LEGISLATIVE COUNCIL

Thursday, 30 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.

Petitions

HERITAGE PROTECTION

The Hon. M.C. PARNELL: Presented a petition signed by 13,928 residents of South Australia requesting the council to urge the government to:

1. Undertake an independent review of the operation of the Planning, Development and Infrastructure Act to determine its impact on community rights, sustainability, heritage and environmental protection;

2. Undertake an independent review of the governance and operation of the State Planning Commission and the State Commission Assessment Panel;

3. Urge the Government to defer the further implementation of the Planning and Design Code until:

   a. A genuine process of public participation has been undertaken, and;

   b. A thorough and independent modelling and risk assessment process is undertaken.

4. Legislate to ban donations to political parties from developers similar to laws in Queensland and New South Wales.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

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

Regulations under National Schemes—
Heavy Vehicle National Law Act 2012 (Qld)—Miscellaneous (No. 2)

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

Response to the Premier's Climate Change Council's 2019-20 Bushfire Advice dated 30 April 2020

ANSWERS TABLED

The PRESIDENT: I direct that the written answer to a question be distributed and printed in *Hansard*.

Question Time

CORONAVIRUS, EDUCATION

The Hon. K.J. MAHER (Leader of the Opposition) (14:20): My question is to the Minister for Health and Wellbeing regarding public health. When did the minister or his office first learn of the secret SA Health report that includes a SAHMRI evidence review into school closures? Did the

minister or any of his staff order the department not to release the secret report? How much weight was given to the secret report in decisions around school closures or openings?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:21): I thank the honourable member for his question. To suggest that this is a secret report is both a slur and it's mischievous. The fact of the matter is that the existence of the report was made very public by the Chief Public Health Officer at a press conference in relation to the coronavirus epidemic. I would suggest that if we wanted to keep a report secret, we wouldn't have our leading public health clinician discussing it in public. So thanks for your strategic advice but we will consider it in due course. Let me tell you what that same person said in relation to the release of that report:

> Although evidence is limited, an independent review commissioned around two months ago into modelling studies—which are not based on actual data but instead on experiences with other viruses such as influenza—suggested closing schools may have some impact on reducing transmission and delaying the peak, but would not necessarily reduce the height of the peak of the COVID-19 pandemic.
>
> This report formed part of a wide range of evidence and opinion considered by AHPPC. Since the report was written, SA and other states have evaluated their own experience with cases in schools.
>
> South Australia's decision to keep schools open is in line with AHPPC's advice and in along with our wider public health strategies, it was determined schools are safe and a critical part of the fight against COVID-19.

CORONAVIRUS, EDUCATION

The Hon. T.A. FRANKS (14:22): A supplementary arising from the answer: are any other states or territories not in line with AHPPC advice on this matter?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:23): You can be sure they are not. I think it's reprehensible. Children's education is extremely important. Children should be supported to get an education unless there are strong reasons. Closing schools undoubtedly has an impact on the welfare of children. I suppose, in a way, this report highlights it. In times past, the evidence was not as strong as it is now that schools are safe. We now have increasing evidence that children are less susceptible to COVID-19 than older people. We have a very low rate of transmission here in South Australia. We have enhanced processes in schools to clean, to maintain a safe environment.

I appreciate that in times past other jurisdictions have chosen not to follow AHPPC advice. I suspect, and don't hold me to this, but my suspicion is that SA Health, the South Australian jurisdiction, the South Australian government's compliance with AHPPC advice in relation to schools is the closest. We align most closely with what's recommended.

The Premier hardly goes a day of doing press conferences without highlighting that the hallmark of the South Australian government's response has been our willingness to act on the science, to act on the evidence, to act on the advice of public health clinicians. We have done that in schools and we have done it in other domains, and it has put this state in good stead.

Let's be clear: the Labor Party and their union mates might try to slur Nicola Spurrier and the evidence in relation to schools, but the people of South Australia are voting with their feet. The people of South Australia are going back to school. This week, the latest figures available to me show that 69 per cent of students are learning at school. They are throwing back into the faces of the Labor scare campaign that they trust Nicola Spurrier and if Labor doesn't they will continue to act on the basis of Nicola Spurrier's advice, whether it's social distancing or personal hygiene or going back to school. They back Nicola Spurrier and so do we.

CORONAVIRUS, EDUCATION

The Hon. T.A. FRANKS (14:25): Supplementary: did not the AHPPC recommend 1.5-metre social distancing for schools?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:25): The AHPPC has clarified its advice and they—

The Hon. T.A. Franks: Changed its advice.

The Hon. S.G. WADE: No, with all due respect—sorry, I shouldn't let her be disorderly and interject—

The PRESIDENT: It's out of order so continue, minister, please.

The Hon. S.G. WADE: The AHPPC advice is consistently being followed by the South Australian government, including in terms of the conduct of teaching within the school precincts.

CORONAVIRUS, EDUCATION

The Hon. T.A. FRANKS (14:26): Supplementary arising from the original answer: does the AHPPC advice recommend that vulnerable workers, those who have comorbidities, who are older or who are Aboriginal and Torres Straight Islanders, not be in the workplace?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:26): The situation of vulnerable teachers—not only teachers who themselves might have a condition but also those who are living with people with chronic conditions—is certainly factored in to both AHPPC advice and state government policy. I have specifically heard the education minister highlight that that is a factor that they are trying to manage within the schools.

CORONAVIRUS, EDUCATION

The Hon. T.A. FRANKS (14:26): Supplementary: what risk assessments have been done on South Australian schools as per the AHPPC advice?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:26): I'm happy to get the advice of the education minister in that regard, but I would stress that Nicola Spurrier has been extremely engaged in the strategy to keep schools safe and keep schools open. Nicola Spurrier wrote to parents and educators last week to reaffirm her scientific view that schools are safe and they should be open. This government strongly backs that advice.

CORONAVIRUS, EDUCATION

The Hon. T.A. FRANKS (14:27): Supplementary: last term, some vulnerable workers were assessed as staying at home. This term, this week, they have been asked to come—

The PRESIDENT: The Hon Ms Franks, you can ask your question.

The Hon. T.A. FRANKS: —into work. What has changed in the last three weeks that these workers have now been reassessed as fit to work and safe to work?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:27): I certainly don't know the teachers to whom the honourable member refers but what I do know is that that is a matter for the education minister, and I will refer that question to him.

CORONAVIRUS, EDUCATION

The Hon. K.J. MAHER (Leader of the Opposition) (14:28): Further supplementary: does the minister consider parents who choose to keep their children at home as reprehensible or is that vicious insult only reserved for decision-makers in other states?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:28): Of course, everyone makes a choice as to the schooling they provide their children. Let's be clear: there is a significant cohort of people who adopt home schooling as their preferred mode of education delivery, but for people to be in the public domain scurrilously spreading rumours that it's unsafe to send your kids to school is not consistent with the public health advice. I invite the Hon. Tammy Franks and the Hon. Kyam Maher—those who claim that we need to back the science when it comes to climate change—let's back the science when it comes to public health, too.

CORONAVIRUS, EDUCATION

The Hon. T.A. FRANKS (14:28): Supplementary arising from the original answer: did the AHPPC take on board the fact that New Zealand's largest cluster is a school, the Marist College, a primary school of 93 and counting cases—teachers, students, parents?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:29): I'm not aware.

CORONAVIRUS, EDUCATION

The Hon. T.A. FRANKS (14:29): Supplementary: has the Marist College ever been discussed by either the Department for Education or Professor Spurrier with the Minister for Health and Wellbeing?

The PRESIDENT: Minister for Health and Wellbeing, that is not really from the original answer but you can choose to answer it if you wish.

The Hon. T.A. Franks: No, it is actually because I could have gone straight there right from the beginning. Marist College is the largest cluster—

The PRESIDENT: The Hon. Ms Franks! Minister, do you choose to answer?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:29): I've got nothing to add to my answer.

CORONAVIRUS, EDUCATION

The Hon. T.A. FRANKS (14:29): Supplementary: what does the Minister for Health and Wellbeing understand of the state of New Zealand and their schools and the situation at Marist College?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:30): I am not aware.

CORONAVIRUS, EDUCATION

The Hon. K.J. MAHER (Leader of the Opposition) (14:30): I have a second supplementary on this one, Mr President: the report to which the minister referred to in his original answer, that I believe he said was done some two months ago, when was that first released?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:30): My understanding is that the report was dated 26 March. I will take on notice when it was released.

CORONAVIRUS, EDUCATION

The Hon. K.J. MAHER (Leader of the Opposition) (14:30): A further supplementary arising from the original question: can the minister confirm that, to the best of his knowledge, that report was released only today and kept secret for two whole months?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:30): I don't know whether the member can maintain a memory for up to 10 minutes but as for being 'kept secret', I highlighted earlier that Nicola Spurrier specifically mentioned it in a media conference—

The Hon. K.J. Maher: And funnily enough it only gets released today when it's brought up.

The PRESIDENT: Order! Let the minister answer the question.

The Hon. K.J. Maher: What did your department have to do with keeping it secret?

The PRESIDENT: Order! Let the minister answer—

The Hon. K.J. Maher: What did you have to do with keeping it secret, Stephen?

The PRESIDENT: The Hon. Clare Scriven. Move on.

The Hon. K.J. Maher: Your silence speaks volumes.

The PRESIDENT: Order!

CORONAVIRUS

The Hon. C.M. SCRIVEN (14:31): I seek leave to make a brief explanation before asking a question of the Treasurer regarding COVID-19 responses.

Leave granted.

The Hon. C.M. SCRIVEN: Between 29 March and 7 April the national cabinet released principles for and specific details of a National Cabinet Mandatory Code of Conduct—SME Commercial Leasing Principles during COVID-19. Businesses have been contacting the opposition,

and these businesses are facing bankruptcy due to lease issues. Landlords have been asking for help because they are not sure what they are supposed to do to be fair, legal and consistent in their actions.

On 8 April this parliament passed emergency COVID-19 legislation that gave sweeping powers to make emergency regulations that could put the code into effect immediately. However, the Attorney-General's office has made it clear that the implementation of the national code is the responsibility of the Treasurer. My question to the Treasurer is: what are the delays in the Treasurer's office that mean, more than a month after the national cabinet's approval of the principles for commercial leasing, that the mandatory code is not yet mandatory in South Australia, and why is the Attorney-General unable to make such regulations?

The Hon. R.I. LUCAS (Treasurer) (14:32): The proposed national code is one that state and territory jurisdictions are wrestling with. I'm advised that as of this morning no state or territory has actually implemented the national cabinet mandatory code for commercial leasing. A number of jurisdictions—the Queensland Labor administration, the Western Australia Labor administration—have gone out to consultation on the national code because there are strong views against some aspects of the proposed national code. A number of other jurisdictions have introduced regulatory change; I think as recently as Friday New South Wales introduced regulatory change and, whilst it referred to giving effect to the national code, key elements of the national code were not included in the regulatory change in South Wales.

As of this morning, my advice is that at this stage no state or territory jurisdiction has implemented the national code word for word. It is fair to say that the majority of states are endeavouring to implement as much of the national code as they can in relation to their jurisdictions, or as much as they agree with in relation to their jurisdictions. Each of the states have completely different arrangements in relation to residential leasing but also commercial leasing, as the national code refers only to commercial leasing.

In relation to the South Australian government's position, we have been consulting widely with our interstate colleagues and with the conflicting views in the broader business community. If I can give one simple example: one prominent stakeholder group that represents business interests disagrees strongly with the $50 million turnover limit and believes it should be reduced to $10 million in South Australia and that one size doesn't fit all as it relates to the South Australian workplace, also the South Australian industrial conditions, as opposed to, say, Sydney or Melbourne. Another prominent business organisation believes we should increase the $50 million to a figure higher than that. So there are wildly differing views about aspects of the national code.

In terms of the South Australian government's position, we have done two things. We have legislated in COVID (1). We will be introducing probably some minor legislative change in the next sitting week, proposing it to the parliament in what we might refer to as the COVID (3) bill. It would be intended at that time to introduce the final concluded view that we have about regulatory change by way of major changes to regulations as opposed to legislation. It is fair to say that in two or three of the other jurisdictions, there is still not a concluded position in relation to how they intend to implement the national code.

In the interim, of course, the government has announced significant land tax relief for landlords, making it quite clear that in addition to the $70 million of land tax cuts that will commence from 1 July this year we will provide up to a further $50 million of land tax relief in the period leading up to 30 June this year—up to a quarter of the land tax bill for eligible landlords. That is on the condition that landlords pass on that relief to tenants by way of reduced rental income. I finally remind members that whilst all this is going on—I think in all jurisdictions, but certainly in South Australia—in the COVID (1) bill we have banned evictions on the basis of COVID-19-related inability to pay rent, whether it be in the residential sector or whether it be in the commercial sector.

So the government is working as quickly as we can in terms of coming to a resolution of what are complicated and complex provisions and seeking to implement as much of the national code as might be possible and as appropriate in South Australia.

CORONAVIRUS

The Hon. C.M. SCRIVEN (14:37): A supplementary question: apart from banning evictions, as the Treasurer has said, has any other part of the national mandatory code been implemented here in South Australia?

