

**LEGISLATIVE COUNCIL****Tuesday, 28 April 2020**

**The PRESIDENT (Hon. T.J. Stephens)** took the chair at 14:15 and read prayers.

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

*Bills***COVID-19 EMERGENCY RESPONSE BILL***Assent*

His Excellency the Governor assented to the bill.

*Parliamentary Procedure***PAPERS**

The following papers were laid on the table:

By the President—

Adelaide Park Lands Lease Agreement between the Corporation of the City of Adelaide  
and Adelaide Archery Club Inc

Report on the Operation of the Police Complaints and Discipline Act 2016 (SA)  
dated 17 April 2020

The Registrar's Statement, Register of New Member's Interests, April 2020  
[Ordered to be published]

By the Treasurer (Hon. R.I. Lucas)—

Reports, 2019

Department for Education  
SACE Board of South Australia

Regulations under Acts—

COVID-19 Emergency Response Act 2020

Commercial Leases—General

Schedule 1—General

Schedule 16—Requirements Relating to Documents

Schedule 17—Meetings in Person etc. May Occur by Audio-visual or other  
means

Freedom of Information Act 1991—SACAT Principal Officer

Rules of Court—

Magistrates Court—Magistrates Court Act 1991—Criminal—Amendment No. 83

Determination of the Remuneration Tribunal No. 1 of 2020—

Salary of the Governor of South Australia

Report of the Remuneration Tribunal No. 1 of 2020—

Salary of the Governor of South Australia

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

Regulations under Acts—

Development Act 1993—

Public Health Emergency

Public Notice Categories

By the Minister Human Services (Hon. J.M.A. Lensink)—

Regulations under Acts—

Cost of Living Concessions Act 1986—COVID-19 Job Seeker Household Payment  
Landscape South Australia Act 2019—Transitional Provisions (No. 2)

Report by the Guardian for Children and Young People on the South Australian Child  
Protection Expenditure from the Report on Government Services  
2020—April 2020

By the Minister for Health and Wellbeing (Hon. S.G. Wade)—

Training and Skills Commission, Report—2019

Regulations under Acts—

Correctional Services Act 1982—Drug and Alcohol Testing

### ANSWERS TABLED

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

#### Question Time

### ROYAL ADELAIDE HOSPITAL

**The Hon. K.J. MAHER (Leader of the Opposition) (14:26):** 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:** Recently, the daughter of an RAH radiotherapy patient raised serious concerns with the minister, the opposition and, I believe, also on ABC radio. To access the hospital for cancer treatment, her mother was forced to use the same lift as patients who were seeking treatment at the RAH COVID clinic. It was explained that this was because other access lifts were closed and restricted to staff only. Any respiratory infection, even the flu or a cold, could possibly pose a risk for immunocompromised cancer patients.

As of today, the RAH website still says the access from the car park to the COVID testing clinic is via the same lifts. My questions to the minister are:

1. Is it the case that it places patients at risk if immunocompromised radiotherapy patients share lifts with people who are seeking testing for issues like COVID-19?
2. What action has the minister taken to address concerns about access for radiotherapy patients since being contacted by the daughter of the patient a week ago?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:27):** The Royal Adelaide Hospital runs one of six metropolitan dedicated COVID-19 testing clinics. One of the main reasons we have dedicated facilities is that they are separated from the main facilities. Up until the opening of that facility, most of the testing, as I understand it, was happening in the emergency department.

The COVID clinic at the RAH has a dedicated external entrance and so, as I understand it, most people would approach the clinic from outside. There is obviously the risk of contact with other patients as people are using the car park and come to the clinic through the car park. My understanding is that the practice in relation to the use of the lifts was changed in the context of COVID-19 to try to maintain social distancing. I would certainly encourage people who are coming to be tested at a COVID facility to be mindful of other users of the hospital. In that respect, they might choose to let a lift pass, use another lift and take another ride, or alternately approach the clinic from outside.

The government is certainly very mindful of the risk to general patients coming to the hospital during the COVID pandemic and that is one of the key reasons why we have established a home nursing chemotherapy service, which means that a whole raft of patients who are needing chemotherapy can receive their care at home without needing to access a hospital.

The reality is that all our hospitals need to continue to operate, both in the COVID-dedicated facilities and elsewhere. In fact, only this morning I was at the Lyell McEwin Hospital talking to both nurses from the intensive care unit and nurses from the general wards, talking about how infection control in the COVID environment affects their care, not only in the ICU where they are certainly readying themselves for COVID patients but also in the main wards. Of course, the Lyell McEwin also operates a dedicated COVID-19 testing facility. I also noticed this morning that the entrance to that facility is on the western side of the building, quite separate from the main entrance. That's another example of an SA Health facility managing the risks of infection in the COVID environment.

I would also just make the point, too, that one of the very pleasing aspects of the COVID-19 pandemic is that South Australia has very low transmission. One of those little numbers that has pleased me in recent days has been the positive test rate. South Australia has had a much lower positive test rate than other jurisdictions, states and territories, usually in the order of about 0.4 below that of other states and territories. I was delighted to notice that our positive test rate has fallen to 0.8. That's the first time that South Australia's rate has gone below 1 per cent. That's the first time that any state or territory in Australia, on my understanding, has fallen below 0.8 per cent.

So to reference that back to the honourable member's question, that means that 99 per cent of people who present at a COVID-19 clinic will come back with a negative result; in fact, more than that. There are significant flows. It has not been uncommon in this past week to have testing rates well over 1,000. There are a lot of people coming and going from our hospitals to have COVID-19 tests. It doesn't mean they are COVID-19 positive. I am very confident that our hospitals are continuing to manage both the healthcare needs of people who have COVID-19 or need to be tested for COVID-19 and for the general community.

#### ROYAL ADELAIDE HOSPITAL

**The Hon. K.J. MAHER (Leader of the Opposition) (14:32):** A supplementary question, arising from the answer, and I thank the minister for his answer. In relation to that entry point at the Royal Adelaide Hospital from the car park, is the minister able to outline what the barriers are preventing a separate entry point via a lift from the car park for COVID-19 patients?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:32):** I am not exactly sure what the honourable member is asking, but if he is suggesting is there capacity for an entrance to the clinic from the car park which, if you like, goes direct, I wouldn't think so. If I could envision the route from the clinic to the car park, if you like, you have the clinic door, you go right, you go past the pharmacy, you go through the cafe and then there are lifts in the centre of the eastern wing, so I don't expect there would be any entrances that would allow direct access into the clinic. If that was possible, I would have thought the hospital would have facilitated that, but I will certainly make inquiries.

#### ROYAL ADELAIDE HOSPITAL

**The Hon. K.J. MAHER (Leader of the Opposition) (14:33):** A supplementary arising from the original answer and to clarify: is there a barrier to creating a dedicated lift so that cancer patients wouldn't have to be in the same physical individual lift as a COVID-19 patient?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:34):** Sorry, I think I am understanding the member's question now: would it be possible to dedicate one of the series of lifts to only COVID-19 patients? I don't think that would be feasible. I could reference how many people went through the Royal Adelaide Hospital for COVID clinic testing yesterday but I imagine it would be in the order of 200 or so. There are many hundreds of people who go to the hospital every day and, considering that, as I understand the honourable member's question, a lift has been dedicated for staff, to dedicate it to a whole series of dedicated streams I doubt would be feasible, but I will certainly put that to the hospital and see what advice I can get for the honourable member.

#### CORONAVIRUS

**The Hon. K.J. MAHER (Leader of the Opposition) (14:35):** Final supplementary: has the minister sought or received any health advice from the Chief Public Health Officer or any other source about entry and egress into hospitals, particularly whether dedicated lifts should be instituted?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:35):** Not that I recall. I do recall a conversation, where I suspect the Chief Public Health Officer was present, where there were discussions about what measures might be taken to screen visitors, and again I can testify to being a victim of two sets of screening in the last two days: when I visited the Royal Adelaide Hospital I was duly questioned as to whether I had been overseas in the last 14 days, whether I had been interstate in the last 14 days (that would have been a blessing), whether I have a temperature, and so forth; and, again, at Lyell McEwin there was hospital entry screening. I am certainly aware of having been a part of discussions about, if you like, practices in terms of visits.

But even in the context of that discussion, it was acknowledged that this was a matter for local health network management. Sure, the local health network management and people from right across SA Health, the private hospital network and the community, regularly seek advice from the public health clinicians, but the outstanding response in our local hospitals to COVID-19 is primarily attributable to the first-class teams that we have running our networks.

As an example, let me reference the Marion Holiday Park, a facility which, of course, is underutilised in times of state border and international border controls. It has the capacity to accommodate hundreds of people in a diverse range of household configurations, allowing people to both self-isolate by either separating themselves from family, if their living circumstances at home are not possible, but also to receive comfortable accommodation while they are receiving medical supervision from doctors and nurses. I think that is a great example of the innovation we are seeing delivered by SA Health. We are effectively getting additional medical care bed capacity in a very scalable, very affordable way. I will not waste an opportunity to praise the outstanding work being delivered by SA Health.

### CORONAVIRUS

**The Hon. E.S. BOURKE (14:37):** Supplementary question arising from the original answer: I am just wondering if the minister can highlight to the chamber is it appropriate for people that are going in to visit family members who have life-threatening illnesses also going to have tests for COVID-19?

**The Hon. S.G. Wade:** Say that again.

**The Hon. E.S. BOURKE:** Is it appropriate for people to be sharing a lift if they are in there with life-threatening diseases, or going to visit family with life-threatening diseases, while sharing a lift to go and get tested for COVID-19?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:38):** As I have suggested, I would ask people who are going to be tested to be mindful of other users. Personally, if I was going to the clinic I would wait for the next lift or approach the clinic by another way, but I am not going to lecture South Australians on how to live their lives.

The fact of the matter is that we all need to learn to live with COVID-19, and I think the way that South Australia has been working together in relation to COVID-19 has been exemplary. I strongly believe that it significantly increases our safety, because we have seen examples in the other states and territories where they have not been able to maintain them. For example, we have not closed our beaches here, yet consistently the police report is, and other reports are, that social distancing is being practised. New South Wales tried to open two beaches last Saturday: my understanding is that it only lasted an hour or two.

I think that is indicative of a confidence that South Australians have in the public health team and also just a basic sense of kindness, if you like. In a situation like this, we need to give each other a bit more room, not just physically but also socially. I was horrified when I heard reports of people being abused in parts of South Australia. I must admit this was a South Australian case. People were being abused because they had interstate numberplates. Perhaps that person had been in South Australia for an extended period and hadn't got round to changing them.

**The Hon. E.S. BOURKE:** Point of order: it was a very clear question. Are there separate lifts for those who are visiting their loved ones with illnesses and those who are having a COVID-19 test? It was a very simple question: a yes or a no?

**The Hon. S.G. WADE:** If you are asking for a point of order from the President, you talk to the President.

**The PRESIDENT:** Minister, continue.

*Members interjecting:*

**The PRESIDENT:** Order! There is no point of order. The minister is directly referring to the way South Australians are behaving. Minister, please finish your answer so we can move on to the Hon. Ms Scriven.

**The Hon. S.G. WADE:** Whether you are in a lift or whether you are at the beach, all I ask is a bit of kindness.

*The Hon. E.S. Bourke interjecting:*

**The PRESIDENT:** Order! The Hon. Deputy Leader of the Opposition.

### SA PATHOLOGY

**The Hon. C.M. SCRIVEN (14:41):** My question is to the Minister for Health and Wellbeing regarding public health. Can the minister guarantee that in addition to no longer privatising SA Pathology the government will not proceed with the remaining budget cut targets for the agency, and can he also guarantee that there will be no further job losses at SA Pathology?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:41):** I can guarantee that this government is committed to delivering high-quality pathology services in a value for money way. That means that we will continue to invest in SA Pathology in terms of both its staff and its facilities, but we will also continue to expect it to deliver on budget efficiencies.

I think it is a bit courageous, if I can put it this way, for the honourable member to stand up and ask that question, because let's compare the record of our government, this government, and the government that the member was previously a member of or, shall we say, related to, the former Labor government.

The Ernst and Young report in, I think, about 2014 recommended significant reforms in SA Pathology, including significant financial savings. My recollection was that the savings forecast by the former Labor government were over three hundred. Four years later, there was a complete failure to deliver on reform. Not only that, the former Labor government let SA Pathology finish that term of government in absolute chaos. EPLIS, another IT failure by the former Labor government, was wreaking havoc on the working conditions of SA Pathology staff. Not only was it inefficient, it put a huge amount of stress on SA Pathology staff, medical scientists and pathologists.

This government came in under the leadership of—my memory might be failing me—I think it was Dr Tom Stubbs, who led a task force to stabilise the EPLIS project, a recovery plan that was successful. We are continuing the same work in relation to EPAS, now taken over by Sunrise. In relation to the other contrast, the contrast between the Ernst and Young report of Labor, in which they failed to save a cent, and the achievements of this government, we instituted a PricewaterhouseCoopers review, which identified a whole range of reform opportunities.

SA Pathology developed a reform package that drew both on that report and on the work of its own leadership team. We put in place a world-class pair of leaders, Mark McNamara, the business lead, and Dr Tom Dodd, the clinical lead. Under their stewardship over the last year, SA Pathology has not only delivered on the financial targets it was required to deliver on, it has actually gone above and beyond in terms of quality of service.

