HOUSE OF ASSEMBLY

Tuesday, 12 May 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.

Parliament House Matters

PARLIAMENT HOUSE SAFETY MEASURES

The SPEAKER (11:01): Honourable members, before I call Mr Clerk, I can advise the house that I am informed that with agreement between the Leader of Government Business and the opposition there may be allowance for all members to be in attendance in the chamber during the COVID-19 pandemic, so I have authorised the use of the Speaker's gallery for the seating of members. I believe the Leader of Government Business will shortly move a motion to so far suspend standing orders to allow this to occur. As a result, the Speaker's gallery will only be accessible to members. Members of the Legislative Council, members' staff and others will, therefore, need to use the public gallery on the mezzanine level until further notice if they wish to observe proceedings of the house.

However, there are some matters that I will raise concerning members being recognised by the Chair and being heard while in the Speaker's gallery. Firstly, members who wish to be recognised by the Chair should stand as normal in their place in the Speaker's gallery. Rest assured, members who wish to be recognised will be. Secondly, the Speaker's gallery is not provided with microphones. Members, once acknowledged by the Chair, who wish to speak to a matter or raise a matter of privilege or point of order will need to come down to an unoccupied seat on the floor of the chamber so that their remarks can be heard and recorded by Hansard.

As has always been the case, interjections are out of order. Every member has a right to be heard and I do ask for the cooperation of all members to make this possible. I thank members for their understanding.

Parliamentary Procedure

STANDING ORDERS SUSPENSION

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning) (11:03): I move without notice:

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 and the Speaker's gallery and that members of the Legislative Council be prohibited from admission to the Speaker's gallery.

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

An honourable member: Yes, sir.

The SPEAKER: There being no debate, I will put it at once.

Motion carried.

Bills

COVID-19 EMERGENCY RESPONSE (FURTHER MEASURES) AMENDMENT 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: There being no debate, I will put it at once.

Motion carried.

Introduction and First Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (11:04): Obtained leave and introduced a bill for an act to amend the COVID-19 Emergency Response Act 2020 and to make related amendments to the Development Act 1993 and the Training and Skills Development Act 2008. 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 (Further Measures) Amendment Bill 2020, and I wish to acknowledge and appreciate the house's indulgence in allowing this to proceed this morning. The bill makes amendments to the COVID-19 Emergency Response Act 2020 and other associated amendments to ensure the continued safe and efficient functioning of the state of South Australia and the government and to address further critical matters that have arisen since the passage of the act and throughout the continuing COVID-19 pandemic.

Members would be aware that this is a most difficult situation to be in. It is global, and in South Australia we are not exempt from the considerable learnings that we need to undertake and circumstances we come up against that need our legislative attention. We are all working in new ground, so from time to time we will of course, as a government, bring matters to the attention of the parliament when that is necessary. This bill builds on the work of the COVID-19 Emergency Response Act and continues the work of the Marshall government in providing a thoughtful, proactive and considered approach to the COVID-19 pandemic. I will now deal with each of the changes proposed by the bill.

Clauses 3, 4 and 6 of the bill change the way in which the COVID-19 Emergency Response Act will deal with commercial leases and the moratorium on eviction of tenants by removing section 7 and including head powers to support new extensive regulations. As members would recall, section 7 was passed in the initial act and was the first response to the changes for commercial leasing. By way of background, on 7 April 2020, national cabinet published the Mandatory Code of Conduct: SME Commercial Leasing Principles During COVID-19, which set out principles for providing rent relief to tenants suffering financial hardship and encouraged landlords and tenants to negotiate agreements relating to rent relief.

Each state and territory was tasked with incorporating the code into their own laws and regulations. While it was not possible to include the government's full response to the code in the COVID-19 Emergency Response Act, because the code was published on the same day that the bill was introduced into parliament, these changes have now been finalised.

There has been much discussion and stakeholder interest in the code's provisions. I am sure nearly every one of us here in this place has received correspondence from businesses, tenants and commercial landlords, so I commend the work of the Department of Treasury on implementing the code in South Australia. If I were to describe it as having one defining feature, it is flexibility to ensure that we do not unfairly introduce ultimate arbitration on matters, and also give guide to those who are discussing matters that might otherwise apply with a one-size-fits-all model.

Including the majority of the commercial lease provisions in regulations rather than the act allows for that greater flexibility if changes need to be made to the scheme, and is consistent with the approach taken in New South Wales and Victoria. Therefore, the moratorium on evictions and other protections for tenants included in the COVID-19 Emergency Response Act will now be included in the new regulations and removed from the act through this bill by deleting section 7.

The new regulations will provide a statement of objectives, which provide that regard has been had to the code in the making of the regulations. The regulations, once made, will have retrospective operation to 30 March 2020. This is consistent with the approach taken by other jurisdictions. However, the court may only make prospective changes to agreements already made between parties from 30 March 2020 and the date of commencement of the regulations.

The bill provides that these regulations will expire after six months, and this will give the business community certainty in making agreements and arrangements. Members may recall that the act recently passed ceases at either the finalising of the emergency period or six months from its commencement, whichever is earlier. By including a separate expiry program for the code in this bill, the government is acting to ensure that commercial tenants and landlords see the protections of the code for a guaranteed period of time regardless of the operation of the emergency period—perhaps a reminder to the member for Kaurna of the need to have that in the original bill but, nevertheless, we can remedy it in this bill.

Moving now to other matters in the bill, clause 5 inserts into the COVID-19 Emergency Response Act new section 10A, which contains special provisions regarding visits of community visitors and the Chief Psychiatrist. Under the Mental Health Act 2009 and Disability Services (Community Visitor Scheme) Regulations 2013, community visitors have obligations and discretions to visit treatment centres, community mental health facilities, disability accommodation premises and day option program premises.

The visits are an important aspect of the community visitors' functions, which include referring any matter of concern to the appropriate persons or bodies and advocating for assisting vulnerable people in the facilities. The Chief Psychiatrist has similar functions to visit and inspect hospitals under the Mental Health Act 2009 and the Health Care Act 2008, which are an important aspect of his monitoring of the provision of mental health care in South Australia.

A new section 10A enables these visits as well as the visits of community visitors under COVID-19 Emergency Response (Schedule 1) Regulations 2020, which relate to detention of certain protected persons during the COVID-19 pandemic to be conducted remotely by audiovisual or other electronic means during the COVID-19 pandemic. This is consistent with similar changes made under other legislative schemes through the act recently passed.

Continuing then, clause 7 of the bill provides that an extension of time given under a regulation made under section 14 will operate in accordance with the terms beyond the expiry of the COVID-19 Emergency Response Act. This clause was necessary as a result of the changes made to section 6 of the COVID-19 Emergency Response Act during the parliamentary debates, which provides that the act will expire either when the emergency declarations have ended, and I am satisfied that there is no intention to make another declaration, or six months commencement whichever is the earliest.

Clauses 8(1) and 8(6) of the bill add to the work done by the act to allow audiovisual options for parliamentary committees. The changes in this bill further ensure that parliamentary committees established under the Aboriginal Lands Parliamentary Standing Committee Act 2003 and the Parliamentary Committees Act 1991 can meet by audiovisual or audio means. While section 17 of the COVID-19 Emergency Response Act applies to these parliamentary committees generally, a concern was raised by the House of Assembly Clerk, which is shared by the Legislative Council Clerk (that's unprecedented, is it? No, perhaps I shouldn't say that) that parliamentary privilege will not apply to these committees' proceedings unless there was a specific provision authorising them to meet via alternate means. The government has listened to those and ensured that those concerns are addressed, and we leave no doubt that these amendments address the same.

Clause 8 of the bill highlights the government's determination to stimulate our local economy and get South Australians back into the workforce. Clauses 8(2) and 8(7) of the bill make changes to the Development Act 1993 and, where relevant, to the Planning, Development and Infrastructure Act 2016 to reduce the burden and red tape on planning processes and to create a seamless and streamlined process to stimulate economic development during the COVID-19 pandemic.

Clause 8(2) increases the threshold for Crown development under the Development Act to $10 million from the current $4 million cap, where the State Commission Assessment Panel is

required by public advertisement to invite interested persons to make written submissions on the proposal within a period of at least 15 business days. By increasing this threshold, the government is allowing medium-sized projects to be progressed more effectively and efficiently, thereby promoting economic stimulus during the COVID-19 pandemic—something, of course, that is crucial to keep South Australia moving.

Clauses 8(2) and 8(7) remove the requirement for the State Commission Assessment Panel to consult with councils in relation to Crown developments during the COVID-19 pandemic. Under the current provisions of the Development Act and Planning, Development and Infrastructure Act, there is a time-consuming process whereby the State Commission Assessment Panel must consult with councils, assess their comments and report to the minister.

Potentially the minister may then need to prepare a report, which must be presented to both houses of parliament. Removing the requirement for time-consuming notification to local councils promotes more efficient development, thereby encouraging economic stimulus during the period of the COVID-19 pandemic. I reiterate the significance of those measures during the COVID-19 pandemic.

Clause 8(3) of the bill temporarily modifies the Emergency Management Act 2004 by inserting section 25A to make it clear that authorised officers under the act have the power to remove children in order to enforce compliance with any direction under section 25 of that act to ensure their safety. Children can be removed to their place of residence, a hospital or a quarantine facility. This provision was inserted at the request of SAPOL to clarify that an authorised officer may remove a child because they are not complying with a direction, even though they are not necessarily at risk of serious harm.

Clause 8(4) of the bill temporarily modifies the Emergency Management Act to allow the minister to direct a person who engages in transmission or distribution of electricity when an electricity supply emergency has been declared. It also clarifies that a market participant can be directed to give directions of the kind that is lawful for the market participant to give to another person or body even where the person is not a market participant.

South Australia is experiencing very low demand conditions during COVID-19 conditions. This makes the secure operation of the power system challenging. This challenge would be further exacerbated if for any reason South Australia separated from the rest of the National Energy Market. When an electricity supply emergency is caused by too much supply in the National Energy Market and not enough demand for electricity, the most efficient way to manage the supply and demand balance is to direct supply reductions. This is at a time when we are producing perhaps our usual provision for power, but we do not have enough industry and businesses to use it, so that there is still high production and very low demand. That is the purpose of these amendments.

In particular, clause 8(4) ensures that a coordinated and efficient reduction of supply can occur through the transmission and distribution businesses. In the case of an energy emergency, this would allow the most efficient and effective response where the network business is the party best able to undertake this function. Clause 8(5) of the bill amends the National Electricity (South Australia) Act 1996 to allow the Governor, by regulation, to amend or vary the operation of the National Electricity Rules, insofar as they are laws of this state, to protect the reliability and security of the power system.

Increased power generation from solar systems on homes and businesses is reducing the available load that can be automatically reduced as part of an emergency response to technical faults on the system. Clause 8(5) allows regulations to be made, which amend the National Electricity Rules to enable prompt actions to be taken to allow adequate load shedding in South Australia. Whilst the National Electricity Law currently includes a framework for jurisdictional derogations from the National Electricity Rules, the process is not quick enough for managing the risk during COVID-19 conditions.

Moving, then, to the schedule of the bill, clause 1 of the schedule removes the requirement under the Development Act to obtain concurrence of the minister or the council for noncomplying developments where the State Commission Assessment Panel is the relevant authority before development can be approved. This clause also removes the requirement to obtain concurrence of

the State Commission Assessment Panel in cases where the council is the relevant authority. This process does not exist under the Planning, Development and Infrastructure Act 2016, which is due to come into operation this year in July in the regions and, as I understand it, September in the metropolitan area.

Finally, clause 2 of schedule 1 of the bill amends the Training and Skills Development Act to give the South Australian Employment Tribunal power to suspend a training contract up to and including 1 January 2021, necessary due to the COVID-19 pandemic (for obvious reasons, trainees need to be supervised), and instead for the four-week limitation that appears in the current provisions. This is consistent with the Training and Skills Commission COVID-19 guidelines, which was a request of the Minister for Innovation and Skills.

The COVID-19 pandemic has affected businesses differently, with some having to close temporarily while others have experienced a significant downturn in activity. For some, this has affected an employer's capacity to employ and train its apprentices or trainees. Suspending the training contract is preferable to termination, as a suspension is approved on the understanding that the contract will resume when the business recommences and, therefore, supports apprentices and trainees to remain connected in the apprenticeship system in South Australia. It also provides employers greater flexibility to deal with a significant downturn, as it allows an apprenticeship or traineeship to recommence when business picks up again.

Members, many of whom are here, also undertake responsibility to provide for a trainee, often in their electorates offices. I would urge all of us to lead by example in this area, to ensure that we restore, if there has been a suspension of a traineeship—

Mr Picton: I think you suspended hiring new ones.

The Hon. V.A. CHAPMAN: Yes, we have. Some of us will be caught by that. Again, I urge members to show leadership in this regard. We need to make sure that we give the next generation the best chance we can.

South Australia has done a fantastic job so far in flattening the curve of the COVID-19 pandemic. This has been a testament to the hard work of South Australians. Although the government is continuing to prepare and plan for a return of cases in South Australia, we are working extremely hard to ensure that all South Australians have the support they need throughout this time. The government's strong plan to protect and prepare South Australia has meant that we are now in a position to start getting back to business by progressively easing restrictions. This already commenced this week, and people have been advised of the road map model.

The bill will further assist what is already happening in mitigating 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 into the future. Finally, the bill makes a number of key changes, specifically to our business and development sectors. It will help give local businesses confidence so they can retain and create more jobs and keep our economy going as we continue to open.

Before I conclude, may I again extend an invitation to members that should they receive concerns, correspondence or, indeed, even ideas that need to have continued review during COVID-19, the government is happy to receive that correspondence, email or now even personal meetings, to enable us to be as flexible and responsive as we can as a government and to also bring to the attention of this house and the parliament where we might need to deal with it in a legislative manner.

Otherwise, I commend the bill to members and seek leave to formally place a short explanation of clauses into *Hansard* without reading them.

Leave granted.

Explanation of clauses

Part 1—Preliminary 1—Short title 2—Amendment provisions

These clauses are formal.

Part 2—Amendment of COVID-19 *Emergency Response Act 2020*

3—Amendment of section 6—Expiry of Act

This clause provides for the expiry of new section 7 (and the regulations under that section) on 30 September 2020.

4—Substitution of section 7

This clause deletes the current provision dealing with commercial leases and replaces it with a power to make provisions relating to commercial leases by regulation.

5—Insertion of section 10A

This clause allows a community visitor (which is defined to include the Chief Psychiatrist) to perform a function or exercise a power under a prescribed law to visit and inspect premises, or visit a patient, resident or other person contemplated by the prescribed law, by means of audiovisual or other electronic means that do not involve the community visitor physically entering the premises.

6—Amendment of section 19—Regulations

This clause makes minor consequential changes to section 19 (resulting from the new regulation making power in section 7).

7—Amendment of section 20—Savings and transitional matters

This clause amends section 20 to insert a savings measure ensuring that a regulation made under section 14 that postpones any time or extends any period can continue to have effect according to its terms after the time at which the regulation is taken to be revoked under the measure.

8—Amendment of Schedule 2—Temporary modification of particular State laws

This clause amends the schedule of temporary modifications as follows:

- The *Aboriginal Lands Parliamentary Standing Committee Act 2003* is modified to allow the Committee to meet remotely using electronic means.
- Section 49 of the *Development Act 1993* is temporarily modified by the clause as follows:
  - the $4 million threshold in subsection (7d) is increased to $10 million;
  - other proposed modifications would delete the requirement for notice to be given to a council and for a council to provide a report in respect of development being assessed under the section.

Equivalent temporary modifications are also made to section 131 of the *Planning, Development and Infrastructure Act 2016.*

- The *Emergency Management Act 2004* is modified:
  - to provide that an authorised officer may, in order to ensure compliance with any direction under section 25, remove a child from any premises, place, vehicle or vessel to a place of residence of the child or to a hospital or quarantine facility, as the authorised officer thinks fit (and may, in doing so, use using such force as is reasonably necessary);
  - to include a person who engages in the transmission or distribution of electricity in the definition of market participant in section 27A and to clarify the powers to give directions to *market participants.*
- The *National Electricity (South Australia) Act 1996* is modified to allow the Governor, for the purpose of protecting the reliability and security of the South Australian power system, to make regulations modifying the operation of the rules under the National Electricity Law (insofar as they apply as part of the law of South Australia).
- The *Parliamentary Committees Act 1991* is modified to allow Committees to meet remotely using electronic means.

Schedule 1—Related amendments

Schedule 1 makes related amendments as follows:

- The requirement for a concurrence to be obtained for *non-complying* development is repealed in section 35 of the *Development Act 1993*.
- Section 65 of the *Training and Skills Development Act 2008* is amended to give SAET the power to suspend the employment of an apprentice/trainee for a period exceeding 4 weeks if necessary having regard to the circumstances of the COVID-19 pandemic and provided that the suspension will end on or before 1 January 2021.

Mr PICTON (Kaurna) (11:26): I rise to speak in relation to the COVID-19 Emergency Response (Further Measures) Amendment Bill 2020. It is good to have us all back in a different form here in the parliament—

The SPEAKER: Are you the lead speaker, member for Kaurna?

Mr PICTON: —I am the lead speaker—and I think that reflects both the status we have in South Australia in terms of COVID-19 and that we probably could have managed to have everybody here in a spaced out form during the period, in any case.

In terms of where we are at the moment in relation to COVID-19, I think we have done a tremendous job in South Australia and in Australia. I think it is a credit to all South Australians in terms of how they have been acting and following the restrictions, and I think it is a tremendous credit to our public health team, very capably and professionally led by Associate Professor Nicola Spurrier, who has provided our state with great leadership at this time, the leadership that our state has needed during this crisis.

I think people have been heeding the advice of our public health experts and have been following the restrictions. Therefore, we are now in the situation in South Australia and also across Australia where we are not talking about further restrictions being put in place but about what the timetable is in relation to easing those restrictions.

Obviously, when this bill was first proposed in this house, we were in a very different situation in relation to the initial bill, which is now the act. We were expecting a significant number of cases, and certainly the government's strategy was a suppression strategy, and it now looks like we have elimination happening in South Australia. I think we have seen significant cooperation over that period in terms of providing the legislative passage for actions that the government needs to put in place to ensure that our government and our state can continue to operate and can take the measures we need to take to protect our state.

That happened initially in relation to the first bill proposed in the parliament, which was a series of amendments to the South Australian Public Health Act which was passed very rapidly by the parliament, and we then had the introduction of the COVID-19 Emergency Response Bill, which was also passed significantly rapidly by the parliament. We then had an amendment to that legislation through the last parliament, also carried very rapidly, and a rapid budget measures expenditure bill, which passed very rapidly, with some $15.3 billion in that appropriation bill. We also had some amendments to the Coroners Act, which were proposed by the government and recommended for immediate passage.

All of this received bipartisan support and the backing to make sure that it could go through and be in place in a very speedy way to ensure that our state, our government and our public health experts, capably led by Professor Spurrier, as well as the state controller, police commissioner Grant Stevens, had everything that was needed in place. This is now the sixth piece of legislation that the government has proposed to the parliament for which it has asked for very speedy passage and which the opposition is supporting to make sure that we can deal with this in a very rapid fashion through the parliament.

But that is not to say that we should not be applying scrutiny to this measure, particularly now when we are back in parliament and everybody is here. I think we do have the ability to provide significant levels of oversight and scrutiny of this legislation, despite the fact that it was only presented to the opposition yesterday morning, and very late yesterday afternoon we were able to receive a briefing on it. We will now be proceeding with it in the house this morning, and I am sure we will be debating it in the Legislative Council this week.

This piece of legislation relates to a series of different portfolios. As the shadow minister for health and also the minister representing the shadow attorney-general in this place, I am the lead speaker; however, there are many areas of this legislation which deal with other portfolios. Particularly, a significant amount of this legislation relates to the energy portfolio, so the member for West Torrens will be speaking in relation to that. There is also a significant amount of change in relation to the child protection portfolio, so the member for Badcoe will be speaking in relation to her portfolio. There are a number of other matters relating to planning, training, housing and so forth.

Some of this we will be dealing with in second reading speeches, but some of it we will be dealing with in terms of questions during the committee stage of this bill to get further details in relation to how this will work to explore measures in greater detail.

As per the other five pieces of legislation, there has been no consultation with external stakeholders. Obviously that is understandable, but I think as we get further into this process, we would like to see more consultation in relation to these bills. Particularly as we are in a situation where we have been doing well in South Australia, we should be consulting people in relation to these matters. In relation to the opposition and the crossbench, briefings have been provided on the day of or the day before the need to vote on the legislation.

The opposition position on this and on all measures has been very clear from the beginning. We are supportive of all measures to take place to protect our state. Any measure the government is taking to protect us, to make sure that South Australians stay healthy, to make sure that the South Australian economy continues to function has our support. Where there are additional things the government has not picked up on or has not proceeded with, we will continue to raise those issues, and as a constructive opposition we will continue to raise proposals that could further protect our state, either from a health perspective or from an economic perspective.

That has been our position from day dot. Around the country there have been some very differing approaches from opposition. You only have to look at Victoria, where the opposition there has been putting on social media pictures of the premier as the North Korean leader to see that some oppositions have taken a very different tack from that. However, I think what people expect us to do is to work constructively together as a state and also, where there are issues that need to be listened to, to put them on the table.

From my perspective, there have been many doctors, nurses, patients and other health experts who have been raising issues with me continually about further steps we could be taking and about things that had not been picked up on, and we have been constructively raising them, both directly in correspondence with the government and also publicly, where that needs to occur.

A number of those issues remain outstanding, particularly when you look at how some of our casual nurses have been treated, in terms of going many, many months without pay. That is also an issue that we have seen across the government enterprises. The member for Badcoe has been advocating for arts workers and also the Convention Centre, Entertainment Centre and others. People have been missing out, and if they lived in another state such as Victoria they would have received support.

That is just one example of an issue we have raised, and one which we will continue to raise. Another is in relation to the border. We do not have similar protections to those in place on the borders in other states. I think the government can continue to improve upon what has already been put in place—particularly when we have advice from the Chief Public Health Officer that the risk to us is from interstate cases—to make sure that it is as strong as possible, as we see other states taking a stronger position.

We will provide scrutiny to improve this legislation, which we understand is being drafted under pressure and within a short time frame. We need to make sure that laws that are passed in this state have the proper scrutiny and are properly in place. This bill expands on a range of earlier provisions.

The bill also replaces the previous elements of the act that deal with commercial tenancies so that the elements of the National Cabinet Mandatory Code of Conduct: SME Commercial Leasing Principles During COVID-19 can be implemented. It extends the effect of some of the regulations that are made under the current emergency, and it expands flexibility for the Community Visitor Scheme and the Chief Psychiatrist, which I will return to in some detail in a minute.

The bill allows for increased direct interventions in the electricity market, it clarifies powers for authorised officers acting under the Emergency Management Act to remove children from premises, it provides for the suspension of traineeships and apprenticeships until January 2021 and it makes two changes to development legislation. The first of these changes increases the threshold for referral from $4 million to $10 million and removes the need for consultation, and the second removes the need for concurrence with local councils on certain developments.

It is noted that these proposals include a mix of temporary and permanent measures, the latter of which requires a high level of consideration before they become law. I mentioned that a number of areas listed fall to other shadow ministers on our side of the house, and they will be taking up those measures in further detail. However, I would like to take a minute to talk about clause 5 of the bill, which is in relation to provisions relating to certain community visitors.

Essentially, what is being proposed by the government is that, for the work done by community visitors and the Chief Psychiatrist—very important work in terms of inspecting a number of facilities, particularly mental health facilities, across our state—those inspections and visits could be conducted via videoconference. I think we all know the history of how important those visits have been, and the importance of rigorous inspections of those facilities, to make sure that quality care is being provided in those services.

I do have to say that there is some reluctance in terms of not having a physical inspection in place. We have been briefed that the rationale behind this is particularly in relation to the community visitors, where the vast majority of the work of the community visitors program is in relation to volunteers. A large percentage of those volunteers are older people who might be in a more vulnerable cohort and therefore would not necessarily be making themselves available to undertake physical inspections, and this would be one way to make sure that some inspections could take place.

Clearly, the efficacy of a video inspection does not equal the efficacy of an in-person inspection. I think this is particularly so given the government is also extending this to cover the Chief Psychiatrist as well and the important inspections that the Chief Psychiatrist and the Chief Psychiatrist's delegate do to inspect mental health facilities. Can that be properly provided for through a videoconference as opposed to a physical inspection of the premises and talking to the clients who are there? That is a concern that we have.

However, on balance, we are supporting this provision, but we would like to see some reporting on where and when this is occurring. So I am proposing to introduce an amendment to make it clear that, if this provision in relation to Chief Psychiatrist inspections or community visitor visits should be used, there should be a public report in relation to the times and dates they have been used and the reasons why they had to be used so that the public, the parliament and loved ones can be very clear in terms of when it has been used and the reasons why a physical inspection was not available. I would encourage the government to make sure that this is only used when it is absolutely necessary because we want as many in-person inspections as possible.

It contrasts significantly with the approach that the government has taken in relation to aged-care visits, where the government has been encouraging and, in effect, raising concerns in relation to aged-care facilities where those facilities have not been allowing family members to visit, but here we are taking provisions that the inspections should not be occurring in relation to mental health facilities. I think that there is an issue there, I think that it should be used as minimally as possible and I think that there should be public reporting on when it is used, and we hope that the government will be supportive of that amendment.

In summary, the opposition supports this bill at the second reading. We will be raising specific concerns, questions and amendments during the committee stage, both here and in the other house, in relation to this bill to make sure that this piece of legislation is as thorough, is as well protected and is as necessary as possible.

The Hon. D.G. PISONI (Unley—Minister for Innovation and Skills) (11:42): I would like to speak particularly on the amendment via the omnibus bill that is being made to the training and skills commission development act. The amendment will allow the South Australian Employment Tribunal (SAET) to suspend a training contract for a period of up to and including 1 January 2021 where the business has been impacted by the COVID-19 pandemic. This is important because we are keen to enable those businesses that have been engaged in skills training to continue to do so and also for those apprentices to have the best opportunity—

The SPEAKER: I will ask the minister to speak to the bill. The time to speak to the amendment is probably best in the Committee of the Whole stage.

The Hon. D.G. PISONI: I was speaking to the bill.

The SPEAKER: Yes, I was just cautioning the minister.

The Hon. D.G. PISONI: I have no intention of speaking to the amendment.

The SPEAKER: Good, excellent.

The Hon. D.G. PISONI: I am actually speaking to the bill, so if the member for West Torrens is giving you that suggestion—

The SPEAKER: No, it is nothing to do with the member for West Torrens, although sometimes I do take his advice, but not all—but, no, nothing to do with the member for West Torrens. Minister, continue, thank you.

The Hon. D.G. PISONI: Currently, the act allows SAET to suspend for a four-week period in the current climate, so there is no opportunity for any alternative other than a four-week period. Of course, in the current climate, the ongoing impacts of COVID-19 remain unknown. This entitles consistency with the Training and Skills Commission's recently amended guidelines made in March this year for determining the approval of a suspension of a trainee contract.

I think what is important here is that both the apprentice and the apprentice's or trainee's employer are victims of this pandemic. There is no-one to blame in this situation. I know, from when I was in business and I actually employed 20 apprentices over 22 years, there are the occasions when things do not quite go right. Usually, the employer or the employee has changed their position and relationship. The relationship has broken down and is no longer working. Generally, that is when these types of approaches are made and a quick resolution via the South Australian Employment Tribunal, if it cannot be resolved by the Training and Skills Commission, is the appropriate way to deal with it.

In this instance, of course, this bill will allow for a situation where an agreement cannot be made via the Training and Skills Commission and the recommendation for a suspension is moved to the SAET. It then enables the SAET to make a decision that supports the decision of the Training and Skills Commission if they feel that it is the appropriate measure in this instance.

This bill is there to align the SAET with the intention of the government, which is to keep as many apprentices and trainees as possible engaged during a suspension and allow the suspension to be an option to a termination. My experience has been that it is very hard to pick up again from a termination and it is much easier to pick up from a suspension.

Employers have seen their capacity to employ and train their apprentices impacted due to a business closure or a work downturn. It has been mixed out there, where some businesses are still signing up to take new apprentices on—not as many as previously—and other businesses are not even renewing their registration to be an employer of apprentices or trainees.

It is a situation that is being managed by my department and the Training and Skills Commission, and our key purpose, our key aim, is to enable a resumption of the government's program to increase engagement of the apprenticeship and traineeship system with employers and with employees. Of course, this change does recognise the impact on business.

Suspending a training contract is preferable, of course, to termination. This enables the apprentice to remain engaged in their off-the-job training while they are suspended, whereas a termination simply does not allow that to happen. The employer is able to provide that training via RTO, through the contract of training, and it supports apprentices and trainees to remain connected to the system.

The change to the guidelines in the legislation is to support a more flexible approach around training suspensions and, of course, this decision was made after consultation by the Training and Skills Commission, so I have taken their advice on this outcome. It is another example of the Training and Skills Commission working how it should, engaging industry and coming up with a solution for a problem that was unforeseen before COVID-19.

Our key focus is ensuring that apprentices and trainees and businesses are supported during the challenges imposed by COVID-19 by keeping their training and their jobs. Obviously, we do not

know what is going to happen in the future. We do not know what is going to happen after 1 January next year, but this is putting apprentices and trainees and employers in the best position to resume business as usual if they are in a position to be able to do that.

This, of course, does not stop an apprentice coming back earlier, before the suspension terminates, if the circumstances of the employer change ahead of schedule or change unexpectedly. We have seen that happening through COVID-19. Six weeks ago people were suggesting that we were going to see the peak of the infections in May or June. Yesterday, we had our 19th day with only a single new infection in that period. Nobody could have predicted that six weeks ago, just as nobody can predict where their business is going to be in three or six months' time.

Of course, suspended apprentices and trainees are able to apply for JobKeeper. I know that has been a very successful program for apprentices and trainees, and there is also the 50 per cent subsidy that the federal government is offering, so employers can choose one or the other for their apprentices. I know there has been a strong take-up of both in regard to those in apprenticeships or traineeships and their employer. This supports group training organisations as well.

I think a point was made by the member for Kaurna that things change and change quickly. I congratulate Michaelia Cash, the federal minister responsible for skills training, for recognising that, in some instances for group training organisations, they may not have qualified for the JobKeeper, but one of the businesses, as a host employer of one of their apprentices, may have qualified, so they would then be able to receive the JobKeeper for that host employee so that host employee will be able to keep their position hosted at that business. These are the things that pop up from time to time that are completely out of left field, and it is terrific that minister Cash was able to identify this very early and save more apprentices and trainees and help them stay in the educational phase of their careers.

The amended guidelines are consistent with the COVID-19 Fair Work Act standdown provisions and give employers greater flexibility to deal with significant downturn in work related to the pandemic. At the same time, they are supporting their apprentices and trainees to remain connected to the training system.

Ms STINSON (Badcoe) (11:52): I join with my colleagues on both sides of the chamber in commending the incredible work that has been done, particularly by our health workers but also by other South Australians who have been working very hard in very testing and changing circumstances. It causes me to reflect on my own family's experience and the situation overseas.

My youngest sister is a paramedic working for the London Ambulance Service, and certainly it has been a very testing time for her working in the UK, which is one of the nations hardest hit by this pandemic. It has been a very nervous time for her, and she has obviously had very stressful days at work. It also has been a very nervous time for our family, who have been worried sick about her, her health and the situation in which she finds herself, despite the fact that she is a very dedicated worker and of course chooses to be there and to be working hard for people who are being hit by the coronavirus pandemic on the other side of the world.

I hope that not only South Australia and Australia recovers quickly from this horrible pandemic but that nations across the world find a way through this as quickly as possible for the good of those people and families who have lost loved ones, who have loved ones who are ill with this virus, and all those health workers, including my own sister, who expose themselves every day to the risks.

I will keep my comments quite brief and focused on the particular amendment in my area of interest, which is child protection. This amendment seeks to alter the Emergency Management Act 2004 to allow an authorised officer to remove a child amid a COVID emergency and to relocate them to a hospital or a quarantine facility. This amendment caters for any child, not only a child under guardianship or some other state order. We understand that authorised officers include police officers of any rank, and we are awaiting clarification from the Attorney about whether authorised officers extends to other types of workers. Her office has been very helpful in getting back to me on my questions, so I look forward to receiving that soon.

The Hon. V.A. Chapman interjecting:

Ms STINSON: Thank you very much. From the briefings that we have been provided so far, we understand that this measure is not intended to include Department for Child Protection workers who already have powers to remove children for specific child protection purposes under a different act. Our understanding, based on the briefings provided by the Department for Child Protection and the Attorney-General's Department, is that this measure is designed to cater for a situation where a child might either be at risk of contracting COVID-19 or indeed be a risk of spreading it to other people in the community. Of course, it also caters for a situation in which that young person or their family might be unwilling or unable to be relocated by negotiation.

Labor supports such a power in the limited circumstances of an emergency. We of course hope that this power never needs to be invoked and that authorities and families would be able to come to arrangements without the need for forcible removal of a child. However, we acknowledge that this power is necessary in the urgent circumstances that we could find ourselves in. It is our reading of the Emergency Management Act that these powers actually already exist in that act; however, the Attorney has provided advice that SAPOL has requested these changes to ensure absolute clarity for its police officers. I take the opportunity to read some of that advice that was received earlier today from the Attorney-General's Department. It states that:

> While what is set out in s25A may appear to be already permitted under s25(2)(e), s25(2)(e) is expressed in very general terms and may create operational challenges for SAPOL. Section 25A is much more specific—

that is the new amended section—

> to the circumstances created by the COVID-19 pandemic and enables SAPOL to act to ensure a child complies with any directions made under section 25. It is also more specific about the location a child can be removed to [that is] their residence, a hospital or a quarantine facility. This additional clarity will assist SAPOL to have operational certainty in acting quickly to ensure the safety of children during the pandemic.

