations as to the basis upon which those powers need to be extended.

This is likely to be an emergency that goes for many months. Generally, the Emergency Management Act, when it was envisaged, was likely to be considered for very short emergencies where a whole range of powers would need to be put in place. This is now a longer emergency, and I think that there is every need for the parliament to scrutinise those measures and to ask questions about what is being put in place and the rationale behind that. Given that a lot of those answers were not forthcoming in the various briefings that were held last night, we will therefore be having to use the committee process to get through those measures.

Broadly, in terms of the COVID-19 response, I have to say thank you to the people of South Australia, thank you to everybody across the state and across the country who have been doing the right thing, who have been listening to the instructions from public health authorities, from police, and acting accordingly. We have seen the dramatic impact that has had in terms of what you see out on the street and in our communities, the different way that people are behaving.

But also, hopefully, we are seeing some signs that maybe that is leading to some positive signs in terms of being able to control and limit this in South Australia. So huge thanks to everybody out there doing the right thing. Of course, there are some people who are doing the wrong thing; they are very much in the minority. We need to make sure that the police and our public health authorities have the ability to take action where that is found to be the case.

Our approach, as the opposition, is that we have been very supportive of measures where the government has taken action to protect our state or to prepare our state. Where there are issues where we have identified that we could be going further or we could be taking more action to prepare ourselves and to protect ourselves, then we have been a constructive opposition and put those ideas on the table, some of which have now been adopted.

We are very appreciative of that and we would encourage the government to consider those that have not been adopted to make sure that every step possible is being made to protect us and to prepare us as a state. I think South Australians want to make sure that there is some certainty for them and some level of understanding about where this is going and what the plan is for that to happen.

It is something where, as this has gone on, the Premier has been very clear in saying that he has a strong plan, but that is not something we have actually seen the detail of in what has been released, as far as we can tell, in terms of the different ways he has talked about this plan. It has not materialised in what has been released, so we would encourage the government to release more information, particularly about the triggers the government would consider in terms of when various restrictions need to be put in place and when further restrictions should be put in place, and what the triggers will be when the reverse would happen and where restrictions would be taken out.

I think there is no reason why that should not be levelled with the community. There is no reason why we should not have that open conversation with the community. We have seen other jurisdictions where that has been more forthcoming in conversation and in discussion with the community. Particularly in relation to New Zealand, there has been a very clear strategy that the New Zealand government has outlined as to the trigger points they have for further restrictions being put in place. Whereas in Australia, particularly in South Australia, there is a degree of confusion about what those trigger points are and I think that outlining a clear plan for that would seek to remedy that significantly.

I think it would also be appropriate to have a clear plan in terms of what the case is for our hospitals, what the case is for our community health services or services across the board. The only plan that has been released is very high level. It is basically a rework of the pandemic influenza plan that was released many years ago and it does not go through the details of exactly what the government has in place. We would encourage them to do that. In all regards here, the more transparent and the more open we can be with the community, I believe the better it is going to be in terms of getting the community on side, keeping their trust and making sure that we work through this together.

One area of that is in relation to what we saw in other states releasing their data of where cases have been identified, whereas South Australia was not releasing that data. That is something that we put to the government as a suggestion and recommendation to get this happening here like it is happening in other states.

The government have taken some measures in that regard and have released some maps by local government area. The feedback on that has been underwhelming and people have found it very difficult to work out exactly what the case is in their local area and are more looking for what is in place now in New South Wales, where you can see by postcode level the cases in a particular area.

Another issue connected to the plan and connected to those thresholds is what is the modelling that the government has that is the basis for their decisions? Today, we have the release of the national modelling in some form, though we have not seen what that is yet. The Premier has said openly on radio this week that there is South Australian modelling that is separate from that, but that is not something that has been released or presented to the public. We would encourage and recommend that the government give the public that information and outline for them what that is so that everybody has the chance to know the basis of the government decision-making.

There is a range of issues in terms of our health system. We are hearing daily from doctors, from nurses and from other staff in our health system about the need for better preparation. Chief among those issues is personal protective equipment (PPE), which is a difficult issue for staff across the board daily. Having said that, we welcome the fact that the governments have signed a contract for surgical masks to be manufactured here. That is very welcome and is something that we encouraged the government to work with industry on in a letter we wrote to them about a month ago.

We very much welcome that development, but there is a whole range of other PPE issues, particularly in terms of the N95 masks, which are the fitted masks that are not part of the manufacturing contract here and whose scarcity is an issue. People do not have line of sight as to how available those are, what the shortages are, how many days of supply we have, when supplies are coming, where those supplies are coming from, or how many more we are going to get.

Doctors, nurses and other staff are particularly concerned about their wellbeing. We can see what is happening in Italy, Spain and the US regarding the impact on health workers. They need to be able to make clinical judgements about when it is appropriate to have PPE to protect themselves. That clear guidance and assurance that PPE is going to be there when they need it is really important for those staff. We also need gowns, we also need gloves, and we also need plastic shields that staff can wear, as well. This whole range of personal protective equipment is going to be vitally important and we encourage the government to clearly set out for the public, and particularly for those staff, exactly what the situation is.

Another area where we have been proactive—the Leader of the Opposition has been very proactive—is in terms of raising and recommending border measures to the government. Initially, we did that in relation to closing our borders. The government acted upon that and we thank them for listening to our recommendation on that.

The second issue is that Queensland and Western Australia have now gone to the next level and implemented hard border closures. As we see fewer cases here in South Australia, we need to protect ourselves from people who might be coming across the border. A hard border closure seems to be a very sensible way in which those states are protecting themselves. We do not have that in place here.

The Leader of the Opposition has offered our bipartisan support for a hard border closure to protect the people of South Australia, but the government has so far rejected that. We encourage them to rethink that and to rethink the protections that it would provide our state in terms of people coming across the border. As good a job as our SAPOL officers do, they cannot be everywhere, they cannot check on every house and they cannot check on every person every time.

We need to make sure that people in this state are protected from people who do not need to be here and who do not need to be travelling across the country, particularly when we saw reports about some 10,000 people coming into the state in the week since the border closed. That is a very

significant number and we are seeing Western Australia and Queensland reducing it much more substantially, so we encourage the government to continue to consider that.

In relation to staffing today, I want to raise the issue of casual nurses, casual nurses who work their guts out for our health system, casual nurses we have always relied upon to fill those shifts. However, because of the cancellation of elective surgery, those casual nurses are now at home with no job and no income. If they worked somewhere else they would be able to get the JobKeeper allowance. They are not able to do that because they work for a public hospital.

I do not think South Australians would understand why we have nurses at the moment who are sitting at home—experienced and highly skilled nurses—having to apply to Centrelink for Newstart because they are not getting hours through the government. This is because elective surgery has been cancelled, so our hospitals are significantly less busy than they have ever been in many, many years. This is a by-product of that. It is not necessarily anyone's fault, but we can fix it right now.

Let's get those casual nurses back employed. We can get them doing training so that they are trained up more in terms of preparing for COVID-19 cases when we see more cases. We can get them helping our contact tracing team, ringing people and chasing down those contacts so that we can protect people. We could even get them calling vulnerable South Australians—and there are so many vulnerable South Australians out there right now, particularly people in aged care or other elderly people. We could get those nurses on the phone, talking to those people and making sure they are okay. There is a huge variety of ways we could make use of these highly talented nurses rather than having them sit at home, and we recommend the government consider that.

We also recommend that the government be very clear about ICU numbers and ventilator numbers; we have not heard details on that. We are also encouraging the government to take action in relation to flu shots. There are a key number of measures, and one is to allow pharmacists to dispense the state supply of flu shots—like Victoria does, like WA does, like the ACT does. There is no reason not to do that. Secondly, allow pharmacists to provide their flu shots in locations other than pharmacies so that better social distancing can take place. We could have mobile flu stations, etc. That seems very sensible, so let's clear that up.

Thirdly, let's make sure all our health staff on the front line are vaccinated as soon as possible—and let's make sure that happens today, not in a month's time. Fourthly, we think that this year we should subsidise flu shots for everybody so that we can make sure that every South Australian gets a flu shot, that every South Australian is covered and that we do our best to make sure we do not get a peak of COVID-19 cases and a peak of flu cases bombarding our hospitals at the same time.

There are a number of other areas. In particular, the member for Mawson has talked about the need to protect Kangaroo Island, which is a relatively easy thing to do given that it is an island. It has very small health resources, and we continue to recommend that the government take action there. We have seen other states take action to significantly broaden their testing criteria. Yesterday we had only 440 tests done here in South Australia; we could broaden that to do what Western Australia and other states are now doing in covering a broader category of people so that we make sure we hunt down every possible COVID-19 case in this state.

We have put on the table recommendations in relation to schools. If we are going to follow what Singapore was doing, then why not have hand sanitiser like they were having? Why not have better protections in terms of temperature checks, like they were having, if schools are going to remain open? We recommended—and we are glad that the government is starting to take this up—that we need screening in our public hospitals, as public hospitals are doing interstate, to make sure that visitors and staff coming into hospitals are not taking COVID-19 into the hospitals and spreading it around when that could easily be prevented by temperature screens in those hospitals.

This is an important piece of legislation. It is going to be scrutinised by the opposition here and in the other place, and we are going to work constructively to make sure that things that need to be in place are in place. We need to tackle this together as a community to make sure we are as prepared as possible. We will be doing our part to make sure that happens.



**Ms COOK (Hurtle Vale) (12:19):** I would like to contribute to the COVID-19 Emergency Response Bill. I am sure we would all rather not be having to discuss this kind of bill at all. I commend the government for bringing this forward to the house and enabling us to speak on behalf of our many constituents who are extremely concerned about the now and the future of our community, with its COVID-19 experience. I do not want to hold up the bill by speaking at length, but I feel it is important to represent some areas of the community in regard to this extremely worrying situation. I will mostly focus on three main parts of the bill and raise a couple of other issues from my community.

Those areas of the bill that I will focus on are about residential tenancies, parks and supported residential facilities. It is important to take into account, when we do address bills such as this and the impact it is going to have on people—again sometimes the unintended consequences that may occur—that we look at some of the data around those people.

In particular if we look at renters, rented dwellings in South Australia account for around 28½ per cent of dwelling tenures, so it is a really important part of our community. The median rent that people pay in South Australia—it was \$260 per week, with 10.2 per cent of those rent payments being greater than 30 per cent of household income during normal times. So if we take that and bury that into our thought process, clearly these are not normal times and there will be an inordinate amount of community members who are losing their income, and the household income will shrink. Currently we do not have a situation where the rent is going to shrink, so that percentage will go up: people will be paying higher amounts of their household income on rent.

If we look at the poverty level in our state, 60,660 households in South Australia are living below the poverty line. While that is an absolutely disgusting blight on civilised society and our community, it represents 9 per cent of all South Australian households—again, this data is done in normal times. It leaves us with 131,945—I am sure give or take a few—or 8 per cent of our people living in poverty, which includes 22,350 children. Forty-one per cent of the people in poverty are single people with no children and often without support—so often without the benefit of a circle around them to provide them with assistance, love and comfort during really tough times.

Households outside greater Adelaide were twice as likely to be in poverty than those in Adelaide, so we need to take that into account and have a strong voice for people living outside of Greater Adelaide itself. There are 7.1 per cent of households below the poverty line in Greater Adelaide and 14.8 per cent of households living in poverty outside of Greater Adelaide.

In terms of income, the analysis of household income levels in South Australia in 2016 compared to other capital cities shows that there was a smaller proportion of high income households—so those earning above 2½ thousand dollars a week—and a higher proportion of low household incomes, those earning less than \$650 per week. Overall little more than 15 per cent of households earn a high income, and a bit more than 21 per cent of households are low income households, compared with 24 per cent and 16 per cent, respectively, for other capital cities around Australia.

So what has COVID-19 done to this data in terms of the thousands and thousands of people in South Australia who are now out of work? What has it done to this data in terms of people now unemployed, now facing having no income? We have just heard from the shadow spokesperson for health, the member for Kaurana, about nurses; I will talk about those in a moment. The intent of the provisions designed to modify the operation of the Residential Tenancies Act 1995 and the Residential Parks Act 2007 of course are in principle welcomed by the opposition, and we have heard that we will be supporting the bill.

It is incredibly important that people are not evicted and that people are not penalised due to their inability to pay during this crisis. There will be tens of thousands of people who will now be under rental stress, and I am not even addressing the mortgage stress that people will be under as well. Remember, many of these people who have now been made redundant (or for any reason due to the COVID pandemic are not getting income like they were before) were sometimes and often under stress already, so this will only make it worse.

I was really pleased to hear in an online forum held by the Department of Human Services and the South Australian Housing Authority last week that SAHA tenants (South Australian Housing Authority) or public housing tenants would not be evicted because of any reason to do with the

COVID-19 pandemic. I am pleased that this bill now extends to all South Australians who were not covered by that statement, so people in residential and park tenancies. This bill gives effect to the principles agreed by both Labor and Liberal states and territories in national cabinet that, amongst other things, a short-term, temporary moratorium on eviction, due to non-payment of rent, should be applied across tenancies impacted by the severe financial distress of COVID-19.

I had also already written to the Minister for Human Services in another place last month regarding many of these provisions before national cabinet announced that moratorium, and I am glad to see that they are now included in this emergency bill to provide more insurance for these vulnerable people.

On a sidenote, I sought a briefing on these and a range of other issues related to COVID-19 from the minister. I did seek the briefing regarding this and other issues, but I have been denied that by the minister's office, and it is disappointing that I am unable to get a briefing myself on what is going on in the Department of Human Services so that I can in turn provide support to people who are coming to me, in their hundreds, asking questions about what to do next, and what does this mean for them.

So, I would reach out a hand to the Minister for Human Services and ask, in the spirit of cooperation throughout this crisis, that she reach down to her office and ask for her office to grant a briefing, which can be as little as half a hour—and of course by remote means, because we are all so good at this now. I never see myself in a car driving to a meeting again ever. We could do this via Zoom or some other type of app. That would be welcomed.

I am really pleased to see that, during a time of such financial stress on the whole economy, there has been an announcement around public housing rents not rising, ensuring that everyone in the community who is renting will not be financially worse off. I would like to get clarification, particularly around the regular CPI rises that are put on to welfare payments and then flow down on to rents, to make sure that that actually is held during this crisis. There are regular small rent rises that occur to public housing tenants in particular, and I would like to get that clarified to see whether that will flow across through the housing authority.

I am pleased to see that physical inspections will not be permitted. I guess in an ideal world in a time of trauma and stress—and we know we will emerge at some point on the other side, and I have great confidence in our public health practices that this will not take years—there would not be inspections at all happening unless there was due cause. I just do not see that there is a need for this. I understand that the guidelines will be that inspections are done through, again, technology.

Are we setting a standard for the future perhaps? It will depend on some cooperation from the tenant in order to be able to provide these images. This then raises the notion of access and the capacity of people within these communities to be able to access good quality internet and provide those images and that streaming. This will be an interesting and challenging time but it also might give us a chance to be a bit introspective in terms of the quality of the data that is being transmitted around our state.

Last week, we heard of a woman in Queensland in private rental who was awaiting a COVID-19 test and was told by her agent that she had to leave the house while he showed someone around, that he did not want a sick person in the house. I have not heard any reports of that in South Australia but I think, hopefully, that has set some people thinking that we need to put some rules in place so that atrocities like that do not happen. I do not think we will see that now into the future, because we are going to put provisions in place to stop that; however, I think that is worthy to keep in mind for the future.

I will touch on further provisions of termination of tenancies in the committee stage just to clarify some questions that I have regarding how tenancies may be terminated because the landlord wishes to renovate a property, but a reasonable person would see, obviously because of financial hardship or other circumstances, the intent of the bill would preclude. I would like to get clarification around that during the committee stage.

I commend the current plan for the housing of people who are currently homeless into motel accommodation. There were some 150-plus people who were able to be sheltered within a very short period of time. This is a really positive move and it shows that if we have the space we can actually

provide shelter for people. I wonder what is going to happen in the future to these people. There is a distinct lack of public and community housing options available to rough sleepers and people needing support generally in the community and the public housing sector.

There are still housing sales going on. The numbers are still depleting on the list, and we must stop this, particularly now. We need every public housing property that we have available to us. We have to start planning for the end point for people who have been taken from rough sleeping situations. Remember, these are people in the CBD as well. There are hundreds of people all over the state who are still rough sleeping that we have not even started to address, and there are thousands of people who have been couch surfing. These are people who are hidden in the data at the moment and not part of the conversation. We have to see what is happening to those people.

In fact, in the last short while, I was told that in one small area of housing and homelessness, in one small region, eight families of women and children had to be housed last week. If that is one small area, where are we going to get places for 150-something people who are in motels and hotels? Surely we cannot open the door and say, 'Problem solved. See you later. Here's your stuff, out you go.' This should be an opportunity now to set a standard for the future in terms of the transition of people from homelessness.

In the last few weeks, in addition to other organisations, Shelter SA is ostensibly being defunded. Shelter SA is South Australia's peak advocacy body, a noisy body that keeps governments in check, and I do not think the current Liberal government is on an island here, they were certainly very loud in their advocacy during the Labor government period. I have had many conversations with this body, and many others, about the advocacy in the sector.

You can call it a tender, you can call it bidding for their services, but actually their real services do not appear in the new tender document. I do not know how they will bid for this. I do not know where their future lies. I think it is a very difficult notion to not have a peak advocacy body around shelter. I was told by one senior person—these are not my words, this is a quote from a senior figure—that this is an attack on the head of Shelter itself, 'a personal attack on Alice'. They are not my words, that is what was brought to me, and people in the sector are very nervous.

What do we need more than anything as we emerge from the darkness of COVID-19 in this state? We can be talking about health right now, we can start talking about protecting vulnerable people right now, but we are going to need to restore our community. What will we need more than anything? Advocacy, and we will need people in the space who know what they are talking about. Shelter SA will be gone within a few months if we do not stop this tender process and look seriously at what we are doing.

As the responsible shadow minister for disability, I am really pleased to see that supported residential facilities have been included in the emergency bill. We have seen in the past few weeks people with disabilities all but forgotten in the conversation. There is no additional support for carers in payments—no increase in carer payment—we had no increase in disability support pension and, while they started from a higher base than other welfare payment recipients, these people have different demands on their budget. That is why they start from a different base.

If we look at people who are caring for their loved ones in their home, and people with disability requirements, the expenses are enormous. They are having to order in a whole range of food, they are having to spend a lot more money to support themselves than they did in the past. Somebody rang me yesterday and said, 'How on earth can I eat a vegetable when a cauliflower is \$12?' What some people are being charged is ridiculous, and they are struggling.

There is no additional PPE (personal protective equipment) flowing through to the disability sector, and they are screaming out for help and support on this. We need to see the government take a lead here to show that they understand the challenges facing people with disability living in the community, and their carers and the support workers, who are doing a great job, and that they need some help. It is great to see provisions mirrored in the residential tenancy amendments, meaning that no tenancy can be terminated because of financial hardship, and that the fees and charges cannot be increased.

I want to point out that over the weekend the federal government established an advisory board for assisting people with disability to get back on track. I applaud that federal government board, but there is no representation from South Australia. With more than one dozen people on that board, there is nobody from South Australia and that is a disgrace. You need at least one person from each state and territory on a federal government board. There is only representation from the Eastern States. Every individual state and territory has its own unique circumstances and needs a voice.

I want to talk about nurses: my colleagues, my friends. Hundreds of nurses are not getting an income. I understand the need to cancel elective surgery. I absolutely understand they need to do this in order to increase the supply of PPE and quarantine that for use in special circumstances. The issue of supply needs to be urgently addressed. In a state where we only have about 20 people in hospital with COVID-19, with about half of them needing intensive care, we need to turn our minds to the nurses who are out of work.

Many hundreds of them cannot access any commonwealth payment. These people are not wealthy. They are single parents. They are people who are providing food for their families and often paying rent. They are people who cannot and must not be out of work, and the government has to listen and provide alternative options for them. It is ridiculous to think that we have some of the most highly skilled people in our state, people with whom I have worked through the bird flu, the swine flu—through other crises—who care for the sickest and most vulnerable people in our state, and they are out of work. Some of them have not had a shift for nearly a month.

This cannot happen. This has to be addressed urgently, and I look forward to a call or a conversation from anyone in government who would like to help us work on this. These people could be ringing all the vulnerable people in South Australia. They could be offering support in the education around COVID-19.

We have people in our community who have been walking around not isolating because they do not understand. I got off a plane from Brisbane two weeks ago and there was no information at the airport. Had I not been a member of parliament and had communication from the member for Kaurua I would not have known anything about it. I would have gone about my business. We need a better deal for our nurses.

**Mr DULUK (Waite) (12:39):** I also rise to make a few comments on the COVID-19 Emergency Response Bill 2020. As we all know, the coronavirus has had an unprecedented impact on all Australians. COVID-19 has changed our lives: we will not be commemorating ANZAC Day this year in our usual manner; businesses have closed; many Australians are out of work; footy, whether it be grassroots footy or the AFL, has been postponed; Easter religious ceremonies are being celebrated via live stream; and our school system is traversing very difficult waters for both teachers and students at the moment.

Except for those Australians who have lived through conflicts and world wars, for most of us this is the very first time that our everyday lives have been impacted to such a degree. Understandably, there is significant concern and anxiety throughout the entire community, but I am confident, as all of us are in this house, that if we continue to play our small part and work together we will get through this. As Her Majesty The Queen said on Sunday, 'We will succeed'.

Obviously, we found out this morning that a South Australian passed away as a result of COVID-19. Losing a loved one, as we all know, is very difficult, but to lose a loved one to COVID-19 must be truly distressing. Not being able to celebrate that person's life in the usual manner and the nature of the death must be terribly heartbreaking, so my condolences to that family.

I would also like to offer my sincere gratitude to all South Australians who are working hard on the front line to tackle this coronavirus. Thank you to our healthcare workers at the COVID-19 testing clinics, at hospitals, GP clinics and all other health facilities. Thank you to Associate Professor Nicola Spurrier and her SA Health team for leading us through this crisis. It is fantastic to see SA Health utilising vital community assets such as the Repat site in leading the way for drive-through testing for COVID-19.

To all members of SAPOL, thank you. To those who work in emergency services, thank you. Thank you to the teachers and the childcare workers across the state. Thank you to the staff at all

our aged-care facilities who are looking after our vulnerable South Australians, especially those in aged care, where they have to socially isolate and, further to that, cannot be visited by family and friends; it is extremely difficult.

Thank you to the staff in our supermarkets during these times of extra demand. To echo the words of the Prime Minister, I think we all need to calm down when it comes to the issue of buying toilet paper. We manufacture toilet paper in South Australia, at Millicent. There is plenty for everyone, and I think as South Australians we must ensure, especially on this issue, that we apply our common sense. Thank you to all the South Australians who are assisting in dealing with this pandemic. To all of you, I pass on the gratitude of the people of Waite. You are the front line of protecting the most vulnerable in our society and keeping us all safe as a community.

As I said and as has been mentioned today, it has been a very difficult couple of weeks and months for many South Australians, especially those who feel socially isolated, are out of work, have closed their businesses or whose future is uncertain as a result of COVID-19. We have seen unprecedented change, and we have seen it evolve rapidly. So many businesses in my electorate have been adversely impacted, forced to close or have lost their jobs due to the regulations put in place to keep our community safe.

It is an incredible sacrifice for all employers and employees, particularly small businesses, mum-and-dad enterprises that work tirelessly day and night and struggle at the best of times. Unfortunately, this is not the best of times, as we are seeing more unemployment, businesses close and a sharp increase in financial stress experienced by South Australians. There has also been an increase in break-ins at local businesses in my community, and just around the corner from my office, as recently as a couple of days ago.

In fact, these callous acts are making a terrible situation worse at a time when we are seeing many unoccupied retail spaces throughout our communities. We should be lifting each other up at this time, not tearing each other down. As South Australians, we all have a role to play in that regard. This is why I think the support from the Australian government and our state government is indeed welcome and timely and, dare I say, visionary. The federal government's total support for the economy is \$320 billion across the forward estimates.

The stimulus packages, JobKeeper payments and other measures will help to secure as many jobs as possible and support workers, businesses and the wider community during a time of unforeseen challenges to our economy. Steven Hamilton, a visiting scholar at ANU, has said that the JobKeeper initiative 'will keep many businesses afloat and connected to their employees, which are critical to a speedy recovery'. It is also vitally important that people have jobs.

Work and what work means to so many people is important. It keeps communities strong and society even stronger. Allowing that connection to remain between employees and employers, people feeling useful and making a contribution to our economy, to our community and to our society is so important. I am particularly heartened to see the new Jobs Hub site, which helps connect Australian jobseekers with job opportunities in a range of industries.

While, unfortunately, many businesses are reducing their workforce, other areas need more workers to meet demands in their particular sector. Connecting workers with available jobs during this significant downturn is essential to keeping our economy going and it is essential to ensuring we can continue to meet consumer demand.

For the last few weeks there has been a lot of discussion around the community and the business sector in regard to the treatment of rental agreements between landlords and tenants. It is good to see that this is being formalised in the bill before us today. These measures will provide certainty for commercial and residential tenants and landlords during such an uncertain time. Among other measures, landlords cannot evict or increase the rent for tenants who are suffering financial hardship as a result of coronavirus. In the case of commercial leases, the Small Business Commissioner can be called on, in the event of mediation, as to whether or not a tenant is suffering financial hardship.

I know a lot of businesses in my electorate will be grateful for these proposed measures. We are seeing the rollout of this as of today, but I sense this is very much a work in progress. How a strip

shop in suburban Adelaide is treated and how it goes about negotiating with its landlord will be very different from how a tenant in a Westfield site negotiates with the landlord. This is very different from landlords who rely on rental payments as their only source of income.

Of course, they may have significant financial debt on their business structures as well. I think this is going to be a very fluid arrangement. Certainly, I have no doubt the government, and especially the Small Business Commissioner, where possible, will be looking to do the right thing by everyone involved. As business owners worry about a loss of income, their employees' welfare and the unknown future, it is of some comfort to know that they do not have to be concerned about rent at this time. I think that will be well received across the board.

The bill also addresses a wide array of matters that are essential to keeping our state running and supporting those who need assistance. This includes protections for residents of supported residential facilities to help ensure that they are not left homeless during this critical time. The member for Hurtle Vale touched on that in her contribution. We have many homeless in our community.

It is wonderful to see the government and the not-for-profit sector reaching out at the moment. What we are seeing now is a change in attitude and a change of policy. As we come out of COVID-19, I am sure there are better ways in which we can look after those who are homeless, those who are marginalised and those who suffer the stigma of mental illness. This package also provides for the streamlined ability of the state government to pass on financial support to those who need it most.

During the recent bushfire season, affected Australians were sometimes left waiting extended periods of time before receiving financial aid from government. I welcome the government's move to streamline this process to help those impacted by coronavirus. I stress that these measures throughout the omnibus bill are meant to address the adverse impacts of COVID-19 on our community and on our Australian way of life. I would expect temporary measures and changes that are being proposed to revert back to the normal course and naturally to be reviewed at the conclusion of any COVID-19 declarations.

With this bill, South Australians are placing enormous responsibility into a few very specific hands. This power and responsibility for the passing of any emergency measures needs to be used cautiously and carefully for the benefit of our people. Parliament must always remain sovereign, as it is parliament that is responsible to the people.

I understand that the member for Florey is proposing a series of amendments, which have my broad support, especially in relation to the termination of emergency powers under the bill. In the amendments, I believe this means that if the government believes the emergency provisions in this bill require extension beyond six months, then parliament will have to reauthorise that by further legislation. This is an addition to other aspects of the bill, which make it clear that the powers that have been granted in this bill must not continue beyond the extent of the emergency declarations under the Emergency Management Act and, indeed, the other acts covered in this omnibus bill.

We all have our part to play. While the response to COVID-19 here in Australia is one that is driven by our national and state governments, it really comes down to the part played by each person in their own home and within their own community. In these challenging times it is important that we, as a community, continue to support each other as best we can. I really want to encourage South Australians to continue to shop locally and support local businesses and, importantly, local jobs. It is also important that we stay in touch with family and friends. Being physically distant does not mean we should become socially disconnected. Looking after our mental health and physical health is so important.

With just over 400 confirmed cases in South Australia, I am proud of the efforts of all South Australians to stop the spread. However, we cannot be complacent; we must all play a part in doing what is best for our families, our community and our country. The sooner we can do this, the sooner we will be able to be on the other side of this crisis. I am confident that by working together we can achieve this.

**The Hon. A. PICCOLO (Light) (12:51):** In making this contribution to this bill, I indicate my broad general support for this bill, but I would like to talk about what I think are some of the key

issues, and these are issues that relate to my portfolios of urban development and planning and also local government, but also how they relate to my local community because this bill will have an impact on all of those areas. The key themes that have come through in my portfolio since I have become shadow minister for urban development and planning and also local government have been issues around transparency, accountability and social licence or social contract. These are key issues that actually need to be considered in light of this bill, which gives wideranging powers to a number of individuals.

We delegate to governments, whether they be local, state or federal governments, a whole range of powers for them to act on our behalf, and it is quite right to do so. But, in return, the community expects transparency, accountability and that decisions meet the test of social licence, and that what we do in this place will only work if the community believes that it is fair and reasonable and it meets requirements of the social licence; in other words, that we actually pass laws which are fair, reasonable and necessary.

I also believe that transparency and accountability are shared responsibilities in our community and in our democracy. As legislators, we have the primary responsibility to ensure that our laws are fair, reasonable and necessary. The media has an important role to play in protecting our democracy by holding governments at all levels accountable for the decisions they make and that decisions are transparent and have the given social licence from the community.

For this and many other reasons I was deeply saddened when I heard last week that my local newspaper, *The Bunyip*, closed its doors after publishing for 157 years. It was devastating to my community and I felt it immensely. It was published through wars and depression, but recent financial challenges and COVID-19 made the newspaper unsustainable in the short term. I do trust, though, that *The Bunyip* will return and return quickly.

We need more media, not less. We need local media, not less. Local papers inform, educate and connect. Their role is important every day and more so when we are living through a crisis. We need *The Bunyip* and other local newspapers to publish again as they provide an important oversight of democracy at the local level. We need *The Bunyip* to ensure that governments at all levels make transparent decisions and are accountable for them.

Local papers reflect the views and values of local communities, and ensure that government decisions and laws have social licence. In my portfolio areas, *The Bunyip* has done an excellent job to report and generate discussion on important local government urban development and planning issues, as have a number of other local papers throughout the state. The role for Gawler's local paper cannot be shared or delegated to other media. Unfortunately there are some in our community who have not lamented the close of *The Bunyip*, and that is sad. You cannot expect other media to pick up where *The Bunyip* has left off. It is not the same.

Every local community, and particularly those in rural communities, understands that each community has its own culture and values that cannot be conveyed correctly or appropriately in a true sense from other papers. If you believe in local democracy, you will support your local media who knows and understands your local community. All local papers do a good job in reflecting their local community, and I say local community, not adjacent communities. As I said, each community has its own culture and their local papers best reflect that.

There may be those local decision-makers, whether they are at the local, state or federal level, who do not like the scrutiny they receive from their local media, and that is understandable. However, the critical issue is, who will hold future decision-makers accountable if there is no local media? That is why all levels of government need to stand by, and stand up for, their local media. Their communities quite rightly expect them to do so. In times of crisis, local media help local people to remain connected and informed.