In relation to service outcomes, SA Pathology, for example, has not only either maintained or improved its services but on-time delivery for time-critical diagnostics has actually risen from 66 per cent to 90 per cent, while turnaround times for non time-critical diagnostics improved by 18 per cent. At the same time, SA Pathology delivered savings to the taxpayer of around \$15 million. So this government is not going to apologise for building a bigger, better SA Pathology service which is costing the taxpayers less and providing better services to customers.

### SA PATHOLOGY

**The Hon. C.M. SCRIVEN (14:45):** Supplementary question: the minister hasn't answered the second part of the question, which was: can the minister guarantee there will be no further job losses at SA Pathology?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:45):** No, I won't. We have said that we are going to continue to deliver high-quality, value for money services; and we had this hectoring from the Labor Party. The people who failed to deliver reform at SA Pathology have been hectoring from the sidelines for over a year now. They told us that, through the work of Tom Dodd and Mark McNamara last year, it was destroying the organisation and it wouldn't survive and it wouldn't cope. Then, as if to mock them in their face, we have the COVID-19 pandemic, and SA Pathology stepped up. SA Pathology stepped up and delivered a world-class testing regime. Let's remember that from the beginning of February they didn't even have the capacity to test for COVID-19.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. S.G. WADE:** And yet now—

*The Hon. E.S. Bourke interjecting:*

**The PRESIDENT:** The Hon. Ms Bourke!

**The Hon. S.G. WADE:** —we have a pathology service that is leading the world—leading the world. As of today—

*The Hon. E.S. Bourke interjecting:*

**The PRESIDENT:** Order!

**The Hon. S.G. WADE:** —they have delivered—

*The Hon. E.S. Bourke interjecting:*

**The PRESIDENT:** The Hon. Ms Bourke!

**The Hon. S.G. WADE:** —53,000 COVID-19 tests. As I said earlier, I am very pleased to say that of those 53,000 only 0.8 per cent are positive, but it's the hard work of SA Pathology, the innovative work of SA Pathology, which has put South Australia in a good place, and we put SA Pathology in a good place to do that.

### SA PATHOLOGY

**The Hon. C.M. SCRIVEN (14:46):** Supplementary question: can the minister guarantee that no SA Pathology laboratories or collection centres will close while he is Minister for Health?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:46):** I am going to guarantee that I am going to continue to back SA Pathology. They have done a sterling job at reforming in the 12 months up to April. They did a doubly sterling job in responding to the pandemic. I am going to trust Tom Dodd and Mark McNamara to come through with a third quarter premiership performance.

### SA PATHOLOGY

**The Hon. C.M. SCRIVEN (14:47):** Further supplementary: can the minister guarantee the future of regional laboratories such as Mount Gambier, Port Augusta, Port Pirie, Victor Harbor and Wallaroo?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:47):** The honourable member should actually go back and do a bit of history. My recollection is that the former Labor government took months to rule out closing regional clinics. What this government has consistently said is that we believe in regional health services. That's why we have actually devolved control to local people. Unlike the former Labor government, which allowed country health services to wither

on the vine, whether it's SA Pathology or its local health networks, we will continue to work with country people to actually improve the quality of services in the country.

### SA PATHOLOGY

**The Hon. C.M. SCRIVEN (14:48):** Further supplementary: given the outstanding work that the minister has acknowledged from SA Pathology, why won't he guarantee the continuation of those services?

**The PRESIDENT:** Minister, you can answer that if you choose to.

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:48):** I have nothing to add to my earlier answer.

*Members interjecting:*

**The PRESIDENT:** The Hon. Ms Bourke, it's actually your turn to speak now, so ask your question, please. You've been extremely out of order today.

### PUBLIC HOSPITAL NURSES

**The Hon. E.S. BOURKE (14:48):** Thank you, Mr President. I was getting to my feet. Thank you for your guidance; I appreciate it. My question is to the Minister for Health and Wellbeing regarding public health. How many casual public hospital nurses were without pay and without shifts over the past month? Have all casual nurses now been offered shifts and pay with the resumption of elective surgery? Why did the government not offer public hospital casual nurses shifts in the call centre or in the contact tracing unit to use their skills and protect their livelihoods?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:49):** It is the case that the public health system has experienced an overall reduction in activity levels over recent weeks, especially as a result of the appropriate surgery direction.

*The Hon. E.S. Bourke interjecting:*

**The PRESIDENT:** The Hon. Ms Bourke, do you want to hear the answer to your question or not? Otherwise we will move on. Minister.

*Members interjecting:*

**The PRESIDENT:** The Leader of the Opposition, I don't need your help. Minister.

**The Hon. S.G. WADE:** Thank you, Mr President. Local health networks have been redirecting their staff to areas of need and have focused on retraining staff to meet surge capacity as and when that is needed, and it was a privilege to be at the Lyell McEwin Hospital today to meet with ICU nurses and general nurses, a number of whom have been involved in the upskilling program.

We have had 400 staff, nurses and midwives, right across the hospital network, take the opportunity to do training to upskill their COVID-19 response. There have been another about 100 nurses who have gone into what I would call non-hospital roles—roles such as airport screening, contact tracing, and medical support for people in detention such as the two plane loads of international arrivals.

The flexibility of the nursing workforce in these times is greatly appreciated, particularly in the situation where we have had to stop non-urgent elective surgery. Local health networks are monitoring activity levels daily, and a range of initiatives have been established to both anticipate a surge workforce as well as assist our casual workforce. For example, the Women's and Children's Hospital has been training 80 nurses in intensive care skills, and a number of these nurses have come from the casual nursing pool.

The contact tracing centre has been assisted by the Commissioner for Public Sector Employment and the nursing pool to meet its needs in this regard, depending on the skills required, and I invite casual nurses currently involved in local health network casual pools to put their names forward through one of these processes.

**PUBLIC HOSPITAL NURSES**

**The Hon. E.S. BOURKE (14:52):** A supplementary arising from the original answer: can the minister confirm how many casual public hospital nurses were without pay, as was asked in the question?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:52):** I don't know the answer to that, but I ask the member to reflect—

**The Hon. C.M. Scriven:** Will you take it on notice?

**The Hon. S.G. WADE:** No; I would ask the member to listen, for a start.

**The PRESIDENT:** Order! Minister.

**The Hon. S.G. WADE:** I ask the member to reflect on what she is suggesting. Is she suggesting that we should be giving guarantees of full employment to casual staff? That's not something that a so-called Labor government ever thought was appropriate, so why does she suddenly think that the laws of economics and public finance have turned upside down? We will continue to work with all our workforce to support them—

*The Hon. K.J. Maher interjecting:*

**The PRESIDENT:** The Leader of the Opposition!

**The Hon. S.G. WADE:** —in this difficult time, but we need to appreciate that this is casual employment. We will continue to find work opportunities for them, but we are not guaranteeing future employment.

**PUBLIC HOSPITAL NURSES**

**The Hon. E.S. BOURKE (14:53):** A supplementary arising from the original answer: can the minister please take on notice and bring back to the chamber how many nurses were without pay during this time?

**The PRESIDENT:** Minister? The Hon. Ms Lee.

**GOVERNMENT RELIEF PACKAGES**

**The Hon. J.S. LEE (14:53):** My question is to the Minister for Human Services about government concessions. Can the minister please provide an update to the council about how the Marshall Liberal government—

*Members interjecting:*

**The PRESIDENT:** Order! I can't hear the member. Would the Hon. Ms Lee please repeat the question.

**The Hon. J.S. LEE:** Can the minister please provide an update to the council about how the Marshall Liberal government is providing relief to South Australians through providing concessions to assist those who are unemployed or who lose their jobs during the COVID-19 public health emergency?

**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. As honourable members would be aware, there has been a range of packages and announcements made to assist the many South Australians who are experiencing their own forms of disadvantage as a result of this COVID crisis that we are going through.

Within the Department of Human Services we have taken an approach that we almost need to redefine 'disadvantage' in terms of COVID-related disadvantage, which is separate to what we generally consider disadvantage for people who are on lower incomes, who are frail and the like, and to consider that there have been a number of people who have lost their jobs as a result of this crisis, who are really struggling, and therefore a number of things have been targeted towards them.

The Treasurer and the Premier have spoken in relation to the Business and Jobs Support Fund and the Community and Jobs Support Fund, which is particularly focused on the human



services area, and we have encouraged a number of organisations to make submissions to that particular fund.

For the people who have needed to apply for JobSeeker payments, we have made a special payment available of \$500 to those people. We have already issued a number of those concessions to people who were already registered. Something in the order of 11,000 payments have been made for that group of people who were already registered. Payments will be made to those who apply for that particular payment as they register, and we are processing those as soon as possible.

The number of calls that have gone to the ConcessionsSA hotline have increased by several fold during this time, which is an indication, I think, of the need that people are experiencing and looking for assistance.

The Cost of Living Concession for 2021 that would go to jobseekers has been brought forward so that they will receive that in this financial year. All other Cost of Living Concession holders will receive their particular payment in 2021, as is the normal process. We recognise the challenges that individuals are facing at this time and are here to support them.

### CORONAVIRUS

**The Hon. F. PANGALLO (14:57):** I seek leave to make a brief explanation before asking the Minister for Health and Wellbeing a question about aged-care lockdowns.

Leave granted.

**The Hon. F. PANGALLO:** My office has been inundated with calls and inquiries from distressed family members unable to visit their elderly loved ones living in aged-care facilities that are blatantly refusing to relax visitation restrictions during the COVID-19 pandemic. These arrogant facilities have refused to budge, despite pleas from the most senior public health officer in the land, the Prime Minister, the Premier and South Australia's Health CEO. The latter wrote to all South Australian-based residential care facilities late last week, emphasising the fact that residents are permitted to receive one care and support visit per day by up to two people.

Only today, Elizabeth Goulding celebrated her 100<sup>th</sup> birthday, such an outstanding milestone, at a Resthaven facility at Malvern. She had to do so with her family looking through a window. She couldn't even be with them, blow out a candle, cut a cake or even have a photo taken—disgraceful. Resthaven should hang their head in shame.

With Mother's Day on 10 May, all this behaviour is tantamount to elderly abuse. I thank the minister for his recent and very prompt reply to a letter I sent him last week on behalf of a highly distressed constituent, who, along with her elderly mother, has been banned from visiting her elderly father in the Wesley House aged-care facility at Semaphore. I also congratulate him and the state government on their proactive work in trying to get these facilities to reduce their visitor restrictions. My questions to the minister are:

1. Given their blatant reluctance to budge from their current positions, what legal powers does the government have to demand aged-care facilities relax visitation restrictions?
2. What, if any, legal powers do these providers have to be able to ignore advice of both the federal and state governments to soften visitor restrictions?
3. Is the minister consulting with the federal government to impose sanctions or funding cuts to facilities that refuse to ease visitor restrictions?
4. Can you confirm that unannounced audits to aged-care facilities have either stopped, or will they resume?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:00):** Could I just thank the honourable member for his question and join him in congratulating Elizabeth Goulding on her birthday. The honourable member is completely correct that the commonwealth and the state governments share the view that the residential aged-care facilities should maintain visits during the COVID-19 pandemic.

I certainly appreciate the concern amongst operators of residential aged-care facilities at the risks, and to be frank one of the four sectors that was identified very early in the COVID-19 pandemic as an area of risk was residential facilities, both aged care and disability. So neither the federal nor the state government is saying that this is not a challenge for operators.

But the national cabinet of federal and state governments also know that this is not a short period—this is likely to be a significant period—and that, whilst it might be reasonable to stop visits for a short period, the impact of sustained closures, sustained lockouts, on the quality of life of residents in residential aged-care facilities could be significant. Whilst we have seen horrendous, tragic loss of life in residents of residential aged-care facilities overseas, particularly in the United Kingdom and the United States, as I understand that there is no case in Australia of an infection into a residential aged-care facility as a result of a visit.

The public health clinicians developed a set of principles in terms of controlling access to the facilities. Visits need to be limited to a short duration; there should be only one social support visit permitted a day, with one or two people visiting; visits should be conducted in a resident's room, outdoors or in a specific area.

In relation to visits and a number of other respects, a number of operators have gone above and beyond what is recommended by the public health clinicians and is reflected in the directions that have been put in place by government. That is a concern to the government because of the quality of life issues I referred to.

I want to make it clear that, whilst I have publicly expressed my concern, and a number of other parties that the honourable member referred to have also expressed their concern, I do not ascribe malice to the operators. Many of these are well-established, trusted residential aged-care providers. It is just that the government's view and the public health officers' view is that in this case they haven't got the balance right. We do not believe it is necessary, in terms of infection control, to impose some of the restrictions that are being imposed.

I want to make it clear that in the context of the COVID-19 pandemic, SA Health has been regularly meeting with the aged-care industry. In my understanding often those meetings might be more than one a week. I am taking the opportunity tomorrow with the Chief Public Health Officer to meet again with age sector representatives to try to help them understand the government's perspective and the principles underlying the public health officers' advice, reflected in the direction and supported by national cabinet.

We are keen to work with them to, first of all, keep their residents safe but also to minimise the impact on quality of life of residents of aged-care facilities in their other domains.