Although this amendment may not strictly be necessary as we believe it is already provided, Labor will support this amendment for the sake of utter clarity for those who are charged with managing community safety in an emergency—and we wish them all the best in their very important work.

Mr TEAGUE (Heysen) (11:57): I rise to say some brief words in support of the COVID-19 Emergency Response (Further Measures) Amendment Bill that is presently before us. I propose to focus my contribution on clause 4 and the substitution that clause 4 provides for section 7 of the act as it presently stands. Section 7 of the act, which was passed recently and quickly by this house to provide some measure of structure under which commercial leases might be negotiated in the context of the global pandemic, is now to be replaced by this more thoroughgoing framework, drawing as it does on the national code and implementing aspects of the national code and/or requiring that regard be had to certain aspects of the national code that are desirable.

I am pleased to see that the government has gone about its work in this regard, focusing on what will provide necessary certainty to parties to commercial leases and with a view to applying such unusual provisions only to the extent that they are reasonably workable in the context of the global pandemic. First of all, we know that the measures that are the subject of this bill, and the regulations that are made pursuant to the new section 7, will be in place for a six-month period commencing 30 March until 30 September. It is a very defined period.

Reference has been made to the tremendous progress we have already made in this state in staying on top of this situation. We are significantly further advanced than we were even as recently as 30 March, and we continue to work to suppress the virus and to get to the other side stronger and more resilient than ever, but we have this period in which commercial lease parties are within this framework.

Secondly, I want to highlight that the framework that is the subject of the regulations does not seek to go about some slavish, strict proportionality mathematical exercise when it comes to applying any appropriate reductions in rent or other relief to tenants. There has been some substantial discussion about the way in which one might go about appropriately calculating relief. I am one who is very glad to see that there is not some prescriptive approach to some notion of proportionality here but, rather, that this is properly a commercial matter that is left to the parties to navigate in all the commercial circumstances that apply from one lease to another.

As I have already adverted to, the regulations to a significant extent require the court, if it comes to it, pursuant to regulation 9, and meanwhile, the commissioner and the parties themselves, to have regard to the code in various relevant ways, as opposed to necessarily applying the code holus-bolus. I understand that we are not alone and that in this regard there is no other state or territory that has just applied the whole thing in a blanket way, and that is important.

The states, in the course of this global pandemic, very particularly have responsibility for the good management of the situation in the course of what is a national and an international crisis. The practical day-to-day management and administration of key relevant areas, including chiefly health, of course, but also education, and with respect to these matters, are matters for the state. So it is more useful than usual perhaps that we both understand that what comes from the national level is with a view to a certain degree of uniformity where that is appropriate, but with the necessity that the states actually need to go about applying these measures, and it is the states that are taking responsibility for ensuring that conditions that apply are such that to the extent that commercial activity and, in this case, commercial leases, can proceed as effectively and with as much clarity and certainty as possible.

Turning to the particular measures that are the subject of the regulations more particularly, I am addressing clause 4 of the bill as has been already mentioned. This will see the replacement of what is section 7. Section 7 of the act at the moment talks to these topics and, admirably in the circumstances, at very short notice talks to them in some reasonably substantial way. What we see now in the regulations is really a fully formed framework that will provide for the steps that parties need to take in negotiating for an outcome.

In talking to my constituents on a daily basis through this global pandemic, I very much respect and appreciate the work that is being done by brokers and agents, as well as by landlords and tenants, as they navigate an environment of real uncertainty in circumstances where they all realise that coming to a commercial outcome is hugely important.

I want to continue to urge all parties, as I do when I speak to them, that it is in all of our interests that those best endeavours are made and that that hard work is undertaken creatively to come to a commercial outcome so that landlords can get through and so that landlords, as far as possible, can get through with a tenant that continues to be viable on the other side. I applaud and recognise the work that is being done by professionals and parties in this space as they navigate this area.

The regulations contain three key steps; firstly, the obligation on the parties to negotiate in good faith to come to a commercially reasonable outcome, which is the subject of regulation 6. In this respect, for those practitioners who would seek clarity and certainty, I hope this will be met with a high degree of positivity, in that it sets out a road map that you would expect to be taken in any event but just with considerably more mandatory elements as part of that framework. There is an obligation on the parties that is contained in regulation 6 to negotiate in good faith.

Regulation 7 deals with certain prohibitions and restrictions on what can and cannot be done in relation to commercial leases during this period. Importantly, regulation 8 provides for mediation by the commissioner. The Small Business Commissioner has an important role in the context of these regulations, just as the commissioner did in the context of the act and of section 7 as it presently stands, so there is no surprise there.

Perhaps most importantly, regulation 9 provides now in a more thorough way for the determination of a dispute by the Magistrates Court in the event that good faith negotiations, the subject of regulation 6, have failed and provided only that the parties have first availed themselves of the opportunity to mediate and that the commissioner has certified that the mediation has failed. It sets a three-step process.

There has been some reference in the course of this debate to the notion of binding mediation or a mediation with some sort of mandatory outcome. Of course, in ordinary circumstances, participation in a mediation is entirely voluntary and whether or not it settles with a binding arrangement is entirely a matter for the parties. In these circumstances, the regulations are providing for mandatory mediation to the extent that, if you want to have a dispute finally determined by the Magistrates Court, you need to have mediated in order to get there and you need to have

mediated and got a certificate from the commissioner in the event that that failed. Of course, if the mediation is successful, and that is very much the intent, then, with the best will in the world, that will lead to a binding outcome that the parties will have signed up to that is facilitated by the commissioner, and that would be a good result in the context of the regulations.

If you get to the court and the need for the Magistrates Court to determine a dispute pursuant to regulation 9, then the thing I want to highlight is that that regulation, now going into considerable detail, gives a clue to the parties as to the subject matter they ought to be negotiating about in good faith, because regulation 9 is saying, 'Well, the Magistrates Court is empowered to make a final determination, but the Magistrates Court must have regard to the very many measures that are provided for there in regulation 9, including those measures that have been adapted from the code.'

The parties that have got to the point of negotiating in good faith might see that there is not a lot that guides just exactly how they do that directly, but in the event that it fails they can look ahead to regulation 9 and see what the Magistrates Court will ultimately be bound by or guided by in making a final determination. I would say to parties: absolutely negotiate an outcome in accord with regulation 6 and, to the extent necessary, be guided by the manual, if you like, that is expressed in regulation 9.

Just to illustrate that, regulation 9(8) provides for a number of specific matters that the court must have regard to when making an order in line with the regulation, and that includes (8)(b) the reduction in turnover of the business of the lessee during the prescribed period and (8)(d) whether the failure to provide rent relief would compromise the lessee's ability to fulfil the lessee's ongoing obligations under the lease, including payment of rent, and (8)(e) the ability of the lessor to provide rent relief, including any relief provided to the lessor by a third party in response to the COVID-19 pandemic.

I just pick those out by way of example to highlight that the Magistrates Court will not be dealing as it ordinarily would with commercial parties who come to the court following the failure of a negotiation or the failure of a mediation. The Magistrates Court will have regard to these particular matters that are, to some considerable extent, the subject of the code. I have specifically mentioned subsection (8)(e), and in that regard I draw particular attention to the measures that the government has already put in place to provide relief from taxes that might otherwise be applied to business and to landowners, including the $50 million of emergency land tax relief in addition to the $70 million of land tax relief that is commencing on 1 July.

As we know, this reforming Marshall Liberal government has already embarked upon this tremendous agenda of reducing taxes, reducing burdens upon landlords and business operators in this state, and we see those tax relief measures coming on now—in any event, happily—and that they come along with the relief that they bring, that is, the $70 million of relief that is coming on 1 July. In this context, the $50 million of emergency land tax relief is just one element that will appropriately be brought to bear in the event that the Magistrates Court is being called on to make a final determination of issues between parties to a commercial lease where those two mandatory steps, the subject of regulation 6 and regulation 8, have not resolved the matter between the parties.

This is legislation that is urgent and in response to the very particular circumstances of an emergency that is, in many respects, an existential challenge to the usual commercial arrangements that are in place—the ones that we ordinarily take for granted that private parties can, in the usual course, go about negotiating as the means to go about day-to-day business.

This legislation is in a detailed way and a unified way, to the extent that there is quite significant reference to a national code, setting the scene, setting the circumstances and setting out certain necessary protections so that parties to commercial leases can continue to operate and, I sincerely trust, can do so in a way in which they will come out on the other side stronger and more resilient than before. With those words, I commend the bill to the house.

The Hon. S.C. MULLIGHAN (Lee) (12:17): I rise to make a brief contribution with regard to this latest bill introduced by the government in order to respond to the coronavirus impacts that we see on the community at the moment. Like the other bills that have been brought to this place by the government, the opposition is not only willing to debate them and consider them without delay but also lends its support to these measures to assist the community of South Australia to try to mitigate the impacts of this virus.

As we have heard from the Attorney and also the member for Heysen, this bill focuses on a specific number of areas that in the government's view are needing some further clarification and specificity in terms of how matters such as commercial leases, for example, can be dealt with. As the Attorney rightly said, no doubt all members have been approached either by tenants or landlords in their electorates seeking advice, assistance or direction about how to help resolve the predicaments in which they find themselves.

I think the government should be recognised for the steps it has taken to date, being willing to step into the middle of what is usually a private arrangement between a landlord and tenant, to provide a facility for disputes or issues to be resolved using the Small Business Commissioner. The member for Heysen gives an impassioned plea to us to recognise the necessity of using the Magistrates Court as an ultimate vehicle for resolving such conflicts, rather than perhaps the other suggestions made both in this place and outside of this place by some industry groups and some advocates of instead arming the Small Business Commissioner and his office with both the powers and the resources to be able to do that.

Some of the reasons raised—and I echoed this concern when we were dealing with the substantive bill last time we met—were, firstly, whether the court itself had the capacity to deal with what could conceivably be an influx of work in this area and, secondly, what the financial burden would be on those seeking to use the services of the court to arbitrate these matters. But, nonetheless, what we have here is some further detail and particulars to try to guide, firstly, the mediation of those matters by the Small Business Commissioner and, failing that, how the Magistrates Court should seek to resolve those matters for all.

It is of interest to me that the government has focused here on commercial leases and has not seen the need to provide any further specifics in this regard for residential leases. Perhaps the Attorney could provide us with her thoughts either during her closing remarks or during the committee stage when we get to it. We will also be seeking some further detail specifically about how the process is to work in regard to a failed mediation by the Small Business Commissioner, where the parties are unable to agree with perhaps the suggestions that he or his office might make, the issuing of a certificate to that extent—if I read the bill and the regulations correctly—and then how to try to encapsulate those matters that both parties feel are relevant to their positions to be then considered by the court.

It is also interesting that there seems to me to be a passing reference or vague reference to something the member for Heysen made reference to, and that is the government's announcements about land tax relief for property owners who are able to pass on that equivalent sum of relief to their tenants, and, in the Magistrates Court's consideration about how they are to consider the capacity of the lessee or the lessor to continue their commercial arrangement, what voice any potential relief from the government has there.

Of course, it may well be that a landlord is not entitled to receive land tax relief until an arrangement has been struck and formalised with the tenant for a reduction in rental payments, for example, or contributions toward outgoings or some other relief. If that is the case, is there some unfortunate circuitous or chicken and egg arrangement where the Magistrates Court cannot yet have confirmation that that is going to happen yet should take it into consideration in determining an appropriate outcome? That might be something we can briefly touch on during the committee stage as well.

I think it is important at this point to also place on record, along the lines of what the member for Kaurna has contributed to this debate, that the opposition has continued to be supportive of the government's efforts. We have at the same time also suggested to the government other ways in which they could be assisting to mitigate the impacts on the community of the coronavirus.

In regard to land tax, we feel that the government could have gone further with the temporary period in which it has announced relief would be provided—not just providing up to a 25 per cent reduction in land tax bills, as the government has already committed, but also, effectively, not passing on the significant increase in land tax bills that some thousands of property owners were to experience by virtue of them being able to access a 100 per cent offset for those bills for a short period of time in a land tax relief fund. We feel that the government could have gone further with this

and that it would have made a more significant difference to the livelihoods of both landlords and their tenants. However, as I said earlier, the government should be recognised for their efforts, and at least they have done something in this regard.

We have also called on the government to move more quickly in relation to the payment of small business grants, which it promised to small businesses several weeks ago. As I have previously said to this place, the swift payment of these grants was absolutely essential to maintain the livelihoods of thousands of small businesses. That is because they were caught in an unfortunate trap of being promised financial assistance from the federal government in the form of JobKeeper payments, which they could pass on to their employees and keep them connected to their business, so that when they were able to return to operations more approaching normal, they could use the labour of those employees and get back in business, so to speak.

Unfortunately, perhaps understandably given the need for the federal government to make sure that people were being paid these funds appropriately and it was not being rorted, there was a delay of at least five weeks between 30 March and the first week of May in those JobKeeper payments being able to be paid and actually being paid. During that period, most businesses in South Australia, particularly small businesses—the sorts of businesses that we are all familiar with in our electorates—were forced to close or massively reduce their operations. That meant they had very little cash in order to pay those JobKeeper payments up-front.

The promise of the $10,000 from the state government was absolutely crucial in that. Many businesses thought that, while waiting for these JobKeeper payments, while they were having to run down their own financial reserves and pay those JobKeeper payments up-front to their employees, they would be helped by that $10,000 payment. Unfortunately for many people, that still has not happened. It has happened for some people, we are told, although the Premier is steadfast in his refusal to provide up-to-date numbers to this place, even when asked a number of questions without notice. However, we hope, for example, that those more interested in public accountability, perhaps other ministers of the Crown or the Department of Treasury and Finance, might be able to provide this place some accurate information with regard to that.

We have also called on the government to provide some immediate assistance to the housing sector. The Premier thought it was a topic of great mirth to suggest that the assistance his government could provide the housing sector was for mums and dads to subsidise the purchase of a property. The Premier might be surprised to learn that not all families share the financial capacity of his, and that might not be the path to increased homeownership for many South Australians. Many families quite simply cannot afford to do that, notwithstanding the fact that lending rates have fallen quite substantially.

We have also called on the government to roll out a $200 million hospitality and tourism support fund, bearing in mind that even as restrictions are starting to be lifted the majority of hospitality venues and the majority of tourism operations are not able to return to normal. Their operations are either severely limited, if not completely annulled, because of the impossibility of carrying on their businesses during the case of restrictions.

We have already seen what you could perhaps refer to as marquee businesses in South Australia fall over as a result. I am thinking of the King's Head Hotel, perhaps one of the first public houses which took it upon itself, years ago, to lead by example and stock only South Australian beers and South Australian wines to try to support local producers and also to send a message to South Australians and South Australian industries that this is something we should be doing more of here in South Australia, no doubt not assisted by the cancellation and defunding of I Choose SA by the Premier.

Unfortunately, their lot is thrown in with all of the other lots of industries, and that is having to compete for grants of an unspecified amount in an unspecified process with unspecified criteria from the government. That is something which has been of great frustration to many businesses and industry leaders, that they do not know how to apply for amounts of money because no criteria have been set.

We have also asked the government for support in a private member's bill that the Leader of the Opposition, the member for Croydon, is bringing forward to require councils to pass on rate relief

to businesses who are left in the unenviable situation of either being closed or with significantly reduced operations but yet are still in receipt of council rate notices. Given the extraordinary amounts of money that the federal government has put on the table, and even the amounts of money that the state government is putting on the table, you would have thought that leaders of local government would believe that there was some role for them to play in this.

I am pleased to say that some councils have moved in this regard. I was pleased to see—I think it is the Adelaide Plains Council which has announced some relief. The City of Prospect has announced some relief.

The Hon. A. Koutsantonis: The City of West Torrens.

The Hon. S.C. MULLIGHAN: The City of West Torrens, the member for West Torrens tells me, has, and I also heard on the radio yesterday that the City of Mitcham has, I think. I thought, for example, that the example of the City of Prospect, a relatively small council and hence perhaps with leadership that might not think it had infinite financial resources, might have set the example for that other small protectorate, the Town of Walkerville, the extraordinary existence of which no-one can quite explain, in how it survived the last round of amalgamations in the 1990s. In fact, I think Lyle Lanley in *The Simpsons* described it 'like a mule with a spinning wheel: no-one quite knows for sure how he got it and danged if he knows how to use it'.

The Hon. S.K. Knoll: That's a *Simpsons* quote.

The Hon. S.C. MULLIGHAN: It is, yes, Lyle Lanley from *The* Simpsons, who spruiked a monorail, so it is perhaps timely for the Minister for Transport to interject. Perhaps while we lift ourselves from this digression, I can come back to the point that this is important legislation, legislation we are happy to support.

There are some elements of this that do raise some eyebrows beyond the areas that I think are necessary effort, for example with commercial leases. No doubt there will be some consternation about the changes to the Development Act and, in effect, the reduction in consultation, which will happen as a result. And in relation to something which I am sure the member for West Torrens will speak about, I was alarmed to see the changes that the bill foreshadows with regard to the National Electricity (South Australia) Act 1996, which allows the Governor essentially to make changes or to modify the operations of the rules under the National Electricity Law effectively to ensure that the excess power generation, which might be occurring across South Australia as fewer businesses are consuming electricity, or not consuming as much electricity, places stress on the grid.

This might be an opportune time for us all to reflect on why it is we find ourselves with nearly two full decades of proliferation of rooftop solar across residential properties as well as large-scale solar installations. We still seem to have a network, superintended by SA Power Networks, that appears to be stuck in the 1990s and which has not been changed, amended or upgraded to ensure that the 243,000 solar installations we have here in South Australia can continue reaping the benefit of their expensive investments. Rather, perhaps some or many of those should be shut down lest we do any damage to either the infrastructure of SA Power Networks or perhaps, let's be more honest, the profits of SA Power Networks.

I always turn my mind to that piece in *The Advertiser* from 2014. I think the journalist was Miles Kemp, who quoted a piece of work that had been done by a South Australian energy consultant, Bruce Mountain. He said that the amount the owners of SA Power Networks generate in after-tax profit per customer in South Australia was four times higher than the amount of profit generated after tax from each customer in their investments in the same type of infrastructure in the United Kingdom.

That is a surprising statistic, but what is even more surprising was that in 2014, the figure was quoted at an average of $420 a year in post-tax profit taken by SA Power Networks from each South Australian electricity consumer. It makes you wonder why as a member of parliament of any persuasion you would support the privatisation of such an asset and, with more than a million electricity connections generating an after-tax profit of $420 each on average, what our state could be doing with that money, rather than it being sent over to the very deep pockets of an investor in Hong Kong.

Nonetheless, that decision was made and, after that decision was made, members opposite thought, 'Gee, that was such a good decision, I'll have some of that. I'll put my hand up for preselection and hopefully I can be part of that political party, too.' However, that is for them rather than us to reflect on—that they would do that to South Australian electricity consumers. I hope that this clause will not be used in the same nefarious way as changes to our electricity laws were used after the 1997 election.

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning) (12:37): I rise to support the COVID-19 Emergency Response (Further Measures) Amendment Bill 2020 and speak just briefly, if I can, about the amendments in my portfolio area. I certainly appreciate these things are happening in this chamber in quick fashion, but we as a government have been seeking to work in real time to deal with issues as they arise at various stages of this crisis.

It is fair to say that we are moving into a slightly different stage of the crisis, having been able to stabilise the health impacts and the health consequences locally, seeing only one new case in the last 19 days and I think only four new cases in the last four weeks. We have done a fantastic job to be able to deal with that, but once the health crisis has come and gone, ensuring the recovery of our economy is going to take centre stage. We need to prepare now for that eventuality and that is precisely what these planning amendments seek to do.

To be upfront, the amendments that we are looking to move as part of this bill are actually law in South Australia under the Planning, Development and Infrastructure Act. Everything we are seeking to do, the former Labor government passed through the parliament in 2016 under PDI. Essentially, we are looking to bring forward some of those changes from September, when the phase 3 code will go live, to now to take advantage of and help speed up infrastructure projects.

We also know that when it comes to infrastructure delivery these projects do take time to get off the ground. From the time a project is conceptualised, from a state government perspective when it is funded, it then has a series of steps it needs to go through, from engineering and design to early works, before construction proper begins. As part of that process in some instances of Crown development, a planning process will also need to be undertaken.

We want to make sure that we get these projects off the ground as soon as possible, and part of getting them off the ground as soon as possible is making sure that we truncate as much as possible, whilst still having balance, the time frame it takes to get planning approvals through this space. We know that speed is important, and this, we think, is an important step to help take real time out of the planning approvals process so that we can get work underway more quickly.

Most of the bill relates to Crown development applications. These are applications the government sponsors, and Crown developments almost always are some form of public infrastructure. What we are seeking to do is to remove consultation on Crown developments. The existing threshold for consultation at the moment is $4 million. Under the new PDI Act it is $10 million. We are looking to bring forward that new threshold of $10 million to now. We are also looking to get rid of a referral to councils and again increase that threshold from $4 million to $10 million. That allows us to save many, many weeks in the planning approvals process and will allow us to get projects off the ground more quickly.

Crown development projects at the moment tend to be education projects—part of our $1.3 billion worth of education infrastructure that is being built, and if you include the PPPs I think we are somewhere north of $1.5 billion worth of education infrastructure being built. Making sure that those projects get off the ground as soon as possible is extremely important and something that would be well served and helped by the change that we are seeking to progress through the parliament today.

It would potentially help some public transport infrastructure projects, which can from time to time get caught up in planning approvals processes. We tend to have an essential infrastructure exemption for some of the road stuff, but certainly in the PT space we tend to get caught up in that. There also is, as I understand, a number of performing arts projects that would be able to be helped as a result of this. I would have thought that when it comes to delivering new education infrastructure,

that is something that this house can move forward with in a bipartisan fashion. The changes to the Crown development assessment approval process would be extremely beneficial.

The other form we are looking at is that in the current act we have a development pathway—an assessment pathway—called 'non-complying', which is essentially the hardest and most difficult form of assessment. What happens in those instances is that for certain projects concurrence is required, essentially where council needs to undertake an assessment process and then the state government needs to do likewise. I can understand the rationale for it having been in place, but the idea that you need to get two lots of approvals instead of one would suggest that essentially one assessment pathway cannot deliver the right outcome and deal with all the issues that need to be dealt with.

In fact concurrence, I believe, in the current system, is an admission of failure. It is an admission that either councils or the state governments cannot do their job properly, so you need to have the other party check up on your homework to make sure that everybody gets to the same result. For those reasons concurrence does not actually exist under the PDI Act. Essentially, under the new restricted pathways development will be assessed by SCAP and will provide, again, a very rigorous process for that assessment pathway.

In relation to the changes to the consultation on Crown development projects, or concurrence on 'non-complying' developments, these changes all exist within the current PDI Act. This is an act that the former government took through the parliament back in 2016, and these are their changes. All we are seeking to do is to bring them forward. In fact, if we were in a different situation and the code was being turned on earlier, it is likely that these changes would have been in place from 1 July for all areas, and would be in place right now for phase 2 councils.

We think what we are doing here is prudent and sensible; it is not seeking to do anything other than what was going to happen anyway. It is merely about a change to the time frame, so that from now to when the phase 3 code goes live, we can actually take advantage of some of the opportunities to speed up assessments, especially for Crown developments and the changes we are seeking to put forward as part of this bill.

There were questions over the course of the last sitting week in this place as to how quickly some of the stimulus projects that we have announced are getting out into the field. I can understand that sentiment. We want to make sure that there are as many people working as possible in such a short period of time. I would have thought that bringing forward something that would help us to get work out into the field and jobs out there on the ground more quickly would have received bipartisan support from this chamber. I very much hope that will happen in this chamber and in the other place. To suggest on the one hand that we need to do more to bring forward stimulus projects but on the other hand seek to tie us back and not allow us greater opportunities to be able to bring forward stimulus and other existing infrastructure projects, I think, could be considered hypocritical.

I look forward to the bipartisan passage of these amendments so that we can get on and deliver the jobs that South Australians desperately need, at the time in which they need them, in order to come out of this crisis stronger than before, so that we can see our economy and livelihoods recover, and use all of the tools that we have in our toolkit to be able to deliver that. Providing these changes pass in the parliament, it gives us another tool to be able to help deliver stimulus at a time in which it is needed.

The Hon. A. KOUTSANTONIS (West Torrens) (12:47): I always enjoy following the Minister for Infrastructure and his words of wisdom on the economic rollout of the government's stimulus package. It will be nice when we actually can see it rolling out in the electorate, rather than hearing excuse after excuse after excuse for the delay.

My colleagues have spoken at length about the second emergency response measures bill considered by this parliament. The opposition has cooperated with the government at every aspect of their emergency response, whether it is passing nearly $15 billion of supply, passing legislation in record time, or agreeing to provide the government with new measures of social distancing. The government are now asking us to go even further.

I will not talk at length about the many matters detailed in the government's omnibus bill, but I will talk about a few things. I am going to focus my remarks on the amendment to the National Electricity (South Australia) Act and the National Electricity Law by regulation, but there are some matters that I wish to apply towards commercial leases. I just received a phone call from a constituent who heard the Attorney-General on radio discussing the changes that she was making to commercial leases.

This is how the conversation with my constituent went. He said to me that he had a dental practice. His dental practice had seen a reduction in turnover of nearly 65 to 70 per cent due to COVID-19 restrictions. His landlord had told him that there would be no reduction in rent—none. He now has received almost no benefits from the commonwealth government because he is in a partnership rather than being a sole trader, so he gets, obviously, the proportionate benefit.

He heard the Attorney-General on radio today say to this small business that they can go to the Small Business Commissioner for mediation. At the end of that consultation with the Small Business Commissioner, if there was no successful resolution, the only option for that small business is to take legal action in the Magistrates Court. Of course, fees are not waived, representation is required and the small business owner is left accruing extra expense.

This small business owner said to me, 'I heard the Prime Minister quite clearly say that there should be a proportionate reduction in rent to turnover.' This government has not done that. This government has gone for another. This is a decision that they have made. This is not based on medical advice. This is not something that Grant Stevens has recommended. This is not something that Nicola Spurrier has recommended. This is a decision made by the South Australian Liberal cabinet. They have decided not to implement what the Prime Minister has said national cabinet agreed on; they have gone down a different path. They have decided on their own version of commercial lease relief.

This small business is understandably confused about the loyalties of the Liberal Party. I have never known the ADA to be a hotbed of socialist activity; they are a very conservative bunch. They are small business owners. They operate in an ever-changing market where health insurance funds are making dramatic inroads into their business models. They are under threat. They have seen their work reduced because of health measures, which they are happy to implement because they are healthcare professionals.

But when they are forced to pay full-tote odds on their rent and the best this government will offer them is mediation, and then when they are forced to go to court the government will not even waive the fees of going to court, you have to think that is a bit mean spirited—so much for the party of Menzies' forgotten people, the small business owners, the grocers, the people who are working and putting up their own capital at risk and employing others.

The Liberal Party has become entirely a party of landlords and that is the capital they seek to protect, not the risk capital that goes into investing in small business. It is telling that now, when they need them most, that is the response that they get from this government. I am convinced that there are members on the backbench who are watching this with horror and thinking to themselves, 'Why is it that we're not giving these small businesses the relief that they deserve?'

The Hon. V.A. Chapman interjecting:

The Hon. A. KOUTSANTONIS: But, of course, I am sure—with the Attorney-General, who is making mocking remarks about this small business complaining about their lot in life—that is the type of attitude they have to put up with with the arrogance of the government. In terms of what the government is attempting to do with the National Electricity Law, the most concerning part about the briefing that I heard yesterday was that the state government wants to unilaterally change the national rules that apply in South Australia without having consent from the COAG.

We are the lead legislator in this parliament. That means that the legislation that governs every other jurisdiction is set here. The process of the national COAG on energy matters is that the commonwealth government chair it, all the state energy ministers are on it, they make collective agreements on how to move forward and no-one acts unilaterally. Well, here we are—the government attempting to change the national rules as they apply in South Australia without a decision of the national COAG.

There may be very important reasons for this, but of course, again, the briefing explained to us that SAPN have arrangements in place, not necessarily commercial, with people who have a solar array or a solar generator attached to the grid in excess of 200 kilowatts who will be declared a market participant for the purposes of this act so that the minister can instruct SA Power Networks to disconnect them or stop them from dispatching into the grid at a time when it may be destabilising the grid.

That might sound all very reasonable, and I am sure the department, and SA Power Networks and everyone involved, thinks it is very reasonable. I doubt very much that the operator who has invested their money into the solar array under a certain set of rules, under a certain financial expectation of what the rules will be, would ever expect that the rules could be changed on them but not SA Power Networks.

The question then becomes: why is it that we are choosing the generator to be moved off the grid and not imposing a requirement on SA Power Networks, at their cost, to augment the grid to stabilise dispatch? I suppose that goes to the contract that was signed by the current Treasurer when he was previously the treasurer, when he privatised these assets. The truth is that this parliament is the master of its own destiny. If we wished to alter the rules that SA Power Networks have to operate under, we could do it; it is an emergency.

Yet we have not chosen to do that to SA Power Networks. We have chosen to do that to the small investor. When I say 'us', I do not mean us, I mean the government. They have chosen the small investor. They have chosen the investor who has put their money into 200 kilowatts or more of solar generation under a certain set of rules to see those rules changed. Some might call that sovereign risk, but we are in emergency conditions, so the government is justifying it.

I would argue that perhaps the government has taken the easy option. We have already heard the minister on radio make public remarks that he could quite easily, under the existing rules, stop all solar generation from feeding into the grid—whether it is on household, rooftop solar—under existing powers that he has. This extends that power.

We have seen AEMO release a report talking about instability in the South Australian grid. The solution to that problem that they are proposing is to again cut off people who have invested in solar panels on their household rooftop to supplement their energy generation and reliance on the grid, by cutting them off from dispatching at times of negative demand at the middle of the day. Again, to the casual observer this looks to make common sense, but dig deeper.

As my colleague the member for Lee just told the house, SA Power Networks' investments in South Australia, according to independent analysis, are four times more profitable than they are in similar jurisdictions elsewhere because of the contract signed by the current Treasurer in his capacity as treasurer in the former Olsen government. It makes you wonder whether SA Power Networks is getting the better deal here, rather than the poor old consumer who has gone out and taken their borrowings and their money to put on their rooftops. That will be for members of the government to explain to their constituents who have rooftop solar the government's plans to simply disconnect them at times of negative demand.

The government could rule this out, which they will not. They will attempt to blame AEMO. That will not work. The buck stops with the government; it is their decision. This is an extension of that. In committee, I will be asking whether these measures are temporary or whether they will remain in place post the operation of the emergency management act. I think that they are permanent, but I will wait to get clarification from either the Attorney-General or the minister, depending on who is answering. I seek leave to conclude my remarks.

Leave granted; debate adjourned.

Sitting suspended from 13:00 to 14:00.

FIRE AND EMERGENCY SERVICES (MISCELLANEOUS) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

COVID-19 EMERGENCY RESPONSE (BAIL) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

SUMMARY OFFENCES (TRESPASS ON PRIMARY PRODUCTION PREMISES) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

THE WYATT BENEVOLENT INSTITUTION INCORPORATED (OBJECTS) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

SOUTH AUSTRALIAN PUBLIC HEALTH (EARLY CHILDHOOD SERVICES AND IMMUNISATION) AMENDMENT BILL

Assent

His Excellency the Governor assented to 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—

University of Adelaide—Annual Report 2019
Lease made under the following Acts
Adelaide Park Lands—Park Lands Agreement—Jolley's Boat House Bistro Pty Ltd

By the Premier (Hon. S.S. Marshall)—

Regulations made under the following Acts—
Work Health and Safety—Prescription of fee

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

Regulations made under the following Acts—
Gaming Machines—General
Land and Business (Sale and Conveyancing)—Fee Notice

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

Regulations made under the following Acts—
Bills of Sale—Fee Notice
Community Titles—Fee Notice
Harbors and Navigation—Fees
Motor Vehicles—
Fees
Reduced Registration Fees—Prescribed Amounts
Passenger Transport—Fee Notice
Real Property—Fee Notice
Registration of Deeds—Fee Notice
Roads (Opening and Closing)—Fee Notice

Strata Titles—Fee Notice
Valuation of Land—Fee Notice
Worker's Liens—Fee Notice
Rules made under the following Acts—
Local Government—
Public Health Emergency—Annual Business Plans and Strategic Planning (No. 4)
Public Health Emergency—District Council of Coober Pedy Electronic Participation in Council Meetings (No. 3)
Public Health Emergency—Electronic Participation in Council Meetings (No. 1)
Public Health Emergency—Public Access and Public Consultation (No. 2)

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

Death of Alexander Peter Kuskoff, SA Police Response to the Deputy Coroner's Finding of 14 August 2019

By the Minister for Environment and Water (Hon. D.J. Speirs)—

Regulations made under the following Acts—
Heritage Places—Forms and Revocation
National Parks and Wildlife—Fees

Parliamentary Representation

CONGRATULATORY REMARKS

The SPEAKER: It is not on the green sheet, but I would like to offer my congratulations to the member for Cheltenham and the Leader of the Opposition on their new arrivals.

Question Time

CONSTRUCTION INDUSTRY TRAINING BOARD

The Hon. S.C. MULLIGHAN (Lee) (14:08): My question is to the Minister for Innovation and Skills. Did the minister institute an independent process for the appointment of the acting chief executive of the Construction Industry Training Board?

The Hon. D.G. PISONI (Unley—Minister for Innovation and Skills) (14:08): That's a process that was conducted by the board.

CONSTRUCTION INDUSTRY TRAINING BOARD

The Hon. S.C. MULLIGHAN (Lee) (14:08): My question is to the Minister for Innovation and Skills. Can the minister outline to the house what that process was?