This is central to our democracy. I would like to return to the sadness and shock I felt when I heard that *The Bunyip* was closing. I am hopeful that local, state and federal decision-makers will stand up and support our local media in their hour of need so they will be there in our hour of need. I think the issues raised by *The Bunyip* in their last, and hopefully not their final, edition raised key issues that I would like to quickly touch upon. I will read some passages from the paper:

Regional newspapers through Country Press SA and also our national association Country Press Australia, have been lobbying governments—

all governments—

for many years to support our industry. This has fallen on deaf ears as governments continue to shift their ad spend to online platforms.

It goes on to say:

We are the medium relied upon to generate public discussion and debate to ensure decision makers are accountable. We are the medium expected to publish the government's media releases of their good deeds, stories of expenditure on vast public works projects and grant funding, yet we receive less and less of the government/s' spend each year.

It then goes on to say:

Some of our mastheads—

this is the group of local media—

are more than 150 years old and our communities depend on us as the only local voice that holds government and business to account and acts as a voice to the community.

Democracy as we know it today will be changed forever, unless something is done now.

I could not have said it better myself. With the few seconds I have left, I would like to end where I started this contribution: accountability, transparency and social licence underpin our democracy and we need our local media for that.

Debate adjourned on motion of Mr Pederick.

*Sitting suspended from 13:00 to 14:00.*

#### **LOCAL GOVERNMENT (PUBLIC HEALTH EMERGENCY) AMENDMENT BILL**

*Assent*

His Excellency the Governor assented to the bill.

#### **SUPPLY BILL 2020**

*Assent*

His Excellency the Governor assented to the bill.

#### **PLANNING, DEVELOPMENT AND INFRASTRUCTURE (COMMENCEMENT OF CODE) AMENDMENT BILL**

*Assent*

His Excellency the Governor assented to the bill.

#### **CORONERS (UNDETERMINED NATURAL CAUSES) AMENDMENT BILL**

*Assent*

His Excellency the Governor assented to the bill.

#### **COVID-19 EMERGENCY RESPONSE BILL**

*Message from Governor*

His Excellency the Governor, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the bill.

*Parliamentary Procedure*

#### **ANSWERS TABLED**

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



**PAPERS**

The following papers were laid on the table:

By the Speaker—

Auditor-General—Flinders Link Project, Report 7 of 2020 [Ordered to be published]  
Parliament of South Australia—Minutes of Joint sitting of the two houses for the election of  
a member to fill a vacancy in the Legislative Council rendered by the resignation of  
the Hon. Andrew McLachlan, 2020

By the Premier (Hon. S.S. Marshall)—

Regulations made under the following Acts—  
Emergency Management—Expiation Notices

By the Deputy Premier (Hon. V.A. Chapman)—

Regulations made under the following Acts—  
Child Safety (Prohibited Persons)—Prohibited Persons—Exemption  
Disability Services—Assessment of Relevant History—Exemptions  
Youth Justice Administration—Psychological Assessment

By the Attorney-General (Hon. V.A. Chapman)—

Regulations made under the following Acts—  
District Court—Fees  
Magistrates Court—Fees  
Supreme Court—Fees  
Rules made under the following Acts—  
Magistrates Court—  
Criminal—Amendment No. 81  
Criminal—Amendment No. 82

By the Minister for Transport, Infrastructure and Local Government (Hon. S.K. Knoll)—

Consent to the Removal of Track Infrastructure—Pursuant to section 5 (6) of the  
Non-Metropolitan Railways (Transfer) Act 1997, 2020  
Regulations made under the following Acts—  
Motor Vehicles—Simplify and Other Measures  
Passenger Transport—  
Regular Passenger Services  
Small Vehicle

By the Minister for Education (Hon. J.A.W. Gardner)—

Death of—Alexander Peter Kuskoff Report SA Health's Response to the Deputy Coroner's  
Finding of 14 August 2019  
Regulations made under the following Acts—  
South Australian Public Health—Notifiable and Controlled Notifiable Conditions—  
CPE

By the Minister for Innovation and Skills (Hon. D.G. Pisoni)—

Economic and Finance Committee Inquiry into the Economic contribution of Migration to  
South Australia—Government Response 2020  
Training Advocate, South Australian—Annual Report 2019

By the Minister for Child Protection (Hon. R. Sanderson)—

Regulations made under the following Acts—  
 Children and Young People (Safety)—Safety—Exemption from  
 Psychological Assessment

By the Minister for Primary Industries and Regional Development (Hon. T.J. Whetstone)—

Industry Fund—

Apiary Annual Report 2018-19  
 Cattle Annual Report 2018-19  
 Citrus Growers Annual Report 2018-19  
 Eyre Peninsula Grain Growers Rail Annual Report 2018-19  
 Grain Annual Report 2018-19  
 Grain Industry Research and Development Annual Report 2018-19  
 Pig Annual Report 2018-19  
 SA Grape Growers Annual Report 2017-18  
 SA Grape Growers Annual Report 2018-19  
 Sheep Annual Report 2018-19  
 Wine, Adelaide Hills Annual Report 2018-19  
 Wine, Barossa Annual Report 2018-19  
 Wine, Clare Valley Annual Report 2018-19  
 Wine, Langhorne Creek Annual Report 2018-19  
 Wine, McLaren Vale Annual Report 2018-19  
 Wine, Riverland Annual Report 2018-19

By the Minister for Police, Emergency Services and Correctional Services (Hon. C.L. Wingard)—

Australian Criminal Intelligence Commission, Board of the—Annual Report 2017-18

*Parliamentary Committees*

**PUBLIC WORKS COMMITTEE**

**Mr CREGAN (Kavel) (14:09):** I bring up the 57<sup>th</sup> report of the committee, entitled Paralowie R-12 School Redevelopment.

Report received and ordered to be published.

**Mr CREGAN:** I bring up the 58<sup>th</sup> report of the committee, entitled Grant High School Redevelopment.

Report received and ordered to be published.

**Mr CREGAN:** I bring up the 59<sup>th</sup> report of the committee, entitled 'Portrush Road and Magill Road intersection upgrade and the Grand Junction Road, Hampstead Road and Briens Road intersection upgrade'.

Report received and ordered to be published.

*Question Time*

**CORONAVIRUS, NURSE EMPLOYMENT**

**Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:11):** My question is to the Premier. Does the Premier agree that a front-line nurse should not be left financially worse off as a result of contracting COVID-19 through their service to our community?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:11):** I'm not 100 per cent sure what the Leader of the Opposition is alluding to, but can I just say we're very grateful to all of our public servants in South Australia, especially those people who are on the front line: our nurses, our doctors, the people who work within our hospital situations here in South Australia and of course in the many dozens of rapid testing and assessment clinics we have now set up across the state for rapid testing and assessment of COVID-19.

I would also take this opportunity to thank all of the other public servants who have been intimately involved, especially those in the broader SA Health Communicable Disease Control Branch, the public health administration, and also our teachers, who are this week coping with an enormous task to essentially set up a new mode of teaching.

They have been mainly teaching in a classroom scenario; now, from the start of term 2, they will be having a bimodal arrangement in terms of teaching, with certain students in schools and certain students learning from home. I want to thank the department and the teachers for the great work that they have been doing in preparing all of those resources—both hard copy and online resources—so that students who are studying from home will have access to them.

Finally, can I just thank the police in South Australia. The police commissioner is acting as the State Coordinator during this major emergency declaration. They are unequivocally on the front line in South Australia and doing an outstanding job. We want to make sure that all of our front-line workers—all of our workers in South Australia—have the highest level of protection as we take on this global pandemic.

We have seen some of the harrowing images from overseas of people on the front line having to cope with the impacts of this disease. We're doing our very best in South Australia to make sure that we avoid anything like what we have seen overseas. To be quite honest, at the moment the trajectory is heading in the right direction, so I am very grateful for that.

#### **CORONAVIRUS, EMPLOYMENT**

**Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:13):** My question is to the Premier. Does the Premier agree that a front-line essential worker referred to in the Premier's previous answer should get access to presumptive access to workers compensation if they contract COVID-19 through their workplace?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:14):** I don't have a detailed answer for that; that's not in my portfolio. I am happy to follow that up—

*Mr Picton interjecting:*

**The SPEAKER:** Order, member for Kaurna!

**The Hon. S.S. MARSHALL:** —with the Treasurer, who has responsibility, obviously, for WorkCover in South Australia. We have a good workers compensation scheme in South Australia. There were very significant reforms to this scheme, which were only put through the parliament around three years ago. It was probably one of the most bipartisan moments this parliament has seen for a long period of time, dealing with a complex issue. I am hoping that we can continue to work in a bipartisan way through another complex issue, and that is as our state faces the coronavirus.

At the moment, I think that the work that has been done to date has put our state in a very good position compared to other jurisdictions around the country, and certainly compared to most other countries around the world, but we can't be complacent. There is a lot of work to do. There is a lot of work for this parliament to do. In fact, there is a huge amount of work to do in this area, and I do thank the Attorney-General and other members of the cabinet for how quickly they have moved to bring legislation for this parliament to consider.

We've all got to play our parts and our roles that we have been assigned during this pandemic, and by working together I think that we can come through this best of any place in the world.

#### **CORONAVIRUS, EMPLOYMENT**

**Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:15):** My question is to the Premier. Outside workers compensation, can the Premier cite a source of financial support a contract casual worker, such as a hospital cleaner, would be able to get access to if they contracted COVID-19 through their workplace? Mr Speaker, with your leave and that of the house, I would be happy to explain.

Leave granted.

**The SPEAKER:** Minister for Transport.

**The Hon. S.K. KNOLL:** I was going to move a point of order that the question in its construction is hypothetical.

**The SPEAKER:** Since leave has been granted, minister—and I respect what you are saying—I am going to allow the question. However, I take the point of order, and given the previous line of questioning I think it is in order. Leader, could we start from the beginning and then I will give the Premier an opportunity to answer, if that's okay, members. Thank you.

**Mr MALINAUSKAS:** Do you want me to read the question and then seek leave again?

**The SPEAKER:** No, just as is, the exact question.

**Mr MALINAUSKAS:** Outside workers compensation, can the Premier cite a source of financial support a contract casual worker would be able to get access to if they contracted COVID-19 through their workplace. Mr Speaker, with your leave and that of the house, I would be happy to explain.

**The SPEAKER:** Yes.

**Mr MALINAUSKAS:** A contract cleaner in a hospital, for instance, should they contract COVID-19—or a check-out operator, or a nurse—would not be able to get access to sick leave, would not be able to get access to the JobSeeker payment and would not be able to get access to the JobKeeper payment. What source of financial support would they have access to without workers compensation?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:16):** I don't have any details of the particular case that you are referring to in terms of their contract of employment, or what specific provisions there might be in their contract of employment, but if you've got something specific that you would like—

*Mr Malinauskas interjecting:*

**The Hon. S.S. MARSHALL:** Well, you can't just ask a question about anybody who might contract the COVID virus. It is a very hypothetical question. I am trying to give you a sensible answer, but it really depends on—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.S. MARSHALL:** —who they were employed by, what that contract of employment was, what the terms of that contract were, and if you're happy to provide the specific details it is something that we can seek some advice on and come back to the house.

### CORONAVIRUS

**Mr CREGAN (Kavel) (14:17):** My question is to the Premier. Can the Premier update the house on measures the state government is taking to minimise the impact of coronavirus in South Australia?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:17):** I thank the member for Kavel for his excellent question. Much work has been done since the coronavirus first came to light back on 21 January. In fact, I think we should all feel very proud of how quickly this state, and in particular our public health officials in this state, have worked to put a very strong plan in place to tackle the coronavirus.

The principal first stage of our response has been, if you like, to reduce the peak and push it out into the future as much as possible. A lot of good work has been done in this area. I know some of the restrictions that have been put in place have been very hard, and particularly hard on businesses and families and employees right across this state.

However, as everybody can now see, we do not have the exponential growth that is hitting much of the rest of the world at the moment, and that is something that we can be very grateful for, because the longer we slow down the progress of this disease the more we can do to put the critical

care resources that we need in place to deal with the peak when it eventually comes to South Australia.

We are buying time, if you like, to prepare everything we possibly can, and in South Australia we have wasted no time in massively increasing the capacity of our state to deal with that peak when it hits. Some of you would already be aware of the work that we have done essentially taking over the ECH College Grove facility with 58 beds, the Wakefield Hospital with 130 beds, which had been closed and which is soon to be completely and utterly reactivated, and another 90 beds down at the Repat hospital where we have opened four wards, which were previously completely decommissioned and ready for the wrecking ball. Now they have been stood up again, and work is going on around the clock to make sure they're ready for when that peak hits. Of course, there are many other measures in that regard.

I am particularly pleased that we have pushed ahead with an additional up to 300 staff to do the contact tracing in South Australia. This is absolutely crucial so that when we do have somebody identified with a positive test result for COVID-19 the health professionals can sit down, understand when that person was infectious, do all the contact tracing for the people they were likely to have come into contact with and then immediately put them into a quarantine position. This is absolutely critical, and has proved to be life-saving in terms of slowing down the spread of the disease here in South Australia.

In recent weeks, we have also announced that we will be bringing forward the significant expansion of the Flinders Medical Centre emergency department. This is a 50 per cent increase in the capacity of South Australia's busiest ED, and work will start on that this very month. We are also massively upskilling our healthcare workers in South Australia with 97 new paramedic recruits, and a thousand extra nurses have signed up to be on stand-by should we need them as part of the surge capacity that might be envisaged.

Of course, we have also signed a historic deal with the private hospitals in South Australia. This will provide us with access to an additional 1,700 beds in South Australia, and their ICU capacity represented about 40 per cent of what we had in South Australia at the time this broke out. Of course, we have naturally increased our own ICU capability and capacity in that time.

I would like to conclude by conveying very grateful thanks to the people of South Australia for their observance to date of the restrictions that have been put in place. These have, quite literally, been life-saving, but now is not the time to be complacent. I know the numbers are tracking down in South Australia, and that is great, but now is not a time for us to be taking our foot off the brake.

#### **VIRAL RESPIRATORY DISEASE PANDEMIC RESPONSE PLAN**

**Mr PICTON (Kaurna) (14:21):** My question is to the Premier. Has the Premier read the SA Health Viral Respiratory Disease Pandemic Response Plan?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:22):** If the member is referring to version 6 of the plan that we put in place for this, the answer to that is mainly. There is a lot of technical detail in there, but I am satisfied that what we have in South Australia at the moment is a very good plan that was only updated in March this year. It built on the work already in place in SA Health to respond to these types of epidemics—and now, of course, a pandemic.

I know members would be aware that really from day one SA Health held a series of workshops looking at all scenarios that we could be confronted with. Some of these were very small increases in the level of critical care that we need in South Australia, a moderate response, and a very much larger response that could potentially be required. I'm quite satisfied that the work is being done. The plan has been updated and we are now working through the implementation of that plan.

That is not to say that over time we will not need to go back to that plan. As I said, it is already on iteration 6, and I'm quite sure that as we go through this particular pandemic there will be a need to update it. Of course, post this event there will be a very good opportunity for us to sit down and look at how we can improve the situation and the systems and protocols that are put in place.

### VIRAL RESPIRATORY DISEASE PANDEMIC RESPONSE PLAN

**Mr PICTON (Kaurna) (14:23):** My question is to the Premier. Have staff screening procedures been established in all SA Health facilities, in line with the SA Health Viral Respiratory Disease Pandemic Response Plan?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:23):** I don't have an answer to that specific question, but I am happy to follow that up with the minister and come back to the house.

### INFLUENZA VACCINATIONS

**Mr PICTON (Kaurna) (14:23):** My question is to the Premier. Is SA Health implementing earlier than planned flu vaccination programs in line with the SA Health Viral Respiratory Disease Pandemic Response Plan?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:24):** Again, I'm happy to find out that information and come back to the house. What I do know is that Australia has a very significant number of vaccines available for the flu season this year; off the top of my head, I think it is something like 13 million.

We have a very significant vaccination program in South Australia, where free flu vaccinations are provided to children under the age of five as well as to other people who are in vulnerable cohorts. That is something that we can be very proud of. I think we have led the way in many ways with regard to free flu vaccinations in South Australia.

My understanding is that the federal government have already distributed the majority of the free flu vaccinations around the country—in round terms, about five million of the eight million that they distribute. The remainder is for the private sector. There have been some changes in the patterns to which people are accessing the flu vaccines.

In previous years, we have had to spend a lot of public money encouraging people to go and have a flu vaccine. At the moment, it's almost switched around the other way. People have changed that pattern. They are wanting to get that flu vaccine as quickly as possible. I am advised by the health minister that we have already administered the first wave of those, which should be completed by the end of this week.

I do note in the media that there have been some reports that private patients looking for a vaccine have been held up. That will be a matter of trying to unblock some of those supply chains. But let's be very clear: in South Australia we have a significantly higher number of vaccines coming into our state than we had last year, even though last year was a record flu season.

We are encouraging people to have the flu vaccine, although I would also update the house that we are already receiving some anecdotal information from the health sector around the country that flu presentations and respiratory illnesses are currently, thankfully, on the decline. This could be a flow-on effect from the increased social distancing.

You could imagine that the same protocols and practices that have been put in place to slow the transfer of infection for COVID-19 are having a positive effect in slowing the transfer of the flu and other respiratory illnesses. So that is a positive, and it's one of few positives that we can take out of this horrendous situation that we have in Australia at the moment. I hope that satisfies some of the questions that the member had.

### PLANNING AND DEVELOPMENT FUND

**Mr TRELOAR (Flinders) (14:26):** My question is to the Minister for Planning. Can the minister update the house on how the Marshall Liberal government is supporting South Australia's councils and local communities through the doubling of the Planning and Development Fund in response to COVID-19?

**The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning) (14:27):** I thank the member for Flinders very much for his question and note that the Planning and Development Fund in previous rounds has been good to the City of Port Lincoln, especially in relation to the Parnkalla Trail Wharf Precinct redevelopment. I

have had the opportunity to have a look at parts of that; that and the types of projects we are looking to seek to undertake in the coming months as part of our stimulus program are quite exciting.

There are twin issues that we as a government are seeking to deal with, and the Premier has outlined to the house already the health challenges that exist and the steps that the government has put in place in relation to dealing with this pandemic. But there are economic issues also that are befalling our state. We have seen people lose their jobs and industries having to shut down as a result of safety measures and health measures, and we as a government have stepped up to help deal with those issues.

In fact, we were the first state in the nation—the first jurisdiction in the nation—to put tranche 1 of its stimulus program on the table, a \$350 million commitment, to short-term largely capital projects to help provide work during the course of this pandemic, making sure that we can help to put jobs into the economy, doing a lot of the work that can be done at this time given the very constrained circumstances that we are working in. This \$350 million forms part of a broader \$1 billion package worth of stimulus that we are putting into the South Australian economy. In comparative terms, it is huge when compared to the work that other jurisdictions have put in place.

The Premier and I have on a number of occasions now spoken directly to mayors and to CEOs in the local government sector about how they can help support the stimulus effort. The local government sector is the third tier of government. It is an extremely important part of how we are going to combat coronavirus both from a health perspective and from an economic perspective.

We know that councils in South Australia by and large have strong balance sheets. They have the opportunity to be able to contribute to the stimulus effort, and they have the ability to borrow to contribute again to that effort. The federal government have put on the table some hundreds of billions of dollars worth of taxpayers' money that is going to be put into helping our economy flow through this and deal with this pandemic. The state government also are putting this \$1 billion stimulus on the table. Local governments need to be part of that.

The Planning and Development Fund round, which is open at the moment, is the perfect example and the perfect opportunity for councils to be able to contribute. So, as part of our first package, we doubled this year's Planning and Development Fund round to some \$50 million. We also extended the time frame for which councils can put in applications to 9 April—it's essentially about an eight or nine-day increase in the time frame—so that we can make sure that we give councils enough time to put projects in.

Very much what we want to see from this is projects that are shovel-ready, projects that councils have been working on, that they are prepared to fund fifty-fifty, that can get out of the ground in the coming months, so that we can help to provide jobs into our economy to offset some of the difficulties that are being seen in other sectors of our economy. We are also very keen to use this as an opportunity to beautify our city.

We know that improving green cover in our city is extremely important. We know that improving play spaces is important. We know that helping to upgrade main streets, especially in regional areas, is important to help drive people back to the regions when it is safe and appropriate to do so. This \$50 million fund, the state government working together with local government, is going to deliver jobs for South Australians and it's also going to deliver a more beautiful South Australia in the offing.

#### **VIRAL RESPIRATORY DISEASE PANDEMIC RESPONSE PLAN**

**Mr PICTON (Kaurana) (14:31):** My question is to the Premier. Has each hospital developed standard operating procedure for personal protection equipment use and distribution as must be prepared according to the SA Health Viral Respiratory Disease Pandemic Response Plan, and will those procedures be released?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:31):** I don't have those procedures with me, but what I do know is that we are in the midst at the moment of a global shortage of PPE, and this is something that is of great concern to, I think, all health departments right around the world at the moment.

When we look at the shortage that exists globally, it's one of the reasons why we were motivated to work with local company Detmold Packaging, a longstanding South Australian family business, to actually produce PPE, and in particular face masks, right here in South Australia. It is something that the taxpayers have contributed a small sum of money to do to make sure that we can fast-track the introduction of that manufacturing capability on our shores.

It's also one of the reasons why we have looked at trialling the use of vending machines with Benleigh vending machines to make sure that we can have the effective distribution of PPE to front-line workers as and when they are needed. I've got to make it very clear that obviously we are not asking members of the staff to pay for those. There is a sticker that is put onto their credentials and they can swipe it. It also gives peace of mind to those workers so they can actually see the PPE there.

We have had some considerable problems with regard to the distribution of PPE. We have examples that we have already found of pilfering, stockpiling and inappropriate use. In some hospitals, we have seen six months' use of PPE in a single week. We know that this is not an optimal use of a very finite resource, and so that trial is going on at Flinders Medical Centre at the moment. Can I also report to the parliament that the federal government is working very hard on two strategies: one is a procurement strategy, and one is also, as I was mentioning before, a production strategy here in Australia.

Tens of millions of pieces of PPE are due in Australia in the coming days. They will be effectively distributed across the country. I know it is an anxious time. It is particularly an anxious time for those people on the front line. That is why we do have to have protocols around their use at the moment to protect the vulnerable people who are on the front line. I will come back with a specific answer to the question the member asks as soon as I have that information to hand.

#### **VIRAL RESPIRATORY DISEASE PANDEMIC RESPONSE PLAN**

**Mr PICTON (Kaurna) (14:34):** My question is to the Premier. Is the government establishing respiratory and fever primary healthcare clinics, as per the SA Health Viral Respiratory Disease Pandemic Response Plan?

**The SPEAKER:** Can I have the question again, please, member for Kaurna.

**Mr PICTON:** My question is to the Premier. Is the government establishing respiratory and fever primary healthcare clinics, as per the SA Health Viral Respiratory Disease Pandemic Response Plan?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:34):** I don't have that detail with me, but what I do know is that we are very, very well served by the people in both SA Health and in the public health administration in South Australia. When they have requested resources from government, they have been provided with those resources immediately. One of the very first things that they asked us for was, of course, the rapid testing and assessment clinics. I think as of late last week we had 54 of those set up around South Australia, 48 of them in country SA. I think this is a really important thing to set up as quickly as possible.

Obviously, we have already announced, with a great deal of interest from around the country, and in fact from around the world, our drive-through clinics—first of all at the Repat centre and then out at Hampstead—where people can essentially, with a referral from their GP, drive through, provide the specimen without getting out of the car and then have their results relayed to them extraordinarily quickly.

We are very well served by SA Pathology in South Australia, first of all for establishing the testing capability for COVID-19 in South Australia. When this issue first broke, there were very few testing clinics or laboratories around Australia that had this capability, so they set it up in rapid time. Moreover, I think that the testing regime that we have had in South Australia, set up by Dr Tom Dodd, who is the clinical lead at SA Pathology, and his team, is world class. It is absolutely world class, and many people have been referring to that around the world.

*Members interjecting:*

**The Hon. S.S. MARSHALL:** So the opposition aren't interested, sir.



*Members interjecting:*

**The SPEAKER:** Order!

*Members interjecting:*

**The SPEAKER:** Member for Kurna, you are warned. Minister for Police, be quiet.

### INFLUENZA VACCINATIONS

**Mr PICTON (Kurna) (14:36):** My question is to the Premier. Will the Premier allow pharmacists to vaccinate over-65 year olds using the health department's supply in order to speed up the spread of the vaccine rollout this year in the same way that this happens in Victoria, Western Australia and the ACT?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:37):** What we will do is we will respond to the requests from our health professionals in South Australia. I think this is one of the things that has stood us in really good stead. We haven't been running around trying to get cheap political points during the coronavirus. What we have been trying to do—

*Members interjecting:*

**The SPEAKER:** Order, member for Playford!

**The Hon. S.S. MARSHALL:** —is to actually provide—

*Members interjecting:*

**The SPEAKER:** Member for Lee!

*Members interjecting:*

**The SPEAKER:** Members on my left, please!

**The Hon. S.S. MARSHALL:** What we have been trying to do is to provide—

*Members interjecting:*

**The SPEAKER:** Member for Lee! The member for Lee is called to order and the member for Playford will be quiet. The Premier has the call.

**The Hon. S.S. MARSHALL:** I have finished, sir.

**The SPEAKER:** The Premier has completed his answer.

### CORONAVIRUS

**Mr CREGAN (Kavel) (14:37):** My question is to the minister—

*Members interjecting:*

**The SPEAKER:** The member for Lee is warned. Could I have the question again, please.

**Mr CREGAN:** Thank you, Mr Speaker. My question is to the Minister for Child Protection. Can the minister update the house on how the state government is supporting vulnerable children and young people in family-based care in response to coronavirus?

**The Hon. R. SANDERSON (Adelaide—Minister for Child Protection) (14:38):** I thank the member for Kavel for his question. The Marshall Liberal government has a strong and clear plan to help combat the spread of coronavirus, especially with some of our most vulnerable South Australians. On 19 March, the Liberal government committed more than \$720,000 towards a once-off \$200 payment for every child and young person in family-based care across South Australia.

This additional financial support will assist those households to buy items, such as essential household cleaning and hygiene products, to help prevent the spread of COVID-19. With the extra focus on cleaning hands thoroughly and often with soap and water or alcohol-based sanitisers, we know this is an additional expense for our carers. This is a practical and sensible way that we are helping to alleviate concerns of the many vulnerable people in our community. By assisting with this additional expense, we are providing families with relief.

As a government, we are working together to ensure a joined-up response to COVID-19, and all ministers are being regularly briefed on this matter. Child protection is an essential service and my number one priority is the health and wellbeing of children and young people in care. I am taking this responsibility very seriously and I am working closely with the chief executive of my department to make sure we are ready for events as they unfold. DCP has activated phase 2 of its emergency management plan in order to ensure critical services continue in line with emergency management and local business continuity plans.

The Department for Child Protection emergency management committee meets daily to oversee the implementation and monitoring of these important plans. The committee has overseen a review of all resources, including assets, staff, facilities and equipment, to ensure that they are best positioned to support continuity of front-line service delivery and care for children under guardianship. Working from home and other social distancing measures have been implemented where this is possible. Clear protocols are in place for staff required to visit clients for critical child protection investigations and for residential care staff.

DCP is working closely with other agencies to ensure collaborative arrangements are in place to support service delivery, particularly where portfolios may intersect, including SA Health to ensure children in care have access to a prompt and safe medical response; the Department of Human Services to consider opportunities to access additional accommodation sites if required; the Department for Education to ensure children in care continue to have access to schooling, accepting that the delivery method may change, and to ensure the continuation of family day care; and SAPOL to consider opportunities for sharing investigation resources.

The government is also working closely with our colleagues across Australia. Most recently, COVID-19 has been a major subject of targeted discussions on 20 March at the Community Services Ministers (CSM) meeting and again on 23 March, when DCP chaired an extraordinary meeting of the Children and Families Secretaries that had a focus on responding to COVID-19 in a residential care setting. We are committed to ensuring that children and young people, their carers, our valued service providers and the child protection workforce have access to the right information and the right support.

*The Hon. A. Koutsantonis interjecting:*

**The SPEAKER:** The member for West Torrens is called to order.

### INFLUENZA VACCINATIONS

**Mr PICTON (Kurna) (14:41):** My question is to the Premier. Will the Premier listen to the calls made by the pharmacy clinicians in the Pharmacy Guild for the ability to vaccinate over-65 year olds using the health department's supply, as happens in three other jurisdictions?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:41):** I refer the honourable member to my last answer, where I made it very clear that we will take the advice of the health professionals in South Australia. That has been the advice that we have relied on during this entire management of the—

*The Hon. A. Piccolo interjecting:*

**The SPEAKER:** The member for Light is on the board.

*The Hon. A. Piccolo interjecting:*

**The SPEAKER:** Member for Light, be quiet.

### CORONAVIRUS

**Mr PICTON (Kurna) (14:42):** My question is to the Premier. Will the Premier release the government's own state modelling on COVID-19 as the Premier confirmed the government is using on a radio interview yesterday morning?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:42):** As I also made clear in my public statements, this is a model that is changing over time. It is one that we need to see further develop. We made it very clear today following the national cabinet, when we released the modelling that we have relied on to date in the first phase of the pandemic, that this is a model that is changing over

time. The modelling that was released today looked at three different scenarios: unmitigated, a scenario that had a combination of isolation and quarantine and one that had isolation, quarantine and social distancing.

It is really only in that third case scenario that we are going to be in a position essentially to reduce the peak and push it out into the future far enough. That's the modelling that has been released from the national cabinet today. The Prime Minister has made it clear, along with Professor Brendan Murphy, that there will be further models developed in the next couple of weeks. That will be released to the public. It will have more comprehensive Australian actual data rather than just relying on what has happened in other jurisdictions around the world.

We made it clear at that meeting that we need to continue to work on a model that doesn't just look at an aggregated Australian scenario but a model that actually breaks it down into jurisdictions and subjurisdictions. The example the Prime Minister used, which I thought was very apt, was that there's no point looking at aggregate rainfall in Australia. Different districts are very interested in what the rainfall in their own area is, and that is precisely what we are dealing with here in Australia.

The most crucial issue that is still keeping us concerned is the issue of community transmission. To date, as of this morning there were 540 cases of community transmission in Australia. Thankfully, we have just three of those in South Australia. This isn't the case in other jurisdictions, so we are very mindful of the pressures that are on those jurisdictions when they don't know where that next infection is going to come from. That is why it is just so crucial that we continue to maintain the very strong restrictions that we have in South Australia.

If we had released a model several weeks ago, it would look very different from what it does today. To be clear, two weeks ago we were looking at 25 per cent increases in new infections on a daily basis; now we are looking at around 2 per cent. In fact, South Australia is doing extraordinarily well. If you take out some of those clusters that have skewed our results, we have been doing particularly well. I think that we now have 120 of our approximately 400 infections in South Australia coming from cruise ships. That has very much skewed our result, as has the Barossa cluster and the airport cluster.

Even when you take that into account, we have to be extraordinarily focused on doing everything we can to reduce that peak, push it out into the future and simultaneously increase our ability to respond with critical care. When I am talking about critical care, in particular, I am talking about beds at different various levels of treating people in South Australia and the issue of ventilators, ECMO capability and also nursing capability.

