LEGISLATIVE COUNCIL

Wednesday, 8 April 2020

The PRESIDENT (Hon. T.J. Stephens) took the chair at 11:00 and read prayers.

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

Parliamentary Procedure

SITTINGS AND BUSINESS

The Hon. R.I. LUCAS (Treasurer) (11:01): I move:

That standing orders be so far suspended as to enable petitions, the tabling of papers, question time, statements on matters of interest, notices of motion and orders of the day: private business to be taken into consideration at 2.15pm.

Motion carried.

Bills

COVID-19 EMERGENCY RESPONSE BILL

Introduction and First Reading

Received from the House of Assembly and read a first time.

Second Reading

The Hon. R.I. LUCAS (Treasurer) (11:08): I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation and detailed explanation of clauses inserted in *Hansard* without my reading them.

Leave granted.

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

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

To ensure that these extraordinary measures only operate for so long as is required to deal with this public health emergency, clause 6 of the Bill provides that this Act will expire on the day fixed by the Minister by notice in the Gazette. Although provisions of Part 2, Schedule 1 or Schedule 2 may expire at an earlier date, the day fixed by the Minister for the expiry of the Act must be the earliest of either the day on which all relevant declarations relating to the outbreak of COVID-19 within South Australian have ceased (provided that the Minister is satisfied that there is no present intention to make further declarations) or 6 months from commencement.

Clause 6 further provides that, for the avoidance of doubt, the expiry of a provision of this Act under this section does not affect the validity or operation of anything done in accordance with the provision before that expiry. For example, a contract executed in accordance with any modified requirements under section 14 would remain validly executed even after the expiry of that section.

The provisions in Schedule 3 will continue beyond the expiry of the Act. For example, the provision exempting the JobKeeper payment from payroll tax needs to continue for as long as employers continue to receive that benefit.

Mr President, I will now deal with each of the changes proposed by the Bill.

Clauses 7 to 10 of the Bill contains provisions relating to commercial leases, residential tenancies, residential parks, rooming house agreements and supported residential facilities. These provisions seek to support the National Cabinet's agreement that, amongst other things, a short term, temporary moratorium on eviction for non-payment of rent be applied across tenancies impacted by severe rental distress due to the COVID-19 pandemic.

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

Landlords will be prohibited from taking certain actions against tenants who experience financial hardship, including: evictions for non-payment of rent or out-goings; requiring a tenant to pay land tax; terminating a lease or imposing other penalties on tenants who stop trading or reduce hours; and charging interest on unpaid rent. In addition, there will be a freeze on rent increase during the prescribed period.

There will also be a role for the Small Business Commissioner to mediate disputes and make determinations on the question of whether a tenant is suffering financial hardship and related issues with an appeal to the Magistrates Court.

Clauses 8 and 9 of the Bill set out the provisions applying to residential tenancies and residential parks (with select provisions also applying to a rooming house agreement). Along with the moratorium on eviction solely on the grounds unpaid rent, the proposed amendments also include:

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

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

The operation of the *Supported Residential Facilities Act 1992* is modified by clause 10 of the Bill. Primarily, the amendments seek to ensure residents of these facilities will not face homelessness unnecessarily during the COVID-19 pandemic, providing this vulnerable group security during a challenging time.

The amendments also protect proprietors of supported residential facilities from being taken to have committed an offence under the Act, or to have breached a term of a licence or resident contract or other agreement, if they are reasonably complying with the proposed amendments to the Act or any direction or law applying to or regulating supported residential facilities during the COVID-19 pandemic.

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

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

Clause 13 of the Bill creates a broad general power for the Governor, by regulation, to extend time limits and terms of appointment etc. However, with respect to appointments, appointments can only be extended by a maximum of 6 months and the cessation of an appointment can only be postponed for 6 months. This broad power will assist in a number of different circumstances. For example, many appointments to various offices are currently in place for periods which may expire during the COVID-19 pandemic. For some of these appointments, there will not be the capacity for arrangements to be made for new appointments to take place. The ability for periods of appointments to be extended by up to 6 months is paramount to ensuring that the State's courts, tribunals, boards and regulatory bodies

can continue to operate. This provision also applies to extending periods of time in which anything needs to be done, with no 6 month limit.

There are many instances, including in legislation, where there is a requirement for face to face witnessing of documents, whether by a member of the public or a person fitting statutory criteria to do so. Examples include the witnessing of advance care directives and powers of attorney. The current directions under the *Emergency Management Act 2004* impose legal social distancing restrictions which may increasingly impact the ability of people to execute documents in a legally effective way. In addition to the legal restrictions, there may be unwillingness of persons qualified to witness documents where there are statutory requirements for them to do so, due to anxiety about associated health risks. Clause 14 of the Bill contains a regulation-making power to address these limitations including by giving scope to address particular policy and operational considerations, such as the need to assess a person's capacity and to ensure integrity of the process.

Clause 15 of the Bill addresses a limitation in existing State legislation, such as the *Associations Incorporations Act 1985* and legislation establishing boards of management for statutory authorities, which requires entities to meet. Although in some cases it is clear that the legislation allows for such meetings to be held personally or by other means including electronically, in many instances it is not clear that these measures are available for all these entities. The amendment overcomes this limitation and provides clarity for all these bodies that they can continue to conduct their business and meet their statutory obligations.

Clause 16 of the Bill contains provisions relating to service of notices and documents.

Clause 17 sets out the general regulation making powers for the purposes of the Bill. For example, the regulations may provide for:

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

Clause 18 provides that the Governor may make regulations of a savings or transitional nature on the expiry of any provision of this Act under section 6 or on the revocation of any regulation in accordance with section 17(5). This provision is preserved under the sunsetting provision in clause 6.

Clause 19 of the Bill provides immunity from liability.

Schedule 1 of the Bill contains special provisions relating to the detention of certain protected persons.

During the COVID-19 pandemic there is a risk that supported accommodation service providers will need to detain people with a mental incapacity (for example, require them to remain inside the supported accommodation premises) in order to follow Chief Public Health Officer guidelines and to minimise the risk of exposure to COVID-19. However, under current law, such detention might be seen as unlawful. In order to prevent any such detention being unlawful and to manage other risks, it is proposed that temporary detention orders be approved by an appointed Authorisation Officer or by the Guardian of the person if one is appointed, for a period of 28 days. After 28 days, a report must be made to SACAT along with an application for further detention if that is required. A person subject to such an order would have access to existing internal review mechanisms at SACAT.

To ensure additional external oversight, the amendments also provide for the Community Visitor Scheme to be expanded so that visitors have the ability to make contact with any residents and service providers and provide reports to the Principal Community Visitor.

Schedule 2 of the Bill temporarily modifies the operation of the following State laws:

Part 1 of Schedule 2 amends the *Emergency Management Act 2004* to clarify the powers of the State Co-ordinator under section 25 on the declaration of an identified major incident, a major emergency or a disaster under Division 3.

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

The Bill deletes section 25(3) of the *Emergency Management Act 2004* and instead inserts a number of provisions in its place.

New subsection 25(3) provides that the State Co-ordinator or his or her delegate may give or impose a direction or requirement under this section that is to apply generally throughout the State (which also clarifies that an authorised officer cannot).

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

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

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

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

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

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

The operation of section 71A of the *Environment Protection Act 1993* is modified by Part 2 of Schedule 2 to add to the ways that collection depots may pay refund amounts to customers to include electronic funds transfer. This will provide a further payment option for collection depots and customers that is consistent with the Australian Government Department of Health statement (updated 31 March 2020) re Social distancing for coronavirus (COVID-19) stating that people use tap and go instead of cash.

A key part of the Government's COVID-19 pandemic response is to fast track key infrastructure projects in order to assist with economic stimulus. Current requirements under the *Parliamentary Committees Act 1991* in relation to the Public Works Committee, whilst appropriate in normal circumstances, could potentially operate as a barrier to key construction work being undertaken quickly.

The operation of the *Parliamentary Committees Act* is modified by a new section 16AA which allows certain steps in the process to be bypassed in appropriate and limited circumstances.

To provide the government with the flexibility it requires to respond to the needs of the South Australian community in rapidly changing circumstances, it is proposed that for 2019-20 only, Part 4 of Schedule 2 of the Bill provides for an increase to the level of the Governor's Appropriation Fund established under section 12 of the *Public Finance and Audit Act 1987*, from three percent of the amount set out in the annual Appropriation Act for appropriation in respect to the previous year to ten percent.

Part 5 of Schedule 2 of the Bill amends the *South Australian Public Health Act 2011* to provide the Chief Public Health Officer with the ability to enforce detention orders made under section 77 of the Act.

In the context of the COVID-19 pandemic, this means that where a person who has been diagnosed with COVID-19 refuses to stay in hospital when they have been directed to do so by health and medical practitioners, the Chief Public Health Officer or their delegate will have the power to use reasonable force where necessary to ensure that a person does not go out into the community and infect others. For example, clinical staff may need to escort a person from the Emergency Department to a secure COVID-19 ward.

While these powers are already implied in the *South Australian Public Health Act 2011*, this amendment will ensure it is expressly clear that the Chief Public Health Officer, and clinical staff with delegated powers, are able to act in this way, in the interests of averting significant risks to public health. The Minister for Health and Wellbeing is aware of significant anxiety and concern raised by clinical staff on the frontline of the COVID-19 pandemic about persons leaving hospital against their advice. These amendments provide assurance for our clinicians that they can keep people in hospital when they need to.

Schedule 3 of the Bill contains related amendments to certain Acts.

Proposed new section 32A of the *Emergency Management Act 2004* provides that no liability attaches to the Crown in respect of any acts or omission in connection with the exercise or discharge of a power or function under this Act and that carrying out of any direction or requirement given or imposed under this Act in relation to the COVID-19

pandemic. This provision operates retrospectively so that the Crown has no liability in relation to directions of the State Co-ordinator made prior to these amendments coming into operation.

A similar amendment is inserted into the *South Australian Public Health Act 2011* in Part 3 of Schedule 3 of the Bill.

Finally, the *Payroll Tax Act 2009* is amended to address payroll tax implications arising from the JobKeeper payment announced by the Prime Minister on 30 March 2020.

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

Mr President, these are extraordinary times, unprecedented times. It is a time for governments to act, and act decisively. No government has ever before had to confront challenges like the ones we now face.

Our Government is determined to do whatever is necessary, relying on the advice of experts, to ensure that our people—and our State—get to the other side of this COVID-19 crisis as well as we can.

The changes proposed in this unprecedented Bill underscore the magnitude of the challenges ahead, but together, we will get through them.

I thank all South Australians for their patience so far, and for their patience in coming months.

Mr President, I commend the Bill to Members and I table a copy of the Explanation of Clauses.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

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

3—Interpretation

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

4—Application of Act

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

5—Interaction with other Acts

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

6—Expiry of Act

This is a sunsetting provision for the measure.

Part 2—General modifications

7—Provisions applying to commercial leases

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

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

The clause makes provision for a party to apply to the Small Business Commissioner to mediate a dispute between the parties as to whether or not a lessee is suffering financial hardship, or to otherwise apply for a

determination of the Commissioner of that fact. A right of appeal lies to the Magistrates Court against a determination of the Commissioner. The clause also provides for the Small Business Commissioner to mediate disputes between the parties of a commercial lease in relation to other issues that have arisen in relation to the COVID-19 pandemic arising from the operation of this clause, the terms a commercial lease, or the occupation of premises or operation of business conducted at premises that are the subject of a commercial lease. In performing these functions and exercising these powers, the Small Business Commissioner may exercise the same functions or powers that the Commissioner has under Part 7 of the *Fair Trading Act 1987*.

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

8—Provisions applying to residential tenancies

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

9—Provisions applying to residential parks

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

10—Provisions applying to supported residential facilities

Similar to clauses 8 and 9, this clause modifies the operation of the *Supported Residential Facilities Act 1992* to confer similar benefits on residents and proprietors under that Act, albeit slightly different due to the slightly different mechanisms under that Act. But essentially, proprietors cannot terminate resident contracts for failure to pay fees and charges where the resident is suffering financial hardship as a result of the COVID-19 pandemic. Nor can they raise fees and charges during the period. Similar to the other clauses, the Tribunal's powers are modified to allow it to make appropriate orders in the circumstances of the pandemic. The clause also limits visits by certain allied health and other persons to those that comply with any relevant COVID-19 directions or laws.

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

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

12—Audits by Auditor-General

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

13—Extension of time limits, terms of appointment etc

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

14—Requirements relating to documents

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

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

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

16—Service

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

17—Regulations

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

18—Transitional regulations on expiry of measure

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

19—Immunity

This clause provides immunity from liability.

20—Further provisions in Schedules

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

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

This Schedule contains a scheme for the limited detention of certain mentally incapacitated persons living in supported care (*protected persons*) during the COVID-19 pandemic. Guidelines made by the Minister will set out the relevant matters (and are binding on people acting under the Schedule),where mentally incapacitated persons are unable to properly comprehend or comply with a pandemic related direction, for example due to dementia, then the person in charge of the facility in which the person usually resides will be able to detain them within that facility, using no more force than is reasonably necessary.

The Schedule has a number of oversight measures. First, it establishes the office of the Authorising Officer, who will review detentions under the Schedule, will be able to direct other persons and will, if the protected person does not have a guardian, be able to order their detention. The SACAT also has review functions, including reviewing the actions of the Authorising Officer.

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

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

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

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

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

Schedule 2—Temporary modification of particular State laws

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

Schedule 3—Related amendments

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

The Hon. K.J. MAHER (Leader of the Opposition) (11:08): The opposition has supported all of the COVID-19 related legislation that this government has brought forward, and it will support the passage of this bill as quickly as possible, with several small but important amendments. The opposition's steadfast support for the legislation required to effectively deal with the COVID-19 pandemic began with amendments to the South Australian Public Health Act and continued with

unprecedented support for an unprecedentedly large amount in the Supply Bill and amendments to local government legislation and coroners legislation.

The opposition's support continues today with the support of this bill. The opposition understands the urgency and necessity of passing this bill as quickly as possible. We will not be holding up the passage of this bill in any way. We understand the government desires the bill to pass through the Legislative Council today and we will facilitate that. We have, as I said, several small but important amendments.

We will not be unduly asking questions; however, with such an extraordinary bill giving such extraordinary powers, it means that there needs to be some scrutiny over the necessity and the potential use of those powers, and we will seek to explore this during the committee stage. We hope this bill will be passed as quickly as possible today, but the opposition is prepared to sit as long as necessary tonight to make sure it does so.

I note that a number of amendments have been filed by the opposition in relation to this bill, and I understand there may also be some amendments filed by crossbenchers. These are, again, small but important amendments, and I am sure the House of Assembly will not mind waiting, even if they have to suspend for a little while today, if we sit longer than they do.

We in this chamber have often done so when the House of Assembly is dealing with things, as we wait for legislation to come back to us. I do not think that is a reason not to pass amendments. Quite frankly, the House of Assembly can wait for us to deal with the important work of scrutinising and reviewing legislation that this council is entrusted to do.

This bill includes a number of sensible and practical measures that will make dealing with the crisis that we are facing easier and will provide some relief when necessary as well. There are various things that this bill does. Clauses 8, 9 and 10 refer to provisions relating to leases: commercial leases, residential tenancies, residential parks and supported residential facilities.

Broadly, these changes mean that if a lessee is facing financial hardship due to COVID-19 then eviction proceedings cannot be taken. This gives security and assurance to those who are renting and because of the situation they find themselves in, people who are now out of a job or on reduced hours or whose financial circumstances are difficult through no fault of their own, get protection and will not be forced into homelessness. These are important measures that I know all states and the federal government have been working on collaboratively. They will work to ensure that people will not unnecessarily lose the roof over their head—a basic tenet of survival.

We will have some questions as to what consideration has been given to landlords who may find themselves out of pocket or facing financial hardship as a result of their tenants facing financial hardship, and if there has been any consideration of a fund or any sort of mechanism for compensation for them. I flag for the Treasurer that when we get into the committee stage there will be a couple of questions around what has been considered, if there has been anything, in terms of landlords and their financial interests.

There are some clauses that change how the Auditor-General conducts audits and the necessity to conduct audits, and an ability for Treasurer's Instructions relating to financial and audit requirements. We understand that, in the circumstances and with the challenges we are facing, things will not necessarily be done as they are in normal times. There will be government departments whose work will have to be almost solely focused on a response to this health crisis and, at this time, what they might do in terms of reporting and auditing may not be as fulsome as possible in the ordinary course. We recognise the necessity of providing some sort of mechanism for that to change for the time being.

We have a couple of small amendments in relation to these to change the word 'may' to 'must' in terms of the reporting. If an audit is not required, instead of the Auditor-General 'may' report about not doing a full audit, that becomes 'must' do a full audit. We think these are not at all burdensome or onerous requirements but will give some level of transparency when the new provisions under these acts are being used.

There is a provision under clause 13 for an extension of time limits and terms of appointments so that if any appointments expire during the declared emergency, the government

can extend those appointments. I note in the House of Assembly there was an amendment that was successful that had the appointments limited to only an extra six months. We think that is a sensible amendment that was made in the House of Assembly so that you are not having appointments for many years or reappointments that may, in effect, get around what would be the ordinary scrutiny even of this parliament.

There are certain officeholders whose appointment needs to be formalised by parliamentary committee. We had some concerns about this usurping the parliamentary process and, in particular, parliamentary committees, but with the inclusion of the limit to six months, we are satisfied that that provides the appropriate checks and balances in that respect.

There are clauses that relate to requirements relating to documents. We know that there had been concerns over things like stat decs that need to be signed by JPs. Justices of the peace are in very short supply in these times. Particularly members of the House of Assembly, whose electorate offices often include staff who perform JP services, are reporting massive demands and increases in the requirement for those services as some justices of the peace now self-isolate or are not doing what they usually do, and often police officers who perform that role on occasions are necessarily diverted elsewhere. So regarding requirements in relation to documents—and justice of the peace is just one example—when we get to the committee stage, we will be keen to get other examples from the Treasurer of where the government may see that will have a need.

Clause 15, we think, is a sensible reform in that meetings that are required to be in person during the declared emergency may be by audiovisual means; similarly with clause 16 in relation to the service of documents. We get to the schedules: schedule 1 relates to the detention of certain protected persons under things like the Guardianship and Administration Act or the Mental Health Act, and we will have a couple of questions about who the authorising officer is and why it is the minister and not the State Coordinator who can direct the authorising officer under schedule 1. Schedule 2 temporarily modifies a number of state laws, and schedule 3 has related amendments.

As I flagged, we have a number of very small but we think quite reasonable amendments that in no way limit unnecessarily the extraordinary powers and, in most cases, the necessary powers that come with this act but require, without being unreasonable, some small bits of extra transparency in how this act will be administered, particularly the decisions that are made to dispense with requirements that would usually need to be there.

As I said at the start, as an opposition we have endeavoured in everything that we have done to be constructive in terms of our approach to what we do in the current circumstances. We have put forward a number of ideas. Some the government has looked at, and some the government has taken up after we have suggested them. We see our role as an opposition in this time to be as constructive as possible to put forward ideas and to be doing what we can for South Australia and for South Australians in this time. As I said at the start, we have supported the four pieces of legislation that have touched on this so far and, in some cases, have supported legislation going through the parliament in one day.

We are disappointed in relation to this particular bill that the constructiveness that we have sought as an opposition has not been fully demonstrated by the government. On Sunday evening, the opposition were given a copy of the bill that we are now debating. On Monday, very late afternoon, the opposition received a briefing from officers via audiovisual means, which was very helpful, and we thank the officers who provided that briefing to the opposition. We were given assurances. We had a number of questions that we would have answers to those questions later that night, so the opposition at their usual caucus meeting, again by audio means, on Tuesday could consider the bill with the answers to those questions.

Despite assurances that we would get them on Monday night, we did not. We did not get any answers on Tuesday, despite repeated requests to answers to legitimate questions that we had raised during the course of yesterday. We did not receive those. It is evident from answers that were given by the Attorney-General in the House of Assembly that the Attorney had the full answers to those questions that we raised and could have forwarded them to us so we could better understand some of the elements of the bill.

The answers to the questions that the Labor opposition asked on Monday afternoon were in fact emailed to the opposition at 9.41pm last night, which is coincidental that the House of Assembly rose at 9.36pm. If you were a little less generous, you might think that it was quite deliberately timed so as not to give the opposition or any of the crossbench in the House of Assembly the benefit of answers to legitimate questions that are being raised. To receive answers five minutes after the house rose does not tend to indicate the level of bipartisanship that the opposition is affording the government at these times.

Be that as it may, and that may just be the modus operandi of the Attorney-General and not reflective of the government's attitude, I do wish to place on the record that we are disappointed in how that was sought to be handled, that answers to legitimate questions were provided five minutes after parliament rose when some of those answers could have formed the basis of useful discussion in the House of Assembly.

We hope that the actions of the Attorney-General do not unnecessarily delay the passage of this bill, but we do note that those answers could have been provided much earlier and that this is not a time for playing politics. That having being said, we will do whatever it takes to make sure this piece of legislation passes this chamber today and can go back to the House of Assembly, where they can consider any possible changes that we have made up here. I am sure they will stick around to make sure they can receive those, as we have done many times for the House of Assembly.

The Hon. C. BONAROS (11:23): At the outset can I echo some of the opening remarks of the Hon. Kyam Maher in terms of recognising the urgency and importance of this legislation in the current climate, the exceptional circumstance we find ourselves in and the reflection of that in this bill and, to that end, the significant impacts that this bill will obviously have—the rolling nature of this debate, the time frames within which we are receiving information, and being asked, obviously, to make decisions that will have far-reaching ramifications.

Of course, there is our reliance at the same time on decisions being made at the national level. I do not think there is anyone in this place who does not want to see a genuine effort on the part of the entire parliament to get this package through in a timely manner. We have certainly indicated that we will do all we can to facilitate that process, as I think everyone else in here has, but it is our expectation also that we will have the opportunity to consider some of the concerns that have been raised in relation to some of the more far-reaching provisions in the bill. I think that will extend to ensuring that there is adequate time to consider the amendments that are being proposed and that everyone's staff has been working tirelessly behind the scenes to make sure this happens in the time frame available to us.

It is also our expectation that given all of those matters, if need be and in order to get through all that material, we will sit as long as possible and expect that the other chamber will sit as long as possible in the hours available to us to get this done, and get it done today or tomorrow, whatever the case may be, as soon as we can work through the detail.

I think it is important to note that the member has made some very valid points in relation to that. I think we have all entered these discussions with the Attorney's office and the government in good faith, and it is our expectation that that will be reciprocated. We have certainly been receiving information late in the piece, which is making this extraordinarily difficult for all of us, but everyone is doing their best. I make those comments at the outset, because I think it is important that we place on the record our willingness to work with the government and the importance of the government's openness to work with the opposition and the crossbench to ensure that what we pass today has the seal of approval, if you like, of all of us in here.

The bill, as we know, attempts to ensure the safe and efficient functioning of government throughout the COVID-19 pandemic and address the economic impacts on the state. It also addresses general community safety by attempting to adopt measures that support the community restrictions that are in place in line with the latest health advice. As I have said, it is a huge ask for parliament to be expected to pass such a piece of legislation in the time frame available to us, but extraordinary times require extraordinary measures, and these are indeed extraordinary times.

Like others in this chamber, SA-Best acutely understands and acknowledges the need to move quickly in response to the current COVID-19 pandemic gripping the world and the severe

impact it is having, not only on global, national and state economies but also, of course, on the lives of tens of thousands of South Australians. This was, as I mentioned yesterday, brutally and tragically reinforced when SA Health announced the sad passing of the first South Australian from this insidious virus. Of course, SA Health has warned the community and continues to warn the community, and rightly so, of the likelihood of more deaths.

It is in this tragic and rapidly moving environment that we, like others in this place, are supporting this bill, subject of course to the discussions that are going to take place, in-principle support and any potential move for further amendments. We all have the same aim in mind and that is to further protect our community from the spread of COVID-19 and to ensure that everybody is protected in their everyday lives during that time. Any questions we ask and any criticisms that may arise as a result of the bill are simply done on the basis of trying to improve the bill in the time available to us and make the community safer for all of us.

The bill gives the government, and specifically the police commissioner in his role as State Coordinator, extraordinary powers, powers that some would argue we have probably never seen before. They are time limited and relate specifically to the current pandemic facing the state, but again they strike at the heart in which the government intends to operate, and it is reasonable to assume that the community will also be impacted by these new measures.

SA-Best is especially conscious of the need to grant relief and certainty to tenants and landlords in these most uncertain times, and we congratulate the government and specifically the Attorney and her department for attempting to do whatever they can in these trying times to ensure that tenants and landlords alone are not left worse off as a result of these extraordinary circumstances in which they find themselves. I do not think there is any doubt that they have worked tirelessly to make sure that those tenants and landlords alike are protected in this very trying environment.

For any government, federal or state, to attempt to step into the middle of a contractual arrangement between a landlord and a tenant to try to ensure that neither is left significantly worse off as a result of how the coronavirus impacts either the landlord, the tenant, or both, is noteworthy, and in the first instance the parliament is relying on the federal government to lead the national agenda. It must be true to its word in guaranteeing commitments made by the banking sector to show leniency and sympathy to both tenants and landlords who can show financial hardship as a result of COVID-19, and to ensure that that is honoured in an expedited manner.

Following a national cabinet meeting on 3 April, Prime Minister Scott Morrison acknowledged this very fact when referring to the proposed industry code of practice for commercial tenancies, and that is an issue we discussed at the briefing held on Monday. During that announcement he said:

> The banks will need to come to the party as well. The banks are not parties to those arrangements, and so that makes it legally a little more difficult. But banks are already moving to providing all sorts of new facilities and arrangements to their customers, and we would expect banks to be supportive of agreements reached by landlords and tenants who would be working under this mandatory code.

To a large extent we are proceeding—and I think this was reaffirmed in the meeting on Monday—in South Australia in good faith on the assumption that the banks will do the right thing and that landlords, as well as tenants, will not be left out in the cold.

Things appear to be moving in the right direction in this regard. Yesterday, the national cabinet released a mandatory code of conduct outlining a set of good faith leasing principles which, on the face of it (again, on the face of it, because we are considering these things as we move through this debate), appear to be fair and equitable between both commercial tenants and landlords.

That code purports to apply to all SME tenancies that are small and medium enterprise tenants with an annual turnover of up to $50 million that are eligible for the commonwealth government's JobKeeper subsidy program. It is aimed at contemplating state legislation, with the objective being to proportionately share the financial risk and cash flow impact during the COVID-19 period between landlord and tenant. The applicable period also includes a reasonable recovery period in its aftermath.

Whilst recognising that the temporary arrangement should be applied on a case-by-case basis, the code gives more guidance to tenants and landlords than does the current bill because of the circumstances in which we find ourselves. Specifically, it states that landlords must offer tenants proportionate reductions in rent payable in the form of waivers and deferrals of up to 100 per cent of the amount ordinarily payable on a case-by-case basis, based on the reduction in the tenant's trade during the COVID-19 pandemic period and a subsequent reasonable recovery period.

Rental waivers must constitute no less than 50 per cent of the total reduction in rent payable under principle 3 of the COVID-19 pandemic period, and should constitute a greater proportion of the total reduction in rent payable in cases where failure to do so would compromise the tenant's capacity to fulfil their ongoing obligations under the lease agreement. Regard must also be had to the landlord's financial ability to provide such additional waivers, and tenants may waive the requirement for a 50 per cent minimum waiver by agreement.

Payments/deferrals must be amortised over the balance of the lease term and for a period of no less than 24 months, whichever is the greater, unless otherwise agreed by the parties. The leasing principles also provide further guidance in relation to reductions in statutory charges such as land tax, council rates and insurance being proportionally passed on to the tenant. The benefit of the loan referrals should also be between landlord and tenant.

Once again, the legislation is proceeding on the assumption that the banks are indeed going to do the right thing here, and I am not suggesting by any stretch that the banks have not gone to the nth degree to do the right thing. In commending the new code, the Australian Banking Association CEO Anna Bligh said yesterday:

> Australian banks are committed to supporting their customers through the COVID-19 pandemic and the associated economic pressures it has brought with it. This code provides a welcome tool to assist them in this process.

South Australia is ultimately responsible for legislating commercial tenancy arrangements; residential tenancy arrangements have not been included in the code of conduct. There are a number of concerns that have been raised, particularly during the briefing stage on this bill, and we will expand on those particular provisions during the committee stage.

I note that the code does provide a definition of financial hardship, but that is not something we have seen before us in the bill. It is certainly something that was raised during the briefings, and it is certainly something we will be seeking further guidance on from the government in terms of whether it is the intention to use the definition implemented in the code or otherwise, and whether there would be any need to have more clarity around the definition of financial hardship during the debate on this bill rather than during the implementation of the regulations.

I will not speak to the financial hardship or stress provisions now—I will do that when we get into the committee stage—but it is important to place those things on the record, because when we were asking these questions on Monday, specifically in relation to some of the issues I have canvassed, the response we were given was, 'We are anticipating that will be included in the code.' Of course, we had not seen the code; the code had not been released. Now we have the code and we have the bill, so we can work with those side-by-side and have some further clarity.

However, it highlights not only the urgent manner in which this bill has been passed but the expectation on all of us to pass it, knowing that a lot of these things we are relying on have not even been finalised yet or are still in the development stage as we are being asked to agree to them.

There are number of other measures that I have not touched on—I am sure the Hon. Mark Parnell will touch on a few of them—specifically in relation to accountability and transparency, and I will have more to say on those during the committee stage debate. I can say there was one amendment we were intending to introduce in relation to the sunset clause and the maximum period within which that would have to expire, and I was pleased to see a compromise was reached in the lower house yesterday in relation to that specific issue.

I hope that same level of cooperation exists in this place today as we work our way through this bill, this moving feast if you like. With those words, I indicate that any further issues we have will be raised during the committee stage.

The Hon. T.A. FRANKS (11:38): I note that due to the rushed nature of having received this bill, and having had the government's second reading explanation simply tabled rather than read out, that even the running sheets are little awry this morning.

I rise to indicate cautious support for this bill and to put my concerns on the record. I certainly welcome the residential tenancies aspects; indeed, I was heartened to hear that certainty and surety given by our Prime Minister with regard to those who will be or who are already facing extreme hardship due to COVID-19. The positive impact ensures that those facing that uncertainty, that instability, that poverty—that further poverty—have a safe place to live, to isolate, to do their part to flatten the curve, and it is most welcome.

The protections for commercial tenants against being evicted for non-payment of rent due to the COVID crisis that we are currently in the midst of are essential measures to help flatten the curve, to help keep our society together, to help ensure that when we come through this we have the very conditions that local business and the state economy will need. I welcome the announcement of significant amounts of money at a federal level and at a state level to ensure this happens. Indeed this bill provides for even further significant amounts on top of the previous legislation that we have seen the speedy passage of in this place in recent weeks, ensuring that while the usual schedules of budgets for state and federal parliaments have been delayed indeed supply has been guaranteed, clearly, to the end of the year.

On this bill, however, those areas that I would call the sugar-coating of the bitter pill of this bill—the residential tenancies and the commercial leases areas—are those of my colleague, Mark Parnell, so I will not talk too much to those, but I will express some concerns that we are being asked here to write a blank cheque for an extended period of time with very little oversight. We are asked for trust, and you cannot have trust without transparency. That is the situation the community finds itself in, that is the situation the country finds itself in and that is the situation that the council today finds itself in.

I am heartened by the opposition's motion that is on today's *Notice Paper*—and I know it is slightly unparliamentary to note that. Without that oversight select committee that is proposed and I believe has strong support from this council, I would have much graver reservations about passing this bill today. To put it in context, while some members of this council received the bill on Sunday night, not all members did; they got it later than that. Indeed, the Hon. Kyam Maher was quite correct: we received our answers to questions from our briefing that was held on—which morning?

An honourable member: Monday.

The Hon. T.A. FRANKS: —on Monday morning at 9 o'clock, via this brave new world of in this case Microsoft Teams, which was a reasonably unsatisfactory process. I do thank the Attorney and her staff for providing the briefing, but in fact all of the officers that we required, and certainly those in the public health sphere, were not online so were not able to answer our questions. Not all our questions were answered, and indeed it was quite clear, listening to the debate last night, that the Attorney had answers, but they were not provided to members of parliament prior to the suspension of yesterday's session of parliament in the other place. I got them about three or four minutes after the parliament rose yesterday, and I suspect we all received that same email.

It did not create trust in my mind. It certainly would have been better in the other place to perhaps have allowed a suspension of standing orders to allow members of that chamber to ask more than three questions each, given the circumstances of a mere matter of hours' turnaround on a bill that was sight unseen for most of us—we received the bill on Monday or Sunday at the very earliest and here we are on Wednesday—and which involves extraordinary powers.

It creates absolutely extraordinary powers, where we already have acts. The Emergency Management Act already provides for extraordinary powers for the State Coordinator. We already have a situation where previously a public health emergency was declared; in that case the Chief Medical Officer had those extraordinary powers. We have debated those previous public health and emergency management provisions with the ability to consult and to see what those in the sector most directly affected have to say about this.

But now, after receiving some of the answers at 9.30 last night to questions we asked on Monday morning, having to wait for the bill to arrive this morning in its amended form and then noting the Treasurer did not bother to read out the second reading explanation, we are being asked to launch into extraordinarily deep and profound changes to our democratic structures.

I have a lot of goodwill for this government. I think they have done a fine job in many ways. I commend the Premier and, in particular, I commend the work of the Minister for Human Services. I walked a brief distance to work today, having been in self-isolation for two weeks, through a brave new world. The streets were quite empty, but where I would have usually walked past some five or six homeless people during that short journey, there were none. I know that is because of the work of this government, and I know that that is the goodwill in which we rightly trust them, but without transparency, there is no trust.

It was only yesterday that we finally saw the release of the national modelling. We have asked questions in this place before about why the recommendation was for schools not to close. Different jurisdictions have interpreted the national advice on school closures in different ways. We know full well that COVID-19 has only existed for literally weeks on this planet, so there is no peer reviewed evidence of the correct steps to take at each point. Without releasing modelling and without the provision of advice that the government is relying on but then chiding us for not taking that advice, that trust will not be there.

What I would say to the government today is that if you want to extend the powers of the State Coordinator (aka the police commissioner) to contravene, to break every single law of the land in this state, tell me why we need to break the Aboriginal Heritage Act laws. Tell me why we need to break the South Australian Public Health Act laws. Tell me why we need to break the Return to Work Act laws. Which laws need breaking before we sign that blank cheque for you?

One of the questions I asked during the briefing on Monday, at which the public health officers were not present, was: why are the public health provisions and emergency management amendments, which are so far-ranging, broad and extraordinary, necessary? I am still waiting for an answer. What are we seeking to remedy? What are the identified barriers to good public health? Why does the current police commissioner require these powers, in what ways, and how will they be applied?

Aboriginal communities have already raised alarm bells because they are no strangers to communities that have been shut down, restricted and isolated. They want surety that, come the end of this, those powers will not have been abused or used against them more than they have been used against other members of our community, as do those who are weak, vulnerable and homeless. As I said, I commend this government and I have a lot of respect for what they have done so far, but you cannot come to this parliament with this process and expect that trust without the transparency that would be demanded in the debate on this bill.

On that, I would recommend that we finally get those answers at clause 1. If we move through the clauses and find, later in the debate, answers that contradict what we have been led to believe prior to those clauses, then we will certainly end up here for a spectacularly long time. I do not propose to sit day and night on this bill; I propose that we get straight to the truth and to the transparency that we need to ensure that we are doing the best for those we serve in this place.

I take great heart that there is a select committee. I note, though, that other parliaments around Australia went straight in with oversight committees and that has not been proposed by this government. What is proposed under this bill is that the State Coordinator (aka the police commissioner) has his term extended without transparency, without due process, and is allowed to direct the building of major works without the oversight of the Public Works Committee.

The Public Works Committee, a committee of parliament controlled by the government, simply requires one week or two weeks' notice turnaround to apply some public scrutiny to the expenditure of significant amounts—over $4 million; usually much larger than that—of public moneys through a committee which the government controls, which meets pretty much every two weeks, and probably could meet more if it was required, does not seem to be something that I would have had on my hit list to remove, if I was not afraid of transparency.

I ask the government if it will guarantee that no schools will be redeveloped and shut down using the powers of the bill we have before us. I specifically ask about Springbank College which is still waiting for the $10 million that it was allocated under the Labor government, which is currently under review. It has all of the uncertainties of the COVID-19 environment but, on top of that, it has the uncertainty of an unspecified government review that has no clear reason, other than the potential to close them down, hanging over its head. Those children—who do not even know what they are doing next term—are now asked to indicate to the Department for Education whether or not they want to continue at that school; a school that already has an uncertain future.

That is the sort of lack of trust that builds in the community. It sees ridiculous things like the various conspiracy theories that I am sure every member of parliament is receiving from the community. The lack of modelling being released, the lack of parliamentary oversight in this bill, the lack of reasoning given, the incredibly short turnaround time on those scant answers that we received late last night, does not provide the trust that we will be seeking when we move to clause 1 of the bill.

Just to outline specifically for those who might read *Hansard*, as the Treasurer is often wont to reflect upon, the several dozen of them I think he believes perhaps. However, many people are actually working from home at the moment and they might, indeed, be listening to this and would have appreciated the government articulating why we need this bill and what this bill contains. It has been left to the opposition and the crossbenches to go through it. New section 25(5) will clarify the State Coordinator's power and provide that he or she or an authorised officer:

> …may exercise or discharge a power or function under this section even if to do so would contravene another law of the State;

It also allows the State Coordinator or an authorised officer to use such force as necessary in the discharge of a power or function under this section, and clarifies what directions and requirements are given or imposed by the State Coordinator or unauthorised officer and what they may do.

Why has the government not specified the laws that they seek to suspend in this state to afford such extraordinary powers? There are several hundred laws. There are several hundred acts. You start with the Aboriginal Heritage Act and work your way through: there are privacy laws, there are workplace health and safety laws–what are we talking about here? Where are the laws, the other barriers that the government has identified where we need this bill to enable the State Coordinator to have the power to break? Why is the chief law officer being given the power to break laws without those laws that the chief of police currently, the State Coordinator, will apparently be needing the power to break?

It seems extraordinary to me that you do not come here as a government with at least a list of, say, 10 to 20 laws that are a problem, in terms of ensuring public order, public safety and public security. The announcement by the Prime Minister was that people will not be pushed out into the street, that people will not be homeless, that people who are running small businesses who have nobody coming through those small businesses and who have lost their incomes, will be given that reprieve and that surety, but that is the sweetener here for the very bitter pill that it encapsulates.