The Hon. D.G. PISONI (Unley—Minister for Innovation and Skills) (14:08): I wasn't briefed on the process. It was a process of the board.

CONSTRUCTION INDUSTRY TRAINING BOARD

The Hon. S.C. MULLIGHAN (Lee) (14:09): Supplementary to the minister: has the minister not been made aware of what the process was?

The Hon. D.G. PISONI (Unley—Minister for Innovation and Skills) (14:09): There was a resignation at the CITB and the board has now appointed an acting CE.

CONSTRUCTION INDUSTRY TRAINING BOARD

The Hon. S.C. MULLIGHAN (Lee) (14:09): My question is again to the Minister for Innovation and Skills. Did the minister canvass the appointment of the new acting chief executive of the Construction Industry Training Board with any board member?

The Hon. D.G. PISONI (Unley—Minister for Innovation and Skills) (14:09): I was aware of some interest in the CEO from members of the board, but it was a decision of the board.

CORONAVIRUS RESTRICTIONS

Dr HARVEY (Newland) (14:09): My question is to the Premier. Can the Premier update the house on the Marshall Liberal government's Roadmap for Easing COVID-19 Restrictions?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:10): I thank the member for Newland for his question regarding our road map back to a COVID-safe environment. It was announced by the Prime Minister following national cabinet last Friday that all states and territories have agreed that we will be back in a COVID-safe environment in July.

The date on that in July hasn't been set yet, but there is a three-stage process to get back to a COVID-safe environment where we can get as many people as we possibly can back to work, but making sure that we are doing that in as safe a way as possible. Of course, in South Australia, we announced our position with regard to stage 1, or step 1, immediately. We did that on Friday following the Prime Minister's press conference.

One of the things that we were very pleased to do was open up for regional travel in South Australia as of yesterday. We know the regions in South Australia have been doing it very tough with dry and drought conditions for much of the last four or five years plus, of course, the devastating bushfires that occurred in late December and January. Then, of course, the COVID-19 pandemic comes along.

We are really keen to open up our regions in South Australia for some travel and also to open up for uni and TAFE face-to-face tutorials, which began as of yesterday, outdoor dining for restaurants and cafes, though no alcohol at this stage and a table limit of up to 10, and community youth and, very importantly, RSL halls in South Australia. I know the property sector was absolutely delighted that we had lifted the restrictions with regard to auctions and also home inspections. We have changed that so that now 10 people can be present at those. Local government libraries have opened up with a 10 person limit.

Importantly, we have opened up training for our sports organisations, and I know a lot of people are very happy about that. Again, it is in a modified format to start with, so it is outdoors only, it is in a group of up to 10 and it is non-contact. It is more skills and fitness training at the moment but, hopefully, as we progress through these stages, we can get back to a more normal situation as quickly as possible.

One of the other things that we changed, and I know a lot of people were very happy about this, was that we lifted the restrictions on numbers to attend funerals. Previously, this was just 10, but as of Monday this week it is 20 indoors and 30 outdoors. We also lifted the restrictions regarding attending places of worship. Again, these are small, baby steps, but we are heading in the right direction. We don't want to go backwards; we want to make sure that we can continue to go forwards.

As the tourism minister, I am particularly happy that South Australians can travel to our regions once again. I know that the Minister for Environment and Water is very happy with the bookings that have been made on our national parks website recently. As of 9 o'clock yesterday, there have been 871 bookings, a more than 1,000 per cent increase in bookings compared with the same time last year.

I would also like to take a moment to acknowledge the life of Leon Linnett, who was an absolute giant of the South Australian tourism sector who sadly passed away yesterday. The Linnett family, as most members would recall, established one of the first resorts on Kangaroo Island at American River. Leon assumed sole ownership of the resort back in 1971, expanding the resort to establish Linnetts Island Club. He sold the property, now known as the Kangaroo Island Lodge, in the late 1990s. We absolutely pay our respects and offer our condolences to the Linnett family and the entire Kangaroo Island community. Vale, Leon Linnett.

CONSTRUCTION INDUSTRY TRAINING BOARD

The Hon. S.C. MULLIGHAN (Lee) (14:13): My question is to the Minister for Innovation and Skills. Did the minister have any discussions with Nicholas Handley or any other board member about Derek Clark's interest in the position of acting chief executive?

The Hon. D.G. PISONI (Unley—Minister for Innovation and Skills) (14:14): I was made aware that Mr Clark had been approached.

CONSTRUCTION INDUSTRY TRAINING BOARD

The Hon. S.C. MULLIGHAN (Lee) (14:14): Supplementary: by whom was the minister made aware of his interest?

The Hon. D.G. PISONI (Unley—Minister for Innovation and Skills) (14:14): I can't recall specifically by who, but there were a number of board members who I do speak to on a regular basis, just like I speak to many people who are in the industry because they are industry representatives on the board. But I do recall that I was made aware of the interest of the board to receive a particular skill set on the board for the interim process and that Mr Clark's name had been raised.

CONSTRUCTION INDUSTRY TRAINING BOARD

The Hon. S.C. MULLIGHAN (Lee) (14:15): My question is to the Minister for Innovation and Skills. Did Nicholas Handley recommend Derek Clark for the position of acting chief executive of the Construction Industry Training Board?

The Hon. D.G. PISONI (Unley—Minister for Innovation and Skills) (14:15): I refer the member to my previous answer.

NATIONAL PARKS

Mr ELLIS (Narungga) (14:15): My question is to the Minister for Environment and Water. Can the minister update the house about the role of national parks—

Members interjecting:

The SPEAKER: Member for Narungga. This has nothing to do with that person in Queensland. The member for West Torrens is called to order, as is the Deputy Premier. The member for Narungga has the call.

Mr ELLIS: My question is to the Minister for Environment and Water. Can the minister update the house about the role of national parks in promoting the recovery of South Australia?

The Hon. A. Koutsantonis interjecting:

The SPEAKER: Order!

The Hon. D.J. SPEIRS (Black—Minister for Environment and Water) (14:15): I thank the member for Narungga for the question. There is no doubt that South Australia has been through a tough time in recent months both in the bushfires at the end of December and early January and then leading into the COVID-19 crisis, which has had a huge impact on our tourism sector and created a situation for an extended period of time where people have until recent days been unable to travel into the regions. Of course, that has affected our tourists who would normally go from metropolitan Adelaide, particularly in busy times of the year such as the public holidays in the Easter season that we have just gone through. This has meant significant pain for regional communities, perhaps magnified more so than might have been experienced in metropolitan Adelaide.

We, as a government, made a very clear decision in the aftermath of coronavirus becoming apparent in this state. We said that we would keep our national parks open. We decided to close the campsites and areas of congregation within national parks, but we said we wanted people to go into our national parks, immerse themselves in nature, do so in a socially distanced way but continue to visit these parks. We had great results from that. The statistics show that our national parks and conservation parks across the state have had a visitation increase of 120 per cent over the last couple of months. I really hope that a silver lining from the dual economic and health disaster of

coronavirus is that more people have had an opportunity to explore national parks in both their local community and, in the medium to long term, in regional South Australia as well.

Not only have we said that it is okay to visit regional South Australia but, as a government, we are encouraging it. We are saying to people in Adelaide, 'You can't go interstate very easily at all and it's almost impossible to go overseas, so why not head out into our beautiful regions and visit our national parks?' Some 21 per cent of our state's land mass is comprised of national parks, conservation parks and wilderness areas. They are fantastic drawcards, and people have the opportunity to head into those places, immerse themselves in nature and, of course, connect with locals in those communities, spending money and stimulating regional economies along the way.

As the Premier mentioned in the answer to his question just a moment ago, we have seen a tenfold increase in the number of campsite bookings since we reopened the campsite reservation system on parks.sa.gov.au. That was reopened at 9am yesterday morning. In the 24 hours until 9am this morning, we have had 871 bookings. As I said, that is a 1,000 per cent increase and a real sign of confidence that South Australians want to head out into the regions, experience nature and stimulate the regional economy as well.

The top five parks that that were booked were Deep Creek Conservation Park, Mount Remarkable National Park, Murray River National Park, Innes National Park in the member for Narungga's constituency, and Onkaparinga River National Park in Adelaide's southern suburbs.

Just running through that list, the top five really takes us into every corner of this state. I think the sixth one was Ikara-Flinders Ranges National Park in the outback. We have had a great ringing endorsement of what our regional communities have to offer in terms of their natural assets, and we are looking forward to seeing South Australians, particularly Adelaideans, head out into regional South Australia and spend some money.

CONSTRUCTION INDUSTRY TRAINING BOARD

The Hon. S.C. MULLIGHAN (Lee) (14:19): My question is to the Minister for Innovation and Skills. Did the minister have any discussions with the current chair of the Construction Industry Training Board about the appointment of Derek Clark?

The Hon. D.G. PISONI (Unley—Minister for Innovation and Skills) (14:20): Yes.

CONSTRUCTION INDUSTRY TRAINING BOARD

The Hon. S.C. MULLIGHAN (Lee) (14:20): My question again is to the Minister for Innovation and Skills. Did the minister call the current chair of the Construction Industry Training Board to a meeting to discuss the appointment of Derek Clark to the position of acting chief executive?

The Hon. D.G. PISONI (Unley—Minister for Innovation and Skills) (14:20): I meet with the chair of the Construction Industry Training Board on a sporadic basis, on a needs-to-be basis. There was no specific meeting called for a specific purpose; it was just a general catch-up as normally is the case.

CONSTRUCTION INDUSTRY TRAINING BOARD

The Hon. S.C. MULLIGHAN (Lee) (14:20): My question is to the Minister for Innovation and Skills. Did the minister have a previous personal relationship with Derek Clark?

The Hon. D.G. PISONI (Unley—Minister for Innovation and Skills) (14:20): I didn't have any personal relationship with Derek Clark.

The SPEAKER: Given the amount of time that the answers are consuming, I will give the member for Lee one more, and then I am going to switch to the member for MacKillop. The member for Lee.

CONSTRUCTION INDUSTRY TRAINING BOARD

The Hon. S.C. MULLIGHAN (Lee) (14:21): My question is to the Minister for Innovation and Skills. Did the minister previously have any involvement with Derek Clark?

The Hon. D.G. PISONI (Unley—Minister for Innovation and Skills) (14:21): Look—

Members interjecting:

The SPEAKER: Order!

The Hon. D.G. PISONI: —I am not sure that I understand the basis of the question. I was aware of Derek Clark, but I wouldn't say that I have a relationship with Derek Clark. I know that he was a partner with PwC for about 40 years working internationally. He worked for them as a partner for about 28 years, I think, working internationally. That is what I have been briefed, but I certainly don't have any personal relationship with Derek Clark.

CORONAVIRUS RESTRICTIONS

Mr McBRIDE (MacKillop) (14:21): My question is to the Minister for Primary Industries and Regional Development. Can the minister update the house on the Marshall Liberal government's Roadmap for Easing COVID-19 Restrictions to support our regional economies?

The Hon. T.J. WHETSTONE (Chaffey—Minister for Primary Industries and Regional Development) (14:22): Yes, I can. I thank the member for MacKillop for his very relevant question, particularly in the face of restrictions and what it means not only to regional South Australia but also for the opportunities that now present here in regional South Australia.

The regions have been through the wringer. They have seen significant headwinds over a long period of time with the continual drought which have ravaged a lot of the productive part of South Australia, particularly in the grain-growing belts, and which have had far-reaching impacts on the livestock sector, and, of course, our water catchments have been run down to a minimum.

Of course, the bushfires ravaged not only Yorketown, Cudlee Creek and Kangaroo Island but also in the member for MacKillop's electorate the Keilira fires ravaged a number of large properties, as well as the hailstorms that absolutely ate a lot of the horticulture in the Riverland. While we are also addressing some of the biosecurity threats in regional South Australia, the COVID-19 is at every person's front gate. Every person has been affected, touched and impacted on.

So, along the way and in the last recent days, we have seen a relaxing of some of those restrictions, and it is very good news but it is very carefully planned, and I want to commend the Premier, Professor Nicola Spurrier and the health team for the leadership they have given South Australians. I think that everyone in this place would commend where South Australia sits through very, very clear leadership and guidance for every South Australian to be the beneficiary.

South Australia, and particularly regional South Australia, is now known as one of the safest places on the globe. We have led the nation in our response to the COVID-19 outbreaks, and what it has meant to regional South Australia is that we have seen a level of isolation as a natural piece of living in regional South Australia. But it has hurt the local regional economies, particularly with tourism, and that slow lifting of restrictions will see people starting to filter back out onto the roads, back up into our regions, to stimulate those local regional economies. Obviously, tourism is a huge part of that and it has, over recent years, become a significant part of those economies.

As the Minister for Environment has said, the parks are a great open space for people to explore as well as making sure that, when they do go out to the regions, they support the local businesses: the small businesses, those family businesses that are relying on the passing trade as well as providing services to that sector. It's also a reason why we moved the Regional Growth Fund forward—so that we could create a stimulus for those local businesses in regional South Australia.

It's also really important to note that there is a huge range of stimulus spending by the taxpayer administered by this Marshall Liberal government in helping that economy bubble along. Now, as we lift restrictions, the biggest beneficiaries will be the economic beneficiaries of that lifting of restrictions. The regions of South Australia are very satisfied with the slow lifting of restrictions. I myself know that in my electorate of Chaffey people are very guarded with allowing too many people to come into their electorate. We know that regional South Australia is strong, it is resilient, it will be stronger than before and that, also, #RegionsMatter.

CONSTRUCTION INDUSTRY TRAINING BOARD

The Hon. S.C. MULLIGHAN (Lee) (14:26): My question is to the Minister for Innovation and Skills. Who made the recommendation to the board to appoint Derek Clark?

The Hon. D.G. PISONI (Unley—Minister for Innovation and Skills) (14:26): I'm not aware who brought that motion to the board. I haven't seen the minutes of the meeting.

CONSTRUCTION INDUSTRY TRAINING BOARD

The Hon. S.C. MULLIGHAN (Lee) (14:26): My question is to the Minister for Innovation and Skills. What briefings has the minister received in relation to the appointment of the acting chief executive of the Construction Industry Training Board? With your leave, sir, and that of the house I will explain.

Leave granted.

The Hon. S.C. MULLIGHAN: In the minister's first answer he said that he had not received a briefing on this, and later the minister said that he had been briefed in relation to Derek Clark's qualifications and experience.

The Hon. D.G. PISONI (Unley—Minister for Innovation and Skills) (14:27): These are the sorts of things you pick up from a telephone call or a conversation.

Members interjecting:

The SPEAKER: Order!

The Hon. D.G. PISONI: When I said I wasn't briefed, I was referring to a formal brief, when something comes across your desk and you sign it off. Positions of employment on the CITB are purely a matter for the board. The board makes that decision. I have no power to make that decision. However, there is a provision in the act that I can direct an outcome from the board. I didn't do that. The board appointed Mr Derek Clark and it was a decision of the board.

CONSTRUCTION INDUSTRY TRAINING BOARD

The Hon. S.C. MULLIGHAN (Lee) (14:28): My question is to the Minister for Innovation and Skills. With whom did he have a telephone call or conversation about the appointment of Derek Clark to be acting chief executive of the Construction Industry Training Board?

The Hon. D.G. PISONI (Unley—Minister for Innovation and Skills) (14:28): I refer to my previous answer.

CORONAVIRUS RESTRICTIONS

Mr BASHAM (Finniss) (14:28): My question is to the Minister for Recreation, Sport and Racing. Can the minister update the house on the Marshall Liberal government's Roadmap for Easing COVID-19 Restrictions on community sport?

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (14:28): I thank the member for his question and note his eagerness to see the Victor Harbor football side, the netball sides down there at Strathalbyn and the Goolwa Magpies no doubt returning to their fields and their courts to play, as we all are. I think everyone is itching to see sport back. It's one of the most common questions I get asked walking down the street. Generally from about a metre and a half away, people ask me, 'When is sport coming back?'

Can I say that with the great news last Friday and the wonderful work that all sports have been doing in the lead-up to this point to make sure that they are as prepared as possible, we know the announcement from the national cabinet on Friday really opened the doors for us to begin bringing our sports back here in a training mode.

Since that announcement, we have seen a real kick and a spike in the number of people applying for their sports vouchers. People are wanting to use these sports vouchers and get back to playing sport. Of course, as you know, Mr Speaker, we doubled the value of that sports voucher when we came into government and that puts a hundred dollars back in the pockets of

South Australians, and they really appreciate it at this time and appreciate getting back into their sport.

What we have done, as I outlined, is work with all the sporting codes over the past number of weeks to make sure they are as prepared as possible. We know we live in a different environment, a different climate now whereby things will be done a little bit differently. The Premier outlined a little earlier the first step toward getting back to playing sport and being in the new world that we live in, and that is about training, training with 10 people in a group, one coach or whatever, helping out there on a football-size field.

You can divide that up into three groups, if you like, or three segments on that football field so we can get people back training. There is no contact at the minute, no contact as far as the sports are concerned, so those contact sports will have to devise training sessions around skills and fitness to make sure players are developing and getting ready to return to play, and that is exciting. All the sports have put their plans in place. They have worked well with the Office of Rec and Sport and they have helped shape those for them so that we can get through step 1.

The ideal scenario then, as we keep working with Health, is that they will have a look at how things are going and we can look at moving toward step 2. That is where we look and hope to bring back our competitive training so we can ramp it up to the next level and bring back indoor sports as well. At the moment, in step 1 we are only doing outdoor sports. So it is exciting and people are very happy to see sport coming back, and if we get through step 2—step 2 is pencilled in to start on 8 June—we can get into step 3 and, hopefully, get back to competition.

What the sporting groups and sporting bodies are very focused on, and that goes right through to the associations, the clubs and the individual players themselves, is making sure they keep doing the right things, keep following the rules and following the instructions. South Australians by and large have done that so wonderfully well, and collectively we should all be very proud of how our state has done. Compared with the other states, we are, I think, a long way in front.

I have talked about competitive sports and their pathway back. Those non-contact sports I should say have a little bit of an advantage, and we have seen just recently that tennis is already back to playing games and looking to get winter pennant up and running in early June as well. Tennis has really grabbed the bull by the horns. By the nature of the sport itself, they socially distance, so that is fantastic and we are keen to see people pick up a racket, and I know that Tennis SA is really keen to promote that as well.

Bowls have also done an outstanding job. They worked under the restrictions prior to last Friday and put a plan in place whereby people could continue to play bowls. We do still have to work through that the clubs and the clubrooms aren't open, and we will keep working on that. That is something we need to work with Health around because we know congregating in big numbers in smaller spaces and places is what has Health a little bit worried.

We will keep working through that, but we should rejoice and celebrate this first step we have taken because South Australians have done an amazing job and the sporting community has done an amazing job. We look forward to seeing people back on the courts, in the parks, playing and getting fit not only for their mental health and physical health but also for their social wellbeing. I know South Australians are very excited with the great work they have done.

CONSTRUCTION INDUSTRY TRAINING BOARD

The Hon. S.C. MULLIGHAN (Lee) (14:32): My question is to the Minister for Innovation and Skills. Can the minister outline what construction industry experience Derek Clark has?

The Hon. D.G. PISONI (Unley—Minister for Innovation and Skills) (14:32): As I said earlier, the appointment of Derek Clark was made by the board.

CONSTRUCTION INDUSTRY TRAINING BOARD

The Hon. S.C. MULLIGHAN (Lee) (14:33): My question is to the Minister for Innovation and Skills. How did the minister satisfy himself that Derek Clark was appropriately qualified for the role?

The Hon. D.G. PISONI (Unley—Minister for Innovation and Skills) (14:33): I didn't appoint Derek Clark. The appointment was made by the board.

The Hon. S.S. Marshall interjecting:

The SPEAKER: Premier, quiet. The member for Lee, then the member for Elder.

The Hon. V.A. Chapman interjecting:

The SPEAKER: Deputy Premier, please. The member for Lee has the call.

CONSTRUCTION INDUSTRY TRAINING BOARD

The Hon. S.C. MULLIGHAN (Lee) (14:33): My question is for the Minister for Innovation and Skills. Is the minister aware of Nicholas Handley having any discussions with Derek Clark regarding a potential appointment as acting chief executive?

The Hon. D.G. PISONI (Unley—Minister for Innovation and Skills) (14:33): I am not aware of where Nicholas Handley is every minute of the day. That may surprise the member for Lee, but it is interesting that whenever the member for Lee gets up to ask a question in the skills space, which is actually the responsibility of the member for Ramsay, you've got to wonder what the motivation is. It is obviously smear because the member for Ramsay won't do that. It's her responsibility to represent the skills minister in this chamber, but you know when the member for Lee gets up—

Members interjecting:

The SPEAKER: Order!

The Hon. D.G. PISONI: —it's about smear, and that's what they are trying to do.

Mr PICTON: Point of order.

The Hon. D.G. PISONI: The facts are that this appointment was made by—

The SPEAKER: There is a point of order. Minister, be seated for one moment. I have given the minister about 30 seconds to warm up. I would ask him to come back to the substance of the question and Mr Handley and an appointment. Is there anything to add? No, minister? The minister has concluded his answer, so we will move to the member for Elder and I will come back to the member for Lee.

LOCAL GOVERNMENT SERVICES

Mrs POWER (Elder) (14:34): My question is to the Minister for Transport, Infrastructure and Local Government. Can the minister please update the house on the Marshall Liberal government's Roadmap for Easing COVID-19 Restrictions in terms of libraries and other local government facilities?

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning) (14:35): I thank the member for Elder for her question. I know that this is something that is extremely important to her and her electorate. In case you didn't know—except I am sure you already do—the reopening of the Mitcham Memorial Library and Blackwood Library starts on Monday.

This is extremely important as we move back to try to open up our economy. It is also important that we look at the social infrastructure that is in place and how we help people to be able to go about their daily lives and to bring back some lower risk activities to enable people to get out and about. I want to thank councils for their efforts over the course of this crisis. The Premier and I have on a number of occasions met, under videoconferencing circumstances, with mayors and CEOs from right across this state. Those conversations unfailingly are well informed, they are conscious of the environment that we are in and the councils are also very keen to help be part of the effort to deal with coronavirus.

In this instance, the councils were extremely compliant and helpful in terms of closing their libraries and other facilities when they were asked to do so. Essentially, I want to congratulate councils on the speed with which, once the announcement was made on Friday, they have been

able to respond, to be able to change the way that libraries and other facilities operate so that we can actually get on and provide a service in keeping with the restrictions and the social distancing requirements that are necessary.

As part of step 1, community halls and youth halls will start to open, local government libraries will start to open, some pools will start to open, as well as campgrounds and caravan parks. From 8 June, we will see other local government facilities like gyms and indoor fitness facilities open. What we have also seen is that for some councils their camping grounds or their caravan parks were able to remain open for essential travellers, but we know that there is a lot of revenue that councils have lost right across this state from not having those facilities open. But, with good grace, they still were helping us in the fight against COVID-19 to do what needed to be done.

We have seen libraries open under restrictions, including there only being allowed to be 10 people, excluding staff, no food or beverage for consumption in libraries—although I wouldn't say in the Barossa we would dare allow that anyway—as well as closing interactive exhibitions and removing toys. We have also seen some councils establish click or call-and-collect services for library items—an innovation that we see not only happening in our food and hospitality space but also coming to our libraries. Again, I want to thank councils for the way they have been innovative in helping to deliver services in this new environment.

They have also held story time on Facebook, including with the mayor. We have seen iconic books, such as *Wombat Stew* and *We're Going on a Bear Hunt*, being read out, and flooring maintenance, including polishing, also being done and new carpet being installed in the Mitcham Community Centre, making sure that whilst the libraries and those facilities were closed we got on and were able to make use of that time. In my own electorate of Schubert, I am looking forward to tomorrow when Nuriootpa, Angaston, Lyndoch and Mount Pleasant will be opening, and Tanunda will be reopening as of next Monday.

The local government sector has been a fantastic partner during COVID-19. We have worked together on this, on stimulus projects, on gazetting notices that allow local government to be able to function for themselves in other ways, and I look forward to that continuing well into the future as we all respond to this pandemic.

CONSTRUCTION INDUSTRY TRAINING BOARD

The Hon. S.C. MULLIGHAN (Lee) (14:39): My question is to the Minister for Innovation and Skills. Is the minister satisfied that all proper processes occurred in regard to the appointment of Derek Clark?

The Hon. D.G. PISONI (Unley—Minister for Innovation and Skills) (14:39): I am certainly not aware of any inappropriate processes. I can't recite to you what the exact process is, but it was an appointment of the board. I had no part in the process. It is not a role for me as the minister. I am certainly not aware of anything that is inappropriate or any other slur that the member for Lee might like to throw.

The Hon. L.W.K. Bignell interjecting:

The SPEAKER: The member for Mawson is called to order.

CONSTRUCTION INDUSTRY TRAINING BOARD

The Hon. S.C. MULLIGHAN (Lee) (14:40): My question is to the Minister for Innovation and Skills. Has Derek Clark ever attended a FutureSA Unley Forum event?

The Hon. D.G. PISONI (Unley—Minister for Innovation and Skills) (14:40): I am not responsible to this place for the Liberal Party. I am not responsible for Mr Clark or any other member of the public's private life. But what I do know is that the previous chair of the CITB was a member of the Labor Party; that was Gay Thompson, appointed by the Deputy Leader of the Opposition. I am certainly not responsible for the private lives of members of the public.

CONSTRUCTION INDUSTRY TRAINING BOARD

The Hon. S.C. MULLIGHAN (Lee) (14:40): My question is to the Minister for Innovation and Skills. Is the minister planning to appoint Nicholas Handley as the chair of the Construction Industry Training Board?

The Hon. D.G. PISONI (Unley—Minister for Innovation and Skills) (14:41): There is a process going through as we speak. I will be taking advice from the department and my office about the make-up of that board. There is a process. The legislation goes through the process of the appointment and I will be making appointments to the board according to that process.

CORONAVIRUS RESTRICTIONS

Mr COWDREY (Colton) (14:41): My question is to the Minister for Recreation, Sport and Racing. Can the minister update the house on the Marshall Liberal government's Roadmap for Easing COVID-19 Restrictions in respect of elite sport?

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (14:41): I thank the member for Colton for his interest and it's probably no surprise that he has an interest in elite sports, given that he was an elite sporting athlete. Is he still an elite sporting athlete? That's the question we are going to ask and we might find out in a few moments' time. As we said, I must profess he was Australia's finest ever Paralympic athlete and it is a pleasure to have him on our side of this house and doing wonderful work in his community.

Again, it is so important to get sport back. We have talked about community sport but elite sport as well is very important to our state, a big part of our fabric, and a big opportunity for our economy as well because getting sport happening and getting sporting events happening in South Australia is something we do want to work our way back to. As we look to the opportunities that present here for South Australia, being one of the safest places in the world and widely recognised as that, South Australia is probably the best place you would want to be right now if you are an elite athlete and you are wanting to train, in particular for the Tokyo Olympics.

What we did, before any other place in the country, and before many other places in the world—in fact, we could have been the first in the world to do this—is we got our elite swimmers back in the pool. It's probably at this point that the member for Colton would like me to note that it's the Matt Cowdrey Pool, and they were back in there training. The likes of Kyle Chalmers had their Tokyo dream for 2020 put on ice because of COVID-19; now it's Tokyo 2021, and they are very focused on delivering on that. Peter Bishop, of course, the coach of Kyle Chalmers, a wonderful swimming coach, was very keen to see his troops get back in the pool.

We were able to do that with the help of Dr Nicola Spurrier, who is leading Health for South Australia, and the decisions that we are making around that along with the police commissioner, and we were able to get our elite swimmers back in the pool. So they have a great advantage as they prepare for the Tokyo Olympics next year. Speaking to some of the swimmers offline, in fact Kyle Chalmers himself is very aware that he couldn't be doing this, they couldn't be doing this, if it wasn't for the great work of South Australians to enable that to happen, because they have been following the rules and doing such an outstanding job. As he said, any medal he may be able to win or his teammates may be able to win at the Tokyo Olympics would be very much a medal for South Australia, so we look forward to the swimmers going over there and doing a wonderful job. Our elite divers got back in the pool as well. So our elite athletes are back on track for the Tokyo Olympics, which is wonderful to see.

The other thing people are asking about is the AFL and we are working towards our part in getting the AFL back. By way of information, the AHPPC has set up a subcommittee for elite sports, and that's happening through the national cabinet. Representing South Australia on that is Dr Nicola Spurrier, so she is taking the advice and working with those national bodies to work out how we can get that sport back, and we are really keen to see that happen.

Again, South Australia is in the best possible position as far as being one of the safest states or safest locations in the world and we should be very, very proud of that. South Australia has this position now, because of that safety and that great work, to be the new home of sport, in Australia at

least and potentially for the rest of the world, and has a great opportunity to create jobs and deliver the dreams of athletes. We are really focused on doing all we can in that area.

I mentioned the SANFL as well; the semi-professional league are looking to get back. They have made a decision that their players won't be paid this year. They are very focused on getting them back on the park and making sure they have that competition running. They have done a really good job. They started back this week, but they have started back slowly, making sure that all the officials and people around the clubs understand how to work in this new COVID-19 world and making sure that they are following all the right regimes: making sure they are doing the handwashing, keeping their hygiene up and also following the social distancing protocols. All in all, sport has done an outstanding job, but having elite sport back ahead of the rest of the country, ahead of the rest of the world, is a real tick in the box for South Australia.

The SPEAKER: I am going to allow one supplementary and then I am going to switch to the member for Florey. Is there a supplementary?

Mr PICTON: A new question.

The SPEAKER: A new question and then the member for Florey. Question No. 21 for the opposition.

COVID-19 EMERGENCY RESPONSE (BAIL) AMENDMENT BILL

Mr PICTON (Kaurna) (14:45): My question is to you, Mr Speaker. Why did it take six days for you to sign to the Governor the COVID-19 Emergency Response (Bail) Amendment Bill 2020, which was described as an urgent bill by the government and on request of the state controller?

The SPEAKER (14:46): I believe I was advised that the bill was ready to be signed on the Tuesday and I presented the bill as part of my regular appointment with the Governor on the Wednesday morning. I will go back and check those exact dates, but that's why it was signed when it was and presented when it was.

ARTS SECTOR

Ms BEDFORD (Florey) (14:46): My question is to the Premier in his role as Minister for the Arts. When might South Australians interested in elite cultural pursuits be able to visit things like the Museum, the Art Gallery and the Centre of Democracy again?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:46): I thank the member for her question. Certainly the arts sector and the cultural sector here in Australia have been absolutely smashed by COVID-19. They have been sectors that have been hit from day one. Here in South Australia we have been really pleased to put our framework to return to a COVID-safe environment to the people of South Australia last Friday. It didn't provide relief to the arts sector or the cultural sector in terms of audience participation this month, but certainly from 8 June it is envisaged that we can start getting audiences back to our fabulous museums and galleries in South Australia, and also theatres and cinemas.

There are a couple of provisos on that: one, a maximum of 20 people and, secondly, abiding by all the social distancing and physical distancing norms and practices that I think most Australians are well aware of, in particular, one person per four square metres and 1.5-metre distances, where possible.

That is our starting point for 8 June, but I've got to say that we are sitting down with many of the galleries in South Australia and some will be absolutely delighted to bring back 20 patrons at a time, but for many others it would remain completely uneconomic for them to reopen. What we are doing is sitting down with these gallery managers, Museum managers and chief executives to look at what we can do to bring them back on line as soon as possible, but we've got to make sure that health is our highest priority.

I am very pleased with the innovative ways that the Museum, the gallery sectors and also theatres have thought about how they could social distance in a responsible way, how they have been able to identify what those risks are and put together programs that would help us to mitigate against those risks. I have been very pleased to be active with the sector during this period, not by

visiting the museums, galleries and theatres, but with this newfangled technology of webinars. There are a number of different platforms and I pretty much messed up most of them to date, but it has been a very good opportunity to connect with different sectors.

One of the things I have been very, very impressed by is the way that this sector in particular has thought about how they can make the most out of a very difficult situation so they don't see this year as a completely wasted year, how they can work together in collaborations, how they can embrace technology and how they can actively engage in product development so that when it does become time for audiences to return they are ready to stand up.

I think, more than ever, Australia and the people of South Australia are going to need the creative sector and the arts sector to help us get through this period and to interpret some of the stresses that we have seen. I do want to commend the work that the Minister for Environment and Water has done on behalf of the cabinet with establishing a really innovative program around whole-of-person wellbeing at www.openyourworld.sa.gov.au. A big part of that is about how we interact with some of our cultural precincts and institutions in South Australia and the arts sector. It has been a tough year but, by working together, I think that we can get through and make ourselves stronger than before.

Ms BEDFORD: A supplementary, Mr Speaker.

The SPEAKER: I will take a supplementary, but before I do that I call the members for Playford, Badcoe and West Torrens to order and I warn the member for West Torrens. Member for Florey.

CORONAVIRUS RESTRICTIONS

Ms BEDFORD (Florey) (14:50): It's again to the Premier: when might churches expect to have the same sorts of liberation as the large retail outlets? With your leave, sir, and with that of the house, I will explain.

Leave granted.

Ms BEDFORD: I have been approached by many churches in my area. Some of them have a greater area than Bunnings, for instance, and are at a loss to understand why they are still restricted in such a fashion.

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:51): I thank the member for her question. It is an excellent question and it is one that has been put to me many times, as well. In answer to the first part of the question, which is when will the churches and places of worship be available to open, the answer is as of yesterday.

We are providing some lift to the restrictions that have been put in place up to 10 people. Churches will be open and places of worship will be open for private worship for up to 10 people plus the clergy or the officiating people. There are a couple of exceptions to that. One is with regard to funerals, where the limit is lifted to 20 people indoors and 30 people outdoors. This will allow some very small services. You can imagine a baptism, which would abide by those new restrictions. We have already highlighted that as of 8 June, which is the start of step 2 in our road to a COVID-safe environment here in South Australia, that limit of 10 will be lifted to 20.