So there are lots and lots of things that we need to do and we've also got to be mindful of the PPE situation. For all of those reasons, our strategy is very clear: we want to buy ourselves some time to get better prepared so that when that peak hits we are in a much better position to make sure that anybody needing critical care in South Australia receives it.

#### **CORONAVIRUS, NURSE EMPLOYMENT**

**Mr PICTON (Kaurana) (14:46):** My question is to the Premier. How long will hundreds of public hospital casual nurses left without work due to the elective surgery cancellations go without pay and shifts and without access to the JobKeeper allowance?

**The Hon. S.K. KNOLL:** Point of order, Mr Speaker: that question contains fact and argument and is very much outside standing orders.

**The SPEAKER:** Yes, I do uphold the point of order. I'm going to give the member for Florey an opportunity. I will come back to the member for Kaurana in a short while.

#### **SEWERAGE SYSTEM**

**Ms BEDFORD (Florey) (14:46):** My question is to the Minister for Environment. What measures are being taken to protect the state's sewerage system and what special measures can be taken to prevent panic buying of necessary supplies of toilet paper? With your leave, sir, and that of the house, I will explain the question.

Leave granted.

**Ms BEDFORD:** It won't have escaped anybody's notice that toilet paper has become a very hard item to find in the supermarkets and that without it substitutes that don't break down within our system are being flushed down the toilets, which will inevitably lead to large blockages in the system.

**The Hon. D.J. SPEIRS (Black—Minister for Environment and Water) (14:47):** I thank the member for Florey for her question, which touches on perhaps an unexpected consequence of the COVID-19 pandemic that is gripping our state and our nation at the moment. The member highlights a situation that our sewerage system is facing with the problems that are faced by the unnecessary panic buying of toilet paper. We know that that is unnecessary. There is a good pipeline of toilet paper available in Australia.

We are encouraging and continuing to put the message out there as a government that that level of panic buying is not required, but of course people are looking to alternatives to toilet paper because of the feeling that it is not available or because of their inability to get hold of toilet paper to date. Those alternatives include, in particular and of greatest concern, wet wipes, but also general tissues and paper towels.

We know that over the last few years the incidence of wet wipes in our sewerage system has become an increasing problem and of course that looks like it's accelerating as a consequence of the COVID-19 problems, so SA Water at the moment is working very hard to get the message out there that these things just cannot be flushed down our toilets. They don't break down.

Interestingly—one of these random facts you learn at these times—regular toilet paper tends to break down in its entirety in around 30 seconds after leaving your toilet, whereas wet wipes barely ever break down and more robust paper towels take an extended period of time, so these just cannot go down our toilets and into our sewerage systems. They cluster together, often not actually far from the house where their origin was, and lead to blockages, which of course is very unpleasant for households, neighbourhoods and the wider community as well. Of course, those that move further through the system can end up causing significant environmental problems.

SA Water has kicked off a healthy sewers campaign. We have had this message in the background for some time, but we have our healthy sewers campaign, which is largely a social media campaign to get that message out into the community and let people know about this. It is also something we will look for other ways to communicate through the mainstream media and potentially through SA Water bills in the future. It is an important issue, it is a symptom of the times and we continue to put the message out there that this is just not acceptable and that we cannot be putting these things into our sewerage systems.

#### **CORONAVIRUS, NURSE EMPLOYMENT**

**Mr PICTON (Kaurua) (14:50):** My question is to the Premier. How many casual public hospital nurses are currently left without work and pay due to the cancellations of elective surgery?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:50):** I don't have that information, but that is certainly something that I can take on notice and come back to the member with. I know that we are working across our public health system in South Australia to use this opportunity to upskill some of our nursing staff so that they have the expertise to—

*Ms Cook interjecting:*

**The SPEAKER:** The member for Hurtle Vale is called to order.

**The Hon. S.S. MARSHALL:** —potentially assist if—

*Members interjecting:*

**The SPEAKER:** Order! Has the Premier concluded his answer?

**The Hon. S.S. MARSHALL:** Yes, sir.

### REGIONAL GROWTH FUND

**Mr PEDERICK (Hammond) (14:51):** My question is to the Minister for Primary Industries and Regional Development. Can the minister update the house on how the state government is supporting our regional economies in response to COVID-19?

**The Hon. T.J. WHETSTONE (Chaffey—Minister for Primary Industries and Regional Development) (14:51):** Yes, I can, and I thank the member for Hammond for his very good question. We know that the regions of South Australia are the engine room for food production and they have and will continue to be some of the great destinations for the tourist industry here in South Australia. But we know that currently COVID-19 is wreaking havoc not only globally but regionally here in South Australia. It is putting pressure on our local economies and it is putting pressure on our health systems.

The Marshall Liberal government has seen fit to bring forward the Regional Growth Fund and we are going to open up the competitive round early. An extra \$5 million will be put to our regional businesses to give them the opportunity to speed up their projects, making sure that those regional economies have a stimulus that can help them grow and also further development plans pre-COVID-19 to make sure that those economies are prospering and benefiting from the Regional Growth Fund while we go through this high level of uncertainty.

COVID-19 is not only impacting metropolitan cities but it is also spreading itself out into our regions. We know that where we have intense populations, it is wreaking havoc. Thank goodness that in the regions we are seeing people restrict their travel. Those people who live in the regions are doing everything they can to keep COVID-19 at bay.

The Regional Growth Fund is a great stimulus to give those businesses that are looking for collaboration, are looking for clustering and are looking at ways that they can stimulate the economy. As we speak, there are a number of businesses around South Australia that are benefiting from the previous round. Chalk Hill Wines had \$300,000 to expand their production, catering and conference facilities, and that facility will be ready and raring to go once the restrictions on the wine industry are lifted. Bremerton Vintners had \$400,000 towards the new Langhorne Creek commercial and tourism hub. The Omdurman, the Artisans of Barossa, is a great institution—

*Members interjecting:*

**The SPEAKER:** Members on my left, please!

**The Hon. T.J. WHETSTONE:** —where we see collaboration of wine brands and food. That artisan brand has been a destination for many who tour through the Barossa and they have received \$400,000 towards marketing and distribution space.

Light Regional Council has also received funding for delivery of their new investment strategy. The district council of Mount Barker has seen fit to secure \$1.25 million towards recycled water storage infrastructure. That is a great way of securing weather-independent water for food production up in that part of the Hills.

Alexandrina Council has also secured \$106,000 for their historic Old Chart Room building, and this a usable, contemporary multipurpose space. The District Council of Grant received \$385,000 towards the upgrade of the Mount Gambier saleyards. The Royal Flying Doctor Service has received \$716,000 in a major project expansion in the member for Stuart's seat, up at Marree—I'm sure he would be very happy with that—and the health system gets a shot in the arm.

Port Augusta City Council has received over \$100,000 for revitalising and enhancing the tourism experience, and the Town of Gawler has also seen nearly \$700,000 towards the Greater Adelaide cycleway through the Barossa, Light and Lower North Cycle Tourism Project. These are great projects that are helping to stimulate regional economies in South Australia. Bringing forward the Regional Growth Fund is only going to help.

### CORONAVIRUS, SCHOOLS

**Dr CLOSE (Port Adelaide—Deputy Leader of the Opposition) (14:55):** My question is to the Premier. What is the government's advice to parents: to only send their children to school if they

have no choice, or school is the safest place and children should go there? With your leave and that of the house, I would like to explain.

Leave granted.

**Dr CLOSE:** Parents are uncertain about the impacts on their children's schools and teachers of sending their children to school in term 2. Teachers and principals are uncertain if they are able to support a large percentage of children in the classroom as well as a reasonable number at home. Does the government want all children at school or only those who absolutely have to be there?

**The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (14:56):** I thank the member for the question. I don't accept entirely the premise of her question—that there are only the two descriptions that she has put on the situation. Our government's response is very clearly that we will take, be guided by and convey the advice of the AHPPC, and in particular our Chief Public Health Officer in South Australia, Associate Professor Nicola Spurrier, who sits on the AHPPC and who conveys to me their advice. I imagine their advice goes directly to the Premier through the national cabinet.

Associate Professor Nicola Spurrier is also able to reflect on their advice in response to the South Australian condition in relation to the pandemic and the engagement that she has with the South Australian Department for Education about what is relevant in our schools. Catholic Education South Australia and the Association of Independent Schools, obviously also through me, feed information into the public health situation.

I have endeavoured to be very consistent in the messaging, which is consistent with that of the AHPPC and Associate Professor Nicola Spurrier. Parents are now supported. If they are in a position to facilitate their children's learning at home, we will support them to do so. Our schools will support them to do so. But the AHPPC advice, and the advice of Associate Professor Nicola Spurrier, is very clear: schools remain safe places and our schools will not turn a child away who presents themselves.

There are many reasons why a child might present at school in this circumstance. It may be that their parents are doing jobs that cannot be done from home, or indeed that even if their parents are potentially doing jobs from home they can supervise safely the supervision of the learning of their children at home.

There is a group of vulnerable children in our community, with whom the member I know is intimately familiar, whose parents might not necessarily put their hands up to say that they are a vulnerable family, that their child is in a vulnerable situation if they are at home. By seeking to too explicitly define the circumstance, you will be defining those children out of the support that they need to get in a school environment. That is a concern that has been raised directly with me by Associate Professor Spurrier. It is a concern that has been raised with the public by the Commissioner for Children and Young People, Helen Connolly.

It is critical that we support those children in families that are in vulnerable situations. It is also important that families not be placed in a situation where parents feel like they need to make a decision between their child's education or their being able to do a job, their being able to continue to earn a salary in the workforce.

If the health advice changes from the AHPPC or from Associate Professor Nicola Spurrier, then we will update the advice about whether schools are low-risk environments for families and indeed for the workforce now that we have also put into place extra cleaning measures, extra measures to support hygiene, extra measures to support social distancing and indeed extra measures to protect vulnerable workers who are being supported to work from home where possible. If the health advice changes, then we will honour that health advice from Associate Professor Spurrier.

We also have strong protocols in place to support schools that need to shut down in a circumstance where there has been a positive test in a member of that school community who has been present at the school. There have been, I think, half a dozen examples or thereabouts in South Australia: a couple in the non-government sector and at least three or four in the government sector. We have closed those schools, enabling cleaning to take place, enabling contact tracing of

the relevant person to take place, and the situation has been honoured on those. The protocols are very clear.

However, parents can send their children to school. Those parents who wish to keep their students at home are supported to do so as long as they can safely support and supervise the learning of their children, ensuring that their children are not running around engaging in the sorts of activities that might usually take place were we not in this pandemic.

### **CORONAVIRUS, SCHOOLS**

**Dr CLOSE (Port Adelaide—Deputy Leader of the Opposition) (15:00):** My question is to the Minister for Education. Is the minister satisfied that all public schools have sent out consistent information to parents?

**The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (15:00):** I thank the member for the message. There are some schools that are in a slightly different circumstance. I particularly draw the member's attention to a couple in particularly identified vulnerable communities, where the rules have been a little bit different and the engagement with families has been a bit different.

Schools have been supported to send out messaging. We have endeavoured to make sure it is as consistent as possible. I think there have been localised variations in relation to specific circumstances in specific areas. Last time we were in this chamber, obviously there was a specific set of challenges at Unley High School that led to a different approach being taken at Unley High School, and that was something that was certainly supported.

There are some inconsistencies in information that is being presented by some local schools. We are working with education directors and principals to try to ensure that all families have if not necessarily consistent messaging—because there may be localised circumstances where it is appropriate, we are looking to ensure that all families of all students around South Australia are able to rely on the advice that Associate Professor Nicola Spurrier has provided to the government about the arrangements that will be in place in schools.

We now have, as a result of the four pupil-free days that were announced a couple of—goodness, it may have only been last week; no, it was two weeks ago, I think. Some days feel very long during this pandemic, and time is affected. I think it was about two weeks ago that we announced the four pupil-free days. That is enabling the teaching workforce and principals in schools to work with our teams in education to prepare for what term 2 will look like, as the Premier described earlier. We have this opportunity now therefore of 2½ weeks—with the formal school holidays to commence on Friday this week—to ensure that the situation is clear for parents and schools.

The other point I would make, and I thank the member for giving me this opportunity, is that schools need to have an understanding going into term 2 of the sorts of numbers of students who are likely to present at the beginning of term 2, and that has been a variation in the last couple of weeks across our system. There have been some schools with incredibly low numbers of students, and there have been some schools that have continued with a majority of students presenting.

To ensure that we have the staffing arrangements in place, and bearing in mind that there are some schools that also have different numbers of vulnerable staff being supported to work from home, that is going to present a very different challenge for a school that might have a small number of staff, a significantly disproportionate number in that vulnerable category and therefore a smaller number available to be on site. The arrangements for TRTs for that school are going to be very different from a large school with a higher proportion of less vulnerable staff and fewer people potentially being absent in term 2.

Schools need to have an idea of the sorts of numbers that are likely to be presenting in term 2, but that does not mean that it is a cut-off for families whose circumstances might change, for families who discover that they are unable to supervise safely the learning of their child, or indeed for families whose work conditions may change and they become able to supervise the learning of their child.

A family whose situation changes through term 2 we are looking to ensure will not be stuck with the decision they make this week for the whole of term 2. We are looking to have some flexibility, but we do want to have an idea going into week 1 of term 2 of who is likely to be at the school in that week.

### CORONAVIRUS, SCHOOLS

**Dr CLOSE (Port Adelaide—Deputy Leader of the Opposition) (15:04):** My question is to the Minister for Education. Will the minister guarantee that temporary contract and casual employees in schools will continue to be employed and paid?

**The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (15:04):** I am going to take that question on notice so that I can ensure any information I provide in a general sense is relevant to every environment that might be described by that question. So, out of an abundance of caution, I will take that question on notice and bring back an answer to the house. I will endeavour to get an answer directly to the member as quickly as I can.

**The SPEAKER:** Member for Waite. I'll come back—

**The Hon. A. Koutsantonis:** Are you joking?

**The SPEAKER:** No, I'm not. Member for West Torrens, if you want to argue—

**The Hon. S.C. Mullighan:** Is the police investigation over?

**The SPEAKER:** Yes, member for Lee.

**The Hon. S.C. Mullighan:** It is, is it?

**The SPEAKER:** No, I'm not responding to interjections, and I ask you not to interject. I have called the member for Waite.

### REPATRIATION GENERAL HOSPITAL

**Mr DULUK (Waite) (15:05):** Thank you, Mr Speaker. My question is to the Premier. How is the government's decision to tear up the former contract to sell the Repat and reactivate the site benefiting South Australians during the COVID-19 pandemic?

*Members interjecting:*

**The SPEAKER:** Premier, please be seated for one moment. Members on my left, please. I do not want to be naming members today.

*An honourable member interjecting:*

**The SPEAKER:** Members on my right, be quiet. The Premier has the call, and then I will come back to those on my left.

**The Hon. S.S. MARSHALL (Dunstan—Premier) (15:05):** Thank you very much, sir, and I thank the member for Waite for his question.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.S. MARSHALL:** The previous government decommissioned the former Repatriation General Hospital. That was closed in I think September or, at the very latest, December 2017, and they had entered into an agreement to sell that land. On coming into government in March 2018, we made it very clear that we had no interest whatsoever in selling that precinct; in fact, our plan was to actually turn it into a genuine health precinct.

We particularly wanted to serve the people of the southern suburbs. We already well understand the problems that the decision of the former government has had on the southern health system, with very significant under-resourcing, especially in the emergency department down at the Flinders Medical Centre, the busiest emergency department in the state. Of course, that has an overflow effect onto the Royal Adelaide Hospital in South Australia. It was a very significantly bad error of judgement by the previous government to close that site.



What we have done since coming to government is work through a master plan on how we can reactivate the Repat site as a genuine health precinct. I would like to provide information to the house about how it has specifically been useful for the COVID-19 virus.

*Mr Brown interjecting:*

**The SPEAKER:** Member for Playford!

**The Hon. S.S. MARSHALL:** I understand there were six wards on the Repat site that were scheduled to be demolished, but because we own that site, and because it has very good bones, we were able to very quickly reactivate the site. Yes, it cost the state government money to reactivate four of those wards, giving us another 90-bed capacity on that site, but it is an insurance policy.

I made it clear to the people of South Australia that I hope we never need to use the reactivated wards down there. I hope that we never, ever have to go anywhere near the Repat with COVID-19 patients, but the reality is that we've got to be as prepared as we possibly can be. The decision by this government to keep the Repat hospital site has given us that opportunity.

Of course there are plenty of other things going on down at that site, in particular setting up the precinct as a national centre for dementia care and for dealing with tier 6 and tier 7 patients living with mental health illnesses. We all know the great shame that was brought on our state by the previous government's mismanagement of the Oakden facility. That was absolutely a dark, dark day and chapter in our state's history. What we are doing, by working with people from that sector, is trying to rebuild the structure of the mental health system and the dementia care system in South Australia that will be the envy of all other states.

We are on our time frame to do exactly and precisely that, and we are looking forward to the day when that entire site can be reopened, reactivated and continue to serve the people of South Australia for decades and decades to come.

#### MEMBER FOR WAITE

**The Hon. A. KOUTSANTONIS (West Torrens) (15:09):** My question is to the Premier. Does the Premier stand by his public remarks in relation to the member for Waite in relation to his drunken conduct and potential criminal conduct in the parliament? With your leave, sir, and that of the house, I will explain.

Leave granted.

**The Hon. A. KOUTSANTONIS:** In relation to a media statement, the Premier was asked by ABC presenter David Bevan: 'Do you think there's any course, any path back to redemption for Sam Duluk?' The Premier answered, 'I think it would be extraordinarily difficult.'

**The Hon. S.S. MARSHALL (Dunstan—Premier) (15:09):** Sir, as you would be more than aware, I have answered a large number of questions with regard to this matter in the parliament. This seems to have been the obsession of the opposition for most of this year. Even when we were confronting the onset of the COVID-19 virus, there was not a single question that was coming from those opposite. They have an absolute obsession with this matter. I stand by—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.S. MARSHALL:** I think it's instructive that, on a day when South Australia has recorded its first death associated with the COVID-19 virus, this is the standard that we now expect from the opposition.

*Mr Brown interjecting:*

**The SPEAKER:** Member for Playford, you are on two warnings.

**The Hon. S.S. MARSHALL:** You are not asking reasonable questions about the issues that really are concerning the people of South Australia.

*Mr Malinauskas interjecting:*

**The SPEAKER:** The leader is warned.

**The Hon. S.S. MARSHALL:** You are not asking the questions—

*The Hon. S.C. Mullighan interjecting:*

**The SPEAKER:** Member for Lee!

**The Hon. S.S. MARSHALL:** —which are of importance to the people of South Australia but, of course, going back to their tired, tired playbook. I have said all I need to on this—

**The Hon. A. KOUTSANTONIS:** Point of order, sir.

**The SPEAKER:** There is a point of order, Premier. I think I can anticipate the point of order: for debate?

**The Hon. A. KOUTSANTONIS:** Yes, sir.

**The SPEAKER:** I have to admit that I am tending to lean to agree with that, member for West Torrens, so would the Premier like come back to the substance of the question or I will hear another question. Premier.

**The Hon. S.S. MARSHALL:** I would be very happy to come back to the substance of the question, sir. I stand by all public comments that I have made—comments that I have made in this chamber and comments that I have made more broadly in the general public.

#### *Grievance Debate*

### **TOURISM INDUSTRY**

**The Hon. Z.L. BETTISON (Ramsay) (15:11):** I rise today to talk about our tourism industry, and I have to say that the tourism/hospitality industry are doing it extremely tough. This challenge before them came before bushfires and before COVID-19 when already they were at the lowest ebb of business confidence since 2012. With the hit of COVID-19, many of them have had to close. Hospitality venues, tourism operators, hotels—not only have travellers not been coming to see them, but people have not been able to continue with the cash flow that they had previously.

The Labor opposition came out two weeks ago to say that this industry is doing it incredibly hard and that it needs a \$200 million package because this is a really significant industry. There are 18,000 employers and 39,000 people who work in the visitor economy. It is an important part of South Australia. I have had many conversations with people in tears on the phone, telling me that their business has evaporated overnight.

In the most positive circumstance, there are those who will go into hibernation. They have had to let most of their staff go, they got the bank to freeze any loans they have and they hope that when this is over they will flourish. But they continue to have concerns about how long the situation will go for and, particularly, concerns about paying their leases and rents.

Last week, the South Australian Tourism Commission came out with a package of support. That support included one-off grant payments to different tourism operators and support for regional and community events, particularly those that have been cancelled or postponed and particularly those that have encountered payments that needed to be made. They have a focus on digital training and funding for regional tourism organisations, and they have a focus on the future because we all believe that there will be an end point and a recovery, and they are distributing fact sheets on the SATC website. What is this package worth? It is \$5.7 million. This package is from existing resources: \$5.7 million to \$200 million. This is not even in the ballpark. It is just at the starting gate.

I am really shocked at the lack of support for this very important industry. Remember, we have already had \$23 million worth of cuts: \$11 million in the first budget and \$12 million in the second budget. How about you just reverse the cuts as a start? What we want to do is support those businesses—the cafes, pubs, restaurants, cellar doors, accommodation providers, tour operators and all of our tourism businesses—that literally keep the food on the table for tens of thousands of South Australians. Labor welcomes this package, but it is not enough. It is simply not enough for this important industry.

Only today, I was contacted by the owner of a local hospitality and tourism publication. She is facing financial ruin due to the COVID-19 restrictions. She is owed more than \$40,000 in advertising revenue from clients who are simply unable to pay. They also have no entitlement to any of the grants or assistance announced to date by the federal or state government. These voices seem to be unheard. The \$5.7 million, which is just using the marketing budget differently, is just not enough. How do you expect these businesses to go into hibernation and then flourish again overnight when this is all over?

Another issue that has been raised with me is the representation of small business on the Premier's council. I recently had to advocate for a tenant in my electorate. The Small Business Commissioner provided excellent service, but they need more support and more money.

### RESOURCES SECTOR

**The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (15:16):** I rise today to express my thanks to and my confidence in the resources industry for the very difficult, very challenging, very important and very good work that is being done at the moment. I also thank the staff in the Department for Energy and Mining, who are working incredibly closely with people in the private sector and resources industry.

The resources industry is extremely important to South Australia. It is one of our most important industries with regard to its contribution to our state over the last 150 or so years, its contribution at the moment and also its opportunity to grow very significantly into the future. Last year, we received just a fraction under \$7 billion worth of contribution to our economy from the resources sector. Fifty per cent of our exports from South Australia are from the resources industry, which employs 22,000 people in South Australia.

We think of the resources industry primarily in terms of mining and petroleum. In South Australia, of the many companies we think perhaps initially of BHP and OZ Minerals or of Santos and Beach Energy, but the resources industry includes many much smaller companies. It includes the Mining Equipment Technical Services (METS) sector in South Australia, which is a very vibrant, important and growing sector as well.

Our government believes that the resources industry is an essential service during this COVID-19 pandemic, a very, very challenging period. It is an essential service for many reasons. I particularly want to highlight the good work that the resources sector is doing with regard to providing safe workplaces. By 'safe', I do not mean the traditional concept, which is still very important in relation to worker safety, environmental safety and a traditional culture of safety. At the moment, safety is also very much focused on non-transmission of this insidious, infectious disease.

The resources industry is doing everything it possibly can at all its offices, at all its workplaces, in all its transport situations and many other areas to make sure that this disease is not transmitted through its workplaces. As long as it is successful in that through its own endeavours, with the support of the government and the support of the Department for Energy and Mining, and as long as we are successful together in this it will be able to continue to operate.

This industry has done an outstanding job reducing its need for interstate travel, which understandably is a concern these days. So when we say that it is an essential service—that is, interstate travel for essential workers is allowed without the requirement for a 14-day self isolation period when crossing the border and coming into South Australia or some other states—we do that with the knowledge that the industry is actually significantly reducing the number of people that it is asking to cross those borders.

In South Australia's case, the most recent numbers I have received are a 62 per cent reduction from fly-in fly-out and drive-in drive-out workers into South Australia previously to what is required now, and I know that that has reduced even further. This industry is doing everything it possibly can to operate responsibly in this very difficult time. Quite appropriately, with a fair dose of self-interest, of course these companies want to keep operating so that they can continue to be sustainable and profitable, and that is entirely appropriate.

The government's interest in them continuing to operate is also with regard to self-interest on behalf of the people of South Australia because, if we can keep these companies in this industry

working safely and successfully throughout this very difficult time, then we will not have to have the same sort of build up after the COVID-19 times. We want the resources industry to be able to continue to employ as many of those 22,000 South Australians as possible through this time and more and more after this time. The resources industry is a mainstay that needs to be supported and we are very glad to work with it through this period.

### **CORONAVIRUS, KANGAROO ISLAND**

**The Hon. L.W.K. BIGNELL (Mawson) (15:21):** What a different world we live in now from just a few short weeks ago with the advent of COVID-19 taking over the world stage. Today, I want to talk about some of the local effects that COVID-19 is having in my area and, I guess, the stress and the fear that people in the electorate of Mawson are telling me about. They have come up with some ideas, which they have expressed to me. In many cases, they have also expressed them to the government.

The people of Kangaroo Island are pretty much as one. The entire 4,500 member population of Kangaroo Island would like the island shut down. They keep being told, despite the council voting seven to one for the island to be shut down last week, that the State Coordinator, who is the police commissioner, says that there is no need to close down Kangaroo Island and that it should not be treated any differently from any other part of South Australia.

For pretty much all of its existence, Kangaroo Island has always been treated differently from other parts of South Australia because you can only get there in a ferry or on a plane, so it is quite easy to shut down the borders and it is quite easy to retain the purity of the island. That is why it is illegal to take a potato, bees, honey or lots of other prohibited items over to Kangaroo Island. It is one of the few places in Australia that is now free of feral goats and feral deer. It has never had foxes on the island, and for only a short time, until the goannas got them, it had rabbits there. So Kangaroo Island is a place you can lock down and keep things out of.

As the representative of the people of Kangaroo Island, I wanted to come into this place today and put it on the record that the people of Kangaroo Island are not happy with the government's response to their calls for the island to be shut down for all non-essential travel but to leave it open for freight to come onto the island, because of course people need to have goods and other services that are vital on the island.

If we move to the mainland side of the electorate of Mawson, the Fleurieu Peninsula, we have almost the perfect storm where we have one of the oldest and most vulnerable populations in Australia, yet we also have one of the highest visited places in South Australia. The people of Yankalilla, Normanville, Carrickalinga, Sellicks Hill, Sellicks Beach, Aldinga, McLaren Vale, Willunga, McLaren Flat, down to Cape Jervis, Rapid Bay and Second Valley, are very keen to keep tourists away during these school holidays and particularly over Easter.

They are very supportive of the Western Australian model, where the state has been divided up into regions and you have to have a good reason to go from the region that you live in to another region. That might be for medical appointments, it might be for work or it might be for some other approved reason. But here we keep being told, no, the State Coordinator, who is the police commissioner, says that is not necessary here, but we do not get any reasons why Kangaroo Island cannot be cut off.

We do not get any reasons why the state cannot be divided up into regions where people cannot go across borders, just as we cannot go to and from states at the moment because of border controls we have put in place to stop the spread of the coronavirus. We know that this virus cannot spread itself. The only way this virus gets around is by people moving it around. We saw that in northern Italy, when it was closed down, 12,000 families moved from northern Italy to their holiday homes in southern Italy. How do you think the virus got around Italy so quickly?

The UK had a sunny weekend a few weekends ago and everyone moved out of the big cities and into the countryside to get a little bit of respite. What they did was take the virus into regional areas of those countries without the facilities and without the health resources to look after the people who were then chronically ill. We want to avoid that in the electorate of Mawson, both on Kangaroo Island and on the mainland. We have seen some great responsibility from business owners who

have stopped bookings. They have closed down their accommodation. They have closed down their bakeries.

Do you know what we do when we come in here, all 47 of us? We are meant to represent and we are meant to listen to the people in our area. That is what democracy is all about: of the people, for the people. The Premier and everyone in the cabinet have a very difficult job to do. I do not want to diminish their responsibility in any way. I think they have done a good job in many of the aspects that they are taking on in terms of health and the economy of South Australia, but I urge them to listen to the people of Mawson and what they would like to see happen in our area.

### **CORONAVIRUS**

**Mr TRELOAR (Flinders) (15:26):** It is now three weeks exactly today since a shot was fired across the bow of the Eyre Peninsula community—a wake-up call, if you like, in the current COVID-19 crisis. As was reported at least in the local news at the time, a large group of nearly 200 mostly Eyre Peninsula grain growers gathered at the Rambler Football Club clubrooms in Cummins on 17 March to discuss various port proposals and how such a development might impact the local grain supply chain. Remember, this was three weeks ago, when the recommendation at the time was to limit gatherings to 500 people or fewer. The meeting certainly fitted within that category.

Most of the attendees came from Eyre Peninsula; however, there was a visitor, a federal politician, who made it his business to be at that meeting, and there is absolutely nothing wrong with that because he is a senator for South Australia. But Senator Rex Patrick discovered towards the end of that meeting, during the afternoon, that he had been in contact with a work colleague, one Senator Bragg, who had tested positive to the coronavirus. That same visitor, Rex Patrick, announced some six days later following a subsequent swab test that he had also tested positive.

This resulted in all meeting attendees being directed by SA Health to go into self-isolation for the ensuing week. A small number of those who were at the meeting were deemed to be close contacts of Senator Patrick, and I think close contact was probably defined by the fact that we shared a microphone at that particular public meeting. In fact, I was chairing that meeting, so I was very much responsible for that part of the day.

All of us who were deemed to be close contacts of Senator Patrick were able to take a swab test at the newly opened Port Lincoln drive-through clinic, the results of which were to be available within about 48 hours. It is exactly two weeks ago now that I had a test. I took my leave of this place after the first day of sitting of that sitting week and drove home through the night, taking three hours' sleep on the outskirts of Whyalla on the way, keeping in mind that I was already officially in self-isolation.

Given that people had travelled from all over Eyre Peninsula to attend the meeting, and some at least had contact with the broader community during the subsequent period, it goes without saying that the whole of Eyre Peninsula was put into a bit of a spin. Fortunately, those who had undergone testing as a result of the meeting all returned a negative result. There was to be no spread of the virus from that meeting.

Obviously, the world has changed significantly since 17 March and such a meeting would not be allowed under the current government directives for gatherings and social activity, but the entire situation brought home to us all how much at risk we are of the spread of this highly transmissible virus no matter where we live. COVID-19 is now sweeping the world with devastating consequences, and that is why it is critical that we all listen and adhere to government directives in relation to travel and social distancing.

Certainly, with the upcoming Easter break, I know that many of our smaller country communities, particularly coastal communities around South Australia, are very much a destination for Easter holiday-makers. Obviously, we are asking people to consider that travel seriously, not undertake anything that is not essential travel and make this particular Easter break a time to stay at home and spend time amongst family.

I guess that my message in all of this is that we would do things differently now, but the world has changed. We escaped unscathed from that particular incident, but the message today—three weeks later—is that we need to take care, stay safe and stay apart.