The Greens do not oppose all of the provisions of this bill but we do note that just last night, and as has been reflected upon by crossbenchers and by the opposition, there were some crossbencher amendments that were accepted that limited the duration of this bill, should it become an act, that seemed pretty sensible and pretty obvious to have been raised perhaps by members of the cabinet, by members of the Liberal government themselves, before they found their way into a rushed debate in literally several hours yesterday in the other place.

That does not bode well for good lawmaking. What will bode well for good lawmaking is answers to each and every one of our questions in clause 1 so that we can get a very clear picture of exactly what it is that these extraordinary powers will do, exactly how these extraordinary powers will not be abused, will be transparent, and will respect the parliament and our election processes.

One of the obvious laws that the State Coordinator could now have under this piece of legislation that we are currently debating is the ability to suspend our elections. Now they are a long way away but should we have a by-election, will the State Coordinator have the ability to dictate that that not happen?

These are hypotheticals but these are the very hypotheticals that will start to be put out there by people who are scared for their very safety—for their very lives—as we reflect on a second death today due to this COVID-19 pandemic, as we have children who hear the news who are frightened, as we have people who are sleepless, as we have people who are being told to stay in their homes, to not see loved ones and certainly not older members of family if they do not live with them. People are scared, people are looking for safety and surety and a way through this, and the only way that the government can show good faith today is by ensuring that transparency and those answers in clause 1. With those few words, I look forward to the committee stage of the debate.

The Hon. M.C. PARNELL (11:57): I rise also to support the second reading of this bill. I think it is stating the obvious that this is the most difficult time for South Australia that any of us have been through as members of parliament. I risk people having to disclose their birthdates when I say this but none of us other than the Hon. John Darley, I think, was alive during the Second World War. Even some of our older members were not even young babies, apart from the honourable member I mentioned. This is the most difficult time. All of us been through droughts, floods, economic downturns and a whole range of other challenges that this state has faced; this is, in my view, by far and away the most far-reaching. None of us has been unaffected and, as we know, some people are affected much, much more than others.

Also, it is probably fair to say that this current pandemic has brought out the best in South Australians mostly and the worst occasionally. I think for those of us who believe in civil society and with the belief that people ultimately in our society want to do well, not just for themselves but for each other, I have every confidence that we will get through these challenges.

In relation to this bill, it has been said many times that desperate times call for desperate measures, and I was reflecting to someone the other day when we were contemplating this bill, and I said that in normal circumstances many of us would be out marching in the streets. We would be railing against the suspension of important principles and laws. We would be bemoaning the fact that this was the first step on a march towards a totalitarian regime. We would be up in arms, absolutely.

Bills like this do present an enormous challenge to those of us who value human rights and who value our democratic processes. It is anathema to us to abandon hard-won civil liberties or to suspend the checks and balances that are at the heart of a civilised society governed by the rule of law, because the universality of human rights is fundamental. The right to liberty, free association and all these other rights are not something that we can switch on or switch off lightly. The fear, of course, is that, once switched off, they may never get switched back on again.

I do not hold that fear overly because I think Australians are better than that. I think normal service will be resumed. In fact, I would like to think that we do not just resume normal service, we improve on normal service as a result of the experience that we have all been through, but the post-pandemic world that we want is a debate for another day. I will not go into that now.

Matters such as those in this bill are not simple. Clearly, the current public health emergency requires us to take a different approach. The test for the Greens, when we are looking at the suspensions or relaxations or changes to normal standards of government behaviour, will be to analyse each of the measures against a series of important questions.

I have come up with five. I am sure there are many more, but the lens through which I will be examining this bill is: is the measure really necessary? That is the first question. Secondly, will the exercise of the power be properly and comprehensively reported? In other words, will we know what decisions have been made? Related to that is the third question: will the decision-makers be properly identified and, most importantly, will they be accountable for their actions?

Fourthly, does a person who is subject to some of these executive actions, who believes that the action was arbitrary or even unlawful, have recourse? For example, can they go to the courts for judicial review? Do they have the right to redress if it turns out that powers were inappropriately exercised? The fifth question is: if the power to make law by delegated or subordinate legislation is expanded, as this bill clearly does, will the executive remain accountable to the parliament?

I know there are more questions than that, but they are the going back to first principles questions that I have devised to help go through this bill and work out what is in fact the best outcome for the people of South Australia.

I will start with that final question about accountability to parliament, given that most of the additional powers contained in this bill are regulation making powers. That is at the heart of it. That raises the question in terms of accountability to parliament; that is, whether and how often parliament is going to be able to sit during this public health emergency. Delegated legislation is ultimately prepared by the executive but it is accountable to the parliament, and we do have the capacity to interrogate and, if necessary, disallow those regulations.

The word in the corridor is that the published sitting schedule for parliament will be cancelled and that parliament is likely to sit only monthly from now on, at least during the currency of this pandemic. It is unclear whether the government has in mind sitting for a whole week each month; whether it is proposing to sit only on Tuesdays to deal with government business or maybe Tuesdays and Wednesdays to deal with government and private business.

Regardless, if we are sitting less, then we also need to modify the way that we hold the executive accountable. We will have a debate later this afternoon on one measure that the opposition is putting forward to provide for accountability, but there are some others that I have chosen to incorporate as amendments to this bill. The two things that my amendments seek to do are, first of all, to ensure that any regulations that are made under these emergency powers are tabled in parliament promptly.

The normal rule is that a minister has six sitting days in which to table regulations, so in the worst-case scenario that could mean that we would not see regulations until six months after they had been made if parliament only sat one day per month. If parliament sat two days, then it might be three months before we could see the regulations and be able to interrogate them and to move disallowance.

My amendment proposes, not for all regulations but for regulations made under these emergency powers, that they be tabled on the next sitting day in parliament. That is not a difficult thing to do. They are put in the *Government Gazette*. It is not a big deal. It is not a great administrative burden to then table them in parliament. That, I think, is part of the quid pro quo if parliament is to agree to sitting less. We need to make sure that the government cannot sit on regulations by not tabling them in parliament and therefore not allowing this chamber, in particular, the power to disallow.

The second amendment relates again to something quite mechanical. It relates to the tabling of reports in parliament. As all members know, one of the standard items at the start of each sitting day is that ministers stand up and table a whole range of scheduled reports, like annual reports from government bodies, from statutory officers or from local councils, but there are also ad hoc reports that are tabled. We get them from the Coroner every so often. There is a whole range of these reports.

When you go through the South Australian statute book, you find that the period for the tabling of those reports varies. Six sitting days is a common time frame. Some of the more urgent ones are listed as three sitting days, but generally it is a fairly long period. For exactly the same reason that I proposed in relation to regulations, I think we need to see these reports much sooner than the statutes would otherwise allow.

My amendment proposes that wherever it says 'X number of sitting days' in a statute, we cross that out and write in 'seven calendar days'. That recognises that the government might want to contemplate a report, an annual report for example, from a statutory officer. They will have a week to contemplate it before it hits the public realm and to have their response ready. It will not be a comprehensive response, but at least they will not be taken by surprise that a report hits the public realm at the same time it hits the minister's desk. We are not looking for that. So seven calendar days.

Of course, parliament in all likelihood will not be sitting, so the amendment proposes that the tabling be done by delivery to the President. If the President for some reason is not around, then the clerks can receive it. We then go through the normal process, where the document is regarded as tabled and put on the parliamentary website. I would be urging the clerks to have a process in place where perhaps an email goes out each day along the lines of, 'Dear members, the following documents were tabled today,' and a link to where they are.

I understand the practice has been for the House of Assembly to be the central repository of these documents. They are mostly tabled in both houses of parliament simultaneously, so that avoids duplication. It means the Legislative Council does not have to maintain its own tabled papers database; that makes sense. The bottom line is that we want to make sure that these documents are presented to the parliament for the purposes of accountability in a timely manner. That is the second amendment that I have moved.

In terms of the detail of the bill, as other members have said, we will go through in committee in more detail each of those provisions, but I will say that I was very pleased to see the eviction moratorium provisions. As some members know, I have a bill not yet circulated but on the *Notice Paper* that I intended to introduce last Wednesday, which provided for an eviction moratorium for residential tenants.

The government has picked that up in this bill. I certainly will not be proceeding with mine, but I think it is important that, as other members have said, the relationship of landlord and tenant in a commercial or a residential context is absolutely fundamental to the way society works, because it provides housing for a large number of South Australians. I am not sure of the current figure—it might be a quarter, it might be a third of people who rent, as do probably a majority of businesses such as shops.

So we do need to manage that relationship and, as other members have said, we have a bit of a domino effect happening where a tenant might lose their job, and their capacity to pay rent is reduced. If they cannot pay rent the landlord potentially cannot pay the mortgage; the landlord might also have lost their job. We know that these things need to be dealt with holistically. The problem we have is that at the top of the food chain are the banks, which are not subject to state control, whereas the tenancy laws, both commercial and residential, are our responsibility.

I will comment on other parts of the bill when we get to them, but the final thing I would say is just in relation to the comments of my colleague the Hon. Tammy Franks: she is right that political goodwill is absolutely essential and trust is essential if we are going to see this through in a civilised way and not resort to traditional adversarial politics. I think political goodwill is quite abundant at the moment, and I think it is incumbent on all of us to make sure that that currency is kept stable and not devalued.

I think there is also a great degree of trust that this parliament is giving to the government. We are trusting them that they will use these powers well and in the best interests of all South Australians. The final thing I would say is that, if the government is keen to keep that political goodwill and that trust, then there are things it can do that are beyond the normal process that would actually make their life easier and would help with the political cohesion in South Australia, and that would include things like relevant ministers providing advanced copies of regulations to the opposition, to the crossbench, inviting other members of parliament into the tent to get briefings on issues of public importance.

The more the government seeks to bring the opposition and crossbench with them, the less likelihood that we will devolve back into an adversarial regime. I think we can do much better. I think this is a great testing time for doing politics better in this state, hopefully some of which might translate into post-COVID-19 politics as well. My plea to the government is: we are trusting you with extraordinary powers, and we need you to take us into your confidence as well. I hope that is the approach that responsible ministers take as they go forward and consider how to use these extraordinary powers we are giving. I support the second reading of the bill.

The Hon. R.I. LUCAS (Treasurer) (12:12): I thank honourable members for their contributions at very, very short notice to this extraordinary piece of legislation. Can I say at the outset—and I am sure I speak on behalf of all members—that I convey my sympathies and the sympathies I am sure of all members to the family and acquaintances of the second South Australian who we understand has passed away as a result of COVID-19 just this morning. We had been in, I guess, the very fortunate position, up until 24 hours ago, where we had had no deaths as a result of COVID-19 in South Australia. It was clearly unsustainable, and inevitably at some stage a South Australian would pass as a result of COVID-19.

We had the first death yesterday, and the Premier conveyed his sympathies to the family and acquaintances of our first death yesterday. The Premier has done so again this morning. I know that I speak on behalf of the government, but I am sure I speak on behalf of other members in this chamber in expressing our sympathies. Sadly, that death will not be the last that South Australian families and friends will have to confront. As the Hon. Mr Parnell indicated, as one of the older and more vulnerable members of this chamber, as indeed am I, he has not lived through anything the like of which we are confronting. I share those particular views, as well.

I have had conversations with the Hon. Mr Darley on a regular basis in recent days but, again—and it is an overused word at the moment—we are living in unprecedented times and unprecedented things are happening. Sadly, it is the reality of what confronts us and, again sadly, that is why we are confronting the legislation we have before us.

I agree with the Hon. Mr Parnell that some of the things the government is asking the parliament to do, and that the parliament is having to consider whether or not it is prepared to support, are the things that many of us, on all sides of politics, would never have contemplated at any stage. Having been here for almost 100 years or whatever it is, I can say that in that period of time we would never have contemplated that we would ever be confronting the sort of circumstances or the wide-ranging nature of the legislation we are confronting.

I have lived through and governed through emergencies of a much, much smaller consequence than the one we are confronting at the moment—the State Bank disaster and various other economic challenges that have confronted the parliament and governments at varying stages—but they pale into insignificance compared with the enormity of what is confronting us as a state, as nation, as a world, and what we are being asked to consider here. I accept the enormity of this.

I thank the Leader of the Opposition in this chamber for his indication of how he, on behalf of the opposition, intends to approach the debate, and on behalf of the government I welcome his commitment. In his statements he has recognised the enormity of what we are confronting, and I know he would be very much concerned about many aspects of this legislation in any circumstances other than the ones confronting us. So I welcome that.

I indicate to all members who have spoken that I enter this debate—and I will say it now, just to marginally irritate the Leader of the Opposition—as a non-lawyer, but on behalf of the government I will endeavour, to the best of my ability, to answer each and every question members in this chamber put to me in relation to the bill. I am happy to sit and stand here for as long as is required to provide as much information as I can to honourable members.

Inevitably there will be some answers I provide that will not satisfy the individual member, but I hope those individual members who may be dissatisfied with the answer provided will at least recognise that it is not because I am deliberately obfuscating or trying to prevent the release of information I might have access to. It will be a genuine endeavour, on my part and on behalf of the government, to try to answer genuine questions in relation to the legislation we have before us. However, I repeat that it will be impossible for me, indeed for anybody, to satisfy all the questions that can genuinely be asked about the legislation in the sitting today.

As we indicated yesterday, the government's approach—and the Hon. Ms Bonaros acknowledged this—showed a willingness to enter into a discussion and amend the legislation in a way that satisfied a number of members in the House of Assembly on an important issue in relation to the duration of the legislation. It would appear from what the Hon. Ms Bonaros indicated that that satisfied SA-Best, and the Hon. Ms Bonaros in particular.

In relation to the amendments that have been flagged in this chamber, we will approach those amendments over the lunchtime break. I am sure clause 1 is going to take longer than the next 40 minutes. That will give us an opportunity as a government to address the amendments. We will approach the amendments, I can assure you on behalf of the government, with a willingness to accept reasonable compromise and not die in a ditch over the quality of the initial drafting that has been urgently done on behalf of the government. So there will be a high threshold that the government will apply to those who advise us to say, 'Well, why can't we support the amendment?'

In one area I think there may well be a particular issue. We will seek advice from the Auditor-General in relation to his views on one aspect of an amendment, and we will be significantly guided by him. I can indicate in relation to the issues that relate to the Public Finance and Audit Act and the Treasurer, issues that are directly within my purview, as I said to InDaily yesterday, who seem to have this view that this was an extraordinary—I should not say that. The view had been put to them, and they were reflecting those views to me; that is the best way of putting it. The journalist may well be listening and I do not want to injure his reputation in any way.

An honourable member interjecting:

The Hon. R.I. LUCAS: Exactly. He is certainly at home. The views that he was putting to me, that had been put to him, were that in some way this might be seen as an extraordinary grab of power by the Treasurer to extend his powers above and beyond the pandemic. As I assured that journalist and I assure this chamber, that is the least of my concerns in relation to these provisions in the legislation.

I have not sought any additional power. I am quite—not comfortable—firm in my view that any additional powers that I am given to try to undertake the considerable tasks that I am asked to undertake on behalf of the government and the people of South Australia in financial issues are certainly limited to the requirements of the extraordinary challenge the state confronts.

I am not seeking any additional powers above and beyond the considerable powers in the Public Finance and Audit Act that already exist, beyond what might be needed to get us through the challenges that confront South Australia. I know it is difficult for some in the opposition, perhaps, to accept the assurances that I give in relation to these issues, but be that as it may I have put those assurances on the public record: I have no wish to extend the powers that I have.

In relation to those amendments that relate to decisions that I have to take, I will take advice, obviously from Treasury. In the committee stage I will be able to place on the record some examples of where I have already received advice that unless I do have some powers to, in essence, suspend some of the provisions of the Public Finance and Audit Act, the considerable decisions that I am having to take quickly and urgently would be contrary to the provisions of the Public Finance and Audit Act.

Decisions that I have to take in terms of moving expenditure authorities and appropriations between agencies on a very short time line are, as I am advised, restricted by the current provisions of the Public Finance and Audit Act. I am sure that the parliament and the people of South Australia would not want those restrictions to prevent what might be urgent decisions that have to be taken during the global pandemic that we are confronting.

We can go through those particular details in the committee stage, but as I, on behalf of the government, approach the amendments moved by the opposition and the amendments moved by the Hon. Mr Parnell, as I said, we will approach them—we will take advice over the break—with a high threshold which might not always be applied by governments, Liberal and Labor, that says, 'Why is it that we can't? What is the problem' with the particular amendment?

It may well mean that we have to suggest a tweaking, or whatever it is, that the essential purpose can admit, but we will do so within the spirit of trying to see whether we can reach agreement. That is the essential reason for the government seeking these particular changes with the potential amendments that are being moved that can be accommodated. In the end, there may well be a number that, on our advice, we will be urging the upper house not to support.

In relation to the other aspects, I think the debate is best left to the committee stage. There are significant issues in relation to residential and commercial tenancies. The treasurers, both through the Board of Treasurers and through the Council on Federal Financial Relations, have been actively engaged, but the final decisions, at least in relation to commercial tenancies, have been taken by the national cabinet and have been very significantly led by the Prime Minister in terms of his particular views, perhaps not surprisingly, given his public statements. I think there are still significant complexities and challenges ahead, if I can use a nicely understated phrase, and there is considerable work that will still need to be done.

All governments—state, territory and the federal government—have agreed on the essential premise, which I think all members in this chamber have supported; that is, we need a period of pause or hibernation in relation to evictions—and there is this six-month pause in relation to evictions. The circumstances during the six months are going to be significant challenges. As the Hon. Ms Bonaros, in a nicely understated contribution, at least in this particular part, said, it is a significant issue when any state government interferes with legally binding contracts between two consenting parties. With her legal background, that is, as I said, a nicely understated phrase. Nevertheless, that is in essence what the parliaments of Australia are being asked to do.

It is a perfect example, certainly from my side of politics, of how the whole notion of potentially either tearing up a contract or significantly amending a contract that two parties have consented and entered into is extraordinarily complicated. As I said, whilst the Prime Minister has led this particular initiative—he made the announcements on behalf of the national cabinet—it is going to be left to state and territory governments as to how the detail is to be implemented.

This will be our first pass at the legislation, but it is my personal view, not a state government view, that it will not be our last. That is, when the parliament reconvenes in May—I think 12 May is the date that is being mentioned—I will be stunned if we are not asked to further clarify the details in relation to what was only announced yesterday. Two jurisdictions have already passed legislation prior to the announcements yesterday, being the ACT and Tasmania, and we are obviously passing legislation today.

So three of the eight jurisdictions will have passed legislation without actually being able to look at the detail of what the Prime Minister announced yesterday on behalf of the national cabinet and without being able to consult with various other stakeholders as to what the implications might be and, therefore, how each of us in our jurisdictions might respond. There are definitional issues. We have a retail and commercial tenancies act, but other jurisdictions make very significant distinctions between what they understand to be retail and commercial. Each of us are different, as a product of decades of legislative experience within our jurisdictions.

The national solution that has come from the national cabinet and is now descending upon each of us is a significant challenge for us all, and I think it is probably useful for us to establish the major principle; that is, thou shalt not evict anyone for the next six months. That at least gives that protection for a period of time, but we are now going to have to move mighty quickly to work out the detail of what the implications of that are.

I think the Hon. Mr Parnell nailed it absolutely when he said that one of the key players in all of this is completely beyond state jurisdictional control: the financial institutions, and the banks in particular. Yes, we have the legal authority with landlords and tenants but the key players in all of this, in many cases, are the financial institutions—the banks in particular—and we have no legislative authority in that particular area. That is a significant issue that will have to be addressed, but there will be more of that in the committee stage.

With that, I indicate that I look forward to the committee stage of the debate, even if I have to say on a number of occasions, 'I am not a lawyer and this is my view.' I have a considerable phalanx of advisers, both legal and non-legal, Treasury and others, some of whom I recognise and some I do not, but there is considerable expertise, I am told. They are all somehow going to be socially distanced, sitting outside and inside the box. We will have to pinch-hit as individual questions are raised. I hope members will be patient with me having to seek advice, in particular in relation to legal issues, when they ask questions. With that, I look forward to the committee stage of this very important piece of legislation.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. K.J. MAHER: Rather than a question at clause 1 I thought it might be useful to outline some of the parameters that we will be looking at in the bill, as I think the Hon. Mark Parnell

did, which was helpful. Many of the questions we will be asking are similar to the questions we asked during the Microsoft Teams briefing we had, and they will go to the policy behind particular measures, why the government feels that measure is needed, on whose instigation this measure is being proposed, particularly with some of the more draconian changes we are making, and also examples of how particular measures are going to be used.

We received some of these answers late last night but there are a lot more and, as we go through individual clauses, we will be looking for them to be answered. I appreciate the comments the Treasurer has made in relation to giving as fulsome answers as he properly can. Each of the measures in this bill are proposed for a reason. There is something that obviously the government or its advisers or someone from the department thinks needs to be done in order to have these measures in place.

We appreciate the Treasurer talking about the helpfulness he is taking with the committee stage, and also with these extraordinary measures the Treasurer properly recognises that we are probably going to have a higher and more extraordinary way to seek answers. I think the Treasurer has already recognised himself that a flippant answer like, 'I'm not a lawyer,' probably is not going to do a lot of good during the committee stage when we have a vast team of advisers.

I was going to spend some time—given the similar situation members of the crossbench found themselves in with answers being provided by the Attorney-General—going through asking questions about when the answers were prepared and when they were ready to be provided, because it was abundantly clear from the contributions from the crossbench that the Attorney-General had answers to the opposition and crossbench questions when she went into the lower house yesterday and chose not to provide them.

I think that is clear enough and I am not going to waste time going through that and trying to seek answers to those questions, but I would implore the Attorney to do what many of her colleagues are doing and just stop the churlish political games and be open with members of parliament and what we are seeking to do. I thank the Treasurer for not playing those political games in the contribution he made, and the willingness in terms of how we are going to get this bill through.

The CHAIR: Are there any other contributions at clause 1? The Hon. Ms Franks.

The Hon. T.A. FRANKS: I think there is a series of questions that I sort of flagged. Why, under the Emergency Management Act, would the State Coordinator need to be able to break the laws of Maralinga Tjarutja land rights or APY land rights acts?

The Hon. R.I. LUCAS: This extraordinary power that the parliament is being asked to support—and we thank the Labor Party in another place for their support for this particular provision and recognising its importance—that is, the government's advice is, and we have not been through every, whatever the number is, total piece of legislation saying, 'We need to give the State Coordinator the power to break this particular act, this particular one, this particular one, etc.'

The reality is that, during a global pandemic and with emergency powers, we just do not know at very short notice which ones were in a position where we may well have to take actions which infringe upon a particular requirement in a particular piece of legislation. The position clearly is that we have not been through every piece of legislation and said, 'In this area we need to do it.' In some areas we are aware, and that is why there are specific provisions in the Public Finance and Audit Act and the residential and commercial tenancies act. Where we know we have to amend it, we have included it in the omnibus bill.

In some of the other jurisdictions, they have not been quite as specific; they have had a more generic clause like the one to which the honourable member is referring. This is, in essence, the failsafe clause. That is, we have nominated the ones that on advice we know we have to amend, and that is included in the omnibus bill, but there are some pieces of legislation which in the end in an emergency the Coordinator might say, 'I have to do this in the interests of public health and safety,' and the legal advice might be, 'Well, if you do that, it is going to offend this particular piece of legislation,' and someone says, 'We never thought of that.' In the absence of that, the State Coordinator would not be in a position to be able to undertake that particular function in the interests of public health and safety.

That is why there is this extraordinary provision which, as I said earlier, in any other circumstance we would not be contemplating. It is an extraordinary power to give to any individual in relation to, in essence, any law of the state being able to take these particular decisions. I cannot give you the advice about—and the member can go through a number of pieces of legislation as to: 'Why do you need to do this?' because the answer will probably be, in most cases we probably will not have to and the State Coordinator is not going to, and the State Coordinator is restricted in relation to the pieces of legislation that he has to, in essence, override.

It has to be for the purposes of the powers that he has as State Coordinator in managing public health, welfare and safety, whatever the phrase is, in the legislation. It cannot be willy-nilly, it cannot be used for any purpose; it has to be for the purposes of managing and coordinating the government's response and the state's response to the pandemic. There is no answer to the specific question of, 'Do we need to override a provision of the act and what provision do we?' If we knew that, we would have included it in the omnibus bill. At this stage we are not aware and, in all likelihood, with most of these pieces of legislation, he will not have to take decisions which override any particular provision of the legislation.

The Hon. T.A. FRANKS: What possible reason could there be for the emergency management powers to be used with the Proof of Sunrise and Sunset Act? That is the obvious question. I will not actually expect an answer, because I will not get one that is not rhetorical and without advisers screwing up their faces when we ask a question that I think is pretty legitimate as to why every single act that this state currently has on its books is subject to these extraordinary powers and why a number of acts have not actually been identified in a transparent and clear way as those that are likely to be subject to the use of these powers.

As I said in my second reading speech, Aboriginal people in this state have land rights, hard-fought and won, and are currently largely in self-isolation. Some communities such as Davenport believe they are in lockdown. Some communities such as Davenport have raised their extraordinarily profound concerns about the history of treatment on missions, of stolen generations, using extraordinary government powers against these people, and they are given no assurances when there is a trite response to a question of why the Maralinga Tjarutja Land Rights Act and the APY Land Rights Act should be subject to the extraordinary powers of the State Coordinator under this piece of legislation. Who was consulted in the drafting of these provisions around the Emergency Management Act and the South Australian Public Health Act powers?

The Hon. R.I. LUCAS: Given the urgency of the legislation and, I think, as the Attorney-General indicated in the debate yesterday, the normal consultation was unable to be conducted. There might have been minor changes to this, but the essential consultation was with government officers and advisers. Our legal teams were available to the government, and clearly the public health people, because they have been actively engaged in this and might have indicated to the legal people in the Attorney-General's Department that there were particular problems with what we needed to do, and the advice might have been that it offended a particular piece of legislation.

The normal process that we would conduct and be expected to conduct is one in which you send a draft copy of the bill out to all stakeholders, including the Law Society. With a bill like this, clearly every stakeholder group in the state is impacted, and therefore there would be an expectation that they would be consulted. Given the urgency, that was just not possible for it to occur.

The advice was centred on essentially the advice which is available to the government. One of the members in their contributions today—I think it might have been the Hon. Ms Franks—asked, 'Well, why didn't the cabinet pick up this particular issue in terms of the amendment?' This is the perfect example of the benefit of the parliament being able to consider, in a reasonable fashion, amendments. It is a fresh set of eyes from other parties and other individuals in relation to the legislation that we have before us.

As I said and I say again: we will enter a consideration of the amendments with a spirit of seeing whether or not we can support them, as opposed to a combative attitude that some governments have towards crossbench or opposition amendments on other pieces of legislation. The normal consultation did not apply. The consultation was essentially on the basis of the advice that was available to the government in a very urgent fashion.

The Hon. T.A. FRANKS: Once it was finalised, was the bill sent at any time by the government to the Law Society? What was the Law Society's advice?

The Hon. R.I. LUCAS: I think as I indicated, in the normal circumstance we would send it to organisations like the Law Society and other stakeholder groups. That did not occur in relation to this particular legislation.

The Hon. T.A. FRANKS: In the other place the Attorney-General noted that the State Coordinator (aka the police commissioner) was very happy with the powers in this bill and supported them. Who else supported this bill and the extraordinary powers under the Emergency Management Act and the South Australian Public Health Act? You mentioned public officers, but you have not mentioned any names.

The Hon. R.I. LUCAS: Ultimately, those who supported it were the 14 ministers and all the officers and departmental people who advised those officers. Some are obviously more actively engaged in managing the COVID-19 pandemic than other departments and agencies. Nevertheless, all are impacted, so all ministers in a very short time frame, I have to say, had the capacity to take advice from their departments and agencies and to provide advice or comment when the cabinet considered the legislation at very short notice.

In terms of individual officers within Health, I am not in a position to list individual officers. My understanding is that the Chief Public Health Officer, Associate Professor Spurrier, together with the State Coordinator, was consulted, but again I would not expect Associate Professor Spurrier to be all over the issues in relation to the Public Finance and Audit Act. She would have been all over the issues that directly relate to the health issues, and issues in relation to those sorts of powers.

Insofar as individual aspects of this bill related to individual departments and agencies, they would obviously have had greater input. I would assume that in the residential and commercial tenancies area not only were our Treasury people actively engaged, but—

The Hon. T.A. FRANKS: I didn't ask about that area. I asked about public health and emergency management specifically.

The Hon. R.I. LUCAS: I am just giving you a broader answer than the one you asked for, but I have answered your question. In relation to the broader answer, people in Consumer and Business Services, such as Mr Soulio and others, would have been party to providing advice to the government as well.

The Hon. T.A. FRANKS: Was the ICAC commissioner consulted in the drafting of this bill with regard to his potential interest in having his term extended?

The Hon. R.I. LUCAS: No.

The Hon. T.A. FRANKS: When the police commissioner gave advice on this bill was it clear that he may benefit from having his contract extended?

The Hon. R.I. LUCAS: Regarding the position of the police commissioner, the government had the power and has the power without this legislation to extend his contract. I am not going to go into decisions that are ultimately decisions for the Premier of the state. That is entirely the prerogative of the Premier. There is a power already, without this legislation, to extend the contract of the police commissioner, and that is a decision for the Premier, ultimately.

This particular aspect of it is not, on my understanding, giving any additional benefit, if you look at it that way, in terms of an extension to the terms of the police commissioner that he did not previously have. The government has the power without this legislation. If the parliament votes down this legislation, the government still has the power to extend the contract of the police commissioner, and that may well be the decision that the Premier has taken, is taking or will take. I am not going to pre-empt that decision; that is a decision for the Premier.

I do not know when the police commissioner's contract expires. I understand it is probably in the next 12 months or so, but that is a decision for the Premier. He has the power to extend it anyway. I would hate anyone listening to this debate to think that the police commissioner in some way has manufactured a set of circumstances where he is going to get a personal benefit in relation to this. Certainly, that is not a view to which the government subscribes.

I place on the record an acknowledgement of the exceptional work I think the police commissioner has done as the State Coordinator in relation to the very difficult circumstances he confronts. I know that I can speak on behalf of the government acknowledging not only the work he has done but also that done by Associate Professor Spurrier, the other deputy public health officers and the many, many others who are actively engaged both at the public level but clearly at the level of providing services within our hospitals and other institutions as well.

The Hon. M.C. PARNELL: With the committee's indulgence, I have a fairly technical question to which I do not expect an answer now, but I would like to give the minister's advisers the lunch period to consider it. It relates to clause 8 rather than clause 1, but I figure it will save us time if the advisers have a chance to consider this. It is an issue I raised in the briefing, but I have not yet had a comprehensive answer.

It relates to the eviction moratorium, to the idea that during this period of crisis landlords should not be evicting residential tenants. The bill makes it fairly clear that, if the reason a landlord seeks eviction is because the tenant is not paying their rent and the reason the tenant is not paying their rent is because of hardship brought about by the COVID-19 virus, that is covered. I think that is pretty right.

There are a whole range of other reasons that a residential tenancy agreement can be brought to an end. For example, if someone is damaging the property, wrecking the joint, for example, then most people would think, well, no, if you are demolishing the place you are not getting the protection of this eviction moratorium. You might also have illegal conduct, which is another reason to end a tenancy agreement—the meth lab you hear about on the news every so often.

There are other areas where it might be a breach of the agreement but would be protected; for example, someone who is required to operate their business from home. The residential tenancy agreement might say, 'No, this is a house, and you live in it, you are not to conduct a business from here.' Under the COVID emergency you may well need to conduct your business from home, so it might be a technical breach of a residential tenancy agreement. I think that is probably covered by the bill, but can I get clarification on that?

We then go to a range of reasons that a landlord can end a tenancy agreement, and these include a range of measures where the landlord wants the property back for a specific reason. These are set out in the act: for example, if the landlord wants to sell the property with vacant possession (I am not clear—I might have missed it, it might be in the bill and your advisers can explain where it is).

Further, if the landlord wants to renovate the home; the landlord wants to move back into the home themselves; or, the landlord wants one of their immediate family members, a child, for example, to be able to move into the home. These are situations where there is no breach at all on the part of the tenant. The tenant has done nothing wrong, they have paid their rent, but the landlord, provided they give 60 days notice, is entitled to possession for these reasons. I am not clear how that fits into this regime. Are those evictions effectively suspended as well?

The final two: one is the so-called 'no cause' eviction, in other words, the landlord wants to end the arrangement, they do not want the place back themselves, they just do not want the tenant there anymore—they do not have to give a reason, they just have to give 90 days notice. The question is whether evictions for no cause are protected under this bill.

The final situation is the so-called section 90 third-party evictions, and that is one where the neighbours, for example (it is a unique provision where third parties can interfere with a contractual relationship—the Hon. Connie Bonaros made a contribution before), as a third party can interfere in a contractual relationship. If the neighbours believe that a tenant is behaving really badly and interfering with their lifestyle, whether it is noise, aggressive behaviour, or whatever, the neighbours can go to the tribunal—even though the landlord is quite happy with the arrangement and the tenant is obviously quite happy to stay there—and can seek eviction: section 90 neighbour evictions. It is nearly always on the grounds of antisocial behaviour. So the question is: are those sorts of evictions also protected by this new act?

Something that overrides all of those—and the government has given me an answer, but it would be good to put it on the record as well—is that even if we pass a bill that says you cannot be evicted, if you get a letter saying that the owner is selling the house and, 'Here's 60 days' notice, move out,' for example, unless you know that is not allowed then you will probably just move out. Not everyone is legally qualified and not everyone is paying attention to the bill we are passing today.

If a landlord seeks possession of the property, unless the tenant knows that during this crisis that is not allowed they will probably just go along with the notice. That might result in homelessness—who knows what it might result in. The government has said that yes, there will be some sort of publicity campaign, because we have to bring this to the attention of the huge proportion of tenants in South Australia.

My question would be: exactly what is the government proposing? I think the answer I got in the briefing was that everybody has a bond deposited with Consumer and Business Affairs—I think you have all the emails, I think that was the answer I was given—so you can actually directly communicate, but if the minister could put that on the record after lunch that would be helpful as well. Thank you for your indulgence; I figured they were fairly technical questions that the lunch break might help answer.

The Hon. R.I. LUCAS: I can indicate what the intention of the legislation was; my reading is that the legislation makes it quite clear it is only in relation to COVID-19 issues that there is this prevention of eviction. In the early examples, which I think are clearer, where someone is destroying a property or a variety of other examples, I would be very confident that our drafting allows those sorts of evictions to continue. If the tenant has plenty of money, is not impacted by COVID-19, and is destroying your property then why should you not be able to evict them?

A number of the examples the member has given are pretty easy to answer, and I would be stunned if the draft, as I read it, does not allow those circumstances. Some of the others towards the latter part of his contribution are more technical in nature. Again, my reading is that it has to be somehow related to COVID-19; some of those appear to potentially be related but others clearly not, on my reading.

However, I will get advice from the government's legal advisers and have a prepared response that I will not veer from in producing, unless it is clearly contrary to the intent of the Treasurer and the national cabinet in relation to the issue: that is, this protection is there for people who are going to be significantly impacted by COVID-19. It is not there to change the arrangements other than to try to cope with the COVID-19 pandemic. That is the drafting instruction. I will seek advice on the technical questions.

Progress reported; committee to sit again.

Sitting suspended from 12:59 to 14:15.

Parliamentary Committees

LEGISLATIVE REVIEW COMMITTEE

The Hon. N.J. CENTOFANTI (14:15): I bring up the third report of the committee.

Report received.

Parliamentary Procedure

PAPERS

The following paper was laid on the table:

By the Minister for Trade and Investment (Hon. D.W. Ridgway)—

Regulations under Acts—
Genetically Modified Crops Management Act 2004—
Designation of Area No. 3.

Question Time

CORONAVIRUS

The Hon. K.J. MAHER (Leader of the Opposition) (14:17): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing regarding public health.

Leave granted.

The Hon. K.J. MAHER: Today, I spoke to the family of a nurse who were distressed due to a range of issues that include the limit of one toilet break per shift because they don't have enough masks for more than one change per shift. The main issue that was of concern, though, was that despite a huge need for medical professionals, they have casual nursing colleagues who are being stood down in the public health system and who cannot access JobKeeper payments. My questions to the minister are:

1. What support is the state government providing to public hospital casual nurses who are unable to work because of issues such as elective surgery cancellations but are also not entitled to receive the federal government's JobKeeper allowance?

2. How many casual nurses are being stood down despite the Prime Minister's desire to keep employees connected to their employer? Finally:

3. How many and what types of public sector health workers are being stood down with no access to JobKeeper payments?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:18): If you will allow me, I will leave the elements of the question that relate to the JobSeeker allowance. That is not my area of responsibility. Certainly, there is no doubt that the directions put in place by this state government in pursuance of the national cabinet's decision to not undertake non-urgent elective surgery has had a dramatic impact on activity levels in both the private sector and the public sector.

In relation to casual staff within our local health networks, I am advised that local health networks have been redirecting their staff to areas of need and focusing on retraining staff to meet surge capacity, should that be needed. The primary focus has been on ensuring that ongoing and temporary staff are meaningfully and gainfully employed.

A key element of the government's strategy in both the ongoing engagement of staff within our health system and also, to be frank, our engagement with the private hospitals under the national partnership agreement with the commonwealth government has been to make sure that nursing staff do continue to be available in the months ahead.

CORONAVIRUS

The Hon. K.J. MAHER (Leader of the Opposition) (14:19): Supplementary arising from the answer: would it surprise the minister if casual nurses in the public health system were being stood down and being offered no further shifts at this time?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:19): Casual nurses are by their nature engaged on a shift-by-shift basis, so I don't actually know what the honourable member means by 'being stood down'. As I have already indicated, SA Health is undertaking a range of initiatives that are designed to help us meet the anticipated surge workforce needs, which also assist our casual workforce. For example, a nursing expression of interest pool, established by the Department for Health and Wellbeing as of yesterday, had almost 1½ thousand applications.

Also, I would remind honourable members that, on the weekend, we ('we' being the government) indicated that the Women's and Children's Hospital would be training 80 nurses in intensive care skills. I am advised that a number of those nurses will come from the casual nursing pool. Of course, it's an evolving situation, but I would put it to the honourable member that nurses, midwives, doctors and other health workers are in a much better position than many other people in our community.

CORONAVIRUS

The Hon. K.J. MAHER (Leader of the Opposition) (14:21): Supplementary question: would it surprise the minister if casual nurses who have regularly received shifts are no longer being offered shifts in the public health system at this time?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:21): I have made it very clear that the health networks are continuing to engage casual staff. Of course, it's an evolving situation; our activity levels are changing dramatically. Not only are we withdrawing from non-urgent elective surgery, but we are getting much more involved in things like home nursing and nursing in terms of COVID-19 testing and assessment. There will be shifts of workforce over the months ahead, but I think that employment prospects over the next couple of months—sorry, not couple; I imagine it will be a number of months—will be much stronger for nurses and other health professionals than they are for many other members of our workforce.