Having said that, we are in discussions with the churches and we are continuing those discussions. Last week, I had one of those webinars with heads of the local Christian churches here in South Australia and we discussed the issue of the administration of Holy Communion and how that would operate. Again, they know the date of 8 June and they are working with Dr Chris Lease, who is the Deputy Chief Public Health Officer in South Australia, to establish a risk mitigation strategy for returning churches to their full worship orientation. I would also add that I am meeting with some of the leaders in the Muslim church tomorrow in a similar sort of arrangement.

Your question regarding Bunnings is a really good one and this is put to me very often. I have been to Bunnings and I have been to Ikea and there were hundreds of people there. Why do we have to have a restriction of 10 or 20 at a church service, a funeral, a wedding or so on and so forth? It really gets down to how the virus is transmitted. What we do know about this virus is it is not easily transmitted with somebody walking past somebody at pace in a shopping centre. Where it is

of course more problematic is when people are sitting down in a close environment with each other, sometimes for half an hour, an hour, or so on and so forth. That is the time of the transmission, so this is a higher level risk.

If we go back to the very beginning of the COVID-19 infection in Australia, for the two largest superclusters in the first month, one was at a wedding and one was at a funeral. As terrible as this is for people who in their time of need want to attend a place of worship, they are being forbidden to do so. It is really put in place with the best of intentions from a public health perspective.

I was absolutely delighted when on Friday last week we could advise the people of South Australia that we would be taking small steps to lift the ban on attending places of worship. It is now at 10, plus the clergy, and it will increase to 20. It could increase further if this risk identification and mitigation strategy is worked through. As I said, we do also need to work through some of the issues with regard to the administration of Holy Communion in the Christian churches.

I would also say that I was delighted that over the Easter period many of our churches were able to broadcast their service. They were given clear instructions that this was not only possible but we would actively encourage it, and many, many churches took up that opportunity.

CORONAVIRUS RESTRICTIONS

Ms HILDYARD (Reynell) (14:55): My question is to the Premier. Will South Australian AFL players be able to fly-in fly-out when the AFL season resumes?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:55): That's a good question and it's one that the Chief Public Health Officer in South Australia, Dr Nicola Spurrier, is working through at the moment. As members would be aware, at the moment in South Australia we have a very strong state border situation. We have said that we are not going to permit people to come into South Australia without two weeks of self-isolation.

This is going to cause a real problem for those visiting teams from New South Wales, Victoria, Queensland and Western Australia. For those reasons, I think that the continuation of the normal home and away season is going to be difficult, because there is not a chance at the moment that the visiting Victorian, New South Wales, Western Australian and Queensland teams would be able to come into South Australia.

The question at the moment is: how do we get the AFL season underway? One option, which is being actively pursued at the moment, is that the Crows and the Power base themselves in South Australia. They do their training in South Australia, and they fly out for their game in another jurisdiction and then fly back. Obviously, they wouldn't be spending a huge amount of time there. We want to minimise the ability for them to contract the disease. Then we work out a sort of modified or agreed position with regard to a form of quarantine when they come back in that would minimise the chance of transmission.

Of course, a lot of this is going to be dictated by when the season starts and also what the level of infection is in other jurisdictions. I have just seen the stats for today from New South Wales. They have now had two days without a single infection in New South Wales—and a massive congratulations to Premier Gladys Berejiklian on the great job that she and her health team in New South Wales are doing.

In other states it is at a higher level. Our first priority is to protect the people of South Australia. This is a nasty disease. When we look at some of the stats from around the world, they are of great concern to us. If you just look at the United Kingdom, for example, we have had in excess of 31,000 people lose their lives from the COVID-19 infection in just the last five or six weeks, so we can't take this disease for granted. Even though South Australia has done particularly well, we have not beaten this disease. This is a very nasty disease. There is no vaccine for this disease, and so the strong borders will stay in place until a time when we believe that the rate of infection in other jurisdictions is at a similar level to ours here in South Australia.

CHILDREN IN CARE

Ms STINSON (Badcoe) (14:58): My question is to the Minister for Child Protection. Is the minister aware of any children in care being looked after in hotels, motels, caravan parks or other temporary accommodation during her time as minister?

The Hon. R. SANDERSON (Adelaide—Minister for Child Protection) (14:58): I thank the member for her question. Certainly, in opposition this was something that I regularly questioned the former government on, because we know that under the Labor government many, many children spent too much time in caravan parks, motels, hotels and inappropriate accommodation. To the best of my knowledge, we have worked very hard in the just over two years of being in government to make sure that this no longer occurs. If it has occurred as a one-off, I am not aware of that, but I can certainly find out and come back to the house.

CHILDREN IN CARE

Ms STINSON (Badcoe) (14:59): My question is to the Minister for Child Protection. Does the minister still intend to deliver her promise to reduce the number of children in emergency care to below 10?

The Hon. R. SANDERSON (Adelaide—Minister for Child Protection) (14:59): I thank the member, again, for her question. Emergency care has been an issue for many years, and, in fact, the last time the Liberal Party was in power, 18 years ago, they left a situation where there were no children in emergency care. The numbers were built up after 16 years of an incompetent Labor government that failed the children of this state. At one point—

Members interjecting:

The SPEAKER: Order!

The Hon. R. SANDERSON: —in fact, in 2016—the numbers of children in emergency care reached 212, and that was at its peak. As a new incoming minister, this is an area that we have worked hard on, and certainly it is my goal to reduce that number because we know that children are better off in a family.

This government has worked very hard with a whole-of-government approach to strengthen families. We have announced intensive family support services that started last July. We have announced family group conferencing, with $1.6 million put into that to strengthen our families. We also have a pilot program starting soon in the west for Aboriginal families. We are focused on all areas.

So it is not a kneejerk response—reacting to some questions in parliament and announcing a policy: we are looking at a whole-of-government approach. We are working hard at the beginning, which is strengthening families, working to keep children in their families. We are working hard on reunification. We are looking at social bonds and other new, innovative ways that we can bring into the state that have not been done here before. We are looking at—

Mr Malinauskas interjecting:

The SPEAKER: The leader is warned. We have the question.

The Hon. R. SANDERSON: —improving outcomes for children who are already in our care.

The Hon. V.A. Chapman interjecting:

The SPEAKER: The Deputy Premier is warned.

The Hon. R. SANDERSON: As many of you would know, yesterday we launched our online media strategy to encourage more foster carers. During this COVID-19 pandemic, many of us have had the time to reflect on our lives and what we do. Many people are at home gardening and cooking. They are spending more time at home, and it is an opportunity to think, 'What can we do to help our community? What more is our life for?' And what better time to think about becoming a foster carer? So, for anybody who is listening, it is 1300TOFOSTER, or fostercare.sa.gov.au.

We have been working very hard to build up our foster care numbers. Our department has increased by a great percentage. Our numbers of kinship care have risen by 26 per cent and our total family-based care has risen by over 20 per cent since we have been in government. How you reduce your numbers in residential and commercial care is by having more children in family-based care and reducing the number of children coming into care. I am not a miracle worker.

Ms Stinson interjecting:

The SPEAKER: The member for Badcoe is called to order.

The Hon. R. SANDERSON: It takes time. A whole-of-government approach is required. We know that the major three reasons children come into care are domestic violence, drug and alcohol abuse and mental health, so as a whole of government we also are working on strategies in domestic violence, working with perpetrators and on better outcomes for victims of domestic violence. We are working on better mental health programs that were neglected for many years under the former government.

We are doing everything we can to strengthen our community. So I call on anyone who has ever considered becoming a foster carer to find out more now because information sessions are being held online, and what better time to contribute to community and help our children.

CORONAVIRUS RESTRICTIONS

Ms LUETHEN (King) (15:03): My question is to the Minister for Transport, Infrastructure and Local Government. Can the minister update the house on the Marshall Liberal government's Roadmap for Easing COVID-19 Restrictions on driving instruction lessons?

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning) (15:03): I thank the member for King for her question. I know that this has perhaps been for young people one of the hardest issues to grapple with when it comes to COVID-19 restrictions, and that is the ability to get one's L-plates, but the State Coordinator did make a direction under the Emergency Management Act 2004 to suspend all driver training and assessment effective from Friday 10 April.

Essentially, that decision was undertaken in order to reduce the number of people who needed to attend a Service SA centre. There are essential things that need to happen. We needed those essential things to continue, so we had to find a whole series of transactions that we could stop doing in order to make sure that we continue to provide that face-to-face service for those who needed it.

It was very much advice taken in consultation with the Chief Public Health Officer. It also extended to motor driving instructors and authorised examiners. In fact, I had a lot of correspondence from people within the industry saying themselves that they thought driver training should be suspended because their ability to socially distance within that environment is difficult. Those concerns shared by many in the community were heeded as part of this.

Service SA has now been working with health officials in conjunction with the government's Roadmap to Recovery to help resume learner theory testing, whilst making sure that appropriate social distancing restrictions are still in place. Customers who had a test booking cancelled—and there were some 800-odd people who had them cancelled as a result of these COVID-19 measures—will now be contacted by the department to arrange a new booking.

In fact, I think a lot of those discussions have already been had, and my understanding is that we will take only a couple of weeks to deal with that backlog. We have opened up Service SA centres to operate on extended hours and done everything we can to help provide the opportunity for young people to get their Ls. I would also say for the member for Hammond, who I know takes a very keen interest in this, that his son Angus will also now be able to take his Ls, and his representations can be dealt with.

For learner permit applicants, including those in regional areas, I would ask them to contact 131 084 to make a booking if they haven't had contact from the department already. We are expecting a higher volume of calls. Obviously, when you stop something you create a backlog, and there will be a situation now over the next week or two where we work to deal with that backlog so we can get

back to a situation where young people can get there Ls and obviously then work for their training to be conducted with their family, for those driver training hours to be done with their family.

Again, it's just another way that we have worked through listening to the health advice and our department finding ways to more innovatively deliver services so that we can make sure that we return to as much as normal whilst also keeping in mind the fact that we are dealing with a global pandemic and that we need to make sure that we can do things safely. This is just another example of how we have been able to bring ourselves that one step closer for things to be back to normal here in South Australia.

CHILDREN IN CARE

Ms STINSON (Badcoe) (15:07): My question is to the Minister for Child Protection. When does the minister intend to achieve her promise of fewer than 10 children in emergency care, considering she promised it would be delivered by April last year?

The Hon. R. SANDERSON (Adelaide—Minister for Child Protection) (15:07): I refer the member to my comprehensive previous answer.

Members interjecting:

The SPEAKER: Order!

CHILDREN IN CARE

Ms STINSON (Badcoe) (15:07): My question is to the Minister for Child Protection. Is the minister aware that the number of children in emergency care has risen by 35 per cent since she became minister?

The Hon. S.K. KNOLL: That question did contain fact, Mr Speaker, and is out of order under 97.

Members interjecting:

The SPEAKER: Order! Member for Badcoe, it's your last question. Would you like to seek leave to insert any fact?

Ms STINSON: Yes.

Leave granted.

The SPEAKER: Member for Badcoe, last question.

Ms STINSON: My question is to the Minister for Child Protection. Is the minister aware that the number of children in emergency care has risen by 35 per cent since she became minister, and I seek—

Members interjecting:

Ms STINSON: Sir, do I need to seek leave again?

The SPEAKER: I'm going to allow the minister an opportunity to answer. Has the minister got the question?

The Hon. R. SANDERSON (Adelaide—Minister for Child Protection) (15:09): Yes, thank you, and I thank the member for her question. Yes, and I am aware there has been an increase. Currently, as at 31 March, we have 130 children in commercial care and, as I stated earlier, in 2016, under the former government, that was 212: 130 is too many; 212 is too many. As I said in my comprehensive answer, we are working as a whole of government in every area, from strengthening—

Members interjecting:

The SPEAKER: Order!

The Hon. R. SANDERSON: —our families, to working at reunification, to working with our families that we have, to encouraging more foster care families. Another promise I made was to have

a net 50 foster carers. We achieved that last year. We are on track to achieve that again this year, despite the former Labor government—

Ms Stinson interjecting:

The SPEAKER: Minister. Member for Badcoe, you can leave for 20 minutes under 137A.

The honourable member for Badcoe having withdrawn from the chamber:

The Hon. R. SANDERSON: I will just add that the former Labor government, when I was the shadow minister, announced $9 million to increase foster carers and, in fact, lost more carers than they gained and spent $9 million doing it.

Grievance Debate

CONSTRUCTION INDUSTRY TRAINING BOARD

The Hon. S.C. MULLIGHAN (Lee) (15:10): Well, well, well, it all seems to be happening again for the member for Unley, does it not? As Minister for Innovation and Skills, the same issues that were raised in this place less than 12 months ago about appointments to the Construction Industry Training Board have all been refreshed once again.

First, we had the extraordinary situation that the close acquaintance of the member for Unley, Mr Nicholas Handley—apparently the chair of his Unley Forum fundraising arm for his efforts as the Liberal Party member for the seat of Unley—should somehow find his way to be appointed to the Construction Industry Training Board, despite the fact that the legislation requires that people must have experience in the construction industry.

Did Mr Nicholas Handley have experience in the construction industry? No, of course he did not have experience in the construction industry, but apparently, according to the Minister for Innovation and Skills, the fact that he was an accountant qualified him to understand what a business of a construction firm must be like in general terms so that he would qualify to be a member of the Construction Industry Training Board. Of course, very quickly after this was raised in this place by the opposition, the minister came forward with amendments to the Construction Industry Training Fund Act to try to change the qualifications for those people who must be appointed to the Construction Industry Training Board, to remove the requirement that people must have experience in the construction industry.

You can imagine that that was a slight not just to those five representatives, previously required to be on the board, of employers within the construction industry—construction companies basically—but also to those three people who had to be previously appointed to the board, who were representatives of employees. The board was deliberately constructed to ensure that it had representation from construction businesses and construction workers. Because of the Nicholas Handley affair, uncovered in this place under the watch of the member for Unley, legislation had to be changed in order not to further embarrass him.

I would have thought that that should be enough to embarrass the minister not to make the same mistake again, yet here we are, the opposition taking phone call after phone call and email after email from people outraged about the appointment of Mr Derek Clark as acting chief executive of the Construction Industry Training Board. Why are they outraged? Because the CITB did have a chief executive and it was someone who was experienced in the construction industry. The former chief executive was hounded out from that role. They were only appointed in May 2017, less than 12 months before the last state election, but apparently for the minister that was enough of a stain of having been involved with the previous Labor administration that they had to be forced out of the role.

She was the national director of operations for the Civil Contractors Federation. That seems to tick the box, I think, for having experience in the construction sector, but now, after she was forced to vacate that role, we have the appointment of an acting chief executive, Derek Clark. I have nothing against Mr Clark; I am sure that he is very highly regarded in his field of expertise, and you may ask what that is, Mr Speaker. He is a very experienced auditor. In fact, I hope for the benefit of the minister that he specialises in risk, because the minister seems to surround himself with risk in the conduct of his duties.

We have someone who has no immediately identifiable experience in the construction industry being appointed to this board. The opposition is told that not only is Mr Nicholas Handley somebody with a lot of experience in the member for Unley's Unley Forum fundraising arm but apparently, we are told, Mr Derek Clark is as well. These are the questions that were put to the minister today in question time, and very quickly those answers reverted to, 'I refer members to my previous answer', i.e., 'I don't want to incriminate myself any further,' or, 'I can't stop digging down and I don't know how to dig up.' This behaviour by the minister and the government has to stop. This is an august institution that should not be sullied with his partisan appointments.

LINNETT, MR L.

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (15:15): I rise to remember and pay tribute to the life of Mr Leon Linnett. Today, I send our condolences to Mrs Linnett and two of their children, Adam and Kate, who still live on Kangaroo Island. Mr Linnett was a giant not only in the development of tourism in South Australia and in particular on Kangaroo Island, but also in his contribution to the hospitality industry generally. He was a pioneer in luxury accommodation at American River on Kangaroo Island with the Linnett's luxury resort. It has had various titles, but it was an enduring accommodation institution in this state.

It is important to remember over several decades of the Linnett's contribution to tourism and the advance of Kangaroo Island that, in an era when travel to Kangaroo Island was expensive—it usually required travelling on Ansett Airlines of South Australia and there were freight vessels but not ferries as we know today—the attendees were usually people of some financial means or honeymoon couples.

Fishing was the greatest attraction for the wealthy. I can recall famous people as a child, such as Bob and Dolly Dyer of *BP Pick a Box*, if you can remember that era, as well as Ron Forster and others, who had expeditions to Kangaroo Island. Of course, there was an appreciation of unique fauna and flora. Fine dining at Linnetts was available, which was fairly exclusive to Kangaroo Island in those days. Guests would arrive on a Fokker Friendship aircraft. They were entertained with music and dancing and were dressed in cocktail attire.

They had the benefit of a saltwater swimming pool, which I think in circa 1960 was opened by Dawn Fraser, who attended on Kangaroo Island to do a lap of the pool. This was a very, very high luxury item, I can tell you, for Kangaroo Island. Fine food was enjoyed at Leon's restaurant. Drinks were in the Friendship Bar, which was named after the Fokker Friendship aircraft that used to transport people there, and the bus tours, later with Kings Travel, took their guests out to remote areas and landmarks.

Sometimes they would venture out our way at Western River and have afternoon tea on the verandah at the Western River homestead. They really did make an integrated tourism adventure for people who came to Kangaroo Island. Of course, this was in an era when you would stop to take photographs. In those days you had a camera with a reel, it took a couple of weeks to have it developed and then you got your pictures back. Occasionally, I can remember Linnetts buses stopping on the side of the road as they were on their way to Western River. Sometimes they would all get out with their cameras, take a photograph of me and my brother as we were skinny-dipping in the dam or whatever, but usually of wildlife, and sometimes they would stop and pick mushrooms.

Linnetts fishing charters also operated. Sir Thomas Playford, then Tom Playford, who is in the portrait here behind me, during his time of premiership would spend 10 days every January on Kangaroo Island and he would stay at the Linnetts luxury hotel, and he would come out to the west.

Ms Bedford: You keep saying that.

The Hon. V.A. CHAPMAN: It truly was. As a child, I was promised at about age 11 to be taken to Leon's restaurant when I turned 18, and I duly honoured that and flew from Adelaide back to Kangaroo Island. I had started university but was taken out to dinner at Leon's restaurant. This was a really big, special place, and it was an experience to remember for those who travelled there. Hundreds of honeymoon couples, who still live in South Australia, will tell you that they had honeymooned on Kangaroo Island at this place. It was pioneering. It was innovative in its day. It made a huge contribution to the international tourism market that we have. There are different products now to provide for this, but in its day it was truly magnificent.

Another thing that I think would be important to remember for Mr Linnett is that he understood the integration of the different services that came with tourism—transport, tours, high-class accommodation, good food, obviously refreshment. In those days it was probably beer and cocktails and spirits, although they have come back in fashion, and wine is still a major aspect in relation to that. This integration of these services, the support to each other in that community, was magnificent then, and I know that he would be looking down now to say, 'Don't give up, Kangaroo Island. You will be good again.'

Parliamentary Procedure

COVID-19 EMERGENCY RESPONSE (BAIL) AMENDMENT BILL, SPEAKER'S STATEMENT

The SPEAKER (15:20): Before I call the member for Kaurna, I can advise the member for Kaurna, further to his question to me today, that I am advised the bill did pass the House of Assembly on Thursday 30 April and was signed on 5 May. It was presented to the Governor on Wednesday 6 May and then assented to in Executive Council on Thursday 7 May. But thank you to the member for Kaurna for his assiduous question. The member for Kaurna.

Grievance Debate

INTERNATIONAL NURSES DAY

Mr PICTON (Kaurna) (15:21): Thank you, Mr Speaker. Hopefully, the next one will be even quicker. I rise today to speak about International Nurses Day. This is something that we mark every year, and quite often in this parliament as well, particularly with the encouragement of the member for Hurtle Vale, who is a very strong advocate and leader for nurses in South Australia in this place. In my role as shadow minister for health, I want to give my thanks to every nurse in South Australia for the absolute dedication they show our state, for the care they have for our patients in hospitals, in the community, in primary care facilities, in aged-care facilities.

Nurses throughout the community are there to care for us. Nurses are there to support us through some of the best times and some of our worst times. Nurses will always be there. This is a small way in which every year we can say thank you to those nurses for what they do and never has it been more important than this year as we are confronting the worldwide coronavirus pandemic. Nurses themselves are the ones who are being put at risk around the world.

As we know, luckily in South Australia and across Australia, thanks to the great work of our public health workers and officials and also the people of South Australia and Australia, we have not faced what has been faced around the world. You can see around the world the impact that it is having on our front-line health workers, in particular nurses, who are sadly contracting coronavirus and many of whom are sadly dying from coronavirus. It is absolutely of the utmost importance that we do everything we possibly can to protect these workers from contracting coronavirus during the pandemic, that we make sure every possible piece of personal protective equipment (PPE) is available and every possible safeguard is available, and that we make sure that every support is there for these workers.

This morning I had the opportunity with the member for Hurtle Vale to have a virtual breakfast with a number of nurses from across South Australia who are very dedicated, who are very committed, and we were able to discuss some of the issues that they are facing on the front line as our state and our world face the coronavirus pandemic. Obviously, one of the risks is a lack of personal protective equipment (PPE) and we will continue to advocate to make sure that those front-line staff get all the protection they need so that they can be safe.

It is not just those issues that put nurses at risk. We know that there are significant security issues that nurses face. There are significant threats of violence that nurses face. This has been escalating over the past year or two and we have been consistently calling on the government to bring in protection for our nurses, like we have seen in other states, with additional security measures. Unfortunately, very little has been done by the government over those two years, but we will continue to advocate. When you look across country South Australia, we have very dedicated nurses across country South Australia, but there is no security there for them. There are no protection measures there for them and the government has been very slow to react to even their own review on those matters.

Sadly, they are facing issues of security of work as well. While we have gone through this pandemic, we have had hundreds of nurses who have lost shifts, who have lost hours and who have lost pay at our public hospitals. These are particularly nurses whom our system usually relies on as casual nurses to make sure that shifts work. Many of them are very experienced with over a decade's worth of experience, but they have been left at home with no support and no pay.

If they had worked at any other business they would get the JobKeeper allowance. Because they work for a public hospital and for the government, and the state government have not decided to help them, they have nothing and are being forced to Centrelink or forced to apply for other jobs in the community. That is not good enough. They need additional support.

One of the key things that should come out of this pandemic is an increased appreciation by all of the importance of keeping public health services in public hands. We do not want to see any more privatisation of public health services or nursing positions. We have just gone through the threat of SA Pathology being privatised. There are a number of very dedicated, hardworking nurses who work at SA Pathology and I would like to thank them. We do not want to see them privatised, nor do we want to see any other elements of our hospital or out-of-hospital services privatised, and we will continue to campaign for that. We are very glad the government has reversed its significant car parking price increases that impacted nurses. Thank you to all of those nurses for the enormous work that they do.

ANZAC DAY COMMEMORATION SERVICES

Ms LUETHEN (King) (15:26): Thank you for the opportunity today to speak about ANZAC Day 2020. In the lead-up to ANZAC Day, it became very evident that the traditional ways we have paid our respects in the past were not going to be possible this year due to the coronavirus. I would like to thank all of our communities right across South Australia for how everyone rallied together in these unprecedented times to acknowledge this special service.

In the lead-up to ANZAC Day, #lightupthedawn and #anzacathome became the focal point. I knew in the lead-up to the day that many people would miss the traditional ANZAC Day services in our local area at Tea Tree Gully RSL, Salisbury RSL, One Tree Hill Institute Hall, Smithfield Memorial Gardens, The Ferns Lifestyle Village at Salisbury East and Pegasus Pony Club, which are the ones I regularly attend.

However, I knew this year that many people would find a way to think of all those who had served. I would like to thank the Returned and Services League (RSL) of Australia and their respected branches for coming up with a different way for ANZAC Day to be celebrated and to be acknowledged and for so many people to be able to join in. Some of their ideas that they communicated were Light up the Dawn with ANZAC Day dawn services on driveways. They put up ways that we could make wreaths. They reminded people to bake Anzac biscuits and reminded people to have a gunfire breakfast and encouraged the display of Australian flags.

The Advertiser also issued paper flags and our office quickly gave out our annual quota of six flags just before ANZAC Day. Many suggestions to creatively make poppies and wreaths for home services were shared amongst people online. I know I got a lot of pleasure making our poppies from egg cartons and our wreath from some felt with my son Max.

A tradition that my family loves to enjoy every year in the lead-up to ANZAC Day is making Anzac biscuits and many were made. Did you know that the Australian War Memorial site says that soldiers often devised ingenious methods to make them easier to eat? A kind of porridge could be made by grating them and adding water. Biscuits could be soaked in water with jam added and made over the fire into jam tarts. Luckily, ours were soft enough to eat. The Australian War Memorial provides the official recipe printed in 1926 for this mouth-watering snack.

On Friday, the night before ANZAC Day, it was an honour to be invited to lay a wreath on behalf of the King community at a private ANZAC memorial service at the Tea Tree Gully RSL with my colleagues Senator Andrew McLachlan and the member for Newland. Our ANZAC Day dawn service was different this year on our driveway, but it was still a lovely service and it was wonderful to see neighbours in our street also paying their respects. We were even blessed to listen to a live bugle played across the valley by David Gardiner from Greenwith, and at the Tea Tree Gully RSL and in Greenwith we were blessed to have him play *The Last Post*.

That day, we also stopped in at the Salisbury RSL to lay a wreath and then try their big bacon breakfast, which was all wrapped into a little pie. We then went on to the St Georges bakery in Greenwith for ANZAC Day bacon sandwiches. After this, I dropped off wreaths and books throughout the electorate on behalf of people living in King. In addition, I stopped by to visit Richard and Anelia from Salisbury Heights to hear their stories of service over 40 years.

I was so impressed, as were Richard's neighbours, that he also played *The Last Post* on his bugle, dressed up and standing under the flag in his front garden. He and his wife, Anelia, invited us in to have tea and biscuits and I learnt how Anelia is also strongly involved in the Partners of Veterans Association and how their members offer friendship, support, information, advocacy and understanding to many people.

This year's services were truly different, but they were memorable. It felt like many more families became involved this year because in the morning it was easier to take people who might have disabilities, older people and young children to the end of the driveway. It was different due to the COVID circumstances, but I thank everyone for their efforts and for recognising the sacrifices they have made. Lest we forget.

INTERNATIONAL YEAR OF THE NURSE AND THE MIDWIFE

Ms COOK (Hurtle Vale) (15:31): I rise today to speak about the International Nurses Day and also about the International Day of the Midwife, both of which are contained within this year, the International Year of the Nurse and the Midwife. I am pretty sure that when the WHO named this the International Year of the Nurse and the Midwife and when the International Council of Nurses named the theme for this year as nurses caring for everybody towards health, they did not really imagine what was going to come in terms of the COVID-19 pandemic.

This year, beyond any other year, it has been vital for us to stop today, take a breath and think about the hard work and care that nurses and midwives continue to provide for our community every day and particularly throughout the pandemic. Of course, we are reminded that 5 May is International Day of the Midwife, and 12 May every year is International Nurses Day because 12 May is Florence Nightingale's birthday—and today is her 200th birthday.

As the shadow minister for health and wellbeing and my friend, the member for Kaurna, has already pointed out, we started our day with a breakfast, hosting quite a number of nurses and midwives from around South Australia, including a team of nurses who nurse at the Flinders Medical Centre. Amy, who, happily, is a past student of mine, is a young, dynamic, highly motivated and highly skilled nurse who is heading up the team there in radiology. They were dressed up in period costume, and I am sure Amy was a much improved version of Florence Nightingale. I understand she has kept that attire on for at least most of the day today.

Florence Nightingale appropriately championed the need for good personal hygiene and sanitation, particularly turning her attention to hand hygiene. Of course now, 200 years down the track, we all find ourselves focused very much on hand hygiene, not just the washing of hands but the use and perhaps the extreme use of hand sanitiser, which has become liquid gold in our community. Apart from the irony of the name, the theme and the occurrence of the year and the days this year, we also have this repeat of the education of Florence Nightingale.

Nurses in our community have an enormous capacity to demonstrate good leadership and guidance through episodes such as the coronavirus pandemic. They provide leadership and also comfort and care for families who are feeling very confused and worried for their members going to school, attending outings, going to hospitals for appointments or presenting to hospital for not just the coronavirus and its illness but other standard illnesses that people have to go to hospital for. People are worried about contracting the virus and worried about coming into contact with people. Nurses are really well placed at the front line to provide that education.

I was pleased to hear about investment in upskilling and education for nurses within our public and private health system. I have had conversations with many nurses about how that needs to continue and be ongoing. As anybody would know, when you learn a skill and are given something new to do, if you do not continue to practise it and are not provided the opportunity to learn it over and over again, it becomes difficult to do under pressure. For the hundreds of nurses who have been

able to have that opportunity to upskill, I think it is a vision that we should take forward. We should provide them with the opportunity to consolidate those skills and use them and continue to have ongoing education.

Many nurses and leaders in nursing have inspired me throughout the past three or so decades since I trained at The Queen Elizabeth Hospital, and I want to thank every single one of them, some of whom I have spoken to in recent days as well. I just want to say to you: keep doing what you are doing, and thank you for the confidence and the guidance you are giving young nurses today that gives us the opportunity to move forward, to work towards our full scope of practice and to have such a brilliant healthcare system that we have today.

SNAPPER FISHING

Mr BELL (Mount Gambier) (15:36): I rise to make brief mention and thank the 379 people in my electorate who signed the petition calling on the state Liberal government to stop the snapper tag system and express their concern in relation to the proposed snapper management system. These 379 people come from Carpenter Rocks, Port MacDonnell, Mount Gambier, Glencoe, Pelican Point, Kongorong, Naracoorte, OB Flat and Beachport. They have asked me to represent them in this house and call on the state government to cease the tag snapper strategy and implement a bag limit of three snapper per day.

At the outset, it needs to be acknowledged that the SARDI report revealed an 87 per cent decrease in snapper stocks in Gulf St Vincent and a 23 per cent decrease in snapper stocks in Spencer Gulf over the past five years. However, the report does not take into consideration the South-East waters down in my electorate, where conditions are very different from those in both gulfs and have seen some of our rec fishers, unfairly in their eyes, penalised due to a statewide strategy.

It is really important to acknowledge that they are frustrated because our snapper stocks in the Lower South-East come from Port Phillip Bay over in Victoria. Just for reference, the Victorian bag limit is 10 snapper per day and the size limit is 28 centimetres. In South Australia, it is 38 centimetres, and you need to apply for a tag with which you can take five snapper for the entire season. Unfortunately, just 64 people from Mount Gambier were able to catch snapper in the 2020 period, and those 64 can take only five for the entire season.

Of course, it still does not recognise that there is a Victorian border quite literally five minutes away and people are able to travel over that border and fish in Victorian waters. Why do I reference Port Phillip Bay as being really important? Well, Port Phillip Bay is where the South-East snapper stocks come from. If you look it up, the Vic fishing website records record numbers of snapper in 2018 in Port Phillip Bay. In fact, I quote from this report:

> This year has proven to be a phenomenal year for Victoria's snapper stocks with record recruitment found in Port Phillip Bay. 2018 is the best year…of snapper stock in the past 26-years of sampling by the Victoria Fisheries Authority leading to predictions of strong catches in the [forward future]…

Particularly in three years' time, which, of course, will be 2021 for our region. The report continues:

> Port Phillip Bay is the major source of replenishment for snapper in our…waters. Annually the Victorian Fisheries Authority (VFA) completes snapper trawl surveys in Port Phillip Bay to track the stocks and to gain an understanding on what drives their population. Dr Paul Hamer, Senior Research Scientist at VFA, has been conducting the surveys for 19-years.

And he indicates that this is the best year that he has seen. In light of that, the minister has always said that he will let science dictate the regulations going forward, and on behalf of the 379 people who have signed the petition, and in particular people like Malcolm Lockwood who was unable to secure one of the five tags for snapper, I am asking the minister that he allow science to dictate the strategy in the South-East waters for 2021.

The people I have spoken to are very comfortable with the idea of a bag limit of three snapper per day for the Lower South-East for the next two years. When you compare that with Victoria's 10 per bag limit and 28 centimetres, ours staying at 38 and a bag limit of three appears very reasonable to me.

Mr BROWN: Mr Deputy Speaker, I draw your attention to the state of the house.

A quorum having been formed:

Bills

COVID-19 EMERGENCY RESPONSE (FURTHER MEASURES) AMENDMENT BILL

Second Reading

Adjourned debate on second reading (resumed on motion).

The Hon. A. KOUTSANTONIS (West Torrens) (15:44): As I was saying, I am very concerned about the path the government has taken on this matter, but I look forward to asking some questions in committee regarding the appropriateness of the government going alone on amending the National Electricity Rules to apply here in South Australia.

National rules are in place for a reason. If the COAG Energy Council believes that South Australia has a unique predicament because of net negative demand, the question then becomes: did the minister raise that at the COAG over a period of time? Has it been an issue that the COAG has been working on? Has the COAG and its officers been working up national rule changes for the Australian Energy Market Commission to contemplate how to deal with this? If that has not occurred, why has the national system, of which the South Australian minister is a lead legislator, broken down? How has it come to this?

Let's be clear: the government, when elected in 2018, had a policy of more solar panels; they even had a subsidy in place for storage. They incentivised more PV in the system, so where was the corresponding work by the minister and his office for the rule changes? Why is it an emergency? Why now? What has happened now? The government says it is because of a drop in electricity demand because many heavy industries are not operating, and demand has dropped, and there is a longer period of negative demand, I assume; so this is why it is urgent.