## CORONAVIRUS

**Ms BEDFORD (Florey) (15:31):** When we last met, we were just at the start of feeling the impact of the global SARS-CoV-2/coronavirus/COVID-19 pandemic; now we are very much in it. It is vital at times such as this for governments to continue to function at all levels, and I am pleased this parliament has resumed its work today. As a crossbench member, on behalf of my colleagues on the crossbench and my electorate office staff, who are working very hard in our community, I know and I can assure the house we will all do as much as possible to aid the government in tackling this crisis.

I also want to acknowledge and thank all those who are working incredibly hard day and night in the midst of this crisis to stop the spread of this deadly disease and serve the community, whether it be all tiers of health professionals; emergency workers, including and especially the police; retail workers; truckies; aged-care workers; public servants; or civil society volunteers. We thank you for all you are doing to maintain essential services to keep us safe.

It is clear this disease is virulent, highly contagious and, for some, deadly. I am confident, with the effort and good work of everyone, we will eventually contain it and begin to relax many of the more extreme lockdown measures we are currently subject to and stabilise our workforce, businesses, communities and the economy.

Be it six months' time, as has been suggested by some, or longer, whenever it is we must be ready to rebuild and recover. So while our focus now clearly remains on the health emergency response, it is also important we start thinking about the type of society we want and how the economy might look on the other side of this crisis.

Self-evidently, we do not yet know the impact of the pandemic, and the longer it goes the deeper its impact will be. It is clear it has already upended our society in a profound way. This is more than just a blip in our lives: it is a shockwave. The one thing we must all recognise is things may not just bounce back. Leadership will be necessary to rebuild our community—good strong leadership at all levels. While it is hard to have answers when things are so uncertain, we can be using this time to start asking the questions we will need answers to when we come out the other side of these extraordinary circumstances.

How do we rebuild the role of government in an age of public alienation and a lack of faith in democracy? What must we do to rebuild a public sector that has lost so much expertise? How do we renew our health system; institutions of civil society, such as universities, unions and media; and rebuild our faith in our experts after recent constant attacks? How do we reverse the deconstruction of the welfare state? How do we take advantage of new technologies, rather than be driven by some of their disruptive forces? How can we help people if they are too quickly forced into a cashless, paperless, online society, losing control of their daily lives and autonomy?

How will a world of working from home change the way we shape our neighbourhoods and the services we all need to access, especially for our students in schools? Are there parts of our economy we should be re-regulating or even re-nationalising? How do we alleviate exposure to economic shock while maintaining our labour market mobility and productivity? Is it time for us to adopt a basic income or negative tax income? What can we do to broaden our revenue base and make the tax system fairer so we can fund the essential services, income support and social insurances our citizens expect and deserve?

These are some of the questions that have been put to me as I have been talking to the community and others more broadly and widely over the course of this crisis. I am sure other members and other South Australians will have many more questions. They are relying on us to start the debate and they also want to be part of it. It is vital we start thinking about these questions, even if we do not yet have the answers, and recognise that we will need the widest possible input into the recovery and rebuilding phase and, dare I suggest it, to start working on a new constitution.

We must invite our best minds in all the institutions of civil society into this conversation as we craft new ways of living. We are confronting a challenge of unprecedented scale in the lives of most of us, save our grandparents and elders. They faced similar adversity and came through it and now we must, too. A strong state and a strong civil society will be vital to the recovery and to ensure resilience in the face of future disasters.

Perhaps most fundamental is the simple truth we must surely now recognise: the sickness of one of us is a threat to all of us. If we cannot understand that, we must surely also understand we are more than just a collection of individuals. We are a community with collective needs that cannot operate without a sense of shared purpose and social unity. Stay at home, do not hoard, be kind and help others when you can. Eventually we will need to be prepared to let go of old debates. Already we have seen an extraordinary shift in the mood of the nation. A willingness to embrace new ideas is evident in the recent stimulus measures which abandon the costcutting ideology and trickle-down economic theories of past times.

A sense of community spirit has seen so many acts of kindness and care for the aged and disabled and those who are most vulnerable, confounding all we have begun to think about declining social values. We see a sense of endeavour as industries reappear, as those we have kept switch to new models of production, service delivery and product innovation. We may be in hibernation mode, but we already know we can do better than merely survive this pandemic. We can do better than just bounce back. We must build a better, stronger and more resilient society that will withstand all kinds of shocks in the future.

### HEYSEN COMMUNITY

**Mr TEAGUE (Heysen) (15:36):** I am grateful once again for the opportunity to rise and to give some reflections in this particularly trying time. As I stand here right now, I cannot recall a time when I have been more proud to be a South Australian, and that is increasingly so as each day goes by. I have never been more proud to see the work that is being done daily by our state's great institutions: those on the front line in health, those in the government responsible for making the key decisions that are being made each day and the contribution, I might say, being made by this parliament in the work that it is doing in facilitating the urgent measures that are needing to be taken.

In all of this, every day we see the extraordinary and surprising and resilient work that is being done by individuals in all our local communities—and mine is no exception. The Hills community is demonstrating its resilience, its goodwill and its spirit in times that are particularly trying. We know that we have seen whole industries that are critical to ordinary life in the Hills having to close altogether, those gathering point industries, from the cellar doors and wineries through to our magnificent restaurants and bars and so on. They are feeling the brunt of all of this very directly.

There are a number of industries that have been significantly curtailed as well, and our community is finding solutions to this, working around it and developing innovative responses. As the representative of these Heysen communities, I could not be more proud. I have said often that this is exactly why we put our hand up to be a representative and I am doing what little part I can to help those who are demonstrating great strength in the face of adversity.

One of the things that the government is doing is ensuring that as many South Australians as possible can remain employed, and gainfully so, in the running of infrastructure works around the state, particularly in the regions. I have been delighted to welcome the fast-tracking of works on the South Eastern Freeway—the resurfacing of the freeway from the tollgate to Crafers. That will be of benefit to my constituents and will benefit the entire state, especially those who will be coming and going when times return to normal. The \$35 million of resurfacing works will significantly add to the improvement of safety on that key stretch of the freeway and it will ensure that lots of South Australians are in work, as that work is fast-tracked.

In addition, \$15 million has fast-tracked work to substantially upgrade and refit the Heysen Tunnels. We know that those works will include a major refit of end-of-life components of those tunnels, which are now 20 years old, and they will include safety, intelligent transport system work, electrical systems and other equipment. Tenders have been released and those works will commence promptly. So \$50 million of important works are happening immediately on the freeway.

I mentioned that the work on the managed motorways system to add a third lane between Crafers and Stirling is commencing as well. Within a very short period of time, we will see significant improvements and changes for the 54,000-plus daily users of the freeway. As important as the safety improvements is that we will see great opportunities for jobs in this state.

As we confront this health emergency, jobs and the flow-on to wellbeing are incredibly important. We know that wellbeing is going to increasingly be a focus. We need to look after each other. I mention the great initiative established by the government, the COVID-19 Mental Health Support Line (1800 632 753) that is available from 8am to 8pm. This is one of many practical steps to ensure that, as far as possible, we support the wellbeing of those in our state.

*Bills*

**COVID-19 EMERGENCY RESPONSE BILL**

*Second Reading*

Adjourned debate on second reading (resumed on motion).

**Mr ODENWALDER (Elizabeth) (15:42):** I rise to make a brief contribution to the COVID-19 Emergency Response Bill. As the member for Lee has already articulated, the opposition in a very general sense supports this bill and the measures it contains. However, we of course maintain our right and obligation as an opposition to interrogate certain matters, to ask questions, and indeed to reserve our right to amend where we think improvements could be made.

We all have the same aim in mind, and that is to further protect our community from the spread of this awful disease, the COVID-19 virus. Any amendments we move, any questions we ask and any criticism we make of the bill will be in the spirit of cooperation as we try to improve the bill, and to improve the lives of South Australians in the face of this awful disease.

From the outset—and other members have articulated this—the opposition has attempted to be supportive, cooperative and constructive throughout this whole crisis, particularly through the work of the leader and the member for Kaurana, who have been out there every day with suggestions and sometimes criticism. The criticism has always been framed towards improving our response to COVID-19 as a community.

It is becoming trite to say that we are all in this together, but we are all in this together. We can all declare an interest in this. We are all directly affected. We all, of course, have family members who are economically affected by this crisis. We all have relatives and friends who are perhaps more vulnerable to adverse health outcomes as a result of the spread of this horrible disease, and it has changed the lives of all of us in many small ways.

My wife and two young children recently moved to a house on my parents' street, in the very street that I grew up on, so that my young kids could be close to their grandparents. Almost immediately, we started observing the practice of not visiting them anymore. We now try to pass by their house every evening and wave through the fence. They come to the front door and my kids do a bit of digging in their garden—and my dad has to go out and rectify it the next day, of course—but that is the extent to which we can now visit their grandparents.

That is the small way it has affected us in our immediate life. It has also affected the way we as members of parliament conduct ourselves and conduct our day-to-day business. We, of course, still have to continue working. We provide what we like to think is an essential service to our community, both here legislating, which I hope will continue, and providing a service to our immediate community in terms of solving their problems and providing justice of the peace services in many cases, and that of course has changed. We are still working, but we have to modify the ways in which we work. We have to work in less close proximity to each other, with less face-to-face contact, but our services and our commitment to our community must continue to get through this crisis together.

I will limit my remarks on the bill to the Emergency Management Act, which is the closest to my portfolio areas. Other members have made valuable contributions in terms of their own areas of responsibility. It is important to note, again, that any criticism or any implied criticism I make of the bill is entirely in terms of wanting to see the best result for the people of South Australia, and it is not to be taken as opposition to the bill.

The bill does give the government, and particularly the police commissioner in his role as State Coordinator, extraordinary powers, powers like we have never seen before. It is worth noting that, and it is worth noting again that we are generally supportive of this bill, but it is very important



to put on the record that these are extraordinary powers. They are time limited. They are no doubt necessary, but they are extraordinary nonetheless.

It is important to remember that the powers afforded to the police commissioner in his role as State Coordinator currently under section 25 of the act—and particularly section 25(2)—which I absolutely support, are already very broad, and this builds on them. I will go through the detail later, and I will flag perhaps some questions I may have in the committee stage, unless the Attorney has time to address them in her closing remarks to this debate.

I will pause, though, to say that the police commissioner has conducted himself, as far as I have seen and as you would expect, absolutely splendidly throughout this crisis. He has risen to the occasion, and I could not imagine a better person in charge right at the minute in the State Coordinator role. He is doing an excellent job. There is no criticism from me at all, and the police themselves are doing an excellent job under extraordinary circumstances.

I get quite regular anecdotal reports from various members of the constabulary who, despite various grumbles in various ways, are very supportive of the commissioner and very supportive of the response that is happening. They do, of course, have criticisms around the edges, which will come to light eventually I am sure, but at the moment there is a very real sense that they have a job to do. They are proud to be doing that job.

In many cases they are like nurses I am told, choosing to isolate themselves from their families in order that they might go out on patrol every day to do their job, come home at night, and, like I do with my parents, wave through the fence, presumably, then go to bed and get up the next day and do it all again and put themselves at risk for our community. I am very proud of them. They are very proud of themselves, and I think they are doing an excellent job.

Getting back to the bill, I want to state again that I do not want to indicate any opposition to any of the provisions but, simply say that it needs to be put on the record how extraordinary these powers are, and of course these are extraordinary times. I heard the commissioner on the radio this morning talking about some of the figures around compliance, and generally they seem pretty good in terms of the compliance of people who are told to self-isolate. Out of 2,900 checks, we were told this morning, nine fines have been issued and 13 cautions have been given. So, in terms of self-isolation, it seems on those figures at least that people are complying with directions when they are directly given to them by the authorities.

I do have some fears that in the broader community—and there may well be pockets that are doing it better than others—some people are not observing as well as they could the social distancing rules and conventions that most of us are accepting. When I go into my local Woolworths to anxiously get my essential supplies, I am always a bit dismayed by the people who do not seem to be taking this as seriously as they should be. I urge everyone to take this seriously, as all the authorities are doing, and observe social distancing: go to the shops only when you need to, go out only when you need to. All those things should be common sense in a time like this.

As I said, as an opposition we have sought from the outset to be constructive and supportive. We absolutely praise the government where it has handled this correctly and are constructive where we think we can improve on the response. That is why we have publicly indicated that we will be introducing some legislation—I foreshadowed that today—that seeks to protect our front-line workers and, of course, in the process protect the whole community.

First, we intend to introduce simple amendments to the Criminal Law Consolidation Act that create a new offence that directly relates to COVID-19 and the particular danger it poses to our front-line workers. It is important that the legislation I will be introducing recognises the role of retail workers as well as what we would normally term front-line workers. There is now a well-established definition of an emergency worker or front-line worker that includes people like transport workers. At this time and in this particular crisis we need to include retail workers in any of those definitions.

Retail workers are on the front line every day. Everyone needs to go to the shops on occasion, whether or not it is a successful trip, to get their supplies. Even when they are not going to the shops they are getting home delivery when they can, when it is available, when the products are available, and there are people working 24/7 in warehouses trying to make these things happen,

driving trucks, all those people. However, the people working in the supermarkets stocking shelves and manning checkouts really are on the front line.

The legislation I will be introducing tomorrow—and I am happy to talk about this with anyone on the government benches who wants to discuss it—does include retail workers. It provides penalties of up to 10 years' imprisonment for an assault or a threat on one of those workers, including retail workers, which involves the COVID-19 virus, whether the assailant has the virus or not.

This builds a little on the legislation we debated last year on the assault on police legislation. At that time we discussed—at considerable length—the spitting and coughing, that type of assault that directly affects our front-line workers. That is disgusting behaviour, of course, but it has now taken on a much more sinister twist, and we believe it should be much more severely punished in certain circumstances.

We have also flagged further legislation that gives the State Coordinator the authority to impose electronic devices on people who breach isolation or quarantine orders under the act and provides a penalty of up to one year imprisonment for removing or tampering with that device. It remains to be seen how that proposed legislation might interact with the legislation we are debating today in terms of the new powers the State Coordinator will have under the Emergency Management Act, but that is perhaps a debate for the committee stage, or perhaps even in private members' business tomorrow—we will see how we go.

That particular amendment was drafted before I became aware of this bill. Again, I am happy to work with the government on any hybrid legislation that provides that people who are required to self-isolate do in fact self-isolate, and that failing to self-isolate is properly punished. As I keep saying, we all want the same thing here: we want to keep the community safe and we want to slow and stop the spread of COVID-19.

Regarding the bill itself, I will briefly go over the provisions that affect section 25 of the Emergency Management Act. I will not criticise any of the provisions proposed but merely comment on them; any questions or comments are not to be taken as opposition. Again, I want to put on the record the obvious fact that these are extraordinary powers we are extending to the State Coordinator. They are temporary. They will be very useful to the State Coordinator in doing their job, but we should never forget that they are extraordinary. Today, we are giving the State Coordinator extraordinary powers on top of the extraordinary powers that he already has under the Emergency Management Act.

Perhaps this is a question the Attorney could easily answer in her contribution to this debate rather than at the committee stage. The bill deletes the term in 25(2)(a) 'using such force as necessary', but I would have thought that in the context of this bill, which does give the police commissioner more extraordinary powers in general, winding back 25(2)(a) or removing the reference to using any such force as necessary seems a little unnecessary, and I would like some explanation. There may be a perfectly reasonable explanation, but I would like to hear it.

The changes to the section delete the current subsection (3) and make some additions which, as I keep saying, give the police commissioner, the State Coordinator, extraordinary powers. New subsection (3) allows the State Coordinator to give directions to all people generally, power which he already has under section 2, but again that requires some interrogation. The directions must be published, and that is good.

New subsection (5) clarifies some powers and also states that the police commissioner can act, even if it contravenes certain laws. I think I understand why. I support that in this context, but it would be interesting to interrogate that a little further at the committee stage. Also, the new subsection (6) states that some people might be exempt from any direction. I can imagine the situations where that might arise, but again it would be good to get that on the record from the Attorney today before we vote on the final bill.

I flag that I might ask a question about expiation fees. The expiations seem a little low, given the emergency and given the powers vested in the State Coordinator under this new legislation. Again, there may be a perfectly reasonable explanation for why there are such extraordinary powers to limit the liberties of South Australians but then such a small penalty for those who contravene

those directions. I will be asking a question about that if I get the chance, unless the Attorney again wants to make a brief comment about that in this debate.

None of my comments should be taken as opposition to any part of this bill. We need to do all we can. We have been a constructive and cooperative opposition at every step during this crisis, as we should be. We are all in this together, and I hope that we can all work together over the next few days to come up with some very good legislation that protects South Australians from this awful disease.

**The Hon. Z.L. BETTISON (Ramsay) (15:57):** There is no doubt that we are in an unprecedented time. South Australians are looking to their elected leaders for information, for direction, for understanding and, most of all, for our safety and wellbeing. This bill is significant because of the extraordinary powers it hands to key decision-makers. Labor is supporting this bill. We know it is necessary, and we know it is important; however, we do have questions about how it will operate and when it will commence and when it is rescinded.

To defend ourselves from the unchecked spread of COVID-19, Australians are being asked to change our behaviour unlike we ever have before. Our response means that all of us play a role: staying home, socially distancing and only travelling if it is essential. If you can work from home, then you should do so. If you can supervise your children, then they can be schooled at home. We are encouraged not to visit our grandparents or vulnerable relatives unless essential for care or compassionate reasons. We are asking, as always, for people to be respectful of others, and not to hoard essential items and groceries at the expense of others less fortunate.

I have been speaking to my constituents, and the vast majority are following the messages to stay safe. Many of those people over 70 are staying home, and they have been asking family and friends to help with shopping. A visit to the doctor has been a highlight for many who are trapped in their garden, but in general they are very stoic and willing to make changes to their everyday lives. However, we have also found people who are lost in the system and need help.

As the support systems get up and running or expand to meet demand, especially the ability to order groceries to be delivered from key supermarket chains, this will relieve some of that stress. We have also seen the ability to send pharmacy medications through Australia Post. With prescriptions renewed and Telehealth available, these will assist those who are without transport and who are staying home. I will continue to reach out to my constituents, to be a voice, to advocate for them, during this very challenging time.

I want to talk a little bit about tourism. The Prime Minister, through the support of the national cabinet, has made some very significant decisions to close down industry sectors. This has particularly hit the tourism and hospitality sector hard. With the support of the banks freezing loans and access to the JobKeeper package for their employees, our best hope is that these tourism and hospitality businesses can go into hibernation and, at the end, when this is over, they can flourish again. Unfortunately, many are not sure if they will make it through that hibernation period. Their cash flow has reduced to almost zero and their bookings reduced to zero.

As I said before, they already had concerns caused by bushfires, the hit to Chinese tourists because of the outbreak of COVID-19 and now, of course, because of our decision, which was the right thing to do, to close down certain industries. Last week, the state government, through the South Australian Tourism Commission, announced a tourism support package. While I welcome this package and the diversity that the package provides, it is simply not enough. What concerns me even more is that this is from the existing budget, as I understand it. This is not new money. This is just repackaging of money that would have been spent on marketing in a normal case.

Tourism support is welcome, but much more is needed for this vital industry. Even before COVID-19, we had some concerns. We had the lowest support, the lowest confidence, in the visitor economy since 2012 and two significant announcements of cuts: \$23 million announced in 2018 and the next in 2019. This sector was experiencing a difficult time. I call upon this government, once again, to reverse those cuts. This is an important industry. It is a key employer in the state. When this time is over, we want them to flourish and we want them to be there and re-establish.

Let me turn to the specifics of this bill. The COVID-19 Emergency Response Bill 2020 is to make various temporary modifications to the law of the state in response to this pandemic. It makes amendments to the Emergency Management Act 2004, the Payroll Tax Act 2009, the South Australian Public Health Act, the Residential Tenancies Act 1995 and related others.

In relation to residential tenancies, I welcome the state's response to the public declaration by the Prime Minister that no Australian will be evicted as a result of hardship and incapacity to pay for the next six months. It is necessary for the state to make these amendments to our legislation, to enact this here. Many of my constituents are renters; in fact, in Australia more people rent than have a mortgage or own their house outright.

Those who have lost their livelihoods are understandably very nervous about their ability to make their rental payments. It is a critical form of housing in my electorate. According to the last census, there are nearly 5,000 households who are renters in the electorate of Ramsay. The need for shelter is one of the most fundamental of human rights, and that is why this is so important to South Australians. Any great society must always look after its vulnerable, so I welcome the temporary moratorium on residential tenancy evictions. Nobody should be made homeless because of this pandemic.

The provisions in the bill will offer some relief for those who are struggling to pay their rent, especially if they have lost their job or have had a reduction in income. With the announcement of the JobSeeker and the JobKeeper payments, financial support will eventually flow; however, some will miss out. There is also a time lag before these payments are received. There are, however, some questions still hanging over the bill, especially in relation to people who live in accommodation that is not covered under the Residential Tenancies Act or the Residential Parks Act.

For example, people who live in boarding house accommodation are often vulnerable people, and perhaps these are people who are forgotten in the proposed bill. The people who take advantage of this type of accommodation are often a younger demographic. Of course, we often see both local and international students in boarding house or share house arrangements.

I would like to talk briefly about international students because this is an incredibly important part of our economy and a key part of our trade services in South Australia. Prior to COVID-19, South Australia was home to more than 38,000 international students. Of course, many of us were aware that at one point about 6,500 students were stranded overseas and unable to return to start their studies in Australia. Some of them have come back, and they continue to want to come back as well.

Had they not been stranded overseas at the beginning of the year, many would still be living here and they would be looking for how we could be supporting them. Unfortunately, many of them are unable to go back to their country but at the same time face potential housing challenges here. Many of these students, including international students, work part time in hospitality, and they have lost their income. While many are supported by families back home, they contributed to their living costs through the work that they did. While the universities are putting together hardship student care packages, many students will need additional support.

I say to the government at this time that we need to consider how we protect and support this very important industry. It is very important that our international students have security of their accommodation while they are in student housing and residential colleges, and I will be asking details of this coverage in the bill. We know that the bill introduces new protections for tenants who are experiencing hardship as a result of COVID-19. It says that the landlord may not increase the rent payable, inspection of property will be via electronic means, there will be no repairs or repairs can go ahead with approval and they cannot be terminated solely on the grounds of a breach of the residential tenancy due to failure to pay rent where the tenant is suffering financial hardship.

However, another area that is also covered here is commercial leases, and I welcome the legislation amending these leases. I have had many, many calls from people in the tourism sector who have had a really difficult three months. For many of them, they do not know whether they have a business anymore. They do not know whether they will be able to hibernate and flourish again. Many of them are owed considerable amounts of money that the people that they supported simply cannot pay.

What was particularly clear to me were their concerns about their lease payments and their rent relief. They needed to know not just that the Prime Minister was saying they should not be evicted but that they were being backed up. I am pleased to see that that is in this legislation. In particular, I was approached within my electorate by the Salisbury Business Association. They approached me for two reasons: in regard to support and in regard to representation. I recently wrote to the Premier on this matter.

Their key concerns, which at that point had not been addressed, were the need for immediate commercial rent relief and having that ongoing for six months; support for landlords and leasing agents who may be impacted by rent relief; financial support to offset utilities accounts and other operational on-costs; and grants to offset income forfeited through the impact of COVID-19 on supply chains. They asked me to advocate on their behalf to our Premier.

These are the issues that they have, but in addition to this they were concerned by the lack of representation of small business on the recently convened Premier's Industry Response and Recovery Council. They have suggested that the Small Business Commissioner or potentially business associations be included on that recovery council. They feel that their voice is not being heard strongly enough. Can I just mention the role of the Small Business Commissioner. In this bill, his role is detailed quite clearly. His role of mediation, which has always been there, is better emphasised.

Recently, I was asked by a business in my electorate to advocate for him because the landlord was not accepting that he had a reduction in business and therefore would not be able to pay the rent as it was. He had already decided to approach the landlord as soon as his business was decreasing in numbers. He was down to about 30 per cent of his takings that he had had previously, but the landlord at that point was unclear about any necessity for him to reduce the rent. My office called the Small Business Commissioner, and I have to say we had excellent service. They did a fantastic job providing advice and support.

What I seek from the Attorney in this bill is additional support and more money to run the small business commission. I think the commissioner will require that because he is going to be swamped. I think he is going to have a lot of small businesses going to him who, with the best intentions, have not been able to mediate with their landlords. Let me be clear: I understand that everyone is impacted, not only the company, workplace or business that is paying rent. We often have property managers in the middle, who are trying to support what the landlord requires and needs. We are all in this together.

The legislation before us today gives some protections, and I welcome that, but I think that the Small Business Commissioner will have increased needs. Those in the tourism area will welcome this legislation, but it is only the start of the support that they need. There are many challenges facing government at this time, and everyone understands the enormity of this unprecedented situation. If businesses, small and large, and households cannot find their way through to the other side, we are likely to see a rise in poverty, unemployment and social decline not seen in Australia in my lifetime. It is a cold, hard reality.

This bill is significant. We are placing our trust in this government. We are giving them unprecedented powers to deal with an unprecedented social and economic situation. We will not get the benefit of second chances and we must not leave anyone behind.

**The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (16:14):** I wish to thank all those who have contributed to the second reading of the bill. There have been a number and they have been heartfelt and I think really do reflect the community's concern about our current situation in this pandemic and the circumstances that surround it. There are concerns about that; however, I think that, based on some comments made by contributors to this debate in the parliament, there is also a confidence in the government, and that is good. We need to be able to work together to ensure that we are going to get South Australians through this, and that is part of our responsibility.

In response to the member for Lee, who I think described the possibility of parliament not sitting as it might become an inconvenience, I indicate one thing, and let me be abundantly clear: it is this government's position that we are not seeking to remotely manage parliament. We have not

presented in this bill or at all any proposal to change the state constitution. We are mindful of the fact that we can operate as a parliament with a minimum of 17 members of parliament in this house and a quorum of 10 in the Legislative Council, and that is precisely what we intend to continue to do. We respect and recognise the purpose and benefit of the parliament in not only its role but also its oversight role of executive and other aspects of law in our state.

We intend to continue, unlike a number of other parliaments around the country, Liberal and Labor alike, who have taken the step of simply adjourning for six months or so and not proposing to sit. The comment was made, for example, of the commonwealth proposing this and then finding that they would need to activate parliament for the purposes of passing legislation, which on all accounts of the media, is actually what is happening, which is good. An extra \$130 billion is well needed at this point, so that is excellent.

But make no mistake that, for all the reasons explained by the Premier, in this state we are fortunately in a position that is at the high end of addressing concerns, providing protections and realising the dream, which is to flatten the curve. Therefore, we as a government feel very strongly that, where possible, this parliament will continue to operate.

The only exception to the provision of parliamentary oversight is the aspect in this bill that relates to the Public Works Committee. It is for the reasons that we have explained, but I am happy to further explain in the committee if required. Approvals in this state are a very essential part of the process of infrastructure. Unlike a lot of other states, where a \$4 million cap on infrastructure is almost disbursement money, a number of these that have parliamentary oversight are at the sort of \$50 million threshold, but we have it starting at \$4 million and we respect that.

In the bill, we are seeking to enable the committee to, firstly, be able to meet through audio links; secondly, be able to provide its reports to the parliament with immediate publication if that is the committee's wish; and, thirdly, in certain circumstances, be able to truncate that process, after it has met and at the expiration of five days, to be able to introduce a hastening of that process. With that exception, we are committed to continuing to operate.

In relation to the contribution of the member for Kaurua in his role as shadow minister, I will not answer all of that. I hope that this year he is going to get his own influenza shot. I remember when he was a young fledgling adviser to a former minister for health in this parliament he had not had his shot. I reminded him of the importance of it and that, as a very senior adviser to the minister for health, he should get his flu shot. He apparently promptly went down and did it because he proudly told me later that he had done it, so I am really pleased about that.

I hope that he has a long and happy life for the benefit of his own family as a result of his annual flu shots. It is probably the only advice he has ever taken. I think we need to take the advice, not of me, but of our health professionals in relation to this. In all seriousness, this is an important part of what we need to do here. We need to set an example, whether it is from washing our hands to not visiting the regions. These are the things on which we need to take careful advice from those who know what they are doing in this area.

There are other aspects which I could make comment on, but there were a couple of matters raised which I think I could easily respond to. One was made by the member for Hurtle Vale in relation to employment opportunities for casual nurses, some of whom were her friends, who are employed in the private hospital sector and are—

*Mr Picton interjecting:*

**The Hon. V.A. CHAPMAN:** Well, no. This is in relation to her contribution, thank you member for Kaurua. In her contribution, she was talking about those who were in the private sector who were immediately vulnerable income-wise because they had lost shifts, and that is fine. I just remind her that the Premier has indicated that the Department for Health now has signed up an extra 1,000 nurses to come back to be retrained to be able to assist in future work. Should she have any nurses in either her friendship group or her electorate, I would urge her to look at those opportunities. Some, of course, may want to just keep themselves available for private sector work.

If that is the case, I remind her of another announcement by the Premier, confirmed again today, that as a government we have signed a historic agreement with the private sector for them to

be able to supplement the COVID-19 response. Qualified nurses are there. They are valuable. They are like gold at the moment, so we want to be able to give them every opportunity for employment. If they want to look at other activity, there is the Jobs Hub which is a new commonwealth initiative to tell all Australians about what else they can do to look for different employment in a time when some jobs are lost, for example in hospitality and tourism. We have heard all about that today. Some have been absolutely smashed and we need to be able to encourage, retrain, assist, relocate if necessary and re-employ where possible.

I think the member for Ramsay mentioned that she was concerned that rental relief may not relate to some of the boarding houses. It does. I just want to be clear about that. She raised another matter, which has immediately skipped my mind, but no doubt in committee she will ask me again about that. I will also say that, while this has been going on, I have had some conversations with the members representing the opposition, the independent member for Florey and the independent member for Frome to consider some amendments.

I will try to summarise the position. Firstly, in relation to the independent member for Florey, I propose to foreshadow an amendment, which has been prepared because I have seen the draft of it, so it has been distributed, which will provide for a cessation of the emergency arrangements for the period of the declaration or six months, whichever is the latter. We have the authority to propose that. I know that the member has looked at the six months option as an immediate cut-off which means we would come back to parliament.

Members would be aware that the bill that is before us basically has, except for some items in schedule 3, a cessation of its application at the end of the period of declarations for this COVID-19. Whether that is three months or six months or nine months, we do not know. It is a matter that is actually in the hands for a determination to be made by the Coordinator, the police commissioner, to be the Coordinator in those circumstances.

I want to inform members that we had looked at this question of having a six-month cut-off and then coming back to parliament, but we really moved away from that in proposing this bill because it might only be three months. We were happy for it to be cancelled out at six months, but in this instance we are proposing another option. Secondly, I have foreshadowed and seen published an amendment from the member for Florey about a capacity for the Legislative Review Committee to suspend the operation of a regulation that is not agreed to.

Thirdly, it has been foreshadowed to confine major emergencies for only one period of 14 days post the original announcement, and I indicate that will be opposed. In relation to the matters the opposition raised, there were two things that we consider to be of merit—I am sorry; it is only one now I think of it. It is probably because the member for Florey had almost taken the steam out of some of this proposal.

In relation to the question of appointments and the expansion of those in the COVID-19 environment—that is, someone whose term of office comes up during these next few months and we do not have time to advertise, or people are too busy to be able to apply, all reasons that it might be reasonable to extend—I appreciate the indication from the opposition that they will support this, but there should be a time limit on it, and I indicate that one of our proposed amendments will be a six-month time limit on that.