The Hon. R.I. LUCAS (Treasurer) (14:37): I refer the honourable member to the legislation that was passed. There were a number of other related provisions that were included in that. I don't have the legislation with me at the moment but the member was here when we passed the legislation, so I am sure she is quite familiar with all the provisions of the COVID (1) bill. Essentially, the major elements were in relation to buying some time to try to resolve what is a difficult issue.

Inevitably, in relation to this, we have some tenants who have had an inability to pay all or some of their rent, we have the banks who have given some deferral of mortgage repayments, for example, or loan repayments, but nevertheless will collect at some stage all of the repayments from the landlord and, in some cases, the landlord is left in the middle with perhaps reduced or no rental income coming in for six months but, on the other hand, having at some stage to repay all of their loan repayments to the bank. The state government has stepped up by offering significant land tax relief. Nevertheless, we have bought time to try to resolve this issue: this six-month time to prevent anyone being evicted whilst we try to resolve what is a complicated circumstance.

CORONAVIRUS

The Hon. C.M. SCRIVEN (14:39): A further supplementary: will this government provide any immediate interim support to prevent businesses going bankrupt and employees losing their jobs while they delay implementing the national mandatory code?

The Hon. R.I. LUCAS (Treasurer) (14:39): The government has already provided and announced significant support. For example, out of the $1 billion business recovery packages that we announced there is considerable relief in relation to payroll tax for some businesses. There is the land tax relief that I just talked about. In other areas, we have waived licence fees, administration levies and others.

The government, on behalf of the taxpayers of South Australia, has been assiduous in trying to provide as much support as we can, to try to support as many businesses as we can and as many people as we can. However, as the commonwealth government has indicated, and as I have indicated, it is impossible for the taxpayers of South Australia to stop every business in the state from getting into significant problems and it is impossible for the taxpayers of the state to save every job that might be in trouble because of COVID-19.

TEMPORARY VISA HOLDERS

The Hon. E.S. BOURKE (14:40): I seek leave to make a brief explanation before asking the Minister for Trade and Investment a question about COVID-19 responses.

Leave granted.

The Hon. E.S. BOURKE: South Australia's population and economic growth has been heavily reliant on inward migration. We have welcomed tens of thousands of people on various temporary visas who work, pay taxes and contribute to our community. Unfortunately, they have been denied assistance by the federal government during the COVID-19 emergency. The Minister for Trade and Investment has announced modest grants, in the hundreds of dollars, for international students. Nothing has been announced for workers on temporary visas. My questions to the minister are:

1. What is the minister's advice to workers on temporary visas who have lost their jobs and can't access federal government support?

2. Does the minister agree with the Prime Minister that people should simply go home—even if their home, the place they work, live and contribute to, is in South Australia?

The Hon. D.W. RIDGWAY (Minister for Trade and Investment) (14:41): I thank the honourable member for her question. Migration issues and the like and Immigration SA are handled by my hardworking colleague the Hon. David Pisoni, the Minister for Innovation and Skills. I will

probably refer most of her question to him for answers. In relation to one particular aspect, that visa holders are able to access their superannuation, the federal government did make that available to them, so it will be all dependent, I guess, on a case-by-case basis.

I am advised that employers are making a reasonable contribution, as we know, on behalf of their employees into superannuation. I think you can access up to $10,000; I think my advice, from my recollection, is $10,000 of that superannuation. Certainly, for some of those visa holders, while it is not a huge amount of money, nonetheless it will help pay some bills and tide them over, we hope, until we are through this pandemic that we are going through at the moment. But, for the body of the honourable member's question, I will take that on notice and refer it to the Minister for Innovation and Skills in the other place.

TEMPORARY VISA HOLDERS

The Hon. E.S. BOURKE (14:42): Supplementary question arising from the original answer: what modelling has the minister undertaken to estimate the impacts on South Australian trade and investment from fewer temporary workers coming to South Australia and the current temporary workers losing their jobs?

The Hon. D.W. RIDGWAY (Minister for Trade and Investment) (14:43): I thank the honourable member for her supplementary. There's been a little bit of work done. Again, there is a crossover of a number of portfolios. The Hon. Tim Whetstone, Minister for Primary Industries and Regional Development, has been doing some work in relation to temporary visa holders and fruit picking and the harvest which is about to commence in the Riverland. I think some Pacific Islanders have been brought in and are self-isolating up there at present.

We understand that there is a significant requirement for short-term visa holders, or temporary visa holders, to come and help with the horticultural harvest. There's also other areas where we have workers that come in for agriculture and fisheries; they are short-term jobs, they are not long-term jobs. So the impact of people not coming can be quite significant. I don't have the figures in front of me today, but I will take that on notice and bring back some details, for the honourable member, of the modelling—if we have any modelling—that we will make available to her.

LANDING PAD PROGRAM

The Hon. J.S.L. DAWKINS (14:44): My question is directed to the Minister for Trade and Investment. Will the minister provide an update to the council about the South Australian Landing Pad program?

The Hon. D.W. RIDGWAY (Minister for Trade and Investment) (14:44): I thank the honourable member for his ongoing interest in some of the good things that this government is doing. It was part way through 2019 that we established the South Australian Landing Pad to help businesses expand into the state, creating connections between suppliers, retailers, business partners, customers and markets.

The Landing Pad program proactively targets companies with high growth potential and synergies to our growth sectors to establish operations in South Australia. Businesses can access up to $80,000 to reimburse workspace costs and professional services costs, as well as case management support, through the Department for Trade and Investment.

We have already announced three companies that have accessed the Landing Pad, being the French cybersecurity firm Squad, the nanosatellite company Tyvak and, most recently, CVX Semiconductor from Hong Kong. While COVID-19 has significantly impacted on business activity globally, we are still witnessing strong interest in our Landing Pad program, indicating that many global companies are keen to get on with the job and invest in South Australia.

I have recently seen the pipeline. Some are early stage, some are a bit more mature, but there are a bit over 30 companies in the pipeline that we are working with, to try to get them here so that our economy can come back stronger than before. This is very encouraging as we look towards charting our way out of this crisis and into the economic rebound on the other side, as I said, to come back stronger than before.

I am pleased to announce today that the latest recipient of the South Australian Landing Pad is a company called CH4. It's one of four that we will announce over the coming weeks and months that have been awarded a position with our South Australian Landing Pad. CH4 Global is a red seaweed aquaculture business that harvests seaweed to create a feed supplement for livestock, reducing methane output. This forward-thinking global business hopes to create up to 100 jobs in the next two to three years, with significant room for further expansion.

These jobs will primarily be located in the Port Lincoln area, boosting the local economy as well as working towards a global goal of combating climate change. The jobs will be primarily in harvesting and processing to assist CH4 to meet its export demands, and the company estimates the venture could bring in billions of dollars in revenue over the next three to five years.

CH4 founder, Dr Steve Meller, originally hails from South Australia and he is incredibly pleased to have the opportunity to give back to the community. Seaweed is known to store carbon; it is well known to absorb nitrogen and phosphorus, which come from agricultural run-off and finfish aquaculture; and it reduces ocean acidification. Dr Meller aims to supply a significant amount of product to feed South Australia's dairy and beef feedlot industry and work towards bringing South Australia towards carbon neutrality. It is fantastic that Dr Meller has brought this innovative company back to South Australia.

LANDING PAD PROGRAM

The Hon. K.J. MAHER (Leader of the Opposition) (14:47): Supplementary arising from the answer: in relation to the Landing Pad program, is there a job target for the contract that was recently signed with CVX Semiconductor and was there discussion around 50 jobs that wasn't signed, and can the minister confirm whether in fact with this contract there is actually any job target at all?

The Hon. D.W. RIDGWAY (Minister for Trade and Investment) (14:47): The negotiations with those companies are confidential. We try to make sure we maximise the number of jobs that can be created. Often, they start off as small investments and relatively small numbers of people, with opportunities to grow. Of course, as I mentioned, in this particular case Dr Meller hopes to grow it to 100 people in the next two to three years. This is an initial Landing Pad opportunity: get the companies here, get them established, get them to learn how wonderful South Australia is, so that our economy can come back stronger than before.

LANDING PAD PROGRAM

The Hon. K.J. MAHER (Leader of the Opposition) (14:48): Further supplementary arising from the original answer: is there any part of the funds that are paid, or goods or services that are given to the company the minister mentioned in his answer, that are repayable if they do not meet job targets, or is there no job target whatsoever in the one that he referred to?

The Hon. D.W. RIDGWAY (Minister for Trade and Investment) (14:48): As I said in my answer to the Hon. John Dawkins' question, businesses can access up to $80,000 to reimburse working space costs and professional services costs. It is to reimburse it. They apply for the money. We are very confident that once we have these people here they are going to meet their jobs targets. Initially, they are very modest jobs targets. This is about getting international companies here, showing them how good our community is, our opportunities for doing business, the lifestyle that we enjoy, the fact that we have had wonderful management of COVID-19 by our health professionals and the minister, and that we are well positioned to be a place where people can expand their businesses.

LANDING PAD PROGRAM

The Hon. K.J. MAHER (Leader of the Opposition) (14:49): Further supplementary arising from the original answer. I guess I will put it more simply: are there any provisions for clawing back some of these reimbursements that are paid if even very modest job targets are not met, or is there no requirement for employment in South Australia as a result of these reimbursement grants?

The Hon. D.W. RIDGWAY (Minister for Trade and Investment) (14:49): As I explained, it is a reimbursement, and once the company has spent the money we reimburse them. We are

confident they will meet the job targets, and in most cases they are very modest job targets and in fact the people are there doing the job when the reimbursements are paid.

LANDING PAD PROGRAM

The Hon. K.J. MAHER (Leader of the Opposition) (14:50): Final supplementary: of the ones that have been announced and the ones that are soon to be announced, are there any of the recommended companies that were not recommended by the department that have been awarded reimbursement under the Landing Pad program?

The Hon. D.W. RIDGWAY (Minister for Trade and Investment) (14:50): I don't quite understand that: any companies that have not been recommended that have—

The Hon. K.J. Maher interjecting:

The Hon. D.W. RIDGWAY: No, all the advice comes through the proper evaluation process through the department and the department makes the decision.

CORONAVIRUS

The Hon. F. PANGALLO (14:50): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing about COVID-19 testing kits.

Leave granted.

The Hon. F. PANGALLO: I will seek a little indulgence from you, sir, as what I am about to reveal is of important public interest. Mining magnate Andrew (Twiggy) Forrest announced yesterday that his commendable charity, Minderoo Foundation, has secured 10 million COVID-19 test kits from China, Europe and the United States, along with 27 labs to be installed in each state and territory. These kits are of the polymerase chain reaction (PCR) type, and similar to those swab-like tests conducted here by South Australia Health and SA Pathology. They are reliable, and Mr Forrest is to be applauded.

However, in its rush to allow more tests to be carried out, the Australian Therapeutic Goods Administration has given approval to at least 29 point-of-care test kits, many by Chinese makers out to cash in on the pandemic. These kits supposedly allow doctors to rapidly screen patients for the virus within minutes via a blood test. There are also PCA tests (or nucleic acid tests) used by labs that are reliable. The federal health department said 'the expediated approval of the testing kits was based on evidence provided to the TGA at the time of application'. That must ring alarm bells, surely.

I have been made aware that these POCT (point-of-care test) kits can produce inaccurate results, in some cases ranging from between 5.4 per cent accuracy to 70 per cent accuracy, despite claims of 95 per cent accuracy. One Australian company suing them is already under investigation. I am further informed that several companies listed on the TGA's register did not even have approved manufacturing and export status, and were not listed on the official Chinese government register.

I am further informed today that India has just stopped the use of defective test kits from two companies that are on that register: Wondofo Biotech and Zhuhai Livzon Diagnostics. As you can imagine, like Australia the USA has been swamped with these kits. To quote Patrick Hsu, a PhD and assistant professor of bioengineering at the University of Berkeley and investigator at the Innovative Genomics Institute:

> It's the Wild West right now. These tests are widely available and many people are buying and deploying them, but I realised that they had not been systematically validated and we need to figure out which ones would really work.

The WHO have suggested that, based on current evidence, they recommend that the use of these new point-of-care diagnostic tests only be used in research settings. They should not be used in any other setting, including for clinical decision-making, until evidence supporting use for specific indications is available. My questions to the minister are:

1. Is he aware of the poor efficacy of these POCT kits, and does he know if they are in use in South Australia?

2. What advice has he received about them from our health agencies?

3. What advice would he give to health care professionals about the use of these kits?

4. Does he think it is acceptable for the TGA to rush through approval of these point-of-care test kits without proper scientific analysis and proof that they are accurate or fit for purpose?

5. Will he write to the federal government asking them to urgently review the approval of these suspect kits on the register?

6. Will South Australia be taking up the generous offer of tests and labs offered by Mr Forrest, and at what cost?

The PRESIDENT: Just before you start, minister, the Hon. Mr Pangallo, you are right, that was lengthy, but there was a fair bit of commentary in it as well. It is a very important topic, but please be mindful of the fact that you are not supposed to add commentary to your question. Minister.