If more PV is being rolled out through government subsidies and more battery storage is being run out, how has it come to be an emergency piece of legislation—shown to the opposition with 24 hours' notice—to allow SAPN to be instructed to cut off people who have solar panels, who will be declared market participants for the purposes of this act, and be constrained? As I was saying in my remarks before the lunch break, why are we putting the burden on them and not on SA Power Networks? Why is it that the people who have made the investment, knowing the national rules, are the ones being targeted?

To give an example, the government says that the opposition's policy of taking back control of our trams and trains, if they are privatised by the government, is sovereign risk. I ask the government: how is it different from investors, who have installed solar PV into the grid with the authority of ESCOSA and the minister, now having the rules changed on them without notice in the parliament? How is that not sovereign risk? If the government fears that there is an energy system stability issue, why is the only solution this size of PV? Why are there not other augmentations being made?

The part that I am not quite sure about, which I would like to flesh out with the minister at the committee stage, is the role of the temporary generators that the government is selling. I am just speculating, but if the generators were to run to offer system stability at a time of low demand to help with system strength, that would be a cost to the taxpayer; whereas an instruction to SAPN to stop the dispatch of private generators, who have solar PV above 200 kilowatts, is done without any compensation for those producers. They receive no tariff and there is no penalty on the South Australian budget.

So the Liberal government have made a decision that, rather than spend their own money, they are prepared to go after the investor who has built the solar PV on the basis of getting a return on investment and tell them, 'For system strength, we are cutting you off,' without any compensation at all for what they would have generated or would have been paid.

Surely, to avoid the risk of the state being a place where it is not safe to invest in, the government would then say, 'If we do disconnect you under a ministerial instruction, you will be compensated for what you would have earned as a feed-in to the system,' because, from what I understand, every other generator that is required to behave or be instructed in the grid, like a generator being compelled to turn on, receives a level of compensation either from the grid, where

we are all charged in our bills, like when the interconnector went down and South Australians' power bills went up by $90 million. We all had to pay that to compensate generators who were being told by the operator to turn on to provide system strength and stability to our grid because we did not have the interconnector, yet this legislation cuts off small investors with nothing.

There is a theme here from this Liberal government: if you are a small business or a small investor, you do not matter; if you are a very large, wealthy international investor in South Australia with close links to the Communist Party of China, we will look after you. I think that is unfortunate. I suspect that SA Power Networks could compensate those generators without it hitting South Australians' bills for their loss in revenue. Of course, we will flesh this out in the debate but I suspect the government's position will be, 'There will be no compensation. It is about system strength. We are cutting them off.'

The counter to that is I say to the government, when the interconnector went down and generation was directed on, South Australians forked out to the tune of $90 million, and it did not bother the government or the minister one bit—not one bit—so why do we compensate the large generators but not the small generators? Yes, they are different scenarios, different examples, but the principle remains the same: if there is an intervention or an instruction by the grid or the minister or the operator, generally you are compensated.

The government wants the opposition to vote for a measure that will not compensate people from being cut off from the grid. I suspect the government will go further than this down the track and start disconnecting PV off people's roofs, and dispatching into the grid at times of negative demand to stabilise the grid rather than another course of action which may be more expensive to SAPN or ElectraNet.

Mr PATTERSON (Morphett) (15:52): I rise to make a contribution to this COVID-19 Emergency Response (Further Measures) Amendment Bill 2020 which is making further amendments to the original emergency response act moved back at the start of April. If we think about where we were back then in terms of what has gone on with the novel coronavirus and the pandemic, and where we are now, and maybe how that has shaped these further measures, there is no doubt that this is a once in a lifetime pandemic and nothing that we have experienced before.

Back in April, when the original bill was brought here into parliament, things were delicately balanced, you would say, at that point in time. We had just had the announcement of the $130 billion JobKeeper package to try to ensure that businesses could hibernate. A lot of the work of both the federal government and this state government in terms of the economic response to the crisis has been around that hibernation idea or concept. Above that, of course, the health aspects of this pandemic always take priority, and certainly this state government, led by the Premier at the national cabinet, has always taken that in regard in all the decision-making along the lines of the primary health response to this pandemic.

When the COVID-19 bill was first brought in, it was really about trying to flatten the curve, and trying to keep the number of new COVID cases right under control, which would then allow us as a state to build our health resources, and to communicate to the population and to business what is required to bring into place the health and economic measures that are primary and at front of mind.

As it has evolved, we have seen a number of measures. Certainly, staying with the health advice has been very important. We have seen the national cabinet work collaboratively in really making best use of the federation since it was introduced back in 1901. There can certainly be challenges between the commonwealth and the different states, but I think all the states have come together, primarily, and gone down the single path in terms of battling the coronavirus and making sure that all people in not only South Australia but Australia have been safe.

If you look at South Australia, some of the restrictions that were brought in at that time were around social distancing and reducing and cutting off social gatherings. Of course, this flowed through into the economic impacts. Many businesses had to really cut back what they offered or even had to close down temporarily. When this bill was brought in, that is where the JobKeeper and JobSeeker allowances were brought in to try to allow businesses to hibernate while we overcame the health battle that we are facing.

It was looked at in a six-month time frame, and here we are six weeks into that and the initial measures that were brought in are then being looked at further through this further measures amendment bill. One of the measures the further measures bill looks at is to do with commercial leases. I suppose it really clarifies further what is involved in terms of the provisions around commercial leases. When the original bill came to parliament, there was a directive that tenants under financial duress could not be evicted and that mediation should occur. This further measures report, which I will touch on later in my contribution, details how to go about that.

The bill also inserts a new section 10A, which relates to provisions about certain community visitors. It enables visits and inspections of these community visitors and the Chief Psychiatrist to be conducted remotely by audiovisual or other electronic means. Again, this is temporary during the COVID-19 period. Other aspects of the bill are around clarifying that authorised officers have the power to remove children and to ensure compliance with any direction under section 25 of the Emergency Management Act 2004.

There are also some changes further on in part 2A relating to the National Electricity (South Australia) Act, empowering the minister under the Emergency Management Act to direct a person who engages in the transmission or distribution of electricity, once an electricity supply emergency has been declared. I have spent a bit of time going through the commercial leases side of it, with the introduction or the substitution of section 7.

My electorate of Morphett is ordinarily a thriving retail and tourist-based sector, especially on Jetty Road, Glenelg. That area really has been hit hard by the real shutdown of social gatherings. This has meant that the pubs have had to close. They can no longer serve meals or alcohol, and the cafes can no longer have indoor dining; they have been forced to have just takeaway. Of course, that has meant that those businesses are not able to operate as they normally would. The original commercial leases that they entered into, in the case of Jetty Road, were predicated on good trading conditions, foot traffic and the ability for customers to come into their stores. This has caused challenges, certainly from an income point of view. Many are small to medium businesses, which these further measures look at.

In terms of what those measures are, it says in the bill that the Governor may make such regulations as are necessary for the purposes of mitigating the adverse impacts on a party or any other person with an interest in a commercial lease resulting from the COVID-19 pandemic. The regulations have been set up now to take into account the national code of conduct. If I go back to when the original COVID-19 emergency response bill came in, that was 7 April 2020, and on that same day the national cabinet published the mandatory code of conduct for small and medium enterprises regarding commercial leasing principles.

At the time, of course, it was not possible to include the government's full response to that code of conduct. It did incorporate elements of it that had been flagged and discussed in national cabinet, but it did not incorporate them in their entirety, so that is what the regulations that are being introduced in this further measures bill will contemplate. If I look at those regulations and talk to them, section 4 details the objectives of these regulations.

The objectives have regard to the national cabinet's mandatory code of conduct SME commercial leasing principles, which was published on 7 April 2020, to implement temporary measures. In that sense, 'temporary' means while this pandemic is occurring during the prescribed period which began on 30 March 2020. It allows measures to be put in place for both parties, both the lessee and the lessor, for certain commercial leases and to take into account the circumstances that have been brought about by the COVID-19 pandemic. It is to provide mechanisms to resolve disputes concerning those leases.

Usually governments do not get involved too heavily in leases. They are agreements between two willing parties but, in these cases where business conditions have been forced upon them, certainly the regulations are required and necessary. If I refer to some of those principles that came out of that mandatory code of conduct that national cabinet came up with, it says that these principles are to aid the management of cash flow for SME tenants and landlords on a proportionate basis.

In speaking with businesses in Morphett, with both tenants and landlords, a lot of them have tried to operate on a good faith basis where they have tried to come to an agreement based upon these principles. These are principles such that the landlords and tenants are acting in an open, honest and transparent manner, and they will each provide sufficient and accurate information within those negotiations which will achieve outcomes consistent with the code. Where there can be an issue is where both parties cannot come to an agreement and, in those cases, the first instance of the regulations is that there be mediation by the Small Business Commissioner in South Australia to try to use that framework of the national code and the principles to try to come to some sort of agreement.

If I give some examples, you have two ends of the spectrum. You have one end where you might say you have the landlord who might not want to agree with the tenant but, conversely, there are also the situations where the tenants might not come to terms with the landlords themselves. Not all landlords own multiple buildings. A number of the landlords, especially in and around Morphett, are family-based businesses, so they are small operations. They own a few commercial properties and they lease them out on some occasions to some great worthy local businesses and, on other occasions, to bigger national chains.

One of the issues they are confronted with is that quite often the head offices of national chains are on the eastern seaboard. They have been receiving letters along the lines of, 'Understandably, we won't be able to pay the full rent because of the conditions.' But then, rather than operating under the principles of negotiation, they just put down that they will not be able to pay rent. For example, some have put out requests for not paying 18 months rent; others have said they would like to have returned maybe some of the rent they already prepaid in March. The harsh thing for these landlords is that at the same time they also have responsibilities they have to pay in terms of their banks, etc.

The idea is that, with the regulations and the mediation provided by the commissioner, those two parties really should operate in good faith. I think some of the letters show that it is hard. They have indicated more of a 'take it or leave it' basis. What I would offer to both parties, whether they be tenants or landlords, is that they take the opportunity with these further measures to look at negotiating based upon the principles set out in the regulations.

In terms of those regulations, part 2 clause 6 states that there is an obligation on parties to commercial leases to negotiate in good faith and puts the onus on parties to make 'a genuine attempt to negotiate in good faith'. I think negotiating in good faith goes beyond just writing a letter to either the tenant or the landlord and saying, 'That's our final offer.' It is about actually having an appetite to willingly engage and understand where the other party is coming from, whether that be a tenant or a landlord, such that they can actually negotiate in good faith.

Should they not reach an agreement, that is where the Small Business Commissioner can come into it. With all best endeavours, they can try to mediate, but the idea is that both parties, if they cannot reach a resolution via the mediation, would then have to go to the Magistrates Court to get a final ruling. However, it is a step outlined in the regulations, and clause 8(3)(c) provides that if a party to a mediation refused to participate or did not participate in good faith in the mediation, then the commissioner can put in place a certificate stating that that has happened and naming both parties.

At least when the result of the mediation goes to the Magistrates Court, it can be clear whether or not either of the parties attempted to negotiate. You would certainly think that, if you were putting a case in the Magistrates Court, it would be quite important that each party had been able to show that they had tried to mediate in good faith.

The member for Heysen talked about the principles around what is looked at in terms of where the parties might be able to negotiate if it does have to go to the Magistrates Court, which I would think most parties would want to avoid in most cases because of not only the time involved but also the cost. Hopefully, the principles in clause 9, which talk about the determination of relevant disputes by court, can be used as part of either the negotiations between the parties or the actual mediation where the Small Business Commissioner is involved. Clause 9(5) states:

(5) In respect of proceedings under this regulation in relation to a commercial lease, the Court may, subject to regulation, make 1 or more of the following orders:

One of those orders is an order granting rent relief to an affected lessee in relation to payment of rent under the commercial lease. Further on, in subclause (7) it states:

(7) Subject to this regulation, if the Court makes an order under subregulation (5)(a)—

which I have just mentioned—

then at least 50% of the rent relief determined by the Court must be in the form of a waiver of rent.

That is in line with the national code and the overarching principles that the national cabinet came up with.

Importantly, though, it is not prescriptive because also as part of the deliberations section 9(8)(e) provides:

(e) the ability of the lessor to provide rent relief, including any relief provided to the lessor by a third party in response to the COVID-19 pandemic.

So it takes into account not only the fact that tenants certainly may be under financial pressure in terms of their ability to pay rent, but also the landlords or the lessors in terms of other economic imperatives that they would also have. Rather than a prescriptive set of rules that are meant to apply industry-wide, it gives the ability, on a case-by-case basis, for some sort of agreement to be reached.

That is the basis on which the code is being brought into these regulations and certainly I would encourage businesses, not only in the electorate of Morphett but all businesses, to negotiate in good faith so that they can resolve any issues they have with their commercial lease so that it gives them the ability to plan. When you are running a business, if you can at least set in place a plan, however difficult it is—and there is no doubt that in this time of the coronavirus the economic realities are very hard—you are able to actually have a road map back.

In terms of that road map, just last Friday the national cabinet made an announcement. Again, that fits into these considerations as well, that in South Australia we have been very lucky to have had the lowest stipulations and restrictions in place but the highest level of compliance. Again, that goes to the intelligence of South Australians, that they can work their way through things and actively try to work together as a community.

As we go through this road map, we have stage 1, where we are starting to gradually open up: we have outdoor dining and for some cafes that will be very welcome, and then, if we can all continue to social distance, we can look forward to the next stage on or around 8 June when we might see some more dining experiences available not only at cafes but at restaurants as well.

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (16:12): I wish to thank all contributors to this debate and again express my appreciation to the parliament for their consideration in dealing with this matter expeditiously. I place on the record that I have noted a number of the issues raised, which we will repeat in the committee stage for confirmation of information that is sought.

Secondly, we have been giving consideration to the foreshadowed amendments. Whilst most of it is reasonably achievable, there is some slight redrafting in relation to who will ensure the material is made available on the website and the time frame that is required. Some of it does seem a little bit superfluous in relation to questions such as what is the reason for doing this? It is pretty obvious that it is COVID-19, but in any event essentially the member is looking to have some kind of public record of what actually happens during this COVID period in relation to non-face-to-face inspections, who is doing it and at what institutions. These are all reasonable things to have information available on and we are working on that as we speak. Again, I appreciate the opposition's indication that they will support the passage of this matter through the parliament expeditiously and their consent otherwise to the bill.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

Mr PICTON: I would like to ask the Attorney about the urgency of how this bill will be handled. Obviously, as I have noted, this is now the sixth piece of legislation that we have been dealing with quite rapidly through the parliament. It did strike us in the opposition as strange that the last piece of legislation that we dealt with in the last sitting week was supposedly very urgent—and we dealt with it very urgently through both houses of parliament; both houses of parliament dealt with it within three days—but it then took six days to get from the Speaker's desk to the Governor's desk.

Presuming that this passes in the same rapid fashion over the next two days, how urgently does this need to be enacted? How urgently does it need to be signed off by the Governor and executive council and put into action?

The Hon. V.A. CHAPMAN: Firstly, in relation to the COVID No. 2 bill, which I think had been referred to as being delayed in its implementation, the Speaker made an explanation today as to that being dealt with in one week of parliamentary sitting, that it came to him and was dealt with and signed by the following Wednesday.

Mr Picton: Six days.

The Hon. V.A. CHAPMAN: You can add in weekends. I do not know how many Governors deal with legislation over weekends, but I just make the point that it came to him. You can quiz the Clerk or make some inquiry as to why it took the Clerk so long to actually get it from his desk to the Speaker on the Tuesday, but they are matters you can take up. I make the point, though, that the expectation in relation to this bill is that, in the event that the parliament agrees to debate this matter fully this week, we would expect that the executive council and signatures would be on the bill for the Governor on Friday.

Mr Picton: This Friday?

The Hon. V.A. CHAPMAN: Correct.

Mr PICTON: Will there be a request to the Clerks that the bill is presented in such a way as to enable that to be presented to executive council on Friday?

The Hon. V.A. CHAPMAN: If necessary, but I have not been attending to the arrangements on that. I made the inquiry as to the availability of the Governor. I think we start with him and his availability in these circumstances. I have to say that all throughout the COVID time he has been magnificent in his availability and attending to matters as best he can.

Indeed, we have had several executive council meetings in one week, and of course the Governor meets with the Premier regularly, usually with one other minister, so that there can be what we describe in our government as mini executive councils, because we have established a practice where the whole of cabinet presents once a week to the Governor. Obviously for COVID reasons that has not been practical in this period, but there has been a continuation, and he has certainly made himself available.

I do not know how much more we can expedite things in relation to days. There have been times under the previous government when the previous attorney has approached me to agree to expedite a matter, for it to be put through the parliament, dealt with and sent to Government House that night. That happened in a situation where a prisoner was going to be released and there needed to be some urgent turn.

I am not aware of any immediate, pressing issue relating to a person being released from a prison or a person being vulnerable to a loss of a claim or something of that nature as a result of this bill and needing to have a day to be progressed, but our expectation is that to balance the need for the parliament to properly scrutinise this bill, together with the circumstances which we are in, namely, the COVID pandemic, that is the expectation, that it will be dealt with this week. There is an indication from the opposition that it will accommodate that, and I think you have confirmed it from your side here in the house that that will be dealt with by Thursday and that the Governor will be signing it on Friday.

Mr PICTON: I would like to ask about consultation that the government has or has not undertaken in relation to this bill. I understand that no external consultation has occurred with this

bill, which is consistent with the other previous bills that we have had, so can the Attorney outline whether that is the case, and whether, if there are future COVID bills—and we are now looking at the stage where we are starting to loosen restrictions—it would be appropriate that we do undertake some sort of consultation process before they are presented to the parliament? Also, what consultation was done with our public health team, Professor Spurrier and others, and have they approved all the measures in this bill?

The Hon. V.A. CHAPMAN: Since the previous bill we have continued to be working as a government—and particularly my agency, the Attorney-General's Department—largely with the State Coordinator and through such advice as he has received but also with input from other ministers to coordinate and collate, I suppose, other areas of identified pressure in this situation which may need legislative or regulatory reform.

Over the last two weeks, in between these pieces of legislation, we have been trying to compile from that list what is important that has to be advanced in legislative form. There were a number of other requests, I might say, that were put to my office by some of my ministerial colleagues, which frankly did not make the cut, that is, to the extent of being absolutely necessary for the purpose of COVID. Some of them are very good ideas.

I will give you an example. One that was put to me in discussion with the Law Society and other members of the legal profession was an idea of dealing with the signing of mortgages—mortgage documents prepared by banks, signed up by the bank—being observed on an audiovisual screen with another party.

I had some discussion, I think, including with the Chief Justice when we were talking about reform needed for affidavits. He did not think that was necessary for affidavits to have to be done electronically, or to have to, I suppose, reduce the significance of having personal representation in the presence of an authorised person, and nor was the bank documentation. It is not a bad idea, though, and I indicated that I would have a look at it. There are a lot of things that have not made the cut, so to speak, but these are the ones that were key to the State Coordinator.

Dr Nicola Spurrier has been very much involved in all of the process in this regard, because she largely gives advice to the government (that is, the cabinet), the minister and the State Coordinator. Her advice is invaluable, but also she sits on the national board, which advises on the public health issues to the national cabinet.

That is a situation where they have been largely consulted, but because this matter involved the children, and in relation to basically the removal of children for the purposes of complying with a direction by authorised officers—that is, police officers—then the Commissioner for Children and Young People was consulted, and I think also the Guardian for Children and Young People. Obviously they are two key people who needed to be consulted in that regard.

The Law Society, I know, were sent a copy of the final bill on Friday. Again, they have given some valuable advice on the principal bill that passed, which has a big focus in relation to the commercial tenancy—again repeated in this bill. Not that the other things were not important but this is stage 2 of that section, so their advice on the previous bill was important, but we also sent them a copy so that they could at least have their property committee view it. To the best of my knowledge that has not elicited any response yet.

My understanding is that the document I have from the Law Society—which you would have already seen, I am sure, because it is online—related to the original bill, which came last week, setting out a number of aspects. It does deal quite comprehensively with commercial leases, so it is worth a read if you have not read it, but we sent them a copy of this bill on Friday in its final form. It was approved by cabinet on Thursday and, obviously, copies were made available to the opposition on Monday morning and briefings provided. Of course, our party saw it also on Monday.

As best as I understand it, all of the opposition were provided with a copy of the draft regulations that go with this bill in relation to commercial leases, and I hope that has been a helpful guide in relation to the model of what is to be taken into account in relation to negotiations/mediations/determinations by the Magistrates Court on those matters. I think that is all, though, in consultation. I am getting a nod, so I am assuming that is the position.

The Hon. A. KOUTSANTONIS: In terms of consultation, was the Australian Energy Market Operator consulted on these changes?

The Hon. V.A. CHAPMAN: I am advised by the Minister for Energy that he believes that that is the case. We have a COVID situation here in the parliament where I can only fit a certain number of advisers in here, so if the member would be so kind, he could just raise those issues when we get to the energy amendments.

The Hon. A. KOUTSANTONIS: Given I only have a few questions per clause, sir—

The CHAIR: Yes, but I was just going to speak to that, member for West Torrens. I am happy to give you some latitude on that—

The Hon. A. KOUTSANTONIS: Okay, thank you, sir.

The CHAIR: —given that we have a unique situation. Everyone is happy with that by the sound of it.

Clause passed.

Clause 2 passed.

Clause 3.

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

Amendment No 1 [AG–1]—

Page 2, line 13 [clause 3(1)]—After 'section 7' insert ', section 10A(4a) and (4b)'

This amendment is entirely consequential on the proposed disclosure of information on the website clause, which will be presented as well, similar to the one—

Mr Picton: We haven't seen either.

The Hon. V.A. CHAPMAN: You can go and get a copy from the table.

The CHAIR: Just for members' information, this has only recently been lodged, but we are attempting to get copies as soon as possible. Do you have a question, member for Kaurna?

Mr PICTON: Yes. Clearly, I have just been handed this 10 seconds ago, so I have not seen how this relates to the original act. While we look that up, I am wondering if the Attorney can outline why it is necessary to amend clause 3, which, as I understand it, relates to the time at which this expires in relation to having a disclosure scheme. It certainly was not something that was raised with me by parliamentary counsel when I drafted my amendments, and I would not imagine that a disclosure scheme would need to continue on past the expiry of the entire act, so maybe if you can outline what this is while we all have a look at it.

The Hon. V.A. CHAPMAN: I hope this will assist those who are following this. The member for Kaurna foreshadowed an amendment relating to a disclosure process in the course of debates. I read that while other speakers were speaking, and I identified that there were aspects of it which, although we were not suggesting they were completely necessary, if we had a slightly different time frame and it was reworded, we could accommodate that.

We quickly consulted with the Public Advocate and Chief Psychiatrist, who both have a role in relation to this inspection process, and I am advised that what they can accommodate is essentially the same information the member would like to have disclosed, but not on a weekly basis. We are suggesting that that be all provided within 14 days at the end of the declaration. It would be put on the website, it would be completely transparent and it would be available.

This clause that we are looking at now is really on the basis that in clause 5 we add in this extra provision; that is an amendment too. I am happy for you to hold clause 3, move to clause 5 when we get to it and deal with clauses 3 and 5 together if you wish. I am obviously entirely in your hands, but I indicate that the whole purpose of this is trying to accommodate a request of the member for Kaurna to take into account what they think should be transparent, and also at work with the people who are actually on the ground doing all this, and can work in with a compliance arrangement with this extra responsibility.

I remind members that we are in the middle of a COVID pandemic and that there are some high demands on the people who are actually doing this work. Nevertheless, we are trying to accommodate it and make it available for the benefits that have been outlined already by the member for Kaurna.

The CHAIR: We have a consequential amendment before the Chair at the moment. If we do not vote on that now, we can pass clause 3 as printed and reconsider the amendment later if you want to. I might give a member of the opposition a chance to ask another question on the amendment and perhaps indicate what they would like to do with that.

Mr PICTON: I indicate that we are happy to proceed on this clause and this amendment. I am happy to go ahead.

Amendment carried.

The CHAIR: The next question before the Chair is that clause 3 as amended be agreed to.

Ms COOK: In regard to these amendments around the end dates, why has a similar approach not been adopted in terms of the provisions in section 8 relating to residential tenancies or section 9 relating to residential parks? Why has this only been considered for this section?

The Hon. V.A. CHAPMAN: We are looking for an answer in relation to that, but can I just say that the residential tenancy arrangements, which had a structure in the previous act, which allow for continued resolution if necessary by the SACAT, is an existing process. We are creating a whole new model here and so, unsurprisingly, because we indicated last time we were here dealing with these COVID bills, we were needing to complete how the commercial, retail and industrial leases were going to work under this structure, and that is why we are back here to deal with those. Can I suggest that the residential tenancy arrangements are neatly packaged back in the last act and that we do not need to change it.

Clause as amended passed.

Clause 4.

Mr PICTON: The first question in relation to this clause is this. Noting that the government has not yet laid on the table the regulations that will be made under this clause, but I understand they have been circulated, will the state government be implementing the national mandatory code in full, as announced by the Prime Minister in early April? If not, what parts of the code are not intended to be implemented in South Australia and why?

The Hon. V.A. CHAPMAN: I will start by making some opening comments. No state in Australia is going to implement the national code in full. There has been some discussion, as you might appreciate, mainly between treasurers and all the intelligent people who advise them around the country, to work out what could be adopted and what could not be. I think I said during the contributions that matters such as those in the national code that refer to the utilisation of a binding mediation, whatever that means, are a bit of a mystery, I think.

I have described this code of practice as a bit like the Ten Commandments: they sound like a good idea and they have some good principles, but they are not necessarily in a form that actually can be a helpful and prescriptive enough guideline as to what we are doing. That said, and based on discussion around the country, this clause sets out all the things that need to be able to be covered by regulation if we need to. So it is very broad. As the member points out, we have circulated draft regulations, which are not before us in this debate, unusually in a situation like this, but again we are dealing with this matter as expeditiously as we can.

In those draft regulations, you will see that there are a number of provisions outlined to be incorporated in those regulations. In particular, clause 7 of those regulations sets out the prohibitions and restrictions relating to commercial leases. From there, it sets out what is not to be done and what is to be protected. Then the mediation is outlined for the Small Business Commissioner and his process.

On the determination of the relevant dispute by a court, which sets out the factors that must be taken into account by the court, I invite the member to have a look at clause 9(8) of those

regulations, which sets out a list of matters that a court must have regard to if they have to determine it. Also, clause 7 repeats another very important principle in the national code, and that is that if a court makes an order under the subregulations then at least 50 per cent of the rent relief determined by the court must be in the form of a waiver of rent.

What we do not have in the regulations is a process where there is a mandatory mediation or a binding mediation. We have a process, which we currently have under commercial, industrial and retail tenancy, which says, 'If you can't sort it out between yourselves, you go to the Magistrates Court,' but we have added in here, in the special circumstances of COVID-19, a very particular role of the Small Business Commissioner—and we have given resources and identified attention specifically to this issue for him and his office—to be able to give an alternate process for people to get through this situation.

Negotiate if you can, as you normally would, but if you cannot there is mediation. If there is no resolution, a certificate will be signed confirming no resolution, and then the Magistrates Court, which they currently do to sort out the decision. But that advanced copy of the regulations is our attempt to indicate, as clearly as we can, what we propose will be covered. I now have it in writing, so I do not muck it up.

On the two issues I want to further add to, firstly, the national code itself says is to be implemented by the states as appropriate. It was not intended to be something that was a commandment from the Prime Minister. Secondly, the issue that significantly changed is the provision which says in the national cabinet principle that landlords must offer tenants proportionate reductions in rent payable in the form of waivers and deferrals of up to 50 per cent of the amount ordinarily payable on a case-by-case basis based on the reduction in a tenant's trade during the COVID-19 pandemic period and subsequent reasonable recovery period. We have changed that.

It relates to the reduction in the turnover of the lessee. In one factor, the court must have regard to making an order for rent relief. The court must also have regard to the other factors including the ability of the lessee to pay rent and the ability of the lessor to provide rent relief. They are the clauses I have just referred to, together with the proposed regulation 9(8)(b) and 9(8)(d) and (e). I am advised that is really the only area of significant change. Ours is a more flexible process, we think, and we think that will serve us better to be able to accommodate all those idiosyncrasies that happened with negotiated arrangements in this difficult time.

Mr PICTON: I think I understand what the Attorney is saying in terms of how she believes this will be a more flexible approach. But is not there an issue if the government is not mandating a model that makes rent proportionate to trade? What guidance will businesses and landlords have to help deal with that consistency? Is this not going to be an issue where more businesses are going to have to fight their way through the courts, as the member for West Torrens outlined in terms of his constituent, a dentist, to appeal this matter to get some relief? There is no default in terms of what is being proposed here. The only way to resolve it is to go through a court process which is likely to be significantly costly for people. Therefore, what guidance will businesses and landlords have to help deal with consistency? Is there not going to be an issue in terms of resolving disputes?

The Hon. V.A. CHAPMAN: The concept here is that, if there is a prescriptive measure, that every tenancy gets a payment equivalent to, say, 50 per cent of their rent for the time that COVID goes on, say we did something like that and said that 50 per cent of everyone's rent is going to be paid. Clearly, the dentist that the member for West Torrens mentioned might get a benefit from that but may not get anywhere near enough. There may be others for whom that is completely inadequate.

I utterly reject the concept that everyone is forced to go to court. At the moment, they negotiate these themselves and they go to court if they cannot resolve them. We have added in a new process here which helps them to be able to resolve it without going to court. That is, the Small Business Commissioner is available to sit down with the parties and work through this and have some resolution if they cannot do it themselves with or without legal advice. That is a completely new process that we are adding in there, directly targeted to support these people who are trapped in a situation where the business has either collapsed or been closed down and/or in a situation where there has been no relief at the other end.

Some of these relationships will have banks breathing down their necks. Some of them will not. Some of them will be desperate because it is the only area of revenue that a landlord might have to feed his family, etc. These situations are different and on this side of the house I think our Treasurer has carefully worked with the other treasurers around the country and taken advice on this to try to make sure that we have a model that is accommodating enough to be able to cover that and to have some equity into this, so this is the model that we have taken up.

Other jurisdictions have used this model as well. I do not think all of them. It is Victoria mainly, as I think I already said in the second reading. Perhaps the Victorian Labor government thought it was a good idea. We do and we think, via the Treasurer, that it will provide some fairer outcomes. We have lots of situations where we do not just give people a fixed amount. In some other areas of law we do. If you lose a finger in a car accident, it is worth the same these days whether you are a surgeon or the member for Kaurna. The reality is that one size fitting a prescriptive dollar amount so that everyone gets the same can be a quick and deadly approach.

We want to do something that is more proportional and takes into account the real world and the fact that there are very different factors that get taken into account. I have confidence that the business commissioner is experienced enough in the negotiation of these matters. His job, along with his team, is to be a mediator. They have redirected their resources, at the request that he be relieved of some duties to be able to not advance certain legislation that we sought. All of these things—

The Hon. A. Koutsantonis: He's going to be overwhelmed.

The Hon. V.A. CHAPMAN: The member for West Torrens calls out that he will be overwhelmed. I have regular discussions with the Small Business Commissioner. He is responsible to the Attorney-General's position under our government. We have worked quite well in relation to providing him with other support and also discussing with him the process that we have discussed here.

What he does not have a role in doing, which I think probably would be a massive extra requirement for him if he did, is to arbitrate these matters—that is, to make a determination himself as though he were a judge. We have left that with the courts as it normally is, but we have added in this process to enable him to undertake that mediation role. It is not just him. He has a whole team of people who can provide this service and he is getting ready for it.

I should say that he is already offering a number of services via Webex to a lot of the small business industry as well, and no other states who have published their position on the code, I am advised, are implementing proportionality.

Mr PICTON: I just want to correct that that is a very straw man argument from the Deputy Premier. No-one is saying that this should be one set amount, such as the loss of a finger in a car accident. People are talking about a proportion tied to trade. That is what was in the national code. I just want to correct that.

The Hon. V.A. CHAPMAN: What I am indicating to the member, just to be absolutely clear—

Mr PICTON: I am sorry, I was still speaking.

The Hon. V.A. CHAPMAN: —is that no other jurisdiction has done that.

Mr PICTON: You will have your opportunity, Deputy Premier.

The CHAIR: As we all will, member for Kaurna. You have the call.

Mr PICTON: Thank you very much, Chair, for your protection. The delay of these matters in the implementation of the national code is something that we have been asking about for some time. When the Treasurer was asked about this previously he said there was an issue in relation to feedback from stakeholders who thought the $50 million threshold should be higher or lower, but now we are seeing that the $50 million threshold has been kept exactly the same. If the $50 million threshold was a key reason for delaying the measure, why have they used the exact same figure as early April?

The Hon. V.A. CHAPMAN: I am advised that there was a range of issues on which there was consultation, but the $50 million aspect was there, as the member quite rightly points out in his own statement, and that is that some wanted it higher and some wanted it lower. That is the position that has been settled upon. It was seemingly a good idea when it was proposed and it remains so, so we have adopted it.

Mr Picton: With a delay.

The Hon. V.A. CHAPMAN: I heard that interjection and I am happy to answer it. There was a delay, but we say it is actually a consultation. They might call it a delay. We call it a meaningful consultation on the $50 million threshold and other issues. There were important considerations in that. That issue did not change, but we have listened. As has been pointed out, some think it should be more and some think it should be less. Perhaps Mr Lucas got it spot on to start with.

The CHAIR: Member for Kaurna, I think you were lucky enough to get four questions in there. Member for Lee.