### **ECONOMIC STIMULUS PACKAGE**

**The Hon. I. PNEVMATIKOS (15:04):** My question is to the Treasurer regarding public finances. I have two questions:

1. How much of the government's announced stimulus spending is new money and not reallocated funding that was already budgeted over the forward estimates?
2. How much of the government's announced stimulus funding has actually been spent in the community so far?

**The Hon. R.I. LUCAS (Treasurer) (15:05):** The overwhelming majority of the funding that has been announced has had to be new funding, to use the phrase or word that the honourable member has indicated. At this stage, given that it has only been 3½ to 4 weeks since the announcement, the majority of that funding would not have yet been spent.

A simple example is the land tax relief package that has just been announced for \$50 million will rely on landlords and tenants coming to some sort of an arrangement, going through a process and then ultimately applying. They have to actually apply for the process. For the budgeted \$190 million to go to the small businesses that are significantly impacted by COVID-19, for example, the first of those grants won't start flowing in any significant way until next week. They have to register first, they have to be assessed to be eligible, and they have to demonstrate that under the

commonwealth JobKeeper arrangements they are JobKeeper eligible, so they actually have to wait for that tick from the commonwealth government departments in relation to it.

Whilst the majority of the funds in relation to the second package particularly have been approved, they have to go through processes in terms of expenditure. Even with the example my colleague mentioned earlier, where funding has already flowed through to job seekers in relation to \$500, as more and more people become eligible for JobSeeker, they will become eligible for the payment, so it will depend on the further eligibility for that particular payment as we go through the COVID-19 pandemic.

I don't have a number and I am not in a position at this stage to produce a number, but I am happy to indicate, if it assists the member, that the majority of the funding at this stage hasn't arrived with people—in terms of the last package, anyway—because there are various processes that have to be adopted by companies that are applying for the funding.

#### **ECONOMIC STIMULUS PACKAGE**

**The Hon. I. PNEVMATIKOS (15:07):** Supplementary: has the government devised a projected plan in terms of how funding will be rolled out? Is there any timetabling?

**The Hon. R.I. LUCAS (Treasurer) (15:07):** Yes, we have.

#### **ECONOMIC STIMULUS PACKAGE**

**The Hon. I. PNEVMATIKOS (15:07):** Are you able to provide that information?

**The Hon. R.I. LUCAS (Treasurer) (15:07):** There are so many different aspects to the plan that there is no simple answer to it. It depends on which particular aspect the honourable member is interested in. I can just give some examples. My colleague has given the detailed explanation in relation to the \$500 payment. There is a clear process that is available through the departmental website and also through sa.gov.au.

I would refer the honourable member to sa.gov.au and I refer the honourable member to the Treasury website and the RevenueSA website, where those schemes, the ex gratia schemes for land tax and the applications for the small business grants, are all clearly laid out for members of parliament and members of the community in relation to what processes they have to go through, what eligibility criteria they must meet and the processes.

Each aspect of the comprehensive, strong plan that the Marshall Liberal government has announced in terms of both coping with COVID-19 and preparing for the recovery post COVID-19 has been clearly mapped out. If there are other particular aspects the honourable member wishes to know in relation to particular aspects of the scheme, I would be happy to try to provide some detail for her in relation to the timetable of those particular aspects of the recovery plan.

#### **INTERNATIONAL STUDENTS**

**The Hon. D.G.E. HOOD (15:09):** My question is to the Minister for Trade and Investment. Can the minister update the chamber on the recently announced international student support package and how it has been received by students and educational institutions?

**The Hon. D.W. RIDGWAY (Minister for Trade and Investment) (15:09):** I thank the honourable member for his ongoing interest in this particularly important sector. Just as COVID-19 has had a massive impact on our lives, a number of our international students have found themselves in difficult circumstances and are facing different study experiences and lifestyles in South Australia than they had planned for. In discussions with student leaders, StudyAdelaide and education institutions and the members of MACIE, we know that there are substantial numbers of international students who have lost their part-time employment and some of them have no access to funds from their home country due to the global COVID-19 restrictions.

As contributing members of the South Australian community, our international students have chosen to make Adelaide their home and, regardless of their origin, we have an obligation to support them as we would anyone else at this time. Most of them are ineligible for commonwealth government income support. These students still pay course fees, taxes and consume local services, including

accommodation, retail and tourism. Of course, as our largest export industry, any support we can provide to international students will bolster our local industry and save South Australian jobs.

As I indicated in the last sitting week, we were working on a package. Shortly after that, on 21 April, I announced a \$13.8 million support package for international students who can demonstrate hardship. This funding is in addition to the student support funds put in place by our universities and covers all international students studying at our universities, our vocational training and English language colleges, as well as students on non-degree courses. Furthermore, South Australian homestay families who take care of our school-aged international students will also qualify for a once-off payment of \$200 for assistance per student in consideration of the additional costs that they have to provide during these difficult times.

The uptake of the package has been enormous, with all of our institutions backing the package and over 12,500 students registering through the StudyAdelaide website for information on the application process. This response proves the need for the hardship package. I also acknowledge those members opposite who have shared this government's desire to support international students in this sector. It is something that South Australia should be proud of. We are the first state in the nation, as a first mover, where the government has been able to give support for this sector.

Together with our proactive actions, our international education sector will bolster South Australia's reputation as a premier student destination and greatly enhance our economic recovery efforts post the COVID-19 pandemic. International students are a cherished and valued part of our community and the South Australian government will continue to support and assist our students facing hardship to get through these difficult times so that the sector can come back stronger than before.

### INTERNATIONAL STUDENTS

**The Hon. R.P. WORTLEY (15:12):** A supplementary: minister, the support package is obviously welcomed by international students who are struggling quite considerably at the moment.

**The PRESIDENT:** The Hon. Mr Wortley, ask your question.

**The Hon. R.P. WORTLEY:** Okay. Many of these students—

**The PRESIDENT:** The Hon. Mr Wortley, ask your question. No explanation. Ask your supplementary.

**The Hon. R.P. WORTLEY:** Do you think that the financial support given by the government is enough for international students who have lost their jobs and who relied on their jobs to pay their day-to-day food expenses and that sort of thing?

**The Hon. D.W. RIDGWAY (Minister for Trade and Investment) (15:12):** I thank the honourable member for his supplementary question. As I mentioned at the beginning of the question, we had a long amount of discussion and consultation with all education providers—StudyAdelaide, education institutions, student leaders—so we are pretty comfortable that we have the balance right to provide that support.

Of course, I remind the honourable member that it's in partnership with the three universities. They have put up a significant amount of money—Flinders University, \$10 million; UniSA, \$12.5 million; and Adelaide University, with a significant package. They didn't quantify it but I have seen in the media an amount of around \$40 million collectively, so I assume, if you do the arithmetic, it's somewhere around \$17 million. So there is certainly a significant amount of money that the universities have put up and we worked closely with them to make sure that what we provided was what they were asking for.

We don't know how long this crisis will go on. We think we have it about right. Of course, we have a \$500 cash grant for international students so that they will apply for that. As to some of the assessment criteria, the team of my colleague the Hon. Michelle Lensink, the Minister for Human Services, will be administering it because StudyAdelaide is simply not a body that administers it. We heard in one of my colleague's previous answers that they have processed some 11,000 payments for another cohort of people, so they clearly have the capacity and the ability to process this.

We have 12,500 registrations of interest, so hopefully next week people can apply for those funds and we hope to see them starting to filter through the community support. As the honourable member acknowledged, they are a very important part of our economy, the state's largest export, and we want it to come back stronger than before.

### ECONOMIC STIMULUS PACKAGE

**The Hon. R.P. WORTLEY (15:14):** Supplementary: when does the minister expect the money to actually get into the accounts of students to pay their rents, food and all that sort of thing?

**The Hon. D.W. RIDGWAY (Minister for Trade and Investment) (15:15):** I thank the honourable member for his further supplementary. As I said, we are just finalising the details. We wanted to be out on the front foot to say that we have a package. The institution said that this is the sort of volume of money we needed to have on the table, the \$13.8 million. The final details around eligibility are being negotiated with the Department of Human Services and StudyAdelaide. As I said in my previous answer, we hope that next week applications will be able to be placed, and then it will be a matter for the Department of Human Services as to how quickly it can send out that money.

### ABORTION

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

Leave granted.

**The Hon. T.A. FRANKS:** In every other Australian jurisdiction, bar South Australia, early medication abortion is available to pregnant women and girls up to nine weeks gestation without their being required to attend a (quote from the act) 'prescribed hospital'. In other jurisdictions, women can seek early medication abortion from a GP or via Telehealth, which relieves pressure on health services, in particular during this pandemic.

However, the South Australian law, the Criminal Law Consolidation Act 1935, sections 81, 82 and 82A, restrict abortion care access for South Australian women and girls, with penalties as high as life imprisonment for those who breach that law. I asked on 25 March in this place of the Minister for Health and Wellbeing what was being done to address the restrictions we have to early medication abortion in this state, and he responded that it presupposed the bill we were debating that day. That bill is now an act and has passed the parliament. It gives the State Coordinator the ability to make directions under the extended declaration power.

I note that correspondence has been sent to both the Minister for Health and Wellbeing by members of this place and to the SA Abortion Action Coalition, raising our concerns that in South Australia women and girls cannot access via Telehealth early medication abortion up to that approved nine weeks period. My question to the Minister for Health and Wellbeing is:

1. When will South Australian women and girls be able to use Telehealth to access early medication abortion?
2. Have any women and girls in this state been pushed over that nine-week period, through our restrictive and archaic laws, to having to require surgical abortions as a result of not being able to access early medication abortion?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:18):** The current state of the law in relation to abortion is obviously a matter for this house, and the house has had bills by the honourable member to reform abortion law, but this parliament has not changed the law. In answers to previous questions, I think in the debate on the response bill and in public comment, I indicated that it is my understanding that the State Coordinator could use the powers to temporarily suspend elements of the abortion law to support public health objectives during the pandemic.

The honourable member's question has within it the answer, which I know she knows I am duty bound to give, which is that it is not me who issues directions, it is a matter for the State Coordinator. In relation to public health matters the State Coordinator is expected to seek the

advice of the Chief Public Health Officer. As the honourable member says, representations have been made to me and to the department, so it is a matter for the State Coordinator.

#### ABORTION

**The Hon. T.A. FRANKS (15:19):** Supplementary: has the Chief Public Health Officer made any recommendation to the State Coordinator to relieve the restrictive access to abortion that we have in South Australia?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:19):** The reality is that the State Coordinator is in place under the Emergency Management Act, so in relation to the conduct of the State Coordinator, I would suggest that the honourable member addresses their question to the Premier. I am happy to take it on notice and seek an answer on her behalf.

#### ABORTION

**The Hon. T.A. FRANKS (15:20):** Supplementary question arising from the original answer: how many women and girls have been pushed into surgical abortions as a result of the restriction of access to early medication abortion in this state, given the pandemic restrictions on their travel?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:20):** I am not aware of any cases, but I will seek advice as to whether I can give information in response.

#### KORDAMENTHA

**The Hon. R.P. WORTLEY (15:20):** My questions are to the Minister for Health and Wellbeing regarding public health:

1. Will KordaMentha be set a new savings task by the Central Adelaide Local Health Network when its contract suspension is lifted?
2. How much of the latest KordaMentha \$20 million contract for this year was paid, and can the minister guarantee that no compensation payment was or will be provided?
3. Are Mark Mentha and Chris Martin from KordaMentha still employed as senior public servants, and when was the last date they were on site working in Adelaide?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:21):** The first question is hypothetical and I don't intend to answer it. For the following three questions, I will seek the information the honourable member is asking for and come back with an answer.

#### CORONAVIRUS

**The Hon. J.S.L. DAWKINS (15:21):** My question is directed to the Minister for Health and Wellbeing. Will the minister update the council on public education initiatives in response to the COVID-19 pandemic?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:21):** I thank the honourable member for his question. Coronavirus and the disease resulting from it, COVID-19, have already had a tragic impact directly on over two million people worldwide and many more indirectly. The pandemic is causing particular—

*Members interjecting:*

**The PRESIDENT:** Order! I can't hear the minister. Minister, continue.

**The Hon. S.G. WADE:** The pandemic is causing significant distress, and the Marshall Liberal government, along with the commonwealth, has committed additional funding to support mental health services at this time. Children and their parents need particular support. Unfortunately, many children are now familiar with the terms COVID-19 or coronavirus. The Women's and Children's Health Network, through the Women's and Children's Hospital, has already had children with COVID-19 as inpatients during this pandemic and has provided exceptional care to them.

As part of this government's strong plan to respond to COVID-19, the hospital will have enhanced ICU and HDU capacity and is training 80 nurses in critical care, but the front line is not the

only work we have undertaken for children. Children who are not sick may nonetheless be uncertain, sad or anxious as the work circumstances of their parents or caregivers change. There may be changes to child care and school arrangements and they may no longer be able to go into the playground on weekends as they used to.

In many cases, children will have limited or no physical contact with their grandparents or grandparent-type figures they previously had as a feature of their lives. Aware of these challenges, SA Health has developed a booklet to support children to understand coronavirus. It is called *Hi. This is coronavirus*. The booklet explains what coronavirus is, some of the symptoms it can cause and that COVID-19 will make some people a little bit sick and others very sick and needing to go to hospital.