The Hon. F. PANGALLO: Point of order, Mr President: I think I only made one, which was 'ring alarm bells'. I think the rest I am actually—

The PRESIDENT: The Hon. Mr Pangallo, that is one too many, so please.

The Hon. F. Pangallo: Okay. Well, look, I don't want to waste the time of the health minister. He is a busy man.

The PRESIDENT: Let us hear the minister try to answer all of those questions. The Minister for Health and Wellbeing.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:55): I claim failure already. I must admit I will have trouble remembering them all. The first point I would make is that COVID-19 testing in South Australia up to this point has been completely managed by SA Pathology. That means that, I think, as at the end of yesterday there had been 57,389 COVID-19 samples taken. That represents 52,657 individual patients tested. At a rate per million, that is 32,672 tests per million people. That is over 3 per cent of the South Australian population tested. Thankfully, only 0.02 per cent—I will just make sure I get that right: 0.02 per cent—of the South Australian population has tested positive.

As of today, the South Australian tests as a percentage of the population is at 3.27 per cent of the population. We lead the nation dramatically. New South Wales is at 2.6 and Western Australia is at 1.39. The WHO, during this pandemic, has said the motto of this pandemic is to 'test, test, test'. In South Australia we have tested, tested and tested.

We have done that relying on the expertise and the technology of SA Pathology, and they have done an extraordinary job. I would just make it clear that PCR testing is a well-established technology and is certainly used by SA Pathology. We believe it is well founded. In terms of point-of-care testing, which I think the honourable member also reflected on, we make no apologies for point-of-care testing. Particularly for country South Australians, point-of-care testing is absolutely vital.

We have had point-of-care testing in country hospitals for some years. I can't quite recall—days run into weeks during a pandemic—but I think it was either last year or the year before that the government invested heavily in point-of-care testing for influenza in our metropolitan hospitals. So it is not a gimmicky technology. Point-of-care testing and PCR are both well-established technologies. Having said that I certainly do not discount the honourable member's point that there are plenty of people out there at the moment who are peddling technologies that are not reliable. I know that SA Pathology has very high clinical standards, particularly under the leadership of its clinical director, Dr Tom Dodd.

The reality is that we have, in SA Pathology, ramped up our testing capacity quite dramatically over the last couple of months, but it is becoming increasingly clear that we still need to ramp it up even more. If I remember rightly, it was perhaps not last Saturday but the Saturday before—forgive me for not being able to recall the date—that I think the Chief Medical Officer of Australia, Brendan Murphy, suggested that an ongoing response to the COVID-19 crisis might see us needing to ramp up our testing to 40,000 or 50,000.

I know that national cabinet is still considering the surveillance strategy going forward. But let us say that is what it was. My calculation is that 50,000 tests would mean that we would have to

ramp up to about 3,700 or so, if you like, to have our population share of that spread. On a typical day—I shouldn't say 'on a typical day' because it does bounce around. The last daily figure I can remember was about 1,300 and now two or three record days of just over 2,000.

So really what the discussions at least are suggesting—these are Brendan Murphy's comments, if I correctly recall, to the media—is that the ongoing response to the coronavirus will mean that we would need to significantly ramp up our testing. Some of that testing is going to happen in the clinics. Some of it will happen in the community. Certainly, there will be a lot more testing in the community than proportionately there is at the moment. We will have to move away from clinic-based delivery.

If I could segue to the point the honourable member is making about the announcement, I think it was yesterday, by Mr Twiggy Forrest and the commonwealth, it is not the first time that the commonwealth has partnered with private pathology. My understanding is that the commonwealth has an arrangement with private pathology to provide inreach pathology services to residential aged-care facilities in the event that there is an outbreak. I presume that will be a service available to South Australians and I welcome that. I certainly would expect the commonwealth to be delivering a quality service and, as we have continued to partner with the commonwealth in so many different domains, we are happy to work with them on that project.

I don't know the details of what was announced yesterday but, in the context of the need to ramp up our testing, the Marshall Liberal government is more than willing to cooperate with the commonwealth government and with the private sector to ramp up the effort. I suppose a classic example of that cooperation was in relation to private hospitals. In a tripartite arrangement we have a very flexible, constructive partnership with the private sector when it comes to private hospitals. I am quite happy to look at similar partnerships with pathology services with the fundamental aim of making South Australia healthy so that we can come out of this crisis stronger than before.

The PRESIDENT: A supplementary question?

CORONAVIRUS

The Hon. F. PANGALLO (15:02): Thank you for that answer and I commend SA Pathology on their testing. What you did not address is: what about the potential of these dodgy POC tests being used in South Australia? Are you aware if any of these are actually being used in South Australia? Will you instruct your department to have a look at these ones that are questionable?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:03): In terms of instructing my department to look at the ones that are questionable, with all due respect, I am not fussed if they are not used in South Australia, so let me focus on the South Australian aspect. Certainly, in any partnership that we have with private pathology and the commonwealth, the maintenance of the quality of the testing regime will be fundamental. It's obviously important that we have the throughput in tests. It's also important that those tests be reliable. I have no doubt that the commonwealth government has exactly the same commitment that we have to maintain the highest quality in COVID-19 testing because it's only then you can get reliable data and reliable information to act on.

CORONAVIRUS

The Hon. C. BONAROS (15:04): A supplementary question: given the need to ramp up testing and the need for reliable testing, have there been any confirmed cases in South Australia of self-testing by individuals ordering tests online? What are the consequences if somebody is found to have ordered a test online?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:04): The honourable member reminds me of an emergency direction that was made, and I might have trouble finding it quickly, but my recollection is that there is an emergency direction that was put in place by the State Coordinator in relation to blood tests; in other words, serology tests that rely on the antibodies in the blood rather than PCR.

My understanding is that the concerns of the Chief Public Health Officer in relation to—let's just say the inappropriateness of that test in this context meant that she felt the need to take action to stop them. As I said, I would need to look at the details of the direction. I suspect it's blocking

supply rather than making it a crime to have one. I thank the honourable member for highlighting the point because I think it does help me to reflect back on the Hon. Frank Pangallo's questions.

Just as the Chief Public Health Officer took action using directions to regulate what was being done in the pathology environment in relation to those serological tests, it demonstrates the importance of what she sees as relevant testing, and it may well be that she may want to recommend to the State Coordinator that other emergency directions are made if she considers that's necessary to maintain the quality of the testing. I reiterate what I said to the Hon. Frank Pangallo: it's important to test, it's also important to make sure those tests are reliable.

CORONAVIRUS, HOMELESS ACCOMMODATION

The Hon. I. PNEVMATIKOS (15:06): I seek leave to make a brief explanation before asking the Minister for Human Services a question.

Leave granted.

The Hon. I. PNEVMATIKOS: The government has placed additional homeless people in the CBD into emergency accommodation due to the COVID-19 emergency. The Premier said on *ABC News* this week that it is the government's intention for all those people to find housing. My questions to the minister are:

1. How many people have been placed in emergency accommodation as a result of COVID-19 responses, and what guarantees exist that no-one will end up back on the street?

2. How much money has the government provided to homelessness services specifically to ensure that no-one ends up back on the street?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:07): I thank the honourable member for her questions. Similarly to the Minister for Health and Wellbeing, I will try to remember what they all were so that I can respond to each of them. Since the pandemic came upon us the number of people who have been placed in the hotel/motel program is in the order of approximately 400. My understanding is that there are also other people being placed under other programs, through Health, through a quarantining process. We also have some people from remote communities who we have placed in places where they can be safe because they are not able to return to country at this stage.

The Premier is certainly the one who has said publicly that once this pandemic is over people will not be returned to rough sleeping on the street. Who are any of us to argue with him? The intention, I would have to say, in relation to the homelessness programs, has always been that we really want to move people from rough sleeping into permanent accommodation. That is what we have been working towards and that is why the reforms to the homelessness services sector are so incredibly important.

In South Australia I think we will be spending over $70 million on homelessness services in this current financial year through the reforms that were announced in December last year, the new Strategic Plan. There will be, in addition, a $2 million per annum homelessness innovation package which is about finding new ways of managing homelessness, but certainly this is a sector which operates at the crisis end. For some time we have actually been placing people, as an emergency response, into hotels whereas the preference of the broader sector, and certainly myself, is that rather than using those sorts of things as emergency accommodation in the short term we would much rather place people into properties—dwellings, if you like.

If you think about it in a family context, if there is a baby or a toddler and a couple of other kids in a family who may have fled for domestic violence reasons, being in a hotel room is far from ideal. In South Australia this sector has moved much more to cluster accommodation, where people can have their own bedrooms, their own kitchen, their own living areas and their own bathrooms. That is a much more preferable situation than hotels.

People we are looking after through this particular program are getting three meals a day, and I think it is fantastic that we are able to provide that. As far as how much additional is being provided, I'm not sure whether I can answer that off the top of my head, but my understanding is that

the hotel/motel program generally costs the state government, through our contracts with the hotels, in the order of $750,000 a month. It is running at double that at the moment through this program.

I'm not sure whether I have answered all the honourable member's questions; I think there were three?

PUBLIC HOUSING

The Hon. I. PNEVMATIKOS (15:11): And I have a supplementary: will the minister commit to building more housing, or at least stop selling public housing, to meet the demand or is it the case that she believes more public housing is not the answer?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:11): That's leading with a glass jaw. This is coming from the party that, under the 'leadership'—if I can use that term—of former treasure Tom Koutsantonis, was into wholesale flogging of the South Australian public Housing Trust assets. Even the 1000 Homes in 1000 Days program was but a slogan in that it was not 1,000 additional properties but 1,000 rebuilt properties, and the way that was funded was to sell existing Housing Trust properties. It potentially ended up with a net loss. We have a sales and viability program which is continuing—

An honourable member interjecting:

The Hon. J.M.A. LENSINK: It is a continuing program, and it is in the forward estimates from the Labor Party's years in office.

Members interjecting:

The Hon. J.M.A. LENSINK: No; we're not doing worse. We are doing better.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: In Labor's time in office the sales and viability program was running at 500 properties per annum. This is the party that claims to care about—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —people who are underprivileged, yet the Labor Party was selling Housing Trust properties in the order of 500 a year; something like $1 billion in 10 years, or something in that order. I have quoted those figures to the parliament before, and I am amazed and shocked—

The Hon. S.G. Wade interjecting:

The PRESIDENT: Minister for Health and Wellbeing, you don't need to add anything.

The Hon. J.M.A. LENSINK: —that the Labor Party even raises this issue. We do have some sales of properties because some of them become surplus and we are putting in new ones, and so forth. Our program is running at less than half of what Labor's was in those years.

Through our strategy that was released last year—and I think potentially through the budget stimulus as well—we are intending to provide some new public housing. There is also the stock that was transferred to the social housing sector, the community housing providers. They are increasing their stock of new build through that program. We have also had a focus on affordable housing, because when people get into rental stress or have trouble paying their mortgages they may become homeless and then fall into needing assistance from the state government.

As part of the early intervention measures we have been very strong on saying that we need to have a boost for affordable housing, and so that is a large component of what the 10-year strategy is. We think that's actually a neglected part of the market because a lot of people are either working, or there may be a household where some people who are Centrelink recipients are sharing a house with people who are working and so forth but their incomes aren't that high, and they would really like to get into the affordable purchase.

So those are the areas that we are focused on: having a large strategy in which we have managed to get a number of private developers on board in that sense so that we are building the sort of stock that South Australians want.

PUBLIC HOUSING

The Hon. I. PNEVMATIKOS (15:15): A further supplementary arising from the original answer: why did the minister's agency remove documents from the website that showed that the current Treasurer was the treasurer who sold the highest number of public houses per year?

The PRESIDENT: The Hon. Ms Pnevmatikos, I am failing to see how that comes from the original answer.

Members interjecting:

The PRESIDENT: Minister, you may answer it if you wish, otherwise I am going to have to move on. Minister for Human Services.

The Hon. K.J. Maher interjecting:

The PRESIDENT: The honourable Leader of the Opposition! Minister for Human Services.

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:16): I got this rather strange question a few weeks ago I think and I didn't really know how to answer it because I think I was being asked about a situation when I wasn't even in parliament. I really can't answer that question.

PUBLIC HOUSING

The Hon. K.J. MAHER (Leader of the Opposition) (15:16): A supplementary arising directly from the original answer: in relation to the new promise the Premier has made that all people in emergency accommodation will be found housing, how much extra or current money has been allocated for this new promise, or will money simply be slashed from other programs in the minister's area that support vulnerable people?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:17): I'm not sure that the Premier actually nominated a particular program.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: So how we need to nominate—

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: Can I just answer this question without being interrupted?

Members interjecting:

The PRESIDENT: Minister, sit down for a second. Honourable Leader of the Opposition, you asked a question, allow the answer. Minister for Human Services.