CORONAVIRUS

The Hon. K.J. MAHER (Leader of the Opposition) (14:22): Supplementary arising from the original answer: can the minister assure the house that no casual nurse in the public health system will be receiving less shifts because of the changing nature of the workforce that he is now talking about?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:22): I have never been in the business of giving hypothetical guarantees.

CORONAVIRUS

The Hon. E.S. BOURKE (14:22): My question is to the Minister for Health and Wellbeing regarding public health. What modelling is the South Australian government using and relying on when developing the COVID-19 response? Is it using modelling that has been generated in South Australia or in other jurisdictions?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:22): The primary modelling that we are relying on is the modelling that is coming up through the national cabinet, because the national cabinet is, if you like, a manifestation of state, territory and commonwealth collaboration on at least three levels. There is the Communicable Diseases Network Australia, which advises the AHPPC—both of those bodies have state and territory officials on them. Obviously, the national cabinet also has representation from every state, territory and the commonwealth. The national cabinet has commissioned modelling, which was released last night.

Certainly, there have been pieces of research done in South Australia on a whole range of aspects of the coronavirus, but considering that the strategy that has been implemented in South Australia has been done in a collaborative way with other states and territories, it would be fair to say that the most significant modelling that impacts on our policy is that which is coming through the national cabinet.

CORONAVIRUS

The Hon. E.S. BOURKE (14:24): Supplementary arising from the original answer: when will the minister reveal the modelling on COVID-19 that has been the base of the government's decision-making?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:24): I would suggest the honourable member look at the commonwealth government's website. The modelling paper was released yesterday.

CORONAVIRUS

The Hon. E.S. BOURKE (14:24): Further supplementary arising from the original answer: why do residents of New South Wales have the right to see the postcode level data on their exact number of COVID-19 cases but we do not in South Australia?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:24): There is a number of different models for heat maps and the like around Australia. I had heard that New South Wales was using postcode level. Personally, I think that is unnecessarily detailed.

CORONAVIRUS

The Hon. E.S. BOURKE (14:25): Supplementary arising: can the minister explain why it is unnecessary detail?

The PRESIDENT: Minister, just before you answer that, that is obviously not arising from the original answer. I will allow the supplementary question, if the minister would like to answer it, because of the seriousness of the topic, but remember it is supposed to be from the original answer.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:25): I would just pose the question back to the honourable member. Perhaps she might like to ask—

The Hon. E.S. Bourke: I am not the minister.

The Hon. S.G. WADE: Excuse me, could I get an opportunity to answer? She is hectoring me.

The Hon. E.S. Bourke: You look terrified. I would be terrified, too.

The PRESIDENT: The Hon. Ms Bourke, let the minister answer.

The Hon. S.G. WADE: The honourable member might like to ask why the Queensland Labor minister, Steve Miles, reports on a local government basis. You might like to ask the Labor minister from Victoria why she reports on a local government basis. I will say that I am happy to be colleagues of theirs, reporting on a local government basis.

CORONAVIRUS

The Hon. K.J. MAHER (Leader of the Opposition) (14:26): My question is to the South Australian Minister for Health and Wellbeing regarding public health, because he is responsible for South Australia. The minister has now had two weeks to avail himself of updated numbers since being asked questions about our health system. I am wondering if the minister, if he is across it now, can answer how many ventilators there are at this point in time in South Australia. How many ventilators does South Australia have on order and when will they arrive? How many trained nurses are currently available to work in intensive care? How many more, apart from the 80 who were already mentioned, are being trained to do so?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:26): I could say, 'Read my previous answer,' but let me restate what I have already told the house.

Members interjecting:

The PRESIDENT: The honourable Leader of the Opposition, the minister will be heard in silence.

The Hon. S.G. WADE: What I told the council on the last occasion was that there were more than 300 ICU beds in South Australia and a further 60 ventilators.

The Hon. K.J. MAHER: Point of order: the question was nothing about ICU beds at all. The minister is trying to cover up his lack of knowledge for a second time.

The PRESIDENT: Minister, sit down. There is no point of order. The minister will answer as to how he sees fit. You know that. The Minister for Health and Wellbeing.

The Hon. S.G. WADE: We have a further 60 ventilators available for surge capacity.

CORONAVIRUS

The Hon. K.J. MAHER (Leader of the Opposition) (14:27): Supplementary arising from the—I guess it is an answer. Is the minister saying there are 60 ventilators currently in South Australia, or is he saying he is getting a further 60 ventilators in South Australia? If it is a further 60, when will they arrive and what will that bring the total number to?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:28): I appreciate that the honourable member is offering questions written by others, but let's be clear: an ICU bed has access to ventilators, and we have 60 ventilators for extra surge capacity. In other words, we do expect that we will be using ventilators in unorthodox locations. I have already told the house that. For example,

it has been suggested that we might be using ventilators in recovery areas—areas that are normally used for surgery recovery. That is a sensible response to what is an unprecedented pandemic.

CORONAVIRUS

The Hon. K.J. MAHER (Leader of the Opposition) (14:28): Supplementary arising from the original answer: can the minister confirm that it is the case that every ICU bed has access to their own ventilator, so we could have ventilators used on every single ICU bed in the state at once. Is that what the minister is claiming?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:29): I am advised that there are, as I said, more than 300 intensive care beds in South Australia, including both the current intensive care beds, expansions within the ICUs and potential surge capacity outside of the ICUs. There are both standard ICU ventilators and anaesthetic and other ventilators, which more than cover the 300-plus ICU beds and beyond.

CORONAVIRUS

The Hon. K.J. MAHER (Leader of the Opposition) (14:29): Supplementary for clarity: is the minister saying that in South Australia 300 ventilators could be used at once? Is the minister saying that each bed has access to its own ventilator or is he saying that the beds have access to a pool of ventilators? In essence, can the minister confirm that there are at least the number of ventilators available as there are ICU beds?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:30): Yes. Let me just expand on that: we have 60 more ventilators than we do ICU beds.

GLOBAL IN-MARKET WEBINAR SERIES

The Hon. J.S.L. DAWKINS (14:30): My question is to the Minister for Trade and Investment: will the minister provide an update to the council on the Department for Trade and Investment's Global In-Market Webinar Series?

The Hon. D.W. RIDGWAY (Minister for Trade and Investment) (14:30): I thank the honourable member for his ongoing interest in connecting with our overseas markets. As I previously discussed in the chamber, the coronavirus crisis has presented an unprecedented disruption to how people traditionally communicate, affecting face-to-face trade missions, government-to-government engagement, as well as commercial relationships. This is why my department has created a digital interface to ensure that businesses can access critical information and advice on the effect of COVID-19 on key world markets.

The first Global In-Market Webinar Series was run last Tuesday 31 March, and was presented in partnership with myself and the department's representative in Japan and Korea, Commissioner Ms Sally Townsend. Five webinars have been run since the program was launched, covering Japan, the United States of America, Malaysia and the United Kingdom, and earlier yesterday we hosted our China update.

More than 280 businesses have joined across the five webinars, and the webinars have given businesses a chance to hear directly from key export markets about issues such as current market conditions, public safety, confidence and what companies need to be thinking about doing during COVID-19, how companies can prepare for the recovery and how the state and federal governments can help.

After each of the market updates participants were able to ask the market experts key questions as well as connect directly with myself about my department and the wider government's response. Questions ranged from manufacturing and export opportunities for medical PPE and how best to engage international businesses when face-to-face contact is no longer available.

The ability to connect South Australian businesses with our international and regional representatives is so important at a time when there is so much disruption in the marketplace. We have also made each of the webinars available to access from the DTI's website so that businesses that were unable to attend in person can review the key insights and presentations from each of the webinars. These webinar series form one of the key action points from my department's virtual action plan.

The webinars have had a fantastic response so far, with respondents reporting that they found them informative and helpful, and as such we will continue with webinars with our in-market trade representatives. The next dates will be released shortly via the Department for Trade and Investment and my communication channels.

INTERNATIONAL STUDENTS

The Hon. T.A. FRANKS (14:33): I seek leave to make a brief explanation before addressing a question to the Minister for Trade and Investment on the subject of international students.

Leave granted.

The Hon. T.A. FRANKS: As we know in Australia, and prior to the COVID-19 crisis, international education was Australia's third biggest export industry. Indeed, the minister boasted in local media late in 2019 that there were some 36,367 of these international students in South Australia. My questions to the minister are:

1. How many students who are in the category of international students are currently in South Australia?

2. How many arrived in South Australia this year?

3. How many were given subsidies to do so after the pandemic was known?

4. How many are now in a position where they are unable to return home despite the Prime Minister's advice that they do so?

5. How many of the students are tertiary and how many are secondary, and what has the government done to support them?

The Hon. D.W. RIDGWAY (Minister for Trade and Investment) (14:34): I thank the honourable member for her long list of questions, a number of which I will have to take on notice as to the actual details of the numbers that are here. I can report that as at 29 March there were 6,733 international students offshore who were unable to travel to Australia and commence their studies, and a substantial number of these students have enrolled online and studied online. I do not have the figures available to me.

I will take on notice as to the actual number of those who have received subsidies or a position after the coronavirus pandemic was declared or announced. But it is important to note that the member opposite is very accurate: the universities are one of our biggest exports. There is a sort of combination in the university sector that accounts for about 50 per cent of our international students. We've got the VET sector, we've got the English learning colleges and we've got, of course, the secondary school sector.

These are challenging times. We know that the federal government has allowed these visa holders and students to access any superannuation that they may have and may have accrued during the time that they are there. The federal government has changed some of the visa settings so students can work from more than 20 hours to 40 hours. We are also working with the sector, and the University of South Australia has announced a $10 million package, Flinders University has announced a $12.5 million package, and I expect Adelaide University will be announcing something shortly. My understanding is that there is a federal government meeting this afternoon with federal minister Tehan discussing a broader national package to support the universities' international students, and the Marshall government will be making some announcements in the future in relation to supporting the sector.

The actual details that the member wants, I will have to take on notice. I think it is important to note that we do have a cohort of students who have lost their jobs, and that about 22 per cent of international students work in hospitality, and 11 per cent of them in retail, and a lot of them have lost their jobs, so there is some financial difficulty that they are facing. That is why I am pleased that the federal government has allowed them to access some of their superannuation, and it will be a matter of making sure that we look after those students. We have given their parents and their countries an undertaking that while they are here studying we will look after them and give them a

good education, and certainly that will be the intention of the Marshall government to keep supporting a very important sector.

INTERNATIONAL STUDENTS

The Hon. T.A. FRANKS (14:37): How many of these students are under 18?

The Hon. D.W. RIDGWAY (Minister for Trade and Investment) (14:37): I don't have that figure of how many are under 18, but I am very happy to take that question on notice and bring back a reply.

DISABILITY SECTOR

The Hon. E.S. BOURKE (14:37): I seek leave to make a brief explanation before asking the Minister for Human Services a question regarding disability.

Leave granted.

The Hon. E.S. BOURKE: On 26 March, there was an urgent call to action made by the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability to all Australian governments to ensure that the response to COVID-19 included dedicated strategies and to take all necessary measures to protect and support people with a disability. At a broader level, the sector contributes approximately 9.4 per cent to our gross state product. My questions to the minister are:

1. Is the minister aware of any representation made to the government from organisations concerned about the potential collapse of the non-government disability sector in South Australia during this crisis?

2. What dedicated measures are in place today to support people with a disability as part of the COVID-19 response?

3. Given its large contribution to gross state product, what precisely has the minister done to fix the lack of Human Services representation on the Premier's Industry Response and Recovery Council?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:38): I thank the honourable member for her question. There has been a great deal of work that has been taking place at both state and national level in relation to people with disabilities to ensure that they are kept safe. In terms of our key areas in Human Services, the four areas that we are activating and have activated on at the moment, given that this situation is one that fluctuates a great deal, are: support and care for people with disability; support for vulnerable families and children, including those experiencing family and domestic violence; sustaining the non-government sector and community sector; and emergency food and financial assistance. I think I have referred to some of those matters in response to questions since this crisis has come upon us.

In particular, we have welcomed actions from the commonwealth government to ensure the wellbeing of Australians with disability during this pandemic. I think I mentioned yesterday that the NDIA or the federal government announced on the weekend that there is a specialised service being provided to NDIS participants, of whom there are in the order of 350,000 nationally and 32,000 in South Australia, so that they are a priority customer for food delivery from supermarkets. In addition, the commonwealth is making calls to 3,000 of the most vulnerable clients across Australia to check in on them regularly.

We have a telepresence tomorrow with all the state and territory ministers and the Disability Reform Council. The commonwealth announced its own advisory group on 3 April. The Department of Human Services (my department) has a working group for a range of disability providers in South Australia, which is regularly gaining advice about what is taking place and what their concerns are. We have also done a sector-wide group to ensure that we are getting information from the sector, including the disability sector.

We have been through our own COVID-19 non-government senior officers sector intelligence group, which meets regularly. That is feeding information into the state emergency centre. We had an online forum with NGO leaders on 26 March, which I presented, as did the

Premier, for a considerable period of the webinar, and we have a disability preparedness expert reference group, which brings together key sector leaders from accommodation services.

Within our own accommodation services sector, we have been operating a transition to home program, which is operating from U City and Hampstead, to enable people who are discharge ready to leave hospital and receive care and support in the community. We have also restricted visits into our accommodation services group homes, with protocols being developed for a range of scenarios. To assist families who have people in our accommodation services, we held a forum on 6 April, and those will continue to be held regularly. We are also working on recruitment strategies to enable an adequate pool of support workers.

In relation to any of the providers who are experiencing particular COVID difficulties, as well as the responsibilities of the commonwealth government, which is the regulator and funder of the NGO services, the state government also has the $250 million Community and Jobs Support Fund, which is under the auspices of the Treasurer and has representation from a range of stakeholders, including a representative from the community sector.

DISABILITY SECTOR

The Hon. E.S. BOURKE (14:43): Supplementary arising from the original answer: the minister detailed the response of the commonwealth government as well as the state governments, but has the minister, her staff or the department spoken with any heads of disability support agencies directly about how the government can support them during this crisis?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:43): I think I have outlined that we have a sector reference group. Disability is the only one of those four priority areas that has its own specific group, which includes CEs of a range of non-government providers in South Australia. In addition, there are some disability service providers who are on the broader human services group as well. I participated in the broad sector one this week. I have not been able to be available for the disability one as yet—or maybe it is the other way round. No, sorry; I was right the first time. The disability group, I think, has a meeting when parliament is on, which means that I am probably excluded from participating, depending on what time it is.

DISABILITY SECTOR

The Hon. E.S. BOURKE (14:44): Supplementary arising from the original answer: what is the contingency plan in case a disability support organisation or supported residential facility collapses during this crisis?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:44): We would hope that we would get early notification from any providers if they are having particular difficulties. I have already mentioned that we are looking at transitioning staff arrangements across the sector. In effect, if one provider was having to lay off staff they may be able to be picked up by another organisation, because NDIS-funded services, I think, would definitely be considered essential services and there is demand for disability staff, as there has been for some time since the NDIS commenced in South Australia. That workforce is certainly one that is highly valued and there are ongoing vacancies and opportunities.

I met with a particular provider a month or maybe six weeks ago who was looking at recruiting at that stage, so there are certainly plenty of opportunities for staff, and I am sure the commonwealth has contingencies in place for this issue as well. Given that they are the funder and regulator, they have much better line of sight over the financial ongoings of non-government organisations in the disability sector these days than does the South Australian government, given their role.

CORONAVIRUS

The Hon. D.G.E. HOOD (14:46): My question is to the Treasurer. Given the financial challenges raised by the COVID-19 situation, has South Australia experienced any liquidity issues, and has SAFA faced any problems in raising funds to manage the state's debt?

The Hon. R.I. LUCAS (Treasurer) (14:46): It is an important question raised by the Hon. Mr Hood, an issue that has been addressed by the Board of Treasurers, which is a body that represents all state and territory treasurers, over recent weeks. We have met by teleconference on

a number of occasions. It is fair to say that a small number of jurisdictions are facing some tightness in terms of liquidity. We are all having to fund very significant increases in public sector expenditure, we are all therefore having to incur significant increases in state debt and we are all therefore having to enter the market to raise funds to ensure the necessary funds are available to finance the public expenditure required of us during the COVID-19 pandemic.

I am pleased to say—and I pay credit to the Under Treasurer, Mr Reynolds, and the other hardworking officers in the South Australian Finance Authority (SAFA)—that they have conservatively managed the government's liquidity position for a number of years. I certainly seek no credit for that; it has been a position they have adopted for a number of years under the former government and continued under this government.

There is, I am advised, significant funding available to keep us in a liquid position, that is, being able to finance the level of our state debt for a significant length of time. I will not put on the public record the exact length of time, but for a significant length of time, certainly beyond what we hope is the expected duration of the COVID-19 pandemic.

It is fair to say that not every other jurisdiction is in such a fortunate position, and they are therefore having to tackle their particular challenges in a slightly different way. I am pleased to be able to say that in the last week SAFA was able to raise $1.5 billion, target fundraising, from six benchmark bond taps. Without going into the technical detail of that, the important information is that SAFA was deemed to be creditworthy enough and liquid enough to raise a considerable level of funding to assist the financing of the public expenditure.

The parliament has only recently addressed the Supply Bill, which has allowed sufficient expenditure for the payment of all of our public sector services for a period of up to 12 months. A bill that we are currently considering (and I therefore will not address the detail of that) also will assist in terms of significant additional expenditure authority for me as the Treasurer of the state to finance all of the necessary commitments that we are making on behalf of the state during this period.

It is an important issue, the state's liquidity, and I conclude my response by paying tribute to Under Treasurer Mr Reynolds, as well as the hardworking people in SAFA. Mr Kevin Cantley, who has now retired from SAFA but who was the driving force of SAFA, and Mr Andrew Kennedy and various other senior officers within SAFA have managed a good book on behalf of the state of South Australia under both the former Labor government and continuing under the new government over the last two years.

CORONAVIRUS

The Hon. T.A. FRANKS (14:50): A supplementary: has the state been in conversation with their federal counterparts with regard to the unconventional monetary policy that the Reserve Bank of Australia is currently undertaking, and will we be getting any of that around, I think, $30 billion?

The Hon. R.I. LUCAS (Treasurer) (14:50): We have had discussions. The Governor of the Reserve Bank, Mr Philip Lowe, has joined in on teleconferences with CFFR, the Council on Federal Financial Relations, which are the state and territory treasurers and the federal Treasurer, and has provided advice. I think he has also attended once or twice by teleconference—and actually in person, I think, at one stage—at the Board of Treasurers meetings to talk about the approach of the Reserve Bank in relation to managing the finance of the nation.

The member asks about when the state will get access to it, but it does not actually work that way. The Reserve Bank is completely independent. It purchases bonds or semi government bonds in the market and puts funding or finance into the marketplace. All of us in Australia benefit, so yes, South Australia will benefit; South Australians will benefit from the approach, which we endorse, that the Reserve Bank Board and Governor have been adopting in recent times.

It is consistent with the federal government's position and the state and territory governments' position that we need to be spending significant sums of money on bringing forward important public sector infrastructure, which this state and other states and territories have done. To do that we have to increase the level of the state debt, and to do that we have to raise money in the financial markets.

DOMESTIC AND FAMILY VIOLENCE

The Hon. C. BONAROS (14:52): I seek leave to make a brief explanation before asking the Minister for Human Services and the status of women a question about domestic violence.

Leave granted.

The Hon. C. BONAROS: The Prime Minister sparked concern in the community recently when he warned of a disturbing 75 per cent increase on search engine Google for people seeking information on domestic violence support services since the coronavirus pandemic national shutdown commenced. It is in this environment that domestic violence experts and SAPOL are said to be bracing for a spike in domestic violence incidents, with experts fearing that incidents of abuse will increase the longer the pandemic continues and the longer families are in isolation in their homes. We know that the victim of domestic violence is most likely to be impacted by domestic violence in their own home.

I have written to the Attorney-General about this issue, amongst a number of other issues, seeking some advice from the government about what we are doing to address this. My questions to the minister are:

1. Is the government concerned about the potential for more domestic violence incidents in the current COVID-19 environment, specifically when unemployment is suddenly skyrocketing, households are being asked to isolate for long periods of time, and children are potentially at home from school for many weeks or months to come?

2. Is the government engaging in discussions with domestic violence support agencies and women's shelters?

3. Have any of those organisations already sought additional support and funding in the current environment?

4. What measures are being taken by the government in relation to the specific issue of domestic violence and the support offered to those services in this coronavirus environment?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:54): I thank the honourable member for her question and for her interest in this area, which I think is one which shares multipartisan support. As we know, there are a number of White Ribbon ambassadors who are in the parliament. It's been very pleasing over my time in parliament to see more and more members of parliament, including our male colleagues, engage in this important area.

The answer to all of her questions is probably yes. We are concerned about the impact of isolation on the incidence and pathways for domestic and family violence. Women's Safety Ministers, which is all of the state, territory and commonwealth ministers, has been elevated by COAG to a COAG council and we have had several teleconferences in the last few weeks.

The national hotline, 1800 RESPECT, has actually seen a drop in calls. We suspect that what's behind that is women are isolated at home. Potentially, the perpetrators are using the current crisis as a means of isolating them further and, therefore, it's more difficult for women to make those telephone calls when they need to. I must again emphasise—and I can't emphasise this point enough in relation to any of these services—that we are constantly monitoring what the situation is within our community and it does change, so I would hate for my advice to the parliament to be taken as standing for a time. It is something that is ongoing.

In terms of the incidence itself and the callouts, that information would be held by the police commissioner, and I would need to double-check that information with him. The federal government, through our last COAG Women's Safety Ministers meeting, has advised states and territories that it's making more funding available. The Office for Women has been working through what the most appropriate means of funding that would be. It is incredibly welcome at this time. As everyone would know, the state budget is under pressure and we are being called on for all sorts of things to fund all the time, so to get that level of assistance from the commonwealth is very welcome. The Office for Women is working through those priorities.

We've got the Committed to Safety document, which outlines the approach to South Australia. It's pretty comprehensive in terms of primary, secondary and tertiary responses to family violence. It has identified gaps and, as a strategic plan, it enables us to very quickly slot in, when we get additional funding, what those new priorities should be. I look forward to providing some more public information about how we will provide that additional funding to assist people to stay safe in their homes.

The PRESIDENT: A supplementary question.

DOMESTIC AND FAMILY VIOLENCE

The Hon. C. BONAROS (14:58): Have those discussions included any discussions with the police commissioner about potentially having random checks on homes of known domestic violence victims who are known to be living in families where domestic violence has occurred in the past?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:58): I haven't had any direct discussions myself with the police commissioner. I know that the Office for Women has had regular contact with the relevant senior officers in SAPOL in relation to that. Of course, in terms of known perpetrators, we've got the disclosure scheme, which enables people who are concerned about someone who is in a relationship, or they themselves may be in a relationship and they want to check on someone's history, to see whether there are red flags.

We've also got an app, which is very useful in these particular times of isolation, which enables women who have been assessed through the specialised front-line services to be at higher risk to contact the police very quickly. I will double-check with the Office for Women about what feedback they have had from SAPOL in relation to that specific question.

DOMESTIC AND FAMILY VIOLENCE

The Hon. E.S. BOURKE (14:59): Supplementary arising: considering the issue, and that this has been raised within the community, is there not a role for the minister to be contacting and be making that direct contact herself, and not the Office for Women?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:00): It's entirely appropriate that the Office for Women have these direct discussions with SAPOL as they do have on a regular basis.

CORONAVIRUS

The Hon. K.J. MAHER (Leader of the Opposition) (15:00): I seek leave to make a brief explanation before asking a question of the Minister for Transport and Infrastructure regarding supplies.

Leave granted.

The Hon. K.J. MAHER: The Victorian government has committed to securing 275 million pairs of gloves, 8.6 million face masks and 1.7 million gowns for their state. Other jurisdictions have published stock and order numbers. I understand the minister has been in contact with other state and federal ministers in relation to the manufacturing and supply of personal protective equipment. My questions to the minister are:

1. Following the minister's discussions with his colleagues, where are our greatest supply challenges as a nation, and in particular, as a state?

2. In light of commitments by other states to secure certain levels of personal protective equipment, what levels are our targets for South Australia?

3. Has South Australia made a similar commitment to Victoria and other jurisdictions about securing personal protective equipment?

The Hon. D.W. RIDGWAY (Minister for Trade and Investment) (15:01): I thank the honourable member for his ongoing interest in the health, wellbeing and safety of our community. A lot of his questions are probably really matters for the Department for Health and SA Health, in relation to the actual supplies that we have. At the meetings that we have with all of the trade

ministers and federal minister, the Hon. Karen Andrews, we certainly talk about opportunities to fill gaps. As I think I might have said last week, we don't actually talk about the quantum of the supply.

It is well known that local manufacturing company Detmold has agreed to—and entered into a contract to—supply 145 million masks. I think it is fabulous for South Australia to have that capability. Certainly, Detmold spent a significant amount of time in negotiations with SA Health and the federal Department of Health. I was very much aware of the opportunity that was presented to Detmold, but the figures—the published figures of 45 million masks for South Australia and 100 million for the national stockpile are really the only figures that I am familiar with.

In those discussions, I think this morning's meeting was one that we should be very proud of. The Northern Territory procurement officer—the minister was unavailable; I think they had something else on this morning and not every minister could be there, as you would understand, Mr President—gave a great endorsement of Bickford's. They had come to Bickford's to see if Bickford's could supply sanitiser to them. Bickford's said yes, they could. They asked how much they were being charged, and the Northern Territory Health told Bickford's and Bickford's said, 'We'll beat that; we'll provide it to you at a cheaper price.'

I thought that was a wonderful endorsement of the community spirit we have in South Australia to support the nation at this time of great need. Bickford's were actually prepared not to make a big profit, but to make sure—sure, they are going to cover their costs, but they made sure that another state or territory has an opportunity to benefit from the capacity that they have built up here.

All of the challenges around equipment is really something that I think the honourable member should direct to SA Health. It is not my role, as Minister for Trade, to be dealing in whether we have shortages of one particular commodity or another. Certainly, PPE has been a broad discussion—whether it is masks, gloves, gowns, goggles or face masks. With all of those, there are varying levels of confidence that we have enough supply. We have seen the Prime Minister and all of the other experts talk about flattening the curve. I think if we flatten the curve, I'm very confident that we won't have any major difficulties in supplying those particular products. But really, the detail of that should be directed to SA Health.

RED CROSS TELECROSS REDI SERVICE

The Hon. J.S. LEE (15:04): My question is to the Minister for Human Services, about welfare calls to vulnerable people. Can the minister please provide an update to the council about how the Marshall Liberal government is supporting vulnerable South Australians through activating the Red Cross Telecross REDi service in response to COVID-19?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:04): I thank the honourable member for her question and for her interest in this area. A number of people may be familiar with the Red Cross REDi service, which is most often activated during really hot weather, when phone calls are made by Red Cross volunteers to people who are vulnerable and isolated at home through either being aged or being limited in mobility, or through having other reasons why they are isolated at home.

Clearly, in this time when particularly a lot of older people are quite anxious about their situation—for good reason, as we all are anxious to some degree about the coronavirus epidemic—there are people who are choosing to isolate at home. For those people who particularly don't have a family or friends or neighbours who can check in on them on a regular basis, the Red Cross service has been activated to allow these people to access this service.

The service, particularly during hot weather, makes numerous calls a day to people to remind them to drink cold water and just to see whether they are okay. There have been instances that we know of where the Red Cross has had to call the ambulance, if the person isn't responding on the phone. We are quite sure that that has literally saved some people's lives.

We are very pleased that the Red Cross has been an active partner in this service to assist people who are self-isolating. We know that it's important for people's wellbeing, as well, for them to receive regular human contact, and even though we can't do it in person, it can certainly be done on

the telephone. We are very grateful to the Red Cross for providing this service to South Australians who are experiencing these challenges at this time.

ABORTION

The Hon. T.A. FRANKS (15:07): I seek leave to make a brief explanation before addressing a question to the Minister for Health and Wellbeing on the topic of access to abortion services under the pandemic.

Leave granted.

The Hon. T.A. FRANKS: As members would possibly be aware, abortion is still regulated under our Criminal Law Consolidation Act 1935. This means that, in South Australia, a woman or a girl seeking a medication abortion, known as a medical abortion—to be clear, it's a course of two sets of tablets taken early in a pregnancy that is unwanted—cannot access Telehealth due to our archaic laws. Indeed, there is a life imprisonment penalty under the Criminal Law Consolidation Act. A woman or a girl has to have lived here for two months prior to being able to access our lawful abortion services whatsoever. Should she live anywhere in this state, she needs to go to a prescribed hospital, not once but twice, to access those tablets. If she lives in Mildura, she can use Telehealth and have them posted to her, but if she lives in Berri, she cannot.

It is an archaic law that has not yet been addressed, but in this pandemic where, as we know, there is coercive domestic violence, there are women who are abused being isolated with their perpetrators and, in many cases in those particular violent and abusive situations, being controlled—and reproductive control is one of those tools. What measures has the government taken to ensure that all women and girls can access Telehealth to access early medication abortion earlier in an unwanted pregnancy, particularly where domestic violence is a factor?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:09): I feel as though I should be careful because the issues that the honourable member has raised were basically adverted to in this morning's debate, and that debate hasn't concluded. In relation to emergency measures, the parliament is still considering the government's bill. What I would say up-front is that the government is not going to be using the emergency powers to subvert the powers of parliament. We will respect that parliament has put the laws in place and that they should be honoured.

To the extent that issues arise in the context of the pandemic that would justify short-term changes, they will only be in place for the duration of a major emergency, and they would lapse. Certainly, we are mindful of the impact that our directions are having on the delivery of services, and I would just highlight the work done to moderate the impact of the elective surgery, non-urgent band, in relation to women who had commenced an IVF treatment and had not been able to complete it. I acknowledge the representations of the Hon. Emily Bourke on that matter. The government did act. There was a direction issued and families have been able to complete their cycle.

Certainly, representations have been made to us in relation to the challenges of the current law in relation to medical termination of pregnancy. Certainly, one of the key priorities of the public health clinicians is to minimise avoidable travel. As the honourable member says, members of this parliament have raised the issue of access to health services in terms of Telehealth and medication-based termination of pregnancy, but it is doubly an issue in the context of a pandemic. We want to use Telehealth in all sorts of domains that we don't normally fund it, because it would help us reduce avoidable travel. At this stage, all I can say is the issue has been raised with the government and it is being looked at.

CORONAVIRUS

The Hon. E.S. BOURKE (15:12): I seek leave to make a brief explanation before asking a question to the Minister for Health and Wellbeing regarding public health.

Leave granted.

The Hon. E.S. BOURKE: The Queensland government today banned travel to a number of its state's islands, including Fraser Island. A person who does not live on these islands will not be permitted to travel to any of the islands except for a few exemptions around essential services. The

Kangaroo Island Council has asked the state government to impose a similar ban on travel to Kangaroo Island. This has not yet happened. My questions to the minister are:

1. What expert health advice has the minister received around implementing travel restrictions to Kangaroo Island?

2. Does the health system on Kangaroo Island have the capacity to deal with a COVID-19 outbreak on the island?

3. What are the health risks for people who are not from Kangaroo Island heading over to the island over the Easter long weekend?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:13): It is not the intention of the government to issue a direction to stop people going onto Kangaroo Island. One of the factors relevant there is that this is an island that is still in recovery and there are a lot of people needing to support the recovery.

As I have said in this house before, we are very willing to take action to restrict movements where we consider it necessary. We didn't issue a direction in relation to Barossa Valley, but we certainly discouraged—doubly discouraged—non-essential travel in and out of the Barossa in response to a cluster there.

Also, the state law has been, as I understand it, supporting Aboriginal communities to restrict movements in and out of those communities, and that has been backed up in relation to nine communities in South Australia by a commonwealth Biosecurity Act restriction on movement. We certainly don't rule out regional restrictions on movement, but the government does not consider that it is appropriate in the context of Kangaroo Island.

CORONAVIRUS

The Hon. E.S. BOURKE (15:14): Supplementary question arising from the original answer: can the minister go back to the original question as well and highlight what expert health advice the minister has received about allowing people to travel to Kangaroo Island over the Easter break?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:14): We are in constant discussions with both the emergency management structure led by the police commissioner, the Chief Public Health Officer and all of her deputy chief public health officers—these and other matters are the source of constant discussion.

CORONAVIRUS

The Hon. E.S. BOURKE (15:15): Supplementary arising from the original answer: the minister highlighted in his answer that there have been a number of discussions with professionals, but what advice has been provided by the chief public health professionals?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:15): The government's actions are not inconsistent with the advice of the public health officials.

CORONAVIRUS

The Hon. E.S. BOURKE (15:15): Supplementary arising from the original answer: is the minister able to detail what health supplies and support would be available in hospitals on Kangaroo Island if an outbreak was to occur?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:15): The first point I would make is that Kangaroo Island, like any other part of Australia, is not magically immune to this virus. In fact, the reality is that there has already been a confirmed case on Kangaroo Island. There is no doubt that Kangaroo Island, depending on the scenario, would be challenged by an outbreak of coronavirus on the island, but that is true of very many parts of this state. That is why we all need to work together to make sure that we flatten the curve, push out the peak and work cooperatively to make sure that our whole state stands ready to respond to outbreaks.

CORONAVIRUS

The Hon. E.S. BOURKE (15:16): Supplementary arising from the original answer: the minister highlighted that Kangaroo Island has experienced bushfires recently and that the community has gone through emotional and physical stress and it has put a strain on the community.

The PRESIDENT: The Hon. Ms Bourke, ask your supplementary question.

The Hon. E.S. BOURKE: I'm going to my question, Mr President. Considering that the community is already under strain, if an outbreak occurs will there not be a further strain on their hospital health system?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:17): I pose the answer back almost as a question: does the honourable member think that people who are recovering from the bushfire, perhaps living in temporary accommodation that is not sustainable—

The Hon. E.S. Bourke: Some are.

The Hon. S.G. WADE: Exactly, so the stress on the community in relation to the bushfire is an ongoing stress. That is why we believe it is important that the recovery continues. As I indicated in my earlier response, there is a range of factors to be considered in relation to any community, and that is certainly the case in relation to Kangaroo Island.

Matters of Interest

ANZAC DAY COMMEMORATION SERVICES

The Hon. R.P. WORTLEY (15:18): ANZAC Day, held annually on 25 April, commemorates the anniversary of the Dardanelles campaign landing in 1915 and traditionally sees gatherings of people across Australia and New Zealand at war memorials, RSLs and community precincts to pay their respects. Sadly, ANZAC Day this year will be different from previous years, and the RSL has made the difficult but necessary decision to cancel activities, such as the state RSL ANZAC Eve Youth Vigil, dawn service, the ANZAC Day march, the Cross of Sacrifice Service and the ANZAC on Torrens Parade Ground.

Remembrance of service of sacrifice is as important now as it ever has been. Although we may not be able to gather together as we would like to, and as we do ordinarily on ANZAC Day, there are always ways that we can remain connected and pay our respects. One way we can participate is to join the Light up the Dawn service at 6am on ANZAC Day. This year, the RSL will be asking Australians to stand in their driveway, on their balcony or in their living room and remember all those who have served and sacrificed. From 6am, the RSL will be live streaming a commemorative service comprising *The Ode* and *The Last Post*, a minute's silence and the national anthem. You can pledge to participate by visiting the RSL website and signing up to the Light up the Dawn service.

The Virtual War Memorial Australia remains active and accessible during this time. For those who are socially distancing and staying at home, now might be an opportunity to find out more about our relatives who served for Australia on active service. You can register for an account with the Virtual War Memorial Australia and contribute pictures and information on your family members who may have served for Australia. Contributions to the Virtual War Memorial Australia from new and existing members are always welcome and such contributions ensure that the sacrifice of our service men and women is forever acknowledged.

For those with little ones at home who might be looking for an activity, I encourage families to visit the RSL education online for an online tutorial on how to make your own poppy wreath. This is a great opportunity for children and adults alike to get creative and demonstrate to a young generation what the ANZAC spirit is all about. Children can then proudly display their poppy wreath on their balcony, front gate or driveway on ANZAC Day.

We all know that gardening is good for our wellbeing. Certainly, regular gardening is beneficial for our mental and physical health. While many of us might be working on a new gardening project, you might consider planting rosemary to mark the occasion of ANZAC Day. The significance of rosemary to ANZAC Day dates to World War I when the native rosemary grew wild on the slopes of the Gallipoli Peninsula. Wounded diggers brought home a small rosemary bush from Anzac Cove to the Army hospital at Keswick in Adelaide. Cuttings from the original plant were propagated in

nurseries all over Australia. Sprigs of rosemary are worn at ANZAC Day ceremonies as a reminder of those who served and sacrificed.

The ANZAC appeal which enables the RSL to continue to assist veterans, families and defence personnel with advocacy, emergency accommodation, bill payments, grocery vouchers and wellbeing programs rely on public donations. For those who can, you might consider donating securely by visiting the ANZAC appeal to donate online or at the checkouts at Woolworths supermarket stores. The ANZAC spirit brings together five distinct qualities of mateship, courage, ingenuity, humour and endurance in tough times. These were the defining qualities of the ANZACs when they landed on the beaches of Gallipoli in World War I.

As a nation today, we are reminded that as Australians we can look to the qualities that define the ANZAC generation, and once again draw upon these qualities to help us navigate through these difficult times. The quality of ingenuity in finding a unique way to commemorate Australian service men and women will be an important feature of ANZAC Day this year. While the cancellation of traditional services is incredibly sad/necessary, I know that all of us here can use our ingenuity in thinking of ways to mark this special occasion.

FERRARO, MR F.

The Hon. J.S. LEE (15:23): Since the World Health Organization officially declared the coronavirus crisis a global pandemic on 12 March 2020, the world has become a totally unrecognisable place. The coronavirus has spread across the world and is now affecting 209 countries and territories. There are over 1.4 million cases and over 82,000 deaths so far. Yesterday was a very sad day for our state. Our hearts went out to the family when we learned that coronavirus claimed its first life in South Australia. It is with a very heavy heart that I speak in parliament today about the sad passing of Mr Francesco Ferraro.

The late Mr Ferraro's daughter, Enza, is a dear friend of mine. When I learned about the heartbreaking news before the public announcement, I immediately reached out to Enza to offer my heartfelt sympathy and condolences. It was with great humility and compassion that the Premier wrote a letter to the family expressing the state's sincere condolences. As we know, due to the COVID-19 restrictions, the family will not be able to conduct a normal memorial service and funeral to honour Mr Ferraro's life in front of hundreds of their family, extended family members, friends and the community. Under these unprecedented circumstances, there was no time to bid farewell and a very limited opportunity to pay tribute to someone who has been a pillar of strength to his family and his community.