The book is available online, and I would encourage parents to access it for their children. As much as it is a book for young children, it has messages we can all do to remember on a daily basis: social distancing, practising good cough and sneeze etiquette, washing your hands thoroughly with soap and water, staying home if you are sick, cleaning your house, especially door handles and toys, and trying not to touch your face, bite your nails or pick your nose.

The book also explains that things might be a little different for a while. We can't go out to play with friends or to play sport. It tells children that adults may be feeling sad and that we can discuss our feelings together. It is essential that we realise that this pandemic is having mental health impacts on our community and that we all need to talk about it.

The book concludes by explaining that following these prevention measures will reduce the risk of you and people you love becoming sick and that, by doing this, eventually things will return to normal and we will be able to play with friends and family. The book can be downloaded from the SA Health website. It's a valuable resource and I commend it to all South Australian families.

#### DOMESTIC VIOLENCE

**The Hon. C. BONAROS (15:24):** I seek leave to make a brief explanation before asking the Minister for Human Services a question about at-risk people during the COVID-19 pandemic.

Leave granted.

**The Hon. C. BONAROS:** I am sure most of us were deeply disturbed at some of the hidden problems being exposed as part of the state's extended social lockdown. SAPOL has now revealed its officers are conflicted about a reduction in child abuse notifications they have received due to the absence of children from schools and the inability of mandated notifiers, namely teachers and school personnel, to make observations and reports. They fear some of the most vulnerable at-risk children are falling through the cracks because they have not been at school for several weeks. We can only hope that this is now likely to be addressed as a result of school returning, with the majority of schoolchildren returning to school this week.

In the same environment, police have also reported a 9 per cent increase in domestic violence incidents, which comes amid growing fears by domestic violence support agencies about the number of victims who can't make calls for assistance because they are isolated in the same household as their perpetrator. My questions to the minister are:

1. Do you and/or your department hold similar fears to police that at-risk children and DV victims are falling through the cracks due to COVID-19?
2. In light of the concerns raised by the police, what is the department doing to ensure that known at-risk people are getting the protection they need?

**The Hon. J.M.A. LENSINK (Minister for Human Services) (15:26):** I thank the honourable member for her question and for her interest in this particular area. The Department of Human Services has been very active in this space in terms of keeping in close contact with agencies, indeed our own child and family networks, that we operate as dedicated Department of Human Services employees as well as, as I think I outlined in the last sitting week, domestic and family violence and the Office for Women.

The Department of Human Services, in terms of the particular families at risk, has been active in terms of programs—school holiday programs, food security programs—and a range of ways, being aware that while children have been on school holidays we have not had the same line of sight through the education system that we normally have had. So DHS, the child and family support area, has certainly had programs and has been providing activities, some of those online, to enable some of those services to continue and for families to continue to receive some support.

I will get some greater details about exactly what those services were for the honourable member, but it is certainly something that has been front of mind for all of us during this time and continues to be.

### *Bills*

#### **FIRE AND EMERGENCY SERVICES (MISCELLANEOUS) AMENDMENT BILL**

##### *Second Reading*

Adjourned debate on second reading.

(Continued from 24 March 2020.)

**The Hon. F. PANGALLO (15:29):** I have left my speech in the office, Mr President; I am sorry. I can say that SA-Best will be supporting this bill, the Fire and Emergency Services (Miscellaneous) Amendment Bill (No. 4), although we will not be supporting the Labor Party amendment. The reason for that is we firmly believe in and support the recommendations of the committee that reported on this issue some time back. It recommended that it should, in fact, be the police that have the call on whether or not to enter properties and speak to property owners.

I understand the Labor amendment is that before the police could move in they would first need to have some consultation or engagement with the chief fire officer in that particular area. Of course, it has been pointed out to me that there are rural areas where there are no chief fire officers thereabouts. I think it has also been pointed out that police were saying—certainly the Police Association—that perhaps they were not qualified enough to make calls on particular catastrophic days.

Quite frankly, I think the police are qualified to make those types of calls. That is what they are trained for, to make decisions and judgements—pun not intended—in the heat of the moment, and I cannot see that their judgement would be clouded on a catastrophic fire day when they lobbed up to a property and saw a farmer, who probably should not be using an angle grinder, using an angle grinder. They could then instruct him to cease doing that. I also cannot see why they would then need to consult with a CFS officer from somewhere to get the okay to do that.

*An honourable member interjecting:*

**The Hon. F. PANGALLO:** Maybe not. I will now refer to my speech, Mr President, after that bit of padding out. As I indicated, we will be supporting the bill but not the amendment. It incorporates recommendations made from the 2013 review under then Labor minister Mr Paul Holloway and select committees that investigated the powers for the cessation of harvesting on high-risk days.

This was quite a contentious issue amongst the farming community. There was fiery debate about whether CFS volunteers had the power to direct landowners from conducting activities that could result in fires. This also had the potential of unintended consequences in creating conflict in personal relationships. These activities include harvesting, and other machinery and equipment; as we know, there have been bushfires caused by accidents involving machinery or tools. In fact, I was surprised to learn that a particular and very popular make of diesel four-wheel drive had caused paddock fires because of an exhaust burn-off feature.

There are some good measures in this bill, including work protections for CFS and SES volunteers who need to leave their place of full-time employment to protect the community. We saw this play out in a dramatic way with the summer bushfires around Australia. It even prompted the federal government to provide payments to cover loss of income for volunteers; however, I note this is not covered in the bill.



The bill will also bestow certain authority to the MFS when it comes to securing buildings and other property. Another worthy measure is the formation of industry brigades in forestry and mining areas. These will bring together a level of understanding and experience in these environments, although it is not quite clear the amount of resourcing that will be necessary or who would be responsible for budgeting these initiatives.

The provision that has been the subject of some consternation is which authority has the power to direct the halting of practices which may be fire risks on particular days when the weather is deemed to create catastrophic conditions, like those experienced in the Cudlee Creek and Kangaroo Island bushfires.

Under this bill, the power will be conferred to SAPOL, and I would imagine there would have to be some consultation with the relevant fire and regional authorities, regardless, on these given days of high fire danger. The opposition in its amendment believes that this should be done only if SAPOL first receives direction from an authority, such as CFS, rather than SAPOL making the call independently.

I was rather taken aback by comments made by Assistant Commissioner Bamford when he appeared before the select committee—comments like, 'We certainly don't see it as a police role to be the first people to turn up and tell someone to stop using a header,' and, 'We don't see it's appropriate for a police officer to be driving around the countryside trying to measure local indicators and then giving instructions.' Other quotes were: 'really not police core business', and, 'We are not really in the business of determining what the fire danger is and whether it is appropriate'.

I would dispute that. I beg to differ with him on what he thinks is or is not core police business. What he is saying here is that police are not qualified to make fire risk assessments. Why not? And if they are not, why aren't they receiving training in this area? They are not lawyers, yet they can run a range of prosecutions in our court system, based on training they receive.

Right now, the Commissioner of Police is in charge of the emergency response to the COVID-19 pandemic in South Australia. He is not an expert in this medical field, nor do we expect him to be. He takes advice and acts accordingly, but he is also capable of making decisions that are in the best interests of the community, and we must put our trust in that.

I would have thought police are trained to deal with all manner of emergency situations impacting on the community, from terror related crime to emergencies created as a result of adverse weather conditions. I would like to think they are trained to make snap judgement calls. The core business of police is to protect the community, not just from criminal elements. I do not see them as being just crime fighters. They are a vital part of our emergency response network of agencies.

On my trips to Kangaroo island during the summer, speaking with various individuals, the clear message I received from many of them was that the CFS could not be solely relied upon to make timely calls. There were the typical bureaucratic hurdles to overcome in the chain of command that led to unnecessarily long delays in making important tactical decisions. I cannot imagine the frustration that would arise if, under the opposition's plan, police had to first wait for an authorised CFS or SES officer to issue an instruction.

It was put to me by very experienced personnel that a breakdown in the chain of command at the CFS was blamed, or could be blamed, for the rapid expansion of the Ravine fire that ultimately destroyed Flinders Chase National Park, many farms and probably contributed to the deaths of Dick Lang and his son.

Based on the accounts conveyed to me, I believe police need to take the lead, while of course also taking advice. It does not take a rocket scientist to determine that on a stinking hot, dry and windy day when the temperature hovers above 40 degrees there are activities that should not be taking place, whether that is using a header, angle grinder or welding equipment. My belief is that in confronting and challenging situations authorities need to err on the side of caution. With that, we support the bill.

**The Hon. D.W. RIDGWAY (Minister for Trade and Investment) (15:39):** I just have a few words to sum up. I think it was my colleague the Hon. Stephen Wade who may have handled the bill initially. Obviously, he has a whole range of COVID-19 issues he is dealing with again this afternoon,

so I am very happy to continue taking this bill to summing-up now and shortly into the committee stage.

I want to thank all members for their contributions. We know this bill and its gestation many years ago. We had strong input from the select committee in the last parliament that informed the drafting of this bill and of course also strong input from Grain Producers SA, who have been involved and consulted through the whole process as well. I reiterate that I thank honourable members for their contributions to this debate.

Bill read a second time.

*Committee Stage*

In committee.

Clauses 1 to 19 passed.

Clause 20.

**The CHAIR:** There are two amendments in the name of the Hon. K.J. Maher. Are there any contributions?

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

Amendment No 1 [Maher—1]—

Page 15, line 9 [clause 20, inserted section 105IA(1)]—After 'If' insert:

, on the advice of an authorised officer of an emergency services organisation,

Some time ago in my second reading speech, I gave quite a comprehensive outline of what the amendments are. The amendments insert 'on the advice of an authorised officer of an emergency services organisation'. That is amendment No. 1 [Maher—1]. Amendment No. 2 [Maher—1] then defines the authorised officer as a member of the emergency services, either being the chief officer of the emergency services, that is the Country Fire Service, or their delegate as the initial one to make the call.

I think the Hon. Frank Pangallo outlined some of his views on this bill. I understand and accept the Hon. Frank Pangallo's views. We are not saying that police officers are not the appropriate person to enforce this law in any way, shape or form. Quite often, they will be the appropriate persons to enforce this law. We are just suggesting that it is highly likely that those from fire services will be in a better position to say whether the law needs to be enforced and police officers can then enforce it, so we are very clear that it is on the advice of an authorised officer. It does not necessarily need to replace an authorised officer.

**The Hon. D.W. RIDGWAY:** I rise on behalf of the government to say that we will not be accepting or supporting the opposition's amendment and I will quickly outline why. The proposed power to direct was referred to a bipartisan select committee with two specific questions: (1) is the power to direct still required, and (2) if so, who should have the power?

That was what was put to the select committee and the select committee came back with, yes, the power to direct was required and it should be SAPOL. I remember the Hon. Frank Pangallo's contribution just a few moments ago, where SAPOL gave a significant amount of evidence and were witnesses to that select committee, but the select committee was still happy to recommend that the power to direct was required and it should be SAPOL.

The select committee recommended the bill should provide clarity. The proposed amendment introduces uncertainty and ambiguity, which will again raise concerns of how the powers would operate in practice. This section gives SAPOL the power to direct persons to refrain from an activity as prescribed by regulations, with specific reference to the grain harvesting code of practice. The CFS will develop supporting regulations and policies to assist SAPOL in carrying out these powers.

As I may have introduced in my summing-up, the select committee's decision is fully backed by industry. In April of last year, Grain Producers SA was very clear: they welcomed the finding that

the power to direct was more appropriately exercised by South Australia Police and called on the parliament to adopt the select committee's recommendations.

A working group has been formed between SAFECOM, the CFS and SAPOL to establish an operational model for when a police officer decides to issue a direction to cease activity. They will have access to qualified CFS personnel who can assess and interpret the information to support a decision under the supporting regulations and policies.

**The Hon. T.A. FRANKS:** I rise to indicate the Greens' support for the Labor opposition's amendment to ensure that, in the act, we have clarity around the lines of delegation. I remind members of the correspondence that we received from the Police Association of South Australia on this matter. I note that Mark Carroll, the President of the Police Association, wrote to members of parliament late last year with regard to the previous incarnation of this bill, noting that:

It is concerning that legislation would empower a police officer to direct a person (or a farmer) in this manner, without advice from an authorized expert possessing the requisite skills, knowledge and training.

I also have concern for members who fail to give a direction, and are subsequently blamed for a fire and loss of life or property. Without some form of legislated interaction with an authorized expert, police officers will be set up to fail.

In the view of the Police Association, without that clarity that we here as members of parliament can provide and the advice that we provide as to how the law should run, the Police Association believes that we are setting police officers up to fail.

When the Hon. Frank Pangallo was making his contribution, I interjected, which was possibly unparliamentary, that police do not want to find themselves in the Coroners Court and that is why they seek this clarity. No-one wants to find themselves in the Coroners Court. The police have made it very clear that they want very defined lines of direction when it comes to these serious matters.

The original incarnation of this bill was referred to a select committee, which showed that the due diligence and appropriate consultation had not been done to get it here. That select committee process gave voice to those, including the CFS volunteers, who we rely on, and the police, who we rely on, and those voices asked the parliament to make it clear and that their preference was that the expert advice apply; that is, in the case of a fire, the CFS.