The Hon. S.C. MULLIGHAN: Thank you, Chair. I am looking forward to you making up for that by allowing me four questions. Can I draw the Attorney's attention not strictly to the bill but to the regulations pursuant to clause 4 and in particular to clause 8 at the top of page 6 of those regulations. My understanding from reading this section of the regulations is that, as the Attorney has just said, this relates to how the commissioner may mediate these disputes between landlords and tenants. I am particularly interested in subregulation (3) where it says:

> The Commissioner must, at the conclusion of the mediation, issue the parties to the mediation with a certificate, in the form determined by the commissioner…

My assumption is that that is not just for their benefit, but likely for the benefit of a court because from paragraphs (a), (b) and (c), it gives the impression that the certificate is issued that makes it clear that the mediation has effectively failed and, when we come to (c), if a party to the mediation has refused to participate, the fact of that lack of participation. My first question to the Attorney in this area is: does the commissioner have further discretion to allow him to include any additional information in that certificate that he may think would assist the court beyond what is provided for in (a), (b) and (c)?

The Hon. V.A. CHAPMAN: No, member for Lee, and I suggest for good reason. It is not his role to identify what his opinion might be or what he thinks might be a fair settlement. That is a matter for the court to determine. That is not to be identified as the meritorious case or otherwise of one or other of the parties or, indeed, a third view by the commissioner. It is a document to confirm to the court that there has been an attempt at mediation, it being an encouragement at least for people to attend that process and have some meaningful discussions.

If they cannot agree, we accept that. It is a perfectly legitimate right for people to have a determination made. They may have an unreasonable counter proposal from the other side, but to suggest that this document is some kind of summary of what would be a reasonable outcome for these parties, it is not for that purpose at all. It is simply to certify that they have been through the process or if someone has failed to do that. I expect that will be most useful down the track if the court has to consider any cost orders.

The Hon. S.C. MULLIGHAN: I understand the point that the Attorney makes and I think in that regard she is absolutely right. I was not so much asking that for the purpose of the commissioner being able to provide his opinion or interim determination that was not able to be made because the parties were not consenting, but it was more to suggest that the commissioner would be able to communicate to the court the facts that were presented to him by both parties in case a failed mediation, which happened in front of the commissioner, was then appealed, for want of a better term, to the court and one or maybe even both parties then tried to run an entirely different set of facts to the court.

In a position where there is often a power imbalance, if I can put it like that, between a landlord and a tenant, perhaps in the landlord's favour, that may significantly disadvantage the other tenants. I was asking in the context of providing the facts that were presented to the commissioner rather than providing any sort of opinion from the commissioner. Would that be something that is

possible to include because, as you say, the way paragraphs (a), (b) and (c) are worded are as facts: the fact that they were unable to reach resolution and so on.

The Hon. V.A. CHAPMAN: They are pleadings. Remember they are at mediation stage. To assist with the mediation, it may be necessary to bring certain material to establish reduced turnover and things of that nature. The mediation process does not require a process of pleadings like would ordinarily occur in the courts, so it is a much more informal process. Again, it is not a matter for the Small Business Commissioner to make a list of what he sees as the facts. They may be the claims of each party, but they have that opportunity, if they have to go to court or opt to go to court, to do that.

I also identify and am advised that clause 8(4), which is that same area you are looking at, applies section 67C of the Evidence Act, which is the privilege in aid of settlement without prejudice privilege. That relates to the whole of those with that mediation being a privileged forum, so discussions that they have had there and assertions of fact. I do not think any of that material is on declaration or affidavit, is it? No; I am getting shakes of the head from the legal experts over here.

That process is an informal, privileged environment—attempt to settle, put all the cards on the table and see if they can mediate something. If they go to court, they outline the detail of the factors to support each of the matters that are to be taken into account by the court and run the risk. I might point out that the Magistrates Court also has a mediation process, which may be well known to the member for Lee. They sometimes receive an application—

The Hon. S.C. Mullighan: Do I look like someone in need of those services?

The Hon. V.A. CHAPMAN: No, I just thought you may already be familiar with that, but if you are not, I will just let you know. It is a very important service that works to assist mostly in civil matters in the Magistrates Court. It might be a fencing dispute, it might be a car accident, it might be a builder's dispute over a bathroom, it could be defamation, it could be all sorts of things. In any event, they have a mediation process, which I think is still free. I do not think I have imposed any fees on it.

That is available for further discussion, so it may be that in the court process, which is always open to the magistrate, they indicate that they end up having to make a decision on a much narrower area of dispute; that is, they have agreed on A, B, C, D, E and F and are just really arguing over the next point. What I am saying is they might be able to narrow the issues in dispute. These processes are important. If they can resolve them and have a mediated outcome, great; if they cannot, the court is there to deal with it.

The Hon. S.C. MULLIGHAN: My next question is in that same area but in subregulation (5) of regulation 8 of the regulations, immediately below where we were just speaking about. It is about a person or perhaps a party to a mediation being precluded from divulging any information to someone outside that process, I presume.

My question was: would that include, for example, information being divulged to someone like us—a member of parliament—or to someone similar? I can envisage a situation where there may be a landlord in a scenario where there could be seen to be a significant power imbalance between a landlord and a tenant. A tenant has somehow convinced that landlord to participate in a mediation, which I understand requires both parties to consent, but nonetheless the landlord is being obstinate or obdurate in seeking to frustrate a mediation.

It would be reasonable, I would think, for perhaps an individual shop owner at a Westfield or a Scentre Group—I do not mean to single them out, but they just happen to be the organisation that needlessly installed boom gates at the centre in the middle of my electorate and, in fact, has only taken them out due to the coronavirus. It makes you wonder why they could not have taken them out six years ago when football left Football Park, but let's not digress into the obstinance and obduracy of Scentre Group and Westfield for the purposes of this.

My question, really, was about whether an individual, perhaps shop owner or retailer within a very large centre which is part of a very large corporate structure, is able to come and speak to their member of parliament, or speak to even the media about how they have been given the run-around?

The Hon. V.A. CHAPMAN: I want to thank the member because, although I do not think discussing it with a member of parliament is a problem, I think the question it does raise is bearing in mind that this clause is designed to be able to protect the business information, someone's turnover, or a special model of operation they might have.

I can remember a supermarket company having negotiations with the former government, for example. There were a whole lot of issues about how a new model of a supermarket was going to operate, and that was an intellectual property they wanted to keep secret. It was designed to stop me being able to get a whole lot of documents under freedom of information, which is why I remember it so vividly.

But I make this point: people operate businesses, and it may be very important to them that the information about their business is kept confidential so that it is not used to make them either commercially uncompetitive or vulnerable to some commercial behaviour, which obviously puts them in a poorer position. Given that, and given the importance that it is personal information—somebody might disclose a health issue, for example—relating to the business processes, that is, the way they might operate and the financial information, such as turnover, then all that is to be kept confidential except in those certain categories.

What has just been alerted to, though, by virtue of your raising the question, is somebody who might come to you out of a mediation and want to complain about the process or complain, 'He said this during this information.' Is that protected? That raises a question about the parliamentary privilege—that is, the privilege of the person who complains to their MP—and that is not covered by this, and we would have to get some answers on that.

However, what it does raise is this question of what if information comes to me and I am asked questions in the parliament about this particular financial arrangement and that information has been disclosed during the course of this mediation, and what is my obligation to provide that information to the parliament. It starts out to be a good idea with good intention to protect that sort of discussion in silence so that there is no unfair competition or prejudice to the party who releases this information, as well as raising, of course, other concerns that might come out of it.

We will have a look at that issue. I am not so worried about your scenario, but I am now raising a question in my own mind before I get asked the question in parliament at 2 o′clock tomorrow. I must say that at this stage I have not actually had anybody come to me with the details of their financial arrangements, but it is something we will have a look at.

The CHAIR: Member for Lee, question No. 4, but I am once again giving you some consideration because it is a long clause.

The Hon. S.C. MULLIGHAN: Thank you. It is a very long clause.

The CHAIR: Yes, but this will be the last one.

The Hon. S.C. MULLIGHAN: Thank you. Just to clarify for the Attorney, and just to close off that last issue, I am not so fussed about the protection that might be afforded to me as a member of parliament or to her as a minister. I am pretty comfortable that we are protected by privilege. What I am concerned about is Joe or Jane Bloggs, the small retailer who is struggling with a lease arrangement they have a multinational retail group, who comes to me and says, 'I went through this mediation process, and I'm $50,000 down only in the last three or four months and they have offered me a $1,000 a year rental discount. They are not being reasonable about this.'

I would hope that that would not be an offence under these regulations because in that circumstance that person may feel that they (a) want to approach a member of parliament and (b) do not feel confident appearing against such a large corporate in a court that they might want to avail themselves of you or me or any other member of parliament, for example. Just to close that off, I was going to ask whether the offences and the fines that are set out in clause 4 are relating to that.

The Hon. V.A. CHAPMAN: Let's start with the last first. In answer to that, no. This is not an offence clause. This is just an obligation not to disclose matters that come about during the course of the mediation except in those circumstances. Between the houses, we will look at whether we need to add a clause in to deal with information that might be sought in the course of obligations under another act that might relate to questions that I may be obliged to answer. But this is designed

to let people feel as though they are going into these mediations with a genuine attempt to resolve it, and they can say what they like in that sense without fear that it is going to be published somewhere else. That is the idea of this.

That general issue has been raised in the consultation on it with other members, where people have said, 'I don't want to have to disclose to my landlord exactly how much money I get or what my other expenses are.' You may not want to but, if you want to have some relief, we are going to have to have a process where we try to accommodate that. This is designed to try to make them feel as though that information can be provided on the basis that it cannot be published.

The Hon. G.G. BROCK: Following on from the member for Lee on the regulations, on page 7 it states:

> (e) an order to defer the payment of rent under an affected lease for a specified period not exceeding 24 months…

If, for argument's sake, the lessor is a sole trader and the lessee is a sole trader, and they only have 12 months of their lease left, could that be taken into account with the mediation?

The Hon. V.A. CHAPMAN: Again, we are back on the regulations, but I am happy to try to answer the question for you. The orders under subregulation (5) that you have referred to are the factors that the commissioner takes into account relating to the court, which is down under the court determination under subregulation (9), that is, the court has power to also be able to extend the term of the lease. So, 12 is within that 24, but it is not prescriptive. It does not mean that it would drop out. It could still be dealt with, and there is still a capacity in the determination that it makes to deal with that by an extension under subregulation (9).

The Hon. G.G. BROCK: Further on that, you are saying that the courts could extend the lease, but what happens if the lessee just walks out at the end of the lease period with no compensation back to the landlord who is also a sole trader, bearing in mind that in my case the sole trader is also the lessee. I would have thought he may be able to get the JobKeeper payment. There is a bit of confusion here as to whether he could just walk out at two years.

The Hon. V.A. CHAPMAN: The 24 months is up to, so if there are only six months left in the lease that is a factor that would be taken into account.

Ms COOK: Can the Attorney explain the retrospective nature of the regulations because that is a serious departure from general legislative standards that could have a significant impact on legal rights and the relationship between landlords and tenants. Have there been any concerns about that precedent raised in this part during any consultation, particularly from the legal fraternity?

The Hon. V.A. CHAPMAN: The retrospectivity is an interesting aspect of this. On 29 March, the Prime Minister announced that everyone is going to be protected, so the legislation under the act which we are proposing to amend here said, 'We will start these commercial arrangements retrospectively from 30 March.' The primary act already does that. There is an exception to that, though, and that is why the regulations follow that, and I will get a big shaking of the head if I do not have this exactly right.

If, in the meantime, tenants have worked out a commercial arrangement, say from April through to May, and then these regulations are promulgated and they want to go to the business commissioner and try to sort out something different because they think, 'Actually, I think I'm a bit ripped off under that deal. I want to go back. I want to go and speak to them now this has all been laid out,' that is important because whatever the deal has been through April and May stands. That is not a retrospective applicability.

So, if they go to the business commissioner and start negotiating a new deal, that is fine. If it does not resolve and the court makes a determination, they will make it from now rather than from back in April and May. Have I covered that properly? It is a little bit complicated. However, certainly since March, people have been out of work and businesses have been smashed. We have had this problem around for a while.

Whilst we have set up the protection under the umbrella of the legislation with the regs hopefully now on their way—which is why we have given everyone an advance copy—we can

obviously try to do the right thing by those who have not resolved anything so far. They will be able to deal with it. But if they have actually been carrying out a different agreement in the meantime, they cannot go and undo that and say, 'Actually I want back pay on this.' Does that make sense? I hope it does.

The Hon. A. KOUTSANTONIS: What is the capacity of the Small Business Commissioner to mediate? How many requests a day can he mediate?

The Hon. V.A. CHAPMAN: I have not asked him that question. I have asked him, though, throughout this process to identify what work he has been having to do in the environment that we are all in, where a number of industries and people have lost their income base and all their suppliers have disappeared. There are lots of different reasons people get really acutely affected in a situation like this, and they change because some have been able to do some work.

Your dentist can go back to work and he can do his work again in orthodontics and various things within certain specialities. So things come in and out, but there is no doubt that some sectors are out and they will be for a while. I do not think there is going to be a huge lot of sympathy for people who are on millions of dollars of income, who might be AFL footballers. However, small businesses have been affected and it is a long way from being over. I hope that answers the question. If it does not—

The Hon. A. KOUTSANTONIS: This is not a new question. Just to clarify, the question I asked you was: what is the capacity of the Small Business Commissioner to mediate? How many commercial tenancy disputes can he mediate a day?

The Hon. V.A. CHAPMAN: As I say, I have not asked him that question but I have asked him to identify what resources he would need. He said, 'I have three people working on a particular piece of legislation. I would prefer to reallocate them for this purpose.' No problem. I do not think he needs my permission to do that formally, but it is a process that is reasonable when you are asking somebody to do a specific task, to actually prioritise something else. We have had lots of these.

There are magistrates helping out coroners and I think liquor licensing inspectors are doing something else because what can they do at the moment when there are no hotels to check on? Do you know what I mean? There are ways of reorganising and supporting, and the public sector generally has been excellent in being available to say, 'I can work from home on this particular aspect' or whatever. It is in this category where pretty much everyone is focused now on this job in the Small Business Commissioner's office.

The Hon. A. KOUTSANTONIS: How many commercial tenancies in South Australia are impacted by government closures?

The Hon. V.A. CHAPMAN: I have no idea. There is an expectation that about 19,000 businesses might apply for the $10,000 grant. My adviser is here from the Treasury department, and apart from being down here, I think they are working night and day to process all these applications. If you have 25,000 small businesses with revenues—and these are estimates—how many are going to apply? We do not know yet how many are even going to apply.

The Hon. A. KOUTSANTONIS: The reason I ask these questions is that the government will not set out an arbitrary process or compel arbitration other than through a court process. Small businesses are already struggling through the COVID closure: they are cash poor; they are still awaiting the government's $10,000 grant, if they are eligible; they are still waiting for commonwealth payments, if they are eligible; and they are in a dispute with a landlord about rent. There are thousands if not hundreds of thousands of people who hold ABNs who may be in commercial tenancy leases across South Australia.

The idea is that somehow they can survive by contacting the Small Business Commissioner to enter into mediation. The feedback that I am getting, not just from the dentist I talked about but generally in my community, is that they hear the Prime Minister talk about a proportionate reduction linking turnover to rent. I take the Attorney-General at her word that this has not been implemented uniformly across the country.

The process that the government is setting out here seems complicated, difficult, timely and ultimately expensive, because it will mean the engagement of legal advice ultimately if they are not

satisfied. I wonder what the queue will be at the Small Business Commissioner's office. If it is not very long, I suspect that means the program is a failure; if it is long, it means that they have been overwhelmed.

This is not a Goldilocks principle, where they get it just right, because there are potentially thousands of commercial tenants who are being impacted who are getting no rent relief from their landlords and, because of the process outlined by the government today, those commercial landlords can hide behind this process and do what they have been doing since the government statutory closure has been put in place, and that is hide behind the process.

I am not implying motive here on the government; they are trying to work out a way of doing this, but I think the practical application here is that a small business that is already time poor attempting to reopen—we will go back to the dentist—to do work that does not involve any sort of aerosoling, so drills cannot be used.

The Hon. V.A. Chapman: High-speed drills cannot be used.

The Hon. A. KOUTSANTONIS: High-speed drills cannot be used. So their turnover is down dramatically, down 60 to 70 per cent. They are being asked in their spare time to mediate with the Small Business Commissioner, if they can get an appointment. Then, if that fails, they are being asked to go to the Magistrates Court. That might seem great in theory, but in practice I suggest to the Attorney-General that this is not a process that has been developed by anyone who has been in small business or has held a commercial lease. Because, if you hold a commercial lease you do not have time to be doing all this during COVID-19. You are trying to stay afloat.

I hope we do not come back here and the government has got it wrong because the consequence of losing these small business could be irreparable to the South Australian economy. I do point out to the Attorney-General that in later amendments the government does act arbitrarily and does set in cut-off points, and I talk about small business that are generating electricity. They are cut off arbitrarily with no mediation and no compensation, yet commercial tenants are being asked to go through this other process.

So I would like the Attorney to take this question on notice: how many commercial tenancies does the government estimate this to be? The Attorney-General told us about 19,000; I suggest it might be more. I would also like the Attorney to take this on notice: what is the capacity of the Small Business Commissioner and his team, with all the extra pooling that is going into the office and all the other work being deferred? How many cases per day can they mediate? You do not have to answer that now; you can take it on notice.

The Hon. V.A. CHAPMAN: I will take that as a speech but I will add, for the assurance of the house, a couple of things. Firstly, I have not inquired of the Small Business Commissioner how many he expects to do a day and, as the member might appreciate, it will depend on whether mediation takes an hour or takes half a day. But he has a team. He has a panel of mediators that he is pulling in for this purpose, and he has not asked that that be extended. That is the first thing.

Secondly, I think perhaps the member does not appreciate this, but many thousands of corporate, small business or otherwise commercial tenancy arrangements have their own advisers in relation to these matters. They have their own views about whether or not they want to keep things confidential as to what the financial arrangements are, and for different reasons they will have their own advocates, financial advisers and/or mediation processes already set up. They may have an ongoing use of those private people for the purposes of renegotiating the terms of their lease, for example, as they come up to expire.

I think it is important for the parliament to appreciate that we are certainly not expecting everybody in this category, where they are affected adversely financially by COVID, to go along and seek the assistance of the Small Business Commissioner. There is a huge proportion—we would expect the overwhelming majority—that will have negotiated their own arrangement. They have the list now and they can say okay and then negotiate an arrangement about what they might defer as a payment for a couple of years and a reduction in the meantime. I expect that to be overwhelmingly the majority; otherwise, you have private facilities and other advisers people use.

Remember, in this area, unlike residential tenancies, which is a fairly protected species I suppose in the sense of legislation and has a very prescriptive obligation there for what landlords and tenants have to do, landlords and commercial tenancies, retail and industrial, work in a commercial space. I know one of the members so far in committee has raised the large corporate landlord and the poor little small business tenant—of course, it is the reverse sometimes. We could have a major supermarket in a little shopping centre area that is owned by Mr and Mrs West Torrens and this is their livelihood. It is their income. You could hardly say that that is a power balance but, both represented, that may be adequately dealt with.

I make the point that the Small Business Commissioner has had a number of discussions with me. He is targeting his attention to this. He has not sought other resources to deal with some tsunami of cases that is going to come to him. We respect the independence, the financial independence and the particularly critical confidential nature of a lot of information in businesses that will no doubt direct people going to other agencies other than the Small Business Commissioner. But we are offering this as a step in the process to accommodate the area of those who might need it. I think it is fair to say that this formula is getting traction around Australia with other jurisdictions as a means by which we assist this particular sector to get through this particular issue.

Clause passed.

Clause 5.

Mr PICTON: I will not be proceeding with my amendment, but I seek to amend the Attorney-General's amendment.

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

Amendment No 2 [AG–1]—

Page 8, after line 12 [clause 5, inserted section 10A]—After inserted subsection (4) insert:

(4a) A community visitor must ensure that the following information is reported on a publicly accessible website within 14 days after the expiry of the other provisions of this section under section 6:

(a) the number of visits or inspections by the community visitor that have occurred by audiovisual or other electronic means in accordance with this section;

(b) the name and location of any premises subject to such a visit or inspection;

(c) the date on which, and time at which, each such visit or inspection occurred;

(d) the reasons why each such visit or inspection occurred by audiovisual or other electronic means in accordance with this section;

(e) if a visit or inspection by audiovisual or other electronic means in accordance with this section was not possible for any reason—the reasons why such a visit or inspection was not possible.

(4b) A report under subsection (4a)—

(a) must identify, by reference to paragraphs (a) to (d) of the definition of *community visitor* in subsection (5), which category of community visitor the report relates to; and

(b) must, in a case where the report relates to a category of community visitor referred to in paragraph (a), (b) or (c) of that definition, be made by the Principal Community Visitor (within the meaning of the Act to which that paragraph relates).

I indicate that this amendment is largely based on a proposal submitted by the member for Kaurna. Some of this may seem a little superfluous, but we have consulted with the relevant parties and are hopeful that this will accommodate what is being sought, and it is consistent with our desire to be transparent.

Mr PICTON: I move to amend [AG-1] 2 as follows:

Delete 'within 14 days after the expiry of the other provisions of this section under section 6:' and replace with 'and updated on at least a monthly basis:'

As the Attorney said, this was originally a proposal that we put forward to provide some transparency in relation to this matter under this clause which deals with community visitors but also inspections by the Chief Psychiatrist being undertaken by videoconferencing rather than in person visits. We have some concerns as to the efficacy of how that would work and whether that would provide adequate protection for the people in those premises, particularly mental health facilities, as to just a videoconference to do the inspection. At the very least, we think the government needs to make sure that there is adequate transparency with what is going on.

I appreciate that the Attorney has sought fit to agree with a large percentage of what we proposed. There are a few changes, though, that the Attorney has recommended. The one that I seek to amend is in relation to her proposal that the transparency should only occur after the end of the pandemic and after the end of this bill being in place. My proposal was originally that these figures should be updated on a website weekly. That would not be a difficult or onerous task to do and it would provide ongoing transparency as this pandemic goes on. Waiting until the end seems not very transparent at all as to how this is going.

Therefore, I am happy to meet the Attorney halfway. We suggested weekly, she is suggesting after six months; therefore, we propose to change this to a monthly reporting arrangement. The Attorney has taken this out of the hands of the minister and made it the responsibility of the Chief Psychiatrist, the community visitor. We are okay with that as long as that actually happens, but it should not be something that just waits until the end. Therefore, I have moved this amendment in my name.

The CHAIR: So that Hansard has captured this, the member for Kaurna has moved to amend the Attorney-General's amendment by removing the words 'within 14 days after the expiry of the other provisions of this section under section 6' and replacing those with 'and updated on at least a monthly basis'. Have I got that right?

Mr PICTON: Correct.

The Hon. V.A. CHAPMAN: We have quickly checked with the relevant officers. That is probably achievable but I am just trying to clarify here. The new wording will say that 'a community visitor must ensure that the following information is reported on a publicly accessible website'. It does not say anything about it being within seven days of conducting the inspection or any time limit there. It just says 'and updated'. Presumably, they must do it, there is no time limit, but then update it at least a month after. It may need a little bit of addition even to that.

We are not unhappy with it being basically a monthly reporting process. We have checked with the people and that is achievable. But does the member appreciate the difficulty there? There is no indication as to when they must do it. Obviously, they cannot do it forthwith, but these people will do their inspection. You are expecting that this data will be recorded, it gets recorded in all sorts of places, but in some reasonable timely manner, they will put it on the website and then, if they do other visits, they will do it every month after that. If the gist of it is that, I am happy to accept the amendment as it is.

Mr PICTON: Essentially, the initial amendment that I moved based on the same parliamentary counsel advice as the Attorney has was that the minister 'must ensure that the following information is reported on a publicly accessible website and updated on at least a weekly basis', then that got changed to having to be on a website, etc. 'within 14 days after the expiry of the other provisions of this section under section 6' which basically means at the end of this whole thing. What we are proposing is that the information should be updated on a monthly basis. If the Attorney is saying that you have to do it on a monthly basis and it has to be done within seven days or something after the end of the month, I am happy with that.

The Hon. V.A. CHAPMAN: To start with.

Mr PICTON: I do not think we need to get to that level.

The CHAIR: Attorney, just wait. The member for Kaurna is on his feet.

Mr PICTON: Thank you for your protection, Chair. I do not think we need to get to that level of complication. I would have thought that a reasonable statutory interpretation would be that every month there should be an update of that information (a), (b), (c), (d), etc. that has been provided.

The CHAIR: So the member for Kaurna's amendment would have clause 5(4a) read:

A community visitor must ensure that the following information is reported on a publicly accessible website and updated on at least a monthly basis.

Amendment to amendment carried; amendment as amended carried.

Mr PICTON: I have a couple of questions in relation to clause 5 generally. I am happy, if the Attorney does not have these details, to take them on notice between the houses. Has there been any reduction in the inspections or visits so far since the beginning of the pandemic? Clearly, if this is an issue, then there may already have been some reduction in those inspections and visits, or have the Chief Psychiatrist and his delegates been able to conduct inspections throughout the process up until now, where they are asking for this change to be made?

Perhaps the Attorney can take on notice, as a comparison, the number of visits that have been undertaken by the Chief Psychiatrist or their delegate in April 2020 compared to April 2019, so we can see whether they have been able to manage these visits or whether there has been a reduction over that time.

The Hon. V.A. CHAPMAN: I will take on notice the April to April and whether there is actually a reduction overall. I suppose we are looking at March and April as the key COVID months this year, compared to March and April last year. As the member is aware, in relation to the community visitors—just for the record of the committee too—we currently have 43 community visitors. There are 46 units or wards visited within 14 treatment centres, and 13 community mental health facilities that are visited under the Mental Health Act.

We on this side are very proud of this provision, because we moved this amendment from opposition to insist that we have community visitors. There are currently 177 sites that are visited by community visitors under the disability Community Visitor Scheme regulations, and that is once a year. Specific to the question of a reduction in number, we will come back to you between the houses on that.

Mr PICTON: To clarify, this is not just covering community visitors; it is also covering the Chief Psychiatrist. We asked about some of the advice generally, but in relation to this clause specifically it does strike me as curious that we have very strong and clear public health advice that it is okay for people to conduct visits to their loved ones in aged-care facilities in a controlled manner, in accordance with the regulations. That has been the public health advice from the state government.

They are not being prohibited in total, but here we are saying that it is difficult for the Chief Psychiatrist or his delegate to visit these centres in SA Health. What has been the public health advice? Is this something that the Chief Psychiatrist and the community visitors themselves have come up with, or has there been specific public health advice that it is not appropriate for the Chief Psychiatrist to visit mental health facilities during this period?

The Hon. V.A. CHAPMAN: I am not aware of any direction on this. The directions here are by the State Coordinator. I am not aware of any specific advice from Dr Nicola Spurrier or her team from the public health office to the Chief Psychiatrist, but he, like everyone else, needs to be mindful of the fact that there are social distancing proposals and there is also a desire to recognise that there are vulnerable groups in the community.

A psychiatrist who goes in and out of a facility, including the Chief Psychiatrist, exposed in the general community and going in and out to conduct inspections, and/or any of his team—this is Dr John Brayley's team—to do that work, including community visitors, has to also take into account the professional circumstances of the parties involved and whether they want to put themselves at risk or put someone else at risk. It is the same as for every other professional. I think everyone is conscious of the fact that our health workers are right at the front line—ambulance drivers, nurses and doctors—and their views need to be taken into account as well in relation to this. They do not

want to be either more vulnerable themselves or in a position where they think they might be transmitting a condition, so we have special arrangements for that type of scenario.

Similarly, with the Community Visitor Scheme and professional persons, such as the Chief Psychiatrist, we need to take into account that they are moving out of the community and into an area of high-risk residence: disability, mental health and aged care. These are people, such as guardians and a lot of our commissioners, who have inspection roles in prisons. They are another big cohort of people who are vulnerable.

I say all this because we must distinguish between the tension of allowing somebody who understands the risk who wants to go and see their mother or father in an aged-care home and the distress of their relative if they do not at least have some contact. On public health advice, limited visits by relatives can occur. I do not think we can compare that scenario at all. We are talking about professional visits to do an important job. We are talking about how we balance the tension between not leaving people in an aged-care home in distress, who might have ordinarily had a child, a son or daughter, come and feed them every day and having them be able to see them.

This is the sort of balancing act that has to be done, but I think they are two entirely different scenarios. In this regard, through this legislative reform we are trying to achieve a model of continued assessment and a process that ensures the integrity and protection of the system and those who might be concerned against the desire for relatives to stay in contact with those in an aged-care home. I see them as quite different.

I think everybody agrees. A one-to-one inspection is a better idea. Attendance without notice is a pretty good idea, and we have a lot of that in aged care. In fact, I think that our Premier this week is going to be writing to the Prime Minister about some of the concerns he has about the idea that there is a relaxation of attending without notice to premises because relatives, unsurprisingly, are concerned that they do not see their relative all the time, especially if they had daily visits, and they are worried of course for their protection.

These are things we have to balance and these are things the State Coordinator sets the rules on using the advice of experts such as Dr Spurrier. We have taken her advice, too, and that of the Chief Psychiatrist. To reinforce the community visitor situation I have spoken about, which, as I say, is at their risk, aside from the Principal Community Visitor they are all volunteers. Of course, if they are over a certain age group, they are maybe even more vulnerable—retirees in the at-risk category due to their age, just to reinforce that. The expert is telling me that.

Mr PICTON: Out of that, I think there was a confirmation that the Chief Public Health Officer has provided some advice on this, but at the very least it seemed clear that the Deputy Premier is saying that the Premier is going to be raising concerns at the national level about a reduction in in-person inspections of aged-care facilities without notice, but at the same time you are proposing this legislation, which would reduce in-person inspections of your state mental health facilities by the Chief Psychiatrist and have them as video inspections. That seems completely different and completely inconsistent.

The other thing that the Attorney was saying in her lecture was that the concern with Chief Psychiatrist inspectors is that you have people from the community going into these hospitals and other areas and that it might be higher risk. Today, we had the health minister and the Premier come from the community to go visit hospital wards. They did the same thing on the weekend. They went from the community to visit hospital wards.

So it is okay for politicians to go from the community to go visit hospital wards when it is for a TV opportunity, but it is not okay for that to happen when it is a Chief Psychiatrist or the Chief Psychiatrist delegate inspecting mental health facilities in hospitals or other state-run facilities. There seems to be a significant contradiction there.

The Hon. V.A. CHAPMAN: Just to correct one piece of information which was obviously misunderstood: this is not an issue at the national aged-care level of video or in-person inspections. I was highlighting that the issue of without-notice inspections has come to national attention and I was adding that to the mix, but I am sorry if that was misunderstood by the member.

In relation to what I would call a disgraceful assertion that the process of hospital visitations, which has been approved by the Chief Public Health Officer, to allegedly support the selfish intentions of MPs, I think that is scurrilous and disgraceful. Of course there are differences between some attendances.

The Chief Psychiatrist has made a determination on this particular issue that his workers who undertake this job and who are in a vulnerable category, and the Principal Community Visitor and his or her—the acting Public Advocate is currently a her—people in this category, ought not be in that risk, and we respect that. They have taken their advice on it. Given that the people they are visiting are over a certain age or in a vulnerable health situation, it is even more important.

For some members who are interested in those who are in circumstances of essential confinement due to their disability, this is even more important. We have special rules under the current act to deal with and help people of all ages with a disability who are currently being kept separate from others because they do not necessarily understand the importance of social distancing. They want to hug people, whether that is a person who looks after them or a co-resident. This is the real and pressing situation for people who work in this field.

The inspectors in this field have said to us, 'This is what we are facing; these are the tensions that we are trying to marry up. We have taken advice and we are giving you advice now,' which we have translated into this legislation. We would hope that members of the opposition would see the benefit of supporting it. I am further advised it is also about the potential risk for inspectors who go into one hospital and then to another and carrying that infection. That was a specific concern raised by the Chief Psychiatrist.

Ms COOK: In terms of community visitors, we have seen in recent times the removal of their capacity to visit many people with a disability living in organisations that are operated by NGOs under the NDIS. The assertion being made is that the NDIS Quality and Safeguards Commission can take on that role. Where does that interface with this legislation, in terms of those visits and safeguarding those people with a disability?

The Hon. V.A. CHAPMAN: This legislation does not interfere with the national body and their role. The principal legislation passed a couple of weeks ago sets out a regime which is under the supervision of guidelines set by Professor Bruggeman, who we have appointed to be responsible for this area. The legislation essentially appointed the Public Advocate (as the current Acting Principal Community Visitor) and her team to be able to be able to conduct inspections in relation to that group.

With that legislation, we introduced the capacity to be able to introduce, essentially, restraining practices—I do not mean by being shackled or anything of that nature, but by being isolated or separated—to manage the social distancing issue. We had that debate a couple of weeks ago. With that, to make absolutely sure that we have extra protection around that new capacity for homes to be able do that, we have set out a whole lot of rules to go with it and a process under the Public Advocate, as the acting principal registrar, to do just that.

There is some reduction, because some of the options programs, as I understand it, are currently shut down. One of the difficulties in the disability area at the moment is that they do not have the same day activities that they used to enjoy and they are at home and missing out on a lot. There are probably less touch points of inspection as a result of the current COVID situation. That is not ideal, but that is not because they are operating unsupervised, it is because they are not operating at all.

Ms COOK: In regard to the consultation around this particular bill, you talked about people you had spoken with, for example the Law Society and others. Has there been any consultation with people with lived experience, consumers or clients, around this particular section that pertains to community visitors and the Chief Psychiatrist and their feelings in regard to how this has been undertaken?

The Hon. V.A. CHAPMAN: In relation to this provision, which relates to the inspection process, no. We have talked to the parties who undertake this role. It has come to us from the Chief Psychiatrist to be able to manage what is a practical thing that he has identified and the risk of his teams, and obviously the community visitors as well—certainly the Public Advocate has been

spoken to—to work out how we can fit around this. There was a lot broader consultation over the original legislation, which relate to the disability generally, that is to deal with the special new circumstances, that the residential facility manager would have the capacity to have certain isolation processes in place.