Yesterday, when I reached out to Enza to offer my deep condolences and words of comfort during this difficult time, I felt compelled to offer as much support as I could because that is what friends are for. With the family's permission and blessing, today I am honoured to pay our collective respects and tribute to Mr Ferraro in a special way that his family would like to remember him and to honour his legacy.

The late Mr Francesco Ferraro was a migrant from San Marco Dei Cavoti, Benevento, Italy. He arrived in Australia in 1968 and got married the same year. He was a loving husband and father to three children and grandfather to eight. He was grateful for what this country had given him and raised his family to be proud Australians, whilst always maintaining his links to his Italian heritage.

His values centred around family, loyalty, dignity, hard work and being respectful. He believed in doing his very best and ensuring life was full of love, life and music. His wife, Elisabetta, was his childhood sweetheart. She said:

> He is the love of my life, we grew up as children, we worked hard together and our joy was seeing our family grow and gather around us.

His daughters, Enza and Orietta, cherished his guidance and how he empowered them to be strong, independent, resilient women. His eldest granddaughter, Isabella, said:

> He contributed to all his grandchildren's lives in a positive and inspiring way. He taught us the importance of striving to be your best whilst balancing it with your values and aspirations. He showed us that love is unconditional and that life teaches us to be strong and learn from each experience.

His son, Claudio, said:

Dad taught me to believe in my dreams and never lose sight of achieving them.

His grandson posted a moving tribute. Alessio said:

Nonno, never would I have thought this is how our story ends and so soon, but heaven needs angels and an angel you are. You promised me you would come home and I'm sure it was a promise you fought and tried to keep. Many of you had the privilege of knowing my Nonno but I had the privilege of calling him my best friend or as he would like to say 'besta man'. Life will never be the same with out your infectious laugh and smile. I will miss all the late night chats about life, all your advice, stories, jokes, the Thursday dinners saving a seat next to you for me when I came back from training and the DIY at home renovations. You gave me the world and if only we had more time for me to give at least half back, but life isn't fair and sometimes it can really suck. I'm so grateful for all that you did for me Nonno, you really never could say no.

You're a true gentleman to all and have left a legacy behind that no one can forget. You gave everything to this family and we wouldn't be where we are without you. To my number 1 supporter, you may not be on the sideline of every soccer game anymore but I know you will be watching from above. You can Rest In Peace now my best friend. Until we meet again Nonno. So long partner. Ps. Your garden is safe with me, I promise.

CORONAVIRUS

The Hon. T.A. FRANKS (15:28): I rise today to make some remarks on the COVID-19 pandemic and the world that we find ourselves in, and the world, in fact, that we can see through this pandemic. As we know, the Prime Minister of the UK, Boris Johnson, is currently in intensive care. He most recently said that he distanced himself from a previous prime minister of the United Kingdom, Margaret Thatcher, who famously—or infamously—stated that she did not believe that there was a society, just an economy. The current Prime Minister of the United Kingdom firmly believes in a society and that society is serving him very well right now, with the national health system taking care of him in his time of need.

Coming to work today, I had to note that there were no homeless people on the streets around Parliament House. Normally, I would walk past two, three, four or five at least, lying on the streets on what today would have been a chilly day; on summer days it can sometimes be in plus-40˚ heat.

I commend the Minister for Human Services for her work in finding homes for our homeless. It turns out that with this challenge things that we have been told have always been done this way and must be done this way can be done in different ways. The COVID pandemic is indeed a portal to the country we could have beyond this crisis. The changes we have always wanted to see are within our grasp, and we see a Prime Minister from the conservative side of politics announcing JobSeeker and JobKeeper grants, saying that we are all in this together, looking more like a socialist than—I am sorry to the ALP members—any ALP leader that I have seen in the most recent history of our federal parliament (I will not include all states in that).

We see the rights of tenants, and the rights of people to have a safe house, protected in the face of a public health crisis. We see that we can raise the rate of Newstart, that we can have people not live in poverty, that we can actually ensure that we have a good life for all.

This is a very frightening time. It is a real challenge. It is not unprecedented; we have shut our state borders before. For those who are familiar with the history of the Spanish flu, many of the stories are similar. Indeed, in the library, just before, I was being told about nurses who were coerced into caring for patients in the time of the Spanish flu who refused to do that, being sent white feathers, being seen as cowards. They were standing up for the workplace rights and their own health.

So these are not new challenges, but I hope with the new solutions we have seen and the belief that we are all in this together we can actually lift people out of poverty, that we can ensure that people have a connection to meaningful work and a safe place to live and not be homeless and be protected through this crisis, and that it will be something that we take beyond this crisis as a new way of carving our society.

To those people who have always said that it cannot be done this way to people with disabilities in their workplaces, suddenly we are all on Microsoft Teams, suddenly we are all having to absolutely turn on their heads our workplaces and our working arrangements. Suddenly these things can be done. Suddenly child care is an utterly essential service, suddenly child care is free. It shows that we have the power to create a society that we want to see into the future.

The dreamers do not seem to be so impractical now when we are faced with this public health crisis, but what we should recognise into the future is that the public determinants of health should mean that we have a good society, that people should be able to sleep safely and comfortably at night, that they should be secure, that they should have healthy food, that they should be able to educate their children, that they should have child care when and if they need it, and that they should be afforded access to income and employment.

Spain has just announced a universal basic income—they are the first European country to do so. These are the sorts of conversations we can have in this COVID crisis, but beyond this COVID crisis, because we cannot go back to doing things the way we have always done them after this. Watching and seeing North Terrace cleared of homeless people today shows me that we can do better, and we are currently doing better and we must continue to do better.

INTERNATIONAL STUDENTS

The Hon. T.T. NGO (15:33): I rise to speak about international students in Australia during the coronavirus pandemic. International students are South Australia's biggest export, estimated to add nearly $2 billion to our economy, or $35 billion to the Australian economy. We owe much to our almost 45,000 international students. We know those of them choosing to study onshore in South Australia strengthen our economy. However, they also bring international experience and perspective to our state's educational institutions and workplaces, and they bring an international dynamic to our businesses and increase our state's culture and vibrancy.

Others here also value and welcome international students. Not long ago in this chamber I asked the Minister for Trade and Investment, the Hon. David Ridgway, about the coronavirus impact on international students' education, our leading export industry. The minister advised that every four international students create one job through education and accommodation and tourism from family and friends visiting. Right now, as countries close borders and commercial flights cease, going home is impossible for many international students.

Given everything that international students give to South Australia, and knowing that some cannot go home to their families during this crisis even if they wanted to, I expect many honourable members here were concerned about the Prime Minister's comments to not support our international students. He said:

> If they're not in a position to support themselves, then there is the alternative for them to return to their home countries.

This response disheartened me. It is upsetting to hear our international students be told to go home, that we will not extend compassion and support to them despite all they give us. These unwelcome comments insult thousands of international students. They are not just money in the bank when it suits us. Such sentiments discourage students who can leave now from returning to Australia after the pandemic, and it damages our reputation as a place to study.

In normal circumstances it is fair that international students financially support themselves. Our current circumstances are not normal, and we must consider the coronavirus impact everywhere. Many are struggling in places where Centrelink JobSeeker and JobKeeper payments do not exist. We must understand that families may have no resources to support relatives studying abroad.

In times of crisis we need strong leaders, and I thank community leaders advocating for these students. I particularly acknowledge the Australian-Indian community's Mr Trimann Gill for supporting the students despite the Prime Minister's comments. Mr Gill told me about many local international students studying while working jobs that many locals will not do. They contribute to our economy and do not burden Australians. We will need them again to recover and rebuild our community.

I urge the state government to stand up for the international students and tell the Prime Minister he must extend some relief to them. I ask our state government to do all it can to support international students. Our state must send the message that international students are welcome and, if suffering severe financial hardship, they must be financially supported and treated compassionately. We cannot have them stranded from home on our streets or in crowded hostels. Supporting international students here can help them stay in their homes, paying landlords and helping our local economy.

In closing, I thank minister Ridgway for his support for the international student sector, and hope to work with him and his department to identify whatever support we can give our international students during this frightening health and economic crisis.

SAN REMO AGREEMENT

The Hon. D.G.E. HOOD (15:38): I rise today to peak about the 100th anniversary of the San Remo Agreement, which will be commemorated on 25 April this year—obviously ANZAC Day, as it is known in Australia. The San Remo Agreement validates the State of Israel's existence. After the end of World War I this document was signed in San Remo in Italy by the four principal allied powers. The prime ministers of Britain, France, Italy and Japan joined together in a significant and now historic moment. Obviously, as I said, in Australia it coincides with ANZAC Day.

The agreement established the region of Palestine as the national home for the Jewish people, and has been described as Israel's Magna Carta. This agreement is still considered a hallmark of Jewish people's rights in Israel, and is adopted by the League of Nations and signed by 51 countries. This is an important date to commemorate, in particular, for the Australian Jewish community.

In February of this year, a group of both Australian and American politicians, as well as over 200 members of the Australian Jewish and Christian community, were able to attend the Jerusalem Prayer Breakfast in Canberra. Also in attendance were leaders from New Zealand, the Indigenous communities and Pacific islands, including Fiji, the Solomon Islands and the Cook Islands.

It was the 14th event of its kind globally and a celebration in prayer of the Jewish religion in particular. In addition to this event, Israel's President, Reuven Rivlin, met the Prime Minister, Scott Morrison, and Governor-General, David Hurley. The President expressed his appreciation for Australia's friendship and commitment to the State of Israel and to the Australian Jewish community. He noted that the diplomatic relationship between Australia and Israel was one of the, in his words, 'cornerstones of Israel diplomacy' and that the connection between the people of these two countries is strong and important.

During World War I, Australian soldiers were present in the crucial battles for Gaza and Beersheba, particularly in reference to the legendary Light Horse Brigade. Members may recall that H.V. Evatt, the Australian foreign minister in 1947, served as the chairman of the UN General Assembly Ad Hoc Committee on Palestine and assisted in getting the UN partition plan through. Australia voted in favour of this plan, of course, even though there was pressure from the United Kingdom to abstain from our support for the partition.

ANZAC Day is celebrated in Israel at the Commonwealth War Cemetery on Mount Scopus in Jerusalem. The Australian Soldier Park in Beersheba is dedicated to the memory of the Australian Light Horse regiment that charged at Beersheba and defeated the Turks in that famous battle in World War I.

In Australia, the Beersheba Vision organisation highlights and places importance on advancing our shared ANZAC heritage. This relationship emerged from this particular battle all those years ago, which took place on 31 October 1917. The organisation reiterates how important it is to remember the Australian presence in the Middle East and the soldiers who fought there and did not make it home.

The Beersheba vision is another example of the ongoing importance of this history, which they frame in discussion to advance religion, education and culture in schools, churches and of course in the Jewish communities. This further highlights the lasting nature of the relationship, with Australian soldiers assisting the allied powers to victory in World War I. This victory is what made the San Remo Agreement itself possible.

As always, as we face an uncertain future, it is important to commemorate and remember our own Australian history, as well as our shared history with those around the globe. This is truly one of those agreements that we should remember fondly.

MANUFACTURING INDUSTRY

The Hon. J.E. HANSON (15:42): I firmly believe in a nation that makes things and, with other social and economic problems that recent hard times have shown us, I believe that we all should. I believe in making what we need and making it here. We should make it well and we should make it available to Australians first. The fact is, therefore, we should also be looking at made in South Australia and Australia differently after the COVID pandemic. We need to put more weight on the social and economic benefits of rewarding locally made.

Realising all of a sudden that we really do need manufacturing here, even if it is just to make products to protect ourselves, should not be a realisation we need to come to twice. Locally, the recent successes of companies such as Detmold and Kyron, in stepping up to the plate to provide vital PPE and goods to our nation and our state, should not be forgotten come the end of the pandemic. The speed with which companies in our state can step up into needed markets in a crisis makes it plain. The fact is we have always had the workers. We have always had the skills. All we actually need is a government that is willing to back them in to make it here.

This week marks the unhappy anniversary of one of the largest administrations not only in our state but in the history of our nation. This week, in 2016, we saw Arrium and its almost 7,000 employees of the time placed into administration. Without attempting to relive what was a life-changing experience for all who were involved in the saga, it is worth reflecting on exactly what we saw unfold in the weeks and months that followed this week in 2016.

What we saw was the saving of a strategically significant industry to this nation. Local steel is the backbone of new rail. Local steel is the backbone of road and construction projects. The ability to make our own steel is critical to projects in defence. More than this, what we saw was the extraordinary resilience that exists not only in the workers but also in their families, in their friends and in the communities that surround them.

The enormous pressure that was on regional South Australia, and specifically in Whyalla, left many workers not only wondering if they did not have a job, but if they did not have a house, if they did not have a community and if they had nowhere to go if it in fact all fell over. The role that the Australian Workers' Union played not only in the workplace but also in the community was vital in achieving the outcome that was ultimately achieved.

The traditional role of the union, which often ended at the factory door, no longer applied. The AWU formed a critical role in not only supporting the workers' rights but also their concerns for their community, their homes and their livelihoods. In this regard, I want to single out AWU organiser (and my mate) Scott Martin for a particular mention. For the years leading up to and during the administration, he was a lion for the community in which he lived and worked. He was a testament to the modern-day financial and community value of membership of a trade union. It is something that many, including myself, will never forget.

The role that the Labor Party played also—specifically the then Weatherill government—was key in securing an eventual buyer of the plant and supporting the retention of the existing workforce. It was not really about securing $50 million in support; it was their 'Whatever it takes' bipartisan approach, taken at a time to save the company, the jobs and the community, that should never be forgotten by anyone.

During these uncertain times, now more than ever, your fellow South Australians also need your help to roll up your sleeve and donate blood. Our need for blood donations is not reduced during this crisis, but practically the number of donors able to make it to donation centres has. The Australian Red Cross Lifeblood has made it clear, the Department for Health has made it clear, and those who need donations have made it clear: donating blood is an essential service. Restrictions on travel do not prevent anyone from donating blood if they are healthy and well.

During the recent bushfire crisis, thousands of South Australians made the decision to donate blood for the very first time, knowing that the donation of blood was far more valuable than the donation of money. During these hard economic times of the pandemic, it would be fantastic to see many more making the choice to give a pint of the thing most valuable to them. In a world of

social distancing, it has never made more sense. Donating blood may indeed save the life of someone you will never meet.

Personal Explanation

GENETICALLY MODIFIED CROPS

The Hon. M.C. PARNELL (15:47): I seek leave to make a personal explanation.

Leave granted.

The Hon. M.C. PARNELL: Over the past couple of days, I have communicated with all members of this chamber, indicating that my intention at this time—at the close of matters of interest speeches—would be to move to suspend standing orders to enable me to move a motion without notice concerning the disallowance of regulations for the growing of genetically modified crops in South Australia. Up until a few minutes ago, that was my intention.

I am grateful to the Clerk for pointing out to me subsection 10(5b) of the Subordinate Legislation Act, which effectively provides that the disallowance of regulations requires notice. Therefore, suspending standing orders to dispense with notice is not something that we can do under our standing orders, because it would in fact be in breach of the act.

Whilst I am very disappointed that we are not about to have a short but telling debate on the disallowance of regulations, I will not be proceeding with what I indicated to members I would be doing. Instead, my colleague the Hon. Tammy Franks gave notice earlier today that she would move to disallow the regulations on the next Wednesday of sitting, which, depending on what this council decides, may well be in May. I would urge all members to pay attention to that motion when it comes on.

I thought I would make that explanation. Having told all members of parliament I was about to do something and now I am not doing it, I needed to explain why. I again thank the Clerk for pointing out to me something that I think we all now know: whilst we can suspend standing orders for many purposes, the disallowance of regulations is not one of those.

Motions

COVID-19 RESPONSE COMMITTEE

The Hon. K.J. MAHER (Leader of the Opposition) (15:49): I move:

1. That a committee, to be called the COVID-19 Response Committee, be appointed to monitor and scrutinise all matters related to the management of the COVID-19 response and any related policy matter and any other related matter.

2. That the standing orders of the Legislative Council in relation to select committees be applied and accordingly—

   (a) that the committee consist of six members and that the quorum of members necessary to be present at all meetings of the committee be fixed at three members;

   (b) that members of the committee may participate in the proceedings by way of telephone or videoconference or other electronic means and shall be deemed to be present and counted for purposes of a quorum, subject to such means of participation remaining effective and not disadvantaging any member;

   (c) that standing order 389 be so far suspended as to enable the chairperson of the committee to have a deliberative vote only;

   (d) that this council permits the committee to authorise the disclosure or publication, as it sees fit, of any evidence or documents presented to the committee prior to any such evidence being reported to the council;

   (e) that standing order 396 be suspended to enable strangers to be admitted when the committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating; and

   (f) that public evidence presented to the committee be broadcast via the Parliament SA website, unless the committee otherwise resolves; and that uncorrected transcripts of evidence be published as soon as available with the understanding that a revised final version may be published subsequently.

This is a motion to establish a select committee of this chamber to scrutinise and monitor matters concerned with the management of COVID-19 in South Australia. We think this is an important initiative. As we just heard in the personal explanation from the Hon. Mark Parnell, it is possible that we might not be sitting for some time. Depending on the will of this chamber, it may be that we are only sitting for one, two, three days every month for a forseeable time into the future.

If that is the case, then given a combination of things—the extraordinary circumstances that we face at the moment, parliament not sitting and also the extraordinary powers that may be given to the government and to officers in terms of how they manage this, depending on how a bill that is before us is dealt with—we think the extraordinary circumstances we are in require some form of oversight of what is happening with the response to the crisis that we are facing.

Many other parliaments in other jurisdictions have seen the need, as their parliaments sit less frequently, for some sort of oversight. Probably the best example is that the New Zealand parliament, which is a unicameral system controlled, by definition, by the government, established an Epidemic Response Committee, which I think is sitting three times a week now while the parliament is not sitting to monitor and scrutinise government actions in relation to their response to the epidemic in New Zealand.

Although the one chamber of the New Zealand parliament is, by definition, controlled by the government, this committee has a majority of opposition members and is chaired by the Leader of the Opposition, and is a committee that needed the government's approval to set up. Indeed, the Speaker of the house in New Zealand spoke of the need for this while the parliament is sitting far less.

Already, we have seen a number of things from that committee. Indeed, the New Zealand health minister, Mr David Clark, in preparing for an appearance at the committee discovered that he had breached the level 4 lockdown laws when he travelled 20 kilometres with his family to go to the beach. The New Zealand health minister stated publicly that it was in preparation for an appearance at the committee that he discovered that. So there are substantial benefits in holding public officials to account, and the mere preparation for this committee meant that this information came to light.

We think it is a sensible move. The Australian Senate is also establishing a select committee as an oversight mechanism while the Australian parliament sits less. In establishing this committee I want to make it clear that the Labor opposition in South Australia does not agree that we should completely suspend parliament or indeed that we should not follow our scheduled sitting calendar. During two World Wars and during the last great influenza (the Spanish flu) the South Australian parliament continued to sit. But given that is one of the likelihoods, we think this committee is the least we can do to make sure that there is proper oversight.

Again, looking at the New Zealand example, the health minister and the heads of the health response are regular attendees at this committee. As a committee of the Legislative Council, it may be that members of this council, including the health minister or the Treasurer, may be witnesses at this committee, as ministers are at the New Zealand committee.

We think this would be not just a way to question when parliament is not sitting and question time does not occur but also, as the New Zealand example shows, for the health officials to give explanations. I note also the industry response, that leaders of industry are giving evidence to the New Zealand committee. I think it is providing an exceptionally useful way to look at not just the government response but our response throughout the community and the economy to this epidemic.

With those words, I would urge members to support what is a sensible motion. If it is the case that parliament is to sit less frequently, this becomes even more important. Even if parliament was to maintain its current schedule, I would say that this is also very important because it is a way that we can have the officials who are in charge and those from industry talk about the response and the needs during this crisis.

The Hon. R.I. LUCAS (Treasurer) (15:55): I rise to speak to the motion. At the outset, I have to indicate that our cabinet has not considered this issue, our joint party room has not considered this issue, and I therefore speak with the limited authority of being Leader of the Government in the Legislative Council and the Treasurer of the state, for whatever that imparts to it.

I have had a brief conversation with the Premier and a brief conversation with two of my other colleagues. It is fair to say that a variety of views have been expressed in relation to this particular motion.

Can I say at the outset that I think that, unlike maybe all other Australian jurisdictions, our Premier and the government have indicated a willingness to sit infrequently through the coming six months or so for the global pandemic. That is, I am aware that the federal government is going to adjourn until around August or September. I am aware that two other state and territory jurisdictions have told me that they are up until August or September. I understand there are a couple, including Queensland, which is under a Labor government, that will be sitting for one day next week to do what we are doing with the one day this week; that is, to pass the urgent legislation and, in particular, to pass their responses to the national cabinet decision in relation to commercial leases. So I think they were going to sit this week.

Some other jurisdictions have the quite different position where they do not adjourn until a specific day, which we do. Our standing orders require us, evidently, to adjourn to a specific day. Most other jurisdictions seem to just adjourn and then it is up to the government to reconvene the parliament, and so they have the capacity. A number of them were going to sit this week to pass this legislation and then decided they would not, they were not ready, so they just decided not to sit this week and they are going to sit next week. There is considerably greater flexibility in most other jurisdictions, it appears, in terms of their sitting times. We do have this requirement to actually nominate a sitting time.

The Premier and the government have indicated, in the interests of transparency and accountability, that it is willing. It has nominated a date—I think 12 May—in terms of coming back in May. The Hon. Mr Parnell indicated that he had heard the dogs were barking, that the government would be doing that on a monthly basis for so long as the global pandemic continues. I am not in a position to publicly indicate the government's position, but I just place on the record what the Hon. Mr Parnell indicated, that the dogs were barking in the corridors of Parliament House and that the government's intentions were.

So the government has indicated a willingness. I think the federal parliament is either about to or contemplating a Senate oversight committee because they are not going to be sitting. I understand there is a committee in the UK and a committee in New Zealand. I am not sure what the sitting arrangements for those jurisdictions are or are not, to be honest, in terms of what they are doing.

The first thing I would say is that I would reject, on behalf of the Premier, any notion that the Premier and the government have sought to, in essence, avoid transparency and accountability. I accept that. Certainly, I think there will be a much stronger argument in relation to an oversight committee if the parliament was not sitting, as in relation to the federal parliament circumstances where the parliament is not going to sit, and so there will be this oversight committee.

With the huge caveat that I have not consulted the cabinet and I have not consulted the joint party room, I will indicate, on behalf of my upper house colleagues, that we will support the establishment of a committee on the argument that it is in the interests of transparency and accountability. I support the notion that governments need to be in in some way or another able to answer questions if they are put.

However, I place on the record a very significant caveat in relation to the committee, and that is that we did have the unfortunate circumstance where the Chief Public Health Officer attended at a Budget and Finance Committee and I am advised waited around for an hour or two hours for questioning and was not allowed to speak or to answer questions. An hour or up to two hours of very valuable time was wasted because the committee was interested in pursuing other particular issues at the time.

My clear shot across the bow, if I can put it that way, to whomsoever is going to serve on this committee—because the Leader of the Opposition has indicated that there are sufficient crossbenchers who are going to support this motion to allow the motion to pass even if the government was to oppose the motion—is that I think there is going to be very high public and media focus on how this committee is to operate. If some of the games that are played in relation to some

of these select committees were to be played in relation to this particular committee, I think there will be significant criticism, and there should be, of the operations of the Legislative Council committee in this particular area.

The committee members will have to accept that if the Chief Public Health Officer is unable to attend at the time that they nominate, then they may well just have to accept that. It is my view that her work and those of her deputies is so critical and crucial in relation to it that they should not be diverted from their main task. I would nevertheless be hopeful that senior health officers and others who might be able to answer questions would be able to make time available to appear before the committee.

I think sufficient notice ought to be given. There have been too many recent examples where the committee, under the authorship of the chair, has demanded at short notice—in two days' time or three days' time—a requirement to attend at a select committee to answer particular questions. Those sorts of games during a global pandemic are not going to be tolerated, I think, by the community and the media. They should be called out and I would indicate, on behalf of the government, that we would certainly seek to call those out.

We have seen a number of examples where people have been required at very short notice to attend meetings of select committees or the Budget and Finance Committee, not scheduled meetings but meetings called at short notice to attend. Also, I think the nature and shape of the questioning is important. It should be questioning that is going to be useful and obviously providing transparency and accountability from the government, but ultimately it is the ministers and the Premier who have to be held accountable. Hardworking public servants should not be unduly diverted from the important work that they have during a global pandemic in terms of decisions that they are taking on behalf of the government in very trying circumstances and, nevertheless, being potentially held to public ridicule whilst they try to get on to the best of their ability with serving the community.

Let's be frank: in a global pandemic, mistakes will be made. Decisions are having to be made urgently. There are decisions that public health officers and other bureaucrats are having to take during the global pandemic which ultimately everyone will have to be held to account for, but for so long as we are in the middle of the global pandemic, for better or for worse, decisions are going to have to be made. We accept that globally mistakes have been made, nationally mistakes will have been made, and I am sure that at some stage mistakes will be made in South Australia as well.

Ultimately, ministers and governments will have to be held to account, but hardworking public servants who are really just trying to get on with the business of protecting public health and safety should not be put through a public trial and ringer in the middle of a global pandemic when really all they are seeking to do is the best they can under what will be very trying circumstances.

With those words I indicate, on behalf of my members in the Legislative Council anyway, that we will support the establishment of the committee, but I hope that the members who serve on it will bear in mind—and I think there will be a high degree of scrutiny on the committee—that they need to undertake what is an important task in terms of transparency and accountability which I support, but which, nevertheless, will carry a very high onus of responsibility on the members of the committee in terms of the way in which the committee is to conduct its business.

Ultimately, a clash between a parliamentary committee and an individual who says, 'I am just frankly not in a position to be able to attend at that particular time,' can only be resolved by this Legislative Council. The committee would have to refer it to the council and the non-government members would have to force a motion through to drag that particular individual before the bar of the Legislative Council to require them to attend. No-one wants to get into those circumstances whilst we are trying to fight the COVID-19 pandemic.

With that, I indicate that we will support the establishment of the select committee. We wish the members, whomsoever they are, the very best in terms of ensuring transparency and accountability but in a way which befits what we would see as the responsible role of a Legislative Council select committee.

The Hon. T.A. FRANKS (16:06): I rise on behalf of the Greens to support this motion put forward by the opposition for debate today. This, in effect, establishes an oversight committee for the

duration of the pandemic to explore and evaluate, and to hold to account the decisions that are made and the actions undertaken in these extraordinary times, in what are often called unprecedented times but are, indeed, precedented, and not only precedented in our history but precedented across the world and in other states.

The Treasurer hit the nail on the head when he said that the federal parliament has today established an oversight committee. They were slightly dragged kicking and screaming to do so but have agreed to a Senate oversight committee that includes the opposition and the crossbenchers in that parliament. New Zealand, of course, with Prime Minister Ardern has taken a slightly more consultative and I believe respectful approach and ensured that straightaway there was such an oversight committee.

Where we are shutting down parliaments, the idea that you would not agree to an oversight committee would be something that I think the public would quite rightly pour scorn on, and people would scratch their heads and wonder why a parliament was not doing its job of holding the decisions made in its name to account. Today in another bill, we are signing away a lot of that oversight, a lot of that scrutiny, a lot of the very fundamentals of our democracy.

This committee will go some way to providing the transparency that will affect the trust that is so needed in such a crisis so that people are not panicked, are not scared, are comforted and reassured that the parliamentarians are doing their jobs, and that the rule of law is being upheld, and that public health is the driver for decisions—not politics, not pantomimes, not some bizarre idea that every other parliament in the country apparently does not have a sitting calendar. I am not sure if the Treasurer has been on the internet lately but most parliaments publish their sitting calendar the year before the year that they sit.

Indeed, the Queensland parliament, while it gave itself powers back in March to potentially not sit until September, did reconvene. The federal parliament similarly talked about not reconvening until August, but here they are back today, because there was work to do. Part of that work was oversight and part of that work was necessary legislation, which we know will be needed even beyond this extraordinary day of debate today with this particular COVID emergency bill that is the latest to be put before this place.

Let's not consider the idea that parliaments would not sit, that members of parliament would not do their jobs and bring the concerns that are raised with them—where the errors are being made, where the oversight is happening, where people have fallen through the cracks, where the government does not have the capacity to hear those voices—to the table, because that is the role of all of us as elected members.

I think it actually should have been at the behest of the government today that we were setting up an oversight committee for the duration of the COVID-19 pandemic. I would have taken great comfort in the bill that is before us had that oversight committee been proposed by government and duly comprised, perhaps, of a joint house committee, but here we are, the house of review holding the government to account. It is very different, of course, from Queensland, where they only have one house, and the government of the day controls what the parliament does. Here we have a parliament of two houses, where it has been a very long time since the government of the day has controlled this house.

I assure the Treasurer that we will not be wasting public servants' time making them unduly give evidence, but what we will be doing is using the very tools that we are entrusted with as members of parliament to hold to account and to ensure the best possible decisions are made, even where there are errors—and there will be errors. I am sure we will all come to that particular select committee with good intentions and good faith, to get through this with all voices heard at the table, not just those of the Treasurer or the Premier, who could have ensured that an oversight committee was brought before this parliament this week. The Treasurer could have got on the phone and talked to more of his colleagues, rather than just putting his own personal view.

It would hardly have come as a surprise that this council would seek to effect some sort of oversight committee. Indeed, I should imagine that they are speaking reasonably regularly and that they could have had a small conversation about whether democracy needed to be put on hold for six months or whether it could continue, because some things need to continue. Some things are

essential services, and democracy—transparency—is an essential service if we are to have that trust. With those words, I highly commend support for this motion.

The Hon. C. BONAROS (16:12): Like the opposition and the Greens, we also support wholeheartedly this motion and do not believe that we should be adjourning our sittings. As we know, there is absolutely nothing preventing us from reviewing the need to sit as often as required, even if that becomes on a month by month basis, or whatever the case may be. The reality, I think, is that we do not know what next month or the month after that will bring, but we do know that there is an important level of expectation that we will continue to fulfil our duties in this chamber and the other chamber, and as members of parliament, throughout this pandemic.

It is comforting, on that note, that the government has not chosen to stop sittings for prolonged periods of time, as other jurisdictions have done, and it is comforting for many reasons. The first has been well canvassed, I think, by other honourable members, and that is transparency and accountability. Touching on the issue the Hon. Tammy Franks has just referred to, it is important, especially for the public, at a time when we are saying to individuals who work in the central services and on the front line that they should go to work, whether that be in a hospital, a supermarket, a doctor's clinic, a pharmacy or a petrol station, or whether they are a public servant attending their work every day. I do not think it is appropriate that we do not do the same, especially given the role that we play.

I think there is an absolute expectation that parliaments of all bodies will continue to sit and they will continue to conduct the oversight role that they have in the interests of accountability and transparency, even if at some stage that becomes in some form of reduced or alternative capacity. What the public do not need right now, I think, is any more cause for angst, worry or fear, and I certainly do not see the role of the committee as one that would exacerbate that angst. In fact, I think the role of the committee is intended to do the polar opposite of that, it is to ensure the appropriate levels of accountability and transparency that the public would expect of their members of parliament during this crisis.

It is certainly not the intention of SA-Best to politicise the work of this committee. It is certainly something we are agreeing to in good faith and on the basis that we absolutely require that ongoing level of accountability and transparency throughout these difficult times. For those reasons, I indicate again that we will be supporting the motion.

Debate adjourned on motion of Hon. D.G.E. Hood.

Bills

RETURN TO WORK (COVID-19) AMENDMENT BILL

Introduction and First Reading

The Hon. T.A. FRANKS (16:17): Obtained leave and introduced a bill for an act to amend the Return to Work Act 2014. Read a first time.

Second Reading

The Hon. T.A. FRANKS (16:18): I move:

That this bill be now read a second time.

I rise today to introduce this bill that would extend workers compensation benefits to cover COVID-19. This is a Greens bill being introduced today, and I understand that the Labor Party in the other place has introduced something with a similar framework. I note that this bill was being drafted by the Greens, and announced in other states and jurisdictions, most notably New South Wales, some weeks ago, because we believe that no-one deserves to be left behind during the COVID-19 outbreak.

The legislation that I bring to this council today is based on the work of New South Wales Greens parliamentarians, in particular the Hon. David Shoebridge, and I am proud of my colleague for championing the rights of vulnerable workers in that state and am pleased to follow in his footsteps here today. I also associate myself with the very framework of the Labor Party on this issue in raising an awareness that indeed we have to bring all workers with us in these extraordinary times. We are

expecting a lot from those whom we eulogise and create heroes hotels for. Well, along with that, and along with the rhetoric, needs to go real workplace rights, particularly where they fall ill, and the harm that can come to them from those working roles.

Too many workers do not have the leave entitlements and job security to allow them to economically survive a diagnosis of COVID-19, or even take the time off work while awaiting test results. Front-line staff in people-facing industries are among the most vulnerable, given the required interactions with hundreds of people a day, but they often have very few legal protections. Should one of those interactions make them sick, they need the legislation the Greens are bringing before this place today or the ALP legislation in the other place. It would extend workers compensation coverage to workers who contract or are suspected to have contracted COVID-19.

The Greens want to make sure that workers who are affected by coronavirus are supported through this public health emergency in an appropriate way. This is a simple and straightforward proposal that we hope to see the rest the chamber support. As I said, Labor has announced similar legislation and we would support theirs as well.

The significant benefit of the particular bill we are proposing today is that it can be enacted quickly, as the government does not have to create a new payment scheme and would be dealing with existing frameworks for providing the workers compensation and addressing this particular need for workers to be supported. No worker should suffer financially because they get sick at work or have to isolate because of work. They are providing us with essential services, and we should provide them with the supports they need in that situation.

In question time yesterday the Treasurer noted, with regard to the announcement by the Labor opposition to legislate in this area, that he had been approached by employers fearing this move. He went to great lengths to say that people had been contacting him worried about the implications of affording workers compensation when it came to COVID-19. However, on Twitter last night the Hon. Rob Lucas, the Treasurer, was:

> Disappointed that PMal/Labor playing politics and scaring nurses claiming they're not covered by workers compensation for Covid 19. His claim untrue and they know it. If you contract Covid 19 at work you are covered.

A response to that particular tweet asking why the disease had not been declared under the relevant education award clauses was not responded to. Indeed, it was not made clear how a worker, in particular a nurse, who is already covered and afforded workers compensation in some situations was leading to employers fearing the implications of making that rightful protection, that rightful entitlement, to those we laud and applaud and provide heroes hotels for, why we were not making it a simpler process, indeed a streamlined and retrofitted process, to address this pandemic.

This bill will apply to full-time, part-time, contract and casual workers. It covers workers who are off work having been diagnosed with COVID-19, workers who are self-isolated and awaiting COVID-19 test results, casual workers who are tested for or diagnosed with COVID-19 within 21 days of last working and, importantly, workers who die from COVID-19. The Greens' proposed changes will cover all workers in industries where there is a significant face-to-face or public interaction role, such as education, health, hospitality and retail industries.

The COVID-19 outbreak has highlighted to us how much we depend on these workers, that they are essential workers, that we are requiring them to go above and beyond in terms of endangering their health to keep our economy and society going. They certainly need the protections we can afford them.

In some cases, of course, it would be difficult or even impossible to determine exactly when and where a worker contracted COVID-19, even with all the best tracing in the world. However, economic protection is needed now for these vulnerable workers in the public-facing jobs. The legal changes in this bill would provide that essential protection for them and for the broader public using that same presumptive provision that already exists under this act—that, indeed, exists for firefighters, another Greens initiative that found support from all in this parliament, I would not say in good time, but in time.

We also recognise that there are workers out there who have already found themselves in this situation, so we have made the commencement of this act retrospective to ensure that they are also able to access that appropriate compensation.

The industries covered in this bill include hospitality, health care, disability care, aged care, child care, education (including preschool, school and tertiary education), provision of refuges, halfway houses or homeless shelters, retail, passenger transport services, freight transport services, library services and, of course, the obvious, emergency services, including the SAMFS, the SACFS and the South Australian State Emergency Service.

The proposed legislation also applies to members of the police force, those employed by a court or a tribunal or who are employed in the correctional institutions that currently could indeed create quite significant issues for COVID-19 to spread, particularly where their work requires face-to-face interaction with the public.

Under this bill, workers will be able to receive the standard rate of workers compensation under the act, and payments will continue until 21 days after a worker has been cleared of the disease or they have returned to work. Finally, this legislation also considers that worst-case scenario where a worker dies having contracted COVID-19 in the course of their employment. That presumptive protection and that ease of accessing their entitlements will then come into play, should this bill pass, and will ensure that any dependants of that worker will be eligible to receive those death benefits. With those words, I commend the bill to the chamber.

Debate adjourned on motion of Hon. J.E. Hanson.

Motions

COVID-19 RESPONSE COMMITTEE

Adjourned debate on motion of Hon. K.J. Maher (resumed on motion).

The Hon. S.G. WADE (Minister for Health and Wellbeing) (16:27): As the Leader of the Government in this place has indicated, the government will be supporting this motion. The Marshall Liberal government is committed to accountability, including through committees of this parliament. But I do rise as the minister responsible for health and wellbeing and in particular the minister responsible for public health to express my concern that this committee not be abused. I have a number of points to make.

First of all, Labor's case for this committee is based on a false presumption. Labor argue that we need the committee because the parliament will not be sitting. That is not so. We sat yesterday, we sit today and this parliament will continue to sit regularly. The government has and continues to maintain accountability by at least once if not twice-daily press conferences and countless media interviews from the Premier, the State Coordinator, public health officers and myself. Labor brings this motion to the council in lockstep with actions of the New Zealand government, but let's be clear: the situation of the New Zealand parliament is different to what we face in this place. That parliament is not meeting. Likewise, the federal government is not intending to sit. This parliament will continue to sit.

Secondly, I am concerned that Labor should not misuse this committee as a platform to undermine the public health effort. Regrettably, Labor's scare campaign on coronavirus to date has been nothing short of shameful and dangerous. Labor stokes fears in the minds of South Australians by seeding doubt about the strategy laid down by public health officers both in South Australia and collaboratively at the national level. Labor's political games undermine public trust in the very clinicians who are working tirelessly to protect us. For example, Labor accused our public health team of withholding information about the movements of confirmed cases, and in doing so, putting people at risk of infection. That was not relevant public health information. Labor's attacks served to undermine public confidence in the public health services at the very time that they need people to cooperate.

The opposition has repeatedly asserted that we are testing too narrowly and are turning people away. The member for Kaurna specifically claimed that we should be using WHO criteria for

testing. In fact, the South Australian criteria actually exceeds the WHO criteria, and South Australia is one of the top jurisdictions in the world for testing per capita.