I do not know how negligent parliament can be, but I think we are about to find out if parliamentarians absolutely do not take the advice of the experts in the field—in this case, the police and the CFS—as to how they wish to operate. The minister, because of ego or whatever has driven him to bring a bill here without that clarified when it could have been corrected and fixed in what will become the act, could assure everyone that he does not disagree with their sentiments and he does not disagree on the principle of the argument.

In fact, the minister agrees with the Police Association and the CFS volunteers about how this act should operate. The minister, just through his ego, does not agree that we should fix it in the act rather than wait for regulations. I, for one, as a member of this parliament, as a legislator, think it is our responsibility to make sure that the act gets it right in the first place. It does not take a rocket scientist to advise me that. As members of parliament today, if we do not listen to the expert advice from those at the coalface here, then we are negligent in our duties. Hopefully, it will never be us fronting the Coroners Court to explain why the act is deficient.

I note that previously the Hon. John Darley had indicated his support for the Labor amendment via a staffer text to me. I would like the government to clarify whether they have consulted on whether or not that position has changed. Does the Hon. John Darley continue to support the Labor amendment or do they have other specific advice on this amendment?

**The CHAIR:** The Hon. Mr Pangallo, would you like to indicate your position on the amendment?

**The Hon. F. PANGALLO:** I think we already have. We will be opposing it. We are opposing the Labor amendment.

**The Hon. D.W. RIDGWAY:** I thank honourable members for their contributions. I will start by answering the Hon. Tammy Franks' question. This is an email received on 23 April, last Thursday, from the Hon. Mr Darley's office to the Government Whip's office. It states:

Good afternoon,

John Darley has advised that during his Leave of Absence (until 8 September 2020) he will be voting in support of all Government matters unless he specifically instructs otherwise.

I think that is very clear that the Hon. Mr Darley is supporting the government on this particular matter. He has offered no advice to any other. I think he is confirming it again by another email.

As I said in the last paragraph, a working group has been formed between SAFECOM, the CFS and SAPOL to establish an operational model for when a police officer decides to issue a direction to cease activity. They will have access to qualified CFS personnel who can access and interpret information to support a decision under the supporting regulations and policies. This is about making sure the police officer has the relevant information to ask somebody to cease harvesting to prevent the start of a fire.

The Hon. John Dawkins and I are the only two who have been practising farmers in this chamber. It has been a fair while since I have driven a harvester and probably an even longer time since the Hon. John Dawkins has driven one. But things have changed by an exceptional amount now. Farmers are much more connected with mobile phones, radios and on-board computers in their harvesters and so there is a lot of data that farmers have.

That same data will be available to the CFS and the police who will be making those decisions. It is readily available, as is a whole range of things that were not previously available. Back 30 years ago, you would stick your finger in the air and think, 'Yes, it is not that bad. I think I can go harvesting.' Now we have all the data on relative humidity, wind speed, temperature, and there is a whole range of things that will now be provided to the police by the CFS, which will also be accessible to farmers.

We look back at the select committee report that has recommended that this is the path we take. I think we should also be mindful that we are often accused of not listening. That is the main sector, the industry that has asked for this. We have listened to them; we have listened to the select committee. They have all given evidence to the select committee. I think there are enough opportunities to provide the police officer with all of the relevant information via the procedures that I have outlined and having the supporting regulations and policies in place. I hope that satisfies the honourable member's question. I am not sure whether we have a final email from the Hon. John Darley—it is still on its way.

**The Hon. T.A. FRANKS:** Can the government representative (and I understand that minister Wade is not here, and you have just picked it up but you do have the adviser there) explain whether the government's position is in any way different from the opposition amendment's position with regard to the delegated authority, other than that it will be provided in regulations rather than the act?

**The Hon. D.W. RIDGWAY:** I am advised that the power to direct will sit with SAPOL, so it is not a power for decision-making, it is a power to direct.

**The Hon. T.A. FRANKS:** In terms of the advice to be taken, does the government believe that the advice should be from the expert sources, in this case the CFS?

**The Hon. D.W. RIDGWAY:** We have written into the legislation reference to the grain harvesting code of practice, and it will be published by the CFS. Industry has agreed on a code of practice: this is how it wants it to operate and it will be published by the CFS. The police officers will have all the information they need to make those decisions.

**The Hon. K.J. MAHER:** A question on the operation of this clause: the power by direction rests with the police officer and that does not change with the amendment, but after a direction is given what power is there to compel someone to follow the direction of the police officer?

**The Hon. D.W. RIDGWAY:** I thank the honourable member for his question. It is a breach of the legislation, so effectively a breach of the law, and the penalty for a first offence is a \$5,000 fine

or imprisonment for one year, and a second offence is a \$10,000 fine and imprisonment for two years. I am not sure that too many farmers will want to experience that.

**The Hon. K.J. MAHER:** I thank the minister for his answer, which would have been a good answer to a different question. The question was not about what happens if a direction is breached, it is what power is there to compel someone to follow that direction so that you do not need to bring about a prosecution for the breach? To explain more clearly, what power is there for that police officer under clause 20 to compel someone to follow? Can they restrain someone who they know is going to breach that so that they do not put the community at risk, for example?

**The Hon. D.W. RIDGWAY:** I will clarify: if somebody fails to comply, they were the penalties. I am not sure about the honourable member's question. I cannot envisage a set of circumstances where a police officer will come to a person's farm, ask them to cease because the advice they have received and the information they have is that it is too dangerous to harvest, and that they will just turn their back and fail to comply. If they do, I am sure the police would take appropriate action.

I have already outlined the penalties, but we are in a pretty modern civilised society. If a police officer turns up on somebody's farm and asks them to cease because the information is that it is too dangerous to harvest, I am not sure which farmers the honourable member hangs out with but I cannot think of any who would disobey a police officer.

**The Hon. K.J. MAHER:** Just to clarify: we legislate for those examples where people do the wrong thing. If we just assumed that everyone always did the right thing, we would not need legislation.

In the circumstance where someone was doing the wrong thing, is the minister saying that if a police officer attends a farm and gives a direction—because there are catastrophic conditions and there is a very high likelihood that (having looked at that under subclause (2)(a), having looked at the harvesting code of practice, and the police officer has made a determination that it is catastrophic) if the farmer gets on the header and engages in the activity, a fire could be caused—to the farmer and that farmer in this situation decides that, no, he wants to undertake that activity, the only thing the police officer can then do is stand back and watch him undertake that activity, record what is going on and prosecute some time later? Is that what the minister is saying? There is no way to enforce that order at the time?

**The Hon. D.W. RIDGWAY:** My understanding is that this order would be a direction from a police officer. It would be no different to any other order or direction being given, and on failure to comply with an order the police are likely to detain and arrest the individual. It is no different to any other direction given by a police officer. That is why I find it a little unusual that the member opposite is going down this path.

The concept of a great big harvester, 30 foot wide, and one police officer and police car is a bit daunting, but I am sure that anybody who is farming in South Australia today will abide by any decision and direction of a police officer. If not, they will be charged and arrested as will anybody else in the community who disobeys an order from a police officer. We have had confirmation from the Hon. John Darley to the whip that that is still the case. He will be supporting all government legislation, unless he—I can read it here:

John has advised that he will be supporting the government on the Lobbyist (Restrictions on Lobbying) Amendment Bill—

That is not the one.

*The Hon. D.G.E. Hood interjecting:*

**The Hon. D.W. RIDGWAY:** I am advised by the whip that the Hon. John Darley is supporting the government's position.

**The Hon. T.A. FRANKS:** Is it the case that the Hon. John Darley's office emailed the whips on 24 March saying that he would support the Labor opposition amendment on this bill, and what has changed since then?

**The Hon. D.W. RIDGWAY:** Sorry, I missed that question. I was having a conversation seeking some clarity.

**The CHAIR:** The Hon. Ms Franks, again, please.

**The Hon. T.A. FRANKS:** Is it the case that the office of the Hon. John Darley emailed the whips on 24 March with an updated note saying that on this bill he supported the Labor opposition amendment, and has any specific change been noted since then to that position?

**The Hon. D.W. RIDGWAY:** As I read out earlier, this was dated 23 April, sent at 3.13pm, so last Thursday. It says:

John Darley has advised that during his Leave of Absence (until 8 September 2020) he will be voting in support of all Government matters unless he specifically instructs otherwise.

Then he goes on to give permission for the Hon. Nicola Centofanti to sit in his position in the chamber. I think it is very clear that he has not identified any pieces of government legislation that he is not supporting in that email.

**The Hon. T.A. FRANKS:** I asked about the email to the whips of 24 March. I still have not had an answer to that, about that specific direction that was made by the Hon. John Darley that he supported the Labor opposition amendment to this bill. Can the government representative confirm that that was the case?

**The Hon. D.W. RIDGWAY:** I can only assume that 23 April supersedes any email that he sent on 24 March. I am sure that if he felt strongly about it, it would be in the email of 23 April identifying that he supported all government business except the fire and emergency services bill.

**The Hon. T.A. FRANKS:** As we know, we are under a pandemic in terms of our operations. We are in extraordinary times, where we have the police commissioner as the State Coordinator, and I note that when this all began to take effect, given our social distancing requirements and in particular the Hon. John Darley's absence from this place, all respect would be given to members' wishes and the elected representation being kept true to in this place. So, while the minister currently says that the email of April supersedes the email of March, I ask again: is there a specific direction from the Hon. John Darley's office withdrawing his support for the Labor opposition amendment on this bill?

**The Hon. D.W. RIDGWAY:** My understanding is we do not have an email withdrawing but we have an email a month later saying that he supports all of the government legislation. He has some good, high-quality, hardworking staff, so I am sure if that was still the case they would have made sure that that was communicated to the Government Whip in the email of 23 April.

**The Hon. K.J. MAHER:** Just on this, can I clarify: is it the minister's position that, regardless of any specific directions the Hon. John Darley has given in relation to amendments—and I am not sure if that covered all opposition amendments—he said any opposition amendment will not be supported in preference for the government position? It may have said that, and I might have missed it, from what was read out. If there have been very specific directions in relation to, for instance, a crossbench or an opposition amendment, is it now the government's view that those specific directions are all null and void because the Hon. John Darley will only be supporting government bills completely unamended by the crossbench or opposition?

**The Hon. D.W. RIDGWAY:** That is my understanding of his most recent email, that he is supporting all government legislation. I would assume that would mean he supports it as it is drafted and introduced by the government and he is not entertaining any amendments. We are very flexible here and the Hon. Mr Darley's health and wellbeing is of paramount importance, so he has a leave of absence until September. But, as I said, he has a very well equipped office. They emailed the Government Whip on 23 April and said they will be supporting all government legislation, unless advised otherwise. There is no advice that they will be supporting any amendments to this current piece of legislation in the most recent email. I am advised by the whip that we should have an email to confirm that very shortly.

**The Hon. K.J. MAHER:** I have a further question in relation to the clause. The minister mentioned before the grain harvesting code of practice. Who develops that? I assume it is published by the CFS, but how is that developed, who has consulted on it and how specific is that in relation to what will be applied here?

**The Hon. D.W. RIDGWAY:** The code of practice was drafted in a collaborative effort between Grain Producers SA and the CFS. Our recollection is that it was eight to 10 years ago, but some time ago, and probably, I suspect, in response to one of the fires that we had at about that time, when we felt that the industry, and the community felt, needed a robust code of practice. That is published on the CFS website, so it is available for everybody to see. I assume that Grain Producers SA will be also publishing it.

I think most farmers and operators are well aware of the risks. I made some comments around the Pinery bushfire, that it was pre-harvest, a lot less sheep grazed, a lot less hay cut, we do not fallow paddocks, and obviously bigger equipment and bigger paddocks. So when fires do take off, people are saying, 'This is because of climate change that it was a particularly hot fire.' No, it is because we have some very skilful farmers who had grown some magnificent crops in very large acreages, and once the fire took off it became almost impossible to stop.

So things are changing and evolving and we expect our farmers to get the best yields and the biggest crops for their own financial benefit but also for the benefit of the state. My understanding is that is why this code of practice is reviewed, to make sure it is still contemporary and reflects the concerns of the CFS, the police, the community and the farming community.

I have here now, dated 28 April 2020 at 4.07pm, that the Hon. John Darley has advised he will be supporting the government on the fire and emergency services bill. He is not supporting the opposition's amendments.

*Members interjecting:*

**The Hon. D.W. RIDGWAY:** I am very happy to provide a copy of that email.

**The CHAIR:** I am sure the whips will be happy to share the information, and the Hon. Ms Franks. Are there are any further contributions to the amendment?

*Members interjecting:*

**The CHAIR:** Order! My trusty advisers advise me that the Hon. Mr Hood could print that email and table it, if that is the wish of the council.

The committee divided on the amendment:

Ayes..... 8  
 Noes ..... 9  
 Majority ..... 1

**AYES**

Bourke, E.S.  
 Hunter, I.K. (teller)  
 Pnevmatikos, I.

Franks, T.A.  
 Ngo, T.T.  
 Scriven, C.M.

Hanson, J.E.  
 Parnell, M.C.

**NOES**

Bonaros, C.  
 Hood, D.G.E.  
 Lucas, R.I.

Centofanti, N.J.  
 Lee, J.S.  
 Pangallo, F.