I just want to get on the table what we are doing. I know it is a little out of order in relation to the second reading, but I know they are coming. The sooner I can let you know what is at least agreed, the sooner we can target areas of concern that might otherwise have needed to be addressed in committee. I would also like to place on the record my appreciation to a number of people who have assisted in us being able to pull together urgent legislation, bearing in mind, as one of the contributors has indicated, this is not the first COVID-19 legislation and it probably will not be the last.

We are already receiving some requests from industry and stakeholders to either seek relief or have reform. They have not been seen to be as urgent as what we are dealing with today, but they are certainly coming and we will obviously need to give them consideration. If we think they need to be considered by the parliament, then of course we will bring them to the parliament in the

next period, which we expect to still be the next sitting in May. Nevertheless, we are still working on those things and we will progress them.

Bringing this large lot of work together has involved a significant amount of work in consulting with and seeking the advice and hearing the proposals of the police commissioner as our State Coordinator. To do that, we have had the services of the Solicitor-General, the Crown Solicitor, his team, Legislative Services, and parliamentary counsel, who have been in the mix as well, all working overtime to be able to bring together this type of legislation.

I can tell you right now that, whilst we have not been able to consult with lots of people we normally would in the progress of any bill—stakeholders, as such, and industry—we have noted the position of the Prime Minister and the federal council on the importance of providing relief in relation to residential, commercial and retail tenancies. We have listened to the public advocate, Ms Anne Gale, and consulted with her in respect of the Guardianship and Administration Act amendments to deal with both the protection and support of those with mental illness and their accommodation providers.

We have had extensive consultation with the Coordinator, the police commissioner, Grant Stevens, in relation to the things that he sees as important. No less important, obviously, is that there has been consultation with the Auditor-General whose powers and relief in this bill need consideration. I have also consulted with the Chair of the Public Works Committee, and indeed members of staff here at the parliament, to try to make sure that we are able to consider even basic things like who, when, where and how people can meet with audiovisual facilities.

With that, a big thanks to all those people for stepping up and indeed to my own parliamentary team for coping with the fact that quite comprehensive legislation is being presented in relatively short time frames, which again the opposition and crossbenchers have had to accommodate. The shadow minister, for example, the Hon. Kyam Maher in another place, who probably does not really like getting texts, emails and phone calls from me on weekends, has nevertheless been very accommodating in that regard as well.

Bill read a second time.

*Committee Stage*

In committee.

Clause 1.

**Mr PICTON:** In relation to this bill, I understand that the government has referred to this as being part of its strong plan, and the Premier has referred a number of times to the government's plan to deal with COVID-19. I am just wondering whether the Attorney can outline exactly what plan that is referring to. Is that the SA Health Viral Respiratory Disease Pandemic Response Plan, including influenza, COVID-19, SARS and MERS, version 6, March 2020? Is that the plan that the government refers to, or is there another broader whole-of-government plan that the Premier is referring to?

**The Hon. V.A. CHAPMAN:** The question is a little bit general, but there are two plans in existence, as best I know. One is the one you have just referred to, which of course has a profile in relation to health management in a pandemic, and you are familiar with that I am sure. The second is a state management plan, which is under the Emergency Management Act—I do not know whether I have the correct title. There is a plan. I cannot answer the question in a general way, but he may well be referring to that on some of the occasions that you say that he has referred to a plan.

**Mr PICTON:** In relation to the state emergency plan, is that the plan that has been in existence for some time to deal with a range of different emergencies, or has there been a significant variant of that which has been determined and revised in relation to COVID-19?

**The Hon. V.A. CHAPMAN:** I am just finding in the act where it is, but there is a provision under part 1A of the Emergency Management Act 2004 for a State Emergency Management Plan, and quite possibly, member for Kaurana, you were in some way involved, even as an adviser, in its preparation under the previous government because it has been around for some time. It is a bit of a worry, isn't it—someone who didn't even get an influenza shot.



In any event, in 2004 the act passed—so it is 16 years ago—and from that a plan has developed. I think the one we currently have has been in existence for some years, but I am going to get the Crown Solicitor to have a look at the date for you. It is probably on the website. We will come back to you on that. Do you have another question?

**Mr PICTON:** So it has not been revised for COVID-19 disease?

**The Hon. V.A. CHAPMAN:** No, not that I am aware of. I do not think so, no. I am getting noes.

**Ms COOK:** In relation to the creation of the bill, I just want to check in to see where you have actually consulted in relation to the tenancy components. What peak bodies have you asked, and have you met with anyone with lived experience in relation to this, any groups in the community, in order to inform the impact of these changes on them?

**The Hon. V.A. CHAPMAN:** As I have indicated, in short these initiatives were developed as a result of the federal cabinet meeting. I think they call it a federal council, actually, but whatever it is obviously it is the Prime Minister and the premiers around the country. The announcement on 29 March was that it needed to be done. The member would be very well aware there were already concerns at that stage (over week ago now) from people who had lost their employment, and from that their concern both about their capacity to pay for their homes and their shops and offices. It largely came out of that cohort.

My understanding is that the Treasury office, which is now managing the question of how it is going to work in the sense of financial relief, is dealing with what I would call the usual stakeholders, but I cannot give you any more information than that. I am advised there is the Small Business Commissioner, of course, who I have spoken to a lot about these matters. That was the other matter that came from the member Ramsay, who was concerned that the Small Business Commissioner might need more resources. Let me assure the member that I have discussed those issues with him and, at his request, he is transferring some of his people who usually do other duties across into his team for mediation. That is underway.

There is also the Commissioner for Consumer Affairs, who is waiting patiently here to assist us further if you need anything else and, of course, Treasury, who I have referred to.

**Ms COOK:** To clarify, you have not had any of the peak body groups represented or people with lived experience in the past week as the bill has been produced? There has been no consultation with any of those people regarding any of the components of the bill?

**The Hon. V.A. CHAPMAN:** I think the member will find that many of those have been consulted, but not by me. Even the Small Business Commissioner—is he here? It does not look like he is—Mr Chapman, has convened industry groups, small businesses, those types of people who obviously have very lived experience of people who are facing eviction.

**Ms COOK:** Sorry, I think you have misunderstood me, Attorney—

**The CHAIR:** Member for Hurtle Vale, are you seeking clarification?

**Ms COOK:** Yes, I am seeking clarification. I am specifically referring to the rental component for residential properties, and I am talking about people with lived experience of rental and financial stress as well as other people who advocate in the sector, such as Shelter SA, SACOSS, any of those people. Have you consulted with them in the bill's construction to measure any unintended consequences?

**The Hon. V.A. CHAPMAN:** No, but I have had a number of conversations with Justice Judy Hughes, the president of SACAT. As you know, that is the body that has the Residential Tenancies Act responsibility to manage tenancies in the residential sector. She has been very mindful of the circumstances there; she is the one who has to deal with them. I am also advised that there has been a representation from Shelter SA, and someone from my department has spoken to REISA.

**Ms COOK:** I am not sure which question this is. Is this No. 2 because I have only had clarifications?

**The CHAIR:** You have had 2½. I am calling this No. 3.

**Ms COOK:** Has the government sought any public health advice in relation to any enhanced COVID-19 risk for any person who might be evicted from a property outside of the rules that are being put in place to stop evictions?

**The Hon. V.A. CHAPMAN:** I think I understand the question. Certainly, the government is getting a lot of advice in relation to health matters and accommodation. In fact, if I were to give you an example, and I hope this helps, Judge Hughes reported that there was a case that came before her where there had already been an order for eviction—and I assume that was by the court—and the police officer, who was involved in relation to the eviction in a general way, was cognisant of the direction that had been issued in relation to the occupant needing to be in isolation and, accordingly, had declined to in some way enforce the terms of the order.

So these types of things are already out there. They are lived, real things happening. It was a classic example of the tension between the need to lawfully enforce failures to pay rent and the need to deal with the restrictions around social isolation and the like for the COVID-19 directions. The third factor is that we now have this huge level of unemployment with the financial consequences.

**The CHAIR:** Member for Kaurna—who we now know did have a flu shot in 2004, or thereabouts. Was that the year?

**Mr PICTON:** I think I would need to provide a personal explanation, Chair. This is 14 years ago. The Deputy Premier is obsessed with the timing of my flu shot. I am very regular now in terms of getting my flu shot. I have a more up-to-date question: in relation to the government's response, who has undertaken the modelling for the state government in terms of the modelling of COVID-19 cases and the responses that the government could take, and its impact upon cases in South Australia?

**The Hon. V.A. CHAPMAN:** I have no idea who has undertaken that. I am assuming that is in relation to the Department for Health modelling for the purposes of questions that were raised with the Premier today?

**Mr PICTON:** One would hope that is the path.

**The Hon. V.A. CHAPMAN:** I do not understand the detail of the question. I do not think it is relevant to anything here. However, I think that the Premier did indicate to you that firstly there was modelling done for the national body. It had been released, and further modelling was now being looked at for consideration at the national level and he expected that would be released. I have not seen it, nor do I know the name of the author.

**Mr ODENWALDER:** My question is in clarification of an earlier question by the member for Hurtle Vale. You said that Shelter SA had made a contribution, a submission of some sort to your office, regarding some of the measures here. Can you give us an indication of what they said in their submission and what your response or the response of your office was to their concerns?

**The Hon. V.A. CHAPMAN:** No, I cannot.

**Mr ODENWALDER:** I do not understand, sorry?

**The Hon. V.A. CHAPMAN:** You asked me whether I could give you an indication of what is in them? I cannot give you that. It did not come to my office. I did not say that. It would have been received, apparently, with the department. I have not seen it so I cannot tell you, no.

Clause passed.

Clauses 2 to 5 passed.

Clause 6.

**Ms BEDFORD:** I move:

Amendment No 1 [Bedford-1]—

Page 4, line 17 [clause 6(1)(b)]—Before 'must' insert 'subject to subsection (2a),'

This is the first of six amendments. I indicate that this amendment is linked with the next amendment, so amendments 1 and 2 are contingent. In essence, what this means is that if the government believes the emergency provisions in this bill require extension beyond six months, this parliament will have to reauthorise that by further legislation. This is in addition to the other aspects of the bill that make it clear that powers must not continue beyond the extent of the emergency declarations under the Emergency Management Act.

This means that if the emergency is shorter than six months the government can terminate the emergency powers once the emergency is lifted. That is already provided for in the bill. On the other hand, if the emergency lasts longer than six months, the government would need to return to parliament for reauthorisation of these powers. The powers conferred by the bill are highly extraordinary. They should not be available on an indefinite basis, and it is appropriate they be reviewed in six months' time if there is a need for them to be extended.

We on the crossbench do not want to stand in the way of these extraordinary measures, but we are concerned to ensure there is a time limit on these powers that represent a major incursion on civil liberties. The question of any sustained need for ongoing intrusion on civil liberties lies in the hands of this parliament, the principal democratic assembly of this state. As I said, amendment No. 2 is consequential and therefore I commend both amendments to the committee.

**The Hon. S.C. MULLIGHAN:** I indicate that the opposition will be supporting the member for Florey's amendments to give effect to a hard time limit, if I can put it like that, rather than the way in which the bill is currently presented, where there is discretion for the government and discretion for the minister to determine when these provisions in the bill will cease to have effect. I think it gives far greater comfort not only to the parliament but presumably also to the broader public that these extraordinary measures will not continue on or are unable to continue on for an infinite period or a period beyond which they are strictly required. I think it would be a welcome demonstration of good faith for the government to support the member for Florey's amendments in this regard.

**The Hon. V.A. CHAPMAN:** I indicate that the government opposes the proposal. As indicated earlier, the government had considered in fact making all of these initiatives expirable after six months, which is the tenor of what is being proposed here, but felt that there would be an objection by the parliament on the basis of, 'What if the declaration of emergency only lasts three months? Why would we need six months?' We therefore drafted and presented it on the basis that there would be this provision, that it would conclude essentially at such time as the police commissioner, as the Coordinator, felt there was no justification for it continuing to be a declared emergency. That is why we proposed it in the current bill.

As indicated, I foreshadowed a proposal to suggest that it still includes a six-month clause to enable us to have a six-month cut-off in the circumstances, as is proposed, even if the time is earlier. By the declaration, it would still go to the six months. But if the declaration period went for seven months, that would be the latter, and that is the foreshadowed amendment. In the event that the member's motion fails—it may not, of course; it may well pass—I foreshadow that I have 28(4) as a tabled amendment.

**Ms BEDFORD:** My understanding, if I look at your amendment, which is No. 4 standing in your name, you have the words 'whichever is the later'. Having listened to what you are saying, you mean 'later' and not 'earlier'. That is where we do not understand what you are doing because we do not accept that is the tenor of it.

**The CHAIR:** Attorney, before you begin, member for Florey, I point out that we are discussing your amendment at this stage.

**The Hon. V.A. CHAPMAN:** I realise that, Mr Chairman. With respect, if the member was satisfied with my foreshadowed amendment, she may withdraw; on the other hand, she may wish to insist. This essentially would mean that, in the event that the declaration period lasted three months, the terms of these orders would still go to six months, which is consistent with the member for Florey's amendment. If, however, the declaration period went for seven months, then these new laws would expire at the end of the seven months, so there would not be an automatic six-month trigger to come back to parliament. That is what this amendment does.

**The Hon. S.C. MULLIGHAN:** It certainly would give greater comfort to the opposition should the proposition put forward by the member for Florey be adopted rather than what has been put forward by the Attorney, and the reason is simple: the way in which the Attorney has foreshadowed her amendment is that the earliest it could expire could be six months or it could be at any point later than six months. That is precisely the opposite of the desire that both the opposition and the member for Florey have expressed. We would like a hard deadline of no more than six months from the bill's commencement. I think that is entirely reasonable.

In that regard, the proposition that was foreshadowed by the Attorney really does little to the effect of the bill, as it is unamended, which also has the capacity to enable these legislative changes to run on ad infinitum, without limit, until the minister at some point makes a determination that they should end. In my view and in the opposition's view, that is unacceptable. We should have a hard deadline of six months. If it proves to be three months, well, terrific. However, it should not be an absolute bare minimum of six months or at any point after that period, which is what the Attorney is foreshadowing.

So I reiterate my support for the member for Florey's amendment. I think it gives far greater comfort, given the extraordinary and unprecedented powers that are being asked of this parliament by the government.

The committee divided on the amendment:

Ayes ..... 13  
 Noes ..... 13  
 Majority ..... 0

#### AYES

Bedford, F.E. (teller)  
 Brown, M.E.  
 Hildyard, K.A.  
 Mullighan, S.C.  
 Picton, C.J.

Bell, T.S.  
 Close, S.E.  
 Koutsantonis, A.  
 Odenwalder, L.K.

Bettison, Z.L.  
 Cook, N.F.  
 Malinauskas, P.  
 Piccolo, A.

#### NOES

Chapman, V.A. (teller)  
 Knoll, S.K.  
 Sanderson, R.  
 Teague, J.B.  
 Wingard, C.L.

Cregan, D.  
 Pederick, A.S.  
 Speirs, D.J.  
 van Holst Pellekaan, D.C.

Gardner, J.A.W.  
 Pisoni, D.G.  
 Tarzia, V.A.  
 Whetstone, T.J.

#### PAIRS

Bignell, L.W.K.  
 Ellis, F.J.  
 Duluk, S.  
 Luethen, P.  
 Michaels, A.  
 McBride, N.  
 Wortley, D.

Harvey, R.M.  
 Brock, G.G.  
 Cowdrey, M.J.  
 Hughes, E.J.  
 Patterson, S.J.R.  
 Szakacs, J.K.  
 Power, C.

Boyer, B.I.  
 Basham, D.K.B.  
 Gee, J.P.  
 Marshall, S.S.  
 Stinson, J.M.  
 Murray, S.

**The CHAIR:** There being 13 ayes and 13 noes, the vote is tied. I give my casting vote to the noes.

Amendment thus negatived.

**The Hon. V.A. CHAPMAN:** I think members of the committee are aware of the previous debate, so I move:

Amendment No 1 [AG-3]—

Page 4, lines 24 to 27 [clause 6(2)] —Delete subclause (2) and substitute:

- (2) The day fixed by the Minister for the purposes of subsection (1)(b) must be—
- (a) the day on which all relevant declarations relating to the outbreak of the human disease named COVID-19 within South Australia have ceased (provided that the Minister is satisfied that there is no present intention to make a further such declaration); or
- (b) the day falling 6 months after the commencement of this section, whichever is the later.

I have already covered this in the previous consideration.

**Mr PICTON:** Basically, we have had a proposal from the member for Florey that there should be more parliamentary scrutiny and, effectively, a sunset clause so that if the measures and the emergency have not expired by six months, then they should expire and parliament should be brought back to re-endorse those measures. Obviously, it has not gone through.

The Attorney is now seeking to do the reverse of that, which is to say, as I read it—and I seek her clarification—that even if the measures have expired they would still be in place for six months; is that effectively what the Attorney is doing now? Why, therefore, is the Attorney proposing to have a worse situation than her original bill that she proposed to the parliament, in that there is less scrutiny and this would be in place for longer than would actually be necessary?

**The Hon. V.A. CHAPMAN:** It is the government's position that it is important that, during the period of the declaration, these rules apply. The previous position had been that we have it at six months, acknowledging that a period of declaration of emergency may be shorter. We accede to the desire to have a six-month period on the basis that, should the declaration go past that time, that would continue.

Notwithstanding what the member for Lee has previously advised the parliament, it is not a discretion of a minister to decide when the declarations finish. When the declarations are finished, which is a matter in the hands of the Coordinator, it will cease. They are the terms of this, so it is not a question of it just going on forever. It is a minimum of six months, or such time as the declarations cease that go past that, but they are automatic and they are not discretionary. I hope that reassures the member for Florey, even if it does not accede to the others. I put the amendment.

**Mr PICTON:** Luckily, the Attorney does not get to put the amendment until we have had the opportunity to scrutinise it. What does the Attorney believe is the necessary requirement? None of us know when this emergency may be over and when either the State Coordinator or the Chief Public Health Officer shall determine that this emergency is over. Hypothetically, which is necessary to think about for the purposes of this, say that that emergency is over in four months. Why is the Attorney now saying that these provisions should extend for six months if it was over in four months? What does the Attorney believe would be necessary, and what would be the rationale, for these emergency measures to be in place for those extra two months, rather than the original bill that she presented to the parliament this morning?

**The Hon. V.A. CHAPMAN:** In answer to the first question, that is a matter for the State Coordinator—that is, the police commissioner—to determine the factors that he takes into account in seeking the declaration to be made under the act. In relation to the second matter, because clearly the parliament was at one in saying, 'You can have it up to six months, even if it is under the proposal; that is the cut-off time,' we have taken it.

**The Hon. S.C. MULLIGHAN:** It really is the most remarkable turn of events that we have witnessed here, because the Attorney has managed to take a genuine desire from the member for Florey, echoed by the opposition, to have, as the member for Kaurna says, a sunset clause, or as I referred to earlier as a hard deadline, for these powers of no more than six months and turn it into the bare minimum rather than the absolute maximum. I think that can be referred to as the big Winston Churchill salute to those of us sitting on this side of the chamber.

It is remarkable because it does not have the effect of limiting the application of these measures in the bill. In fact, what it does enable is for these provisions to continue. I understand what the Attorney is saying, in that she says that all of this hinges on whether the police commissioner, who is the State Coordinator, deems that his declarations no longer need to be in force and there is no discretion for the minister. There is a discretion for the minister. There is a discretion for the minister in that same part of that same clause, which states:

The day fixed by the Minister for the purposes of subsection (1)(b) must be the day on which all relevant declarations relating to the outbreak of the human disease named COVID-19 within South Australia have ceased...

In that respect, she is correct, but it does not end there. It continues:

...(provided that the Minister is satisfied that there is no present intention to make a further such declaration).

So it does not end there. The whole beef that we have with the operation of this act is that it is discretionary for the government in those circumstances to say, 'We believe that maybe a further declaration may be required.' It is not for anyone else's belief; it is the minister's belief. The minister, as part of cabinet forming this government, may make a decision to continue the application of these measures, and that is why we take umbrage with the current bill having no sunset clause or fixed limitation and that is why we take even greater umbrage at what the Attorney is now putting in the form of an amendment that there be a bare minimum period of six months.

We all hope that COVID-19 is similar to the aliens from *War of the Worlds* and that suddenly we are going to wake up one day and they will all fall down because they do not like the conditions any more. I think we can all be confident that is not going to be the case, but it may be the case, and at that point it may need to be less than six months, well under six months preferably.

If that does not occur, then we should have a hard deadline, a sunset clause, of six months. I do not know why the government is now basically rubbing the member for Florey's and the opposition's nose in it by making six months the bare minimum rather than the absolute maximum. So I indicate that we certainly will not be supporting the Attorney's amendment because all it does is prolong the application of these legislative changes contained in this bill for a minimum period up to no maximum. That is not acceptable.

**Ms BEDFORD:** This is exceptional. I foreshadow that I am going to move an amendment to the Attorney's amendment to replace the word 'later' with the word 'earlier'.

*The Hon. V.A. Chapman interjecting:*

**Ms Bedford:** It doesn't matter. This is not the tenor we had our meeting this morning.

**The CHAIR:** Member for Florey, could you stand up when you are speaking, please? From what I understand, you are moving—

**Ms BEDFORD:** I had finished speaking, sir. I am sorry if I had not been succinct enough. I am going foreshadow that I will be proposing an amendment to change the last word in the amendment standing in the name of the Attorney-General from 'later' to 'earlier'.

**The CHAIR:** You would like to move an amendment to the amendment.

**Ms BEDFORD:** That is correct, sir.

**The CHAIR:** Could we have that in writing, please, member for Florey?

**Ms BEDFORD:** There it is in writing—perfect. I move:

Remove the word 'later' and replace with 'earlier'.

**Mr PICTON:** I will second it.

**The Hon. V.A. CHAPMAN:** I am happy to agree to it so that we can just get on with it, because it is just a waste of time.

**Mr PICTON:** Do you agree to it?

**An honourable member:** It is not a waste of time.

**The Hon. V.A. CHAPMAN:** We will agree to it just to get on with it. I am happy to do it.

**Ms BEDFORD:** If we had understood each other this morning, we would not be doing this now.

**The Hon. V.A. CHAPMAN:** We might as well go back to the original bill, but if you want to do it I am happy to second it.

**The Hon. S.C. MULLIGHAN:** No, this is better than the original bill.

**Ms BEDFORD:** You are happy to second it?

**The Hon. V.A. CHAPMAN:** Go back to the original bill?

**The Hon. S.C. MULLIGHAN:** No, this is better than the original bill.

**The Hon. V.A. CHAPMAN:** Okay, thank you. It has been seconded, so let's get on with it.

**The Hon. S.C. MULLIGHAN:** The member for Florey's amendment to your amendment is better than the original bill.

**Ms BEDFORD:** We are happy to accept that, if you are happy, then we can move on.

**The Hon. V.A. CHAPMAN:** That is right. That is what I am saying.

**The CHAIR:** The member for Kaurua is wishing to speak to the amendment to the amendment.

**Mr PICTON:** Correct. This amendment to the amendment has the support of the opposition. This is a very reasonable request that ensures that there is parliamentary oversight of this matter and not in place longer than they actually need to be.

**The CHAIR:** Attorney, do you wish to contribute to this part of the debate?

**The Hon. V.A. CHAPMAN:** I will place on the record that, as I indicated earlier, we will agree to it.

Amendment carried; amendment as amended carried.

**Ms COOK:** In terms of the end of this, which has now clearly changed or may change—at some point there will be an end, irrespective of how this goes through. In reference to people who have had conditions applied to them under the act in respect of the paying of rent, be it a commercial, residential, SRF or residential park tenant, at the end date of this particular bill, if they have had these rules applied and have had waiver of rent but have accrued debt because of this, do they then still have this debt and immediate effect of hardship after the finishing of this bill?

**The Hon. V.A. CHAPMAN:** There are two elements here. One is this whole regime gives protection and relief from eviction and increase. There is a net debt, at the end of the day. There still has to be a threshold to establish that that debt is something they need to have relief from and that has to have a hardship threshold. In dispute, if it is not resolved, there can be SACAT determination of that.

What is missing from the whole package here is who, of the taxpayers, state government, federal government or banks, is going to meet that. These are all the things that have to be sorted out at the national level—whether there are some conditions under which there is an eligibility for any of the parties to get relief from that pool of money. The issue about who of the taxpayers and who in the industry are going to be paying for that shortfall once those thresholds have been met is still being nussed out nationally.

Clause as amended passed.

New clause 6A.

**Ms BEDFORD:** I move:

Amendment No 3 [Bedford–1]—

Page 4, after line 35—After clause 6 insert:

6A—Power to suspend regulations

- (1) The Legislative Review Committee may, by notice in writing given to—
  - (a) the Minister; and
  - (b) each of the Presiding Officers of the Committee's appointing Houses, suspend the operation of any regulation made under this Act for a period commencing on the day on which the notice is given to the Minister and ending—
    - (c) at the end of the next parliamentary sitting day; or
    - (d) if, on the next parliamentary sitting day, a notice of motion is given in either House of Parliament for a resolution disallowing the regulation—when the House resolves to disallow the regulation or when the motion is defeated.
- (2) A regulation that is suspended under this section has no force or effect during the period of the suspension.
- (3) To avoid doubt, if a period of suspension ends by operation of subsection (1)(c) or when a motion of disallowance is defeated, the regulation comes back into operation at the time at which the period of suspension ends.
- (4) The Minister must ensure that the following are published in the Gazette forthwith:
  - (a) a notice given to the Minister under subsection (1)(a);
  - (b) notice of the cessation of a suspension by operation of subsection (1)(c);
  - (c) notice of any disallowance or defeat of a motion under subsection (1)(d).
- (5) In this section—

*parliamentary sitting day* means a day on which both Houses of Parliament are sitting.

This amendment permits the Legislative Review Committee to suspend any emergency regulations made under this bill during the emergency period. This recognises parliament may not sit often enough during this emergency.

While we applaud the government's intention to keep parliament sitting in a limited capacity, it is possible we will need to shut down the parliament at some stage in this quickly changing environment. Indeed, the national cabinet has recommended all parliaments adjourn for six months, although here in South Australia the state government has decided not to do so at this stage—a decision that we on the crossbench welcome.

Suspension of a regulation under this amendment would only be until the next sitting day of the parliament, allowing a motion of disallowance to be moved. If such a motion were to be moved, the suspension continues until that motion is determined. If not, the suspension expires at the end of the sitting day. This is a simple measure to make sure scrutiny of regulations can be maintained as we move through this extraordinary pandemic crisis. I commend the amendment to the house.

**The Hon. V.A. CHAPMAN:** I indicate that the government does not agree to this for the reasons I have outlined. To be absolutely clear, this would give the Legislative Review Committee, which I would suggest to the parliament does not have the responsibility to suspend a regulation, whole new powers to do that. That is a matter for the parliament and it has its appropriate procedures to follow in the event that they wish to challenge the continuation of a regulation. For those reasons, this is not agreed to.

**The Hon. S.C. MULLIGHAN:** I indicate the opposition's support for this amendment, unusual though it might be in the context of how regulations are usually disallowed. Given that we are in uncharted waters, so to speak, and may be further away from normal in the coming weeks or months if restrictions on the community and in turn us become more severe, there should be a mechanism if there are regulations in operation that are not allowing or assisting the community weather the impacts of the coronavirus as well as possible.

There should be some mechanism that would enable the parliament to make its view known about the operation of regulations and whether they should be suspended. I think the Legislative Review Committee is equally composed of members of the government and members of minor parties and the opposition. If the government wanted to ensure that the Legislative Review



Committee did not do something unhelpful or untoward, it would not be unreasonable to make it known in that format. I do not think this is necessarily unreasonable.

I did take heart from the Attorney's closing comments on the bill that it is the government's intention to maintain parliamentary sittings. I think that is a positive. I think having the parliamentary sitting weeks continue as scheduled and ensuring that in each week we have three question times, for example, is a good thing. If, for example, declarations were made by the State Coordinator (the police commissioner) which mean that, in effect, it would be impossible for the parliament to sit, then having some sort of safety valve like this would be appropriate. For those reasons, we indicate our support for the member for Florey's amendment.

**Mr TEAGUE:** Having heard the member for Florey's preamble in relation to the amendment, it sounded like there was a proviso or threshold around parliament being shut down. I also note the contributions of the Attorney and the member for Lee. Given that it is not the position—the proviso might not have been met—the amendment might be moved on another occasion in those circumstances?

**Ms BEDFORD:** Can I respond to that?

**The CHAIR:** Yes, absolutely. The member for Florey has the call.

**Ms BEDFORD:** I am quite happy for this to go through on the voices rather than a division, but it is an important thing. We do not know what is going to happen tomorrow, member for Heysen, so I do not know what is going to happen in the future. There is really no point in agreeing to something I do not know about.

If the point is about parliamentary scrutiny, as long as parliament is sitting clearly there is no issue, but we do not know what is going to happen. While we are dealing with hypotheticals—and I appreciate that all members are accepting of that—as it stands, that is what I am putting to the house. I am quite happy for it to go through on the voices, whichever way it goes.

**Mr TEAGUE:** I thank the member for Florey for her response. My understanding is that, as presently advised, there is no shutdown. I am happy to go on the record to say that I am certainly in favour of parliament continuing to sit insofar as that is able to continue to happen. As presently advised, that is the situation.

Perhaps it might also be opportune to put on the record that, as a member of the Legislative Review Committee, I indicate that the Legislative Review Committee, for example, is meeting in the ordinary way tomorrow, as it normally does at 9.30 on a sitting Wednesday. I am pleased to report to the house that it is so far so orderly, for want of a better description.

While I am on my feet, I will also make the observation—and I am sure this is not lost on the member for Florey—that this amendment would alter the ordinary work of the Legislative Review Committee in a sufficiently fundamental way. It might be a convenient body to repose these executive powers in, but it certainly is not the ordinary work of the Legislative Review Committee when it goes about consideration of a disallowance, for example, to consider the merits. This amendment would appear to presuppose that the Legislative Review Committee would somehow temporarily be placed in both an executive capacity and in the role of some sort of tribunal on merits review.

**Ms BEDFORD:** The member for Heysen's remarks are of course pertinent to all of this, but other people are being given extraordinary powers and asked to do extraordinary things, and I think the extraordinary body of the Legislative Review Committee would be up to any sort of decision we would need to have made, which is not necessarily to puff you up, sir, but to make sure that we have oversight of these things with an elected group of members rather than appointed people, however august and esteemed they may be.

**The Hon. S.C. MULLIGHAN:** Indeed, it is the presence of the member for Heysen and the member for Kavel that I think provides sufficient comfort to us all. They are the protectors of the parliament's interests when it comes to this matter.

*Ms Bedford interjecting:*

**The Hon. S.C. MULLIGHAN:** That's right. I think likely there is no other option. I made it clear in my earlier remarks that the Economic and Finance Committee had already made the decision to suspend meetings unless we had something required of us—for example, emergency services levy determinations, which are coming—and the Public Works Committee is having its meetings altered here.

We could put it to those august bodies, like the Joint Parliamentary Service Committee meeting, Chair, but that would entitle us for the first time having an understanding of what goes on at those committee meetings, and we would not want to start that uncomfortable precedent. I think that committee, with the member for Heysen and his colleagues on that committee, is the best place for this sort of power to be wielded and executed, and he has my fulsome support to take on these hefty but important responsibilities.