The Hon. J.M.A. LENSINK: We have a very extensive program of half a billion dollars that we announced last year, which is exactly to this point about providing the sort of housing that people who are not able to get accommodation, whether they are rough sleepers—

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —whether they are other forms of homeless people—

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: Half a billion dollars announced in December last year. So we have started the program in terms of identifying sites for new builds—

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order, the honourable Leader of the Opposition!

The Hon. J.M.A. LENSINK: —and we will be progressing that. Can I just say that I do get genuinely shocked that the Labor Party comes in here and asks about these sorts of things because they did not even identify that there was this massive gap in affordable housing in South Australia. Their treasurer was quite happy to announce in the election campaign—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —a $300 million tram to Norwood. He would have funded that by doing things like selling off more Housing Trust properties. Labor sold a whole lot of properties in very lucrative areas just so they could cash themselves out and fund all of their vanity projects—did not give a stuff about what they were doing to people in this sector. Half a billion dollars we have announced. We announced money through the stimulus program in the budget last year—

The Hon. J.S.L. DAWKINS: Point of order, Mr President: I sit right behind the minister, I am probably the closest to the minister, and I find it almost impossible to hear what she is saying because of the noise coming from the other side of the chamber.

The PRESIDENT: Minister, please continue, and I'm sure you will be heard in silence.

The Hon. J.E. Hanson: Stop snoring, Ridgy.

The PRESIDENT: The Hon. Mr Hanson! Minister.

The Hon. J.M.A. LENSINK: We have identified that there are a lot of people who, prior to this whole experience with COVID, were living in rental stress, were living in mortgage stress, so we are very keen on ensuring that there is stock both in the public and the social housing sectors available for people to rent and available for people to buy. It is something which is exercising all of our minds so that we can—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —assist people who are struggling to make ends meet, because these are the people who do. If the honourable member had actually spent any time talking to some people with lived experience, he would know that there are people who, one day they lose their job, can find themselves very rapidly homeless and rough sleeping.

The Hon. E.S. Bourke: You're not the only person who's spoken to someone that's living on the streets.

The PRESIDENT: Order, the Hon. Ms Bourke! Minister, please continue.

The Hon. J.M.A. LENSINK: So we are very keen to ensure that we have a supply. This is something that I was told continuously when I was in opposition from people who worked directly with people who they were trying to assist out of homelessness, that there is just not enough supply. So, while in South Australia a lot of people think that we've got relatively affordable housing, and that is true compared to the eastern seaboard, there are a lot of people who really do struggle.

Through this whole crisis we are very keen on ensuring that we are building new properties for people to move into, through whichever pathway they come, and that includes people who have been rough sleeping.

Personal Explanation

SPRINGBANK SECONDARY COLLEGE

The Hon. T.A. FRANKS (15:21): I seek leave to make a personal explanation.

Leave granted.

The Hon. T.A. FRANKS: Yesterday, I noted in my contribution on the Springbank Secondary College that the government had grossly underestimated the enrolment numbers. I also greatly underestimated the increased enrolment numbers. Indeed, the current enrolment of students at Springbank Secondary College, including those of FLO and VET, are some 203 students.

Bills

COVID-19 EMERGENCY RESPONSE (BAIL) AMENDMENT BILL

Second Reading

The Hon. R.I. LUCAS (Treasurer) (15:22): I move:

That this bill be now read a second time.

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

Leave granted.

Mr President, I am pleased to introduce the COVID-19 Emergency Response (Bail) Amendment Bill 2020. The Bill seeks to protect prescribed workers which includes front-line emergency workers, hospital workers and others employed in retrieval medicine through amendment to the recently passed COVID-19 Emergency Response Act 2020. The Bill also promotes general community safety as it seeks to protect private property from intrusion.

Section 10 of the Bail Act 1985 currently provides that if an eligible person applies for bail, the bail authority should release the offender on bail having regard to a number of different factors. Accordingly, in most cases there is a presumption that bail should be granted.

The presumption of bail is reversed in particular circumstances which are set out in section 10A, creating a presumption against bail.

This section provides that bail is not to be granted to a prescribed applicant unless the applicant establishes the existence of special circumstances justifying the applicant's release on bail. A prescribed applicant is someone who has committed a particular class of offence, and therefore does not have the presumption of bail.

What constitutes a prescribed applicant will be temporarily broadened during the COVID-19 pandemic by clause 3 of the Bill to include those charged with the following offences:

- Serious criminal trespass in residential and non-residential premises and criminal trespass in a place of residence;
- Any offence against the person that is aggravated due to the victim falling into the category of a person who was acting in the course of a prescribed occupation (on a paid or voluntary basis) for the purposes of section 5AA(1)(ka) of the Criminal Law Consolidation Act 1995 and the offender knew that the victim was acting in the course of their duties. This includes: emergency workers, those employed to perform duties in a hospital and those employed in retrieval medicine (medical practitioners, nurses, midwives, security officers or otherwise); medical or other health practitioners attending out of hours or unscheduled callout, or assessing, stabilising or treating a person at the scene of an accident or other emergency, in a rural area; passenger transport workers; police support workers; court security officers; bailiffs under the South Australian Civil and Administrative Tribunal Act 2013; protective security officers and inspectors under the Animal Welfare Act 1985;
- An offence against either section 20AA or 20AB of the Criminal Law Consolidation Act 1995 which provides for causing harm to, or assaulting, certain emergency workers and the further offence involving use of human biological material.

The COVID-19 pandemic has placed property, particularly commercial and small business premises, at greater risk of exposure to crime due to the necessary policy of requiring people to remain at home as much as possible. South Australian Police have recently stated that there has been a spike of 28% in non-residential break ins compared to the same period last year (1 Feb to 20 April), where businesses have needed to close their doors during the virus. The Commissioner for Police noted that we are now seeing businesses which are unattended, not being managed in the way they were previously and therefore at a higher vulnerability.

As a result, the presumption of bail is to be temporarily reversed for those who commit serious criminal trespass in residential and non-residential premises and criminal trespass in residential premises in order to protect public safety, which includes private property.

Further, the safety of emergency service and frontline personnel is paramount.

In light of the current enforceable restrictions placed against the community, frontline emergency service workers may encounter members of the public who do not accept these restrictions.

The imposition of specific bail conditions which protect these workers, for example by preventing offenders from contacting emergency service workers such as medical practitioners, is at the discretion of the Court. Instead of relying on the imposition of such conditions to ensure their safety during this time, the Bill makes it clear that the presumption should be against bail in these circumstances.

To ensure that these provisions only operate for the period already agreed to by the Parliament, these amendments are to schedule 2 of the COVID-19 Emergency Response Act 2020 and will therefore only operate while that Act operates. That Act will expire on either the day on which all relevant declarations relating to the outbreak of COVID-19 within South Australian have ceased (provided that I am satisfied that there is no present intention to make further declarations) or 6 months from commencement of that Act, whichever is the earlier.

The Government is focused on the safety of all South Australians and is taking decisive steps to stop the spread of COVID-19 in SA. Like all measures, we are acting on advice provided by experts, including the State Coordinator and Commissioner of Police.

As shown through swift action, like the introduction and passage of the COVID-19 Emergency Response Act, we have seen remarkable results so far in our SA fight against the COVID-19 pandemic. Mr President, I commend the Bill to Members and I insert a copy of the Explanation of Clauses.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal.

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

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

This clause amends the Schedule of temporary modifications of particular State laws to include temporary modifications to section 10A of the *Bail Act 1985*. The temporary modifications specify a number of additional offences against the *Criminal Law Consolidation Act 1935* that will attract the presumption against bail during the COVID-19 period.

The Hon. K.J. MAHER (Leader of the Opposition) (15:23): I rise today to speak to the COVID-19 Emergency Response (Bail) Amendment Bill 2020. I indicate that I have carriage of this matter on behalf of the opposition. The opposition supports the bill, just like it has supported every other piece of legislation the government has introduced in response to the current emergency.

The opposition moved and parliament approved a number of amendments to legislation we debated a couple of weeks ago. In this case, the opposition will not be moving amendments. It is noted that very limited notice has been provided for these bills, and again with this bill, and it provides a very limited opportunity to properly or in fact to really do any consultation with stakeholders or properly develop amendments or consider other proposals.

In 2019, we saw the passage of Labor's amendments to the Criminal Law Consolidation Act that gave emergency workers, police officers and ambulance workers far greater protections. These provisions made it very clear both to the courts and to potential perpetrators of offences that attacks on front-line workers were both reprehensible and an attack on the rest of society. As such, it should be punished appropriately.

The current COVID-19 emergency has amplified the need for protection of our front-line workers, and the opposition has worked cooperatively with the government on measures to deliver this. In recent weeks, we supported the government to provide new and unprecedented powers to health officials and police who are responding to this emergency.

The opposition appreciates the urgency that is attached to some legislation but is somewhat disappointed at the approach to consultation. Government briefings on this particular bill were provided only a day or two before it came into parliament, which indicates that it was probably approved by cabinet some time earlier but was not given to the opposition or to crossbenchers, I would expect, in what would be a timely manner.

In fact, I think it was the end of maybe Friday last week that the opposition asked the government whether there was an intention for any legislation to be brought on to deal with COVID-19 in the next sitting week. Crossbenchers might have had the same experience, but I think on Friday

last week we were told by the government, 'No, there will not be any new legislation to deal with on an emergency basis,' so it is disappointing that the week rolls on and then there is emergency legislation to deal with this sort of legislation.

The Attorney-General and her office have indicated that the State Coordinator has requested this legislation. It might be noted that the great deal of latitude that has been given and the patience being shown by the opposition and the crossbench have a limit. In the future, when there are requests for these sorts of things, it might be wise to be a bit more consultative with other groups in the parliament at an earlier stage. Even if you have not finished developing legislation, letting other parties know what the intention is the week before would be useful.

In terms of this particular bill, it reverses the presumption in favour of bail for a number of offences. There is already a reversal of the presumption for bail for a defined set of offences. They are generally higher order offences. Off the top of my head, I think they include things like treason, offences against police, high-speed pursuits and domestic and family violence offences where there is a presumption against bail. This provides a new class of offences where there is that similar presumption against bail.

It is time-limited to while there is this declared emergency. These are limited by the act that we passed a couple of weeks ago to deal with this emergency, so this is not something that will last beyond the declared emergency. The offences that the presumption against bail relates to are things like offences against front-line workers, and they are already prescribed in legislation. It also includes a set of serious criminal trespass for commercial premises but also trespass for residential premises.

It has been explained to us that the necessity for this is, I think, a 28 per cent increase in trespass on commercial premises. One question to the government that I might flag in the second reading speech, and the government may address in the summing-up, is to confirm that is the case, that it was a request of the State Coordinator, the police commissioner, in relation to the increase in the incidences of trespass.

The other question that we had, that I gave notice on to the Attorney-General, so I am sure that we will get an answer in this chamber, is: what is the rationale for it applying to residential properties? Has there similarly been an increase in trespass on residential properties? The other question that I flagged with the Attorney-General prior to this bill passing the lower house, so I am sure we will have an answer to this as well, is: this bill provides the end result, what happens once there has been an offence, but what measures is the government taking at the start of it as preventative measures? Has there been an increase in security for buildings that were otherwise occupied but are now vacant that has given rise to the need to deter people from trespassing?

My colleague the member for Mawson, Leon Bignell, has raised this specifically with me in relation to areas of his electorate, in the Fleurieu Peninsula or on Kangaroo Island, where there will be houses and holiday homes that would have been regularly occupied and that may well have been vacant for some time now.

It is good that this might provide a deterrent effect by reversing the presumption of bail for that trespass, but what are we doing at the front end in terms of prevention? Is there increased security and has the government put other things in place to try to prevent these crimes from happening so that you do not need to deter people with the reverse presumption of bail?

I might at the outset flag and thank the Hon. Mark Parnell for, even before lodging amendments, outlining the nature and effect of the amendments and providing copies of those amendments before they were actually put into the parliament and officially lodged. We have had some discussion within the Labor Party about these sorts of amendments and I can indicate that we appreciate the intent of the amendments but we will not be supporting them.

I appreciate that they have been drafted, again with a very limited intention for their application, that is, they only relate to the presumption of bail as it applies to the new reversal presumption for the new offences that this creates. It is not something that needs to be taken into account for any other offence or, as I understand it, any other of the reverse presumption of bail offences that already exist.

However, we want to give the widest possible discretion. We think that, if there are problems in the management of those who fail to obtain bail or who are sentenced to other offences as a result of this pandemic, the government has a responsibility to make sure they can be adequately housed and housed safely within our corrections system. It is our view that that should not be a job for the courts: it is a direct responsibility of the government to ensure that that happens.

The Hon. M.C. PARNELL (15:31): I will start by associating myself with the remarks of the Leader of the Opposition in relation to the process that this bill has gone through. We have shown a great deal of cooperation and forbearance, I think, in the last several weeks in allowing the government to quickly bring on bills and for us to debate them and vote on them before we have had any real chance to consult with any stakeholders or engage with experts in the field. We have collectively done that, I believe, because we have all appreciated that this is a serious pandemic we are facing and that laws do need to be changed very quickly, so we have modified our usual practices to accommodate that.