On 24 March in this chamber, Labor implied that public health clinicians were telling me not to release modelling data. That is nothing short of a slur on their professionalism. Labor has not acted responsibly during this pandemic and I urge the council that this committee should not endorse reckless behaviour by giving Labor a platform.

Thirdly, Labor has shown a staggering lack of interest in coronavirus and a lack of understanding of its significance, which reflects on their competence. The first parliamentary question from Labor in relation to coronavirus was not asked until 3 March—one full month after the first South Australian case of coronavirus and the sixth parliamentary sitting day of the year.

Former health minister Malinauskas and shadow health minister Picton went through two weeks of parliament and did not bother to ask a single question on one of the greatest public health challenges facing this state, this nation and the world. On 3 February, Labor blocked Associate Professor Spurrier (the Chief Public Health Officer) from speaking at the Budget and Finance Committee two days after the first confirmed cases in South Australia.

More interested in smearing the CEO of Health, even after an independent inquiry cleared him, they blocked the Chief Public Health Officer from giving an update to the public on the coronavirus. Labor gives priority to their political games over public health.

Fourthly, I am concerned that a committee could distract our public health clinicians and health leadership as they focus on the pandemic. I know how hard Associate Professor Spurrier and her public health team is working. The department and all the local health networks are stepping up to prepare for the challenge. Every minute that they take preparing for and appearing at a parliamentary committee is a minute that they could be committing to fighting the pandemic and saving lives. Their duty to protect public health is paramount. The accountability of the government to the parliament needs to give that duty paramountcy.

Fifthly, the government supports a review of the response to the pandemic, but I have real concerns; it is hardly the time to do so when the pandemic is still on foot. Let me be absolutely clear: the government fully expects that there would be a review of the response to the pandemic, but a review amidst a crisis inevitably lacks perspective.

I would ask Labor to have a long, hard think. This pandemic is the greatest challenge to the health of our state since the Spanish flu in 1918. It is not going to be with us for a few weeks; it will be with us for a number of months. Labor has a choice. They can continue to play political games and undermine the public health effort, but if they do so, they will be forever condemned. Alternatively, they can choose to be part of the solution and they can start reinforcing the public health messages.

The Hon. K.J. MAHER (Leader of the Opposition) (16:33): Thank you to the speakers on this motion: the Hon. Rob Lucas, the Hon. Tammy Franks, the Hon. Connie Bonaros and the Hon. Stephen Wade. I think many useful contributions have been made as part of the response to this motion. I think it is right, as has been pointed out by numerous speakers, that the public will not be tolerant of cheap, petty political pointscoring.

I think the Hon. Stephen Wade ought to take note of what has been said by some of his other colleagues. I assume he was listening closely to all the contributions. The Hon. Stephen Wade's attitude is disappointing and the tone of his speech did not match any of the other contributions. I think he will probably read what everyone else has said and look at his own contribution and perhaps be a little disappointed in himself and what he has said here today.

The Hon. Stephen Wade complains that a committee is not needed and that you do not need to ask pesky questions when they are doing other things, yet in the next breath the Hon. Stephen Wade chastises the opposition for not asking enough questions. It was one of the most graceless speeches we have heard this year, and certainly one of the most graceless contributions we have heard since this has started.

The Hon. S.G. Wade interjecting:

The PRESIDENT: The Hon. Mr Wade!

The Hon. K.J. MAHER: The honourable member was obviously listening very closely to the contributions of everyone else when they talked about the need for such a committee, and even the need if parliament was sitting as scheduled. I note the Hon. Stephen Wade's contribution that parliament will sit, and it is great that he has placed on record that it will sit as scheduled and gave a commitment from the government that it will keep sitting as per scheduled, because that is the only way you will have the normal oversight that occurs. It is a welcomed undertaking from the Hon. Stephen Wade on behalf of his government.

We look at the New Zealand example where its Epidemic Response Committee, I think, sits three times a week to look at what the government's actions are, and I note the Hon. Stephen Wade's view that you should not in any way review the actions as the actions are unfolding, or as to what might need to be done. It is his view, which is out of step with other contributions from his government, that you should wait until sometime into the future, after it is all over, to then go back and review what has occurred. That is not the view of the opposition. That did not seem to be the view of his colleagues, and that is certainly not the view of the crossbench.

The Minister for Health in New Zealand, David Clark, is an attendee at the committee. I assume that the committee will be inviting the health minister to attend the committee, as the New Zealand health minister attends the committee, to look at the actions.

The Hon. S.G. Wade: He's been downgraded, hasn't he, because he didn't comply with his own directions.

The Hon. K.J. MAHER: Do you know what, Mr President, the Hon. Stephen Wade, in his usual graceless manner of interjecting, makes the exact point for the benefit of this committee. Media reports show that health minister David Clark discovered his noncompliance with level 4 lockdowns when he travelled 20 kilometres to go to the beach, he said, in preparation for that committee.

So we see, as the Hon. Stephen Wade helpfully points out, that that committee has done exceptionally good work in finding things out, so I thank the Hon. Stephen Wade for his endorsement and the need for scrutiny, which he, being completely out of step with his colleagues' contributions, thinks should not happen until some indeterminate time when this is all over.

I think that the members of the committee will be very sensible in the way this committee is run, but I do not think they will—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: —resile from needing to find answers, which I think most South Australians will reasonably expect and I think reasonably deserve in extraordinary times. I think there is still oversight needed. With those words, I commend this committee to the chamber.

Motion carried.

The Hon. K.J. MAHER: I move:

That the select committee consist of the Hon. C. Bonaros, the Hon. E.S. Bourke, the Hon. N.J. Centofanti, the Hon. T.A. Franks, the Hon. D.G.E. Hood and the mover.

Motion carried.

The Hon. K.J. MAHER: I move:

That the select committee have power to send for persons, papers and records and to adjourn from place to place and that it report on 9 September 2020.

Motion carried.

NUCLEAR WASTE

The Hon. M.C. PARNELL (16:40): I move:

That this council—

1. Notes the petition signed by 909 residents of South Australia tabled in the Legislative Council on 5 March 2020 concerning the integrity of South Australia's legal prohibition against the building of nuclear waste dumps in this state;

2. Notes the decision by the federal government to locate a temporary intermediate-level nuclear waste storage facility and a permanent low-level nuclear waste disposal facility at Kimba on Eyre Peninsula;

3. Notes the intention of the federal government to legislate to override the South Australian Nuclear Waste Storage Facility (Prohibition) Act 2000; and

4. Calls on all members of the South Australian parliament to uphold the integrity of our state legislation by opposing the federal government's plans for a nuclear waste dump at Kimba or anywhere else in South Australia.

Members will be well aware that collecting nearly 1,000 names on a petition takes some effort. These petitioners are asking for the parliament to maintain the integrity of South Australia's 20-year-old ban on nuclear waste facilities being developed in our state. For many signatories, this matter is both personal and longstanding. The idea of South Australia hosting a national nuclear waste dump has been around for a very long time. Every few years, it rears its ugly head and the community is required to rally to show its opposition to the dump and its support for First Nations peoples on whose traditional lands these projects are invariably proposed.

For example, in 1998, the Howard government announced its intention to build a radioactive waste repository near Woomera in South Australia. Leading the battle against the dump were the Kupa Piti Kungka Tjuta, a council of senior Aboriginal women from northern South Australia. Many of these women had been personally affected as their families had suffered the impacts of the British nuclear bomb tests at Maralinga and Emu in the 1950s. The late Mrs Eileen Kampakuta Brown, a member of the Kungka Tjuta, was awarded an Order of Australia on Australia Day in 2003 for her service to the community through the preservation, revival and teaching of traditional Anangu cultures, as well as for being an advocate for Indigenous communities in Central Australia.

Just two months later, on 5 March 2003, the Australian Senate passed a resolution noting 'the hypocrisy of the government in giving an award for services to the community to Mrs Brown but taking no notice of her objection, and that of the Yankunytjatjara Antikarinya community, to its decision to construct a national repository on this land'. The proposed repository near Woomera was opposed by the Aboriginal and Torres Strait Islander Commission (ATSIC) and also opposed by the native title claimant groups, namely the Kokatha and the Barngarla.

Now the federal government is back at it again. Their previous attempts to impose a dump on unwilling communities was successfully fended off, so then they came up with this idea of looking for volunteer landholders and volunteer communities. The carrot on offer was millions of dollars of public funding to the chosen community. What we then saw was a number of volunteers, at least two dozen, which was ultimately narrowed down to six and then down to three, all of which were in South Australia.

Late last year, after years of campaigning, the people of the Flinders Ranges voted to reject the proposal to site the nuclear waste dump in their local area thereby removing their area from the government's list of potential sites. Now the federal Morrison government has decided that Kimba, at the top of Eyre Peninsula, will host the dump. Whilst this has been a devastating blow for many in the local community, the fight is far from over. The Barngarla Determination Aboriginal Corporation were denied the right to vote in the community ballot and they have not yet given up their campaign to protect their traditional lands.

In disappointing news last month, the Federal Court dismissed their appeal. The court said that it was not racially discriminatory to deny native title holders the right to participate in a ballot concerning the future use of their traditional lands. Whilst I do not intend to criticise the court's application of the law as it saw it, I think there is a serious problem with the law if it disenfranchises native title holders in a way such as this. It begs the question: if the native title holders cannot participate in this decision, then what value does formal recognition as native title holders actually have?

If they had been allowed to vote in the community ballot, then the result of the vote would have been very different. It would have been a majority opposed to the dump rather than a narrow

majority in favour. When the Barngarla people polled their own community, the result was 100 per cent opposed to the dump.

I might just refer to a couple of sentences from a submission that was made in recent days by the Friends of the Earth group to the Senate Economics Legislation Committee, which is currently inquiring into this issue. Friends of the Earth say:

> Shamefully, the federal government excluded Barngarla Traditional Owners from a 'community ballot' held in 2019. Therefore the Barngarla Determination Aboriginal Corporation initiated a separate, confidential postal survey of Traditional Owners, conducted by the Australian Election Company. This resulted in 100 per cent of respondents voting 'no' to the proposed nuclear facility. If the results of the two ballots are combined, the overall level of support falls to just 43.8 per cent of eligible voters (452/824 for the government-initiated ballot and 0/209 for the Barngarla ballot)—well short of the government's benchmark of 65 per cent for 'broad community support'.
>
> The proposal to proceed with the nuclear waste facility despite the unanimous opposition of the Barngarla Traditional Owners is unconscionable and must not be allowed to stand. The Act, the Bill and the proposed nuclear waste facility are all inconsistent with the UN Declaration on the Rights of Indigenous Peoples. The United Nations Committee on the Elimination of Racial Discrimination (CERD Committee) has said that Australia's historically 'racially discriminatory land practices have endured as an acute impairment of the rights of Australia's indigenous communities'. Imposing a nuclear waste facility on Barngarla Country will clearly exacerbate the problems identified by the CERD Committee.

As members know, for the last 20 years, South Australia has prohibited any nuclear waste dump being established in our state; however, the federal Morrison government has now introduced legislation to override our state laws. This means that the South Australian Nuclear Waste Storage Facility (Prohibition) Act 2000 will not be enough to stop the government locating a nuclear waste dump in Kimba.

There is now a federal parliamentary inquiry into the proposed commonwealth legislation. I note that submissions to that inquiry close tomorrow, but with the shutdown of federal parliament I fully expect that the time frame for that inquiry will be extended. Out of an abundance of caution, if people listening to this want to put in a submission, the deadline is tomorrow.

If the federal government succeeds in passing this legislation, this will also trigger a South Australian parliamentary inquiry into 'the likely impact of that facility on the environment and socio-economic wellbeing of this state'. That inquiry will take place thanks to a provision of the state act, which effectively says that, if the feds try to impose a nuclear waste dump on South Australia in contravention of South Australia's laws, the Environment Resources and Development Committee of the state parliament must launch an inquiry.

On behalf of the Greens, I will be a member of that committee conducting the inquiry and I will be insisting that the committee visit not just Kimba but the towns through which the nuclear waste will be transported. The people in these communities have never been asked what they think and they need to be listened to. I will also make sure that the voices of traditional owners are properly heard.

In relation to the petition, the petitioner's plea is to the state parliament urging us not to change our state law around nuclear waste dumps. Some people might respond that there is not any current intention to do that. It is not a live issue, people might say. There is no bill before parliament and the government has not announced any intention to change the act. The real damage, they would say, is being done by our act being potentially overridden by an act of the federal parliament.

But it is not as if the petitioners are misguided because we have seen in recent years the South Australian act being amended. Five years ago, when the then Labor government was investigating South Australia hosting the world's high level nuclear waste, the government moved to repeal the state act. Ultimately, they were convinced to make some minor modifications in relation to using public money for the royal commission, rather than repeal the whole act. I was also pleased, on behalf of the Greens, to successfully have the act reinstated to its original wording once sanity had prevailed and the ludicrous notion of South Australia hosting the world's nuclear waste had been abandoned.

Of course, later today, we are likely to pass an overarching bill in relation to the COVID-19 pandemic public emergency. Within that bill is the power of the executive to effectively rewrite nearly

any state law through an expanded regulation-making power and that would include the South Australian Nuclear Waste Storage Facility (Prohibition) Act 2000.

I do not expect the government to go anywhere near this act during the current crisis, but I am just making the point that the parliament is about to give the executive incredible powers, so the plea of the petitioners to leave this particular act alone is as live an issue today as it was when this petition started circulating long before COVID-19 was a phrase any of us had ever heard.

I commend the motion to the house and I congratulate the members of the South Australian community who have been out in our towns, our suburbs and our regions, talking to their fellow citizens about the issue of nuclear waste and collecting nearly 1,000 signatures.

Debate adjourned on motion of Hon. J.E. Hanson.

SPRINGBANK SECONDARY COLLEGE

The Hon. T.A. FRANKS (16:51): I move:

That this council—

1. Notes that in 2016 the then Pasadena High School resolved by a voluntary vote process to remain open and not merge;

2. Applauds the rebranded Springbank Secondary College for its ambition to be a progressive, forward-thinking school with a focus on STEAM (science, technology, engineering, the arts and mathematics), with a disability unit, basketball academy and trade training centre that provides students with a wide range of specialised opportunities in a school that is small by design;

3. Condemns both the withholding of an allocated $10 million and the recent announcement of a review process that both serve to undermine public confidence in the school's future;

4. Acknowledges that this review has no stated purpose, was announced to media before it was communicated to the school community and that has placed undue anxiety and stress on current and prospective Springbank Secondary College students, families and staff; and

5. Calls on the Marshall Liberal government to abandon this review into the Springbank Secondary College and release the $10 million to sustain and support the school and its community to thrive.

This motion notes that in 2016, the then Pasadena High School resolved by a voluntary vote process to remain open and not merge. The second point of this motion is applause quite rightly given to the rebranded Springbank Secondary College that rose from that voluntary vote for its ambition to be a progressive, forward-thinking school with a focus on STEAM, being science, technology, engineering, the arts and mathematics. It has a disability unit, a basketball academy and a trade training centre and provides students with a wide range of specialised opportunities in a school that is small by design.

This school is small; it is the little school that could. But so far, it has been told by this government that it cannot, and that is why this motion condemns both the withholding of an allocated $10 million and the recent announcement of a review process that serves to undermine public confidence in the school's future.

This motion acknowledges the fact that this review has no stated purpose. It was announced to the media before it was communicated to the school community with a front page story of Unley, the local school next door, receiving a significant boost in its finances, leaving the Springbank Secondary College students, families and staff with undue anxiety, stress and confusion as to why the minister had not spoken to them about this review, as to what the review's purpose was and why the little school that could had not been given the $10 million that it needed to rebrand, have its STEAM programs and fulfil its ambition.

The Springbank Secondary College community is not taking this lying down. Roughly three weeks ago, along with the member for Elder, the member for Badcoe, the member for Port Adelaide—who is, of course, the shadow minister for education—the Mayor of Mitcham and many from that school community, I attended the Save Springbank meeting. At that meeting, I met a young student who had been to Unley High School and who had left Unley High School due to being bullied. They had been desperately unhappy in that very large school, which is a school of choice for many but a school that is not the one-size-fits-all that many others in our community

need—a small school by design that embraces diversity, that strives for other outcomes and that provides that choice. Indeed, as Danielle Duffield, who is a spokesperson for the parents group that is fighting to save Springbank Secondary College states, 'Not everyone wants or needs a big school.'

The $10 million that has not been allocated that was afforded this school to thrive under the Weatherill government should have been afforded to Springbank to ensure that they could achieve the goals they have set themselves. They have been set up to fail by the Marshall Liberal government. The Marshall Liberal government in their ambition, unstated and undefined, to hold a review, using a clause of the Education Act that is only used to either merge or close schools, but without being transparent that that is their intent, has caused undue anxiety and stress in this very small but very strong Springbank school community.

This school went through a voluntary vote process to stay open. It should be respected in that very recent decision to thrive. These children are currently going through not just the COVID-19 anxiety and stress but indeed the anxiety and stress of not knowing whether they will even have a school next year, not knowing whether the friends that they are currently not able to see over these school holidays will be there to greet them next year—their teachers and their school community—on top of the extraordinary stresses that are facing all students in our system.

This smacks of declare and defend. It is not a consultation and a community-based approach. It is not what the Marshall government promised in terms of transparency and trust for the community and listening to their voices. It is setting the school up to fail, and it is an absolute outrage that the $10 million has not been allocated as it should have been and spent to upgrade this school so far.

Not all in the community are going without a fight. I draw members' attention to the words of Yvonne Todd, who is an elected councillor for the Babbage ward of Mitcham council, who has stated publicly that she feels strongly that:

> …all talk of a review of Springbank secondary college should stop and let the school community and teachers focus on helping students get through the COVID pandemic and to provide a sense of certainty about the future. Springbank Secondary College has been under fire from the Minister of Education…

I agree with Councillor Todd. Councillor Todd took a motion to the Mitcham council that states that Mitcham council:

> 1) voice dissatisfaction with the Education Minister's process of proposing a review of Springbank Secondary College during the COVID19 pandemic; and
>
> 2) to ask that the Minister immediately cancels the proposed school review in order to provide the school community of students, parents and teachers, a sense of certainty about their school and education options as we move into the unknown future, after Covid19.

That motion was passed by Mitcham council unanimously, and it was sent to the minister. I hope the minister will listen. I hope that this council will also give voice and listen to this community. It is the little school that could. They are small in number, but the numbers that have been used to reflect this school by the Minister for Education have been misleading at best and mischievous at worst.

The Marshall government needs to come clean as to what their intentions are with this school, why they felt a review process was necessary in the first place, why no terms of reference were produced up-front for this review process and why the students, the staff, the principal and the parents of this school read about it on the front page of *The Advertiser* before they were even told and given that due respect.

Currently, the local feeder primary schools have all been sent their letters to decide what high school their students wish to attend next year. The usual open days are not possible. The ability for Springbank to attract those students has been utterly damaged by the minister's media escapades, and this school is not being given the chance to thrive that the member for Elder, indeed the member for Black and many others in the Marshall government in opposition said it needed.

I hope in government they will hold true to their words and their promises to this small community whose school is small by design and gives an alternative option to that very student—and so many like her—who did not fit into other high schools, who was struggling, who was not thriving, but who in Springbank, in a small by design school, in the little school that could, is indeed

a member of the SRC. She had a beaming smile on her face, and she looks forward to a bright future. If she is sent back to Unley where she was bullied, where she was ostracised, then the minister needs to have at least the guts to tell her to her face and this community why he is choosing to do this.

Debate adjourned on motion of Hon. J.E. Hanson.

COMMUNITY TELEVISION

The Hon. T.A. FRANKS (17:00): I move:

That this council—

1. Congratulates Adelaide's community TV media broadcaster, Channel 44, for covering South Australian stories, social and cultural activities, showcasing talent and creating employment and hands-on training opportunities for the local screen sector for the past 15 years;

2. Expresses concern that, while community television has always been self-funded, the past six years of instability caused by both short-term and often last-minute extensions on their licence have made Channel 44's financial stability and forward planning unduly challenging;

3. Expresses disappointment that the federal government intends to switch off community television in Australia from 30 June this year;

4. Notes that allowing continued access to the spectrum comes at no budgetary cost and that no alternative use has been planned for the spectrum but that, without an ongoing and stable free-to-air licence, Channel 44's partnerships and training opportunities will be lost; and

5. Maintains that there is significant public benefit to Channel 44's continuance on the local airwaves and urges the federal Minister for Communications to urgently provide a five-year commitment to the spectrum, while it is not in use, for Channel 44 so that South Australia can keep local TV.

Channel 44 has been informed that the federal government intends to switch off community television in Australia from 30 June this year. That confirmation follows the loss of free-to-air community TV in Western Australia, leaving our own Channel 44 and Melbourne's community TV as the last two standing. For around 15 years, Channel 44 has been covering South Australian stories. It has been working with our local academic institutions, and it has been a vital, active contributor in South Australia's arts and entertainment sector.

This local station has acted as a launchpad for many South Australian media workers. It works with UniSA, Flinders Uni and various employment and training agencies, and currently provides opportunities to gain experience in the screen industry, which does not exist elsewhere in the state. Particularly, for those students and graduates, this is a slap in the face. It is an experience that is not offered anywhere else in South Australia, and those contracts with those institutions will be lost if Channel 44 is cut from the spectrum.

Channel 44 also has 140 internships annually, and it broadcasts 11 programs as part of its tertiary institution coursework. This is all at absolutely minimal cost to the taxpayer as community television is and always has been self-funded. The partnerships that they gain and the training opportunities that they have forged are under threat without that free-to-air licence that, as I say, costs the federal government zilch and that there is no intended plan for in terms of the use of the spectrum.

Our community broadcaster, Channel 44, does fine work, and has weathered six years of instability caused by short and often last-minute extensions to their licence, which has allowed them very little forward planning—the inability to know, from month to month, how much longer they will be given, which means that they have not been able to forge some of the partnerships that they could if they were given that chance.

Channel 44, however, does work with Channel 31 in Melbourne and Geelong, and it remains united and committed to ensuring that local stories continue to be told. We need local stories more than ever. We need the community television programs that air over 150 brand-new and locally produced shows across Australia in the last year alone. Thirty-two of those shows came from culturally and linguistically diverse program makers. There were around 220 hours of Australian made television, involving over 1,000 volunteers on a weekly basis.

Among the Channel 44 offerings are programs such as Adelaide *Community Diary* and *FringeWatch*. Members who have been supporters or participants in the Reclink Community Cup from year to year have featured, and the Hon. Kyam Maher certainly has featured in that particular program. They bring community to the fore and they provide those essential skills that our screen sector so needs.

FringeWatch was launched during the last Adelaide Fringe—the 60th Adelaide Fringe—and it was an utterly awe-inspiring documentary on the 60-year history of the Adelaide Fringe. It was an enlightening record of the work of a grassroots collective that created their own opportunities and change to create an open access people's festival, which I know that many members attend and are rightly proud of.

I had hoped, when launching this motion, to have had a screening of that documentary, but I will send members a link, if I can achieve that in these COVID times, to perhaps watch that documentary that is an utter Adelaide institution that we should be so proud of. For some of those who do not quite remember the nineties as well as others, I was reminded of many things that I had forgotten. The talents of the Doug Anthony All Stars and the wonderful Fringes that I have attended, as no doubt other members of this place have, are all featured in that particular documentary. It puts Adelaide on a world stage as well. It is an outstanding piece of cinema.

No alternative use, however, has been planned for the spectrum that is occupied currently by Channel 44 and community television. It simply beggars belief that the essential information, the community solidarity and the training and opportunity that this channel provides should be written off on 30 June for no financial gain but for great public loss. While Channel 44 continues to work towards a digital platform with further availability of online content, the spectrum for community TV should continue to see vibrant and diverse local content.

I encourage everyone in this place to take a look at Channel 44's Facebook presence and website and to urge our federal colleagues to keep local TV so that Channel 44 in Adelaide can continue to share their vision, continue to encourage local talent, continue to embrace innovative ideas and provide that platform for the grassroots content—perhaps a little less of the Hon. Kyam Maher in the future in the Reclink Community Cup. But I am sure those of you who have participated in that particular event know just how important it is that these community events are not only celebrated in person but are documented for perpetuity and, in particular in this online world, shared in a COVID environment to create that community when we cannot be together in our community.

Debate adjourned on motion of Hon. J.E. Hanson.

Bills

STATUTES AMENDMENT (REPEAL OF SEX WORK OFFENCES) BILL

Introduction and First Reading

The Hon. T.A. FRANKS (17:09): Obtained leave and introduced a bill for an act to amend the Criminal Law Consolidation Act 1935 and the Summary Offences Act 1953. Read a first time.

COVID-19 EMERGENCY RESPONSE BILL

Committee Stage

In committee (resumed on motion).

Clause 1.

The Hon. R.I. LUCAS: Prior to the lunch break, the Hon. Mr Parnell asked me some questions. I have been provided with some answers and I will share most of those, except for a small one, which I disagree with; I will not share that with him. The answers to the Hon. Mr Parnell's questions are as follows:

The provisions relating to residential tenancies, including rooming houses and residential parks, is consistent with the Prime Minister's announcement of a temporary moratorium on evictions due to unpaid rent arising from severe rental distress as a result of COVID-19. The provisions do

propose to extend this to unpaid water supply and usage, which I am advised are also common. The honourable member is correct, in that agreements may still be terminated on other grounds or naturally come to an end if it is a fixed term agreement. These are provided for in part 5 of the act.

Some of these worth noting include: a breach of agreement, including damage (section 80); either the tenant or landlord applying for termination based on hardship (section 89); a tenant or co-tenant applying for termination based on domestic abuse (section 89A); a landlord requiring possession for certain reasons, such as renovations, demolition, occupation for themselves or a family member, etc. (section 81); a landlord bringing a periodic tenancy to an end without specifying a ground (section 83); the tenant using the premises for an illegal purpose or their conduct significantly interferes with the neighbours (section 90).

It is important to note that clause 8(1)(l) provides that, whilst a tenancy may be terminated on other grounds, SACAT may suspend an order for possession beyond the existing 90-day period currently provided for in the act. This is proposed to ensure that SACAT may have regard to the circumstances of the COVID-19 pandemic, including the need to ameliorate the effects of the pandemic in the state and the need to avoid homelessness during such a public health emergency in its consideration of such matters.

It also seeks to ensure compliance with any social distancing or movement restrictions that may be in place at the time. These provisions seek to implement what has been agreed to date with respect to the moratorium on evictions for unpaid rent as a result of COVID-19. We have, of course, included what we also believe to be some other fundamental protections for tenants and landlords, such as the requirement around audiovisual inspections whilst ensuring that our legislative framework remains proportionate, scalable and responsive to this pandemic in any further announcements. We are seeking to temporarily empower SACAT to deal with various unforeseen matters during this public health emergency. These powers are appropriate and measured to ensure that we can support the sector and seek to protect both tenants and landlords during this time.

With respect to the honourable member's question about a non-financial related breach of an agreement due to COVID-19, such as operating a business from home, I am advised that SACAT may consider the circumstances of the matter under proposed subclause (1)(k) and make an order that it considers appropriate in the circumstances of COVID-19. I will also point out that SACAT may already make an order that it considers appropriate under section 110(1)(d) and this subclause only seeks to ensure that the extraordinary circumstances of COVID-19 are taken into consideration.

In response to communicating these proposed reforms, I am advised that Consumer and Business Services has already written to all tenants, landlords, agents and key stakeholders, including advocacy groups, industry associations and registered training organisations. Further communications are planned should these proposed reforms be passed by the parliament. CBS will be updating content on its website (sa.gov.au) and using social media to advise of the changes. CBS will also continue to liaise with SACAT, the SA Housing Authority and any other relevant agencies to distribute communications, with a particular emphasis on any vulnerable or other groups that may be significantly impacted by COVID-19. CBS welcomes any suggestions from the honourable member, indeed, in helping to get the message out by way of communication.

I will put on the record that the only bit of the advice that I disagree with is the view that residential tenancies were going to be subject to further consideration by the national cabinet. My understanding is that the national cabinet has resolved what the Prime Minister and the national cabinet believes to be the issue in relation to retail and commercial tenancies and has essentially handballed, flicked past, or whatever other words you would like to use, to treasurers, and that is probably going to be the Council on Federal Financial Relations.

In our state that would involve me, but obviously in serious consultation with the Attorney-General who has responsibility for the area, and Mr Soulio and others. In other jurisdictions I think it is probably the same thing as well: it involves the consultation of treasurers with line ministers or agencies in relation to it. Of course, this does not preclude at some stage the Prime Minister and the national cabinet inserting themselves back into the process, but at this stage the position of the Prime Minister and the national cabinet is that they have done what they wish to do in this area.

They have set the parameters and they are now leaving the difficult decisions of how to resolve what they have decided to the states and territories in the complex area of both retail and commercial leases, but in the equally complex and challenging area of residential tenancies they have left it to the state jurisdictions and ostensibly to the treasurers.

The Hon. M.C. PARNELL: I thank the minister for putting those answers on the record. His answers pretty much reflect what I expected. The bottom line—and we will perhaps go more into it when we get to clause 8—appears to be that having an overriding power in SACAT to make just decisions in the circumstances is probably the best we can hope for.

The way this bill is currently worded, if a tenant stops paying rent or falls behind in their rent, the landlord realises they cannot chuck them out for that reason so they just say, 'I want to renovate,' and give them 60 days' notice. Then it would be up to the tenant to have to go to the tribunal and say, 'I know the owner is saying they want to renovate but there's a pandemic on, in case you didn't notice, and can you please make orders suspending that for another few months?' I think that is the best that people in that circumstance could hope for, but we cannot be in the minds of the tribunal.

My understanding is that they are sensible people who will understand the tenor of this legislation and we hope they will bend over backwards to give effect to it. I also hope that landlords do not try to find loopholes or gaps in this legislation to seek to undermine the intention of the national cabinet; that is, to be evicting people during this time of crisis. I thank the minister for his answers.

The Hon. C. BONAROS: I have some questions that I would like to ask the Leader of the Government now.

The Hon. R.I. LUCAS: Fire away.

The Hon. C. BONAROS: Thank you, Leader of the Government. The first is in relation to the definition of 'financial stress or hardship', which is an issue that I addressed during my second reading contribution. I note that the code of conduct that has been released nationally now has a definition of 'financial stress or hardship', but there is not one in the bill. This was one of the issues raised at the briefing on Monday, and there was not a lot of clarity around which definition we would be adopting. Is it the intention of the government to adopt the definition that has been implemented as part of the code of conduct, or some other definition?

The Hon. R.I. LUCAS: It is the government's desire, wish and intention to use that definition because that is consistent. It is 30 per cent, but it is also 15 per cent, as recently announced, for charities. You are probably not going to have to worry about this, but if you are over $1 billion it is 50 per cent, or whatever. Anyway, 30 per cent is the rule of thumb. That is, if you are eligible for JobKeeper, you are defined to be in financial distress.

In terms of the state's position, we are looking via regulations in terms of confirming that, but that is the intention of the South Australian government. We cannot speak on behalf of all the other state and territory governments, but the national code, which has been circulated, would seem to indicate that is the preference.

The national code or something in the minutes says 'as appropriate', so it does seem to leave some flexibility. However, it is the state government's intention to mirror as closely as we can the definitions that businesses are having to go through with the federal government to be registered as eligible for JobKeeper, as being in financial distress as a result of COVID-19. There are some complexities, so I am advised, in terms of the legal people trying to draft the regulations underneath this, and they are still working on those. I have certainly not seen them yet, but the intention is clearly as the member has outlined, and that is certainly our intention as well.

The Hon. C. BONAROS: I think that provides a lot of clarity and is probably very welcomed by most in terms of consistency at least with the national code of conduct that has been released. The code of conduct also, at clause 6, states:

> 6. Any reduction in statutory charges (e.g. land tax, council rates) or insurance will be passed on to the tenant in the appropriate proportion applicable under the terms of the lease.

Again, one of the questions raised during the briefing was whether there is any intention here to exempt landlords or tenants during this period from government charges, including land tax, if they

meet the relevant definitions. There was no answer provided to that. Can the Treasurer confirm whether or not that is being considered and what the likely outcome will be?

The Hon. R.I. LUCAS: To be fair to the officers who would have been briefing, they would not have been in a position to give an indication on that. I have indicated publicly in the last 24 hours somewhere that the government has already outlined a very significant reduction in land tax from 1 July. There is the $189 million over three years that, for those of you who can remember pre COVID-19, we went through late last year. In one of the government's economic stimulus packages, we announced a further $13 million of land tax reduction for financial year 2020-21. That starts from 1 July and onwards, so there will be a significant reduction in land tax for a large number of landowners and investors from 1 July.

What I have indicated publicly on behalf of the government without yet being specific is that the government will provide some further reduction in land tax for the last quarter of 2019-20. For the period April through to 30 June, the government will commit in the coming days to some further relief in relation to land tax for those impacted by these arrangements.

In the various iterations that went backwards and forwards from treasurers to the national cabinet over the last what seems like months but I suspect it has only been a couple of weeks, there have been various formulations of what that land tax might be. The final statement, as you will see, from the national cabinet is non-specific; it leaves it essentially to the states and territories.

I have committed, on behalf of the state government, that we will provide further land tax relief. I am not in a position today to indicate what that is, but we will be announcing in the coming days, in the not too far distant future, what our response is going to be. However, my view, which is not reflected in the national cabinet, has been that it should not just be the state government that has some skin in the game, if I can use that phrase, but that local government should have some skin in the game in relation to rates relief. And, frankly, the federal government and financial institutions should have some skin in the game in relation to some relief.

It should not just be the state government and the landlord in the end who are responsible for the loss of tenant income or rental income in certain circumstances, and I think there are others who should be contributing. The federal government, with respect to them, have made huge contributions right across the board so I am not being critical of them, but we have suggested a couple of areas that we would like them to consider further. I think it is fair to say that they have not yet given us any indication that they are prepared to move in this particular space.

In relation to the response of local government—not unreasonably, and that is an issue for state governments to address—one local government council has frozen rates but we are actually talking about reducing land tax and government costs. My personal view is that local governments ought to be looking at rate relief in these circumstances; that is, where there is a COVID-19 impacted landlord in their area, they should be looking at rate relief. In the two or three council areas where there have been revaluations, admittedly only two or three out of 69 where they might be looking at increased rate revenues, they have the capacity, in our view, to look at relief.

I also have the view that the financial institutions have the capacity to do more but the banks have rejected that and frankly we have no power to enforce that. In the end, the two groups that are left are the landlords—because they are caught by the legislation and they are going to have some skin in the game and are going to lose something in relation to this—and the state government, which have given a commitment that we, too, will provide some relief; albeit at this stage we are not in a position to indicate what that relief will be for this last quarter. We will provide relief post 1 July because that is already locked in and we have made commitments to it.

That is sort of the lay of the land at the moment. I really cannot provide any greater detail to the member's question other than she has a clear commitment from me on behalf of the government that we will do something in relation to land tax relief for landlords in these particular circumstances.

The Hon. C. BONAROS: For the record, can I say to the Treasurer that we wholeheartedly support your robust determination in ensuring that others have skin in the game, particularly given the effect that this is going to have on certain sectors and landlords, of course. In terms of local governments and council rates, have there been direct discussions with the Local Government Association and the various councils, and are those decisions being left to them alone—if we can

just clarify that? If we see that they are not, of their own volition, willing to put some skin in the game, as you say, is there scope for the government to step in and make sure that something is done to ensure that they do have some skin in the game?

The Hon. R.I. LUCAS: That is an excellent question. In terms of discussions, I have not had discussions with the LGA. I have had discussions with the Minister for Local Government and he is aware of my views, but he is nevertheless the line minister in relation to relations with local government. I would need to check with minister Knoll as to whether or not he has had any discussions in relation to these issues.

Again, this is just a personal view at this stage; it has not even been discussed at cabinet. I have certainly sought advice from Treasury as to what are the levers that are open to government in relation to local government. At this stage, it is still a work in progress. I am not sure what those levers, if any, are in relation to encouraging local government to provide some relief in the circumstances that we are talking about.

The member then goes on: is there a power to require? I guess the parliament always has the power, but the government would have to firstly take a decision—and we have not taken that decision—to amend legislation in some way to require rate relief. That would be complicated and complex, so we would prefer in the first instance to encourage local government councils that they too have an interest in ensuring the viability of businesses surviving and thriving in their local government area.

It is not just the business and the tenant. They have an interest in their local business community surviving and thriving, and therefore they have an interest in ensuring the survivability of that business and the landlord investing in the particular area. We would hope that local government councils would see the good sense of that, but only time will tell.

The Hon. C. BONAROS: Going back to the issue of those matters that the government does have control over without further legislation, are there any proposed measures in place to provide additional relief when it comes to water and sewerage charges by SA Water if you meet the threshold of having been impacted by COVID-19?

The Hon. R.I. LUCAS: There is not in relation to COVID-19 but, as the member will know, the government has committed to a reduction in water and sewerage prices from 1 July. We will not be doing anything in relation to that prior to 1 July. Through the process and the work that ESCOSA has to do as the independent regulator, and in setting water prices for the next period 2020 to 2024, we have committed to reductions in water prices for households, commercial and industrial, and they will occur from 1 July. So there will be some relief, but that will not just be for COVID-19 related businesses and households. It will be for all businesses and households to varying degrees, to all businesses and households from 1 July.

The Hon. C. BONAROS: God forbid this crisis gets worse and not better, but I am hoping that even though we are having that relief from 1 July there will be further discussions about whether COVID-19 specific relief needs to be considered in relation to that same issue of sewerage and water rates and charges.

The Hon. R.I. LUCAS: I cannot add any more than the comments I have made, I am afraid.

The Hon. C. BONAROS: The other question I had was specifically in relation to CBS, and also SACAT and funding. I note again that this is an issue that we raised during the briefing. The answer that was provided, from memory, was that at this stage there has not been any request for additional funding. Can the Treasurer confirm that should that workload increase—which we are all anticipating it will—additional funding and resources will be provided to both SACAT and CBS to ensure that they can keep up with the demand?

The Hon. R.I. LUCAS: No. Mr Soulio is going to be required to work 24 hours a day, seven days a week and not sleep. It is as simple as that. The answer to the question is that we will consider reasonably and sensibly any soundly based request for additional resources from not just CBS and SACAT but the Small Business Commissioner, for example, who has an elevated role in all of this. As with all submissions, we will need to see what they can fund and continue to fund.

There are a number of areas in some of these agencies where work has just disappeared because businesses are out of business, and we are looking within the public sector to sensibly move people out of one particular area into another area of higher priority. We are doing that between agencies; we expect that from within an agency. We are expecting that within Treasury, for example, if there is an area that is no longer a priority area or they cannot do the work they normally do to see whether we can move them across. We will look at that, but the obvious answer is that, if we have to provide additional resources for those agencies that you have mentioned, and perhaps one or two others, we will just have to find the additional resources to ensure the work gets done.