Dawkins, J.S.L.  
 Lensink, J.M.A.  
 Ridgway, D.W. (teller)

**PAIRS**

Maher, K.J.  
 Wade, S.G.

Darley, J.A.

Wortley, R.P.

Amendment thus negated.

**The CHAIR:** I have another amendment in the name of the Hon. Mr Maher.

**The Hon. K.J. MAHER:** I can indicate to the committee that I will not be moving that. It relies upon a definition that relied upon the previous amendment having succeeded.

Clause passed.

Remaining clauses (21 to 28), schedule and title passed.

Bill reported without amendment.

*Third Reading*

**The Hon. D.W. RIDGWAY (Minister for Trade and Investment) (16:17):** I move:

That this bill be now read a third time.

Bill read a third time and passed.

**SUMMARY OFFENCES (TRESPASS ON PRIMARY PRODUCTION PREMISES) AMENDMENT BILL**

*Second Reading*

Adjourned debate on second reading.

(Continued from 5 March 2020.)

**The Hon. K.J. MAHER (Leader of the Opposition) (16:18):** I rise today to very briefly speak to this bill. This bill has been around for a while and has been reinstated to the *Notice Paper* after not being dealt with at the end of last year. I indicate that Labor will be supporting this bill. In saying that, we recognise some of the potential shortcomings of this bill and that the government needs to be prepared, if there are unintended consequences, to come back and look at those again with future legislation.

The bill amends the Summary Offences Act 1953 and introduces offences for people unlawfully trespassing on and/or damaging or interfering with primary production premises. It also introduces standalone offences for interfering with things like gates and fences, as well as disturbing farm animals. As I said, if there are difficulties or unintended consequences with this bill, we would expect the government to address them here.

There are a number of amendments that have been filed. Some of the amendments the opposition have some sympathy with, identifying that there is not a defence provided for people entering primary production premises to expose abuse of animals. That is maybe something that, depending how this bill is used in practice, we might need to come back and re-examine. As always in the application of the law, we must strive to find a balance between protecting public and private interests, and if this bill does not do that in that respect, we indicate that we will be sympathetic to looking at amendments in the future.

The bill also introduces an aggregated offence for doing anything that involves or gives rise to a risk of the introduction or spread or increase of a disease or pest. Depending on how this bill is applied, that could be a very low barter pass. It may capture circumstances where there is even a marginal risk and the actual introduction of a pest or a disease does not need to occur. Depending how this law is applied, it is an area we flag that we may need to come back and look at.

Having said that, the opposition supports this government bill. We will not be supporting the amendments to the bill, even though we have some sympathy with some of them, but do indicate that we will expect some sympathy from the government if the application is not as intended and we need to come back and rectify it.

**The Hon. C. BONAROS (16:21):** I rise to speak on the Summary Offences (Trespass on Primary Production Premises) Amendment Bill 2020. As we know, the bill creates a new standalone aggravated farm trespass offence under section 17 of the Summary Offences Act 1953. It also increases the penalties across a number of related offences, including trespass on premises, interference with gates and disturbance of farm animals.

As members in this place well know, SA-Best is a strong advocate for South Australian primary producers and also animal protection, but we do not support the bill in the form that has been



presented for a number of very sound reasons. First and foremost of these good reasons is that we simply do not need it. We are aware that the commonwealth government has called on states and territories to increase penalties for trespass on agricultural land to try to achieve uniform legislation in the states and territories in an area in which the commonwealth has no jurisdiction.

Some jurisdictions have complied with this request, but in South Australia we do not need to follow the directives of the commonwealth government like a flock of compliant sheep. I know there are many times that I have stood in this place and said that we should follow the lead of other jurisdictions that have followed the direction of the commonwealth government, but in this instance we do not think there are any grounds for this legislation.

Additional deterrents for something that is not evident here is the primary reason we do not support the bill in the form that has been presented. Achieving uniformity with something that is not a universal problem, and even worse is a serious imposition on the civil liberties of South Australians, is in my view not sufficient justification.

SAPOL confirms that primary production trespass of the type covered in the bill has not been a problem in South Australia and that policing and prosecuting primary production trespass under existing legislation has not been an issue either. Indeed, the minister's second reading explanation made no reference to increasing incidents or any incidents in South Australia suggesting the need for new legislation.

Media has not been reporting on it. Farmers and their representative groups have not been calling for it either and our South Australian animal protection agencies, such as the RSPCA, have always conducted themselves in an exemplary manner on the most meagre of budgets, reliant in large part on donations and antiquated legislation.

Farmers and fishers who raise and care for their stock for their livelihoods and careers are often the most dedicated and compassionate stewards of their animals. As SAPOL and our colleague the Hon. Mark Parnell has stated, SA-Best believes the current trespass laws and penalties are adequate and are relied upon. Magistrates apply them without controversy, and there is no community angst about inadequate deterrence.

I am personally thankful that the most recent shocking offences against animals interstate, such as those involving racehorses and earlier ones involving cruelty to battery hens, have been uncovered in recent years, including by means of RSPCA lawful and legal investigation and evidence gathering leading to criminal convictions. These cases have led to substantial changes in animal husbandry practices and community expectations about humane treatment of animals.

I believe the ACT has become the first territory in Australia to recognise animals as sentient beings; that is, that animals have intrinsic value and deserve to be treated with compassion and that people have a duty of care for the physical and mental welfare of animals. I do not doubt that there will come a day when we will be having that very same debate in our parliament in terms of similar legislation being passed here.

The Law Society of South Australia has expressed concern that this bill gives unprecedented protections to primary industry, resulting in ag-gag laws. The Law Society notes that ensuring the RSPCA can duly investigate compliance with animal welfare standards, which would involve increased funding to the RSPCA, would be a very effective measure, and we strongly support that position.

Giving the RSPCA power to inspect primary production premises without notice, as per the Hon. Mark Parnell's amendments, would go a long way towards making it completely unnecessary for anyone to unlawfully enter primary production premises, thus preventing the issue ever becoming a problem in this state.

I flag now that I will be moving an amendment to the bill, although it seems that the writing is on the wall in terms of the outcome of that amendment. That amendment is amendment No. 1 [Bonaros-1], and it deals with the second major defect in this bill. That is the imposition on a person who is found guilty of an aggravated offence—and remember, the bar is very low for an aggravated offence in this bill in that you only need more than one person present—and who is liable to pay

compensation to a person for injury, loss or damage to the person resulting from the offence for which the defendant has been found guilty, unless exceptional circumstances exist.

We are not sure, under the current bill, what those exceptional circumstances might be. The amount of compensation will be such an amount as the court considers appropriate, having regard to any evidence before the court and to any representations made by the prosecution or defendant. We have no way of knowing what this amount might be. It could be millions; it could be less. As far as I know this is unprecedented in the common law of trespass, the Summary Offences Act and the Criminal Law Consolidation Act. The amount awarded against an offender could be enormous and could be ridiculously disproportionate to the offence. It would also be a huge burden for any defendant to obtain evidence that would be capable of challenging claims for compensation.

This clause of the bill is one that we see as completely disproportionate to the non-existent issue of primary production trespass in this jurisdiction, and my amendment seeks to deal with it by deleting the provision altogether. Thirdly, the penalties in the bill are similarly disproportionate, in our view, to the offence. Ten years in prison and a \$10,000 fine for an aggravated offence are, with respect, in this instance over the top.

Finally, we agree with the Law Society of South Australia that the bill is too vague in regard to what constitutes an aggravated offence. For example, you can be liable for an action that gives rise to or involves or risks safety. These are very subjective and general terms, which, given the 10-year prison sentence that attaches to them, make it very dangerous and problematic legislation. While we will support the second reading of the bill, we indicate now for the record that we will not support the bill that has been presented before us. Despite the position of the opposition, I still intend to move forward with the amendment I have just outlined.

**The Hon. F. PANGALLO (16:29):** I rise to speak on the Summary Offences (Trespass on Primary Production Premises) Amendment Bill. We will support the second reading, but, like my colleague the Hon. Connie Bonaros and the Greens, there are aspects of this bill we have problems with. Without significant amendment, particularly one flagged by the Hon. Mark Parnell and also one by my colleague the Hon. Connie Bonaros, we will oppose it at the third reading.

I am unsure as to the genesis of this bill which, in my view, is also a veiled attack on media freedoms, public protests and the right for consumers to know what they are getting from the farm gate and how it was produced. Australia's agrisector injects a considerable \$60 billion into the country's economy each year. South Australia's regions contribute almost \$25 billion to the state's economy. Clearly, it is an extremely important supplier to the country's bottom line, particularly in these challenging times when COVID-19 coronavirus is sweeping the world.

The UN estimated last week that there could be a global famine affecting nearly 200 million people, so it is vital that we protect our farmers, but to do so should not come at the expense of our democratic rights and freedoms. A worrying trend is emerging of governments, both state and federal, which appear to be grabbing at totalitarian types of controls. I suspect the real reason for this bill is to control or dissuade particular groups in our community, or 'green-collared criminals' as the Prime Minister dubbed them last year, from causing disruption to farming activities.

While most of us abhor the extreme vigilantism that we saw last year and the shock tactics of vegan groups like Aussie Farms aimed at the meat industry, it also needs to be counterbalanced with our right to know as well as our right to choose what we consume and the welfare of animals. Australians care passionately about animal welfare and it has been borne out in their strong opposition to the live sheep trade as well as other issues that have arisen in recent years. We have also seen a surge in sales of products that promote themselves as being animal friendly like free-range eggs. Farmers, on the other hand, have complained that the unauthorised actions of these extreme groups threaten their privacy, safety and the biosecurity of their sites.

But let's be frank. What we have before us in this piece of legislation is a state extension of the Morrison government's so-called vegan terrorist laws, passed last year in a knee-jerk response to a series of rowdy national protests by extremists with Aussie Farms and the public outcry that followed. The Criminal Code Amendment (Agricultural Protection) Bill 2019 makes it a criminal offence to encourage or incite trespassing on farms and to unlawfully damage or destroy property or commit theft on agricultural land.

Agricultural land, in this case, refers to land used for primary production business. This includes chicken farms, piggeries and businesses operating as an abattoir or an animal saleyard. There is no mention of the sheep ships of shame, and I would imagine it would also include horse training facilities and, I trust, dog and cat breeders. However, surprisingly, there is no mention in the commonwealth laws of a farmer's personal safety. It is aimed squarely at the disruptors who would damage a business or its reputation. If it was intended to protect the interests of farmers, then this is already covered in the federal criminal code, namely the Crimes Legislation Amendment (Telecommunications Offences and Other Measures) Act, which covers the use of a carriage service to distribute offensive material.

These new laws come with some stiff penalties. The first offence carries a maximum of 12 months' imprisonment, while the second offence may lead to up to five years' imprisonment. In the farm trespass bill before us there are six and 12-month terms of imprisonment for aggregated offences, fines and a provision for compensation for damages. However, the bill also specifies that offences would not apply to a news report which is in the public interest and is made by a person working in a professional capacity as a journalist, and I am referring to the commonwealth bill.

In effect, they are not going to shoot the messenger; yet, as I can attest, there are occasions when the messenger cannot avoid being involved in the trespass and collation of that material. I have had personal experience in this area as I worked with animal activist groups over the years to expose disturbing animal cruelty investigations for the *Today Tonight* program, that included piggeries, hen farms, rural properties used for cruel cock and dog fights, live sheep exports and appalling conditions in puppy farms.

I would like to single out the tremendous work done by Animals Australia and its director and chief investigator Lyn White, with whom I have had the pleasure to collaborate on stories. I also worked with the Hon. Mark Pearson, now a member of the New South Wales Legislative Council for the Animal Justice Party, when he was with Animal Liberation. They had cause to trespass to expose the horrors inside some South Australian piggeries, and their actions led to the successful prosecution of an Angle Vale battery hen producer in 1999.

Without media scrutiny, which involves the use of hidden cameras and occasionally having to access these properties with the help of whistleblowers, the cruel conduct of some of these unscrupulous operators would never have been revealed. Some more recent examples include the horrors on ships exporting live sheep to the Middle East, live baiting in the New South Wales greyhound industry, and thoroughbred and standard bred horses being sent to knackeries. Some have led to successful prosecution and a welcome clean-up of those industries.

The legislation before us today covers the gamut of primary production on land and the sea. What is not covered would be prescribed by regulation. However, when you consider the implications in the federal legislation, which would be mirrored in the proposed state legislation, it would be the activists, the whistleblowers, who gather that information or footage who will have far more to lose, and perhaps there could be a reluctance for them to come forward with information and video evidence.

I will note here the Hon. Mark Parnell's important public interest amendment, which we fully support. It will make it a defence if the conduct was for the purpose of exposing cruelty to animals. I do hold concerns that heavy-handed legislation is fast eroding our freedoms of expression and the civil right of protests, notwithstanding assurances from governments that they respect them. Therefore, citizens simply seeking more transparency are now more likely to be hit with criminal convictions.

There have been some appalling examples of overreach by governments; for instance, in response to anti-mining protests the now repealed New South Wales Enclosed Lands, Crimes and Law Enforcement Amendment (Interference) Bill of 2016 introduced the offence of hindering the working of equipment belonging to a mine, punishable by up to seven years gaol.