To a certain extent the government has acknowledged that level of cooperation. The difficulty with this bill is that, if cabinet had signed off on it some time ago, I would like to think they would remember that we still have the right to debate legislation and consider it, so getting a new bill on a Monday or a Tuesday and then voting on it just a few days later is pushing the envelope, but nevertheless the Greens certainly will not stand in the way of this bill.

In relation to the content of the bill, I guess to put it into some sort of context, there are times in our history when certain offences appear to be more odious than they would otherwise be. For example, when we are in the middle of a bushfire crisis and there are a large number of unattended houses as people have fled the approaching flames, the emergency has not abated and they cannot go back yet, and when people loot homes in bushfire affected areas society's perception of that is that they are more serious crimes than regular looting and housebreaking. Those crimes are always bad, are always illegal, but when they happen in those circumstances most people see that they deserve perhaps an extra level of punishment because of the circumstances in which they were committed. I think that this bill pretty much falls into the same category.

As the Leader of the Opposition said, I am keen to know, for example, whether more housebreakings are occurring at present, when my understanding is that the vast majority of people are not leaving their homes. They are at home all day, they are sleeping in their homes at night, they are not going down to their holiday homes at Victor Harbor, they are staying at home. I would be keen to see what figures the government comes back with.

We have been told that, when it comes to breaking into and stealing from empty shops and factories and things like that, the rate apparently has gone up 28 per cent over the same period last year. I would like to see what the figures are in relation to domestic break and enters and burglaries.

Nevertheless, I think that as with the fire situation most people would think that someone who is taking advantage of this crisis to undertake illegal behaviour probably deserves to have some extra penalty attached. What the government has done in this bill is they have basically said that in those circumstances the presumption in favour of bail will not apply to you, because you have done something particularly bad during a time of crisis. I understand that, and I can accept that.

The bill also relates, of course, to assaults on emergency workers, nurses, doctors and others, and again I think around the virtual water cooler or the virtual front bar most people would think that at this time those particular offences are particularly odious, and we want to make it very clear that they are unacceptable.

Having said that, whilst I appreciate that the government wants to appear to be doing something, one of the purposes of the criminal law system is deterrence. That is the reason we have penalties. We have consequences to deter people. My guess would be that this particular bill will provide zero deterrence to anyone. My feeling would be that if someone was going to break into a house and steal things, they are probably still going to do that. The average thief does not have going through their mind, 'Oh dear, section 10A of the Bail Act has been changed, and the presumption in favour of bail may now not work in my favour.' I might be underestimating the reasoning skills of the average thief, but my gut feeling would be that if it was intended to have a deterrent effect, it probably will not succeed.

If the intent of this bill is to show the public that we take seriously these types of offences during an emergency, well, it will achieve that, because people will think, 'Good. The parliament has done something.' Whether there is any or many cases that are actually caught by these provisions remains to be seen.

The Greens will be supporting the bill. I have moved an amendment which I will speak to in more detail when we get to it, but what I will just put on the record now is that I am terribly disappointed that neither the Liberal Party nor the Labor Party has seen fit to pay close attention to the correspondence that they have received from hundreds of lawyers and judges and retired politicians and many luminaries in the field of law and justice and human rights to the effect that the next cruise ship is not going to pull into Port Adelaide; the next cruise ship is probably already at Northfield.

The next cruise ship, the incubator for coronavirus, is probably going to be our prisons. They do not have physical distancing in gaols. These are potentially disastrous scenarios, not just for the inmates but also for those who work there, those who visit and those who provide services to people who are incarcerated.

The question then arises: well, what do you do about that? This particular bill, if it does have any effect at all, can only have one effect, and that is to increase the number of people who are incarcerated. It logically flows. If we are diminishing or reducing the presumption in favour of bail, then chances are less people will get bail, and if you do not get bail you are going to be incarcerated.

That, then, begs the question: if our prisons, gaols and Youth Training Centre are in fact the next cruise ships, waiting to incubate the coronavirus, what are we doing to reduce the prison population? I think the answer is nothing. The question, I think, needs to be: are there people who are currently locked up who do not need to be? It is common, I think, for people to think, 'Oh, well, if you're in gaol you must deserve to be in gaol,' but I think most of us deep down know that there are many people for whom gaol is not the right answer. It is the politically convenient answer—locking people up—but it is not the right answer for many people. What strikes me as quite bizarre is that the only COVID emergency measures that this parliament is dealing with in relation to the criminal justice system are to involve getting more people behind bars and not fewer.

I want to make it very clear that I am not advocating the wholesale emptying of our gaols. I am not saying, 'Let the murderers and the rapists and whoever all free.' I am not saying that—that would be a ridiculous outcome—but there are a lot of people, especially people who are on remand, who have not been found guilty of any offence, a number of people who are in gaol for offences that do not involve violence, and maybe people towards the end of their sentences.

I am sure there is the scope to reduce the pressure in the incubator that is our criminal justice system, but neither the government nor the Labor Party has seen fit to even discuss it. They have the evidence and they have had plenty of Australia's most esteemed legal authorities tell them what needs to be done, but they have not done one thing about it. I will have a bit more to say about my specific amendment when we get to it but, certainly for now, the Greens are supporting the second reading of this bill.

The Hon. C. BONAROS (15:40): I also rise to speak on the COVID-19 Emergency Response (Bail) Amendment Bill 2020. While SA-Best will support and vote in favour of the bill, because it is temporary and time-limited to the period of the public health emergency—that is, ending on the day on which all relevant declarations relating to COVID-19 have ceased—we also have some reservations, which I will briefly outline.

At the outset, I have to say that it was disappointing for SA-Best to receive a copy of the bill on Tuesday at 9.55am, some time after we had read the Attorney-General's media release from the previous day, announcing the initiatives, some time after our whips' meeting on Monday evening and, as I understand it, days after our Labor colleagues were notified of the bill.

Whilst I acknowledge the comments of the Leader of the Opposition, agree with him wholeheartedly about the way that we have gone about the consultation on these issues and associate myself with his comments in that regard, I will go one step further and say that ignoring the crossbench will not serve this government well. Giving the crossbench second-rate service is, I think,

an attitude they will eventually regret. I also agree with the Hon. Mark Parnell that, whilst we will be supporting this bill, in all likelihood it will do very little in terms of having a deterrent effect.

We understand that on 9 April, the State Coordinator requested the Attorney-General make temporary changes to the COVID-19 Emergency Response Act to protect front-line emergency service workers during the pandemic. The bill also provides for stricter bail conditions for the offence of trespass in a place of residence and non-residential premises.

We on the crossbench take our role in the Legislative Council as the place of review very seriously, especially as this government seems to get anything it likes through the House of Assembly and especially since the Attorney-General flagged in the other place yesterday that after this wicked crisis is over there will be an opportunity for parliament to explore whether some of these measures should become permanent. We recognise a national health emergency calls on all of us to work expeditiously, collaboratively and cooperatively, so we requested an urgent briefing to expediate the legislation, but there are, for us, a number of worrying aspects to the bill.

It is our experience that rushing through legislation, even if it is temporary in nature, usually leads to bad law. We should exercise a great deal of caution and give detailed consideration to legislation, especially where it provides for a further curtailing of people's freedoms and liberty, as this bill does.

The Attorney-General openly acknowledged in her second reading explanation that this bill has not been through the usual process of consultation and there have been shortcuts taken. Bail, of its very nature, is a highly contentious issue and ordinarily we would want to hear not only the expert opinion of the State Coordinator and the Crown Solicitor's Office but also the opinions of the Law Society of South Australia; the South Australian bar society; the Chief Justice; Dr Rick Sarre, Dean of Law and Professor of Law and Criminal Justice at the University of South Australia; Dr Bartels from ANU; and Professor Thalia Anthony from the Faculty of Law at the University of Technology, Sydney, who are all experts in the field of bail.

Indeed, in a recent open letter to the federal government, nine pages of expert signatories, including the above-named experts, called for a broad sweep of well thought out initiatives to respond to COVID-19. This included the recognition of the ongoing historical delays in court hearings that plague our judicial system, and the cessation of jury trials due to COVID-19 restrictions suggested that in some non-violent cases granting bail more readily would be more appropriate.

The presumption of innocence is enshrined in Australian law. It applies not just at a criminal trial but to the pre-trial process. The presumption of innocence still needs to be balanced with the importance of community safety. The amendments before us are arguably intended to act as a deterrent to offending but elevate protection of the community above all other things in this coronavirus pandemic. If that is the government's intent, then that is one that it will achieve in theory.

In a judgement of the Supreme Court on 6 April this year, Chief Justice Kourakis said, 'did not accept that prisons are premises with a higher COVID-19 risk than other places.' That is open to a lot of dispute but on the application of a man charged with a domestic violence strangulation offence the Chief Justice found that the coronavirus pandemic did not at this point in time satisfy the special circumstances test.

Last week, the Supreme Court of Victoria granted bail to a woman in circumstances the judge described as 'extraordinary'. The judge referred to the possibility that significant delays in the justice process as a result of COVID-19 would have substantial effects on her and no doubt her relationship with her family which would be a dramatic development for a person who had not been previously in custody. His Honour also noted that it was likely the woman would spend more time in custody on remand than she would get as a sentence if found guilty.

New South Wales has already passed legislation to release some low-risk and vulnerable people. The Hon. Mark Parnell's amendment requiring a bail authority to have regard to the circumstances of COVID-19 and the need to guard against the spread of the pandemic if bail is sought for an offence not involving violence or the threat of violence is a sensible amendment. We believe magistrates are trying their best under the circumstances to do this already but it puts it beyond doubt, and for this reason we indicate that we will be supporting the amendment.

It is, however, concerning that there is no bill before us dealing with low-risk and vulnerable people in the justice system. I doubt the Attorney-General is working on that but, of course, we on the crossbench would be the last to know. At present, the Bail Act provides that if an eligible person applies for bail, the bail authority should release the offender on bail, having regard to a number of different factors. Of course, at present, there are a number of offences where there is already a presumption against bail and there are prescribed applicants who, when they come before the courts—and there are strict time limits on this—must show that there are exceptional circumstances for the court to release them on bail. This is often an opportunity for the court to apply a range of conditions and, of course, a breach of bail will result in a very swift revocation of bail.

This bill has been presented as protecting front-line workers but it places additional bail restrictions on the offence of trespass, something that has been canvassed by the Hon. Mark Parnell. We understand this may be necessary to protect commercial properties which are now often closed and potentially more vulnerable to break-ins. SAPOL has indicated that there has been a spike of 28 per cent in non-residential break-ins compared to the same period last year, February to April 2020, where businesses have needed to close their doors during the COVID-19 pandemic.

I am aware that SAPOL launched Operation Hurricane 2 on 10 March to target recent clusters of crime in South Australia, with a focus on break-ins and thefts. As at 31 March there have been 290 incidents of non-residential serious criminal trespass since business and venue closures were enforced on 16 March—that is a 15-day period. This amounts to an increase of 26 per cent or 82 offences when compared to the first two weeks of March. From all accounts this spike has continued in the last month.

On 8 April, a 48-year-old man was arrested inside commercial premises and charged with serious criminal trespass. He was granted bail. On 9 April, a 34-year-old man was charged with numerous offences, including aggravated serial criminal trespass, after allegedly breaking into a Morphett Vale car yard and stealing a motor vehicle and numberplates. He was refused bail. On 20 April, a 30-year-old man was arrested and charged with serious criminal trespass after being found inside a commercial building on Hutt Street. On 27 April, a 48-year-old man was arrested and charged with two counts of serious criminal trespass after a spate of CBD break-ins allegedly captured on CCTV. He was also charged with breach of bail, and refused bail.

While there may be a demonstrated need to further restrict bail for trespass on commercial properties, these provisions also cover trespass on residential properties. The need for private residence provisions has not been well-established, because one could expect this type of offending to decrease due to the homeowners or tenants being confined to working from home—again, as has been referred to by the Hon. Mark Parnell. In fact, I think at the briefing we had with the Attorney's office we were informed that these provisions did not come at the request of the State Coordinator or SAPOL.

The bill is therefore providing a very special protection to now vacant second private properties—the beach shacks and the holiday homes—that the owners are not able to let out, visit or self-isolate in at present, and I do wonder if this is an urgent need in this COVID-19 public health emergency bill, given it has not been highlighted by SAPOL or anyone else.

SA-Best, of course, strongly supports the second objective of this bill, and that is to afford additional protection to front-line emergency workers. Offenders who commit certain aggravated offences under section 28A or 28B of the Criminal Law Consolidation Act against a person who falls into the category of a person who is acting in the course of a prescribed occupation on a paid or voluntary basis should absolutely be prescribed applicants facing a presumption against bail.

There must always be a particular deterrence for offences against our dedicated and essential front-line workers. We have seen some sickening examples of such offending both here in South Australia and interstate, and an increase in mental illness and substance abuse during COVID-19 restrictions that can contribute to such offending. There have been some recent disturbing examples of assaults on police, including a woman who was taken to hospital for assessment after failing to stop at a border checkpoint and who allegedly coughed in the face of two police officers, and a 35-year-old Whyalla man who was arrested and charged with aggravated assault after he allegedly told a police officer that he had corona and coughed in his face.