The Hon. C. BONAROS: Back on the issue of CBS and the suggestion by the Hon. Mark Parnell that some suggestions might be put to CBS in terms of how they communicate or educate the public about the changes that are being made, I note that SBS in particular has done an amazing job in providing up-to-date information literally daily in myriad languages on their website, and it is being widely promoted and being updated very regularly.

I note that the federal and state governments have ensured as far as possible that all of these changes can be made available in different languages. My question or suggestion (however you would like to take it) is whether CBS is ensuring that this information, these updates, this education awareness program will be made available in as many languages as possible to ensure that those people who do not have a good grasp of the English language are also aware of the changes that are being made?

The Hon. R.I. LUCAS: I would be stunned if the CBS, if they have not already responded to make that available, did not pick up that suggestion and look at it. The other very quick point I would make—and after we come back after the dinner break I can correct the record if I am wrong—is that the government is actively promoting as the one source of information sa.gov.au. There is a very strong argument that has come to the government that people in these times need a ready source of fact and information, free of rubbish and rhetoric, but just the information, whether it be business-related information or health-related information, and we are trying to channel as many people as possible to sa.gov.au.

I would assume that CBS will be a link through that. If it is not, I am sure that could be made available and then through that channelled into all the sorts of information in terms of translations, etc., that might be made available. If there is some reason they are not linked or cannot be linked, I will correct the record after the dinner break. Your suggestion is a sensible one; I am sure Mr Soulio and his officers will give consideration to it.

The Hon. C. BONAROS: I think I have only one other question we can deal with now, and then we can deal with the rest as we progress through the bill. I cannot find what it is right now at clause 1, but perhaps I could come back to it at some point, even if it is not related to one of the other clauses of the bill.

The Hon. M.C. PARNELL: Perhaps just to assist the committee, I have been looking at the government's website and this is a comprehensive question and answer section. One of the questions is: 'I have lost my job and I am unable to pay my rent.' Of course, the advice on the website does not yet take into account the measures we are now considering, and it will as a matter of urgency need to be rewritten because it includes the unhelpful advice that undue hardship does not include financial difficulties. Clearly, that situation will change.

The Hon. R.I. Lucas: If the parliament passes the legislation.

The Hon. M.C. PARNELL: My crystal ball tells me that it may be law by the end of today. I have just taken the opportunity to subscribe to updates from that particular service, so I am confident that the vehicles are in place, but I do not see any languages other than English, which I think was the point made by the Hon. Connie Bonaros. I think there is a lot more work to do and I have no doubt there are people in the agency working on it.

Clause passed.

Clauses 2 to 5 passed.

Clause 6.

The Hon. K.J. MAHER: Can the minister confirm that clause 6, as amended through the interesting process through the assembly last night, is, in effect, a hard sunset clause in that the operation of all parts of the act will cease in six months or when the emergency is no longer declared, whichever comes first? Am I reading that correctly?

The Hon. R.I. LUCAS: The answer is yes. My advice is that an agreement was made in the House of Assembly to amend clause 6 to state that the act would cease either in six months or at the cessation of COVID-19 declarations, whichever is the earlier.

The Hon. K.J. MAHER: What is the interaction with clause 18 and the amended clause 6? Can all parts of the act have transitional arrangements that in effect allow, by regulation, the provisions that are already there to continue on for some time if that were a regulation put forward?

The Hon. R.I. LUCAS: My advice is that they are only regulations of a savings or transitional nature. They do not extend the act.

The Hon. K.J. MAHER: Could the Treasurer give an example of how they might work in practice? What might be saved by the operation of clause 18 after the new clause 6 comes into effect?

The Hon. R.I. LUCAS: I am advised there are three examples I can put on the record. There will be certain transitional arrangements that will need to be dealt with that will not be neatly tied up at the moment the declared emergency ceases. For example, where an associated incorporation has been granted an extension of time to hold an AGM we would want the regulation affecting the extension of time to have effect after the emergency period ended so that they did not fall into default.

A second example would be that time might be extended, using section 13, for certain companies to hold AGMs. This might sensibly be done to avoid the need for meetings to proceed in the current circumstances. A transitional regulation might then be required under section 18 to provide that despite the fact the act has expired, the extended time continues to have effect. This would avoid the company suddenly finding itself in default following the expiry of the act.

A third example might arise if the tribunal makes an order that a tenant is not in breach of a tenancy agreement for failing to pay rent for COVID-related natural distress. Transitional regulations might be required to ensure that after expiry of the act the landlord cannot rely on the COVID-related breach that occurred during the life of the act to make a fresh application after the act has expired. They are three examples in terms of transitional.

The Hon. K.J. MAHER: In terms of clause 18, could that also apply to changes to the Emergency Management Act and the modifications that are particularly made with the new section, I think it is 25(3)?

The Hon. R.I. LUCAS: I am advised that no, it cannot make those sorts of changes. It can only do something that is transitional or saving. It cannot go beyond.

The Hon. K.J. MAHER: To be very clear, if there is a power that is now conferred on the State Coordinator, and it is felt that whatever power it is needs to continue for a little while for whatever action it is to be completed, that cannot be continued on. Is that the advice that has been given?

The Hon. R.I. LUCAS: I am advised that that is correct.

The Hon. K.J. MAHER: For absolute clarity—

The Hon. R.I. Lucas: We just said that that's correct.

The Hon. K.J. MAHER: Yes, I know. The new powers that the State Coordinator has cannot under any circumstances be extended by the operation of clause 18; is that correct?

The Hon. R.I. LUCAS: That is correct, but there are certain provisions, which I think were discussed in the House of Assembly, which extend beyond, and that is in relation to liability issues and Crown immunity issues. This will be my very poor layperson's attempt, but this is decisions that might be taken during the emergency, about which in the end, afterwards, the Crown would still be

able to say, 'We took those decisions during the emergency and we have, therefore, Crown immunity.' Is that a fair summary? Yes. I get a nod that that is a fair summary.

Clause passed.

Clause 7.

The Hon. K.J. MAHER: These questions will apply, I think, to the next few clauses that relate to leases. I think there was some discussion at clause 1—and it clears it up reasonably—the meaning of 'financial hardship'. Is it intended that the definition that applies in the code applies across all the various lease categories in terms of financial hardship or is it just commercial?

The Hon. R.I. LUCAS: Certainly, in relation to retail, commercial, industrial—however you want to define those—that is correct. In relation to residential, that is to be concluded. It has been left with the treasurers and others to try to work out what actually works in relation to that.

The Hon. K.J. MAHER: Is it state by state?

The Hon. R.I. LUCAS: Potentially. It would make sense, obviously, to have some degree of uniformity and agreement. One of the arguments in relation to the residential area is that, by and large, tenants are potentially likely to either have JobKeeper or JobSeeker payments, whereas some businesses in the commercial area might literally have no income at all. They might have access to JobKeeper but they might have no income at all. The answer to your question is: in relation to retail, commercial, industrial, yes; in relation to residential, that is still a work in progress.

The Hon. K.J. MAHER: In relation to the role and function of the Small Business Commissioner in clause 7, has consideration from the government been given to providing additional resources, in the first instance, to the Small Business Commissioner, who has powers to mediate a dispute and make determinations, and then also to the Magistrates Court, where a right of appeal lies I think under clause 7(9), an appeal from the determination of the commissioner? Have extra resources been contemplated for those two bodies?

The Hon. R.I. LUCAS: The answer is yes, but as I said in response to the question from the Hon. Ms Bonaros, in the first instance the government will look to see whether it is possible to in essence move public sector resources from underutilised areas to what are going to be obviously highly utilised areas such as the Small Business Commissioner, the CBS and, potentially, SACAT as well. In the end, if that is not possible, the government will obviously have to look at how we can sensibly resource these agencies, which will have to do an extraordinary amount of work in what we hope will be a relatively short space of time—it might be a period of six months—in terms of potentially mediating a range of disputes between landlords and tenants.

The Hon. K.J. MAHER: My next question applies to this and the next three clauses and relates to tenancies in general. The Treasurer can correct me if I am wrong, but if someone is suffering financial hardship as determined by, in this case the Small Business Commissioner, or SACAT in future clauses, effectively, for all of these clauses, you cannot go through the process of eviction proceedings. At the end of the declared emergency, or in six months—whichever is sooner—when this act no longer applies, does the entire amount that has not been paid during this time become a debt due and payable from the tenant to the landlord?

The Hon. R.I. LUCAS: That is one of the deliciously complex and complicated issues that remains to be resolved. If we talk about the retail/commercial/industrial space, the national code envisages a sharing; that is, a 50 per cent provision that the tenant takes. I think it envisages there is a waiver of 50 per cent, and then there is a deferral of 50 per cent, which will be collected in no less than a 24-month period.

This national code was only released yesterday. We are still trying to work our way through the code and what the implications will be in each of the state at territory jurisdictions. This goes back to the point that I was making to the Hon. Ms Bonaros earlier: in the end, at this stage, the landlord is going to, to use the phrase, have some skin in the game in terms of potentially losing some money. The state government may well make a contribution in terms of reducing costs like land tax, and that is why I was making this point earlier.

In terms of reducing the potential impact on landlords, the issue of whether the commonwealth government, local government or indeed financial institutions having some skin in the game ought to be part of the complex resolution of this issue. At this stage, it is just the landlords because in South Australia—and I suspect the other state and territory government will do the same—we have said that we are prepared to be part of the solution as well. At this stage, it is just those two bodies. We think there should be more bodies in the game, in terms of absorbing what might be unpaid rent.

The important point that I have not yet raised is that the Prime Minister and the national cabinet furiously agree that where tenants and landlords can come to a satisfactory resolution between themselves, they should be encouraged to do so. I am already aware that some landlords have said to their tenants, 'Hey, we want you to be here. We know you are now out of business, because of government edict, for six months. We won't collect your rent but we will extend your five-year lease by another six months and that's it.'

Those landlords are still taking a hit in that case; they just have a longer lease, but they have taken the hit of six months. They might get some land tax relief from the state government and indeed anyone else who is prepared to assist in the interim. Under the national cabinet rules, the landlord is entitled, for 50 per cent of it, to defer it for a period of no less than 24 months and collect it from the tenant. So the tenants are going to have to pay it back at that time.

The current arrangements in relation to the banks is that they are just capitalising the deferral of the loans they have. Yes, they are saying, 'For six months, we will carry you,' but they still get it all back at the end because they have capitalised the revenue or the income that they have lost during that particular period. So with great respect to banks and financial institutions, yes, they have a small amount of skin in the game, but ultimately they get the money that they have loaned to the particular landlord one way or another.

The Hon. K.J. MAHER: I am not completely familiar with the national code as it was just released yesterday, but as I understand it, according to the national code, half of the rental debt would be waived and the other half would be due and collectable within a 24-month period for commercial tenancies; is that correct?

The Hon. R.I. LUCAS: Yes, it is for commercial tenancies. I will try to find the actual provisions for you.

The Hon. K.J. MAHER: While the provisions are trying to be found, my next question will be: what effect does the national code have? Is it enforceable at law in South Australia?

The Hon. R.I. LUCAS: Let me first read this. Principle 3 states:

> 3. Landlords must offer tenants proportionate reductions in rent payable in the form of waivers and deferrals (as outlined under “definitions,” below) of up to 100% of the amount ordinarily payable, on a case-by-case basis, based on the reduction in the tenant’s trade during the COVID-19 pandemic period and a subsequent reasonable recovery period.

The current leasing principle 4, which was released yesterday, states:

> 4. Rental waivers must constitute no less than 50% of the total reduction in rent payable under principle #3 above over the COVID-19 pandemic period and should constitute a greater proportion of the total reduction in rent payable in cases where failure to do so would compromise the tenant’s capacity to fulfil their ongoing obligations under the lease agreement.

If I can just interpose there, I am still struggling to understand the implications of some aspects of that particular phrase. But putting that to the side, principle 4 goes on to state:

> Regard must also be had to the Landlord’s financial ability to provide such additional waivers. Tenants may waive the requirement for a 50% minimum waiver by agreement. Payment of rental deferrals by the tenant must be amortised over the balance of the lease term and for a period no less than 24 months whichever is the greater unless otherwise agreed by the parties.

So that is the answer to the first question.

The second question is, at the moment, it is not legally enforceable because it is just a statement of policy intent by the national cabinet. It is now left to us in the state and territories in

terms of understanding what the implications of the national code are, how it might need to be adapted because it does say 'as appropriate' in the state and territory jurisdictions.

I know that in another Labor jurisdiction the Treasurer has said to me they are proposing to put the national code out for consultation and to see what the consultation is before they decide to implement it and then we would have to take a decision. I suspect that it would be highly likely that, when we come back on 12 May, there may well need to be further amendments to this particular area and also potentially in the area of residential tenancies as well, as we seek to understand whatever it is the national cabinet has decided and then ultimately what each of the state and territory jurisdictions decide in the residential tenancy space.

The Hon. K.J. MAHER: I thank the Treasurer for that comprehensive response, and that goes to my next question. We have a bill before us and we can only go on for certainty what is in the bill and how the law will be once this bill is passed. I appreciate that there will be further discussions. But if we assume that this bill is passed and that becomes the law, without anything more, does that mean that both residential and commercial tenants would be liable for the rent that they did not pay over that six months of financial hardship, let's say, immediately upon the act ceasing without anything else passing?

The Hon. R.I. LUCAS: The answer is yes and that is a fair indication of the challenge that confronts us. As I said, two jurisdictions have already legislated prior to the national cabinet releasing these yesterday. We are in a similar position that we are legislating before we have had a chance to look at what the implications and ramifications of the national code are. So those two jurisdictions and us, at the very least, I suspect are going to have to come back and make further changes in relation to the circumstances.

The Hon. K.J. MAHER: On that basis, I am wondering—and I note there is a communication strategy and publicity going to tenants of all descriptions—what is being communicated to tenants on that point? That is, what happens after this period if you are in financial hardship? How is it being communicated about the questions that will obviously arise? For example, do I owe all that money at the end of it?

The Hon. R.I. LUCAS: It will have to be communicated very carefully. It will have to reflect whatever law the parliament ultimately passes. The reality is that, even under the national code, a tenant in a commercial tenancy is going to have some of their unpaid rent that they have to pay, so it is not an absolute free kick, even under the national code that has been issued by the Prime Minister and the national cabinet.

As I read out in those principles, they are going to be required to pay back at least 50 per cent of it over not less than a 24-month period, or the balance of the lease term, depending on how much longer there is of the lease term. So, even under the national code, the tenant does not get a free kick for the whole six-month period.

The other issue that has to be made—and this is where the Prime Minister has talked about proportionality, which is a very difficult concept—is that, if you have a business, for example, that is still trading and is still getting some income, there should be proportionate relief for that particular business as opposed to one that has closed down completely. That is an easy principle to enunciate. It is a challenging principle to reflect in law, in terms of an agreement between the landlord and a tenant.

Any of you who have spoken—and I am sure some of you will be lobbied over coming days by representatives of the property industry—will say that the issue of proportionality is extraordinarily complicated because in some cases a loss of turnover for a particular tenant will have differential impacts on the landlord, depending on whether the landlord is a self-funded retiree who has no debt at all but is living off the income they are earning and has no relationship with a bank or a financial institution, as opposed to a landlord who is heavily leveraged or mortgaged in terms of the commercial properties they have, and therefore proportionality is different.

I am mindful that we have a long evening before us and I do not want to delay anyone from the importance of their evening meal, so I intend to move that we report progress.

Sitting suspended from 18:02 to 19:45.

The CHAIR: Are there any further contributions at clause 7?

The Hon. C. BONAROS: I will have to remember my question now, because it led on from the questions that the Hon. Kyam Maher was asking—

An honourable member: Good questions.

The Hon. C. BONAROS: Yes, absolutely, good questions. It is becoming abundantly clear how extremely complicated and technical these changes are, especially when you take into consideration the code of conduct. In effect, clause 7(12) says that, in circumstances where you have a commercial tenant who is already behind in rent, any action that has already commenced has to be stayed or suspended under that provision. I think that is correct; effectively, that is what it says.

I just wanted to see if there were any difficulties with that provision in light of the discussion that was taking place with the Hon. Kyam Maher. I appreciate that we have just had a dinner break, so it is not that fresh in our minds, but I was thinking about it in the context of having this situation where, in effect, you are claiming back money at a later stage—the 50 per cent that will be payable at some point.

In this instance, you might have somebody who already was in arrears, but as a result of COVID-19, any action that has been commenced but not yet completed or finalised will have to be stayed or suspended. I think, in light of the code of conduct, that then raises questions about what happens at the end of the prescribed period in terms of what repayments will have to be made. It is clear as mud, Mr Chair.

The Hon. R.I. LUCAS: Based on advice, I draw the member's attention to the definition of 'relevant period'. 'Relevant period' is what we hope will be a very short period, between 30 March, which is when the flag goes up on this legislation, and the date on which the act is assented to by the Governor, which might be a week. What are we up to now? It is 8 April, so there are at least eight days between 30 March, which is when all this was meant to start, and 8 April. Let's say the act is not assented to until tomorrow or the next day, so there might be a nine or 10-day period.

It is only in relation to that particular period. So it is not actually someone who was in financial difficulties at the start of COVID-19: it is someone who as a result of COVID-19 gets into difficulties in this 10-day period and the landlord has commenced action as a result of the problems they have got themselves into in terms of eviction. That is what is stayed. As described to me, it is sort of a mini version of retrospectivity for this period of eight or 10 days or however long it might be between 30 March and whenever the act is assented to, hopefully in the next day or two.

The Hon. C. BONAROS: So it won't be in relation to previous—

The Hon. R.I. LUCAS: No.

The Hon. C. BONAROS: Thank you, that provides some clarity. I just have one other question in relation to a release that was provided to me on commercial tenancies that was put out yesterday by the Prime Minister. That was in relation to the commonwealth government acting as a model landlord by waiving rents for its small and medium enterprises and not-for-profit tenants within its owned and leased property across Australia. Do the changes that we are considering now mean that we are going to be doing the same here at a state level?

The Hon. R.I. LUCAS: The legislation does not require it. They will be individual policy decisions by jurisdictions. We have already acted as a moral exemplar in a few areas. I am not sure that we have actually announced it yet, but in relation to the West Beach Trust, for example, and one or two other areas where we have small tenancies, we have waived—

An honourable member interjecting:

The Hon. R.I. LUCAS: Tourism operators I think has already been announced in relation to Environment and Water. We have taken action in a number of areas. One of the other unnamed, very small jurisdictions that has a very large number of—evidently—buildings they own where the commonwealth government is one of their tenants is not too keen on being a moral exemplar in forgiving the federal government some of its tenancies.

We do have potentially one or two very small examples in South Australia of very significant tenants paying very significant sums of money to the state government. Whilst we have so far been a moral exemplar—in a very loose use of the phrase; I do not want any lawyer to quote that to me outside the house—in some smaller areas in terms of waiving rents etc., these will be individual decisions for each state and territory jurisdiction as to how far it might want to extend its generosity in relation to its tenants. So we will make some judgements.

So far, the judgements that I have authorised have essentially been in relation to a range of smaller operators. We have made a judgement that they have been very significantly impacted by COVID-19 and it would be a significant challenge for them, and we will make other judgements in relation to medium and bigger-sized tenants. Therefore, any rule we might have applied to smaller tenants we will not necessarily apply to medium and bigger-sized tenants in our buildings. They are judgements that I and the government will make in due course.

Clause passed.

Clause 8.

The Hon. K.J. MAHER: Again, it was touched on and answered last time in relation to the Small Business Commissioner and also the Magistrates Court, under the tribunal that is SACAT, which have initial jurisdiction. I presume, like normal processes, matters then go to the District Court to appeal decisions. Is it contemplated that those two bodies may need extra resources if this becomes a significant amount of their work, and will the government give an undertaking to provide that if it is needed?

The Hon. R.I. LUCAS: At this stage I have not had any advice in relation to the courts of higher jurisdiction, if that is the correct way of describing them. As I indicated before the dinner break, certainly in relation to SACAT, potentially, certainly in relation to the Small Business Commissioner and certainly in relation to the commissioner in relation to Consumer and Business Services. My comments before dinner remain the same after dinner; that is, we accept the fact that there is likely to be an increased workload for each of those areas.

In the first instance, we would like to see what capacity they have to move people from lower priority areas to higher priority areas. That is more likely to be the case for CBS than it is for something like the Small Business Commissioner, I suspect, although I do not know. However, I accept the fact as Treasurer that we may well have to allocate additional resources in this period. We will not delay the processing of important issues in this six-month period—we hope it is a six-month period—through the lack of sufficient resources. There need to be genuine endeavours to try to do as much as they can with what they have but, ultimately, if we have to provide additional resources we will do so.

The Hon. K.J. MAHER: For clause 8 but also clauses 7, 9 and 10, what is the date that these clauses come into operation should this bill pass?

The Hon. R.I. LUCAS: That sort of relates to the answer to the question I have just given the Hon. Ms Bonaros. Clearly it will be when it is assented to, but some of the provisions are retrospective to 30 March. I think I am getting furious nods from everybody.

The Hon. K.J. Maher: Is that 7 to 9 inclusive; is that right?

The Hon. R.I. LUCAS: Yes. So the protections in relation to evictions, for example, go back to 30 March. The main thing in relation to evictions—both residential and commercial—is that we are protecting people from 30 March onwards.

The Hon. K.J. MAHER: Clause 8 comes into operation on 30 March; is that correct?

The Hon. R.I. LUCAS: No. It comes into operation when it is assented to, so that will hopefully be in the next day or two, but it will be retrospective to 30 March. I guess the answer is technically correct both ways, but we actually need to have assent to the bill first and then these provisions will be made retrospective to 30 March.

The Hon. K.J. MAHER: The way it is defined in clause 2 is that it is taken to have come into operation on 30 March—7 to 9, which includes 8. If we look at clause 8(12), it defines the prescribed period as meaning the period commencing on 30 March and ending on the date on which this section

comes into operation. Does not this section come into operation on 30 March by virtue of clause 2? If it does, does that mean the prescribed period for this section is commencing on 30 March and ending on 30 March?

The Hon. R.I. LUCAS: My advice is that, as you know, the government could delay the proclamation of certain sections of the legislation. So it is possible that the government could delay—we have made no decision—the operation of certain sections until a later date after assent, but it would still nevertheless prevent evictions going back to 30 March.

The only circumstance where that might occur would be as we sort through what this national code of conduct means in relation to, firstly, commercial tenancies, but then what are we in the states going to do in relation to residential tenancies in relation to this vexed issue that, if a landlord ends up getting less money, who is actually going to have skin in the game with the landlord in terms of the less money that they collect, and how much less money is it in relation to a residential tenancy?

That is not defined in the national code because the Prime Minister's national code, in terms of the 50 per cent issue, was talking about commercial tenancies. They have no similar code that governs what is expected to occur in residential tenancies. They have just basically said, 'This is an issue for the states and territories. They need to sort it out.' We have not yet sorted it out in relation to what it is that we do.

The Hon. K.J. MAHER: I thank the Treasurer for his response. I understand all that. I am just wondering about the way this is drafted. Have I read that incorrectly and the prescribed period commences on 30 March and ends on 30 March? Is that how that is drafted, or have I read that incorrectly?

The Hon. R.I. LUCAS: I think my advice is that you have read it incorrectly. It would not make sense if it was just 30 March and then it ends on 30 March. The advice I have is 'prescribed' means a period commencing on 30 March and ending on the day on which this section comes into operation. The bill might be assented to, let's say tomorrow or the next day, but the government actually proclaims only certain sections and delays the proclamation of the section as to when it comes into operation, but it would nevertheless still prevent evictions going back to 30 March.

The Hon. K.J. MAHER: Can the government override clause 2(2) where it specifically says that section will be taken to come into operation on 30 March? Can the government delay proclaiming a section that the act says will come into operation at a particular day?

The Hon. R.I. LUCAS: Barley! Start again. We now have more senior legal advice from parliamentary counsel. Parliamentary counsel's advice is that the earlier advice I gave was correct; that is, we are covering this particular period from 30 March to whenever we assent to the bill, in the next day or two or whenever it might happen to be. That is the period that we are protecting in terms of, in essence, a small version of retrospectivity back to 30 March.

The advice I gave earlier was incorrect in relation to the government might have the capacity to delay proclamation of certain sections of the bill—in particular, these particular sections—to some stage when we sort everything out. We, evidently, do not have that option. As soon as the bill is assented to, the only option we have is delaying assent of the bill.

If we had the view that this was all too complicated, we would have to delay assent of the bill until we had sorted everything else out in terms of answering some of these questions that at this stage do not have answers, or the government can just assent to the bill, which is the intention I would imagine as soon as possible, and then we are going to have to work through as quickly as possible what the implications are going to be for these inevitable conflicts between some tenants and landlords in the residential tenancy space, and frankly, also, some of the issues in the commercial space as well.

The Hon. K.J. MAHER: I do not wish to hold this up any further because it really is a matter of drafting. If the Treasurer could take on notice for later, the way it is drafted, the prescribed period, does it mean it comes into operation when it is assented to rather than when clause 2(2) says, 'taken to have…on 30 March'? I am interested to know the reasons behind drafting it like that and the difference between it coming into operation and the prescribed period being assented to, not having

to take into account what clause 2(2) says. We could talk about these sorts of things all night and I do not wish to, so perhaps if that could be taken on notice and an answer provided later.

The Hon. R.I. LUCAS: I am happy to do that. I perhaps invite the honourable member to have a nice discussion with parliamentary counsel, they may well be able to—

The Hon. K.J. Maher interjecting:

The Hon. C. BONAROS: Let's assume during the retrospective period from 30 March until 8 or 9 April, or post that date, somebody is due to settle on a property they have bought and they are seeking to move into that property, but there is an individual currently living in that property and they are renting and they have hit financial hardship because they have lost their job, under clause 8 of the bill if you are in that position you would not be able to be evicted.

If ownership effectively changes from one owner to another and the tenants who happen to be in the property are in financial hardship, are there implications for the new owners if those tenants are unable to move out as a result of their financial hardship or is that simply not covered at all? On my reading of it, I cannot see that it is addressing new property owners at all, but I do not think it is clear. I am not sure that my question is clear either. If you have purchased the property in that time—

The Hon. R.I. LUCAS: Now that the member has explained it, could she perhaps more simply put the question to me and I will seek advice in relation to the circumstances that she is wanting an answer to.

The Hon. C. BONAROS: If settlement has occurred on a residential property and there was a tenant in the property who was due to move out but they have now said that as a result of COVID-19, 'I am experiencing financial hardship and I can't move out,' and in that period settlement occurs and ownership changes hands, what are the implications for the new owners?

The Hon. R.I. LUCAS: If we have understood the question, in the circumstances where the tenant actually agreed, before he or she lost their jobs as a result of COVID-19, to move out—that is, there was going to be a settlement soon after 8 April or 10 April or whatever the date of assent is—and then all of a sudden they lose their job, the advice I have is that that is not really the responsibility of the owner of the property and the new owner of the property: that is an issue, sadly, for the tenant and they really do not have any legal rights under this particular bill to, in essence, say, 'Hey, all bets are off at this particular stage.' That is the advice I have, if I have understood the question correctly.

Clause passed.

Clause 9 passed.

Clause 10.

The Hon. K.J. MAHER: I wonder if the Treasurer is able to answer: I think clause 10(1)(b) provides that a proprietor cannot increase fees and charges payable in relation to a resident contract. For clarity, does that apply to a resident who may be facing financial hardship or is that for absolutely any resident during the time in which this bill applies—that fees and charges cannot increase? Does that mean, whatever contractual arrangement is in place, that if it provides for an increase that is null and void for everyone, not just financial hardship?

The Hon. R.I. LUCAS: The leader raises an interesting question. If we had the advantage of having the Attorney-General within earshot we might just raise the issue, and we might take advice on that should the Attorney-General be listening. Certainly, in relation to the commercial tenancies—because I am most familiar with the commercial tenancies—we do have a provision that says if someone is, in essence, a non-COVID impacted tenant and if there was a scheduled increase in the fees or whatever it happens to be, then what we are doing would not prevent that.

The advice I have is that it is not just in this area of supported residential facilities but also in the clause that we have just been through. It is the same provision in residential tenancies; that is, for example, for someone who is a tenant and is non-COVID impacted, the landlord is prevented from what might be a scheduled regular increase in the arrangements. As I said, should the Attorney be listening, what I am proposing is that she might take advice and parliamentary counsel have a discussion.

Should there be a view that she concludes on behalf of the government that we might want to amend one or both of these provisions, I would undertake to recommit the clauses at the end of the committee stage of the debate. At this stage, this is consistent with what we have just passed in residential tenancies, so I am advised, but it is different from the commercial tenancies provisions. The honourable member has raised certainly an arguable point. Given that we are still going to be with this for another hour or so, we will reflect on it and, before the end of it, I will come back with some sort of an answer.

If the view is that we might seek to amend, we can recommit the clauses. If we do not, at the end of the debate I will put on the record the government's reasons why we think we should stick to the position where we are at. As I said, there is actually a difference between the two provisions that we have already passed. There might be an obvious reason for the differences that has not immediately sprung to mind. We will have a short period to reflect on that. If the honourable member is happy to accept that as an undertaking from me on behalf of the government, I am happy for us to proceed and I will answer it one way or another before we conclude.

The Hon. K.J. MAHER: I thank the Treasurer for that and, yes, 8(1)(b) is very similar to 10(1)(b). We are not suggesting as opposition that this necessarily needs an amendment to fix. There may be a perfectly good policy reason why this course has been taken. This is not something we are pointing out that needs attention and an amendment. There is a difference between clause 7 and clauses 8 and 10, and we are wondering what the policy rationale was, if there was one.

The Hon. R.I. LUCAS: It is a reasonable question. We will investigate.

The Hon. C. BONAROS: In relation to clause 10, I am assuming that is broad enough, as is currently drafted, to include those residents who are relying on the financial assistance of their families in terms of their tenancy as well. It is not that they are necessarily receiving a payment themselves, because we know those payments, but if they are relying on family for financial assistance and the family has been impacted by COVID-19, then would the provisions as drafted account for that?

The Hon. R.I. LUCAS: I am advised that it covers the circumstances the honourable member has outlined.

The Hon. K.J. MAHER: Particularly in relation to clause 10, I am told that many of these facilities run on pretty tight margins. This is not a particularly profitable area. Most if not all people who live in these facilities are on some form of income support. If these facilities are not receiving rent under the provisions of this legislation—I think there are often between 10 and 40 people with very high needs—if a supported residential facility runs into financial trouble as a result of not being able to collect rent, which they may not be able to collect, is the state government anticipating maybe having to step in to make sure the facility does not go out of business and these people are effectively evicted and become homeless that way?

The Hon. R.I. LUCAS: I can say that I have had hundreds if not thousands of requests for consideration of funding support. At this stage, that is not one of them, but that does not mean that the issue might not have been raised with the Minister for Human Services and the Department of Human Services. I would guess in the first instance it would be an issue for her department. If they were unable to resolve the issue they would obviously come to me as Treasurer, but at this stage I have to say it is not an issue that has been raised with me.

The Hon. C. BONAROS: I have one final point to make in relation to this and it is one that I am acutely aware of because of the need to free up hospital beds at the moment. I can give you a scenario where I am just trying to figure out what would happen in this situation and what supports would be available. If you have somebody who long term has been taking up a hospital bed because of the nature of their illness, and those hospital beds have now been deemed necessary for, effectively I suppose, isolating them or quarantining them for COVID-19 purposes, and that person is effectively forced into a situation where they must move into a supported residential facility but cannot necessarily meet the costs associated with that, because there are implications, of course, obviously with the NDIS, there are implications as to whether they are a short-term resident or a long-term resident.

I say this because I am acutely aware there are a group of residents potentially who are being transitioned from a hospital to supported residential facilities, and if they are short-term as opposed to long-term residents then they effectively now are required to foot the bill of that residential facility irrespective of whether they can afford it or not because there are no other options for them.

I am not suggesting that we address this now but I am seeking, perhaps, an undertaking from the government to explore that further and I can speak to this personally because I have one of these cases. There are more implications than just this: there are NDIS implications, there are short-term versus long-term implications, and the need for hospital beds, and then the implications that they have in relation to supported residential facilities. If I can have some undertaking from the minister or the Treasurer that we can have discussions about those, that would be appreciated.

The Hon. J.M.A. LENSINK: Certainly. The short answer to that is yes, I would be more than happy to. If I can perhaps explain a little bit about the supported residential facility sector and where it is because I was listening to the Leader of the Opposition's questions as well. Traditionally they have been funded by the tenants and their pension income. There was a lot of concern pre-NDIS transition that, because the board and care subsidies as part of the funding has gone to the NDIS, proprietors would fall short.

That has actually not turned out to be the case because very high numbers, I think over 95 per cent of those residents, are NDIS eligible which means that they are in a much better situation than they were pre-NDIS in terms of their care, so that goes to the question of the Leader of the Opposition in terms of their viability, that the proprietors are not in the financially difficult situation that they might have been pre-NDIS.

In terms of Ms Bonaros's questions about those individual cases, yes there is certainly a lot of work going on at the moment to ensure that clients who do not need to be in hospital are in other placements and that work is taking place between SA Health with the NDIA and with DHS. I think I mentioned in question time today that we have people going to U City and Hampstead as dedicated locations for some of those patients, so that we have patients who do not need to be in hospital out of hospital. These particular issues that she is talking about in relation to SRFs are not something that I have heard of before but I am more than happy to assist in any way I can to make sure that we are looking after these clients.

Clause passed.

New clause 10A.

The Hon. C. BONAROS: I move:

Amendment No 1 [Bonaros–1]—

Page 13, after line 2—Insert:

10A—Provisions applying in relation to certain water and sewerage charges for sporting clubs

(1) The operation of the *Water Industry Act 2012*, the *Local Government Act 1999* and any other Act or law prescribed by the regulations (being an Act or law relating to the supply of water, sewerage services or storm water management) is modified as follows:

(a) the Minister under the relevant Act may, by notice in the Gazette—

(i) waive an amount of prescribed costs payable by a specified sporting club, or a sporting club of a specified class (whether incurred before or after the commencement of this section); or

(ii) exempt (conditionally or unconditionally) a specified sporting club, or a sporting club of a specified class, from a specified provision of those Acts;

(b) the regulations under this Act may modify or suspend the operation of any Act or law relating to the supply of water to, the use of sewerage services by, or the management of storm water by, a specified sporting club or sporting clubs of a specified class;

(c) a term of any contract, agreement or other instrument that is inconsistent with the modifications made by this section will, to the extent of that inconsistency, be of no effect.

(2) In this section—

prescribed costs means—

(a) an amount payable for the supply of water (whether potable or otherwise); or

(b) an amount payable for the use of sewerage services; or

(c) an amount payable in relation to storm water management; or

(d) any other amount of a kind prescribed by the regulations.

sewerage services has the same meaning as in the *Water Industry Act 2012*.

The amendment effectively mirrors an amendment that was moved by the member for Frome in the other place, and it also goes back to the issue that I raised when I asked some questions of the Treasurer in relation to concessions from various rates and charges, specifically charges under the Water Industry Act and the Local Government Act. Effectively, what it tries to do is enable the relevant minister to provide a waiver, if you like, from having to pay those fees and charges if you are a sporting organisation, a sporting community club.

I think it is fair to say, having read the *Hansard* from the other place, that the Attorney herself recognised that COVID-19, including the social distancing and the mass gathering rules, has in her words really 'smashed' the sporting clubs, and even their capacity to have a revenue base. Their membership fees are not coming in and so, in the Attorney's words, you have a 'double hit' and you have ongoing expenses.

Of course, there are ongoing expenses that these clubs are having to meet irrespective of whether those gatherings are taking place and irrespective of whether their members can attend. Watering their ovals is the obvious example. I think the Treasurer also acknowledged this. I have a quote from the Treasurer, which says there are terrible impacts on community sporting organisations. He has referred to the Stadium Management Authority in that instance.

This amendment goes, I suppose, to the heart of those community sporting clubs that provide so much to our community members. It is an issue that I know the member for Frome pursued, because there are obviously sporting clubs in his electorate that are being 'smashed', in the words of the Attorney-General.

I note also that it is an issue that the member for Reynell has been raising and has been discussing with the Minister for Recreation, Sport and Racing. My understanding is that the member was still awaiting a response to the request that was made, not, obviously, via amendments to the legislation but outside the scope of this legislation.

I think some very valid points were made during the debate yesterday—certainly what I read of it—in terms of the need for this amendment. Unless the local government council comes to the party and says, 'We are going to waive or reduce your fees or charges for a period of time,' or unless there is an application made to SA Water for some temporary relief, there is no other means available to these organisations, which we know provide extremely valuable services to our communities.

I am sure there are a lot of people who in this COVID-19 period would probably have a lot to gain from being able to gather at these sorts of places, but unfortunately are unable to do so at the moment. That does not mean that the liabilities of these places that rely on income based on membership and based on public gatherings occurring there go out the window. They are finding themselves in a very difficult situation. I think it is also worth noting, as the Attorney did, that some of them do so off the back of the bushfires earlier this year as well.

For them it has been a triple whammy, not just a double whammy. Given the numbers in the lower house when this amendment was debated, I thought it would be appropriate for us to reconsider it in this chamber and also to get the views of the government, specifically the Treasurer, as to whether something specific needs to be done in line with the amendment to protect these groups that are doing it extraordinarily hard at the moment.

The Hon. R.I. LUCAS: As I said and I repeat, in the spirit of trying to reach agreement on the bill, the government is going to support a significantly larger number of amendments that have been moved in the Legislative Council than it might otherwise normally do, whether that be a Liberal

or Labor government. This is not one that the government will be supporting, and I want to explain the reasons why. I hope it is not the cause of ultimate disputation between the houses in relation to it, but in the end, if it ends up being part of the bill, it will not be a provision that the government will enact anyway, and I will give a couple reasons as to why.

A range of groups at the moment are being smashed by COVID-19. Sporting clubs are one, but I assure you that at the moment they are being outnumbered by charities whose fundraising capacities are being destroyed, massacred, smashed—whatever word you want to use—in some instances because of bushfire fundraising appeals but now as a result of COVID-19. Non-government organisations right across all the sectors are being smashed, in some cases because the charities are not getting the funding. One of the very big charities in South Australia that raises half a million dollars a year for one of the very well-known NGOs in South Australia says that it is just not going to be able to raise that money, and therefore that NGO is not going to get the half a million dollars this year.

So the intriguing question in all of this—as much as it is important to me, because I am probably as big a sporting nut as there is in the chamber and, if I am inclined to support anything, I am inclined to support sporting organisations—is that I think it would be unfair in our bill to single out one area that is being smashed from charities, NGOs and any other number of groups that are equally as worthy as sporting clubs, etc. That is the first point I would make.