**The Hon. V.A. CHAPMAN:** Can I finally indicate that, whilst it is the government's position that this is not a body which should have the responsibility for the protection that I think the member for Florey is seeking here, I think that the member for Florey can take some comfort in two things: one is the clear indication that we are going to continue to operate as a parliament; and, secondly, the Legislative Review Committee with its worthy contributors in it—of course, there are two representatives, and one is the Hon. Irene Pnevmatikos. The Chair is the Hon. Dennis Hood, and from memory the member for Ramsay is also on it.

*An honourable member interjecting:*

**The Hon. V.A. CHAPMAN:** Cheltenham.

*Members interjecting:*

**The Hon. V.A. CHAPMAN:** No? My note is Hood, Teague, Cregan, Bettison, Pnevmatikos and Bonaros, so I do not think that the member for Cheltenham is on it at all. Nevertheless, they are all worthy members of the parliament, and I just want to say that I think you have had an indication that it is going to continue to do its work as best it can undertake, and that is important work. I hope, in those circumstances, that the member would consider withdrawing the amendment, but if not let us just put it to the vote.

**The CHAIR:** That debate was really undertaken in quite conversational tones, I thought, but, that said, I sense an amount of goodwill to get this bill through in the best form we can.

New clause negatived.

**The CHAIR:** So that everybody knows what is going on we do have amendments standing in the name of the Attorney-General, and we are running off copies for the opposition to have a look at. While that is occurring, we will let the debate begin on clause 7.

Clause 7.

**The Hon. V.A. CHAPMAN:** As a result of the passage of the member for Florey's amendment to the amendment in clause 6, which relates to the six months or end of declaration, whichever is the earlier, there are consequential amendments necessary in clause 7, and I indicate to the committee that clauses 7, 8, 9 and 10 will all need to be amended consequential to that. The first one is in clause 7, which deletes paragraph (b) and substitutes a new paragraph (b), that is, 'ending on the day on which this section expires under section 6'. I indicate it is purely procedural as a consequence of the member for Florey's amendment. Obviously, I am happy to answer any questions on clause 7, but I indicate that that is the position.

**The CHAIR:** To be fair, though, we really need to see copies of the amendment to give to other members. They are coming in now, and the member for Lee has a question.

**The Hon. S.C. MULLIGHAN:** With regard to the arbitration of disputes—and I appreciate that the government has come up with a mechanism to involve the Small Business Commissioner and, failing acceptance by both parties of his determination, the parties then have recourse to the Magistrates Court—the Attorney made some comments in her closing remarks about SACAT and her consultations with Judy Hughes as the Presiding Member of SACAT. Could the Attorney explain the rationale for making the forum for recourse the Magistrates Court rather than SACAT?

**The Hon. V.A. CHAPMAN:** In essence, these are disputes that are already dealt with in the Magistrates Court and it has its own mediation team, for example, employed at the Magistrates Court. I am meeting this week with Judge Hribal, who is the head of the Magistrates Court, to discuss a number of matters, including the excellent work she has done in trying to deal with social distancing obligations in the management of her court. I think that has been fantastic.

The Governor has now signed the approval for the appointment of judicial registrars for her court because she is looking to have some extra support in her court to deal with commercial matters. So she will be pleased, especially if she does receive some extra work arising out of this model of protection and the review process. They do it now. Currently, SACAT only has jurisdiction relating to residential tenancies. It may be something down the track that is considered.

There is still a tranche of transferred jurisdictions under consideration for legislative transfer but, as you might know, having been a member of the government that established SACAT, there was a proposed staged transfer of jurisdictions to enable the new tribunal to, firstly, get on its feet and, secondly, relocate from Collinswood a large cohort of its guardianship work, change premises and then to progressively accept jurisdiction. We are not attempting in this bill to transfer jurisdictions to SACAT. It is consistent with what already occurs in the resolution of disputes in this area.

**The CHAIR:** Before we go any further on this, now that we have copies of the amendment distributed to members I am going to ask the Attorney to move amendment No. 3 standing in her name.

**The Hon. V.A. CHAPMAN:** I move:

Amendment No 3 [AG-4]—

Page 8, lines 11 to 15 [clause 7(16), definition of *prescribed period*, (b)]—Delete paragraph (b) and substitute:

(b) ending on the day on which this section expires under section 6;

It is consequential to the matters that have been passed as an amended amendment to clause 6.

**The Hon. S.C. MULLIGHAN:** I will just check that I am reading from the correct copy of the Attorney's bill because that has inadvertently caught us out before.

**The CHAIR:** This is clause 7, and we have just circulated copies of amendment No. 3 standing in the Attorney's name, which will amend clause 7. I am happy to give you time, member for Lee. They have only just gone around.

**The Hon. S.C. MULLIGHAN:** While I am coming to grips with the amendments, having only just sighted them, can I ask the Attorney a couple of questions about clause 7. Further to my first question about the availability of the Magistrates Court as recourse, will tenants and landlords finding themselves still in dispute be required to pay the normal range of court fees, etc., that apply for having matters heard or settled before the Magistrates Court?

**The Hon. V.A. CHAPMAN:** There is nothing in this bill to suspend those. There is a discretion in the Magistrates Court as to whether they apply them, although I am not sure how that will fit with the new Supreme Court rules that have been distributed by the Chief Justice. We can inquire into that and find out whether that occurs. They have a discretion in relation to the financial means of the parties. For example, if it was a rich tenant against Mr and Mrs South Australia, who might be a retired pensioner landlord couple, and the rich tenant is the applicant, he or she may not get favour of dispensation. If there is anything different from that, I will let you know.

**Mr PICTON:** Can the Attorney clarify whether there any government supports available for landlords in terms of financial support?

**The Hon. V.A. CHAPMAN:** I could not answer that off the top of my head. There are announcements for business support that have been made by the government; some of those relate to land tax and obligations to pay. I do not have the detail here. If you can be a little bit more specific on that, I am happy to get some response or, alternatively, arrange a briefing for you in relation to those matters.

**Mr PICTON:** As there are very senior Treasury officials here, maybe we can get some notes. Essentially, as I understand this—and I am not an expert in this area—a lot of the idea is to try to

push these things out to not have these disputes raised now. A lot of that impact would then be on the property owners in terms of their obligations for finance that they may have with banks, etc., in terms of not being able to pay those bills.

In a lot of other areas of commerce and the economy, we have seen the government step in to assist people who are facing financial difficulties because of the pandemic. Is this an area where we are saying we want landlords to try to sort this out themselves, or are there any programs, any assistance, any grants that those businesses and those owners can access to assist them through that process?

**The Hon. V.A. CHAPMAN:** I do not think I can give you the detailed answer to that. Can I just put one thing on the record that I think is important to say: there are people who are hurt badly, financially, through this pandemic—no question about that—and the varying degrees of that are not easily remedied by just one grant, one program or one piece of relief. We do need to target it. That is why there is a threshold built into this model of protection. In other words, it is not just for anybody not to pay their rent during a declaration period and then think, 'You beauty. I don't have to pay my rent.'

By the same token, I think it is fair to say that landlords and tenants who get on with each other need each other. The landlord needs the tenant because they need the income stream and the tenant needs the property, in this case for commercial purposes. So I am hopeful that parties hit with this pandemic are able to sit down and have some good discussions about how they might get through it and whether there is a partial payment of rent or allowances during the time.

If they cannot or they need some assistance, the Small Business Commissioner is there. Of course, the parties can appoint their own mediators or advisers. There are plenty of others out there in the general market who I am sure would be happy to have the work. At the end of this period, certainly the government is hopeful, and I think there is a reasonable expectation, that if you have been a good and decent tenant and you have been an understanding landlord there will be a continued relationship if the occupied business is going to prevail and continue. Landlords need tenants and tenants need landlords.

A respectful process that allows a resolution of how the interim arrangement works is preferable. That is why there are repeated messages from the government, the Small Business Commissioner and even the Commissioner for Business Services, who is here today and who is having to deal with myriads of different people in stress at the moment, particularly in areas for which he is responsible for the licensing, to encourage people to have a discussion about these commercial arrangements under clause 7 and, indeed, residential arrangements. We hope that will be taken up, that it will be successful and that it will be the foundation of an ongoing post COVID-19 relationship.

Amendment carried.

**The Hon. S.C. MULLIGHAN:** On page 6, clause 7(12) deals with a lessee suffering financial hardship as a result of COVID-19 and a lessor has already commenced but not yet completed or finalised. Is there a date that the government has in mind for the application of this particular part of clause 7?

For example, if a tenant had for whatever reason been in arrears on their rent perhaps in the latter part of 2019, before we were all concerned about COVID-19, and the landlord had finally exhausted their patience and initiated relevant proceedings to make that good, if I can put it so blithely, is there a date that the government has in mind when this part of the clause is to operate?

**The Hon. V.A. CHAPMAN:** Yes. I would invite the member to view subclause (14), which sets out the relevant period. That is what applies for the purposes of clause 12, which you are referring to, and also clause 13, beginning on the day on which this section commences and ending on the day on which the act is assented to by the Governor.

**The Hon. S.C. MULLIGHAN:** That is 30 March, I think, is it?

**The Hon. V.A. CHAPMAN:** Commencing 30 March, which is the day after the Prime Minister's announcement. Perhaps while I am on my feet—for the benefit of the member for Kaurua because I am feeling particularly generous towards him today—as I have the geniuses from the Treasury office here, they have refreshed my memory of exactly what those land tax announcements

were a week ago; that is, firstly, to defer the remaining land tax payments for six months and, secondly, to increase transitional relief in 2020-21 as part of the land tax reforms, increased relief for those who would otherwise have had an increase in land tax.

**Mr PICTON:** This section refers a number of times to things 'as a result of the COVID-19 pandemic'. Does that mean that any loss or any difficulty in terms of paying rent is presumed to have been connected with the COVID-19 pandemic, or would a lessee have to demonstrate through some means that there is a connection between difficulty to pay and the pandemic?

**The Hon. V.A. CHAPMAN:** The latter.

**Mr PICTON:** How would that happen? What is the evidence that somebody would have to demonstrate that there is a connection between the pandemic and difficulty in terms of payment?

**The Hon. V.A. CHAPMAN:** It is not prescribed in the bill as to what they have to be. Some of them would be obvious: 'I have lost my job,' 'I have been instructed to close,' 'I run my restaurant and I'm not allowed to sell alcohol or food anymore.' There would have to be a link to the COVID-19 circumstance. Most likely, the obvious ones will be directions that have been issued by the Coordinator that have a direct impact on the capacity for that person to either earn an income or be employed. They are the obvious ones.

There will be some less obvious ones; that is, 'I have had to remain in isolation and I can't undertake duties, therefore I can't be paid,' 'I am running my own business,' that type of situation. I am just giving you examples here. The bottom line is that if you cannot establish for the purposes of your negotiation in relation to this matter—which would predetermine any court assessment relying on those and satisfying the other party—that it is COVID-19 related, then it will be adjudicated firstly by mediated availability through the Small Business Commissioner and, if not resolved at that point, determined by assessment of the court. That is the process.

**Ms COOK:** This is the first part of the bill that refers to the topic of hardship. There is no clear definition of hardship. This relates to the question just asked as well. I understand that there is a reference in clause 17 that hardship will be defined by regulation. This goes for hardship as discussed in all the tenancy sections of this bill. For residential, SRFs and a whole range we talk about hardship.

Is this where the Attorney feels that it will be defined through regulation, and how will the consultation occur in order to seek that definition? You have just spoken about how it will be arbitrated, but that would not be relevant for a residential tenant, for example. There are differences throughout the bill in how people would have to prove that they are under hardship.

**The Hon. V.A. CHAPMAN:** It may be that the use of regulations may help it be more prescriptive as to the sorts of things that would be considered. Jumping ahead to residential tenants to whom you are referring, they too need to be able to establish that their incapacity to meet their rent is a result of a circumstance that has been imposed on them, which they are a victim of by virtue of what has happened during this period.

As I think I have said before several times, there is a threshold. This is not a situation where during this period you can just say, 'Well, I can't be bothered playing paying my rent now; I'll be able to get away with this. Scott Morrison said we won't get evicted, so I just won't be paying' and think you can get away with it. The process for residential is slightly different. That is a matter where, if the parties do not resolve it, it goes through SACAT. I am sure the member is quite aware they also have a comprehensive process where they have mediation support, usually by commissioners at SACAT, to assist in the processing of those matters.

In essence, if you cannot reach agreement, bearing in mind that there is an obligation to actually justify that it is COVID-19 related, then there is a process of adjudication which can be implemented if it cannot be resolved.

**Ms COOK:** In terms of people who are experiencing financial hardship under this circumstance and, moving forward, any others, do you think having to prove hardship could create situations like we have seen interstate where landlords are asking for leave balances and

superannuation balances and other personal information in order to show their full financial position to prove their hardship, moving forward?

**The Hon. V.A. CHAPMAN:** I suppose that is a question that is a little bit general but, just having gone through the experience of the bushfires, particularly in the Adelaide Hills and Kangaroo Island regions, people who are hurt and stressed find it very difficult to even fill out a form to try to get a grant. It is not an easy time. So as much as possible, we want to try to help people who are in distress to be able to access relief or support as best we can. I know that I am putting forward what I hope is general reassurance here, but it is different for different parties.

It is not unreasonable, though, that if you have lost your job and you are a tenant that you provide some evidence of termination to your landlord to start those negotiations. 'I work for the local restaurant; it has closed down; I haven't been able to secure any other employment. I've applied for—' what is it called now? JobSeeker? Instead of unemployment benefits?

**An honourable member:** JobKeeper.

**The Hon. V.A. CHAPMAN:** JobKeeper. It may not be JobKeeper; it may be JobSeeker if you are unemployed. 'Here is my evidence. I'm getting the old Centrelink payment,' whichever one they are eligible for 'so I can't pay my rent', or, 'I can't pay all my rent, but I'm happy to pay 25 per cent, because that's really all I can afford on the income I've got.'

That is what we would expect. But I would have no doubt that a whole lot of overlaps go with that, including the distress of the applicant who may find it very difficult to navigate those things. We have them in our electorates already, and we need to be mindful of it. We are just trying to set up the legislative structure here to protect them, but there is certainly detail still to be worked through.

**Ms COOK:** In the event that a tenant under these circumstances escapes penalty under the act as a result of the protections of the bill, are there any scenarios in which the tenant could then face a penalty after the bill or if the landlord seeks to recoup costs following this?

**The Hon. V.A. CHAPMAN:** I am assuming that the member is referring to residents under clause 8. I am happy to answer the question, but we are still on commercial at the minute.

**Ms COOK:** I think it can happen under any of them. I am asking it at clause 7.

**The Hon. V.A. CHAPMAN:** So that is in relation to a commercial tenancy—a commercial lease?

**Ms COOK:** Yes.

**The Hon. V.A. CHAPMAN:** Again, they are some of the issues we are trying to resolve, but 'prescribed action' in clause 7 is defined as:

- (a) eviction of the lessee from premises the subject of the commercial lease;
- (b) exercising a right of re-entry to premises the subject of the commercial lease;
- (c) recovery of land;
- (d) distraint of goods;
- (e) forfeiture;
- (f) damages;
- (g) requiring a payment of interest on unpaid rent—

That is very clear—

- (h) recovery of the whole or part of a security bond under the commercial lease;
- (i) performance of obligations by the lessee or any other person pursuant to a guarantee under the commercial lease;
- (j) possession;
- (k) termination of the commercial lease;
- (l) any other remedy otherwise available to a lessor against a lessee at common law or under the law of this State;

So it is pretty comprehensive. Landlords need to do the right thing and we do not want these people thrown out of their business premises.

**The Hon. S.C. MULLIGHAN:** My question is unfortunately based on a hypothetical, but I do think it reflects a number of the circumstances that South Australians will find themselves in. My understanding is that the support that has been provided to small businesses to try to weather the impacts of the coronavirus particularly relates to those who have existing financing with banks and that there is more money made available to those banks so that banks can either refinance or give a breather to people who are running small businesses, for example.

There are likely to be a number of relationships between landlords and tenants, both of whom are commercial operators, either as a commercial landlord or as a commercial business operating within that premises, who for one reason or another do not have any relationship with a bank, other than perhaps having a transaction account, so they do not have a debt tied to their business or tied to the property that is being let.

In that circumstance, it is likely that there will be an obvious dispute between the tenant and the landlord where there is really little reasonable outcome that can enable both the tenant and the landlord to try to get through the next period while business conditions for the tenant, for example, are insufficient for them to keep operating and hence they are not able to pay their rents.

I am sorry to go into that long preamble, but a number of people have contacted me—constituents and others—who are worried that they may be in this situation. In this event, where they cannot reach agreement on how they are to manage the situation, the tenants and the landlords perhaps go to the Small Business Commissioner seeking some mediation or determination and still cannot find an acceptable outcome or an appropriate outcome that seeks to, as far as possible, protect the interests of both the tenant and the landlord.

Will any of the government's announced stimulus or support packages be made available to either tenants or landlords to try to assist them through that process where those federally announced measures will not suffice or will not apply to their circumstances?

**The Hon. V.A. CHAPMAN:** In short, I cannot answer that in that general way, but I think it is fair to say that the stimulus packages, for example, that are out under the state proposals for businesses and/or NGOs—there are two community and NGO packages at the moment, which are administered under the control of the Treasurer or certainly the department by these people of course who actually deal with all the applications—are being processed now, so there will be, I do not doubt, a number of people who have obligations under commercial leases who may or may not at a later time end up in a situation where they cannot pay their rent and rely on these conditions who have already applied for support in respect of stimulus packages and/or grants and the like.

I do not know that I can answer that in any more detail. I think what you were starting to do is to identify a scenario of what consideration will be given to someone who does not actually have any debt and therefore does not get sympathy, I suppose, in the negotiations. I am seeing a nodding from the member for Lee as to whether they are going to be almost prejudiced through this process because they are not going to be seen as in need. They are not being pushed by a bank loan, so therefore they do not necessarily need to have relief.

I do not see that as the way it is working. I think it is a matter where, if you want to get relief for protection under these conditions, you need to be able to demonstrate that there is something sitting behind you that throws you into an impecunious state. That may be nothing to do with the debt level. It may be all to do with income stream, but it may be both.

The consideration of the sympathy for that situation and whether they might be eligible for this relief is really what we are talking about, as distinct from whether you can line up for a grant. That really is a separate criterion and a separate matter. I do not doubt that some of the people who end up relying on this clause 7 may well have also got other relief.

**The Hon. S.C. MULLIGHAN:** I do not doubt that the Deputy Premier slightly misconstruing the point I made was an appropriate reflection on how well I expressed my point, rather than her not grasping the point. It was not so much that they will not be being favoured in that determination process because they have no debt. The point I was trying to make was the way in which many

businesses are believed to be able to get some relief is that, because they have some debt arrangements with the bank, the bank can go easy on them in the requirements to service that debt, and that should improve their cash flow, that should improve their capacity to survive through the coming period of the coronavirus pandemic, either as a landlord or as a tenant.

But for those who do not hold debt for whatever reason and this is merely an issue of being denied income—perhaps particularly I am thinking for the landlord here; they are not getting the weekly rent from their tenant or tenants, etc.—they do not really have anywhere else to go, unless they have other sources of funds. Putting that to one side, I guess my question was: in that event, are those individual landlords—or businesses, if they are tenants—able to apply to the government's funds for support? If so, should they be doing it individually or should they be doing it through an industry association that they may be a member of? I am happy to have that question answered later between the houses. If the government is able to answer the question, it would be of great assistance.

**The Hon. V.A. CHAPMAN:** I will take it on notice. The best I understand it, though, is that for a person who receives an income—perhaps a retired couple who have two houses, rent them out and it is their sole source of income—they may not have any debt, and good luck to them, but this is their income earner and they are suddenly deprived of it. They do not have a bank breathing down on them, but they suddenly have no money and they may then need to seek some other support, depending on the circumstances, whether they are eligible for that.

We will take that on notice. I do not know all the details of what the guidelines are under the applications under our stimulus package. I think they are pretty generous and flexible. The Treasury department are looking after that aspect, but I do not think they are really prescriptive. I am advised that generally we are encouraging people to go through an industry association, so that might be the best way to present that.

Amendment carried; clause as amended passed.

Clause 8.

**The Hon. V.A. CHAPMAN:** I move:

Amendment No 4 [AG-4]—

Page 11, lines 21 to 25 [clause 8(13)]—Delete subclause (13)

This is consequential on the amended amendment in clause 6.

*Sitting suspended from 17:59 to 19:30.*

**The CHAIR:** Welcome back, everybody. The house is in committee. My recollection is that the Attorney-General had just moved amendment No. 4 standing in her name.

**The Hon. V.A. CHAPMAN:** I think I indicated that this, again, is a consequential amendment to the amended amendment of the member for Florey on clause 6.

Amendment carried.

**Ms COOK:** In clause 8, what would the minister expect to be exceptional circumstances where an in-person inspection would be required to occur? Why do those circumstances then justify the increased risk of tenants, landlords and property agents contracting COVID-19 or for people on enforced isolation breaching those orders for isolation?

**The Hon. V.A. CHAPMAN:** I am advised that it is likely to cover a circumstance where someone does not have internet facilities on the premises, so it may be in those circumstances, coupled with a concern or some reasonable suspicion that there has been some damage or disorder in the property. That is the type of situation as I am advised.

**Ms COOK:** Thanks for that. I think that rolls nicely into my next question, where I am seeking clarification. Currently, inspections can occur without a tenant being present, but it is likely that audiovisual or electronic means would require tenants to be at the property in order to be able to hold the phone, the camera or the device to facilitate that. Given that, will the requirements for the tenant to take those steps as are necessary to enable the inspection create any difficulties if you



consider essential workers and people who are required to be at work during generally scheduled inspection times?

There is not a lot of flexibility with these things, so do you perceive that there will be any issues with that, and how you would get around it? Also, you talked about the exceptional circumstance of people not having the internet or perhaps even the digital literacy, the device or the capability. What sort of thought process has gone into those types of issues?

**The Hon. V.A. CHAPMAN:** I am advised by the commissioner, who always gives very pragmatic and wise advice, that there is an expectation that there would be some reasonable elements on both parties to accommodate that. Inspections already occur, and I suppose to some degree that can be an inconvenience, especially if the tenant thinks, 'Well, I better tidy up,' knowing that there is going to be an inspection coming up. But, at the end of the day, obviously if they are employed at certain times then they would either work around that or, if they were doing night shift, they would have to work around sleeping arrangements. I think there would be a common-sense approach to that.

It is not as though there needs to be an intransigence on it. The fact is the landlord, when appropriate and with proper notice, is entitled to inspect, and the tenant's arrangements are to accommodate that. We are really just introducing a new medium by which it can be done, so that it is safe for both, to comply with our social distancing obligations.

**Ms COOK:** Will the minister clarify whether clause 8(1)(e) retains the requirement for tenants to seek landlord approval prior to having any modifications or repairs carried out to the property, or whether its effect in practice actually removes that requirement?

**The Hon. V.A. CHAPMAN:** I am advised that it is actually not an approval process; it is more an agreement as to what the costs are going to be in relation to the repairs that are going to be undertaken. As I understand it, that does not change.

Clause as amended passed.

Clause 9.

**Ms COOK:** In respect of clause 9, residential parks, the bill relates to factors with SACAT, given the current pandemic and some of the things that need to be taken into account. Does the minister foresee that if in fact the pandemic were to escalate, and situations and guidelines were to increase around what is open and what is not, and the closure of the tribunal should occur, there would then be a situation where the protections could not be enforced?

**The Hon. V.A. CHAPMAN:** I do not see a circumstance where all courts are going to close down, unless the whole state was in shutdown for a disaster purpose. SACAT, I just want to reassure the committee and the member, is already working almost exclusively electronically. It has a lot of experience and a lot of its work is already done where at least one party is on the telephone, and has been really in all its operations. Now it is being done remotely almost exclusively in that tribunal, obviously because of COVID-19, overlapping its usual practice. I see it as one of the last of our court structures/tribunals that would be paralysed in some way by COVID-19 because it is actually, I think, at the forefront of being able to operate remotely.

**Ms COOK:** In respect of failure to pay rent arising from hardship caused by COVID-19, there have been calls by a number of peak bodies and spokespeople around the nation for all evictions to be stopped under any circumstances. There has been acknowledgement for some protection of owners and landlords, where wilful damage or use for criminal purpose might be an isolated event when it is acceptable to evict somebody.

These calls are based on the evidence that with homelessness and putting people on the move, there is a threat to public health and safety, and the tribunal is obligated to consider homelessness as a factor within an eviction. Was this a position with respect to other forms of eviction or serving notice on a tenant, such as for maintenance or renovation or sale? Were these other reasons for eviction or breaking of lease put to the Attorney as another reason to put on hold the evictions or end of lease for any period during the COVID crisis? Was that considered and lobbied? Did you get any feedback from any sector groups or tenants around that?

**The Hon. V.A. CHAPMAN:** It is a very broad question. I think I gave an example earlier in this discussion about Justice Hughes advising of a circumstance where a tenant was to leave a property by order of the court; that is, be evicted. It related to pre-COVID-19 failings, probably in relation to rental payment but there may have been other factors.

The court had clearly taken the view that it was a matter where eviction should occur. COVID-19 circumstances were now in place; namely, there was an obligation for isolation and the like. I suppose it was a situation that on the face of it appeared to be the tenant taking advantage of the COVID-19 circumstance and being able to avoid a past obligation to make payment on rent. In a way, it was a bit lucky for him because the police officer in that case declined to exercise that based on the direction that somebody had to stay in isolation. There is paragraph (k) of this clause, which is proposed and which enables the tribunal to be able to take other appropriate circumstances into account, so I think that should cover it.

**The CHAIR:** The next thing for me to do, Attorney, is to ask you to move your amendment, which I think is consequential; is that right?

**The Hon. V.A. CHAPMAN:** I think we have passed the amendment, have we not?

**The CHAIR:** No, we have not; it was my oversight. We should have done it earlier, but we can do it now.

**The Hon. V.A. CHAPMAN:** I move:

Amendment No 5 [AG-4]

Page 11, line 37 to page 12, line 1 [clause 9(4)]—Delete subclause (4)

Amendment carried; clause as amended passed.

Clause 10.

**The Hon. V.A. CHAPMAN:** I move:

Amendment No 6 [AG-4]

Page 13, lines 23 to 27 [clause 10(4)]—Delete subclause (4)

Amendment carried.

**Ms COOK:** Many people living in supported residential facilities are already under significant hardship. They are often receiving Centrelink benefits and many other benefits to supplement income in terms of concessions. They might have a whole range of other challenges as well as potentially being on the NDIS, or unluckily maybe not on the NDIS.

During the pandemic, this position that they are in will most definitely be magnified. Many of us have discussed increasing costs of living and what the hardship increase would be just in terms of groceries. I think it would be hard for people in that position to demonstrate their increase in hardship, except for the known fact about the increased cost of living. Is that enough to satisfy the test for hardship increase?

**The Hon. V.A. CHAPMAN:** The advice I have received is that it would be the same test. I was asked during the course of briefings why the prohibition on increases in fees and charges is not linked to financial hardship for supported residential facilities unlike other rental arrangements. I will just quickly re-read the answer here, because it may be of assistance to you—I do not know that you were present during that. Clause 10(1)(b) provides:

(b) a proprietor cannot increase fees and charges payable in relation to a resident contract;

This is a slightly different scenario to residential tenancies and commercial leases, where it is only rent that is an issue. Combination costs are generally part of a broader contract involving personal care services and other matters, as well as usually being tied to commonwealth funding. Given this and the vulnerable nature of people in supported residential facilities, it was felt that a blanket ban on increases was the best approach. Residents in supported residential facilities are unlikely to have loss of income or employment, unlike commercial and residential tenants. It should be noted that paragraph (d) is also relevant in that it provides that:

- (d) a proprietor must not give a notice to a resident under section 39 of that Act that purports to be notice of a proposed termination on grounds of failure to pay fees or charges if the resident is suffering financial hardship as a result of the COVID-19 pandemic;

So this is an extra precaution taking into account the vulnerability of the cohort we are talking about.

**Ms COOK:** Thank you for that explanation, Attorney. Under clause 10(1)(c), could you clarify whether that clause refers specifically to directions or laws that specifically name and apply to SRF residents, or does it apply generally to those the SRF resident feels they should be following? Would they be in breach letting too many people into the space, for example, in terms of the COVID parameters?

**The Hon. V.A. CHAPMAN:** Yes, it relates to the directions, for example, of the Coordinator, or laws that are passed, such as numbers of people in a social gathering.

**Ms COOK:** Given the number of SRF residents—and, as explained, they are particularly vulnerable (many live with disabilities and chronic health conditions) to contracting COVID-19—what safeguards are in place to ensure that residents are not putting other residents at risk if a facility is required to host in-person inspections in exceptional circumstances? So opening up the SRF to a number of visitors, a couple of visitors even, could be the trigger or tipping point.

**The Hon. V.A. CHAPMAN:** In general, the proprietor would have to comply with the directions of the Coordinator just like the rest of us. I was not quite sure whether you were referring in your question to landlord inspections, or were you talking about some kind of community visitor scheme, an Ombudsman, or something of that nature?

**Ms COOK:** Yes, so somebody entering an SRF for the purpose of any kind of inspection of the facility, if there was perhaps a notification made, or any kind of investigation.

**The Hon. V.A. CHAPMAN:** I am just going to describe them as an inspector under an oversight body. There might be any number of them, commonwealth or state, that relate to facilities, and we do not want to leave a situation where any accommodation facility, whether an aged-care home or a mental health unit, is without all the protections of the inspectorates that we have to keep an eye on the rights and protections of residents. We are not attempting to do that.

We are trying to make sure that, where possible, we have observation of all the directions in relation to inspections, but we are still likely to have to have inspections by these oversight bodies, and we need to. We are signed up to support, even under the OPCAT, which are the international obligations, and to deal with making sure that we have some kind of visiting scheme or inspectorate.

I think at the moment in South Australia just about all our agencies, whether it is health, aged care or a youth detention centre, have oversight bodies. One area not currently covered is police cells. We are looking at whether we can expand the inspectorate from the prisons to do the police cells as well, because we are signed up to these obligations for all the reasons that are obvious—you just have to read the Oakden report to know why we have them.

**The CHAIR:** If there are no further questions—

**The Hon. V.A. CHAPMAN:** Just before you put the question, I might advise the committee that I have just been provided a copy of a letter from Shelter SA addressed to me. I have only just read it, but it is dated 30 March, so while it does not have a receipt date it has obviously come in in the last week. The member for Hurtle Vale asked whether I had received it, and I indicated that I personally had not but that my department had. I have just received it and read it.

I note that the letter starts with a compliment to Prime Minister Scott Morrison for his initiative, and it then goes on to suggest some ideas about how it might be expanded. I see that a copy was given to the Hon. Kyam Maher. This letter has just been brought to my attention, so I just want to place on the record that it has been received. Of course, we welcome all advice.

Clause as amended passed.

New clause 10A.