Ms COOK: Broadly, in terms of the discussion around the community visitor and the change in their role, has the Attorney considered at all looking at the parameters of the regulations to allow that community visitor to visit all people with a disability, such as how Victoria has undertaken changes to their regulations, so that they are not obstructed from visiting people in NGO-operated organisations?

The Hon. V.A. CHAPMAN: Under this legislation we have not proposed to grant an expansion of who this is to apply to. It may be a good idea. I think I have said this from the outset: I have been a fairly ruthless gatekeeper on this. I did not want everybody just lining up saying, 'Look, it is COVID, so here's a chance for me to slip this through.' That is not acceptable.

If we are going to have a change of the substantive law, for example, increase massively the application of a particular service, then that is something which, in my personal view, needs to have full consultation, a bit like the mortgages with banks. Banks might think it is a great idea and it might end up being a good idea, but I am not going to push it through just because it is a convenience. I wanted generally to be able to come to the parliament and say, 'These are matters that need to have early attention. These are the experts sitting around them who have identified problems and this is one of them.'

Clause as amended passed.

Clauses 6 and 7 passed.

Clause 8.

Ms BEDFORD: Can the minister confirm that the Crown development process can be used to sponsor private sector development proposals?

The Hon. V.A. CHAPMAN: I am sorry, could you ask the question again? I was looking at the Aboriginal parliamentary committee—

Ms BEDFORD: My understanding is that clause 8 refers to an amendment to schedule 2, which is the temporary modification of particular state laws; is that correct?

The Hon. V.A. CHAPMAN: It does. I am sorry; I was just on the wrong page of it. It is a long clause.

Ms BEDFORD: My question is: can the Attorney confirm if the Crown development process can be used to sponsor private sector development proposals?

The Hon. V.A. CHAPMAN: Chairman, I am going to ask the Minister for Planning to step in to answer any questions on this because he has his adviser here now. He might be able to give a more detailed answer to that question for you. I will just get the bill open again for him.

The CHAIR: The Minister for Planning has the call.

The Hon. S.K. KNOLL: Crown developments done by government are where we are building public infrastructure. Where we have private sector developments, they still have to be public infrastructure. We get asked from time to time to sponsor public infrastructure related works as a Crown-sponsored development.

If somebody wants to build some sort of residential high-rise tower or something, that is not public infrastructure. That is not something you would use for a Crown development process. For instance, a planning application in relation to the interconnector, which would be built by private sector proponents, is something that we could consider as a Crown-sponsored development, or port infrastructure where a private port operator is building it, but it has to be in relation to public infrastructure.

Ms BEDFORD: Would the effect of this measure, which would exclude councils from the operation of section 49 of the Development Act, as well as the cognate amendment to the Planning, Development and Infrastructure Act be to put developments approved at risk of later challenge?

The Hon. S.K. KNOLL: The answer is no. That is why parliament and this legislation would reign supreme. If we decide that this is what we want to do, then the answer is no. To put it in context for you, member for Florey, at the moment, any project that is a Crown-sponsored development over $4 million goes off to council for a referral. Under the new PDI Act, that threshold goes up to $10 million. That legislation already passed in 2016. It is due to come into place whenever the phases turn on for the new code.

We have turned on phase 1, but phase 1 is in the outback areas where there are no councils, so there is no referral anyway. For instance, we are on track to turn on phase 2 in July. This measure that we are seeking to do now would come into place at that point for phase 2 anyway, and when we turn on phase 3, this will come in anyway. All we are doing is bringing forward something that is going to happen under the PDI Act anyway once the code is turned on for those areas.

Ms BEDFORD: Noting the minister's advice that the Law Society was provided a copy of this bill on Friday, why did the government not consult with the Local Government Association on this measure until this morning?

The Hon. S.K. KNOLL: Member for Florey, for the measures that we are seeking to progress, these things are happening quite in real time. When people get consulted on these things is something that happens in real time. What I would say is that this is not a new measure. This is not something that councils have not already had to grapple with. This is merely a timing change and one that was going to come into place anyway.

In the alternative, member for Florey, for Crown-sponsored development and in practical application—the things we are talking about here are really education projects. I think there are a few performing arts projects and there may be a couple of other things in there. All it is seeking to do is to bring forward by up to two months the speed at which we can put these projects into play.

These projects are needed and warranted. We need them as early as we can for stimulus, and they are not the kinds of projects that people are going to object to. In fact, a lot of the commentary by members in this chamber on the other side has been, 'Hurry up and get them done more quickly.' As I said, these are not controversial projects; they are ones that are necessary and ones that we believe we can get delivered more quickly through this to put those jobs into the community more quickly.

Ms BEDFORD: Supplementary to that: the nub of my question is if it was provided to the Law Society, why could it not have been provided to the Local Government Association on Friday? It has nothing to do with all of that; it is a matter of timing.

The Hon. S.K. KNOLL: I refer the member to my previous answer.

Sitting extended beyond 18:00 on motion of Hon. S.K. Knoll.

Mr PICTON: While we are planning things, can the minister outline how much time is actually going to be saved by these proposals?

The Hon. S.K. KNOLL: Two months.

Mr PICTON: Can the minister outline what examples they will be used for? It sounded like the minister already had a list of the projects he is intending to use this process and clause for. Can he either read them in or provide them between the houses?

The Hon. S.K. KNOLL: There is no list, but it is essentially every previously announced education project that is between $4 million and $10 million.

Mr PICTON: Well, I would presume that there would be a list of those that you could provide.

The Hon. S.K. KNOLL: I have not been provided a list.

Mr PICTON: What internal processes could you speed up at your end rather than or in addition to going through this step? I guess we do not want to have this whole area of consultation

taken out but still significant delays happening at the council end. There is already significant concern in the community that a lot of these stimulus projects have been delayed and that not much has happened over the past few months. What action is being taken at your end to actually speed up the internal processes?

The Hon. S.K. KNOLL: Actually, there has been a whole series of things being done, though not necessarily in the planning space, because we move as quickly as we can within the department. We have moved to earlier contractor involvement and managing contractor models under the procurement process to get those works procured more quickly. That means that we are able to undertake partial designs and then have those designs moved across into that manager-contractor model. We also have explored a whole series of other options in relation to this. A number of these projects are being undertaken under modular construction models, so that we can get them done more quickly.

We have also undertaken steps with the Public Works Committee to ensure that things move smoothly through the Public Works Committee process. At this point, I would like to give my thanks to that committee for sitting as often as they need to. If you look at Thursday's committee business, I think we have 20 different reports to consider. There is a whole series of steps that we have done, and it is an end-to-end thing, rather than just planning, to get these projects out of the ground as soon as possible.

The Hon. A. KOUTSANTONIS: Will the referral to Public Works remain at $4 million?

The Hon. S.K. KNOLL: Yes. That is a different act, but, yes, it will remain at $4 million.

The Hon. A. KOUTSANTONIS: Are we on electricity now? This is still clause 8.

The CHAIR: We are. We are on clause 8, and that is part of part 2A under clause 8.

The Hon. A. KOUTSANTONIS: My question to the minister is: is the government's modification of the national electricity act supported by the Australian Energy Market Commission?

The Hon. V.A. CHAPMAN: Just so that I am clear about this, Mr Chairman, have we completely dealt with this section?

The CHAIR: No, we are on clause 8.

The Hon. V.A. CHAPMAN: We are now on page 11, so we are skipping over children; is that right? There are no questions on children?

Ms Stinson: Yes, I have some questions on that.

The CHAIR: Member for Badcoe. I will come back to you, Member for West Torrens.

The Hon. A. Koutsantonis: It's all in one clause, sir.

The CHAIR: Yes, but in an ideal world, which we are trying to live in, we should do this in an orderly fashion. So we might come back to that, member for West Torrens. Member for Badcoe, you have a question on 25A—Removal of children.

Ms STINSON: I do, sir. My question is: who asked for this? Was there any submission made to government by people or organisations or agencies within government, and what was the argument put forward by those individuals or agencies as to why this is actually necessary?

The Hon. V.A. CHAPMAN: The State Coordinator, who is the police commissioner, is the person who requested this. It adds to a list of clarifications in relation to authorised officers, who are police officers under the act or such other persons authorised by the police commissioner. I think the member also asked, during the course of consultation today at least, to request whether there are any other authorised officers. That inquiry has been made to the State Coordinator. My understanding is that it has, but he does not propose to disclose who they are, and he has advised that he is entitled to not disclose who they are.

Ms Stinson: Who the other authorised officers are?

The Hon. V.A. CHAPMAN: Any other authorised officers, but largely they are the police force. He has power to bring in who he might think is necessary. For example, he can bring in an

authorised person in relation to health, or if it is an environmental problem he might want to bring in people who are inspectors under the Landscape SA Act. There could be lots of different people.

Notwithstanding the information I was provided earlier, someone else in SAPOL has given me the following information, so I am assuming that it is both accurate and able to be given to you; I am advised that is the case. This information simply describes what is in the act, though, rather than who he might have appointed as an authorised officer outside of a police officer, but that is entirely under the Emergency Management Act.

They are police officers, chief officers and executives of control agencies, and their deputies; state managers of functional support groups, and their deputies; and nominated Communicable Disease Control Branch staff for the purposes of, and limited to, COVID-19 operations only. That is in the act. That is SAPOL's advice, confirming who they understand the people to be who are able to do that, and that includes, as I said, inspectors relating to an environmental disaster, for example. We are in a health disaster; we understand that.

As I understand it, police officers are all being given this responsibility, which is why he has asked for us in the principal act to clarify a number of the responsibilities and capacities of those police officers to impose the directions in relation to stopping someone at the border, identifying whether they have signed declarations, travelled interstate and been advised that they have to travel to their nearest hotel to do their two weeks' isolation. All those are directions that need to be imposed but also supervised to ensure that they are actually operational. I hope that covers that matter.

Ms STINSON: Not quite, so I have a supplementary. Am I to understand that the list that the Attorney just read out is a list of people the commissioner has now declared as authorised officers? If so, how is that made known publicly? Is there a process for that to be declared through the *Gazette*, for example? How is the public to be informed of who is an authorised officer and who is not? Is it that this is a class of persons that is declared as authorised officers, or are there individuals who need to be named by the commissioner in order for them to become authorised officers? Once again, how is it that the public might be informed as to who is appointed as an authorised officer?

Also, I wondered if the Attorney could clarify: I understood from what the Attorney just said that there was some suggestion that the commissioner does not need to disclose who the authorised officers are. It seems an unusual approach that the commissioner would be able to appoint people under the act but actively conceal that. I wonder where that power is, if I have correctly understood that the commissioner does have the power to appoint authorised officers but not reveal who they are.

The Hon. V.A. CHAPMAN: The inquiry made is: can a list of who has been appointed by the State Coordinator be provided? The response has come from SAPOL that 'The authorised officers per the Emergency Management Act are'. It does not specify in the response whether those groups have been appointed. It is possible to interpret that either way, but they are able to be appointed under the state Emergency Management Act.

My understanding of the inquiry, when the member made it earlier today, was in regard to who they are. The police commissioner quite rightly will not give the names and addresses of people who are authorised officers. I think that is for obvious reasons, so I do not think it is unusual at all. What is important, though, is who might else be employed for the purposes of acting as an authorised officer.

It is important to remember that we have lots of authorised officers under our laws. We have a whole lot of people who are authorised officers in hotels when we deal with the management of the consumption of liquor or exclusion of minors, etc. We have authorised persons in environmental law, in health law so, as per this general description here under the state Emergency Management Act, the state commissioner can bring these people into play if he thinks that may be of assistance. At this stage, we are advised, that is the information we have concerning your request from earlier this afternoon, and that is the best I can do.

Ms STINSON: It would be helpful if the Attorney could come back to us in between the houses with some information about whether that listed group of classes of persons has actually been declared or not, and I would appreciate that. Your office has been helpful in answering some

of my questions in relation to the necessity for this, but I wonder if the Attorney could provide some detail about how this amendment relating to the removal of children differs from the powers that already exist under the Emergency Management Act.

Certainly my reading of it is that this could already be done under the previous Emergency Management Act and that police officers are actually protected because there is a clause that states that they would not be committing an—

The Hon. V.A. Chapman interjecting:

Ms STINSON: Yes, the Attorney points out that there is an exemption. I would like the Attorney to explain why this is necessary and what the problem is that this is actually remedying. To me it seems that police officers were adequately covered under the previous incarnation of the Emergency Management Act.

The Hon. V.A. CHAPMAN: I hope I can be helpful in just understanding why this has come about. Firstly, the State Coordinator has asked for it; secondly, unsurprisingly when these things start to become operational some of the weaknesses start to be exposed, so it is reasonable for the State Coordinator to get advice from the Crown Solicitor's Office if this needs to be clarified. My recollection on this process was that, as the member may well be aware, under our child protection law there are certain powers for children to be removed from a guardian—well, usually someone who is not actually acting appropriately as a guardian or not adequately in any event.

For a police officer to act under the child protection law to simply take a child away and place it with child protection agencies—and they are the enforcing body—there is a process they have to go through. Some of that process to remove a child from a parent involves a police officer getting approval from a superintendent, for example. It is the whole issue of the rank of the police officers. I know that was under consideration as to whether it was impeded in the circumstances where they are not actually going to remove a child necessarily, to take them away from the custody of their parent, but they do need to be able to place them somewhere if there is a breach.

For example, a police officer attends a property where there are more than the 10 people who are supposed to be there. There is a party going on and children might be present, and it is in breach of the State Coordinator's direction. The police say, 'Okay, everybody out. Get to your own properties,' or may take them and obviously prosecute them for breaches of the direction or give them on-the-spot fines or whatever—but children are in that scenario.

To enable them to carry out their role to supervise the compliance of the direction—namely, separate these people and put them back in their own places, require them to go and stay in a residence—may mean taking these children for the purposes of sending them home to their actual residences, but it does not necessarily mean they are acting under child protection law to remove a child from a parent. The parents many not even be at the party. Do you see what I mean?

The question has arisen: how do we deal with children in this situation? The authorising officers, police officers, need to be able to say, 'We need to be able to act here because we can't leave them in the house because there will be a breach of the State Coordinator's direction. We need to be able to manage this somehow.' As the member probably knows, there is usually a general protocol with these things where child welfare or child protection agencies are contacted. Sometimes, say, if it is an Indigenous child who is in custody with police, then there is assistance from ALRM for example, to assist if they have been involved in any charges.

There are agencies out there to assist in that, and there are even some private NGOs that help with children who are at large on the streets, who might be in a situation where they need to be sent back home. However, the police job here is to deal with the compliance under the state emergency act, not under child protection. That is why we need to fix it up for them to have the power there.

Ms STINSON: I am not sure that the Attorney has really addressed what I am getting at with this question. It is my understanding from the briefings that I have had that this amendment is not to do with children in care in any sort of way; it is about all children—not just children in care. I appreciate the example that you are giving in relation to the process for children in care.

The Hon. V.A. Chapman interjecting:

Ms STINSON: Well, that was about children under guardianship who were being taken for their own safety. I am happy to—

The Hon. V.A. CHAPMAN: If I can just make it clear—

Ms STINSON: I do not really want to give up my question here.

The CHAIR: One at a time. The Attorney can sit. You are seeking some clarification?

Ms STINSON: I am.

The CHAIR: Is the Attorney clear on what you are seeking clarification on?

Ms STINSON: I do not think so because I have not finished explaining. What I am trying to understand is, if this clause pertains to the removal of children of any type, whether in guardianship or not, which is the advice that your office and others have given me, I understand that under the Emergency Management Act it was already possible for a police officer of any rank to remove a child due to COVID, for example.

Why is it that this amendment is required if, under the previous Emergency Management Act, it was already possible for police officers to do that and they were not at risk of prosecution? Is there some sort of flaw or inadequacy in the Emergency Management Act that exists currently that requires this change? I cannot see how or why this is needed because police already had the power and would not have faced prosecution and, from what I can tell, the Children and Young People (Safety) Act does not have a great deal to do with this.

The Hon. V.A. CHAPMAN: In relation to the last question, you are absolutely right. I thought I had made it clear but, if I have not, this is not a child protection measure. This is a measure of how police officers as the authorised officers deal with children that they come across in a circumstance where they are trying to implement the emergency measure directions.

Ms STINSON: So why is it needed?

The Hon. V.A. CHAPMAN: Because, although the member for Badcoe thinks she understands that the current state Emergency Management Act should be adequate to cover police officers as authorised under that act, that is not the advice that we have received. In the course of that discussion, the weakness has been identified in a number of areas, and last time we were here we sorted out most of them.

This is another one where the Crown Solicitor has given advice to the State Coordinator, and the State Coordinator has requested that we sort it out. So people like you or me or anyone else can read these pieces of legislation and think, 'Okay, that's good enough. That seems fine.' Frankly, when we discussed this legislation, and I was here at the time to actually make it, we were all in a space, I suppose, of not really knowing how this was going to be played out.

I am not being critical of the former government bringing to the house a bill at the time that may be seen now to be a bit inadequate because it is the first time, and we are going through it. When the police commissioner thought there was a bit of a weakness, he thought, 'I had better go and get advice,' which he is entitled to.

Ms Stinson interjecting:

The Hon. V.A. CHAPMAN: The weakness is the definition of the powers of the authorised officer to deal with a child to remove them. That is the weakness that has been identified by the Crown Solicitor's Office; that is, it is possible that it is adequate power but more likely not, and therefore we need to be able to sort that out. So the police commissioner comes to us and says, 'Is that right?' We have all these other laws over here. You cannot just go and pick up a child and take it, even if you are a police officer, but there is a special provision when you are trying to carry out lawful conduct, namely, the directions of the State Coordinator.

On the face of it, that looks like it is enough, but the Crown Solicitor advises the State Coordinator and the State Coordinator says to us, 'I am concerned. I want my officers

completely protected on this. I want them to have lawful power and protection,' and that is what we are doing here to make sure they have it.

The CHAIR: Member for Badcoe, you have asked two questions and sought clarification on two further occasions, so this will be your final question.

Ms STINSON: I actually do not need another question, but I only request that the Attorney might provide in writing the nature of the shortcoming that this is trying to address. I do not think the Attorney has really pinpointed what it is—the weakness that she speaks of. I am more than happy for the Attorney to seek further advice or provide that in writing between the houses, because I have asked the question a few times. I do not think the Attorney has been able to actually point to what the weakness is that this addresses, other than to say that there is a weakness that the Crown has identified.

The Hon. V.A. CHAPMAN: Let me put it this way. The member well knows that I am certainly not in a position to hand over legal advice given to the State Coordinator. I am not going to be doing that, and she knows full well the rules in relation to that. If she does not understand that the statutory responsibility and powers of somebody who is an authorised officer need to be clear, especially when they hit up against other legislation which protects the interests mainly of parents, then I cannot help her any further.

But I will say this: if the State Coordinator says to me, 'I'm not sure if my authorised officers are going to be fully protected in this situation. I've got advice on it; there is a weakness and it's not crystal clear and therefore I don't want them to be in that situation,' then we have acted on it. The member can make whatever inquiries she wishes. She can go to the Law Society, she can go to the police commissioner himself and take advice, but I have indicated what the government's position is.

We are acting on advice that we have received and on the request of the State Coordinator to make this crystal clear. If she looks at the previous act we passed a couple of weeks ago, she will see a whole list of other things which on the face of it you would think, 'They probably already have the power to go and confiscate that or to cause damage to property, to enter it if it is necessary to prevent a prohibited group from meeting in a gathering,' but the reality is he wants this to be very clear, and we are in new ground, and we want it to be clear for him.

I would have thought the member would also want to make sure that authorised officers who have extraordinary powers to implement the directions of the commissioner are protected. Where clauses are written for indemnity or protection where people act in good faith and all those things, if there is a weakness there, this is why the remedy is there, where it provides:

> (1) Without derogating from section 25, an authorised officer may, for the purpose of ensuring compliance with any direction…remove a child from any premises, place, vehicle or vessel to a place of residence of the child or to a hospital or quarantine facility…

That is what this is to make crystal clear—'and use such force as is reasonably necessary'. These are the sorts of tensions that are always raised in these situations. It is not ideal to take a child forcefully out of a car or out of a house and take them to a hospital or a home, especially if it is in the envelope of it being strongly opposed, for example, by a parent or someone who is purporting to be their guardian. The State Coordinator has asked us for this; we think it is reasonable that his officers are protected, clearly, and that is what this clause is in here for.

The Hon. A. KOUTSANTONIS: My question is to the minister regarding 15B—Regulations varying rules under the National Electricity Law. Has the minister submitted a rule change? Has the minister submitted to the Australian Energy Market Commission prior to today or to the COAG Energy Council a rule change to deal with the changes being contemplated today?

The Hon. D.C. VAN HOLST PELLEKAAN: A letter has gone to the COAG Energy Council ministers, my colleagues around that, seeking their support for the rule change. I understand that is the normal process.

The Hon. A. KOUTSANTONIS: My question is not about whether or not you have begun the process now during this legislation. What I am saying is that, since 2018 until now, net negative demand has been an issue that you have spoken about previously. What I am asking is: before this legislation was introduced, had you sought a rule change in the Australian Energy Market

Commission or submitted to the COAG Energy Council support for a rule change to allow you to direct SA Power Networks to act in the way you wish to direct them?

The Hon. D.C. VAN HOLST PELLEKAAN: First of all, discussions at COAG, as you would understand, are not necessarily for sharing in this forum. It is a topic that has been raised, though, let me say, by South Australia, and I will leave that at that. I am advised also, though, that the changes to the Emergency Management Act to deal with this is not something that would be dealt with by COAG or necessarily by the NEL.

So it is a topic that they are aware of, you are quite right. I have talked about it many times. It is something that we are addressing in several different ways, but I am advised that, with regard to this bill and the connection that this bill has to the Emergency Management Act, that is actually not a COAG issue.

The Hon. A. KOUTSANTONIS: If it is not a COAG issue, why have you written to the COAG Energy Council seeking their consent?

The Hon. D.C. VAN HOLST PELLEKAAN: That is specifically to do with the amendment put forward by this COVID bill, this temporary COVID bill.

The Hon. A. KOUTSANTONIS: So your response to the house is: it is not a matter for COAG to consider, yet you have written to COAG to seek their consent. I point out to the minister that those two statements are contradictory. I accept—

The Hon. D.C. van Holst Pellekaan: That is not true.

The Hon. A. KOUTSANTONIS: Okay, so they are not contradictory?

The Hon. D.C. van Holst Pellekaan: Correct.

The Hon. A. KOUTSANTONIS: You confirmed to the house that you have written to the COAG Energy Council seeking their consent—

The Hon. V.A. Chapman: No; 'support'.

The Hon. A. KOUTSANTONIS: —okay—support for this change that you are introducing now arbitrarily, but it is not a matter for the council to consider previously? Okay, we will just accept that the minister has somehow legitimised that in his own mind. My next question is: who initiated this change? Was it the department or had SA Power Networks written to the minister over the preceding two years since he has been in office advocating for this change to be made?

The Hon. D.C. VAN HOLST PELLEKAAN: Well, there is a bit in that. First of all, it is not at all contradictory to have said to the shadow and to this chamber that it is appropriate to seek COAG energy ministers' support for the changes in this COVID bill, but it is not necessary to seek their support for changes to the South Australian Emergency Management Act. It is very straightforward; no contradiction. With regard to these changes that are sought, they have not come from SAPN; they have come from the department and my office working collaboratively together.

The Hon. A. KOUTSANTONIS: Can the minister explain why his department has recommended and why he supports the ability to instruct SA Power Networks, rather than making any augmentations to the grid or any other expense, that they are simply able to legally receive an instruction from you, through the Chair obviously, to disconnect generators that I understand exceed 200 kilowatts rather than any other augmentation? Can you explain to the house your process of thinking why that would be a more reasonable path than any other form of action?

The Hon. D.C. VAN HOLST PELLEKAAN: Yes, and the answer is all within the fact that we are dealing with this COVID omnibus bill. We are dealing with a worldwide pandemic. We are trying to do things extremely quickly, extremely sensibly, so that we can deal with the things that might come to us more quickly than they otherwise would as a result of the pandemic. Of course, the pandemic is affecting the whole world but in this context has an impact upon Victoria, New South Wales, Tasmania, Queensland and the states that we are connected to as part of the NEM.

We are doing things rapidly and appropriately as part of this COVID bill. It does not mean that we are not trying to make a whole range of other improvements in regard to this issue, but they

are actually separate pathways. As the member from West Torrens would know, we can ask for derogations for South Australia but they take eight weeks plus to come into effect. We do not have that sort of time in regard to the potential outcomes in this global pandemic.

We are not putting things in place in this COVID bill that we want to use or we intend to use: we are putting things into this bill in case we have to use them. It is much the same parallel as the discussion between the Attorney-General and the member for Badcoe in regard to police officers and their rights or responsibilities in regard to accessing children, if they think that is appropriate. We are not putting things in this bill that we want to do or we intend to do but we are putting them in as safeguards.

As the Attorney-General mentioned, they are things that the police commissioner supports as well because he sees things that just might happen being worth putting in this bill as opposed to the things that we want to do and intend to do in the mainstream course of business, which are also time sensitive, pressing and, in some cases, urgent, but not as urgent as we see the protections that we need to put in place as an insurance measure, essentially, with the COVID bill.

The Hon. A. KOUTSANTONIS: That was a very strange answer. Perhaps the minister should watch that back later on.

The Hon. D.C. van Holst Pellekaan: Perhaps what?

The Hon. A. KOUTSANTONIS: Perhaps you should watch it back later on—re-watch it.

The Hon. D.C. van Holst Pellekaan: Watch my back?

The Hon. A. KOUTSANTONIS: No, re-watch it back.

The CHAIR: Just ask the question, please, member for West Torrens.

The Hon. A. KOUTSANTONIS: Yes, I will. Given the minister just told the house that the police commissioner recommended these changes, but earlier told us—

Members interjecting:

The Hon. A. KOUTSANTONIS: Okay, you did not say that. Okay, fair enough.

The CHAIR: Let's not argue about what he might have said.

The Hon. A. KOUTSANTONIS: Yes, we should not argue about that because—

The CHAIR: You have the opportunity—

The Hon. A. KOUTSANTONIS: Yes, I do.

The CHAIR: —to ask a question.

The Hon. A. KOUTSANTONIS: How many individuals have a solar array above 200 kilowatts in South Australia?

The Hon. D.C. VAN HOLST PELLEKAAN: We do not have that number but the cumulative total, I am advised, is about 50 megawatts.

The Hon. A. KOUTSANTONIS: I am just trying to understand this. Yesterday, in the briefing we were told that, although 200 kilowatts is not specified in the legislation, the government are saying that the minister wants the ability to be able to direct SA Power Networks to disconnect or not allow a dispatch by a participant who has more than 200 kilowatts or more. They will be defined as a market participant and they will be not allowed to dispatch. When I asked how many of them there are, the minister does not know. Perhaps he can get me that between the houses so I can know exactly how many individual generators we are talking about.

Is this a cumulative amount? That is, could a series of households who have five to 10 kilowatts on their roof be aggregated to 200 kilowatts and that block be cut off? The minister is shaking his head, saying no. Are these commercial applications? Does this in any way impact household rooftop solar?

The Hon. D.C. VAN HOLST PELLEKAAN: Member for West Torrens, the reason that the focus is on the total aggregated capacity of these generators being, I am advised, an estimated 50 megawatts, is that it is actually that capacity you need to be able to manage. It is not so much a matter of how many phone calls, emails, how many directions to have to give. It is actually about the capacity to productively and positively impact on the challenge that you have.

With regard to your question about whether there is any way that households could be aggregated up into a 200-kilowatt single unit, I am advised absolutely not, and I can tell you that from my perspective that was never ever the intention of it.

The Hon. A. KOUTSANTONIS: Within the 50 megawatts—

The CHAIR: Member for West Torrens, before you ask that question, I know we discussed as a committee back on clause 1 that you would have extra opportunity during this time due to the arrangements we have here. You have now asked six questions.

The Hon. A. KOUTSANTONIS: You are excellent, sir. You are a fine Chair.

The CHAIR: I am being very generous today and I am considering how much more generous I will be. I am just reminding you that you have had six and I may pull it up at some point. The member for Kaurna or the member for Lee may have a question.

The Hon. A. KOUTSANTONIS: Exactly, sir. Of the 50 megawatts, none of that 50 megawatts that the minister spoke about was household rooftop solar.

The Hon. D.C. VAN HOLST PELLEKAAN: As I said before very clearly, I am advised that the answer to that is no. I can tell you for sure that my intention is no. I have also just been advised that perhaps somewhere there might be a massive household or somebody with a farm. There could be a very large generator out there that seemingly, incongruously, could be labelled a household as well, but beyond that no.

The Hon. S.C. MULLIGHAN: Perhaps for my benefit, because I do not have such an intricate understanding of these matters as you and the member for West Torrens, looking at new section 15B, which is being inserted, subsection (1) provides:

> (1) The Governor may, for the purpose of protecting the reliability and security of the South Australian power system, make regulations modifying the operation of the rules…

Just for my benefit could you outline the range of modifications that could be contemplated here?

The Hon. D.C. VAN HOLST PELLEKAAN: Yes, member for Lee. I suspect that, rather than the range, you are probably more interested in examples. Keep in mind that this is all in the context of this COVID bill, which is temporary. None of us knows how long it will go for—all of us hope it will be shorter rather than longer—but it is directly linked to the health emergency declaration. What we are looking at is the capacity to control, if necessary, supply and demand in a way that is different from the way we have done it before.

I know the member for West Torrens will certainly remember bringing in ministerial powers in a declared energy emergency previously. If you go back a few years or so, the broad concept of an energy emergency is that you have high demand and not enough supply entering the market and so you are trying to bridge that gap by requiring more supply to enter. That is a very simplistic way of describing it, but that is broadly what it was.

We now move forward to the last few years and into the future. Another type of energy emergency, which was not contemplated at that time, so is being contemplated and is in this bill, is not enough load to shed if you need to for control and stability of the market. The types of things that are imagined—and I will just read from this briefing note—are 'No specific required change of the National Electricity Rules has been identified at this time. The rules relating to emergency schemes such as automatic load shedding and protected events are, however, being analysed.'

The Hon. S.C. MULLIGHAN: In some of the discussion that has preceded my questions, I gather that there is a threshold here, and I think you have mentioned 50 megawatts or 50-megawatt hours. I think the member for West Torrens mentioned 200-kilowatt hours of load. People who have supplies into the market or supplies into the network or generation into the network above that

threshold are the ones who might be able to be precluded from entering their electricity into the network. Just for my sake, what is that threshold and can you assure us that those who may be discharging lesser amounts of electricity into the network will not be affected by these measures?

The Hon. D.C. VAN HOLST PELLEKAAN: You have those numbers right. This applies to generators over 200-kilowatt hours. It is estimated that all of the generators in South Australia at the moment that fit that description come to an aggregated 50 megawatts of electricity, and that is the focus for us rather than the number of them that exist because we need to have a good idea of how much electricity we could direct to operate differently if necessary.

To the last part of your question—and I think I have answered this quite clearly before—there is no intention to have households affected by what we are doing with this COVID bill. It is not our intention. We are not looking to aggregate households into that number. As I said before, if there is one massive household out there that could somehow slip into that category, so be it, but there is no intention to do that.

I would add that, at the moment, we do not have the tools to do that anyway. We have the tools to do it with the over 200-kilowatt hour generators. This is about the authority. Even if you brought the authority, hypothetically, to those small generators, it is a really messy system to try to make it happen at the moment anyway. Lastly, these are not things we want to do. These are just powers that we believe would be useful if necessary in this current environment.

The Hon. S.C. MULLIGHAN: I appreciate that example. I think it is worth concentrating on that term 'intention' that the minister used. I appreciate that it is probably not his intention at all. It is likely not his intention at all because he, like me, like the member for West Torrens and probably the vast majority of the rest of us, if not all of us, would be alarmed if domestic residential solar installations, or perhaps small business solar installations, were able to be impacted by the use of these powers.

The examples I am thinking of with virtual power plant arrangements that people have entered into may effectively be grouped together, as the member for West Torrens was saying. You only have to read the *Sunday Mail* in particular to see the companies touting participation in those schemes to win business, or it may be that SA Power Networks approaches the government and says, 'We are having a particular problem and we have identified that there is a significant supply of electricity, say, in a postcode area.'

You only have to look at a Clean Energy Council website to see the amount of solar installed by postcode, which they publish on a regular basis. 'For that postcode or that suburb or suburbs within that postcode, we will effectively limit or stop accepting the amount of generated solar rooftop electricity.' That is really the core of the concern about this.

I realise you may not have the intention. It is the capacity for that power to be exercised in that way that I am seeking to understand because SAPN may approach you as minister and may make a case to you in the absence of alternatives that that is the action that needs taking and that would be of grave concern. So when I asked you for an assurance that it will not be for people below that threshold of 200 kilowatts or 200-kilowatt hours, whatever the right terminology is, it is really seeking that assurance. If you are able to assure us that it will not be exercised for installations or discharges below that threshold, where does that threshold find its existence, either in the bill, in the regulations or elsewhere?

The Hon. D.C. VAN HOLST PELLEKAAN: Again, there is a fair bit in that. I have been very clear about the authority that is in this bill and very clear about my intentions. I accept your concern. As you said, not one member of this chamber would be without constituents that have household solar. There is no intention to aggregate, even through a virtual power plant. Virtual power plants are actually about the aggregator having the opportunity to offer services and make money doing it that way.

It may well be that somebody who has signed up with a VPP could be actively engaged in the market, totally separate of what is going on here—nothing to do with this whatsoever. In answer to the question about where the 200 comes from—and I will be guided in case I go off track here—the 200 kilowatt hour capacity generator is when a lot of other technical obligations come along with

the permission to actually operate. When you step into that level, then it is easier to use the authority that is coming here.