The second point I make is that all of them are being considered for funding support through the Community and Jobs Support Fund, which is the $250 million fund we have announced. We will not be able to assist every charity, every NGO and every single sporting club in South Australia because we just do not have the physical capacity to do so.

In relation to sporting associations, we have said—and I said in recent radio interviews—we are encouraging the retention of associations and groups, which will enable the continuation of the league, the association or whatever it might happen to be, albeit recognising that each of the individual clubs within the association are also struggling. But if they lose their essential infrastructure, their organisational capacity, then the clubs equally will flounder as well. If we have the capacity to assist more and more clubs, charities and NGOs then we will do so, but by and large we are having to make some difficult decisions about where this $250 million—a quarter of a billion dollars—of funding goes right across the board.

The other thing I would say in relation to water and sewerage charges is repeating the point that we will be making significant reductions from 1 July in relation to water and sewerage charges right across the board. So households, industry groups, commercial operations and anybody who uses water and sewerage throughout the state is going to see a reduction from 1 July. That will be of greater significance to some of those sporting groups that water their ovals, fields, lawns or whatever it might happen to be as well. But, of course, it will not be of as much significance to a charity or an NGO where water costs are not a significant part of their particular bill.

We know that some of those organisations that have a large part of their fixed or variable costs being water and sewerage costs will be getting assistance from 1 July, but there are some charities and NGOs that will not be. One of the difficult issues we have to work through in terms of our priorities is if someone is already getting some assistance from 1 July onwards in terms of their water costs and you have a charity that is not getting anything. We have to make those difficult decisions through the Community and Jobs Support Fund as well.

The final point I will make is that the way this is crafted is understandable; essentially it leaves the minister in charge of the Water Industry Act and other related acts as being the one who makes these decisions. However, ultimately the minister is going to have to come to me, as Treasurer, to seek approval to waive these particular fees. It means less revenue coming into his fund or department or whatever it is, and he will need to seek my approval as Treasurer. As I said, if the amendment remains in it we will not be implementing the amendment, because we will be implementing the assistance we can through the Community and Jobs Support Fund and through other related areas as well.

I said that was the final point, but one other point I can make is that with the West Beach Trust, for example, I do not think it has been announced yet but already a range of the decisions

there will have direct impacts on a number of smaller sporting organisations within that West Beach Trust area. Those of you who know the western suburbs know that there is a very big community sporting infrastructure base there, a lot of sporting clubs associated with it, and the waiving of fees and charges we are about to announce there will have a significant impact for a small number of those sporting organisations that are currently paying fees and charges to the West Beach Trust.

For all those reasons the government cannot support this. We accept the good intentions of the member for Frome; I have a high regard for him, as I do for the Hon. Connie Bonaros. I accept that but, for the reasons I have outlined, I urge the majority in the chamber not to insist on this particular amendment as being a cause of disputation between this and the other house.

The Hon. T.A. FRANKS: This crosses between sport and recreation and local government, but as I was monitoring the debate last night I thought I would put my two cents in. Just because there are other worthy causes, just because there are many other worthy avenues that need government support, it does not mean this should not also get that support. I note it was a tied vote in the other place and the government used its casting vote to rule it out last night. The Greens will be supporting this tonight.

The Hon. K.J. MAHER: I was going to make a contribution very similar to that of the Hon. Tammy Franks; that if there were others they should be included. This is the amendment we have before us, this is the amendment that was moved by the member for Frome in another place, and I think we all agree on the merits of this amendment. If there are other things that ought to be included beyond what we have before us—because, of course, this is what we have before us—including charities and other things, I think we would all be happy, if we needed to, to come back next week to make further amendments to include those.

I do understand the points the Treasurer was making that maybe more than just this should be included, but we do not think that, per se, is a reason not to vote for the amendment. Of course, that is the amendment we have before us. It is not prescriptive in that these things must happen; the word 'may' appears throughout it all the time. It is not something that will necessarily happen, but if others should be included I think we would all be open either to a government amendment tonight or to coming back sometime soon to include any groups of merit who should be included and gain the benefit of this.

The Hon. T.A. FRANKS: As another reflection, it is quite outrageous that the Treasurer said the government simply would not amend it anyway and implement this measure should this council endorse this amendment. I think that is actually quite outrageous behaviour from the Treasurer. It does not inspire that trust and transparency we are looking for.

The Hon. C. BONAROS: For the record, obviously we are acutely aware that there are lots of organisations, including charities and including domestic violence services that I raised during question time today, that are in desperate need of funding at the moment. The amendment that I put up, as I said, mirrored the member for Frome's amendment. There is always scope to broaden the category that falls within that; in fact, that is something we had canvassed when we were drafting this. Obviously, we had very limited time to work on this amendment. Members will be aware, just from the timestamp on the amendment, that it came rather late, so I did not want to overcomplicate it but I certainly wanted to get it on the record and get an indication of whether there was support for the proposal in this chamber, whether it be in this form or an extended form that covers other charities and organisations that find themselves in similar organisations to charities.

Following discussions about the member for Frome's amendment with members from the other place and the numbers in terms of the vote—it was a tied vote and there was a casting vote used—we thought it would be appropriate that consideration of this matter also be given in this chamber. It is certainly not intended, and it was never intended, to discount the situation that any other group finds themselves in. It is a matter that has been canvassed with the Minister for Recreation and Sport for some time by the opposition, by the member for Frome, and it is something that I thought was worthy of some debate in this chamber.

New clause inserted.

Clause 11.

The Hon. K.J. MAHER: I move:

Amendment No 1 [Maher–1]—

Page 13, line 35 [clause 11(5)]—Delete 'may, if the Auditor-General thinks fit to do so,' and substitute 'must'

This is a reasonably simple amendment. The clause as it currently stands gives the option for the Auditor-General to prepare a report about a decision made under this clause. We are simply changing 'may' to 'must' so that if that is exercised under this clause that 'must' happen rather than be a discretion and 'may' happen.

The Hon. R.I. LUCAS: Just to demonstrate how agreeable the government is, we are prepared to support the amendment. I place on the record that our advice is that the Auditor-General has advised Treasury officers that, if he disagreed with the need for COVID-19 Treasurer's Instructions or his views were not considered, he would immediately publish a report under the provision. So that was his intention. From the government's viewpoint, as I said, demonstrating that we are being very reasonable in relation to our management of this bill, we will support the amendment.

Amendment carried.

The Hon. K.J. MAHER: I move:

Amendment No 2 [Maher–1]—

Page 14, line 10 [clause 11(8)]—Delete 'may,' and substitute 'must, as soon as is reasonably practicable'

Again, this is a very similar matter. This relates to making sure we have access to reports that are tabled; that, rather than the discretion that it 'may' be published by the Auditor-General on their own website, it 'must' be.

The Hon. R.I. LUCAS: Again, showing how reasonable we are, we are prepared to support the amendment for similar reasons.

Amendment carried; clause as amended passed.

Clause 12.

The Hon. K.J. MAHER: I move:

Amendment No 3 [Maher–1]—

Page 14, line 22 [clause 12(1)]—After 'section 11' insert 'and to this section'

Amendment No 4 [Maher–1]—

Page 14, after line 33—Insert:

(3) If the Auditor-General conducts a review under this section instead of a particular audit required under an Act, the Auditor-General must, as soon as is reasonably practicable but in any event before the next time that audit is required to be undertaken, undertake the audit in accordance with the relevant Act.

In effect, these two amendments require that if the Auditor-General elects to conduct a review under the legislation, the Auditor-General may conduct the review under subclause 12(1) in such a manner as the Auditor-General thinks fit. There is a huge range in discretion as to how that review may be conducted. It is not the same as rigorous audit processes and what is required of audits by accounting and other standards. This gives a great deal of leeway under clause 12(1) for a review—again, in such a manner as the Auditor-General thinks fit.

We are suggesting that if a review is conducted instead of an audit, after the world returns to normal and this bill ceases to be in operation, then before an audit of a department or agency is conducted, the Auditor-General goes back and replaces the review that they conducted during these extraordinary times with an audit. What is being required here is that, where the Auditor-General elects to conduct a review in any manner the Auditor-General thinks fit, before the next proper audit is conducted, the review is revisited and a proper audit is conducted for that financial year. This is so that there is consistency and a fair comparison with the performance of the agency or department.

The Hon. R.I. LUCAS: Based on the advice we have received from the Auditor-General and Treasury officers, the government is going to oppose these particular amendments, and I want to outline the reasons why. I will cut to the bottom line: firstly, the advice we have received from the Auditor-General is that if these amendments were to be successful, they would eliminate any relief that a review might be able to offer him and his officers if there were extraordinary circumstances that warranted a review in place of an audit. That is the advice we have received from the Auditor-General.

The Auditor-General has advised us that he would only conduct a review as an absolute last resort—that is, if he was unable to do his first and absolute preference, which is to do an audit of a particular department, because of COVID-19 and whatever the particular problems were in a particular agency. The Auditor-General has made it quite clear: if he can do an audit, he will do an audit. He would only conduct a review as an absolute last resort if he made the judgment that he just could not audit a particular department or agency.

He actually says that rather than use the review option, which is there, his next best option would be to slightly delay the completion of the audit. That would not be satisfactory either; nevertheless, that is his preference. His view is that if he says, 'It is just impossible for me to do what I am required to do, which is an audit,' the best that he can do is review that particular agency, given the circumstances of the agency due to the COVID-19 pandemic. Treasury agrees with this view.

The advice of the Auditor-General and Treasury is that it is impractical for him to do a review and an audit for the one year. This is what is being required here. What the opposition's amendments are seeking to do is, where the Auditor says, 'It is impossible for me to do an audit but I am going to do a review and give some satisfaction to the parliament that I have done a review'—of course he will do an audit of that particular agency in the following year, and he will compare the accounts of that year with the accounts of the previous year.

What he is saying is, 'If I make a decision that it is impossible to do an audit, and I just cannot do an audit but I will do a review,' he is then saying that it is just impractical under this amendment to say that, having done the review, then he has to do an audit because he is going to be into the next year when he is doing the audit for the following financial year. So you have to bear in mind where we are up to at the moment. We are nearing the end of the 2019-20 financial year. He is in the latter stages of his audit process. He has to have all these accounts audited by October. Agencies have to submit their document requirements by August in a non-COVID-19 pandemic environment.

He is about to enter the really busy period of his audit process, so he is about to do that. If he makes the judgement that it is just impossible and, if COVID-19 continues for six months or nine months, for example, he has done the review of a particular agency and then he is in the middle of next year 2020-21, and half of 2020-21 or three-quarters of 2020-21 is also COVID-19 impacted, he is having to prepare for an audit of the 2020-21 accounts. This amendment is saying to him, 'It is not good enough for you just to have done a 2019-20 review of the department. You now have to go back and do a 2019-20 audit of the department at the same time as you are doing a 2020-21 audit of the same department.'

The advice we are getting is that it is impractical. The benefit, which he would only use rarely in relation to a review, would be completely lost. The benefit of a review is that he makes the judgement in rare circumstances. It is his judgement—it is not the government's—that it is impossible for him to do the audit and, therefore, he will do a review in relation to that particular agency's accounts and present that review report to parliament in the normal circumstances and be transparent and accountable.

Bear in mind that the Auditor-General comes before the Economic and Finance Committee at least once or twice every year. I do not know whether it still happens but he used to come before the Budget and Finance Committee of the Legislative Council every year to be answerable to parliamentary oversight and accountability in relation to those particular issues. So he is accountable and, if he has conducted a review, members of the opposition and the crossbench will be able to interrogate him and his officers in relation to the review process and how things are going in that particular department.

I know the Auditor-General. He is not a partisan person. He will make fearless, independent judgements of his own. I have great regard for his independence. If he says, 'I am only going to use this review provision in extremely limited circumstances,' I think we ought to leave that judgement to the Auditor-General. He is an independent officer and, if he says it is only going to be very limited and if he says that if, having done a review, you are now going to make me do an audit, it defeats the whole purpose of doing the review in the first place. He is then probably going to have to make a judgement about trying to do an audit which he says is almost impossible to do in the first instance.

For those reasons, I urge the Legislative Council not to support this particular amendment and to support, as I am advised, the views of the Auditor-General. From the government's viewpoint, from the Treasurer's viewpoint, I am perfectly relaxed. If the Auditor-General had said to me or the government officers, 'There is no need for a change in this particular area,' it is not something we have driven. This is something which has been raised; it has been discussed with the audit staff. It has related to some of the other provisions in the Public and Finance Audit Act where I said earlier that agencies just might not be able to produce their reports, not only to the Auditor-General but to various other bodies in the time frames because of COVID-19.

I am thinking in particular of the health department in relation to the issues that they are currently confronting. They have to be saving lives at the moment, as supposed to the very important issue of financial accountability. I am literally, as Treasurer, almost writing blank cheques for the health department in terms of face masks and additional ICU beds and all those sorts of things. It is completely atypical, in terms of the normal environment that operates in any department and also in the health department, but we are in an emergency. We have to make these decisions and some of the niceties, in terms of accountability and being able to produce documents for the Auditor-General, just might not be able to be achieved in a typical time frame if we are going to try to save lives.

If the priority is to save a life, as opposed to meeting a deadline for audit staff under the Public Finance and Audit Act, I am going to have the capacity to say the priority is to save lives in this particular area. I am sure we would all agree that that should be the priority in this particular area, so I would urge members, on reflection, given that we have now been provided with the advice of the Auditor-General, that we do not insist on this particular amendment.

The Hon. K.J. MAHER: I might just quickly respond for the benefit of the chamber. We are not going to die in a ditch over these two amendments; however, I think some of the points that were made by the Treasurer in part reinforce what we are saying. If it is the case that this is going to happen extraordinarily rarely, not be used very much at all, then the other argument is that there is no harm in going back and revisiting and doing an audit once this is all over if it is going to be that narrow in its application. The reviews are going to be used, but as I said we are not going to die in a ditch over this.

No-one here wants to see someone signing off on a bit of paper in preference to doing something that is going to save a life. That is not what anyone wants to do here. If this lasts for a lot longer, there is not just this. There are a whole lot of other things we are going to have to come back and revisit to change anyway. If this pandemic goes on and on, we will all be back here at a later date changing things to make sure that you can change laws to do things that would otherwise be the normal functions of government.

So we are not suggesting at all that the Auditor-General ought to be making decisions or the government and its agencies as a whole make decisions about what is a priority right now. The priority is saving lives right now. What we are suggesting is that, once this emergency is over, it gets revisited at that time and the Auditor-General then replaces that with an audit in those very rare instances, as the Treasurer has outlined, that the Auditor-General has elected to conduct a review, but only at a time when it is not a decision about the scarce resources of the government being used to tick boxes and sign off on audits in preference to saving lives.

The Hon. M.C. PARNELL: I will be very quick. We were initially inclined to support the amendment, but having heard both the Treasurer's delivery of the Auditor-General's own views and the Hon. Kyam Maher's reflective comments just now that this is not a die in the ditch issue that could be revisited later, I do not think we should support the amendment today.

There is no criticism of the honourable member for moving it. He has clearly seen that reviews are less rigorous than audits. Audits are the ultimate in accountability. Normally, we want the ultimate in accountability, but what the Treasurer described as niceties may well be impractical in this particular time period. I think we are all in furious agreement that we would rather people be out there saving lives than filling out forms, but we can revisit this later.

The Hon. C. BONAROS: I indicate for the record that that is precisely the view that SA-Best will take in relation to this. Treasurer, for what it is worth, we are all extremely grateful for the blank cheques that you have been writing for SA Health in an effort to save as many lives as possible. This is an issue that, when we first considered it, obviously we said we would support. You have provided some justifications today as to why that should not occur today, but it is not something that we cannot revisit at a later stage. I do not think any of us intended at all throughout this debate to underplay the importance of the role the government is playing in terms of ensuring that all of us and our families are safe throughout this crisis.

Amendments negatived; clause passed.

Clause 13.

The CHAIR: We have an amendment in the name of the Hon. Mr Maher.

The Hon. K.J. MAHER: I might seek your guidance, Mr Chair. I know the government has views on the amendment. Is it possible to discuss the clause generally before I put the amendment and perhaps, in discussing the clause generally, have the government put forward their views? That may give some guidance as to whether the amendment is in fact moved eventually when we finish talking about this clause.

The Hon. R.I. LUCAS: Thanks to the honourable member for a very reasonable way to approach this. Let me provide the advice that I have been provided by the Attorney-General and her officers in relation to what might be a possible amendment to delete paragraph (a). If that were to be the case, the government would be opposing it. The effect of the amendment, if it were to be moved, would be to limit the operation of clause 13 so that only appointments or matters that would be expiring or ceasing can be extended by way of regulations.

The government notes that extensions are not just automatically handed out under this provision but, rather, must be addressed by way of regulations. Paragraph (a), which is being contemplated to be removed, is directed to allowing postponements or extensions of time for any number of arrangements that may be disrupted by COVID-19.

Let me give some examples on behalf of the government. There may obligations either under statute or under private legal arrangements, such as contracts or the constitutions of incorporated associations, where it is impractical and unsafe to attempt to comply. Examples might include the conducting of meetings, such as AGMs—I think we discussed that earlier, before the dinner break—the filing of reports, and payment of fees and charges to the government from private persons or bodies.

The difficulty, of course, is that as the effects of the pandemic are not fully understood, it is not possible for the government to predict just what sensible extensions may be required. As such, the flexibility to provide extensions of time by way of regulations is needed. For these reasons, the government does believe that retaining paragraph (a) in clause 13(1) is important and the government wishes to see the flexibility outlined in clause 13(1)(a) retained in the bill.

The Hon. K.J. MAHER: I thank the Treasurer for that comprehensive explanation. I might just give some examples, because we legislate with the best intentions in mind but often end up having to legislate for the worst-case scenario or for the extreme example of how laws may be used. For example, could clause 13(1)(a) be used to pass a regulation that time limits to respond to FOI applications might be six months instead of the current 30 days?

The Hon. R.I. LUCAS: The legal advice is that it could be used for something along those lines but, as deliciously tempting as that might be when you are in government as opposed to when you are in opposition, I can place on the record it is not the intention of the government to be using this particular provision in that particular way.

I acknowledge the member has indicated there might be good purpose and there could be evil purpose in relation to a particular provision. How one would define in this particular paragraph good purpose as opposed to evil purpose would be a challenge even for the Leader of the Opposition, I suspect. I can just indicate in relation to that particular issue that the government has no intention of using this particular provision for such an eventuality.

The Hon. K.J. MAHER: The Treasurer gave a couple of examples of how it may be intended to be used, but are there other examples he could give? There were those examples, but are there maybe more so that we can have an understanding of how the government may be intending to use this? I guess the question, Treasurer, is: are the examples you gave the only ones that the government has turned their minds to and have been thought of by the government or are there others that have been presented to the government?

The Hon. R.I. LUCAS: The honest answer is that rather than having a long list of examples, they were the ones that immediately came to mind. I am sure if we sat down the legal officers in the Attorney-General's Department to think up a whole series of other examples, they would be able to come up with a whole series of other examples, but they are the ones I have been provided with. They are really the only ones I can share at this stage.

I think as we run through those they make eminent sense. The member has outlined that if the government were so minded it might be able to use it for nefarious purposes. I think the Hon. Mr Parnell said we, the parliament and the community, are placing a lot of trust in a government through a six-month period, much more trust than we would normally place in any government, Liberal or Labor. That is just the brutal reality of it. I can only indicate the bona fides of the government's intentions in relation to this. We are only interested in fighting the COVID-19 pandemic and saving lives. We are not intending to in essence extend FOI applications.

I am just reminded that there will be some advantage for other private organisations and private citizens. We referred earlier to the examples of private legal arrangements and contractual arrangements etc., so it is not just the government that is potentially going to be able to benefit from 13(1)(a); it may well be private contracting parties with the government, for example, as well. So it is not just intended for the benefit of the government side of the equation. There are potentially contracting parties from the private sector or individuals who stand to potentially benefit from these particular provisions.

The Hon. K.J. MAHER: I thank the Treasurer for his explanation. I do note that this is somewhat limited by the fact that this is not something the government can just decide to do. It needs to be done by regulation. That requirement, combined with I think the original amendments filed this morning by the Hon. Mark Parnell to shorten the time frames within which regulations need to be laid on the table for the purposes of this act and the limitations on promulgating regulations immediately, as the Hon. Mark Parnell put forward this morning—I think when you combine the need for this to be done by regulation with the amendments the Hon. Mark Parnell put forward earlier, given those two things, we will not be proceeding to move with our amendment and will be supporting this clause.

Clause passed.

New clause 13A.

The Hon. M.C. PARNELL: I move:

Amendment No 1 [Parnell–1]—

Page 15, after line 12—Insert:

13A—Modification of requirements relating to laying of reports before Parliament

(1) Despite a provision of any this or any other Act, a requirement under an Act that a report or other document (however described) be laid before either or both Houses of Parliament within a specified period will, by force of this section, be modified so that the report or other document is required to be laid before either or both Houses of Parliament (as the case requires) within 7 calendar days after the occurrence of the event that requires the report to be so laid before Parliament.

(2) A requirement under subsection (1) will, if the Parliament, or the relevant House of Parliament, is not sitting during the 7 day period, be taken to be satisfied by the report or

other document being delivered to the President of the Legislative Council or the Speaker of the House of Assembly.

(3) If the President of the Legislative Council or the Speaker of the House of Assembly is absent at the time a report or other document is to be delivered under subsection (2), the Clerk of the relevant House will receive the report on behalf of the President or the Speaker (as the case may be) and the report will then be taken to have been delivered to the President or the Speaker.

(4) The Clerk of the relevant House or Houses must, as soon as is reasonably practicable after a report or other document is received under subsection (3), cause the report or other document—

(a) to be published on a website determined by the Clerk; and

(b) to be distributed (whether electronically or by some other means determined by the Clerk) to each member of the relevant House or to each member of Parliament (as the case requires).

(5) The President of the Legislative Council and the Speaker of the House of Assembly must, not later than the first sitting day after a report or other document has been delivered (or is taken to have been delivered) to the President or the Speaker under this section, lay them before their respective Houses.

Quite simply, at the start of each sitting day we hear the ministers tabling various papers in parliament. Those papers are then made available not just to us as members of parliament but to the public and to journalists. Whilst most of them go through to the wicketkeeper without anyone paying too much attention, these are very important accountability measures.

When you do a search of the South Australian statute book you would find that the requirement to table documents in parliament is usually expressed in a certain number of sitting days after the document has been provided to a minister. So, for example, a statutory officer might be obliged to prepare an annual report by a certain date. That report is provided to a minister. The minister then has six sitting days, often, to table that in parliament. If we are only going to sit once a month or even twice a month, the length of time that it will take for these documents to find their way to parliament and therefore to the public realm will be quite long.

I am not going to go into anymore detail, because I have discussed the matter with the Attorney-General, I understand that this amendment has support and I look forward not only to government support but opposition and crossbench support as well.

The Hon. R.I. LUCAS: The government is in furious agreement with this magnificent amendment from the Hon. Mr Parnell and, as I said, in the demonstration of reasonableness from the government we wholeheartedly support it.

The Hon. K.J. MAHER: I indicate that the opposition will be supporting this, but we will not be saying that the Hon. Mark Parnell is magnificent.

The Hon. C. BONAROS: I indicate for the record that we are also in furious agreement with this amendment.

The CHAIR: Members, I just need to point out that there is a small typo in 13A(1): 'Despite a provision of any this or any other Act', so that will be tidied up. I need to bring that to your attention.

New clause inserted.

Clause 14 passed.

Clause 15.

The Hon. K.J. MAHER: This clause makes changes into any act or law that requires meeting in person to potentially take place by audiovisual means. Does that mean that if regulations are so prescribed that parliamentary committees, and indeed parliament itself, could take advantage of this law? Is it possible that by regulation the government could say that parliament can meet by Microsoft teams or some other method?

Members interjecting:

The CHAIR: Order!

The Hon. R.I. LUCAS: The answer in relation to parliament is no, but in relation to parliamentary committees is yes. The government has no intention in this legislation to allow the audiovisual conducting of parliament. It is a novel thought; how it would be conducted would be very interesting. It is not envisaged in this legislation, but I am advised that the parliamentary committees will be able to avail themselves. The motion that the honourable Leader of the Opposition indeed moved today, and it was supported by a majority in the chamber, actually envisages audiovisual means there. Clearly, Microsoft teams or WebEx, or whatever the department is going to use, is possible.

The Hon. K.J. MAHER: If the Treasurer could expand on the reasons that the meeting of parliament cannot be changed by regulation?

The Hon. R.I. LUCAS: I will get advice in relation to regulation. I am just saying the government does not support the view of the parliament.

The Hon. K.J. MAHER: What is the reason? Is it that the parliament is not governed by an act in terms of its meeting?

The Hon. R.I. LUCAS: The very high-powered legal advice I have now received is that, for the parliament, it would require an express provision in a statute to override the provisions of the Constitution Act. That is the legal reason as to why we are not able to avail ourselves of this particular regulation-making power to do so. The advice is we would need an express provision in a statute to override the Constitution Act to expressly provide for parliament to do so. That is the legal advice I have just received.

In relation to committees, I am told that the honourable member was able to move for audiovisual conduct of a select committee because the select committee are operations within the chamber and we control our own destiny. What this will do will allow audiovisual for standing committees, because there is a Parliamentary Committees Act which governs the operations of the standing committees.

So there is a statute, there is a Parliamentary Committees Act and, therefore, there is a distinction between parliamentary committees. We are a law unto ourselves in relation to select committees, and you moved a motion which was duly passed by the chamber to do so. This will allow audiovisual for standing committees because there is a parliamentary committees statute, which evidently this now will allow regulations for audiovisual conduct.

The Hon. K.J. MAHER: I am sure the Treasurer will correct me if I have this wrong. Clause 15 provides that, despite the provision of any other act or law, when it comes to the Constitution Act, the Constitution Act protects itself from provisions like that by, presumably, a provision in the act that says, 'Even if another act says despite any other act or law you cannot change the Constitution Act.' If that is the case, are there any other pieces of legislation that are protected from being changed by a different law that says 'despite any provision of a relevant act, or any other act or law'?

The Hon. R.I. LUCAS: I do note that the member has sort of answered the question himself. The Constitution Act is a one-off; it is unique. My high-powered legal advice says they cannot think of any other act.

The Hon. K.J. MAHER: This will be my last question on this. If it was to also apply to the Constitution Act, it needed to say, 'Despite any provision of a relevant act, or any other act or law, and this also applies to the Constitution Act,' and then it could change it, but it cannot just with that; is that correct?

The Hon. R.I. LUCAS: My legal advice is that, theoretically, we could seek to do so in this particular act, either in the way the honourable member suggested or, indeed, in other ways. The preference is, if you are seeking to do so, you would explicitly provide in a statute, whether it is this one or some other statute, that 'Thou shalt allow the parliament to be conducted by audiovisual means,' and for those of us who would not be supporting that, you would have to have some sort of protections in there as to how it was to be conducted and how votes were to be conducted and all

those other sorts of things in relation to the conduct of the parliament. But, look, we are heading down a rabbit hole with a ferret—

The Hon. K.J. Maher interjecting:

The Hon. R.I. LUCAS: Exactly. The government has no intentions in this legislation of conducting the parliament through audiovisual means.

The Hon. C. BONAROS: I think the answer the Treasurer has just provided goes to the heart of issues that were raised on Monday during the briefing that we had on this bill. They were around whether or not audiovisual capabilities could extend to parliamentary committees. The response that we received, which was referred to by other members during the second reading debate, and that is the one that came in yesterday evening at 9.39pm. The response that we received from the Attorney's office was, 'Yes, this clause is wide enough to include parliamentary committees.'

The reason we asked that question and that was raised on Monday was because there may be committees that would like to undertake some work and they may not be a standing committee but a select committee, but because of the social distancing rules and limitations that apply to the use of audiovisual capabilities, will not be able to do so. That is the reason we sought clarification in relation to the provisions that relate to audiovisual capabilities.

One of the issues we have had is that, even if there are members who are not physically present to attend the meeting but are able to take advantage of the use of Skype, Zoom or whatever other audiovisual capability they can, it is my understanding that those members who are not physically present in the parliament are unable to move any motions or any resolutions because they are not physically present at the committee.

Given that this was the subject of some discussion on Monday and the response that we have received, I would like some clarification in relation to the select committees and what limitations will apply to them if members are not physically present at hearings.

The Hon. R.I. LUCAS: Based on the advice that I have just received—and we had one today that established its own rules under the sessional orders or the standing orders of the Legislative Council, so we have established a select committee today—the issue of what the powers are under that are really issues for the Legislative Council and our standing orders. They are not being governed by this particular statute or amendment. The advice I have just received—

The Hon. C. Bonaros: That is exactly what we asked.

The Hon. R.I. LUCAS: The advice we have received relates to standing committees.

The Hon. C. Bonaros: That is not the advice we received.

The Hon. R.I. LUCAS: That is the advice I have just put on the record. I can only share the advice I have just received—that it relates to the standing committees—and we should distinguish between standing committees and select committees. That was advice both from the clerks and also the high-powered legal advice available to the government. I can only share the advice I have just received with the honourable member. Under both arrangements, parliamentary committees, both standing and select, will be able to conduct themselves through audiovisual means. We have done one through our own standing orders here in the Legislative Council. This is going to make provision for the standing committees.

The Hon. C. BONAROS: Again, I make the point, because we canvassed this quite extensively on Monday, and there may have been other amendments that would have been moved to this bill had we known that this would be limited to standing committees, but that is not the advice we have received. In fact, on Monday I think the Hon. Mark Parnell was the one who canvassed whether we needed to move for changes to standing orders in order to ensure that the same applies to select committees.

We have been awaiting a response on that and the response that we have received says, yes, it includes parliamentary committees. The response we have now received is, yes, it includes parliamentary committees but only if they are standing committees. I will just qualify this: the reason the Hon. Kyam Maher's amendment included those provisions obviously highlights that there was an

issue which we were not made aware of, and now there will be other select committees that will find themselves in the situation that I have just described in terms of not being able to make use of audiovisual technology to hold meetings.

The Hon. R.I. LUCAS: I cannot help the honourable member in relation to the operation of other select committees. I assume that is an issue for this chamber in relation to motions to amend the terms of reference of the operational procedures of the select committee. As the Hon. Kyam Maher has moved a motion in relation to his select committee, I do not see it as really the role of a statute that goes through both houses of parliament that governs, frankly, our standing orders in the Legislative Council.

As the Hon. Mr Parnell has at other times discussed with me, there are issues that we might look at in relation to our own standing orders, but that is a decision for this chamber. It is not a decision, with great respect, for the other chamber to incorporate into legislation to change our standing orders. They can change their standing orders and we can change our standing orders; however, the joint standing committees are constituted under statute, the Parliamentary Committees Act, and therefore they are treated differently. Our select committees are our creatures, or your creatures, and we should govern how they operate. I frankly do not see it as the role of this statute to tell us what we should do in relation to our standing orders.

The Hon. C. BONAROS: Can I just note for the record that I am not disagreeing with the Treasurer. I am noting for the record that that is not the advice that we have received up until just now. Up until this point, I certainly walked into this debate today thinking that select committees were covered because that issue was canvassed on Monday. That is the advice we received from the Attorney's office. I am not disagreeing with the advice that you have received. I am simply pointing out that that is inconsistent with the advice that we have received as of last night.

If there are members serving on select committees who wish to continue to do so but find themselves in the situation where they cannot be physically present in parliament, then they will need to do what was suggested on Monday in the first instance, and that is move a motion to have standing orders or the terms of reference for their committees amended so that they are able to do that. I am simply pointing out that that is inconsistent with the advice that we have received on specific questions related specifically to select committees as well as standing committees.

Clause passed.

Clauses 16 to 18 passed.

New clause 18A.

The Hon. M.C. PARNELL: I move:

Amendment No 2 [Parnell–1]—

Page 18, after line 31—Insert:

18A—Disallowance of regulations made under Act

(1) Despite section 10(3) of the *Subordinate Legislation Act 1978*, all regulations made under this Act must be laid before each House of Parliament on the next sitting day of that House after the regulations are made.

(2) Except as is provided under subsection (1), nothing in this section limits the operation of the *Subordinate Legislation Act 1978*.

(3) Where regulations made under this Act are disallowed, the Governor must not, except in accordance with a resolution of the House that disallowed the regulations, remake those regulations, or make regulations that are of the same effect, within 6 months after the day on which the regulations are disallowed.

I will at this point identify that there was an additional amendment to the amendment, which has been filed. I will not be moving that, having ascertained the views of other members of the chamber. To save time, we will stick just with amendment No. 2 [Parnell-1]. This simple amendment is premised on the fact that most of the heavy lifting in relation to the COVID response under this bill will be by regulation. As we have said before, the parliament will in all likelihood not be sitting as often as usual.

As part of the quid pro quo in terms of this parliament putting a lot of trust in the government to do the right thing in terms of regulations and other decisions, this amendment simply says that the time period for the tabling of regulations, which is usually six sitting days, is shortened to one sitting day so that we will get the regulations tabled very soon after they are made. Secondly, it says that, where the parliament disallows any of these emergency regulations, they cannot be reinstated in the same or similar form without the permission of the disallowing house within six months.

I would just point out that that latter provision is identical to multiple Liberal Party bills over multiple years, many from the Hon. Robert Lawson—I remember them fondly—and the Hon. Stephen Wade most recently for the Liberal Party. The Labor Party, as well, have introduced exactly that same measure when in opposition, and I fully expect that I might have a bill in future, when things are back to normal, along those same lines. For now, as an emergency measure, once disallowed these regulations cannot be reinstated.

The amendment that I am no longer moving was to extend both these provisions to all regulations, not just regulations made under this act. That was a bridge too far for the major parties, so I will not be proceeding with that.

The Hon. R.I. LUCAS: Again, a magnificent amendment from the Hon. Mr Parnell, and the government will be supporting it.

The Hon. K.J. MAHER: For the record, the opposition will be supporting the amendment as moved.

The Hon. C. BONAROS: For the record, SA-Best will be supporting the amendment.

New clause inserted.

Clause 19.

The CHAIR: Clause 19; there is amendment in the name of the Hon. K.J. Maher.

The Hon. K.J. MAHER: Like a previous amendment, perhaps if we can get the government's views on this clause, particularly their views on the effect this amendment would have on the clause, to enable the opposition to decide whether the amendment is moved or not. Last time it was very instructive to hear examples that the government has that give rise to the need for this amendment, how they see it being used and any potential application that they already have in mind.

The Hon. R.I. LUCAS: The government's preference would be to support the bill as it is but we, to use the phrase the honourable member used earlier, will not die in a ditch if the majority chooses to amend it. The government's advice is that we could define 'desirable' as 'necessary' and they are interchangeable almost. Yes, they are different, but from the government's viewpoint we could say certainly something that was desirable was also necessary. We would prefer to leave it as it is but, if this is of some importance to the majority in the chamber, we are prepared to support the amendment if the Hon. Mr Maher wants to move it. I cannot really give a specific example of something that in abstract we might describe as desirable as opposed to necessary. Sorry, am I on the wrong one?

The Hon. K.J. MAHER: Amendment No. 6 [Maher-1] for 19(2). If you are not dying in a ditch over this one that is good.

The Hon. R.I. LUCAS: Hansard can retract all of that. That is the next amendment. They had not given me this amendment. I jumped from amendment No. 5 to amendment No. 7. This is amendment No. 6. This is a magnificent amendment. We are going to support it, so I am advised. This is clause 19, page 18. I am just double-checking that I am reading the right advice.

The effect of this amendment is to remove a level of protection for front-line workers such as police officers and others who are carrying out the directions of the State Coordinator to undertake their roles to the best of their ability without fear that actions taken in challenging circumstances may later become the subject of disciplinary action. While subclause (2) is desirable, its removal will not undermine the more fundamentally important protective role played by subclause (1). On that basis, the government does not oppose the amendment.

The Hon. K.J. MAHER: Given that, I move:

Amendment No 6 [Maher–1]—

Page 18, lines 22 to 26 [clause 19(2)]—Delete subclause (2)

We think the rest of the clause probably covers the field. Particularly with professional standards and codes of practice when it relates to things that are very important, such as the medical or legal profession, we were wondering what the rationale was behind the possibility of those not applying.

The Hon. M.C. PARNELL: The Greens will be supporting the amendment.

The Hon. C. BONAROS: I will be supporting the amendment.

Amendment carried; clause as amended passed.

Clause 20 passed.

Schedule 1.

The Hon. R.I. LUCAS: Given that there is a vague reference to 'supported residential facility' here, I place on the record an earlier debate that we had about a question the Hon. Mr Maher raised. I can place on the record the advice I have received regarding the policy rationale for different approaches to increases in rents as between residential tenancies on the one hand and commercial tenancies on the other, and further advice I have received in relation to supported residential facilities.

The advice I have received is that residential leases are overwhelmingly 12 months only. It is already not possible (section 55 of the Residential Tenancies Act) to increase rent during the first 12-month lease, and in any subsequent lease it can only be increased once every 12 months thereafter. Further, as a class, residential tenants are seen as more vulnerable generally and a greater significance may attach to someone's home than a place of business.

In relation to commercial leases, they are usually longer, say five years or even five by five-year successive terms, up to 25 years. Rent increases are a regular feature built into the terms of commercial leases because of their length. If an already agreed to rental increase is avoided during the COVID-19 six-month period, it complicates matters for future years of the lease, where future rent increases are based on the previous year's figure.

As it relates to supported residential facilities, why is the prohibition on increases in fees and charges not linked to financial hardship? Under section 10(1)(b), a proprietor cannot increase fees and charges payable in relation to a resident contract. This is a slightly different scenario from residential tenancies and commercial leases, where it is only rent that is an issue. Accommodation costs are generally part of a broader contract involving personal care services and other matters, as well as being tied to usually commonwealth funding.

Given this and the vulnerable nature of people in supported residential facilities, it was felt that a blanket ban on increases was the best approach, and residents in supported residential facilities are unlikely to have loss of income or employment, unlike commercial or residential tenants. It should be noted that paragraph (d) is also relevant, in that it provides that a proprietor must not give a notice to a resident under section 39 of the act that purports to be a notice of a proposed termination on grounds of a failure to pay fees or charges if the resident is suffering financial hardship as a result of the COVID-19 pandemic.

I place on the record that that is the reason the government's advice is for the policy differences between residential, commercial and supported residential facilities.

The Hon. K.J. MAHER: I know this was one of the questions that was taken on notice during the briefing that occurred for the opposition on Monday night, and I do not think it has been clarified. How did the provisions in schedule 1 come about? Who initiated the request for these?

The Hon. R.I. LUCAS: I am advised that it was the Public Advocate.