**The Hon. G.G. BROCK:** I move:

Amendment No 1 [Brock-1]—

Page 13, after line 27—Insert:

10A—Provisions applying in relation to certain water and sewerage charges for sporting clubs

- (1) The operation of the *Water Industry Act 2012*, the *Local Government Act 1999* and any other Act or law prescribed by the regulations (being an Act or law relating to the supply of water, sewerage services or storm water management) is modified as follows:
  - (a) the Minister under the relevant Act may, by notice in the Gazette—
    - (i) waive an amount of prescribed costs payable by a specified sporting club, or a sporting club of a specified class (whether incurred before or after the commencement of this section); or
    - (ii) exempt (conditionally or unconditionally) a specified sporting club, or a sporting club of a specified class, from a specified provision of those Acts;
  - (b) the regulations under this Act may modify or suspend the operation of any Act or law relating to the supply of water to, the use of sewerage services by, or the management of storm water by, a specified sporting club or sporting clubs of a specified class;
  - (c) a term of any contract, agreement or other instrument that is inconsistent with the modifications made by this section will, to the extent of that inconsistency, be of no effect.
- (2) In this section—
 

*prescribed costs* means—

  - (a) an amount payable for the supply of water (whether potable or otherwise); or
  - (b) an amount payable for the use of sewerage services; or
  - (c) an amount payable in relation to storm water management; or
  - (d) any other amount of a kind prescribed by the regulations.

*sewerage services* has the same meaning as in the *Water Industry Act 2012*.

This amendment will provide the responsible ministers with the power to waive any costs for the supply of water, sewerage services or stormwater management that a sporting club would incur, or to exempt a sporting club or a class of sporting clubs from such costs.

The purpose of this amendment is to empower the government to assist sporting clubs, which are often significant users of water and sewerage services, if suffering from hardship due to the COVID-19 pandemic. Many community sporting clubs have shut down and are unable to operate any licensed businesses they may own. These costs could be very significant.

We should not be letting significant supply charges bankrupt the sporting fabric of our communities. In my own electorate of Frome, I have been made aware of some clubs that are confronting supply and connection charges for all their utilities even though they are closed. As an example, the Port Football and Community Sporting Club in Port Pirie, in my electorate, is confronting network and associated charges of \$2,335.09 on their last bill for an actual usage of the product of \$1,984.85. The total charge to this club, which is closed, is \$4,319.94.

This is a massive impost for a community club that is earning a much-reduced income—in actual fact, nil income—and using very little energy while closed. I recognise that this is a more complex issue. I move this amendment to tackle what we immediately control: the supply of water, sewerage and stormwater services by the government. However, I would like the government to also look into how we can protect sporting clubs from similar charges for energy. While this is a privatised industry and operates on a national market, our distribution network is operated under a long-term franchise from the state. I commend the amendment to the house.

**Ms HILDYARD:** I rise to briefly indicate my wholehearted support for this very important amendment that has been brought to the house by the member for Frome. I want to thank him wholeheartedly for doing so. I know that he, like me and many other members in this house, has had

repeated calls from sporting clubs, leagues and associations in our communities—and in my case, beyond my community as well.

This amendment accords with the request I have made in support of South Australian sporting clubs, leagues and associations directly to the Minister for Recreation, Sport and Racing. I am still awaiting a response to that request in relation to this and similar issues. I hope that it is considered favourably and that I receive a favourable response in due course.

This amendment will directly provide support and much-needed financial relief those clubs, leagues and associations. These organisations engage people, include them, keep them fit and healthy, and give them a great sense of belonging right across our state.

These clubs, leagues and associations in every corner of our state continue day in and day out—despite not being able to hold their usual competitions, training and gatherings—to reach out in many different ways to their members, supporters and volunteers simply to check in and see that they are doing okay, to keep in touch at this difficult time. I dearly hope that for their benefit, and to enable them to continue to do the really important work at the heart of our communities, providing care and support and making a difference in people's lives, this amendment is supported.

I also hope for their benefit that clear information soon comes to light from the government about exactly what the clubs, leagues and associations can access from the Community and Jobs Support Fund. As yet, that is not clear, and I do hope that clubs, leagues and associations can access funds that enable them to survive and thrive into the future. They are absolutely places that are and will be deeply important for the mental, physical and emotional wellbeing of South Australians in every suburb and region of our state as we go forward. Again, I wholeheartedly support the amendment and thank the member very much for bringing it to this place.

**The Hon. V.A. CHAPMAN:** I thank the member for Frome for bringing this matter to the attention of the parliament, as well as the plight of some of the associations. I think that is also echoed by the member for Reynell regarding what has occurred in relation to our sporting clubs across the state.

It was bad enough when we had the bushfires and clubs were burnt down and we had the traumas associated with that. Certainly I know that the minister has been very active, for example, and secured a very substantial payment of \$1 million post the bushfire on Kangaroo Island for the Western Districts footy club. Before they have any hope of rebuilding from scratch, they will at least have some facility to be able to meet and plan and, hopefully, rebuild that community for sport, which is a multisport facility. I just use that as an example of exactly what happens when it gets crushed.

COVID-19 and the directions that have followed, including social distancing and the mass gathering rules—which is now down to a very few unless you have a big family living in your house—has really just smashed the sporting clubs, and even their capacity to have a revenue base, because their membership fees are not coming in. So you have a double hit and you have ongoing expenses.

I put this in the category of an ongoing expense that they cannot do anything about. They might need to keep watering their oval. A lot of these expenses will just continue, so I completely understand the background that sits behind this. Obviously we have only just received it, so I do not have any approval yet, but I want to assure the member, and indeed members of the committee, that the minister, in particular, is spending a lot of time trying to work through, with association representatives generally as distinct from individual clubs, the accessibility to the Community and Jobs Support Fund that the government has announced.

It is a \$250 million fund and, whilst it has been announced, obviously the criteria—a little bit like the business funds I was referring to on previous clauses here today—are operated through Treasury. I do not have any Treasury officials back here now, so I cannot call on them to get the information, but I want to assure the member that, notwithstanding that I cannot accede to this request, I hear their plight, the circumstances the member has raised. Whether this is enough or whether it is the appropriate way to go we will need to come back to the member in relation to that, but the details are on *Hansard*. I have asked that it be sent on to the appropriate agency and we will get back to the member as soon as we can. However, I cannot support this today.

**The Hon. S.C. MULLIGHAN:** I also rise to indicate my support and, along with the member for Reynell, the opposition's support for this measure. This is one way in which sporting and community clubs can be supported in some very difficult times. The Deputy Premier is right, I think, to reflect on the extraordinary limitations that have been placed on sporting and community clubs because of the restrictions on public gatherings and also social distancing. These requirements have meant that not only can their fixtures not be held but also their revenue-raising efforts cannot be realised.

Fortunately, water charges were one of the few things which remained bolted down and which were not flogged off under the tenure of the former Liberal government during the 1990s. It is still within the government's control to provide relief to South Australians from water costs, whether they be the charges that accrue due to water usage or the supply charges. In fact, it is something that the opposition called for a number of weeks ago as a way in which the state government could support households, businesses and indeed sporting and community clubs that are impacted because of the coronavirus pandemic.

The response from the government was that we were already going to get a drop in water bills from 1 July, ostensibly because of the tremendous fall in interest rates, not because of any proactive action from this government. Of course, that came with the significant rider from the Treasurer, Rob Lucas of the other place, who said 'depending on the budget position at the time'. I think we all realise that the budget position is going to be significantly deteriorated for this current financial year let alone going forward, not just because of any moneys that this government might choose to expend to support the community through the coronavirus pandemic but also because of the significant reductions in economic activity that we are anticipating.

That does not augur well, really, for how much support this government might lend to those people in the community who are required to pay water bills, and I think that is disappointing. It is one area where the government could provide some support. It is also difficult for sporting clubs in particular to make their voice heard to the government because, as we have heard from the Deputy Premier in response to a previous question during the committee stage of the bill, people are encouraged to make requests to the government for financial assistance through their industry associations.

If you are a sporting club, the industry association is Sport SA. Sport SA has been told, so I heard on ABC radio a few days ago, that the grant scheme administered by the Office for Recreation and Sport, has been put on hold. It has been put on hold at the exact time when clubs are most desperate for grant funding and most desperate for financial support so that they can maintain their clubs and their operations.

If people are encouraged to use their industry associations in order to receive assistance from the government, you then have to ask the question about how one quasi-sporting organisation, the Stadium Management Authority, was able to secure financial support straight out of the blocks. Indeed, it was even mooted by the Treasurer himself before the state stimulus packages were finalised and announced. He said, 'Well, there are terrible impacts on community sporting organisations. You only have to look at the Stadium Management Authority.'

I think we can all be honest: they are a lower order priority than the thousands of sporting clubs and community clubs that exist throughout South Australia. I would much rather financial support go to clubs, for example, in my electorate, like the Seaton Ramblers Football Club, West Lakes SMOSH, Grange Uniting Netball Club or the two surf lifesaving clubs which I am fortunate enough to have in the electorate that I represent, rather than a corporate organisation that has taken upon itself to charge football fans the highest beer prices in the country.

I do not want to digress too far, of course, during the course of this debate to ruminate on the rent seeking and profit seeking of the Stadium Management Authority because we should be focused on the things that actually matter to the community of South Australia, like our sporting and community clubs, but that should only serve to refocus our efforts to lend support to the member for Frome for his important amendment so that this measure could be the first of hopefully several different ways that the government can find within itself to provide much-needed support to our community and sporting clubs.

The committee divided on the new clause:

Ayes ..... 13  
 Noes ..... 13  
 Majority ..... 0

AYES

Bedford, F.E.	Bettison, Z.L.	Brock, G.G.
Brown, M.E. (teller)	Close, S.E.	Cook, N.F.
Hildyard, K.A.	Koutsantonis, A.	Malinauskas, P.
Mullighan, S.C.	Odenwalder, L.K.	Piccolo, A.
Picton, C.J.		

NOES

Chapman, V.A. (teller)	Cregan, D.	Gardner, J.A.W.
Knoll, S.K.	Pederick, A.S.	Pisoni, D.G.
Power, C.	Sanderson, R.	Speirs, D.J.
Tarzia, V.A.	Teague, J.B.	van Holst Pellekaan, D.C.
Whetstone, T.J.		

PAIRS

Bell, T.S.	Basham, D.K.B.	Bignell, L.W.K.
Harvey, R.M.	Boyer, B.I.	Ellis, F.J.
Duluk, S.	Cowdrey, M.J.	Gee, J.P.
Luethen, P.	Hughes, E.J.	Marshall, S.S.
Michaels, A.	Patterson, S.J.R.	Stinson, J.M.
McBride, N.	Szakacs, J.K.	Murray, S.
Wortley, D.	Wingard, C.L.	

**The CHAIR:** There being 13 ayes and 13 noes, the vote is tied. I give my casting vote to the noes.

New clause thus negatived.

Clause 11.

**The Hon. S.C. MULLIGHAN:** As I indicated in my second reading contribution on this bill, the opposition was very concerned about the capacity for the Treasurer to effectively switch off parts of the financial reporting obligations for agencies, not so much that we did not support the capacity to do that per se. As I said in my second reading contribution, we can all recognise that those agencies, which are otherwise occupied in the more important efforts of combating the impacts of the coronavirus pandemic, should not be hauled back to the abacus, so to speak, to prepare their accounts for the Auditor-General's annual audit but, rather, focus on the task at hand.

We did have a significant concern that the way in which the bill is worded leaves that very open-ended. In particular, I refer to the last part of clause 11(1), which provides that the Treasurer may issue instructions:

if satisfied that the suspension or modification is necessary as a result of circumstances brought about by the COVID-19 pandemic (or as a result of any measures taken to address the COVID-19 pandemic) or to provide economic stimulus during and after the COVID-19 pandemic.

Read in conjunction with some of the earlier sections we have canvassed during this committee stage, that wording left it open for the Treasurer to maintain his directions even after the State Coordinator had revoked or declared the end to some of the previous declarations that had been made.

For example, in terms of an emergency response from the state, the coronavirus pandemic could be deemed to be over by the police commissioner, yet the Treasurer could maintain these provisions going forward. That was a concern, but I think we have ameliorated those concerns quite significantly by inserting the sunset clause or as we did in clause 6 earlier at that stage of the bill. However, there remain some concerns about how the Auditor-General goes about the certification of the need to pause these financial reporting obligations on agencies and how the Auditor-General is required to report on the certification of those directions.

It is appreciated, I should say, that the government in its bill has included that the Auditor-General may report on those certifications. We would have greater comfort if the Auditor-General was 'required to', not given the 'discretion to' report. That was something which came out in the discussion during the briefing on this bill that the opposition was provided yesterday. I was hopeful that the government might have acceded to this relatively minor request from the opposition. However, we can either pursue that here or in the other place. That is the first point I would make.

I think the second point, which spills over from clause 11 but also into clause 12, is what reparative action is required from the Auditor-General if he does not conduct a full audit, for example, for the 2019-20 financial year, after these declarations have been made? Is he required to conduct that fulsome audit at a later point in time as the impacts of the coronavirus pandemic have lifted upon his agency and other government agencies and there is the capacity to conduct such a full audit?

The advice that I was provided in the briefing from the government yesterday was that the way in which the bill is worded is that it is not required for the Auditor at some point in the future to go back and ensure that there is a full audit of agencies for this period. I think that is a mistake. It is a mistake particularly in light of this parliament being asked to provide two extraordinary tranches of funding to the government, one in the Supply Bill, which we canvassed earlier for the 2020-21 financial year, but also, what we see a little later in this bill, the request that the Governor's appropriation fund be increased from 3 per cent to 10 per cent of appropriations. That in itself is a significant increase and represents a very significant amount of money.

If these moneys can be expended in a period of time when, as a matter of course or at some later stage, the Auditor-General is not required to conduct a full audit, I think that is a matter of concern. I would like to think that any government, let alone this government, would think that it would be a good thing and a prudent thing to ensure that the Auditor-General did conduct his regular full audit at some point in time at a later date, when he and the agencies have the capacity to, to make sure the expenditures and the accounting for these extraordinary amounts is done appropriately.

I understand there will be an assurance-type process, presumably a risk-based assurance-type process, which I notice continues the trend from this current Auditor-General of wanting to conduct risk-based assessments of some agencies while focusing his attention on other agencies. Hence, we have a two-stage annual report now, one where perhaps we are used to fulsome detail of agencies that he thinks warrant it, and for many other agencies we are given an extremely brief, perhaps I could call it traffic light, report of a whole host of other agencies, which collectively between them relate to the expenditure each year of hundreds of millions of dollars if not billions of dollars.

Some members might be comfortable with that; I am not particularly comfortable. I would have thought that \$1 million spent in one agency was probably as important as \$1 million spent in another agency. All the justifications can be provided—that the information is available upon request or by accessing a particular webpage, or eventually it will be tabled in parliament—but I do not think that enhances transparency. In fact, when we see some members of the government lead to the publication of the Auditor-General's management letters in *The Advertiser* before those matters are reported to this parliament, I think we have some improvements to be made in how the Auditor-General's activities are reported on, not a further diminution of them.

I place on record my discomfort and the opposition's discomfort with the Auditor-General merely having a discretion to report on his certification of these directives of the Treasurer rather than a requirement. In fact, I would be far more comfortable if, rather than just having a discretion, we had not only a requirement for the Auditor-General to report on this but also a requirement for the Auditor-General to provide in some detail his reasons why he has reached his view on certifying or not certifying particular directives from the Treasurer.



I feel that would provide a far greater depth to the transparency of not only the Auditor-General's decision-making but also some transparency of the Treasurer's decision-making in seeking to issue these directives. It may be attached as an addendum to an annual report, but of course it may be, in the way in which this bill is currently worded, an addendum to an annual report that is not the full audit report we are used to in this place.

It may not be the full audit report we are used to. It may just be an assurance-type report, a risk-based type report. That also raises questions for what happens with future full audit reports to be provided by the Auditor-General because, if one financial year has not had the full and detailed audit, then presumably questions remain over the starting point for the next year's audit, the starting balance, as it were, for those agencies going forward.

I do not think I need to elaborate too much further on this to point out to members that there is a significant risk here in proceeding with this section of the bill in the way that it is worded. I guess that is a very long introduction to a question for the Attorney about whether the government would be willing to contemplate amendments from either the opposition or the crossbench in the other place, not here this evening, to enhance some of the requirements on the Auditor-General when it comes to reporting in this manner.

**The Hon. V.A. CHAPMAN:** I am going to indicate some general comments, and then I will provide to the committee some more fulsome comments that I have been advised on as to how this model will operate if it is applied during the course of the COVID-19 declaration period/six-month expiry time.

Can I start by saying that it is quite reasonable for any member of this parliament to want to maintain scrutiny in this case via the financial watchdog—namely, the Auditor-General—in respect of public expenditure. That is perfectly reasonable. That is exactly what his job is. He has statutory independence, he is accountable to this parliament and he has a job to do. The opposition have indicated that, given such large amounts of money are being advanced, essentially, by both this bill and the Supply Bill for the application of expenditure without a budget even being published, it is even more important. I do not disagree.

What is being proposed here, though, when I looked to consider the opposition's suggestion that we should have more obligation on the Auditor-General to disclose particulars of any action taken under this regime—it seemed to be a little inconsistent with what we are doing. What we are doing in this clause is proposing to the parliament that we would have some capacity to relax or be flexible as to how the audits process is undertaken under the act under the Treasurer's Instruction.

We are also backing it up, I suppose, with both the opportunity and provision for the Auditor-General to, under subparagraph 5 on page 14, to:

...prepare a report on instructions issued pursuant to this section and either—

- (a) annex the report to the...annual report...or
- (b) deliver the report to the President and...House of Assembly.

So the mandatory obligation actually is with what happens with the Treasurer's Instruction. That is what I think as a parliament we do need to scrutinise, and there is already provision for the Treasurer's Instruction; it must be published on the Treasury and Finance website. Nothing has changed in that regard. That continues, as it should.

The whole parliament, then, are alert to the fact that this has occurred, and obviously they can seek to undertake that further in our Auditor-General's examinations or indeed in correspondence to the Auditor-General as to the application of it. As to the mandating of an obligation of the Auditor-General to report to us, if I can paraphrase what I understood the opposition's proposal to be here, it is that the Auditor-General ought to be obliged to put in his annual report the number of times he had been under direction to enable him to do certain things and how he might have applied that and perhaps, in addition to that, if my notes were correct, as to what he had in mind as to how he was going to more fulsomely audit a matter or entity in his explanation to the parliament.

That is my understanding of what the opposition was seeking. It seemed to me that the obligation here is that the parliament needs to know if the Treasurer has issued an instruction, and

that has to be published and that remains an obligation, not an option, and there is provision already for the Auditor-General to put that in.

The member asks in this committee, 'Well, is the government still prepared to direct, by virtue of statute, the Auditor-General to do things?' I have not overnight made an inquiry of the Auditor-General whether he is prepared to do that or what he intends to do in relation to his reporting to the parliament. As an independent statutory officer, I do not think it is appropriate that as a government we even try to consider overnight how we would do it, but I hope the member at least is reassured that it is the instruction of the Treasurer that, frankly, we need to know about as a parliament, and that is a mandatory publication requirement.

I do not think it would be unreasonable for any member of this house to make inquiry in due course, then, about what process had been either abridged or in some way suspended across to what action is going to be done to do what I would describe as a more fulsome audit of that particular entity or process. That said, I also wish to advise the house in respect of a matter raised as to how the Treasurer's Instruction might be necessary.

I should also say, firstly, that I think the issue of the permanency or otherwise of this is now very clear. I hope it is crystal clear: this is not intended to be a process that survives COVID-19. It will be extinguished like all these other initiatives, and we will deal with it. I will just quickly run through this for the record.

Clause 11(1) sets out the criteria for determining whether or not a COVID-19 Treasurer's Instruction is necessary. Specifically, it states that the criteria for making a COVID-19 Treasurer's Instruction is that it:

...is necessary as a result of circumstances brought about by the COVID-19 pandemic (or as a result of any measures taken to address the COVID-19 pandemic) or to provide economic stimulus during and after the COVID-19 pandemic.

These criteria do not set out the time frame for which the COVID-19 Treasurer's Instruction is valid. Rather, this is determined by clause 6, which sets out the expiry of the act, and clause 11(10), which states:

On the expiry of this section under section 6 all instructions issued by the Treasurer pursuant to this section are taken to be revoked.

At this point, the government considers it necessary for any of the provisions set out in the COVID-19 Treasurer's Instruction to be maintained on a transitional basis. Clause 18 provides for the ability to achieve this by way of regulation. Whether, or for how long, any COVID-19 Treasurer's Instruction requires extension through use of transitional provisions will depend on the time of the financial year that provisions in the act are repealed, as well as the nature of the COVID-19 Treasurer's Instruction issued. For example, if the act were to be repealed early in the financial year, any COVID-19 Treasurer's Instruction affecting time frames for reporting may need an extension for a number of months. Should the act be repealed mid financial year, such extensions should not be necessary.

On the question of whether the Auditor-General should be required to conduct both a review and an audit, which is this whole question of doing a more fulsome assessment further down the track, I am advised as follows: it would be impractical for both the audit and review to be conducted in relation to the 2019-20 financial report. It would require additional resources of both the Auditor-General and the relevant agency. It would also delay the Auditor-General's 2020-21 work.

Both audits and reviews are assurance engagements. Assurance is provided through the opinion of the Auditor. The Australian Auditing and Assurance Standards Board issues both Australian auditing standards and Australian standards on review engagements. This is a rigour to both types of engagement. An audit concludes with an opinion on whether the financial report is in accordance with the financial reporting period. In a review, procedures are performed and the opinion is based on those procedures as to whether anything has come to the attention of the Auditor that the financial report is not in accordance with the financial reporting framework.

The nature, timing and extent of procedures performed for a review are limited compared with that necessary for an audit, but it is planned to obtain a level of assurance that the Auditor-General's judgement is meaningful. It is hoped that, for the 2020-21 financial reports, the emergency

provisions will no longer be in place and, as a result, the Auditor-General will revert to the current requirements that audits be undertaken.

In 2020-21, financial reports will include comparative amounts, that is, financial information about 2019-20 to allow comparison to 2020-21. As part of the audit, the Auditor-General will need to form a view as to whether the financial report as a whole is in accordance with the financial reporting framework. That requires consideration of the 2019-20 comparative amounts. The steps taken by the Auditor-General in relation to the 2020-21 financial reports and forming a view on the whole report, including the 2019-20 comparative amounts, is a matter for the Auditor-General to determine.

Given these issues, this is why clause 12 provides a discretion to the Auditor-General for a review. It does not seek to mandate it. I have no doubt that the Auditor-General will consider the needs of the parliament when exercising this discretion. All of that said, I propose that, as quickly as we can, either I or the Treasurer speak to the Auditor-General.

It would be helpful if I had any specificity as to exactly what the member would have in mind but, as I understand it, it would be an indication where the Auditor-General would be happy to provide in his annual report the number of times he was directed under a Treasurer's Instruction and how he applied the alternate processes and whether he is proposing to do a more fulsome audit, if in fact he accessed the flexibility that was allowed by the direction. If there is anything else, I would ask the member to give it to me before midnight and I will see what we can do.

**The Hon. S.C. MULLIGHAN:** I appreciate the efforts of the Deputy Premier to assuage the concerns of the opposition in regard to this matter. However, despite the document she has just read from, there is no requirement in this bill for the Auditor-General to provide an assurance-type review or a risk-based financial review according to Australian accounting standards. That is a matter that is canvassed in clause 12 of this bill.

I do not want to take the enjoyment out of what lies before us as we get to clause 12. Some say the anticipation is better than the actual moment, Chair, and I am sure you will agree that applies here when it comes to the discussion we look forward to for clause 12. However, the way in which I understand the scheme to operate, which has been proposed in clause 11 in this bill, is that the Treasurer may issue directions or alleviate agencies of the burden of complying with the Treasurer's Instructions—for example, by issuing instructions—but before they take effect, the Auditor has to certify that, in his view, that is necessary and/or appropriate.

It is, I guess, of keen interest to the opposition that the Auditor-General reports to parliament about those certifications that he makes—not just the fact that he has been asked to do them and presumably has done them but his rationale for certifying or otherwise. That is entirely consistent with how the Public Finance and Audit Act currently operates.

The parliament, as the Deputy Premier says, appoints the Auditor-General. He is a statutory officer. In this act we set out exactly what it is that the Auditor-General must do. In fact, as he reports to parliament on various matters, in those reports he sets out the legislative basis for each of those reports. So it is our purview to be setting out in legislation, to be determining via bills, what he should be doing to satisfy us when it comes to financial management and accounting within the public sector.

I appreciate that we have assurances from the government, if not from the Auditor-General himself, about his intentions when it comes to the financial reviews that he may undertake pursuant to clause 12, but we have been here before. In fact, the member for Florey and I raised eyebrows and concerns when the Public Finance and Audit (Miscellaneous) Amendment Bill was brought to this place in late 2018, seeking to change the way in which the Auditor-General would report back to this place. We were told that it was some sort of tree-saving initiative where, rather than getting five or six inches of reports at once in the form of the annual audit report, we would instead get a summary of all of the financial reports and associated documents would be available online.

We were also told that the Auditor-General wanted to take a risk-based approach to financial auditing of the public sector so that he could concentrate on what he deemed to be more important areas first and get those to the parliament in the reporting time frames which are contained within the act—i.e. quickly after 30 September each year. Subsequent, perhaps less important audits, as far as he could see, could be provided at a later date.

What that has led to now is a situation where, yes, we do get a two-stage report, the first stage ostensibly being what we have been used to for many years in this place and that is a detailed report from the Auditor-General, albeit with the financial statements published online and not in hard copy here. But what we get subsequently in March or so of the next calendar year is a much smaller, much lighter, particularly in detail, report—as I said, a traffic light-type report. That is not what was detailed to this place when we were making those amendments to the Public Finance and Audit Act in late 2018.

I am not saying it is the view of all people in the opposition, but it is certainly my view that that has not enhanced accountability and transparency of public finances in this state. So, while I am pleased the Attorney has sought further and better particulars from Treasury and the Auditor-General, I presume, about how the reviews pursuant to clause 12 are proposed to be undertaken, that is not a requirement and it is left to the discretion of the Auditor, who may or may not make good on the information that has been provided to us here today.

I am not sure whether I will get my thoughts and those of the opposition back to the Deputy Premier by midnight tonight, but certainly this will be something that we will be canvassing in the other place, perhaps with the benefit, to be fair on the government, of having the Treasurer resident in the other place, being able to consider, if not to better particularise, what the government's and the Auditor-General's intentions are. I do register my discomfort with how clause 11 is currently drafted in that I think there is too much of a discretion for the Auditor-General in terms of his reporting requirements, and that will also be something that I will raise when we get to clause 12.

**The Hon. V.A. CHAPMAN:** I thank the shadow treasurer for giving some indication about what he may be able to detail as to the specificity that he would like to seek in the bill and in particular the Auditor-General's obligations being incorporated in it. We will do what we can at this end. I would like to mention two things in relation to the 2018 amendments, which produced a reduction in the published material in hard copy of the Auditor-General's Report.

Certainly in the 20 years I have been here the Auditor-General's Report has rather been expanded in the number of volumes, but I did have the pleasure of receiving from Heini Becker, who was a former member of this parliament and head of one of the finance committees, a copy of an Auditor-General's Report from the late the 1960s. They were very thin volumes, back in the days when it was less than a billion-dollar-a-year budget. I think Don Dunstan was the first one to have the first billion-dollar budget for South Australia and there was much controversy about it at the time, but nevertheless—

**The Hon. S.C. Mullighan:** Is that in decimal currency?

**The Hon. V.A. CHAPMAN:** No, decimal was 1966. But, just for the member's interest, there is a slim volume for each year. You can imagine some poor secretary in those days who would be typing away on one of those horrible typewriters and then have to white out bits when mistakes were made. It is an interesting read, actually, but I make the point that we seem to have gone full circle.

I do not accept any suggestion or perhaps hint of criticism as to the brevity of what we now formally publish with all the financial accounts being online, because obviously we have to do something about this massive production of paper that we have in these reports. I would also like to remind the member that in fact it was his government that set the precedent for this.

Firstly, premier Weatherill issued an edict in relation to annual reports: there were to be no more photographs, they were going to be slimline, we were going to trim down what was to be in them and they were to be summaries and so on. It brought in a new era. Instead of getting these big fat glossy annual reports from every different agency in the department and every different unit of government, we got the slimline version.

I think the previous government set the trend in that regard. I am not criticising it because I think it is reasonable, if we do have an interest. Not all of us are interested in going through all the financial accounts of every agency, but if we are it is all there and available and we can do that. 'Refer to website', 'refer to this and that' is something that we now live with. I find it a bit irritating, in legislation, to have 'see such and such' written into a bill, where you have to go and find some other reference to be able to track down the penalty on something or definitions on something.

I think it is sloppy drafting myself, but in any event that is the way modern statute presentations are done. It is designed, apparently, to make sure you can keep changing things over here without changing the main act. That may be it. I do not agree with all of these changes, but this is one we have, and we will see what we can do over the next 24 hours to see if we can satisfy the member for Lee's concerns.

I am also advised by my adviser from the Treasury department that the Treasurer's Instructions publication is not mandated. It is not a mandatory obligation, but it is something that is done. It predated this government, I assume—yes. I am assured that it was the same practice as operated under the previous government, just in case there was any concern about that.

Clause passed.

Clause 12.

**The Hon. S.C. MULLIGHAN:** Clause 12 comes to the substance of the report that the Auditor-General is required to undertake. Rather than being required to undertake the full audit for a financial year, he instead is able to determine to conduct a review in such a manner as the Auditor-General thinks fit. That is the only direction that this parliament will be placing on the Auditor-General when it comes to this.

For the period in which the government agencies, and indeed the Auditor himself, are managing the impacts of the coronavirus on their operations, that is not unreasonable. I think both the agencies and the Auditor-General need some latitude in being able to modify their operations and perhaps constrain the requirements placed on them to the necessary extents.

The point I was making is that if the Auditor-General provides a review of any sort that falls short of the required full audit that we are used to getting, then at some point in the future the Auditor-General and the agencies should be required to go back and ensure that that full audit is able to be provided, because it will be for a period of time when the government is spending, and spending a lot more than it would be otherwise, in an effort to combat the impacts of the coronavirus. It may be, for example, pumping a lot more money into SA Health to enable them to battle the health impacts of the coronavirus, or it may be that agencies like the Treasury department are trying to pump money into the community to stave off the worst economic impacts as a result of the pandemic.

It may also be that during that period of time when all attention is elsewhere, other agencies are perhaps conducting their business with fewer staff and with a great deal more stress to those staff, as we can all appreciate, particularly staff who are obliged to work from home and manage all of the other domestic pressures that come with that, and that some of the business of those departments is not conducted, or may not be conducted, with the same rigour.

We know, of course, that there are always those people in the community who are unfortunately looking to take advantage of government agencies. Indeed, the Deputy Premier probably remembers better than I the episode of the infamous printer cartridges, stationery sales and the promise of free iPads, etc., to those procurement staff. Unfortunately, that behaviour still exists in some parts of the community and it is the Auditor-General's role not only to conduct these annual audits but to make sure that the processes, practices and procedures by which governments receive appropriation and expend those moneys are as rigorous as possible to prevent that from happening.

If we are going to go through a period of time when much larger amounts of money than normal are being spent and there are much greater pressures during this period on government agencies, and in particular on the staff within those agencies, then I think it is appropriate that after the fact the Auditor-General and those agencies should go back and make sure that those audits are conducted according to the existing provisions in the Public Finance and Audit Act. I do not think that is unreasonable.