I would add to that the fact that under the existing Emergency Management Act, the minister broadly has that sort of authority to do those things that you are talking about anyway. We are not talking about that; we are talking about this COVID bill. Perhaps to give the member for Lee some comfort, it really has nothing to do with trying to work our way into households inappropriately. It is actually about the fact that there are some things that were quite rightly under the energy emergency bill that we discussed a while ago that are still right, but there are other authorities that we need looking into the future. It has been appropriate, with this temporary COVID bill, in dealing with the pandemic and some of the immediate risks, to say, 'We'll just insert those authorities into this now.'

When the pandemic is over, we will go back to the drawing board in terms of the things that are appropriate to do down the track. It requires an energy emergency to be declared. I would also say that as the responsible minister, if an energy emergency is declared I would, based on advice, do whatever necessary to try to keep the lights on, keep the voltage and frequency right, etc. I am sure the previous minister would also have done whatever was necessary to make sure that they were looking after the best interests of South Australians in those situations. I hope that gives the member some comfort. The comfort that he wants for his constituents is exactly the same comfort that I want for my constituents.

The last thing I would say to address the member's concerns is that, if hypothetically one of his constituents was concerned, in the midst of an energy emergency, about their solar being controlled in a way that they did not want it to be, if the authority is not used appropriately, their power is probably going to go out anyway. There is minimal risk to that household because this is all about actually trying to keep the lights on across the state.

The CHAIR: Lucky last, member for Lee.

The Hon. S.C. MULLIGHAN: Thank you; 3(c), I think this question—

The CHAIR: 3(c)?

The Hon. S.C. MULLIGHAN: Yes, or similar.

The CHAIR: Three and clarification.

The Hon. S.C. MULLIGHAN: Thank you. I appreciate the explanation by the minister. I do not doubt his intentions here. My final question might be perhaps better expressed to the Attorney, or maybe for the minister. I draw your attention to that very same spot that we are looking at—new section 15B(2). I presume this is the result of drafting advice from parliamentary counsel, but it states:

> (2) Section 21 of the COVID-19 Emergency Response Act 2020 applies to a regulation made under this section as if it were a regulation made under the Act.

It just raised a query in my mind as to whether this means that this lives for a longer period of time because it is considered to be a regulation made under an alternative act rather than this act, which is time limited.

The Hon. D.C. VAN HOLST PELLEKAAN: No, member for Lee. This COVID omnibus bill, as we are calling it, is only in place while we are in the COVID emergency declaration. When that finishes, this omnibus bill ceases to have any effect. The next layer from that is even while it is in effect we would only use these powers if and when necessary within the pandemic because something has occurred that means it is necessary.

The Hon. G.G. BROCK: Other parts of the bill have a period of time in there: six months and so forth. Can this be included in this or can there be a time frame because there are other sections of the COVID emergency bill that say six months and then it has to come back?

The Hon. D.C. VAN HOLST PELLEKAAN: I am advised that the timing for the energy aspects of this bill are identical to the other aspects in regard to the six months. You are quite right to say that I have consistently said it is while the emergency declaration is in place. That is what I have in my mind. I am just assuming that if we are out of the COVID health emergency sooner than six months, this finishes. If it goes longer than six months, we will extend it. Six months is there

because it was considered appropriate to put a stake in the ground. For practical purposes, we will all be doing whatever we need to for as long as the emergency is in place.

Clause passed.

Progress reported; committee to sit again.

Parliamentary Procedure

STANDING ORDERS SUSPENSION

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning) (18:52): I move:

That standing orders be and remain so far suspended so as to enable the adjournment of the house to be extended beyond 7pm.

The DEPUTY SPEAKER: An absolute majority not being present, ring the bells.

An absolute majority of the whole number of members being present:

Motion carried.

Bills

COVID-19 EMERGENCY RESPONSE (FURTHER MEASURES) AMENDMENT BILL

Committee Stage

In committee (resumed on motion).

Schedule 1.

Ms BEDFORD: I have a question on part 2, sir.

The CHAIR: Part 2—related amendments for training and skills, member for Florey? Yes, you have the call.

The Hon. S.K. KNOLL: You do not have any questions on development stuff?

Ms BEDFORD: That is why I indicated part 2. I do not have a question on part 1. I am trying to be helpful.

The CHAIR: Member for Florey, my apologies; your question relates to schedule 1?

Ms BEDFORD: Yes, schedule 1, part 2 thereof, so we are moving straight past part 1 to part 2; are we happy to do that?

The CHAIR: Related amendments for training and skills; is that right?

Ms BEDFORD: That is right, but there is a part 1 before it, which no-one seems to have a question on. My question relates directly to the training and skills development part of a business. Can the minister explain why this provision is necessary, given the Training and Skills Commission has already published a guideline in relation to section 51 for training contracts?

The Hon. D.G. PISONI: I thank the member for her question. This was recommended by the Training and Skills Commission. They have adjusted their guidelines for suspensions of apprenticeships and traineeships for the purpose of preventing cancellations during COVID-19. This has a finish date of 1 January 2021. It is much better for an apprentice to still have a connection with their employer and be able to continue their off-the-job training if the employer is put in such a position that they are not able to continue immediately with the salary of the apprentice.

Generally, outside the COVID-19 situation the suspension of apprenticeships and traineeships tends to happen by mutual agreement. Sometimes there may be a dispute, and then it needs to be settled by the South Australian Employment Tribunal. What this amendment is doing is enabling the changes that are reflected in the processes of the Training and Skills Commission to also be reflected in the options for the judge in the SAET. This is giving SAET the same flexibility to save apprenticeships and traineeships that the Training and Skills Commission has.

Ms BEDFORD: It is certainly good to hear that we are not going to be cancelling them, but is the effect of this subsection to allow the SA Employment Tribunal to suspend a training contract even if it is not agreed to by the apprentice or trainee?

The Hon. D.G. PISONI: It does not change the operation of SAET. It just means that, instead of having a blunt instrument that can only suspend for four weeks, it can now suspend for a longer period of time, which would be a preferred option for most employers. I think one of the things we are trying to achieve through this process is that we do not want the employers who have been doing the right thing for many years, particularly small employers who are genuinely in a situation where they simply cannot keep this apprentice on in the immediate term, to only be given the option of termination if agreement by both parties is not able to be achieved.

Generally, it is the Training and Skills Commission that is the negotiator or the arbitrator of such matters. Occasionally, when a mutual agreement cannot be reached, then it moves to SAET. Under normal circumstances, when it moves to SAET, it really is quite a bitter situation on both sides, I have been advised. In this situation, it would move to SAET because maybe there was not a full understanding of the options for the apprentice to move to a suspension and the intention of that, which is for the continuation to be available for that apprentice when we get past this difficult period.

Ms BEDFORD: Can the minister explain how this new subsection interacts with the federal government's JobKeeper and JobSeeker payments? For example, if a training contract is suspended, does this mean the trainee or apprentice is forced to apply for JobSeeker, does the employer apply for JobKeeper, or will the trainee or apprentice simply not be paid at all?

The Hon. D.G. PISONI: JobSeeker is available if the apprentice loses their job, but bear in mind that this is about trying to prevent that from happening. This is actually giving the SAET an extra tool in the toolbox that they can pull out to try to get a fix for the future of this apprentice. Currently, it is a very blunt instrument—it is like a sledgehammer. That means that all they can do is suspend for one month. This is enabling SAET to suspend for the period up to 1 January next year. If they are suspended, they can immediately apply for JobSeeker. That is my understanding.

Many apprentices have moved on to JobKeeper, but JobKeeper is not a silver bullet. In the group training space, there is still a gap that the employer needs to pay. Some employers who have been hit quite severely have decided that they are not in a position to pay that, so those apprentices have been sent back to the group training organisation, which is the actual employer.

For those who may be interested, in the group training system, the group training organisation is the actual employer of the apprentice and then the apprentice is sent out to a host employer who then receives a monthly bill from the group training organisation. That covers the salary of the apprentice and covers the support that the organisation that is using group training gets when they take on a group training apprentice. They do have much higher retention and completion rates.

We have seen JobKeeper save a lot of apprenticeships and we are still seeing people take apprenticeships on during this period in industries that have not been affected by COVID. This is really a mechanism to enable the courts to extend the suspension process, rather than moving to that very blunt instrument of only a one-month suspension, which would then lead to a termination of employment.

The Hon. S.C. MULLIGHAN: My question to the Minister for Innovation and Skills is who asked for this clause?

The Hon. D.G. PISONI: This was asked for by the Training and Skills Commission.

The Hon. S.C. MULLIGHAN: What has informed the date of 1 January 2021 specified in (2a)(b)? Before the minister answers, perhaps I can explain that the other provisions of the COVID-19 Emergency Response Bill are set to expire on 30 September, which is also the date that the JobKeeper payment expires, if not sooner. According to the latest reports from the Prime Minister, it may be ended or reduced sooner. Why do we have this carry on for a period of a further three months beyond both of those times?

The Hon. D.G. PISONI: I am advised that that date was a decision of the Training and Skills Commission, which of course has chairs of the Industry Skills Councils sitting on it. The reason it is

in the bill is because that was the advice from the Training and Skills Commission. They have used that time period, and that is a maximum time period; it is not the only option available to the Training and Skills Commission, nor is it the only option available to the South Australian Employment Tribunal.

The Hon. S.C. MULLIGHAN: My question is again to the Minister for Innovation and Skills. If you are an apprentice getting paid circa $500 a week, and your employer avails him or herself of these arrangements to suspend your employment up to 1 January 2021, how will you expect an apprentice in those circumstances—who may not be living with his or her family and who may have their own financial obligations, such as rent and perhaps car loan repayments on their ute, for example—to manage when the JobKeeper payment is slated to finish three months before that end date?

The Hon. D.G. PISONI: I suppose the state government is not responsible for the timing of the JobKeeper payment. However, this is an option for the apprentice. I accept that, yes, there will be apprentices for whom this option simply will not be suitable, but that puts them in a position that is no different from if they were immediately terminated from their apprenticeship. So this actually gives a light at the end of the tunnel for both the employer and the apprentice.

I can tell you that there are a lot of employers who get a lot of satisfaction out of having an apprenticeship completed, and when that does not happen—when an apprentice does leave for whatever reason—it is quite upsetting for some employers because they have made a significant investment and they have developed a relationship, particularly smaller businesses, where in many instances they are even treated as part of the family.

So it is not one size fits all. Again, it is another tool in the toolbox to help manage the situation we are in with COVID-19. When these employers took these apprentices on, they of course had no idea of how their business would be impacted. One of the areas that we had a lot of success with our Skilling South Australia program was in tourism and hospitality, and of course that has been hit the hardest. I think that anybody here in this chamber would think that it would be fair and reasonable for that employer, if they are able to get through this, to be able to come through the other side and to want to get back into the position that they were in previously, including the commitments they were making for skills training.

In answer to your question, the longer period of time for the suspension does give the apprentice and the employer more options. It is already available for a negotiated arrangement through the Training and Skills Commission, and the time frame in this amendment bill is there so that SAET has the same option as the Training and Skills Commission.

The Hon. A. KOUTSANTONIS: Is the amendment interfering with any commonwealth legislation or agreements put in place between employees and their employer?

The Hon. D.G. PISONI: I am advised that the commission guideline is in line with the Fair Work Act.

The Hon. A. KOUTSANTONIS: Just to be clear, there is no conflict between any federal award or any federal agreement and the Fair Work Act?

The Hon. D.G. PISONI: This is actually separate to the Fair Work Act. The advice I have is that it is line with the Fair Work Act.

The Hon. A. KOUTSANTONIS: So none of the apprentices or trainees here are employed under any commonwealth award?

The Hon. D.G. PISONI: I am advised that, if you are not on the government payroll in South Australia, you are employed under the federal system. The important thing here is, as I am advised, this guideline of the Training and Skills Commission is not in conflict with the Fair Work Act.

Mr PICTON: My question to the minister follows on from the questions from the member for Lee. As I understand it, the JobKeeper arrangements expire at the end of September, but these arrangements will last until January, so they will not be eligible for JobKeeper, presumably. What advice has the minister had in relation to what happens to these people between the end of

JobKeeper in September and January? What advice have you received in relation to whether they will meet the eligibility criteria for a JobSeeker payment?

The Hon. D.G. PISONI: We do not know where JobKeeper and JobSeeker will be at the end of the period that was announced by the federal Treasurer. What we do know is that the economy is slowly coming back to life. We saw already the announcement in South Australia that there is now some limited outdoor dining. I was very pleased to catch up with Vasil at the Duthy Street Deli Cafe yesterday. He had people lining up to use his tables, spending more money in his shop. He was very, very pleased to see that there was movement now happening in the economy. You can imagine that multiplied right throughout the entire industry. We will see more opening up of the economy later on.

I think the member for Lee and the member for Kaurna are failing to understand, either deliberately or otherwise, that this is an option that is put in place to help save apprenticeships and traineeships, because without this, the only option for the SAET is a four-week, or one month, suspension of an apprenticeship. If that is the only option, we are going to see terminations of apprenticeships. The Training and Skills Commission tells me that, once that connection with the employer is lost, it is a much more difficult job to re-engage, whereas when a suspension is in place, there is an incentive, through the relationship, for that relationship to continue.

It also means that the apprentice can continue with the off-the-job training that they are required to do as part of their apprenticeship. That is the advice I have. I am all for saving young careers, seeing more of them having opportunities and options. I have to say I am a very lucky recipient of the apprenticeship system, and I am very proud of the opportunities that we have been giving South Australians through the apprenticeship and traineeships system in South Australia.

We are in a very difficult period. There is not an answer for every single question. I would imagine that any employer who had a suspended apprentice, and who saw there was an opportunity for that apprentice to move somewhere else, would encourage that to happen if they were not able to re-engage that apprentice at that time. If they did not do that for some strange reason, the SAET is there, the Training Advocate is there to support that apprentice also.

This is about saving apprenticeships, giving additional options for employers and employees to stay in the job they love, to stay in the industry they love, to employ the people they employ and to continue growing their businesses.

Mr PICTON: There was a lot there, and there is a lot I am sure we do not disagree with. The key question we have is: what is going to happen to these people in terms of whether they will be able to receive any income whatsoever, whether they will be able to pay their bills or whether they will be able to buy food or pay their rent? It seems that what the minister is saying is, 'I think we are going to expect the economy to tick up by then and so there will be no issue whatsoever.'

If that is the case, then why do you need these provisions to go until January if that is your answer for how these people will be looked after; either that or, 'We don't know, and we're just going to hope that it all works out,' but that does not seem a satisfactory answer for people who will be in the situation, particularly if the concern is going to be that people are going to leave careers and leave apprenticeships. If they are not receiving any income, then they have no choice but to leave and do something else because otherwise they are not going to be able to put food on the table, pay their rent or pay their bills.

I would ask the minister again—and maybe he can consider it between the houses—if there is some advice he has, if there is some representation that has been made to the federal government, if there is some consideration as to what state government assistance could be provided to these people, between September and January how will these apprentices who have been suspended receive any income?

The Hon. D.G. PISONI: First of all, January is an option. It is not the default position. Secondly, let's look for example at an apprentice who has no option but to go to SAET to get a suspension on their apprenticeship next week.

The only option that SAET have with the Labor Party's opposition to this amendment is that there will be a one-month suspension after which there will be a termination of that apprenticeship or traineeship. After that, of course, they will miss out on at least three months of JobSeeker salary.

That is the scenario that the Labor Party prefers to the flexibility that we are offering SAET so that we can keep that apprentice in the system for a longer period of time. It is quite an extraordinary argument.

The fact is that support for salaries is being managed by the federal government. We know that there is a cut-off period at this time but, as I said, nothing is set in stone when it comes to dealing with COVID because we do not know where we will be in three or four months' time. There might be a second outbreak, there might be some irresponsible behaviour, there might be some other situation that causes an outbreak of COVID and we could end up with a second outbreak.

There still is no cure, there still is no vaccine and we need to be aware of that. That is why it is important that we continue with the social distancing and that we continue being responsible with how we behave as employers, as members of the government, as members of the parliament and as employees, as shoppers and as people who will be attending entertainment venues as they start to open.

We have to be very conscious of the fact that we are still at risk until there is a vaccine for this crisis. We face a very difficult situation in managing this but I think it is fair to say that Australia is managing this exceptionally well. As a matter of fact, international media is saying that Australia is managing this exceptionally well. There have even been situations where international media has singled out the City of Adelaide as doing well in a country that is doing well in this situation.

We are focused on getting the best possible outcome for South Australians and that includes apprentices and the employers of apprentices. We want this to be a process that is supported by the industry, supported by those participating in apprenticeships and traineeships, and this is in the bill because it was the advice from the Training and Skills Commission that this was required in order to give maximum flexibility to apprentices and trainees.

The Hon. S.C. MULLIGHAN: I propose to bring this to a conclusion by moving a small amendment to this subsection to basically bring the terms of this clause into line with the rest of the COVID-19 emergency powers bill. I move to amend part 2 of schedule 1, new subsection (2a)(b) as follows:

After the words 'on or before' delete '1 January 2021' and replace with the words '30 September 2020.'

I do that not to add to the frustration of the minister but because it is clear we have uncovered in the course of these discussions a situation where an employer and an apprentice can find themselves before the Employment Tribunal and the apprentice can have their employment paused, if I can put it like that, without remuneration for a period beyond 30 September. That is important for two reasons: one is that it is a period beyond all of the other periods which are canvassed in the COVID-19 emergency powers act and bill; and, secondly, we also know that that is the absolute drop-dead date that we have been advised by the federal government that the JobKeeper payment will be available.

There is also now uncertainty that if their apprenticeship is basically paused but not cancelled their employment seems to be stuck in some sort of uncertainty which, of course, then means that that apprentice may not be able to access the JobSeeker payment from the federal government because they are not technically unemployed and are, instead, being confined to some fate like General Zod was in *Superman II*, stuck in a phantom zone where there is no access to either JobKeeper or JobSeeker.

An honourable member interjecting:

The Hon. S.C. MULLIGHAN: Yes, Terence Stamp was impressive in that role. I would hope that the government see fit to support this minor amendment. I will foreshadow that in moving the amendment I would be very grateful for the support of the government. If they do not support this, I am not going to call a division, and we will just have a crack at it upstairs. However, I do think that given the way in which the Deputy Premier has dealt with these bills here so far, I think we can say that she has been pretty collegiate and quite helpful and has accepted amendments basically to give effect to a hard end date of 30 September, and doing so here for the purposes of this clause would be reasonable.

The CHAIR: It has been moved. Attorney, do you wish to speak to that?

The Hon. V.A. CHAPMAN: To the amendment?

The CHAIR: The proposed amendment, yes.

The Hon. V.A. CHAPMAN: I indicate that the government—that is, the government of two—have considered that, and indicate that, whilst I think there is some merit in trying to coordinate some consistency in the COVID regimes that are going to operate, in this instance we are trying to develop a process which enables, in a COVID situation up until January, a protected regime for the trainee or apprentice. That is the whole exercise that is here.

So, it is slightly different, and it is to give them access to be able to have that continuing suspension, and if it ceases in September in reality, and say the JobKeeper payment—or there is no other supplement to be able to support the trainee in that circumstance and they seek other employment, they are not going to be seeking a remedy of suspension of their traineeship, they are wanting to be able to get out of it and go. That is the way I understand it has been explained.

The only option to them then, if they want to continue to protect their right to have the traineeship, is to make four-weekly applications to the SAIT and rely on the non-COVID situation to be able to argue that, so they would not be able to argue the fact that their employer was not available, and things of that nature, would they. It would have to be back to the non-COVID base model.

A proposal that introduces a 30 September date may on the face of it have some basis for support on a consistency argument, but it does not recognise the significance of what we are trying to do here to give SAIT an option to protect the interests of the apprentice and/or trainee, and to be able to give them a process that gives that for a period longer. I indicate that we will not be supporting the amendment. I can see why it has been put. Having discussed it with the advisers, it really introduces the component that I think is going to be adverse to protect the interests of the trainees and apprentice persons. I then have to indicate that we are going to decline that amendment.

The Hon. S.C. MULLIGHAN: It is regrettable. I do appreciate the Deputy Premier's contribution. I think she has misconstrued the point that I was making, which is unsurprising because she was in the midst of discussing the amendment with the member for Unley, so I do not think we can reasonably expect her to be across the nuance, such as it was, of my argument. But the point I was making is not whether they would have the opportunity to go off and find other employment.

I think we can be honest: we are likely to be in a situation in the state economy where an apprentice leaving an apprenticeship in order to try and seek other employment, because their employer cannot keep them on the books, cannot keep remunerating them in some way beyond 30 September, I think is going to find it pretty tough, because I do not think there will be many industries which are going to be springing back to pre-COVID levels very quickly.

My point was not that. My point was that I understand what the Minister for Innovation and Skills is doing, and under the circumstances I think that can be seen as reasonable, where employers want to hang on to their apprentices but they cannot actually afford to keep them busy, let alone pay them. So I understand that. I understand that there is a restriction around four weeks with the employment tribunal, and that should be amended.

My concern is about what actually happens to the apprentice beyond 30 September if such an order should be made for that apprentice that their suspension continues beyond 30 September, because they will be in some situation where they cannot access the JobKeeper because that is finished, and because they are not technically fully unemployed, because they have a relationship with the employer, they may not well likely be able to access the JobSeeker payment either. We do not have any advice here whether there is some potential to get that sort of government assistance when they are without remunerated work, so in the absence of that I suggested this.

If it comes to light that extensions need to be made beyond 30 September, perhaps on the basis that there has been an extension to JobSeeker, or there is some other arrangement that is going to be specifically provided to help financially assist apprentices beyond 30 September, let's revisit it, just as we will all the other provisions in the COVID emergency powers bill if that is necessary. We are sitting in June, we are sitting in July, we are even sitting in September, I think, before 30 September.

We can revisit these matters as quickly as we are visiting them now, but I think, if we do not know anything different, we may be consigning some apprentices to a fate of not being able to access any financial assistance from the federal government because their employment has been suspended for some period between 30 September and 1 January. But, I understand the government's position, and they do not want to move on that. Perhaps we will give it a crack upstairs.

The Hon. D.G. PISONI: The important point here is that this whole process is managed by the Training and Skills Commission; that is the first call. It only ends up in SAET when there is a dispute that normally ends up—

The Hon. S.C. MULLIGHAN: Chair, I do not mean to be uncharitable but I think I closed debate by making another contribution on the amendment that I moved, did I not?

The CHAIR: What is your point of order, member for Lee?

The Hon. V.A. Chapman interjecting:

The Hon. S.C. MULLIGHAN: He is asking questions on my amendment.

The CHAIR: He can speak on it, too. There is that opportunity.

The Hon. D.G. PISONI: I am not aware of any instance where an apprentice who has had an apprenticeship with an employer suspended for whatever reason—the recession of 1993 was the one we had to have, I recall, and that was a pretty tough time for apprenticeships as well—was refused a termination at their request by the Training and Skills Commission because they had another job to go to. It is just ludicrous to suggest that that would even happen. They are about keeping apprentices in jobs.

If an employer does not have the capability to supervise an apprentice or the ability to pay an apprentice, and the apprentice gets another job, the Training and Skills Commission says, 'That is fantastic. Where do we sign to transfer the apprenticeship to the new employer?' That is what happens in reality. What the member for Lee is suggesting is some fantasy that might happen in academia.

It is just ludicrous to suggest that a suspended apprentice will not be able to be out in the workforce looking for a job during that period. If this amendment to the Training and Skills Commission, as proposed by the Attorney-General, does not get through, the only option that those opposite are leaving for that apprentice is a termination and that is not a good option for the apprentice.

The Hon. S.C. MULLIGHAN: I do not know whether it is wilful ignorance or something else, but that is just not true at all. The proposition that is before us right now is whether the amendments moved in this bill will exist up to 30 September, which would occur if my amendment was successful, or to 1 January 2021. It is not some situation of precluding somebody from going out and entering the workforce, which is a euphemism for joining the unemployment queues post 30 September. There are not going to be shed loads of apprenticeships and traineeships available for the remainder of this calendar year. That may come as a surprise to the Minister for Innovation and Skills.

In that environment, if someone is without their normal apprenticeship, if they are without remunerated work from their employer because they have entered into one of these arrangements in the Employment Tribunal, then what do they do? They go along to Centrelink and they are not able to access the JobKeeper payment because, as we have heard from the Prime Minister and the federal Treasurer, that has a hard end date and will not be extended past 30 September.

You only have to read the *Financial Review* or *The Australian* or any of the other national media to know that that that is the case. But because they are not technically unemployed, because they have some relationship with an employer because of their suspended apprenticeship or traineeship, then it is unlikely, we are led to believe, because of the absence of any advice from the government, that they can access the JobSeeker payment. So what do they do?

The Hon. V.A. Chapman: It's not true.

The Hon. S.C. MULLIGHAN: Well, if it is not true, furnish the advice to the house that demonstrates that post 30 September they should be eligible for JobSeeker because when this

question was asked to the Minister for Innovation and Skills he said, 'That's not a matter for us. That's a matter for the federal government.' Well, it is a matter for us because we are making laws that will affect how people survive over the remainder of this calendar year. I do not see that it is particularly onerous on the minister or the government to accept this.

If something changes in the meantime, let's come back and fix it up and we will give the minister the extension through to 1 January, or some other date as may be appropriate, but I do not understand why this needs a special carve-out for the minister because we are told the Training and Skills Commission has asked that it be extended so long. We have taken the position in this place that all the provisions that this parliament is putting into place to respond to the COVID-19 emergency should finish at that date.

That is to give us the comfort that six months after the declaration of the emergency, from 30 March to 30 September, if they need to be extended we can come back and have another chat about it; we can reassess the environment at that point in time. But if the minister and the government feel that the Minister for Innovation and his clause is so special that it must stand above and beyond everything else that we have done in both chambers, well, I disagree, particularly in light of the potential of leaving lowly paid people without any form of renumeration and without any form of financial assistance.

I would have thought a good minister, in wondering how this was going to impact the livelihood of an apprenticeship, would have made sure that he knew exactly how an apprentice or a trainee would survive without the paid remunerated work that is part of their apprenticeship and traineeship, not merely fob it off and initially say, 'I am told that they will be able to get JobKeeper'—well, we know that that is not true—and then not be able to provide any accurate advice to this place about whether they can access the JobSeeker payment, which by that time may well be halved from current levels as well.

They may go from lowly paid—although of course industry standard apprenticeship rate—to getting not just even less from the current JobSeeker rate by 50 per cent but nothing at all. That is why we are proposing the amendment.

The Hon. D.G. PISONI: That is just a ludicrous argument from the member for Lee. From a childhood of privilege, he is suggesting that he is an expert on apprenticeships and traineeships. I wonder how many he has employed in his lifetime. How many have you employed yourself? Have you done an apprenticeship? Have you employed an apprentice? No.

The CHAIR: Minister!

The Hon. D.G. PISONI: The answer is no.

The CHAIR: Order!

The Hon. D.G. PISONI: He is shaking his head. The answer is no.

Members interjecting:

The CHAIR: Order! Minister, can you just take your seat for a minute. I remind the minister and all members, in fact, that they are addressing me, the Chair—and, yes, I have employed an apprentice in the past, so thank you. Continue.

The Hon. D.G. PISONI: Thank you, sir. My comments about apprenticeship training were directed to the member for Lee, just to clear that up, Mr Chairman.

The Hon. S.C. Mullighan interjecting:

The CHAIR: Order!

The Hon. D.G. PISONI: The point here is that what we are offering with this amendment is a benefit for the trainee and the apprentice. They are the sole beneficiaries of this situation. To suggest that the Training and Skills Commission or the South Australian Employment Tribunal would leave an apprentice in the situation where they were not able to access whatever welfare was available at that time because they had a suspended apprenticeship is just nonsense—it is just absolute nonsense.

It is, again, the Labor Party trying to be relevant during this very difficult period. This was a practical, non-controversial matter that was put forward in this bill on the advice of the independent Training and Skills Commission, which is advised right across the training sector by industry. It is the first time we have had so much involvement by industry on where we need to be for skills training in South Australia. As a government, we simply provide the money. It is the industry that owns the system. It is industry that is getting the outcomes that we are seeing in apprenticeships and traineeships.

I tell you what, it is a bit rough taking a lecture from that side of politics about traineeships and apprenticeships after the mess they left in the training system here in South Australia, and they still do not have a policy for skills training in South Australia. They went to the last election without one and they do not have one now. I think I would put a lot more value on the advice that was coming from the Labor Party if they actually had a skills policy, because at least then I would have some evidence that they were thinking about what they were saying before they said it, that they had some considered research and advice about a skills policy that they were putting up to deliver skills here in South Australia, but they do not. This was written on the back of an envelope in a desperate attempt for the Labor Party to feel relevant during this debate and so we do not support it.

The CHAIR: Member for Lee, you wish to speak again. Before you do speak, I am going to make a correction to a statement that I made a moment ago, and that was that we had engaged an apprentice. In fact, that is not the case: he was a trainee under a certificate for agriculture course. I just put that correction on the record. Member for Lee.

The Hon. S.C. MULLIGHAN: I propose that we get on and move this amendment because what started out as—

Ms Bedford: Goodwill.

The Hon. S.C. MULLIGHAN: —a genuine gesture of goodwill, as the member for Florey interjects, has quickly been debased by what was initially a personal attack from the member for Unley, which then only slightly lifted into some partisan politicking. It is not lost on any of us on either side of the chamber about what it says about the minister that he would resort to that, rather than specifically address the concern that was coming from this side of the house about the livelihoods of apprentices and trainees. I put the amendment and, of course, I do not expect the minister to support it. It is well beyond his comprehension or capacity to feel any sympathy whatsoever for these people.

Amendment negatived; schedule passed.

Title passed.

Bill reported with amendment.

Third Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (19:44): I move:

That this bill be now read a third time.

I wish to again thank all members for their contributions to this debate and for the army of advisers from different departments who have been here waiting patiently during the day and at various stages and who have been available to assist the committee in its deliberations with valuable advice and information.

Bill read a third time and passed.

At 19:45 the house adjourned until Wednesday 13 May 2020 at 10:30.

Answers to Questions

CORONAVIRUS, SCHOOLS

In reply to **Mr MALINAUSKAS (Croydon—Leader of the Opposition)** (25 March 2020).

The Hon. S.S. MARSHALL (Dunstan—Premier): I have been advised:

There have been six cases of COVID-19 infection at South Australian schools beyond the two cases at Unley High School.

INTENSIVE CARE UNIT BEDS

In reply to **Mr PICTON (Kaurna)** (25 March 2020).

The Hon. S.S. MARSHALL (Dunstan—Premier): I have been advised:

As of 25 March 2020, 325 ICU beds have been identified, including surge capacity, across the public and private sectors.

CORONAVIRUS, EMPLOYMENT

In reply to **Mr MALINAUSKAS (Croydon—Leader of the Opposition)** (7 April 2020).

The Hon. S.S. MARSHALL (Dunstan—Premier): I refer the honourable member to my answer to the same question in the House of Assembly on 29 April 2020 at 2:16 pm:

The Hon. S.S. MARSHALL (Dunstan-Premier) (14:16): I can provide a general answer. I think one of the great things about the health response in South Australia is that we have extraordinarily good contact tracing capability. This is a unit of government that is headed up by Dr Louise Flood. She heads up the Communicable Disease Control Branch. It was originally quite a small capability within SA Health. It has expanded very significantly. In fact, I think at the moment it sits at around 290 people, with a further 150-person surge capacity.

What this really does is it provides great certainty for anybody who contracts the COVID-19 virus that we can do the analysis in a very short period of time to determine how and when they acquired this illness. I think this clears up this issue. We don't need to have this presumption of where it's been determined because we do have, in this case, in this instance, the perfect information in very quick time.

RESPIRATORY CLINICS

In reply to **Mr PICTON (Kaurna)** (7 April 2020).

The Hon. S.S. MARSHALL (Dunstan—Premier): I have been advised:

Yes. SA Health has sought to establish COVID-19 respiratory clinics across all Local Health Networks in metropolitan and regional South Australia.

Commonwealth-funded GP led respiratory clinics have also been established to support the assessment, testing and diagnosis of community members experiencing mild to moderate respiratory symptoms.

CORONAVIRUS, NURSE EMPLOYMENT

In reply to **Mr PICTON (Kaurna)** (7 April 2020).

The Hon. S.S. MARSHALL (Dunstan—Premier): I have been advised:

The government has called for an expression of interest for clinical and allied health staff, with over 1,700 health professionals having registered their interest at the time of writing and has upskilled over 400 nurses to support acute care.

Data across SA Health for the fortnight pay period 11 April to 24 April 2020 indicates that three-quarters of the casual nurses/midwives available to work in this period were provided work and received pay.

Before the pandemic not all casual staff were provided work every pay period.

All LHNs are actively upskilling nurses and midwives, including casuals, through local programs, with over 400 nurses/midwives having completed upskilling programs to date.

SA nurses and midwives have the opportunity to undertake the commonwealth funded High Dependency/Critical Care online course. Places are still available and are open to casual nurses/midwives.

Many casual nurses/midwives currently employed by the LHNs were redeployed to other tasks such as the border nurse program at the Airport and the repatriation of Australians overseas.

It is anticipated the reactivation of elective surgery will see a change in the recent pattern of shifts being offered to casual nurses/midwives.

VIRAL RESPIRATORY DISEASE PANDEMIC RESPONSE PLAN

In reply to **Mr PICTON (Kaurna)** (7 April 2020).

The Hon. S.S. MARSHALL (Dunstan—Premier): I have been advised:

1. Yes.

2. Yes.

3. All LHNs are utilising the SA Health standard operating procedure for personal protective equipment (PPE) (COVID-19 PPE assessment matrix) to determine the correct usage of PPE. This has been released.