Front-line occupations covered as part of this bill include emergency workers, those employed to perform duties in a hospital, those employed in retrieval medicine, medical practitioners, nurses, midwives, security officers or otherwise, medical or other health practitioners attending out of hours or on unscheduled callouts or assessing, stabilising or treating a person at the scene of an accident or other emergency in rural areas, passenger transport workers, police support workers, court security officers, bailiffs under the South Australian Civil and Administrative Tribunal Act, protective security officers and inspectors under the Animal Welfare Act.

We understand this list was compiled in a hurry, and reason that if a passenger transport worker is included then our essential and valued teachers, childcare workers and child protection workers should also have been considered for inclusion. If we had had sufficient time to deal with this, then perhaps that is something we could have explored further.

In closing, SA-Best commends the parliament on its responsiveness to COVID-19 thus far, and are also pleased to see the effectiveness of the measures thus far. We have asked questions of the Attorney-General about issues arising from COVID-19 in regard to child protection and child protection workers, and we understand the State Coordinator has raised these matters with the Attorney-General. We also anticipate further COVID-19 bills to come before us in the near future.

Of course, we fully support affording all the protections we can to our essential front-line workers who have not had the option of staying at home in the safety that isolation and other COVID-19 restrictions have provided to the rest of the South Australian community. I conclude my remarks for now, but will have some questions during the committee stage.

The Hon. R.I. LUCAS (Treasurer) (15:54): I thank honourable members for their contributions to the second reading of the bill and indicate that I have been given some responses to questions that have been raised. I am not entirely clear whether they were raised during the debate or whether they were raised during the briefing or both, but I will nevertheless put the answers on the record. Should the Leader of the Opposition have further questions that have not been answered during the committee stage of the debate—and I have an officer available—I will endeavour to provide further responses.

One of the questions that was raised was: is there a criminal trespass offence for non-residential premises that has not been included in the bail bill? The answer I am provided with is that there is only a serious criminal trespass offence in the Criminal Law Consolidation Act 1935 for non-residential premises. There is no similar offence to criminal trespass at a place of residence, as set out in section 170A for non-residential premises in the Criminal Law Consolidation Act.

The second question was: what is the rationale for including residential premises in the bill and not just non-residential premises? The answer is that SAPOL requested these amendments to help achieve a greater level of public safety during the emergency other than through the reliance on strict bail conditions alone.

The third question was: is there any information about who is committing the serious criminal trespass offence in non-residential buildings? Is it the same people reoffending? The answer is that SAPOL are currently running Operation Hurricane 2 aimed at reducing volume crime, including serious criminal trespass. The SAPOL intelligence function constantly looks at crime trends and in this case has identified several instances where recidivist offenders have been involved in recent crime, including serious criminal trespass on commercial premises. SAPOL cannot, however, provide an exact number on how many offenders are reoffending.

The fourth question was: why were the offences under section 5AA(1)(ka) included in the bill, as it appears that the offences in section 20AA would adequately cover all of those referred to in section 5AA(1)(ka)? The answer is that the offences which refer to section 5AA(1)(ka) of the Criminal Law Consolidation Act and section 20AA are two different groups of offences. It was decided that there needs to be a reference to both groups to ensure full coverage of offences against emergency workers in the bail bill.

The fifth question was: who was consulted in relation to the bill? Just on that, I think a question was raised by way of inference perhaps as to whether the cabinet had decided on this bill some time before. My advice is that cabinet only approved this legislation last Thursday. The joint

party room, which is our normal process, did not approve the legislation until this Monday. Whilst I can understand the concerns about lack of appropriate consultation, it was not on the basis of cabinet having decided the position some days or weeks ago and deliberately deferring the consultation with the opposition or other parties.

The draft bill was sent to the following, I understand, on Friday of last week—bearing in mind cabinet approved it on Thursday, the joint party room still had not approved it until this Monday—the Chief Magistrate, the Chief Judge of the District Court, the Chief Justice, the state courts coordinator, the ALRM, the Legal Services Commission, the Law Society and the South Australian Bar Association. I again acknowledge that the time for some of those organisations to respond, given the parliament is now considering this on Thursday, is indeed much shorter than is the normal process.

I take seriously the endeavours on behalf of government members in this chamber to work cooperatively with all members in this chamber, including in particular crossbench members, and I note the comments of the Hon. Ms Bonaros. I can indicate on behalf of the government in this chamber to the best extent that is possible, and to the best extent that I can, that I will try to ensure that all members are treated as fairly as is possible. I of course cannot bind all of my colleagues. There may well be occasions when we fall short of an ideal process in this chamber, but I give on behalf of government members in this chamber an expression of best endeavours.

There is certainly no deliberate attempt to slight any individual member of the Legislative Council. Sometimes we are less than perfect in terms of timing consultative practice. To the extent that I can influence matters as a member of the cabinet, I will do my level best to try to ensure fair treatment of all members in this chamber and, at the earliest possible, give notice that we might be able to ensure it. But, as I said, bear in mind our normal process is that we would not consult anybody—anybody being other members of parliament—until the joint party room has approved our process.

Whilst not common, it is not unheard of that our joint party room may well express a different view or a request to the view of one minister and possibly to cabinet in relation to these issues. That is our democratic process. It is only in these sorts of extraordinary circumstances that we would normally move away from that process, where we are consulting other parties prior to the joint party room having approved our process. As I said, I can only give an indication of best endeavours on behalf of government members in the chamber, but I do so as the Leader of the Government. We will seek to do better in terms of consultation on these important bills.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 and 2 passed.

Clause 3.

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

Amendment No 1 [Parnell–1]—

Page 3, after line 7 [clause 3, inserted section A1]—After paragraph (c) insert:

(d) after section 10A insert:

10B—COVID-19 pandemic

(1) Without limiting the matters that may be considered by a bail authority in accordance with this Division, a bail authority must have regard to the circumstances of the COVID-19 pandemic and the need to guard against the spread of the pandemic.

(2) This section does not apply in relation to an application for bail by a person who has been taken into custody in relation to an offence involving violence or a threat of violence.

As I alluded to in my second reading contribution, this amendment seeks to require bail authorities to take into account the fact that we are in a public health emergency. I know members might think,

'Well, surely they would do that already.' I think the answer is that they probably will not. We have heard that some have. The Attorney-General's response to me in relation to this was, 'Well, they can take into account that we are in the emergency when deciding bail applications.'

Just to tease this out, the sections that we are talking about in the Bail Act include section 10, which is described as the presumption in favour of bail. It basically says that the bail authority can take into account a whole lot of things that might overturn the presumption in favour of bail. The classic example is that they think the person will reoffend. Well, if they think the person is going to reoffend, you better not let them out on bail. That sort of makes sense. We are very comfortable and familiar with that.

The government's rationale for not approving my amendment relates to section 10(g) 'any other relevant matter.' At one level, you can say, 'Oh well, I suppose the bail authority could take into account that we are in a COVID-19 pandemic.' They are not obliged to. It is not set out anywhere. They could take the initiative to take it into account, but they certainly do not have to. That is section 10.

Section 10A, as we have been talking about, is the presumption against bail, and the bill that we are going to pass today actually increases the range of offences for which there will be a presumption against bail. My amendment is to insert a new clause 10B, which basically does not provide either a presumption for or a presumption against bail, so it does not neatly fit into either of those categories.

It basically says that without limiting any of the things that a bail authority has to take into account they must have regard to the fact that we are in a COVID-19 pandemic. It obliges them to put their mind to it. It does not tell the bail authority, 'Therefore you must grant bail,' or, 'Therefore you must deny bail.' It does not seek to tell them what to do; it tells them to take it into account, which is consistent with every other bit of COVID legislation that we have been passing over these last several weeks.

To make it crystal clear, I am not interested in letting violent offenders or people accused of violent offences out on bail, so I have put in a particular provision that says that the requirement to take COVID into account does not apply to violent offences. I do not want to be said to be trying to let inappropriate people out loose in the community when they may well need to be incarcerated for the protection of the community.

Honestly, I thought this was about as meek and mild an amendment as could be conjured up, given that it is limited only to bail applications. I said before in my second reading contribution that there is a separate issue of whether there are a whole lot of people already in gaol who perhaps do not need to be there and are adding to the risk to the workers in gaols, the prisoners themselves and their visitors.

My amendment does not deal with any of these people, convicted or otherwise, already in gaol. It only deals with routine bail applications, and it simply requires bail authorities to take COVID into account. I could not have thought of a more innocuous or simpler amendment that is stating the bleeding obvious, to put it in the vernacular, and I am disappointed that neither Liberal nor Labor has seen fit to support it.

The Hon. R.I. LUCAS: I indicate on behalf of the government that the government will be opposing the amendment for the following reasons. I am advised that the effect of this amendment is to require bail authorities, which are courts and police, to have regard to the circumstances of the COVID-19 pandemic and the need to guard against it spreading when considering whether to grant bail.

Further, bail authorities are not required to take into account the COVID-19 pandemic and the need to guard against its spread if the person applying for bail is charged with an offence involving violence or a threat of violence. This amendment has far-reaching consequences, as it applies to all applications for bail, not just related to those changes before us in this bill.

The government considers this amendment to be unnecessary, as the management of the risks associated with the COVID-19 pandemic is a relevant matter that bail authorities would already have regard to under section 10(1)(g) of the Bail Act 1985. This already allows suitable adjudication

of risk by the court, taking into account the safety of the prisoners, the corrections officers, the bail applicant and the community.

The question of whether bail should be granted is a matter for the court's discretion, having regard to the factors set out in the Bail Act 1985. It should be left to the court to decide whether the COVID-19 pandemic is a relevant factor to be considered in deciding bail and not for legislative provisions to mandate when it is relevant or not.

As the Attorney has stated previously, there are a number of worthy changes occurring in COVID-19 responses, including amendments proposed by the members of parliament and stakeholders. The government will be considering these suggestions beyond COVID, to determine what should and should not be extended outside this pandemic. As such, the government opposes this amendment.

The Hon. K.J. MAHER: I indicated in my second reading contribution that the opposition would not be supporting this amendment. I appreciate the Hon. Mark Parnell's characterisation in pleading that this is a meek and mild amendment and it should not have much trouble finding support. We can understand what the Hon. Mark Parnell is trying to do. I think I might have misunderstood and mischaracterised it in my second reading speech, and it might be worth clarifying. I think I had understood it to apply to only those new presumptions against bail that were being introduced by this bill, but does it apply wider, to anyone who is applying for bail? I will disappoint the Hon. Mark Parnell, not that it makes any difference. I am just saying that we support it even less if that understanding is the case.

To reiterate what I said before: we think it is a responsibility of the government to make sure that those who are in their custody, in whatever situation, particularly those in gaol, are housed safely and appropriately. We do not think it should be the responsibility of those who are deciding whether someone, for whatever reason, be removed from society for the protection of the rest of society. That could well be one of the reasons that residential and commercial properties are included in addition to the deterrent effect, real or perceived, that we talked about, or convincing the public that policymakers and parliamentarians are acting appropriately.

It might be that taking the presumption against bail removes someone off the street, in effect, who might go out and break into another place. We think it should be the responsibility of the government to make sure that those who do not get bail and are on remand in our prison system should be housed appropriately and safely, and for that reason we will not be supporting this amendment.

The Hon. C. BONAROS: For the record, again I indicate that we will be supporting the amendment. We know its outcome, but we will nonetheless support it. You were looking down, Chair, when I stood to my feet at clause 1, so I have a question for the Treasurer. Given the Treasurer's comments about the need to guard against the spread of COVID-19, and that New South Wales has passed legislation specifically related to prisons, I would like to know whether we have contemplated similar changes here relating to low-risk or vulnerable groups in prisons.

The Hon. R.I. LUCAS: I can provide a little bit of information, but I am happy to take on notice and see whether the minister can provide anymore information. In some notes that officers have provided to me, I am advised that the Department for Correctional Services has already commenced specific work to prepare for a potential outbreak, including development of contingencies to address matters such as—and then there are a series of matters—staff shortages, changes to operational practice and daily routine within the prison system.

The final dot point comes to the point the Hon. Ms Bonaros was addressing: the identification, exploring strategies to manage high-risk cohorts and vulnerable prisoners, for example, prisoners over 65, Indigenous prisoners over 50, prisoners with chronic health conditions and severe and enduring mental illness. I am assuming that they would come within the honourable member's definition of vulnerable groups, and there will be others. It does not provide any detail as to exactly what has been done other than saying that it is recognised that the department is aware of the issue and is undertaking work to address those particular issues. It does not provide detail as to what has been done.

The Hon. C. BONAROS: I may have missed this part of the Treasurer's reply, but does it include the implementation of a plan for our prisons that potentially could see the release of those groups if there was a breakout of COVID-19?

The Hon. R.I. LUCAS: No, there is nothing in what I read out that would indicate exactly what is being proposed. It is certainly not canvassing the issue of the release of prisoners in those particular groups. It was just identifying a series of issues during a pandemic, or something like that, and what are the issues the Department for Correctional Services recognises are issues it will need to address and looking at strategies to manage them. So it did not indicate which particular strategy.