Yes, I agree with the point the Deputy Premier makes: that is likely to be resource intensive and burdensome, both for the Auditor-General and those agencies for that period. Maybe it occurs at some point in the 2020-21 financial year. I hope it occurs in that financial year and not in the subsequent one because that would suggest that we are dealing with this pandemic for a much longer period.

Nonetheless, I think that greater effort and greater expense and use of resources is a small price to pay to make sure that during this period where the parliament is approving enormous amounts of money to be accessed by the government we can have as much assurance as we possibly need and demand that those moneys have been expended appropriately according to law and according to the processes, procedures and policies of the government of the day.

Clause passed.

Clause 13.

**The Hon. V.A. CHAPMAN:** I move:

Amendment No 1 [AG-2]—

Page 15, after line 24—Insert:

- (1a) However, the regulations may only—
- (a) postpone a time at which a particular appointment would cease; or
  - (b) extend a particular appointment; or
  - (c) extend a period, at the end of which a particular appointment would cease, by a maximum period of 6 months.

This is an amendment that proposes to insert a time limit of up to six months for the operation of this clause. Essentially, if a regulation is to postpone a time at which a particular appointment would cease, or extend a particular appointment or extend a period at the end of which a particular appointment would cease, then this amendment would include a maximum period of six months on that. It arises out of what I think is a sensible suggestion by the opposition that there needed to be a time limit on these extensions or postponements. We agreed on the nominated time, and I hope that six months is satisfactory for that purpose.

**The Hon. S.C. MULLIGHAN:** I appreciate the Attorney moving this amendment. We think it is sensible and we are grateful to her for moving this to ensure that we have that time limit on the appointments pursuant to clause 13 of this bill.

Amendment carried; clause as amended passed.

Clause 14.

**Ms BEDFORD:** I wish to ask the Attorney whether there will be a schedule of documents relating to this clause that will be exempt, things like deceased estates, affidavits, early withdrawals from super, certified copies and statutory declarations and signing of immigration papers. How soon will these intentions be enacted, and will there also be commonwealth and state documents as part of this measure?

**The Hon. V.A. CHAPMAN:** I have not seen any draft regulation or indication of a list as to what is to apply, but during the course of the briefing your officer made an inquiry whether there would be an overriding of any obligation under commonwealth law, and although I did not tease that out I assumed it was in relation to whether that would be an exemption, for example, on a document required by Centrelink under commonwealth entitlements, and the answer to that is, no, there is no capacity for us as a state administration to override an obligation under a commonwealth law by using this.

This is a power to have a regulation to override, but I did point out to the member's adviser that COVID-19 has thrown up this issue of having documents certified or providing supporting documents, usually for identifying a financial position or identifying proof of who a person is. For example, on applications for Centrelink, at their end the commonwealth has made some exemptions on having declarations signed in relation to some applications and a driver's licence is apparently now being accepted.

So they have relaxed at their end some of these. I would be surprised if the commonwealth was going to initiate any relaxation in relation to migration documents, but that is just a guess. I think it is probably more likely that they would target things like Centrelink payments or access to benefits, a bit like we have done during the bushfires at the state level.

The Commissioner for Business Services has exempted obligations in relation to birth and death certificates and provided dispensation of paying for fees because, if suddenly someone's house gets burnt down, they of course need to be able to have new documents, and so on. We want some flexibility built into it, and that is what this is for. But, no, we do not have a list at this point.

I do know there has been some consideration by the courts of what they might accept, but if I were to use an example, I do not think they would be moving towards saying that they will accept a will if you had just signed it and you do not have your two signatures. Somewhere in between we need to appreciate that, especially when people are seeking some financial relief or support, we need to have some flexibility here; that is really the purpose of this during this time.

**Ms BEDFORD:** Well, that is not going to be the case with the early withdrawal from super, I wouldn't have thought.

**The Hon. V.A. Chapman:** I wouldn't think so.

**Ms BEDFORD:** No, so we are still in the same position. So will all this be overseen eventually where documents are proven to be inaccurate or not correct? How is that going to be sorted out afterwards?

**The Hon. V.A. CHAPMAN:** I think with any relaxation of a rule it may be substituted with something else, of course. For example, I was just saying that, instead of signing a declaration that you are the person, you have to present a driver's licence. It is not necessarily at the highest standard, but alternate arrangements are made sometimes in these circumstances. Obviously, if someone were to fraudulently do something, then of course there may be some action in relation to that.

I suppose without having anything specific put to me, I think every time you relax something obviously you open the door a bit more to someone who might be unscrupulous, who might want to be dishonest or to get a benefit they should not otherwise have access to or pretend to be somebody else—and that is a bit easier to do without having to have your 100-point passport regime, for example.

As I said, the chief justices are looking at ways of how they might still hear matters. They may require other forms of identification. They might require someone else's corroboration, for example. Changing them and making them more flexible does not mean that they are going to be inadequate; however, there is certainly always a risk that this could occur. Largely, it is to ensure that we can equitably and efficiently process matters, usually for the benefit of a consumer or a member of the public, to ensure that they can quickly access what they need. That is what this is designed to do.

**Ms BEDFORD:** Notwithstanding that information, Attorney, what will be done to ensure adequate access to JP services for the public? I can tell you from our experiences in the past couple of weeks, as the only office operating in our area, that we are very, very busy and people are very, very grateful that we are still there. Even with the relaxation, without a list of documents or exemptions, people are still going to be running around. We are trying to do all of this to alleviate the concerns of the public, but I am not sure that is going to be the outcome in the short term.

**The Hon. V.A. CHAPMAN:** Apart from Centrelink providing some relaxation of rules, which, as I understand, is the only particular area that is being granted, I do not disagree at all with the fact that we have an issue with access to JPs. Largely, they are a population within the community who are mature age. One of the problems is that, apart from the ones who are sometimes in the electorate offices of members of parliament, they are in home isolation at the moment.

A lot of councils have closed those services. As of 30 March, Consumer and Business Services no longer has JPs available. Yes, electorate offices are still providing that service, and there is still electronic access in order to find JPs in your area, but I totally agree that it is more difficult now. There are usually around four categories of people who can sign documents.

One category is justices of the peace and commissioners for taking affidavits in the Supreme Court—I am one of them, but there are not many around and they are not immediately available. The other two are proclaimed bank managers—I think they are an extinct species; I do not think they exist—and police officers above a certain rank, and they are busy.

I understand this because I made some inquiries and the answer that came back was, 'We're pretty busy. We really haven't got time to be doing this.' I do not disagree. It is one of the practical outcomes of trying to balance scrutiny for the purposes of giving out public money and benefits with the expediency of the circumstances we are dealing with. I thank the member for bringing the matter to the attention of the parliament. As I said, we are doing the best we can. I think we have around 6,000 JPs in South Australia, but—

**Ms BEDFORD:** Less than a third are still active though.

**The Hon. V.A. CHAPMAN:** Well, no. I think the Hon. Michael Atkinson, when he was attorney-general, did a bit of a cleansing of the list.

**Ms BEDFORD:** He purged the list.

**The Hon. V.A. CHAPMAN:** Purged—yes, that is probably a better word. He sacked them all, essentially. He brought a thing to the parliament to dismiss them all from the list and everyone had to reapply, and he had a bit of a screening process. They are very much mature age because that is naturally what we would expect—that people will, in retirement, be available—but at the moment we have a practical problem.

I thank the member. I think a number of members would still be providing this service in their electorates, especially if their local councils are not, so I thank all members who are still making this service available to their constituents and assisting them to navigate benefits to get through this COVID-19 pandemic.

Clause passed.

Clause 15.

**The Hon. S.C. MULLIGHAN:** Does clause 15 apply to meetings facilitated by the Constitution Act 1934?

**The Hon. V.A. CHAPMAN:** If the member is referring to parliamentary committees, yes.

**The Hon. S.C. MULLIGHAN:** And the parliament itself?

**The Hon. V.A. CHAPMAN:** No; indeed, more work would need to be done. I am advised there would need to be amendments to the Constitution Act for us to be able to deal with parliament and Executive Council, neither of which I am asking to be considered in this bill.

Clause passed.

Clause 16.

**The Hon. S.C. MULLIGHAN:** Are there particular types of documents that require service that this clause is aimed at?

**The Hon. V.A. CHAPMAN:** I am advised that it is general. I have to say that over the years we have changed a number of different ways we serve certain documents in an individual piece of legislation. This will be a sort of catch-all. In different acts we have actually modernised this over the years, under the previous government, to bring into place service electronically, but this is really to cover a circumstance where we would need to serve. It is for general application, but there is no particular proposed deficiency of a particular process in mind.

Clause passed.

Clause 17 to 20 passed.

Schedule passed.

Schedule 2.

**The Hon. S.C. MULLIGHAN:** My question relates to 26B on page 29. Can the Deputy Premier iterate—or perhaps reiterate, given that she addressed this in her second reading contribution—who is and who is not captured by 26B?



**The Hon. V.A. CHAPMAN:** My re-reading of the Emergency Management Act, from when we debated it back in 2004—so a long time ago—alerted me to the fact that there is provision in that act which enables the Coordinator to get access to information. As I understand it, it is the sort of situation where a police officer needs to have the address of someone found to have COVID-19 and needs to be in isolation, the person has a motor vehicle and the transport department may have the address—that type of thing.

There would be information that they would need to get and normally the transport officer would be in trouble if information was disclosed in those circumstances. We have the Coordinator needing to have access to information, which he has, and then we need protections for those who might provide it, and the use of it by the Coordinator, for example, to track the person who needs to be contacted.

The provision here, to suggest that there will be no obligation to maintain secrecy or other restrictions on the disclosure of information, applies to a person who is required to disclose information by a directional requirement issued under section 25, except an obligation or restriction designed to keep the identity of an informant secret. I hope the example I have given is a good one. Of course, we have the other situation that happens when information is kept secret.

It reminds me of the story of the Irish doctor who says to his patient, 'I've got some bad news and some even worse news. The bad news at the highest level is that you're going to die in 24 hours and the even worse news is that I couldn't get in touch with you yesterday.' The situation is that in an emergency we need to bring into play important relaxations, and that is what this is designed to do to protect those who are obliged to disgorge this information and then provide it to the Coordinator.

**The Hon. S.C. MULLIGHAN:** Does it apply to doctors, lawyers, journalists—and I know this is unfortunately topical today—priests?

**The Hon. V.A. CHAPMAN:** My understanding is that legal professional privilege is still protected and unlikely to be abrogated. I was given some advice on some other spot, too, so let me find it—incrimination. Would that apply to a priest? There are certain ones, yes, although it has been an interesting day.

**The Hon. S.C. MULLIGHAN:** And doctors and journalists?

**The Hon. V.A. CHAPMAN:** I am advised by the head of parliamentary counsel—and she knows everything—that this is not a clause that requires them to give information; it is a clause that protects them if they give it. If a journalist, for example, or a doctor was asked for this information, it is not a mandatory obligation to provide it, it is a protection if they do. I hope that is clear.

**Mr ODENWALDER:** I have a couple of questions about this section. We have established already that this section of the Emergency Management Act confers on the State Coordinator and the police commissioner, pretty extraordinary powers albeit temporary. I just want to clarify a few simple things. Would 5(b) or any of the new sections allow the State Coordinator or an authorised officer to apply electronic monitoring to anyone who is required by order to self-isolate, if he or she thought it necessary to ensure compliance? It is not explicit, but would it confer that power?

**The Hon. V.A. CHAPMAN:** The answer is that I do not think so. I am getting a shaking of the head from the Crown Solicitor. We have not yet had a situation of it to be a direction that is issued, but if it is as an obligation to wear one, if they had failed to undertake a direction—in other words, it is a sort of term and condition of the breach—then that would be a matter that would not necessarily be determined by the Coordinator, but if there would be a finding of a breach of the direction, that would have to occur first, I would think. Can you ask me a specific scenario and it might make it a bit easier.

**Mr ODENWALDER:** If someone is directed by an authorised officer to self-isolate, to quarantine themselves for 14 days for instance, and they refuse to do so—repeatedly breach the order, however it is phrased in the act—the State Coordinator or an authorised officer's intention is to keep to that person in this kind of detention, this self-isolation, this quarantine. Would they have the power, even though it is not explicit in the act, to employ the use of electronic monitoring to ensure that compliance?

**The Hon. V.A. CHAPMAN:** No; I have had that advice confirmed. That has not been expressly provided for in this bill for the purposes of supporting a decision of the Coordinator to do it. If, on the other hand, the person had failed to carry out a direction and the Coordinator thought, 'I'm going to give him an on-the-spot fine,' or, 'I am going to have him referred for charging,' and it came before a court, then obviously a court may set conditions in relation to bail and/or penalty, that is a different arena. However, in relation to the Coordinator, there is no specific power for the Coordinator under the current act or this bill to put bracelets on people, is the advice that I have.

**Mr ODENWALDER:** I appreciate that, Attorney. Can I just clarify then: the way (5)(b) is worded, that person can 'use such force as is reasonably necessary...in ensuring compliance with a direction or requirement under this section'. Would the use of an electronic bracelet or an electronic monitoring device not be considered the use of 'such force as is reasonably necessary'? Could it?

**The Hon. V.A. CHAPMAN:** The advice I have is no.

**Mr ODENWALDER:** My second question is more simple, I hope: section 25(2)(a) deletes the words '(using such force as is necessary)'. I am wondering why that would be so.

**The Hon. V.A. CHAPMAN:** Because it relates to the further provision, which I have now just lost, which under (5) is placed into another spot under (5)(b). So it is taken out of 25(2)(a) and it is put into the new 25(5)(b).

Schedule passed.

Schedule 3.

**The CHAIR:** The member for Florey's amendments Nos 5 and 6 are consequential on amendment No. 4. I am therefore going to invite the member to move No. 4 as a test case. If lost, she should not proceed with Nos 5 and 6, but if No. 4 is agreed to I will invite her to move the other amendments. Is that clear, member for Florey?

**Ms BEDFORD:** Yes, sir, that is clear. I move:

Amendment No 4 [Bedford-1]—

Page 32, line 14—After 'amendments' insert 'and transitional provisions'

I acknowledge that the remaining amendments are consequential. These amendments will ensure that a declaration of a major emergency by the State Coordinator under the Emergency Management Act cannot be indefinitely extended by cabinet. In simple terms, it mandates that if an emergency needs to be in for longer than 28 days the matter escalates to a disaster declaration which is subject to parliamentary oversight.

What this means is that a government, on the advice of the Coordinator, can declare a further disaster for 30 days following the initial 14 days of a major emergency, and 14 days of extension approved by cabinet. Then after a full 58 days, the emergency declaration can only be extended with the approval of the two houses given by resolution. An extension may be granted for as long as parliament thinks fit.

The term 'disaster' sounds like an escalation for a major emergency, but in reality it merely extends the length of time for which the extraordinary emergency powers are available. These powers represent a significant curtailment of civil liberties. If they are to apply for longer than 28 days, it should not be a decision taken by an unelected official alone, however responsible that individual may be. It should require agreement by the principal democratic body of the state.

No-one doubts the Commissioner of Police as State Coordinator will make a declaration on a considered basis. The issue here is the extraordinary incursions on civil liberties, such as those conferred by the Emergency Management Act and further extended in this bill, cannot be simply declared on an indefinite basis without proper scrutiny by this parliament. This is a gap in the act that has been revealed to the crossbench because of our concern about the loose time frames within this bill and, as the Attorney-General has stated, this is the first time the Emergency Management Act is being put to the test. That is why this parliament should exercise careful supervision of its use.

If this amendment is carried, as the Chair has said, the next amendments will be consequential. I commend this amendment and the consequential amendments to the committee.

**The Hon. V.A. CHAPMAN:** I thank the member for her explanation. It is true that this is the first time we have used the provisions of this act, which provide for a public health incident, across to a state of emergency, across to the disaster clause, and so we do not really know what is necessarily going to be in or out of a disaster circumstance—whether it is an earthquake, if we were at war with Victoria or if we were hit by a nuclear bomb. I assume it would be something that would have statewide implications and would be either some invasion of our territory or a natural disaster resulting in complete chaos. It may be that we lose all electricity across the state—

**An honourable member:** We have had that before.

**The Hon. V.A. CHAPMAN:** —that's right—so we just do not know. I think what the member is saying is that if we have 14 days and we extend it to 28 days, as we have for this one, and then we may need another 28 days, the irony is that in trying to avert a disaster we are trying to spread out the curve of contamination and infection. So it is offending the member's view that, if something gets stretched out over a period of time, then we should be graduating to a disaster and then therefore it would have the scrutiny of cabinet and/or the parliament.

That may be in the end how we have to deal with these types of situations, but I say to the member that to impose a time frame on the commissioner while we are dealing with the COVID-19 circumstance—and all the health officials say we should try to spread it out, which means moderate inconvenience to people as far as their social distancing goes—to ensure that we have the preparedness for what is potentially a more intense health response to avert that disaster situation is the advice we are receiving.

It may be that at the end of this exercise in this particular circumstance, which I hope will be concluded sometime this year, when we sit down as a parliament—certainly as a government, but ultimately as a parliament—and say we were given some extra temporary powers that the Coordinator has asked to clarify, and that is fine, we are making it temporary. But at the end of this exercise we do need to sit down and ask: has this worked? Is there a better way to do it? Should we have four steps? Should there be different processes? That I think is probably a sensible way to go. Then we need to have the advice from health professionals and others who activate this.

But let's be clear: we already have other laws that can place great inconvenience on us for extended periods of time. One which the member may not be familiar with, but which has been used a number of times even in my lifetime, is to completely shut down a district in Australia under biosecurity laws. You cannot go in or out if there is a contamination of disease, such as foot-and-mouth disease.

**Ms Bedford:** Or chickens.

**The Hon. V.A. CHAPMAN:** Well, bird flu was one where we had some issues. I am not sure that we shut down districts across the state at the time. Nevertheless, we had horse flu, for example. We had regulations promulgated which said there shall be no horses, asses or donkeys allowed to come into the state; so there are lots of restrictions there. But, as far as locking down a town or a region, which has happened—you cannot go in or out—once you are in that district you had to stay in there and you could not go out, and that can happen for a long time. If you look at England as the most recent example of the mad cow disease—I think a couple of cases ended up in the United States—again, there was a complete shutdown.

It is a new experience for us in Australia, in metropolitan areas, to have to deal with what is now very close and controlled accommodation, or at least social segregation rules, but sometimes we have had to actually employ it in different ways. Is this the best way to do it? Is the incident emergency disaster model the best way we can do it? I do not know the answer to that, but I for one could not recommend to the government that we would support such an amendment as this halfway through this pandemic and leave us vulnerable, particularly having regard to the person that we have appointed to undertake this responsibility—namely, the Commissioner of Police—to be the appointed Coordinator, and just say, 'Well, look, after the second 14 days, that's it, you can't do it any more, we're going to have to go back to parliament or we have to have a new process.'

That I think would be very unhelpful in the circumstance that I think otherwise he is managing very well. He is certainly giving us advice as a community. It is changing fairly often, and that is

understandable, given the fact that we are trying to manage this over a sustained period. Let's, I would suggest, perhaps not go down the line that is recommended in this amendment but to really agree as a parliament that we will look at this issue down the track and see whether we might be able to improve the model, but for the moment the government has confidence in the police commissioner to undertake this responsibility.

Amendment negatived.

**The CHAIR:** Member for Florey, given that amendment No. 4 was not agreed to, I suggest you not proceed with the other two amendments, given they are consequential.

**Ms BEDFORD:** I heard and understood your instructions, sir.

**The CHAIR:** Okay, so the decision has been made: we are not proceeding with those amendments.

**The Hon. S.C. MULLIGHAN:** As to the clauses surrounding Crown immunity—so 32A and 103A—does that extend to all activities undertaken by the government in dealing with the COVID-19 pandemic or just the measures in relation to this bill?

**The Hon. V.A. CHAPMAN:** Yes. To be clear, I will just repeat that. I am advised that it only relates to actions taken under the Emergency Management Act for the purposes of this declaration process for this incident or period of emergency.

**The Hon. S.C. MULLIGHAN:** For example, would that obviate a medical malpractice claim for somebody who was being treated in a public hospital for the coronavirus?

**The Hon. V.A. CHAPMAN:** The advice I have is that that would not be, as a matter of course, involved in this just because they have the coronavirus. We are really talking about directions that are made and actions taken as a result of those directions. I was just going to try to find some examples of this. For example, if an officer is asked to undertake attendance at a property to check if someone has gone into social isolation, having come back under our new border directions; namely, they have arrived back and they have to go into two weeks of isolation.

You will have heard the Coordinator announce that he has instructed various of his police force, as authorised officers, to go to the homes and do checks to see that they are actually at home. For example, say there was an attendance at a property and there was a question of entering the property to see whether the people were inside, if damage was done to the property and then there was some subsequent claim that it was beyond necessary force to check on that person for the purposes of identifying if they were in isolation pursuant to that direction, if there was a civil claim in relation to the liability of the authorised officer's action in those circumstances, it would not render support to a claim for them to be successful.

**The Hon. S.C. MULLIGHAN:** I take it that it does not attach to medical malpractice claims.

**The Hon. V.A. CHAPMAN:** No.

Schedule passed.

Title passed.

Bill reported with amendment.

*Third Reading*

**The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (21:33):** I move:

That this bill be now read a third time.

Bill read a third time and passed.

*Parliamentary Committees*

**ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE**

The Legislative Council informed the House of Assembly that it had appointed the Hon. D.G.E. Hood to the committee in place of the Hon. J.S.L. Dawkins (resigned).

**LEGISLATIVE REVIEW COMMITTEE**

The Legislative Council informed the House of Assembly that it had appointed the Hon. N.J. Centofanti to the committee in place of the Hon. D.G.E. Hood (resigned).

**PARLIAMENTARY COMMITTEE ON OCCUPATIONAL SAFETY, REHABILITATION AND COMPENSATION**

The Legislative Council informed the House of Assembly that it had appointed the Hon. N.J. Centofanti to the committee in place of the Hon. J.S.L. Dawkins (resigned).

**STATUTORY OFFICERS COMMITTEE**

The Legislative Council informed the House of Assembly that it had appointed the Hon. T.J. Stephens to the committee in place of the Hon. J.S.L. Dawkins (resigned).

**NATURAL RESOURCES COMMITTEE**

The Legislative Council informed the House of Assembly that it had appointed the Hon. N.J. Centofanti to the committee in place of the Hon. D.G.E. Hood (resigned).

At 21:36 the house adjourned until Wednesday 8 April 2020 at 10:30.

*Answers to Questions***HOUSING SA**

**9 Ms COOK (Hurtle Vale)** (19 February 2020). What is the entire current executive structure for Housing SA, including names, positions, remuneration (including any retention bonus, car, car park etc.)?

**The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General):** The Minister for Human Services has provided the following advice:

The following table provides the details of the SA Housing Authority executive structure as at 27 February 2020:

Name	Position title	Level
Michael Buchan	Chief Executive	EXEC00
Belinda Hallsworth	Executive Director, Strategy and Governance	SAES 1
Deborah Dickson	Executive Director, People and Safety	SAES 2
Vacant (*)	Executive Director, Customers and Services	SAES 2
Andrew Atkinson	Executive Director, Property Development and Maintenance	SAES 2
Vacant (*)	Executive Director, Finance and Investments	SAES 1

(\*) The two vacant executive director positions have acting arrangements in place until the positions are filled.

Individual executive total remuneration package values as detailed in schedule 2 of an executive employee's contract will not be disclosed as it is deemed to be unreasonable disclosure of personal affairs.

**HUMAN SERVICES DEPARTMENT**

**10 Ms COOK (Hurtle Vale)** (19 February 2020). What is the entire current executive structure for the Department of Human Services, including names, positions, remuneration (including any retention bonus, car, car park etc.)?

**The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General):** The Minister for Human Services has provided the following advice:

The following table provides the details of the Department of Human Services executive structure as at 5 March 2020:

Name	Position title	Level
Tony Harrison	Chief Executive	EXEC00
Lois Boswell	Deputy Chief Executive	SAES2
Nick Ashley	Acting Chief Financial Officer	SAES2
Gerrie Mitra	Group Executive Director, Disability and Reform Services	SAES2
Ann-Marie Hayes	Executive Director, Community and Family Services	SAES2
Joe Young	Executive Director, Disability Services	SAES2
Kim-Sherie Summers	Executive Director, People, Strategy and System Services	SAES2
Michael Homden	Executive Director, Youth Justice	SAES2
Rowan Dollar	Chief Information Officer	SAES1
Fiona Mort	Director, Office for Women	SAES1
Nancy Rogers	Director, Office of the Chief Executive	SAES1

Individual executive total remuneration package values as detailed in schedule 2 of an executive employee's contract will not be disclosed as it is deemed to be unreasonable disclosure of personal affairs.

**HUMAN SERVICES DEPARTMENT**

**11 Ms COOK (Hurtle Vale)** (19 February 2020). What is the entire structure of the minister's office's 13.0 FTE's, their names, positions, remuneration (including any retention bonus, car, carpark etc.)?

**The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General):** The Minister for Human Services has provided the following advice:

The structure, names, positions and remuneration of ministerial staff was made available on the *Government Gazette* and published on 18 July 2019. The only change since then, includes Selena Maddeford moving from 0.6 FTE

to 0.7 FTE and James Pratt moving from 0.4 FTE to 0.3 FTE. Public sector staffing was published in *Hansard* following estimates on 12 September 2019 and remains unchanged.

#### TAXI SUBSIDY SCHEME

**12 Ms COOK (Hurtle Vale)** (19 February 2020). How many times has the minister written to the minister for the National Disability Insurance Scheme about the SA Taxi Subsidy Scheme since March 2018?

**The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General):** The Minister for Human Services has provided the following advice:

I have advocated the transport issue with the Minister for the National Disability Insurance Scheme, the National Disability Insurance Agency and the Disability Reform Council on multiple occasions.

#### WOMBAT CULL

**39 Dr CLOSE (Port Adelaide—Deputy Leader of the Opposition)** (25 March 2020). In relation to the Permit to Destroy Wildlife recently granted to destroy a number of wombats on farmland near Point Pearce, Yorke Peninsula:

- (a) What criteria are assessed when determining whether to grant a wombat culling permit?
- (b) What criteria did the Permit to Destroy Wildlife application fulfil?
- (c) Is there any evidence of mange in the wombats in the population to be culled?
- (d) Is there any evidence of malnutrition or starvation in the population to be culled?
- (e) Is there any evidence of any human health issues associated with the wombats in the population to be culled?
- (f) What is the estimate of the size of the wombat population to be culled?
- (g) How was that population estimate arrived at?
- (h) Has there been an application for a permit to cull the same population in the past three years?
- (i) If there has been an application for a permit to cull the same population previously, what was the permit granted and what were the grounds for the decision?

**The Hon. D.J. SPEIRS (Black—Minister for Environment and Water):** I have been advised:

- (a) The following criteria are assessed when an application for a Permit to Destroy Wildlife is received:
  - Extent of environmental/economic damage being caused or likely to be caused by the wildlife;
  - The threat posed by the wildlife to human safety;
  - Whether non-lethal methods have been tried, the success of those methods and whether they were appropriate to manage the impact of the wildlife;
  - Whether the destruction of some animals would provide an effective method of minimising the impact of wildlife;
  - Whether the method of destruction is humane and complies with the relevant codes of practice (CoP) or animal welfare legislation (where a CoP does not exist); and
  - Whether destruction of some animals from a population will detrimentally affect the ecological sustainability and species conservation status.
- (b) The application for a Permit to Destroy Wildlife fulfilled each of the criteria set out in (a).
- (c) Mange in wombats has been reported in the Point Pearce population, and elsewhere on Yorke Peninsula.
- (d) Evidence of malnutrition or starvation of the wildlife was not required to assess the application for a Permit to Destroy Wildlife.
- (e) The community have raised concerns over mange being transferred from the wombat population to the local community, via dogs.
- (f) & (g) The applicant estimated a population of approximately 2,000 animals across the 5,500 hectare property, which was calculated with reference to local observations, the number of known warrens and recent drone footage of the area.
- (i) A previous Permit to Destroy Wildlife has been issued for the same property, which was assessed against the criteria mentioned in (a) above. No wombats were destroyed under this permit.

**TAFE SA PORT PIRIE**

In reply to **the Hon. G.G. BROCK (Frome)** (19 February 2020).

**The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning):** I have been advised:

Following an initial enquiry received in 2017, TAFE SA and the Department for Planning, Transport and Infrastructure (DPTI) are finalising an agreement for the DPTI Facilities Services Regional office to relocate into a small portion of a long-term underutilised building on the Port Pirie campus.

**YAMBA QUARANTINE STATION**

In reply to **Ms BEDFORD (Florey)** (20 February 2020).

**The Hon. T.J. WHETSTONE (Chaffey—Minister for Primary Industries and Regional Development):** I have been advised:

1. The revenue to date is \$1,643,805. This figure is taken from 18 December 2018 to 3 March 2020. This figure does not include fines yet to be issued or yet to be paid.

2. The amount of 'host material' seized at Yamba for calendar year 2018 is 27,008 kilograms (27 tonnes) prior to zero tolerance

The amount of 'host material' seized at Yamba for calendar year 2019 is 13,057 kilograms (13 tonnes) post zero tolerance

3. I refer to the answer given during question time on 4 March 2020.

**YAMBA QUARANTINE STATION**

In reply to **Ms BEDFORD (Florey)** (20 February 2020).

**The Hon. T.J. WHETSTONE (Chaffey—Minister for Primary Industries and Regional Development):** I have been advised:

1. Refer to the answer given during question time on 4 March 2020.

**TAFE SA**

In reply to **Mr BELL (Mount Gambier)** (5 March 2020).

**The Hon. J.A.W. GARDNER (Morialta—Minister for Education):** I have been advised of the following:

TAFE SA is in the midst of reviewing its structure to improve its business operations. This has included an analysis of regional manager positions across the organisation.

I am advised that TAFE SA is currently consulting with its staff and unions on its proposed structure and no decisions have been made.

The proposal being considered includes regionally based positions to respond to local training needs.

**CORONAVIRUS**

In reply to **the Hon. G.G. BROCK (Frome)** (24 March 2020).

**The Hon. J.A.W. GARDNER (Morialta—Minister for Education):** The Minister for Primary Industries and Regional Development has advised the following:

Measures and protocols are being put in place by Flinders Port Holdings to protect the South Australian community while ensuring our ports remain fully operational for necessary trade, including of agricultural produce. In line with Australian and state government border restrictions, there is a 14-day exclusion period for all international vessels intended to arrive less than 14 days from their last port of call before arriving in Australia. This also applies to vessels where international crew have joined and been on board for less than 14 days from their last port of call.

Crew are to be restricted to their individual ships and no shore leave is to be granted unless exceptional circumstances (such as a medical emergency) warrant such an exemption. Ship's crew will be permitted to come onto the wharf to perform their normal functions but will be restricted to the vessel and the working quay line adjacent to the vessel. If a crew member is required to disembark for critical vessel duties alongside, then they are required to wear appropriate protective gear (including a face mask, glasses and gloves), practise good hand hygiene and minimise their contact with port staff. All crew arriving from international destinations are required to have completed a 14 day self-isolation period in line with the Australian government self-isolation requirements. Exceptions to these restrictions may only be applied by the Australian Border Force, which would only be in exceptional circumstances.