Last year, the New South Wales Crown Lands Management Regulation 2018 gave police officers the wideranging power to prevent individuals from taking part in any gathering, meeting or assembly. In 2015 the Border Force Act made it a crime to report on patients' medical conditions in

offshore detention centres. Do we really need this kind of legislation when there are already statutes that adequately cover serious criminal trespass in this state?

There have been recent successful prosecutions already under our existing laws. In 2017, a Barossa Valley winemaker, Trevor Jones, received a three-year and seven-month suspended gaol term for trespassing on a rival company's property and tipping more than 27,000 litres of wine worth \$300,000 down the drain.

You can only ever achieve successful prosecution when there is evidence, and this is usually supplied by members of the public, whistleblowers or groups with interest in exposing illegal or cruel activity. The RSPCA is hamstrung by limitations in what it can do with inspections under the Animal Welfare Act. We know they do a great job for animal welfare in the community, but, like the Hon. Mark Parnell, I have never been comfortable with having a privately run charity undertaking law enforcement and prosecutions. That should be the domain of our police and public prosecutors.

Even with some government financial support, the RSPCA's resources in mounting legal challenges are severely tested, and they often must make difficult choices as to which cases they can pursue and which they cannot. I agree with the Hon. Mark Parnell's view that if the Animal Welfare Act was amended to give the RSPCA the power to make unannounced audits after substantive tip-offs you would have more compliance and less reason for activists to break laws. With that, we support the second reading.

**The Hon. R.I. LUCAS (Treasurer) (16:40):** I thank honourable members for their contributions to the second reading and look forward to the committee stage of the debate.

Bill read a second time.

*Committee Stage*

In committee.

Clauses 1 to 4 passed.

Clause 5.

**The CHAIR:** At clause 5, the Hon. Mr Parnell and the Hon. Ms Bonaros both have amendments. The Hon. Mr Parnell, I believe yours was filed first; is that correct?

**The Hon. M.C. PARNELL:** Thank you, Mr Chairman. I have three amendments to clause 5 and, given the position of the opposition, I am not going to speak to them at great length. I did explain them in my second reading contribution. I might just say at this stage that I appreciate the support that SA-Best is showing for these amendments. The Greens' position is very similar. We will not be supporting the third reading if none of these amendments get up. I move:

Amendment No 1 [Parnell-1]—

Page 3, lines 24 to 32 [clause 5(1), inserted subsection (a2)(d)]—Delete paragraph (d) and substitute:

- (d) causes—
  - (i) the introduction, spread or increase of a disease or pest; or
  - (ii) the contamination of any substance or thing; or

What this amendment seeks to do is clarify a provision of the bill that effectively makes every single uninvited farm visit an aggravated offence. People will say, 'That's not right. There are special circumstances before you can say an offence is aggravated.' The words in this bill are that:

...anything that—

- (i) involves, or gives rise to a risk of—
  - (A) the introduction, spread or increase of a disease or pest;

is an aggravating offence. Every single uninvited farm visit is an aggravating offence. Whether you are attending a chicken farm or you are attending a wheat farm, any person who does not turn up in a full biohazard suit is potentially putting at risk those crops or those animals, and therefore, under the definition in this bill, that is an aggravating circumstance and the penalties for an aggravated offence will apply. It is a ridiculous provision.

The Greens' amendment quite simply seeks to change it so that the aggravation comes from actually introducing, spreading or increasing a disease or pest that is present, or contaminating something. That is an aggravating offence, but not simply the risk. I would urge members to support my amendment No. 1.

**The Hon. R.I. LUCAS:** The government opposes the bill—the amendment, I should say.

*Members interjecting:*

**The Hon. R.I. LUCAS:** It was a bit late for that, wasn't it?

*Members interjecting:*

**The Hon. R.I. LUCAS:** I am rolling over and joining the Greens, Mr Chairman; a blue-green algae! This amendment is opposed as it unduly narrows the aggravating circumstances of the new farm trespass offence. The government's paragraph (d), which would be replaced by this amendment, broadly deals with risks and effects of a biosecurity nature. It makes them one of the aggravated circumstances of the new farm trespass offence.

If the honourable member's amendment is passed, these particular aggravated circumstances would be narrowed to only those trespassers who have actually caused the undesirable biosecurity effects. This may be impossible to prove at the time of the prosecution for the offence, as these effects may not materialise for some time, perhaps years in the future. In those circumstances, the offenders would evade the full impact of the sentencing provisions that should apply to them.

To properly protect the primary production sector, the value of our industry and exports, and food safety, it is critical that this offence encompasses the introduction of a risk of biosecurity impacts in order to have the greatest deterrent effect on farm trespassers. The Attorney-General in the other place discussed the elements of risk in detail and explained that the prosecutor and the courts will not likely be looking for a mere theoretical and negligible risk of biosecurity impacts. In this regard, the honourable member can be reassured that the government's provision will operate properly.

Also, by removing the ability to expand the aggravated circumstances by regulation, as the honourable member's amendment proposes, this will prevent the government of the day quickly responding to risks of a biosecurity and other nature that are currently unanticipated. This will operate as a disservice to the primary production sector. I remind the honourable member that he will have the opportunity to object to any regulations that might be made in the future and move their disallowance at that time. The government's view is that this is hardly legislation by stealth.

**The Hon. C. BONAROS:** I rise once again to indicate for the record that we will be supporting the amendment.

**The Hon. K.J. MAHER:** I indicate at the start that we will not be supporting the amendments on this bill and, consequently, we will not be supporting this particular one.

Amendment negated.

**The Hon. M.C. PARNELL:** I move:

Amendment No 2 [Parnell-1]—

Page 3, after line 36 [clause 5(1)]—

After inserted subsection (a2) insert:

- (a3) It is a defence to a charge of an offence against subsection (a1) to prove that the conduct constituting the offence was for the purpose of identifying, mitigating or preventing ill treatment of an animal.
- (a4) Despite section 30(2)(b) of the *Animal Welfare Act 1985*, an inspector appointed under that Act may, at any time, exercise powers under section 30(1)(a) of the *Animal Welfare Act 1985* in respect of primary production premises for the purpose of investigating, mitigating or preventing ill treatment of an animal.
- (a5) In connection with subsection (a4), primary production premises will be taken to be premises to which section 30 of the *Animal Welfare Act 1985* applies.

This amendment incorporates three elements—two effective elements—but I will do them as a job lot. The first thing my amendment does is seek to introduce a public interest defence. In my second reading speech I made the point—in fact, both times this bill has been introduced—that there is hardly a single animal welfare reform that has not come out of activists highlighting, through videos, photos and another means, as a part of uninvited farm visits, the abhorrent circumstances that were undertaken on some of these facilities.

That is how we got change. That is why people buy free-range eggs, not because the farmers put their hands up and said, 'Jeez, we've been really cruel. Do you want to see this, guys? Does everyone want to have a look at how bad our conditions are?' No; brave people attended the premises with cameras rolling, showed it to the world, and the world now demands kinder production methods.

I think having a public interest defence is important because that is the reason most of these uninvited farm visits take place. If they can prove that what they were doing was in the public interest, especially in the cases I was involved with in the Supreme Court in South Australia and elsewhere and farmers were prosecuted on the back of these uninvited farm visits as a result of the information obtained, then why on earth should those brave people suffer prosecution under a bill like this when what they did was in the public interest and resulted in the criminal prosecution of farm cruelty? I think it is important to have the public interest defence in.

The second one, and this is why I am going to divide on this amendment, is for when Liberal and Labor members are next invited to an RSPCA function. The RSPCA has been calling for years for the ability to turn up to farms to undertake their statutory responsibilities to prevent animal cruelty. They do not have that power. They cannot just turn up unannounced. This amendment gives them that power.

I will be dividing on this one because I want to see Liberal and Labor members turn up to the RSPCA events and have to eyeball the inspectors, eyeball the RSPCA members, and tell them, 'Yes, we voted against giving you proper powers to enforce state law on behalf of the community.' That is my challenge. The third part of this amendment is effectively consequential on the second.

These are important improvements; without these improvements the Greens will not be supporting the bill at all. I urge members to get behind these important amendments: public interest defence and giving the RSPCA the powers they have asked for.

**The Hon. R.I. LUCAS:** With the first of Mr Parnell's amendments I was advised that the government merely opposed it; on this occasion I am advised that the government vehemently opposes this particular amendment. First, it totally undermines the intent of the government's bill to provide greater deterrence of trespassers on primary production land and, secondly, it effectively amends a provision in the Animal Welfare Act that has nothing to do with trespassers on primary production premises.

In an orderly society it is the responsibility of properly trained and authorised persons and bodies, with properly sanctioned and circumscribed statutory powers of compulsion, to investigate and prosecute contraventions of the law. In this state this is relevantly the police and also animal welfare inspectors. An orderly society does not empower and encourage vigilante activism. This is what the honourable member's first paragraph of this amendment would result in.

If passed, this paragraph would give animal activists, including those with a camera or other recording device, carte blanche to enter primary production premises that they merely think could be involved in the ill-treatment of an animal or even where they have no such prior suspicion. It would be a parliamentary green light to such conduct. The activists do not even have to prove there was actual ill-treatment, only that their purpose was to identify, mitigate or prevent it. Honourable members would be rightly concerned if such an amendment were to pass as it would pose no deterrent to property damage, personal injury or worse occurring on prime production premises.

I turn now to the remaining provisions of this amendment. Clearly, the Summary Offences Act is not an act in which matters dealing with the powers of inspectors under the Animal Welfare Act should appear. It is inappropriate for the honourable member to purport to amend the Animal Welfare Act in a de facto sense in a bill that deals solely with the criminal offence of trespass and in an act that has a different focus.

It appears that the honourable member considers that animal welfare inspectors should be able to use force to break into premises and vehicles at will, and not require either a warrant or a belief that urgent action is required to prevent or mitigate serious harm to an animal. If the honourable member is concerned about the current powers of inspectors under the Animal Welfare Act to inspect primary production premises it is, of course, open to him to introduce a bill to amend those provisions or to lobby an appropriate minister to introduce such amendments. It is for those reasons, I am advised, that the government vehemently opposes these amendments.

**The Hon. C. BONAROS:** I rise to indicate our strong support for the amendments of the Hon. Mark Parnell, mainly because I think that today, more than ever, the need for a public interest defence speaks for itself. For the reasons outlined by the Hon. Mark Parnell, we indicate that we will be supporting all three of the amendments, and we are pleased he will be dividing.

I want to refer to the comments made by the Leader of the Government a moment ago; I think they were specifically in relation to amendment No. 2. It is my understanding—and I stand to be corrected—that the defence the Hon. Mark Parnell seeks to incorporate into the bill would apply where somebody is able to prove that the conduct constituting the offence was for the purpose of identifying, mitigating or preventing ill-treatment of an animal.

I do not think that is something that ought to be 'vehemently opposed' by the government, and I ask the Leader of the Government to explain what part of that he thinks is over the top, where somebody has proved there has been access for the purpose of mitigating, identifying or preventing ill-treatment of an animal.

**The Hon. R.I. LUCAS:** I can only repeat the advice I have been provided with; that is, it is much broader than the Hon. Ms Bonaros has indicated. Let me quote again: if this is passed, this paragraph would give animal activists, including those with a camera or other recording device, carte blanche to enter primary production premises that they merely think could be involved in ill-treatment of an animal or where they even have no such prior suspicion. Certainly the advice provided to me, on behalf of the government, is much broader than the views being expressed by the Hon. Ms Bonaros.

The committee divided on the amendment:

Ayes..... 4  
 Noes ..... 15  
 Majority ..... 11

AYES

Bonaros, C.	Franks, T.A.	Pangallo, F.
Parnell, M.C. (teller)		

NOES

Bourke, E.S.	Centofanti, N.J.	Dawkins, J.S.L.
Hanson, J.E.	Hood, D.G.E.	Hunter, I.K.
Lee, J.S.	Lensink, J.M.A.	Lucas, R.I. (teller)
Maher, K.J.	Ngo, T.T.	Pnevmatikos, I.
Ridgway, D.W.	Scriven, C.M.	Wortley, R.P.

Amendment thus negatived.

**The Hon. C. BONAROS:** I move:

Amendment No 1 [Bonaros-1]—

Page 4, lines 1 to 10 [clause 5(3)]—Delete subsection (3)

I have already spoken to it, but I will just go over it again. This amendment deals with what we see as the second major defect with this bill; that is, the imposition on a person who is found guilty of an aggravated offence. I remind honourable members again that the bar is very low for an aggravated

offence in this bill. You only need more than one person present to be liable to pay compensation to a person for injury, loss or damage to the person resulting from the offence of which the defendant has been found guilty, unless exceptional circumstances exist.

There is no clarification around what those exceptional circumstances might be. The amount of compensation will be such an amount as the court considers appropriate, having regard to any evidence before the court and to the representations made by the prosecution or defendant. We have no way of knowing what those amounts might be. As I said during my second reading contribution, as far as I know this is unprecedented in the common law of trespass, the Summary Offences Act and the Criminal Law Consolidation Act. If I am wrong, I invite the Leader of the Government to correct me.

The amount awarded against an offender could be an enormous amount and could be ridiculously disproportionate to the offence itself. It would also be a huge burden for any defendant to obtain evidence that would be capable of challenging claims of compensation. It is for those reasons that I am seeking to delete subsection (3) of clause 5.