There may well be some people in other states and other countries who may well address those same groups and look at release strategies, but that particular document there did not indicate one particular view or another in relation to that. It just said, 'It is acknowledged it is an issue and the department needs to have a look at it,' but it does not provide any detail as to their specific attitude to any particular policy.

The Hon. C. BONAROS: I appreciate that included those vulnerable groups. There was no mention of prisoners who may be on remand longer than their sentence or about to end their sentence. Are they also covered by the same strategy?

The Hon. R.I. LUCAS: I hasten to say that in the notes I have just read it said 'such as'; it included those. It may well include a range of other groups as well, but they were the four or five that were given as examples. I do not think we should take it as an exhaustive list, as if they are the only groups in relation to which the department acknowledges whether or not it should address particular strategies to those particular groups or not. I think it was just an illustrative list of a number of groups, but there would be others as well.

The Hon. C. BONAROS: I am advised that the Attorney has indicated at some point that this will be a decision that is left to Corrections rather than the government to manage. Is that the Treasurer's understanding, that this will be a decision that Corrections will manage itself, as opposed to being guided by government policy?

The Hon. R.I. LUCAS: The first point I would make is that I am not sure what the Attorney may or may not have said, but as a matter of general policy and principle, if there was to be a significant change of policy by a minister and/or department, they would normally have a discussion with the cabinet, whether it be by way of a submission or a cabinet note. If it was a continuation of an existing practice, then it would be managed within the normal arrangements. It does not preclude a discussion at cabinet on an issue, but that would be unusual.

So if a minister and/or department proposed a significant change, in particular if it was potentially likely to be controversial in the community, then the normal expectation is that there would be some discussion at the cabinet level. The normal expectation is at the very least that the minister would have some discussion with his or her department in relation to how a particular topic or issue might be managed.

Clearly, if I move away from Corrections into police, there is a significant degree of operational control that the police might have. There may well be an element of operational control in relation to existing policy—once the policy is established the department is left to its own decisions in terms of the way that policy is implemented. But again, if there was to be a significant change in policy direction, if it was likely to impact significantly on prisoner numbers—either more or less—in our prison system, then clearly those issues would have an expectation of coming to cabinet, because there may well be resource implications, both staffing and facilities.

The Hon. C. BONAROS: I have done my due diligence and read the second reading explanation of the Attorney, and my understanding is, from memory, she has said that it would be left to Corrections, which has a plan in place, but we do not have any detail of that plan. There is a strategy in place, we understand, through Corrections. Is there any intention on the part of the government to release that plan so that we can also be aware of what is likely or unlikely to occur if there is an outbreak in our prisons?

The Hon. R.I. LUCAS: I have to take that on notice. I am just not familiar with the area in terms of the way the minister and the department are handling those particular issues. I would have

to take that on notice, and if there is any further information the minister and the department can provide we will endeavour to provide that to the honourable member.

Amendment negatived; clause passed.

Title passed.

Bill reported without amendment.

Third Reading

The Hon. R.I. LUCAS (Treasurer) (16:20): I move:

That this bill be now read a third time.

Bill read a third time and passed.

GENETICALLY MODIFIED CROPS MANAGEMENT (DESIGNATED AREA) AMENDMENT BILL

Second Reading

The Hon. D.W. RIDGWAY (Minister for Trade and Investment) (16:21): I move:

That this bill be now read a second time.

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

I am pleased to introduce the Genetically Modified Crops Management (Designated Area) Amendment Bill 2020.

This Bill will enable the Government to pursue an important reform that will strengthen the South Australian—and in particular, the regional—economy by giving South Australian farmers on the mainland the choice to take up the opportunities that genetically modified food crops can provide them now and in the future.

The *Genetically Modified Crops Management Act 2004* provides for the designation of areas of the State for the purposes of preserving for marketing purposes the identity of certain food crops according to whether they are genetically modified crops or non-genetically modified crops.

The Act therefore is in place for marketing and trade purposes and has been used to prohibit the cultivation of genetically modified (GM) food crops. This is commonly referred to as the GM moratorium. I would like to stress that this legislation is not in place for the protection of human health and the environment, as these matters are dealt with through the national regulatory schemes and are not grounds for retaining a moratorium.

This Government came into power with a clear commitment to undertake an independent expert review to determine the true economic merits of retaining a GM moratorium and to enable evidence based decisions to be made.

The Government has undertaken an exhaustive process to fulfil this commitment. This process will be well known to Members of this Chamber, but I will outline again as it is important.

An independent review was commissioned within six months of forming government. Public submissions were invited during the review which was completed in February 2019.

In summary, the review found no evidence that South Australia enjoys better access to the European Union non-genetically modified grain market, that there has been no premium for South Australian non-genetically modified grain when compared with neighbouring states and importantly, the GM moratorium had cost South Australian grain growers at least $33 million since 2004 and if extended to 2025 would cost the industry at least a further $5 million.

The only exception that was identified by the review was Kangaroo Island where there are some canola producers who have a specialised market in Japan based on its non-genetically modified status.

The review also found the GM moratorium had discouraged public and private investment in research.

In considering farmers that wish to continue to access non-genetically modified and organic markets, the review also found the experience in other states shows that segregation protocols ensure successful coexistence of genetically modified and non-genetically modified crops.

After considering the report and public feedback on its findings, the Government decided to lift the GM moratorium across all of South Australia except Kangaroo Island.

The Government sought to implement this decision by following the process prescribed in section 5 of the *Genetically Modified Crops Management Act 2004*. The Government undertook the extensive statutory consultation process as required by section 5(3) of the Act on the proposal to amend the Genetically Modified Crops Management Regulations 2008 to lift the GM moratorium in all of South Australia except Kangaroo Island.

This third round of public consultation included releasing draft regulations and providing for public notice to be given on the Primary Industries and Regions South Australia (PIRSA) website and public notice in the newspaper, as required by subsections 5(3)(a)(i) and 5(9) of the Act; inviting the public to make written submissions to the Government over a six-week period, as required by subsection 5(3)(a)(ii) of the Act; and convening two public meetings in areas to be affected by the proposed regulations, one in Kingscote and one in Adelaide, as required by subsection 5(3)(a)(iii) of the Act.

The Government also consulted the GM Crop Advisory Committee as required by subsection 5(8) of the Act.

The majority of views expressed in the statutory consultation supported the proposed regulations. A total of 218 submissions were received in response to this consultation, of which 128 submitters were in favour of the proposed regulations, one submitter being Livestock SA favoured lifting the GM moratorium across the whole of South Australia including Kangaroo Island, 75 submitters were opposed to the proposed regulations and a further 15 submitters were opposed to the proposed regulations referencing matters outside the scope of the Act.

The GM Crop Advisory Committee also supported the proposed regulations.

The Government then made the *Genetically Modified Crops Management (Designation of Area) Variation Regulations 2019* which amended the area where GM crops were prohibited to just Kangaroo Island.

Those regulations were later disallowed by the Legislative Council on 27 November 2019. During debate in the Legislative Council, Members expressed the view that the areas to which the moratorium applies should be designated in the Act not regulations. The Government was invited to bring forward a Bill to provide the Parliament an opportunity to consider and debate the merits of lifting or changing the moratorium.

To fulfil the wishes of the Parliament, the Government introduced a Bill to enable this to happen in December 2019—the *Genetically Modified Crops Management (Designated Area) Amendment Bill 2019.* That Bill did not pass the Legislative Council after unworkable amendments were proposed which would have imposed such a regulatory burden on our farmers that they would negate the benefits of lifting the moratorium in the first place.

As a result of the Bill failing to pass, and in order to allow farmers choice of crops for the 2020 sowing season, the Government introduced new regulations effective 1 January 2020 to lift the GM moratorium on the South Australian mainland, in the same terms as the 2019 regulation. These regulations were introduced recognising the intent for the Government to introduce and seek passage of this Bill.

The new regulations have also been disallowed by the Legislative Council and have since been replaced by largely the same regulations.

That is the process, which has led to the introduction of this Genetically Modified Crops Management (Designated Area) Amendment Bill 2020.

The Bill being introduced to this Chamber is different to the Bill introduced to the House of Assembly, as a result of amendments which were agreed in that Chamber. It is therefore worthwhile outlining the provisions of the Bill.

The Bill gives effect to the Government's position that the GM moratorium should continue to apply to Kangaroo Island. It removes the powers of the Governor to designate by regulation the area for which the moratorium on the cultivation of genetically modified food crops may apply.

The Bill provides the ability for the Minister, by notice published in the Gazette, to designate a council area as an area in which no genetically modified food crops may be cultivated. This would occur upon application from a council—which also includes the Outback Communities Authority for the purposes of the Bill—after the council has consulted its community, including consulting farmers and food manufacturing businesses. The Minister must consult with the GM Crop Advisory Committee and consider the Committee's advice in relation to any application, prior to designating a council area.

The ability to designate a council area is time limited to within six months of the date the Bill is assented to. A notice to designate a council area published in the Gazette after six months from the date of assent is void.

The Bill also provides the Minister with the ability to revoke a designation of a council area upon application from the council.

The intention of the Bill is to prohibit cultivation of crops within a designated council area and specific exemptions are provided in the Bill which will enable the transport of GM food crop material through and research into GM food crops to occur within designated council areas.

When the Bill was originally introduced to the House of Assembly, it included a clause for the GM moratorium on Kangaroo Island to expire on 1 September 2025, as well as a clause requiring a review of the GM moratorium on Kangaroo Island to be conducted by 1 September 2024. These provisions no longer form part of this Bill. As a result, for the GM moratorium to be lifted on Kangaroo Island or in a designated council area (except where a council requests the moratorium to be revoked), a future Bill will be required to be considered by Parliament.

Unlike the Government's proposal to lift the GM moratorium on the South Australian mainland, the proposal for the Minister to be able, upon application, to designate council areas is not a policy which has undergone wide community consultation, nor has the GM Crop Advisory Committee been consulted on this matter.

However, Grain Producers South Australia has been consulted on this measure. The proposal is supported by the Government as an initiative which will enable a majority of Members of Parliament to support passage of the Bill. The proposal will enable local communities to have some say in whether or not there is value to South Australia for the marketing of GM food crops to maintain a GM moratorium in specific council areas, and for any such application to be considered by the GM Crop Advisory Committee.

The measures in this Bill will enable South Australia's grain producers to have certainty and confidence to sow the crops they believe are best for their business in time for the 2021 season.

The measures in the Bill will give confidence to industry, researchers and universities to invest in GM variety research and development here in South Australia, knowing there is a potential pathway to commercialisation for growers in our state.

Lifting of the moratorium has been strongly supported by grain growers, their representative organisation Grain Producers South Australia, and the wider grains industry, as well as by Primary Producers South Australia, Livestock SA and the South Australian Dairyfarmers Association.

Kangaroo Island farmers have supported the proposal to lift the GM moratorium on the mainland but retain it on the island, with some stressing the importance of having mechanisms to access any new pasture and crop varieties in future which may benefit local growing conditions.

Submissions from many of our state's highly regarded research institutions have also clearly highlighted the GM moratorium's negative impacts on research and development investment in South Australia.

It is past time South Australian farmers are provided with the same choices as their neighbours in other Australian states to use new and improved crop varieties and agricultural technologies to tackle the challenges they face. South Australian farmers should have access to choice in crop varieties that build resilience both financially and in their production systems to drought and climate variability.

Farmers that do not choose to grow genetically modified crops will be able to continue to sell to non-genetically modified and organic markets as farmers have successfully done in other states using segregation protocols that have proven to be successful and reliable.

The Marshall Liberal Government has a strong reform agenda to strengthen and grow the state's economy. This Bill will be an enabler to growing our agriculture and food sector. We are committed to supporting the grains sector to be vibrant, productive and competitive.

I commend the bill to the house and look forward to further debate.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

Certain provisions of the Act commence on assent and certain specified provisions commence 6 months after assent.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of Genetically Modified Crops Management Act 2004

4—Amendment of section 3—Interpretation

One amendment is consequential.

The other amendment amends the definition of *cultivate* to exclude the transport of a genetically modified food crop or any plant or plant material that has formed, or is to form, part of a genetically modified food crop from the definition.

5—Amendment of section 5—Designation of areas

The power to designate by regulation areas of the State in relation to the cultivation (and prohibition of the cultivation) of genetically modified food crops is repealed and substituted with the provision that Kangaroo Island is designated as an area in which no genetically modified food crops may be cultivated.

Provisions related to the making of regulations referred to above are also repealed.

Proposed new subsection (1a) provides that a person who cultivates a genetically modified food crop on a limited scale under, and in accordance with, a GMO licence authorising the release of the relevant GMO into the environment for the purposes of an experiment is exempt from the operation of section 5(1).

6—Insertion of section 5A

New section 5A is inserted:

5A—Designation of council areas

This section empowers the Minister, on application by a council, to designate (by notice in the Gazette) the area of the council as an area in which no genetically modified food crops may be cultivated.

A notice doing so must be published before the commencement day and takes effect from the commencement day (which is a defined term).