The Hon. K.J. MAHER: I thank the Treasurer for that. Is the Treasurer able to outline the scenarios it is envisaged the provisions in schedule 1 would cover, the sorts of examples that this is needed for?

The Hon. R.I. LUCAS: I am learning a lot as I handle this bill—a little bit, anyway. I am advised that certain people do not have the mental capacity to understand the importance of social

distancing principles; for example, someone who simply every time they see somebody wants to hug them and does not understand that they are not allowed to under social distancing principles. There will be the authority for the legal guardian or indeed, further on in this, various authorised officers to take actions to prevent that from occurring. That is the simplest example I have just been given as to the need for this particular section.

The Hon. K.J. MAHER: I thank the Treasurer for the answer to that question. Is it envisaged that there will be any public reporting on how these powers are used, particularly as it escalates up the line to authorised officers?

The Hon. R.I. LUCAS: I am advised that after 28 days there has to be an application to SACAT for a review, and therefore there would be some sort of public exposure at that particular level, but prior to that, to answer the honourable member's question, there is no public reporting in relation to it.

The Hon. K.J. MAHER: They were a couple of general questions. Specific questions in relation to the authorising officer: can I check whether I am reading correctly that the authorising officer, who has reasonably extraordinary powers over the way someone else conducts their life, is subject to the direction of the minister?

The Hon. R.I. LUCAS: I think 5(3) says the authorising officer is subject to the direction and control of the minister.

The Hon. K.J. MAHER: Is that the Attorney-General in this case?

The Hon. R.I. LUCAS: I am advised yes.

The Hon. K.J. MAHER: I am wondering what is the rationale behind that drafting. Many extraordinary powers are given in this bill, particularly in the schedule 2 that we will come to in relation to the State Coordinator, who is the police commissioner. What was the rationale when the drafting was considered here that an authorising officer be subject to the direction of a politician, that is, the minister in this case, the Attorney-General, rather than subject to the direction of the State Coordinator? Are there other places where people exercising powers under this act are subject to the direction of a relevant minister, or is this the only place this appears?

The Hon. R.I. LUCAS: My advice is that in this particular bill this is the only example my advisers can find where a minister has the power, where the authorising officer is subject to the direction and control of the minister. The member's question was whether there is another example in this bill where another minister or this minister has similar power. The advice I have received thus far is that they do not believe so; they have no other examples.

As to why it is the Attorney-General as opposed to the State Coordinator, I do not have an answer to that. The State Coordinator has a million things he is currently having to do; whether that was an issue in the decision-making in this area or not I am not sure. It is not an issue I can help the leader with with any greater clarity, I am afraid.

The Hon. K.J. MAHER: I thank the Treasurer for his answer and his honesty, that the government does not know why they have done this in this particular instance.

The Hon. R.I. LUCAS: Sorry; when you say the government, I do not know but someone else in the government might.

The Hon. K.J. MAHER: The representative of the government here tonight does not know why they have done this in this particular instance, or none of the advisers are certain why it has happened this way. Would the Treasurer undertake to take on notice and bring back a reply if this is, as the Treasurer is advised, the only place anywhere in the bill we are considering where it appears it is drafted in such a way as to give the minister the power of direction? Can the Treasurer take on notice why it was decided to draft it in that way? If the appropriate drafters who made the decision are not here tonight or cannot answer it, could he take that on notice?

The Hon. R.I. LUCAS: I am happy to take that on notice. I have received some advice from someone outside the chamber that in other pieces of legislation the minister for corrections evidently has the power to direct the chief executive of Corrections in relation to, I think it reads, 'letting out

sex offenders on home detention'. However, I understand the member's question is in relation to this bill, and this would appear to be the only example. I am happy to take the question on notice and seek clarification or advice, and on behalf of the government undertake to write a nice letter to the member with whatever the answers are.

The Hon. K.J. MAHER: I appreciate that. Following on very briefly from that, is it the case then that the minister could, in effect, order the detention of someone via their ability to direct the authorised officer?

The Hon. R.I. LUCAS: I think the answer is technically yes but, knowing the Attorney-General, I would be stunned if the Attorney-General would avail herself of the theoretical powers under this particular provision. The legal advice is that technically yes, the way it is drafted the authorising officer is subject to the direction and control of the minister but, as I said, on behalf of the—hold fire, there might be more. The advice I have provided stands. As I said, I will take it on notice and I will correspond on behalf of the government with the member.

The Hon. K.J. MAHER: I wonder if the Treasurer is able to answer: is there any other place in legislation in South Australia where a minister can, in effect, order the detention of someone, whether directly or via the direction of another officer?

The Hon. R.I. Lucas interjecting:

The Hon. K.J. MAHER: The minister can actually order the detention of somebody who is not otherwise liable for detention?

The Hon. R.I. LUCAS: It is coming thick and fast. I am told the Minister for Child Protection can also in certain circumstances. They are other pieces of statute legislation we are addressing in this particular bill. I am happy to take it on notice. I am receiving advice from outside the chamber at the moment, so it would appear that maybe in Corrections, maybe in Child Protection, that various ministers have these powers, evidently. Let's clarify it in the cool light of day. I am happy to correspond on behalf of the government with the member in relation to the issues that he has raised.

The Hon. C. BONAROS: I have two questions: the first is in relation to the authorised officers and the appointment of those officers. Again, this is something that was raised during the briefing. I was hoping the Treasurer could shed some light on who else may be appointed as an authorised officer. Clause 8 obviously lists police officers and authorised officers under the Emergency Management Act 2004. Clause 8(1)(c) then states, 'a person, or class of persons, authorised by the Minister for the purposes of schedule'. I think you have mentioned the Public Advocate. I am wondering which other class of persons the government envisages as being covered by that provision.

The Hon. R.I. LUCAS: I am advised that, for example, medical practitioners will be one example and potentially managers or CEOs of some of these particular facilities.

Members interjecting:

The CHAIR: Treasurer.

The Hon. R.I. LUCAS: Managers of some of these facilities, for example, might be an authorised officer. They are the two examples.

The Hon. C. BONAROS: I just want to go back to the issue of immunity from liability and the provision that relates specifically to a person who is not an authorised officer but rather a guardian or another person who can detain a protected person. There is a specific subclause that provides that another person can actually assist in detaining a person who effectively should be isolated but, for the reasons that the Treasurer has outlined, is not. Clause 10—Additional powers of guardians during COVID-19 pandemic, provides:

> …a guardian of a protected person may, if the guardian reasonably believes that the protected person is unlawfully at large…

It goes on to provide some grounds. It states that they can:

> (a) detain, using only such force as is reasonably necessary for the purpose, the protected person if the protected person is in a place other than the protected person's usual place of residence;

(b) take the protected person, or cause the protected person to be taken, using only such force as is reasonably necessary for the purpose, to the protected person's usual place of residence;

(c) take such other action as may be authorised by the Tribunal…

It then goes on to list a number of other matters. An immunity provision was moved in relation to the immunity for civil and criminal liability attaching to the Crown. I am just wondering whether that extends at least partly to clause 10 and/or whether consideration ought to be given to extending such immunity to those persons who do take those actions in terms of trying to use such force as is reasonably necessary to detain a person under that provision.

The Hon. R.I. LUCAS: With great respect, if we have understood the question correctly, it is covered under section 19, which says 'or to any other person acting in good faith'. So, if an authorised officer was doing what we have been talking about, they would be protected.

The Hon. C. BONAROS: Can I just clarify: can we confirm who a 'guardian of a protected person' would be, under clause 10?

The Hon. R.I. LUCAS: I think we are in schedule 1 and we are talking about authorised officers in schedule 1 at the moment. In the example we have given, someone with mental incapacity was not social distancing and someone took action. You have asked the question as to whether there is immunity in liability in those cases. My advice is that under section 19, there is immunity from liability if they have acted in good faith as an authorised officer and they have restrained somebody from going up and hugging everybody, or whatever it might happen to be, they would be so protected.

Just to repeat: in schedule 1, we have just been talking about authorised officers and then having to take certain actions, which I will not go over again. The question asked was: is the immunity from liability related to them? My advice is the answer is yes, because 19(1) says that any person acting in good faith is covered.

Schedule passed.

Schedule 2.

The Hon. T.A. FRANKS: I just want to place something on the record and then I will move to move my amendment. In response to the questions that were asked in the Monday briefing, one of the answers was in regard to schedule 2, part 1—Emergency Management Act. I quote:

- Since the Emergency was declared, there have been discussions with the State Co-ordinator about the adequacy of various provisions of the Act. The State Co-ordinator is of the view that it is appropriate to clarify the powers under the Act as has been proposed in the Bill.
- Section 25(5)(c) does not permit the State Co-ordinator to breach criminal laws. Rather, it clarifies that if the State Co-ordinator exercises a power or issues a direction under s25 then the exercise or power or compliance with a direction will not be unlawful. For example, if in an emergency, the State Co-ordinator directed traffic to be diverted from an accident scene by travelling the wrong way down a highway, then this would not constitute a breach of the Road Rules. Or, if the State Co-ordinator needed to seize a vehicle in the course of an emergency, then this would not constitute a theft. This does not confer a capacity on the State Co-ordinator to break the law at large. Section 25(5)(c) just ensures that powers exercised or directions given under s 25 operate according to their terms as necessary in the face of the emergency to hand.

That is a little lower but in the same area as the amendment that I will seek to move in a minute. But I will note that at clause 1 I asked several questions about why it was deemed necessary that the State Coordinator be able to exercise or discharge a power or function under this section, even if to do so would contravene another law of the state. Indeed, I note that in this case he has been given quite extraordinary powers of any law.

I asked the government at the time why they had not specified or codified or prescribed particular acts, what they had in mind, and it would seem to be too hard a task to come back with some specific examples and some specific laws that needed to be addressed. I noted in question time today that, when I asked the Minister for Health and Wellbeing, he said that my question to him with regard to the Criminal Law Consolidation Act 1935 and abortion access in this state anticipated this particular debate.

I am well aware that there are barriers to accessing abortion health care in this state and that they are under criminal laws. I certainly anticipate that under the current Emergency Management Act that situation could be addressed as it has been elsewhere. Certainly, the UK has been an example where they have suspended their laws for two years because they actually have the same laws that are similarly based on ours. But in the situation of Ireland, those women and girls are having to travel to the UK now to access those abortion healthcare services.

However, that was not mentioned in any of the responses as one of the reasons why and that would be an appropriate remedy being required in terms of suspension of the laws of our state. It has not been provided as a reason or a rationale given in response to questions about why we need to change this particular section, other than we have been told that the State Coordinator wants it and needs it and it will apply to all of the laws of the land, no matter what they are. I move:

Amendment No 1 [Franks–1]—

Page 27, after line 23 [Schedule 2, Part 1, clause 1(e)]—After inserted subsection (4) insert:

(4a) The State Co-ordinator or an authorised officer may exercise or discharge a power or function under this section even if to do so would contravene another law of the State (not being a prescribed law).

Amendment No 2 [Franks–1]—

Page 27, lines 25 to 28 [Schedule 2, Part 1, clause 1(e), inserted subsection (5)(a)]—Delete paragraph (a)

I anticipate that they are part and parcel with [Franks-1] 3 which I have not yet moved. What this amendment does is that in schedule 2 at page 27, after the inserted subsection (4), I seek to insert the following, which reads:

(4a) The State Co-ordinator or an authorised officer may exercise or discharge a power or function under this section even if to do so would contravene another law of the State (not being a prescribed law)

That is the addition that I seek to insert at this point. It would amend the current wording and that 'not being a prescribed law' would then be the subject of [Franks-1] 3. The prescribed laws that I have identified–and I will say that I have received this bill mere hours ago. It went through the other place yesterday. The answer that we got to our questions about this particular section of the bill were received after 9.30 last night.

I created a list during the dinner break, because I cannot see how the government can justify the contravention of the following laws. My further amendment, and obviously this first set will be a test for this question, would set out the prescribed laws of the Aboriginal Heritage Act 1988, the Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981, the Consent to Medical Treatment and Palliative Care Act 1995, the Criminal Investigation (Covert Operations) Act 2009, the Emergency Management Act 2004—I thought I would throw that one in for good measure just in case—the Equal Opportunity Act 1984, the Freedom of Information Act 1991, the Independent Commissioner Against Corruption Act 2012, the Labour Hire Licensing Act 2017, the Maralinga Tjarutja Land Rights Act 1984, the Ombudsman Act 1972, the Police Act 1998, the Police Complaints and Discipline Act 2016, the Public Interest Disclosure Act 2018, the Public Sector Act 2009, the Public Sector (Honesty and Accountability) Act 1985, the Public Sector (Data Sharing) Act 2016, the Racial Vilification Act 1996, the Royal Commissions Act 1917, the Shop Trading Hours Act 1977, the South Australian Civil and Administrative Tribunal Act 2013 and the Surveillance Devices Act 2016.

I have codified these particular ones as the prescribed list because they go in no small part to concerns I raised with regard to the avoidance, if you like, of any scrutiny under the Public Works Committee, which indeed does look at heritage and Aboriginal heritage. It goes to the concerns I raised in my second reading contribution and further at clause 1. I could see no reason for the Anangu Pitjantjatjara Yankunytjatjara Land Rights Act and Maralinga Tjarutja Land Rights Act to be violated.

The idea that the State Coordinator could contravene the Independent Commissioner Against Corruption Act, the Police Act or the Police Complaints and Discipline Act would beggar belief. Indeed, in the Emergency Management Act it does actually talk about the Public Sector (Honesty and Accountability) Act 1995, so I thought I would throw that in. For those who are not familiar with it, the Surveillance Devices Act, of course, gives us very sound civil liberties protections, as does the Public Sector (Data Sharing) Act that codifies that.

I cannot for the life of me see why we would need to violate the Racial Vilification Act or the Royal Commissions Act, the Freedom of Information Act or the Equal Opportunity Act. There have been concerns raised by members of the defence force that they might be used as guinea pigs, which is why I have put in the Consent to Medical Treatment and Palliative Care Act. In terms of trust from this government, I have asked for a response to this particular list—it is not every single act that we have in the state, it is a list of just over 20.

To me and to my mind, I cannot see why we would empower the State Coordinator with the ability to be able to break these particular incredibly fundamental laws. It is not directing traffic the other way down a street. It is not seizing a car for the purposes of taking action in an emergency, both of which already happen, by the way, I am pretty sure, not just on cop shows but indeed in the streets of South Australia. It is not the Royal Commissions Act. How on earth can the government expect us to trust them if they cannot provide responses to each of those particular acts and why the State Coordinator—the current police commissioner—needs to be given the powers to disregard these particular acts?

The Hon. R.I. LUCAS: We traversed this issue earlier, but I repeat the position and I will expand on it in some greater detail. The government, as I would have indicated earlier, strongly opposes the position the honourable member puts and will oppose this particular amendment.

We thank the Labor opposition for their support for this important provision in the House of Assembly. As I said in the earlier debate, this is not a provision that any of us would normally contemplate supporting. It is an extraordinary power to be handing to an individual, but we are in an extraordinary situation. We are trying to save people from dying and, from the government's viewpoint, that particular priority is paramount.

All sorts of questions can be raised. In any normal set of circumstances, we in this parliament on all sides would not contemplate giving an unelected person, the State Coordinator, these sorts of extraordinary powers. All I can say to the honourable member is that there are extraordinary things that we are having to do at the moment.

In other parts of the world, health professionals are making extraordinary decisions in relation to which individual will get into the intensive care unit and will get a ventilator and will live as opposed to which person will not get that particular ventilator and live. There are extraordinary decisions that health professionals are having to make all around the world and we hope that in Australia and in South Australia, we do not have to confront that set of extreme circumstances.

I accept the honourable member's principal position that this is an extraordinary position that we are being asked to support, but the honourable member's solution, with great respect, is not one the government can support. As I said, we are grateful that the Labor opposition, which equally would not want to support this position normally, has supported this particular proposition in the House of Assembly.

The honourable member lists a series of acts and says that the State Coordinator should not have the power to in essence ignore the provisions of these particular pieces of legislation. She says the government should have gone through every piece of legislation and decided which ones we wanted to amend. As I indicated before the dinner break, we are in an emergency and therefore we are having to make very quick decisions.

To the best ability of the officers advising ministers and the government, we have selected six, ten, fifteen acts—I do not know—that we are seeking to amend in this omnibus bill because people have identified particular provisions that we had to amend in this legislation. This provision is an absolutely essential catch-all clause, which says that we, in the time available to the government, could not think of every particular provision that we may well have to cope with to save people's lives in this pandemic.

There are all sorts of pieces of legislation. The honourable member says these 20—or whatever the number—acts are ones that clearly should never be contemplated to be ignored or overridden in any way by the State Coordinator. She asks why on earth we would want to ignore the APY Lands Act, for example.

One possibility, if I can put it on the record, is that it is possible that the State Coordinator would need to make orders that might be inconsistent with the APY Lands Act in order to protect APY members. For example, the act grants access to the APY lands to certain classes or persons other than APY members. It is conceivable that the State Coordinator may form the view that APY members must be protected by reducing the number of visitors to the lands. He may prohibit persons who otherwise have rights of entry under the APY legislation. That is one example where the State Coordinator, in the interest of saving lives, may well make a decision that is contrary to the provisions of the APY act.

The honourable member raises the issue in relation to the public sector data sharing legislation. There are strict provisions, as there should be, in terms of government departments and agencies sharing information at the moment. One of the issues that may well be raised eventually is if we were trying to trace people who had been in contact with someone infected with COVID-19 and there was information available in one particular department or agency that was unavailable to the State Coordinator. We might be able to save lives by providing access to that sort of information.

It may be that a provision of the public sector data sharing legislation may well place time limits and restrictions and require memorandums, understandings and agreements between agencies to be signed and agreed to. We might not have time to do all those sorts of things that in normal circumstances we should do.

The State Coordinator may well make the argument that in the interests of saving lives we can actually trace who came into contact with whom or who these particular people were in a quicker way. I am not saying that is the case; I am just saying we are not in a position in the parliament, with great respect to the Hon. Ms Franks or indeed any other member, to say, 'For each and every one of these 20 pieces of legislation, in no particular set of possible circumstances would the State Coordinator potentially have to not abide by all the provisions of that particular piece of legislation in the interests of saving lives.'

One of the other two examples that have been raised with me—and admittedly some of these are somewhat unlikely, and my advice is the same—is that in relation to the ICAC legislation, for example, if a person was required to attend a hearing before the ICAC and then became COVID-19 positive, that person's obligation would be to comply with the State Coordinator's direction to remain isolated, not to answer the summons and risk infecting others. That would be in contravention of the ICAC legislation. If the honourable member's amendment is there, then the ICAC commissioner could require the attendance of that particular person and risk infecting other people in that particular area. We cannot think of all the examples where in an emergency we might have to take urgent decisions to save people's lives, to stop further transmission and to stop further infection.

In relation to shop trading hours, which the honourable member has raised, I am advised that the rights of shop traders to open might be subject to contrary direction by the State Coordinator. If the honourable member's amendment was permitted, then the State Coordinator's directions that are in place to close certain businesses to the public might be overridden by the shop trading act; that is, the shop trading act allows certain businesses to trade at certain times. The State Coordinator's guidelines restrict shop trading hours; in fact, they stop shop trading provisions. The honourable member wants to say that the State Coordinator cannot ignore the provisions of the shop trading legislation. That would just make unworkable some of the State Coordinator's directions, which are all in the interests of saving lives.

I understand the point the Hon. Ms Franks is making: this is anathema to all of us in relation to allowing an unelected official to be able to make these sorts of decisions. But, as a parliament and as a community, we are trying to save lives. Sadly, we are going to have to give an unelected official—in the State Coordinator—these extraordinary powers to make decisions in the interests of saving lives. I have confidence in the police commissioner, in the State Coordinator, that he is not going to use this for ulterior motives or nefarious purposes. He is going to do it in the interests of saving lives and in the interests of doing whatever we can to reduce the rate of infection in our community.

It is just impossible for the government in the short space of time that we have to go through every statute, to conceive of every set of circumstances, when we do not know what confronts us. We can only guess and say, 'We want to amend this particular act in this particular way' and list every

act that we are going to do. I thank the Labor Party again for not supporting a change in this area in the House of Assembly and, with the greatest respect to the honourable member, I urge members in this chamber not to support this particular change, which would simply strike at the heart of what we need to do.

The Hon. T.A. FRANKS: I thank the Treasurer for finally putting some reasons on the table, although he did not address whether or not the Criminal Law Consolidation Act was currently a barrier, and had that been identified as something that needed to be remedied with this particular bill as the Minister for Health and Wellbeing alluded to in question time today.

The Hon. S.G. Wade: Why didn't you put that in your list?

The Hon. T.A. FRANKS: I did not deliberately put it into my list because the point of this prescribed list—

Members interjecting:

The CHAIR: Order!

The Hon. T.A. FRANKS: —was that these—

Members interjecting:

The CHAIR: I want to hear the Hon. Ms Franks.

The Hon. T.A. FRANKS: Remember that the government did not even bother to send this bill to the Law Society. The government has not sought any feedback from civil society or very far beyond those people who will implement these powers about whether or not they want these powers. The State Coordinator wants these powers, the State Coordinator apparently will get these powers. How the State Coordinator needs to suspend, or flout, or break the provisions of the Racial Vilification Act is beyond me, but that is on the government's head.

The CHAIR: The Hon. Mr Maher, would you like to confirm what you are doing?

The Hon. K.J. MAHER: I have a couple of questions in relation to the Treasurer's contribution. I think the Treasurer gave the example of the Anangu Pitjantjatjara Yankunytjatjara Land Rights Act and the possibility that the State Coordinator may need to direct people not to enter the APY lands. Was that the example given? I wonder if the Treasurer could expand on that a bit more.

I am particularly conscious under much of our land rights legislation, including the Aboriginal Land Trusts (ALT) Act, the Maralinga Tjarutja Land Rights Act and the one just mentioned, that there is concern, and I have had concern over the last couple of weeks away from the elders in remote communities about the nature and effect of what is happening and the impact it has on their communities.

Many of the ALT communities, certainly in the APY and NT—and I think it is section 477 of the commonwealth Biosecurity Act—already have declarations made in relation to the entry into those communities. Particularly, where English is a second language, it has been very difficult for many people to understand what is being ordered. Is that one of the things being contemplated by the government doing things that breach Aboriginal land rights legislation?

The Hon. R.I. LUCAS: I understand the honourable member's active engagement in this area. The Premier has advised me that he has had a number of discussions with the honourable member. These are very sensitive and important areas. I am not the expert in this area. My colleague has advised me that the commonwealth, under the biosecurity legislation, has taken some action. I am aware that the Premier has had discussions with the Leader of the Opposition in relation to some of these very sensitive issues.

I am not flagging further actions from the Coordinator; all I am trying to suggest here is if we were to list various pieces of legislation saying that they are beyond the State Coordinator in the end having to make a decision that might be contrary to some of the provisions, we are restricting unnecessarily, and dangerously in our view, the powers that the State Coordinator might need in relation to it.

I am not aware of all the details of the private discussions the Leader of the Opposition has had with the Premier, nor need I, in relation to those issues. All I am saying is it would be extraordinarily dangerous for this parliament to exclude by way of 20 pieces of legislation where, in the end, it may well be in the interests of saving lives—and I have only given two or three examples as illustrative; I am not going through all the pieces of legislation—where the State Coordinator might theoretically, hypothetically, make decisions which are contrary to the provisions of pieces of legislation.

I have acknowledged that your colleagues in the assembly did not see fit to make changes in relation to this critical part of the legislation, and the government sees this as fundamental to the legislation that we have before us and critical to the priority of saving lives in the community.

The Hon. K.J. MAHER: In relation to the opposition's support for the amendments moved by the Hon. Tammy Franks, we have a great deal of sympathy for what the Hon. Tammy Franks is trying to do and for a lot of what she has moved—the example we have just talked about in terms of Aboriginal land rights legislation. There are other ways to implement something and to control movement to those communities through federal legislation, and I wonder what the necessity is to perhaps interfere with hard-fought Aboriginal land rights.

However, whilst we have sympathy, we are not going to support the amendment as it currently stands. That does not mean that, as parliament comes back either in the next scheduled sitting week or May, depending on what this council duly decides shortly, we would not be open to revisiting what the Hon. Tammy Franks' intent is in this amendment.

The Hon. C. BONAROS: Can I just say that our position would be the same in terms of revisiting this issue with the benefit of more information before us, but I think it is important just to note a couple of things; that is, during times like this, we are asked to place all of our faith in an unelected officer, as the Treasurer has alluded to, namely, the State Coordinator. We do so during a declared state of emergency and during a declared state of disaster.

I think it is fair to say that one of the reasons that we are asked to do that during those two crises is, one, we are attempting to depoliticise the management of those crises. There is a raft of laws in the list included by the honourable member that I honestly also cannot understand for the life of me why the State Coordinator would need to breach. The Racial Vilification Act, the Equal Opportunity Act and the Public Interest Disclosure Act stand out as obvious examples. There are others in that list that are not as easy to identify, and I think the Treasurer has referred to some of those. It is difficult, I suppose, to support such an amendment without understanding the full implications of that list.

I think is fair to say that SA-Best acknowledges the Treasurer's comments that this amendment goes to the heart of the legislation in terms of saying that we are in a situation where we are placing every ounce of faith that we have in the State Coordinator and in the fact that the State Coordinator is doing absolutely what they need to do and needs to be able to do everything they need to do to save lives, and that is the priority that we have right now. But I do acknowledge and sympathise with the reasons that this amendment has been drafted and indicate, again, our willingness, if necessary and if there is more light to be shed on this issue, to revisit this issue at a later stage.

Amendments negatived.

The Hon. T.A. FRANKS: Chair, I have a further question for the Treasurer in this section. In terms of the transparency required by the State Coordinator, should he employ these powers under proposed section 25(4): 'A direction or requirement of a kind referred to in subsection (3) must be published on a website determined by the State Co-ordinator within 24 hours after it is given or made.' Why is that website not determined more formally than the State Coordinator determining where he publishes it? Will that publishing take a form that has some longevity? What is the minimum period that that information must be made available to the public?

I note that we had a royal commission into the Murray River in this state, and indeed was not going to be put on a website for very long, if at all. Could the government please outline where this information will be made available and for how long it will be made available?

The Hon. R.I. LUCAS: It will be made available on sa.gov.au, as I indicated I think in question time, the now widely publicised source, we hope, of fact and information in relation to health issues, business support issues and tenancy issues (I think we talked about that earlier in relation to assistance for tenants) and this particular issue in relation to powers of the Coordinator. I am also told the SA legislation website, if that is the right designation, and also my colleague says the www.covid19 website, which is the SA Health website, is it?

The Hon. S.G. Wade: No, it's a DPC site.

The Hon. R.I. LUCAS: It is a DPC site but the source I guess we are advertising widely at the moment is sa.gov.au as a source of all this sort of information.

The CHAIR: The Hon. Mr Maher, do you have an amendment to schedule 2, amendment No. 7 [Maher-1]?

The Hon. K.J. MAHER: I have a question first, though.

The CHAIR: Please ask your question.

The Hon. K.J. MAHER: In schedule 2, part 1, paragraph (f) is a new insertion in the Emergency Management Act of section 26B—No obligation on persons to maintain secrecy. I am wondering if the Treasurer can shed light on how this came about and at whose instigation this particular new section 26B was requested and why.

The Hon. R.I. LUCAS: I am advised that it was legal advice but supported by the State Coordinator. My colleague the Minister for Health indicates that one of the areas where this might be required is where information is available which is meant to be kept confidential under the Health Care Act in terms of tracing people, that information which is normally required to be kept confidential might be required to trace people or monitor their compliance with isolation, etc. There are secrecy requirements under healthcare legislation and other pieces of legislation but in the end they might not be able to be abided by if we are going to try to track, for example, sources of infection or where people might have been.

The Hon. K.J. MAHER: So that I understand this correctly, in that example how it would work is that under the Emergency Management Act as it stands—I think it is section 25(2)(ka) where the State Coordinator can require a person to furnish such information as is needed—I presume, and I am keen to be corrected if I am wrong, if it is that subsection that is being employed here to require such information to be furnished, under the example given a person that the State Coordinator requires to provide that sort of health information would otherwise be breaking the law by providing it, they have to hand over that information because the State Coordinator says they have to and they are protected because otherwise they may be breaching the act in doing so. Is that what we are getting at here?

The Hon. R.I. LUCAS: There is furious agreement from everyone behind us. You have nailed it. This is, in essence, protecting those particular people who may well be breaching a confidentiality requirement. They are being required to release information and this is protecting their position.

The Hon. K.J. MAHER: I think the example that was given was in relation to breaching an act. Are there other ways that do not necessarily breach an act—standards, or codes? I assume this applies to any information that is given. My next question is about the carve-out. What does an 'informant' mean, the second to last word in that section? Is that a police informant in the sense that we understand in criminal matters?

The Hon. R.I. LUCAS: The honourable member has nailed it again. It is not just legislation. For example, under various regulatory authorities, there might be requirements to keep information you have confidential. I am sure there might be codes of ethics or something with various health professionals that they might be required to abide by. I am told there are also examples where you might have confidentiality of a contract, which might have to be breached in certain circumstances, etc. In relation to the use of the word 'informant', my legal advice is that, yes, that is in the ICAC context. It is someone who is an informant. The normal interpretation of the word applies.

The Hon. K.J. MAHER: Why is the carve-out for an informant there? At whose instigation is the informant the exception to everything else, and are there any other exceptions at all except for the one that is contemplated and specifically mentioned in the act, being the informant?

The Hon. R.I. LUCAS: My advice in relation to where this has all come from is that it has come from legal advice to the Attorney-General, but in relation to the second question, I am told by parliamentary counsel that it is what we do. 'We always do that' is the advice from parliamentary counsel.

The Hon. K.J. Maher interjecting:

The Hon. R.I. LUCAS: I beg your pardon?

The Hon. K.J. MAHER: You always carve out informants?

The Hon. R.I. LUCAS: Yes. The parliamentary counsel advice is that we always carve out informants. That is their normal practice and that has just been incorporated in parliamentary counsel's drafting of this. There is nothing more substantive than that in relation to the drafting.

The Hon. K.J. MAHER: I assume then, going on from the example that was given about a breach of the Health Care Act, if under section 25(2)(ka) of the Emergency Management Act the State Coordinator required a medical practitioner to hand over information that in the ordinary course of things would breach doctor-patient confidentiality but the State Coordinator thought it was necessary given their role, the doctor handing it over would be required to do so but would suffer no professional discipline or anything else as a result of breaching what would otherwise be very strict doctor-patient confidentiality; is that correct?

The Hon. R.I. LUCAS: That would be correct. This is intended to protect the interests of those people who otherwise are required to keep something confidential, but they have been directed by the State Coordinator, in the interest of saving lives, to reveal information that they are otherwise not meant to reveal. This would protect their position. I cannot imagine any disciplinary body or regulatory authority that would not treat favourably someone who has been forced to reveal by the State Coordinator.

The Hon. K.J. MAHER: I get that it is not up to the regulatory body or the disciplinary authority. This covers the person for doing that, does it not?

The Hon. R.I. LUCAS: Yes.

The Hon. K.J. MAHER: My next question is in a similar vein: the legal professional privilege owned by a client of a lawyer. If the lawyer was required by the State Coordinator, who is the police commissioner, to hand over information that the police commissioner wanted, would the lawyer then be required to breach his or her client's legal professional privilege and hand over that information in the same way a doctor-patient relationship is not safe because of this?

The Hon. R.I. LUCAS: I am told that the leader is in a special breed: lawyers and parliamentarians cannot be compelled. Doctors can be, but lawyers and members of parliament in relation to parliamentary privilege cannot be, so the honourable member fills two of those; the tick is doubly protected.

The Hon. K.J. MAHER: Why is that? I am interested. We are making these laws so I think we are all interested in understanding what gives rise to the protection that doctor-patient confidentiality does not get afforded but lawyer-client and politician-constituent through parliamentary privilege does. What gives rise to the protection that doctors and patients do not have, that a lawyer and client does?

The Hon. R.I. LUCAS: Speaking of behalf of parliament, the breaching of parliamentary privilege would be a bridge too far I think, and I suspect the legal advice was they were not prepared to traverse that in trying to get it through the parliament. To be fair, the sorts of areas we are talking about are more likely, I assume, to be in the areas of health professionals and others but, putting that to the side, the legal advice that clearly came in the government's bill—and I am not aware of too many examples in the past where governments have introduced legislation trying to breach parliamentary privilege or, indeed, legal professional privilege—so, yes, the government could have if it so chose, but it drew the line at that particular area.

The Hon. K.J. MAHER: Again, and I accept that is the advice but the question is: why is it so? Where does it arise? Is it another statute or is it somewhere else where the relationships that the Treasurer has outlined are protected? What gives rise to that? How do we know that is the case given that on the words of the statute, the only thing that is protected is the informant. What gives rise to the lawyer-client relationship not falling under this?

The Hon. R.I. LUCAS: In relation to parliamentary privilege—

The Hon. K.J. MAHER: I did not ask that one.

The Hon. R.I. LUCAS: What did you ask?

The Hon. K.J. MAHER: Legal professional.

The Hon. R.I. LUCAS: Okay. Let me just answer in relation to parliamentary privilege. I hope we are in furious agreement that unless you expressly provided to breach parliamentary privilege in some way, those of us who are great adherents to the importance of parliamentary privilege would see that that is protected and so that would be an issue. In relation to legal professional privilege, my advice is in the absence of express language, section 26B, it would be unlikely to abrogate legal professional or parliamentary privilege. It arises from the common law, and that should mean something to the Leader of the Opposition.

The Hon. K.J. MAHER: I am wondering if the Treasurer can explain then the basis that differs—

The Hon. R.I. LUCAS: Do you want to breach it?

The Hon. K.J. MAHER: No. I am trying to understand how that differs from the—

The Hon. R.I. LUCAS: I am not a lawyer.

The Hon. K.J. MAHER: —the doctor-patient relationship. Is that codified somewhere whereas legal professional privilege is not?

The Hon. R.I. LUCAS: I am not the lawyer but my legal advice is that I assume it is not in the common law.

The Hon. K.J. MAHER: With the two examples we have given, I accept the assurances that the Treasurer has given the chamber that neither legal professional privilege nor parliamentary privilege are in any way affected by the insertion of 26B. Are there any other relationships, apart from the informant that is mentioned in there, that are not affected by 26B or is every other type of privacy subject to this then?

The Hon. R.I. LUCAS: Again, another common law principle, so I am told—

The Hon. K.J. MAHER: Right against self-incrimination.

The Hon. R.I. LUCAS: Right against self-incrimination. That should be something very familiar to the Leader of the Opposition as a lawyer. I am not making any inference other than that. Right against self-incrimination would be another one. There might be others as well. I am not sure that it is productive to spend our time at this hour of the evening going through all of the common law examples.

Members interjecting:

The Hon. R.I. LUCAS: Okay. All of the common law examples would be a very useful legal tutorial somewhere. Whenever you are conducting it, can you not invite me.

The Hon. K.J. MAHER: I move:

Amendment No 7 [Maher–1]—

Page 30, line 12 [Schedule 2, Part 3, clause 3, inserted subsection (5), definition of *prescribed public work*]—Delete 'or desirable'

This is one, I think, from the Treasurer jumping the gun a bit earlier, that is not going to be opposed by the government. The words 'necessary' and 'desirable' appear. We think it is entirely appropriate if something is 'necessary' to get the benefit of the section, but where it is merely 'desirable' of the

government we think that might be a bridge too far. We are happy to support the Treasurer's necessities but not his desires on this occasion.

The Hon. R.I. LUCAS: I will stop short of saying this is a magnificent amendment, but we are not going to die in a ditch and oppose it. We are not going to distinguish between 'necessary' and 'desirable', and we are happy for it to proceed.

Amendment carried.

The Hon. R.I. LUCAS: I move:

Amendment No 7 [Treasurer–1]—

Page 29, line 25 [Schedule 2, clause 3, inserted section 16AA(1)(b)(iii)]—Delete 'section 17(7)' and substitute 'subsection (4)'

I am advised by parliamentary counsel that this is just a cross-reference. In 16AA, in subclause (1)(b)(3), instead of 'section 17(7)' it should say 'subsection (4)'. With great apologies, it has arrived late in the evening, and it is just a cross-reference.

Amendment carried; schedule as amended passed.

Schedule 3 and title passed.

Bill reported with amendment.

Third Reading

The Hon. R.I. LUCAS (Treasurer) (22:48): I move:

That this bill be now read a third time.

Bill read a third time and passed.

Sitting suspended from 22:49 to 23:07.

Parliamentary Procedure

SITTINGS AND BUSINESS

The Hon. R.I. LUCAS (Treasurer) (23:07): This is very anticlimactic. The house needed to be sitting for us to deliver a message, according to a provision of the standing orders, so we have reconvened so that we can deliver the message to our esteemed colleagues in another place. Unless someone wants to whistle Dixie or wax lyrical about something, we can move to suspend until the ringing of the bells again.

Sitting suspended from 23:09 to 23:51.

Bills

COVID-19 EMERGENCY RESPONSE BILL

Final Stages

The House of Assembly agreed to the amendments made by the Legislative Council without any amendment.

Parliamentary Procedure

SITTINGS AND BUSINESS

The Hon. R.I. LUCAS (Treasurer) (23:52): I move:

That the council at its rising do adjourn to Tuesday 12 May 2020.

The Hon. K.J. MAHER (Leader of the Opposition) (23:52): I move an amendment to the motion:

To leave out '12 May' and insert '28 April'.

That is the next scheduled sitting week after the completion of this week.

The PRESIDENT: The Hon. Mr Maher has moved an amendment to leave out '12 May 2020' and insert '28 April 2020'. I put the question that the words proposed to be struck out stand part of the question. The government will vote aye, the opposition will vote no. I remind members that if it comes to a division we are not going to move around the chamber. We have agreed that the ayes will stand in their place and the noes will remain seated.

The council divided on the Hon. R.I. Lucas's motion:

Ayes.....7
Noes 10
Majority 3

AYES

Centofanti, N.J.	Dawkins, J.S.L.	Hood, D.G.E.
Lee, J.S.	Lensink, J.M.A.	Lucas, R.I. (teller)
Ridgway, D.W.		

NOES

Bonaros, C.	Bourke, E.S.	Franks, T.A.
Hanson, J.E.	Maher, K.J. (teller)	Ngo, T.T.
Pangallo, F.	Parnell, M.C.	Pnevmatikos, I.
Wortley, R.P.		

PAIRS

Darley, J.A.	Scriven, C.M.	Wade, S.G.
Hunter, I.K.		

Motion thus negatived.

The PRESIDENT: The next question is that the words proposed to be inserted by the Hon. Kyam Maher be so inserted.

Amendment carried; motion as amended carried.

At 00:00 the council adjourned until Tuesday 28 April 2020 at 14:15.