**The Hon. R.I. LUCAS:** The government opposes the amendment as it would remove the government's provisions for compensation to be awarded to a person who has suffered injury, loss or damage resulting from a trespass on primary production premises committed in aggravated circumstances.

It is correct that there is already a general compensation provision in section 124 of the Sentencing Act 2017, which leaves the question of compensation to the discretion of the sentencing court when a person has been found guilty of an offence. However, the government considers that the aggravated version of the new trespass offence is of such a serious nature that compensation should be awarded as a general rule and that it should not be left to the exercise of the court's discretion whether a person receives compensation for their losses.

The government's provision includes the safeguard that the defendant will not be liable to pay compensation if exceptional circumstances exist. This would be determined by the sentencing court, which will also have the benefit of hearing submissions on the question of compensation from both the prosecutor and the defendant.

**The Hon. M.C. PARNELL:** The Greens support this amendment and we thank the Hon. Connie Bonaros for putting it on the agenda. To put this into context, in the last battery hen case I was involved in, the chicken farmer was seeking an injunction to stop video footage that was obtained, according to this bill, in illegal circumstances. The argument of the chicken farmer went like this: 'If people saw the condition in which our chickens were kept, they would stop buying our products. If they stopped buying our products, we would lose money.' Under this bill, they would go for compensation as well.

Imagine if you were the person who had attended and got the footage that resulted in the previous federal government closing down the live export industry. You would be looking for the people who took the footage—the heroes who actually brought to public attention a gross mistreatment of animals. You would be suing them under this for compensation and throwing yourself on the mercy of the judge to say that there are exceptional circumstances and compensation should not be payable.

So this is really flawed and basically it is quite accurately described as ag-gag. The whole bill is designed to stop people being able to find out what is going on, and if they are successful in finding out what is going on, they will suffer the twin whammy of being prosecuted in aggravating circumstances, subject to massive fines or gaoled and they will be sued for the quite proper economic loss that often flows from disclosures such as this. So this is an important amendment. I am glad the member has moved it and the Greens will be supporting it.

**The Hon. K.J. MAHER:** As I indicated earlier, we will not be supporting this amendment. That does not mean we are not open to revisiting this if it comes to pass that the crossbenchers' worst fears occur.

**The Hon. F. PANGALLO:** I thank the Hon. Mark Parnell for supporting the Hon. Connie Bonaros's amendment. I find it incongruous what the government is proposing here. I



think I have already outlined the freedoms that they are already trampling over and they continue to do so. If you have this for the farming sector, why are you not doing this for other areas, other industries, where you, in essence, just basically shut out the opportunity for whistleblowers to come and expose all sorts of awful practices that are going on in certain industries?

I am really amazed that Labor would sit there and support this as well, particularly given their own union background. When you consider that their mantra for years has always been to expose what is going wrong in industries and to stand up for their members and yet here they are just sitting there mute in support of the government. I am pretty disappointed in their attitude.

Again, as I said, this is trampling on our basic freedoms—our right to know and transparency and openness. I will say it as I said in my speech: I have strong concerns about the way some governments are going, particularly the conservative ones that are just trying to strangle our right to know.

The committee divided on the amendment:

Ayes ..... 4  
 Noes ..... 16  
 Majority ..... 12

**AYES**

Bonaros, C. (teller)	Franks, T.A.	Pangallo, F.
Parnell, M.C.		

**NOES**

Bourke, E.S.	Centofanti, N.J.	Dawkins, J.S.L.
Hanson, J.E.	Hood, D.G.E.	Hunter, I.K.
Lee, J.S.	Lensink, J.M.A.	Lucas, R.I. (teller)
Maher, K.J.	Ngo, T.T.	Pnevmatikos, I.
Ridgway, D.W.	Scriven, C.M.	Wade, S.G.
Wortley, R.P.		

Amendment thus negatived; clause passed.

Remaining clauses (6 to 8) and title passed.

Bill reported without amendment.

*Third Reading*

**The Hon. R.I. LUCAS (Treasurer) (17:10):** I move:

That this bill be now read a third time.

Bill read a third time and passed.

**THE WYATT BENEVOLENT INSTITUTION INCORPORATED (OBJECTS) AMENDMENT BILL**

*Second Reading*

**The Hon. R.I. LUCAS (Treasurer) (17:11):** I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

I am pleased to introduce the Wyatt Benevolent Institution Incorporated (Objects) Amendment Bill 2020.

The Wyatt Benevolent Institution Incorporated is a significant philanthropic and charitable organisation providing assistance to thousands of needy South Australians each year.

The Institution was founded in 1881 with the objects of carrying out the trusts of the will of Dr William Wyatt. In 1935 the Institution was continued through enactment of the *Wyatt Benevolent Institution Incorporation Act 1935* to provide for its ongoing incorporation and to make provision for the administration of the Institution.

However, the qualifications contained in the objects of the Act and Wyatt Trust reflect the circumstances of the 19<sup>th</sup> century and have caused difficulties for the Institution. The objects refer to assisting 'persons above the labouring class' and persons of 'good moral character.' Delineating people by class and making subjective judgments of character in order to decide whether to provide assistance are not in keeping with contemporary values and standards.

The Institution requested that amendments be made to modernise the Act and to ensure that it can maintain its deductible gift recipient status for the purpose of the Commonwealth *Income Tax Assessment Act 1997*.

The Bill broadens the objects of the Act so that it applies to all people in poor and needy circumstances and removes the out-of-date references to class and moral character. It provides greater flexibility to the Institution in managing its funds and making grants.

The Institution has four priority areas of employment, education, financial wellbeing and housing. In the 2018 financial year the Institution made grants of \$3.4 million, partnering with more than 80 partner groups to deliver support and assistance to over 5,000 individuals. The Institution has granted over \$50m in funds over its history.

The amendments in this Bill will enable the Institution to continue to assist many disadvantaged South Australians.

Mr President, I commend the Bill to Members.

#### Explanation of Clauses

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

These clauses are formal.

Part 2—Amendment of The Wyatt Benevolent Institution Incorporated Act 1935

3—Substitution of sections 2 to 8

This clause substitutes sections 2 to 8 of the Act. Section 2 is the interpretation section of the Act and includes newly defined terms.

Section 3 provides for the objects of the Institution and the manner by which those objects may be achieved. Section 3 also includes a transitional provision which states that money or funds held by the Institution before the commencement of this measure may be applied for the purposes of the objects provided in this measure, despite the fact that such an application may be inconsistent with the previous objects of the Institution.

Section 4 provides for the continuation of the Institution as a body corporate. Section 5 outlines the functions and powers of the Institution. Section 6 outlines certain financial provisions, including that the assets and income of the Institution may only be applied to further the objects provided in this measure.

4—Substitution of section 16

This section substitutes section 16 of the Act and inserts sections 17, 18 and 19. Section 16 states that an act or proceeding of the Institution is not invalid only by reason of a vacancy or defect in membership, or the fact that the act or proceeding was executed prior to the commencement of this measure. Section 17 disapplies the *Subordinate Legislation Act 1978* to certain regulations made under the Act. Section 18 provides for the interaction of the Act with the *Trustee Act 1936*. Section 19 provides a regulation making power for the Governor in relation to the Act.

**The Hon. K.J. MAHER (Leader of the Opposition) (17:11):** I rise to indicate the opposition's support for this bill. As it is more commonly known, the Wyatt Trust is one of the oldest benevolent institutions in South Australia, with its incorporation in 1881. It is a charitable trust whose work predates both world wars and even the federation of Australia. Around 50 years after its formation, in 1935, the Wyatt Trust was enshrined in an act of parliament, which places it in a small group of non-government organisations that are recognised under statute.

The trust has undergone changes as the community has changed to ensure it provides assistance where it can make the biggest difference. This act changes and updates the objects so that there is no doubt that the trust can assist a wider range of people, including those who may have committed offences. It removes reference to things like 'good moral character', which would exclude people from assistance.

The bequest of Dr Wyatt was valued at the time of his death at approximately £50,000. Last year, the trust distributed nearly \$3½ million in grants, and it recently celebrated the milestone of contributing a total of \$50 million in grants to South Australia. Currently, it has approximately

\$100 million and the prudent management of this capital allows the earnings to support locals in need.

Today, the Wyatt Trust focuses on four priority areas: increasing employment opportunities, improving the retention of young people in education, promoting financial wellbeing and providing appropriate, sustainable housing options. I commend the bill to this chamber and indicate that the Labor opposition supports it.

**The Hon. C. BONAROS (17:13):** For the record, if it assists, we will also be supporting this bill.

**The Hon. R.I. LUCAS (Treasurer) (17:13):** I thank honourable members for their contributions and indications of support for the bill.

Bill read a second time.

*Committee Stage*

Bill taken through committee without amendment.

*Third Reading*

**The Hon. R.I. LUCAS (Treasurer) (17:15):** I move:

That this bill be now read a third time.

Bill read a third time and passed.

At 17.16 the council adjourned until Wednesday 29 April 2020 at 14:15.

*Answers to Questions***BUSHFIRE RECOVERY SUPPORT**

In reply to **the Hon. I.K. HUNTER** (6 February 2020).

**The Hon. R.I. LUCAS (Treasurer):** I have been provided the following advice:

I can confirm that no commonwealth disaster relief funding has been provided for the state's national park assets.

Commonwealth funding under the Disaster Recovery Funding Arrangements (formerly the Natural Disaster Relief and Recovery Arrangements) for damage to public owned assets is subject to total disaster expenditure exceeding a threshold (2 per cent of state revenue). South Australia has only exceeded this threshold once since 2004-05 with reimbursement of \$1,644,771 in expenditure incurred in 2007-08. The funding related to the following events:

- Mid to Far North floods in January 2007;
- July 2007 storms;
- Mid North floods in October 2007; and
- the Kangaroo Island fire in December 2007.

The state has received funding under the Natural Disaster Relief and Recovery Arrangements for other natural disasters for emergency, re-establishment and recovery grants.

**POLLUTION INCIDENTS, PUBLIC NOTIFICATION**

In reply to **the Hon. M.C. PARNELL** (3 March 2020).

**The Hon. D.W. RIDGWAY (Minister for Trade and Investment):** The Minister for Transport, Infrastructure and Local Government has advised:

1. The Department for Planning, Transport and Infrastructure (DPTI) has a range of channels for providing information to the general public and stakeholders, including notice to mariners, DPTI social media channels (Facebook and Twitter), DPTI and [ondeck.sa.gov.au](http://ondeck.sa.gov.au) websites and media alerts. These are tailored to the situation and deployed as is deemed appropriate. In this case, due to the location and size of the spill, Flinders Ports was responsible for the 'issuing of warnings and incident information to the community and affected stakeholders' under the agreement for Port Adelaide. DPTI assisted in this by issuing media statements as the incident unfolded.

2. Alert SA is capable of including pollution events, DPTI will consider adding marine pollution incidents to Alert SA.

3. DPTI was not informed of any smell or that it was persisting until approximately 15 hours after the spill occurred.

When notified, DPTI and the Environment Protection Authority inspected the area and could not find any source of the smell on the water or banks of the Port River.

As Flinders Ports are the responsible agency for such sized minor spills within the Port River, personnel and members of the MFS attended the spill which was cleaned up quickly.

DPTI were satisfied that the pollution response was handled adequately, and is of the opinion that the smell which was noticed by residents many hours later was not from the minor spill into the Port River, but was from the venting of the shore based tanks which the fuel was being transferred into.

Caltex have recently advised DPTI that the fuel which was being transferred to the shore based tanks from this vessel has a very strong odour.

**LAND VALUATIONS**

In reply to **the Hon. J.A. DARLEY** (3 March 2020).

**The Hon. D.W. RIDGWAY (Minister for Trade and Investment):** The Minister for Transport, Infrastructure and Local Government has advised:

The Valuer-General has been working with the State Recovery Office and Land Services SA in identifying where people have experienced loss to their property. This has enabled the Valuer-General to automatically adjust values of property that have experienced loss as a result of the recent bushfires.

Valuation adjustments are continuing to be communicated to the relevant rating and taxing entities, and where appropriate these changes are also being made for the current year in accordance with the requirements of the *Valuation of Land Act 1971*.

Communication from the Valuer-General was released in January 2020, reassuring ratepayers affected by the bushfires that all necessary steps were being taken to identify and amend valuations appropriately. The Valuer-

General further encouraged ratepayers to reach out to her office for further assistance or clarification regarding these matters.

**CORONAVIRUS**

In reply to **the Hon. C.M. SCRIVEN** (25 March 2020).

**The Hon. J.M.A. LENSINK (Minister for Human Services):** I have been advised:

An initial release of the information toolkit providing high-level pandemic planning advice was made available on 23 March 2020 (currently available on the DHS website).

The full toolkit was loaded on the DHS website and communicated to the sector on Friday 3 April 2020. The toolkit will continue to be updated as new resources are developed and new advice is received.

**CORONAVIRUS**

In reply to **the Hon. E.S. BOURKE** (25 March 2020).

**The Hon. J.M.A. LENSINK (Minister for Human Services):** I have been advised:

As of the week commencing 30 March 2020, the Department of Human Services have had eight staff who have contributed 96 hours.