Provision is made relating to notices under the section and to give effect to the designation of an area under the section.

7—Amendment of section 6—Exemptions

One amendment is consequential on the insertion of new section 5A (Designation of council areas).

The other amendment (deleting section 6(2)(a)(i)) relates to the proposed insertion of subsection (1a) into section 5 of the *Genetically Modified Crops Management Act 2004* (and proposed section 5A(8) under the measure).

8—Amendment of Schedule 1—Transitional provisions

These amendments are consequential. One of them provides a power to make transitional regulations connected to the measure. Such regulations may operate from the commencement of the measure, or a later day.

Schedule 1—Repeal and revocation

Part 1—Repeal

1—Repeal of Genetically Modified Crops Management Regulations (Postponement of Expiry) Act 2017

The Genetically Modified Crops Management Regulations (Postponement of Expiry) Act 2017 is repealed as a consequence of the amendment to section 5 of the Genetically Modified Crops Management Act 2004.

Part 2—Revocation

2—Revocation of Genetically Modified Crops Management Regulations 2008

The Genetically Modified Crops Management Regulations 2008 are revoked as a consequence of the amendment to section 5 of the Genetically Modified Crops Management Act 2004.

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

PUBLIC TRUSTEE (PUBLIC TRUSTEE AND GUARDIAN) AMENDMENT BILL

Second Reading

The Hon. R.I. LUCAS (Treasurer) (16:22): I move:

That this bill be now read a second time.

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

Mr President, I am pleased to introduce the Public Trustee (Public Trustee and Guardian) Amendment Bill 2020.

The Bill amends the *Public Trustee Act 1995* and various other Acts to effect a merger of the offices of the Public Trustee and the Public Advocate.

There are approximately 700 joint clients who receive support from both the Public Trustee and the Public Advocate. Amalgamating the two services will provide a greater opportunity to provide a coordinated service for this client group. This significant reform will result in one entity delivering a consistent, cohesive, simpler service for all clients that takes a more holistic approach to meeting their needs.

With the merged entity, clients and their families can expect to go to the one place for all their needs relating to administration and guardianship. They can expect greater coordination in relation to the management of their affairs, improved responsiveness for complex matters that have urgent or pressing needs, and better information sharing.

Mr President, the Public Trustee has broad ranging functions under the *Public Trustee Act 1995* as well as other legislation. Its services include preparation of wills and enduring powers of attorney, acting as executor for deceased estates, personal financial management, funds management and taxation assistance. Under the *Guardianship and Administration Act 1993*, the Public Trustee can be appointed by the South Australian Civil and Administrative Tribunal as administrator in respect of the estates of persons unable to look after their own health, safety or welfare or to manage their own affairs due to mental health issues or other specified conditions.

The Public Advocate is established under the *Guardianship and Administration Act*. Under that Act, the Public Advocate may be appointed by the South Australian Civil and Administrative Tribunal as guardian of last resort of persons unable to look after their own health, safety or welfare or to manage their own affairs due to mental health issues or other specified conditions. Broadly speaking, a guardian is responsible for decisions about accommodation, health, access, and lifestyle of protected persons.

The Public Advocate also has other important functions relating to the needs of mentally incapacitated persons including systemic and individual advocacy, dispute resolution, education and investigation.

Under the reform reflected in the Bill, all of the statutory functions of the Public Trustee and the Public Advocate will be maintained. The Public Trustee will be named the '*Public Trustee and Guardian*' and all statutory functions currently held by the Public Trustee and by the Public Advocate will become functions of the *Public Trustee and Guardian.* The office of the Public Trustee and Guardian will replace the offices of the Public Trustee and the Public Advocate.

The bringing together of the functions of guardianship and administration within the one statutory office of Public Trustee and Guardian substantially mirrors reform undertaken in the Australian Capital Territory in 2016. It is worthy of replicating here.

I stress that this reform is not a budget savings measure. There will be no reduction in services and, upon the merger taking place, the budget of the Office of the Public Advocate, together with all of its staff, will be added to the budget and staff of the Public Trustee. The focus of the reform is to achieve a better delivery of services to some of the State's most vulnerable people.

Mr President, clause 8 of the Bill amends section 4 of the principal Act and makes provision for the appointment of the Public Trustee and Guardian.

Clause 62 of Schedule 1 to the Bill deletes Part 2 of the *Guardianship and Administration Act* pursuant to which the Public Advocate is currently established and its functions are set out.

Clause 9(2) of the Bill amends section 5(2) of the principal Act to set out the functions and powers of the Public Trustee and Guardian. It adds to the functions currently exercised by the Public Trustee, which are set out in section 5(2)(a), those currently exercised by the Public Advocate.

Clause 10 amends section 6 of the principal Act which deals with ministerial control. The current ministerial power of control and direction, on matters of policy only, in respect of functions of the Public Trustee has been retained. However, pursuant to proposed section 6(1a), that power will not apply in respect of functions being transferred to the Public Trustee and Guardian which are presently undertaken by the Public Advocate. Currently, under the *Guardianship and Administration Act*, the functions of the Public Advocate are expressly not subject to ministerial direction or control, and that independence is retained in respect of the Public Trustee and Guardian's future exercise of those functions.

Other clauses of the Bill insert into the principal Act powers or obligations to be held or owed by the Public Trustee and Guardian which replace equivalents currently held or owed by the Public Advocate under the *Guardianship and Administration Act*. For example, clause 9(3) inserts subsection 5(5) which grants a power regarding the establishment of committees for the purpose of providing advice to the Public Trustee and Guardian in relation to the performance of its functions. Clause 11 inserts section 6A relating to the Public Trustee and Guardian raising matters with the Minister and Attorney-General. Clause 57(3) inserts section 51(2)(ab) which requires the Public Trustee and Guardian to include in its annual report prescribed particulars of all applications made by the Public Trustee and Guardian for the issue of a warrant under the *Guardianship and Administration Act* 1993 during the year.

Mr President, this Bill aims to improve and better coordinate the services provided to our vulnerable citizens. South Australians expect and deserve high quality services that are tailored to their needs, and this is particularly true for those who are vulnerable and require support due to limitations to their decision making capacity. This reform supports this important objective, and ensures our justice policies and legislative reforms reflect contemporary needs—one of the priorities outlined in the Government's Justice Agenda.

I commend the Bill to Members and I seek leave to insert the Explanation of Clauses in *Hansard* without my reading it.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of Public Trustee Act 1995

4—Amendment of long title

This clause makes a consequential amendment.

5—Amendment of section 1—Short title

This clause makes a consequential amendment.

6—Amendment of section 3—Interpretation

This clause makes consequential amendments.

7—Amendment of heading to Part 2

This clause makes a consequential amendment.

8—Amendment of section 4—Public Trustee and Guardian

This clause amends section 4 of the principal Act to provide that there is to be a Public Trustee and Guardian who will be appointed by the Governor on terms and conditions determined by the Governor for a term not exceeding 7 years.

This clause removes the requirement that the office holder be an employee in the Public Service.

The clause also sets out the circumstances in which the office of Public Trustee and Guardian becomes vacant and the circumstances in which the Governor may remove the Public Trustee and Guardian from office.

The clause also notes that the Public Trustee and Guardian is the same body corporate as the Public Trustee under the *Public Trustee Act 1995*.

9—Amendment of section 5—Functions and powers

This clause amends section 5 of the principal Act to set out the functions of the Public Trustee and Guardian.

This clause further provides that the Public Trustee and Guardian may establish committees to provide advice in relation to the performance of the Public Trustee and Guardian's functions and that such committees will be taken to be advisory bodies for the purposes of the *Public Sector (Honesty and Accountability) Act 1995*.

10—Amendment of section 6—Ministerial control

This clause amends section 6 of the principal Act to set out the circumstances in which the Public Trustee and Guardian is, and is not, subject to control and direction by the Minister.

11—Insertion of section 6A

This clause inserts section 6A into the principal Act to allow the Public Trustee and Guardian to raise concerns with the Minister and Attorney-General and request that a report of a matter raised be laid before both Houses of Parliament.

This clause further provides that the annual report of the Public Trustee and Guardian must include a summary of the matters raised by the Public Trustee and Guardian.

12—Amendment of section 7—Execution of documents

This clause makes a consequential amendment.

13—Amendment of section 8—Delegations

This clause amends section 8 of the principal Act to provide that the Public Trustee and Guardian may delegate a function or power (other than a prescribed function or power) and to allow for further delegation of a function or power.

14—Amendment of section 9—Administration of deceased estate

This clause makes consequential amendments.

15—Amendment of section 10—Public Trustee and Guardian need not give security

This clause makes a consequential amendment.

16—Amendment of section 11—No action to be instituted after Public Trustee and Guardian has obtained administration

This clause makes consequential amendments.

17—Amendment of section 12—Appointment as administrator until certain actions determined

This clause makes consequential amendments.

18—Amendment of section 13—Administration of trust estate

This clause makes a consequential amendment.

19—Amendment of section 14—Appointment as executor or trustee

This clause makes consequential amendments.

20—Amendment of section 15—Appointment of Public Trustee and Guardian by executors, administrators or trustees

This clause makes consequential amendments.

21—Amendment of section 16—Appointment by court as trustee of amount of judgment etc

This clause makes consequential amendments.

22—Amendment of section 17—Custodian trustee

This clause makes a consequential amendment.

23—Amendment of section 18—Power of attorney continues despite subsequent legal incapacity

This clause makes consequential amendments.

24—Amendment of section 19—Payments to or from executors etc elsewhere in Australia or in New Zealand

This clause makes consequential amendments.

25—Amendment of section 20—Public Trustee and Guardian must require delivery or transfer of property to which Public Trustee and Guardian is entitled

This clause makes consequential amendments and replaces the divisional penalty with a maximum penalty of $25,000 or imprisonment for 1 year.

26—Amendment of section 21—Court may summons administrator etc on application of Public Trustee and Guardian

This clause makes consequential amendments.

27—Amendment of section 22—Result of disobedience to summons

This clause makes consequential amendments.

28—Amendment of section 23—Public Trustee and Guardian to give notice to beneficiary entitled to property

This clause makes consequential amendments.

29—Amendment of section 24—Administration of Public Trustee and Guardian may be referred to Court

This clause makes consequential amendments.

30—Amendment of section 25—Public Trustee and Guardian may make advances for purposes of administration

This clause makes consequential amendments.

31—Amendment of section 26—Public Trustee and Guardian to keep accounts in respect of estates etc

This clause makes consequential amendments.

32—Amendment of section 27—Investment of estate funds

This clause makes a consequential amendment.

33—Amendment of section 28—Money from several estates may be invested as one fund

This clause makes consequential amendments.

34—Amendment of section 29—Common funds

This clause makes consequential amendments.

35—Amendment of section 30—Accounts, audits and reports in respect of common funds

This clause makes consequential amendments.

36—Amendment of section 31—Information for investors or prospective investors in common funds

This clause makes consequential amendments.

37—Amendment of section 32—Public Trustee and Guardian's duties with respect to unclaimed money or land

This clause makes consequential amendments.

38—Amendment of section 33—Provision for parties subsequently claiming to apply to Court etc

This clause makes consequential amendments.

39—Amendment of section 34—Appointment as manager of unclaimed property

This clause makes consequential amendments.

40—Amendment of section 35—Powers of Public Trustee and Guardian as manager

This clause makes consequential amendments.

41—Amendment of section 36—Public Trustee and Guardian to have discretion as to exercise of powers as manager

This clause makes consequential amendments.

42—Amendment of section 37—Public Trustee and Guardian may apply to Court for directions

This clause makes a consequential amendment.

43—Amendment of section 38—Money to be invested in common fund

This clause makes a consequential amendment.

44—Amendment of section 39—Remuneration and expenses of Public Trustee and Guardian

This clause makes consequential amendments.

45—Amendment of section 40—Property managed by Public Trustee and Guardian to be held for owner

This clause makes consequential amendments.

46—Amendment of section 41—Termination of management

This clause makes consequential amendments.

47—Amendment of section 42—Transfer of unclaimed property to Crown

This clause makes consequential amendments.

48—Amendment of section 43—Expenditure of money on land

This clause makes consequential amendments.

49—Amendment of section 44—Fee for administering perpetual trust

This clause makes consequential amendments.

50—Amendment of section 45—General provision relating to Public Trustee and Guardian's charges

This clause makes consequential amendments.

51—Amendment of section 45A—Recovery of GST

This clause makes consequential amendments.

52—Amendment of section 46—ADI accounts, investment and overdraft

This clause makes consequential amendments.

53—Amendment of section 47—Tax and other liabilities of Public Trustee and Guardian

This clause makes consequential amendments.

54—Amendment of section 48—Dividends

This clause makes consequential amendments.

55—Amendment of section 49—Responsibility of Government for acts of Public Trustee and Guardian

This clause makes consequential amendments.

56—Amendment of section 50—Accounts and external audit

This clause makes consequential amendments.

57—Amendment of section 51—Annual reports

This clause makes consequential amendments and provides that an annual report of the Public Trustee and Guardian must include prescribed particulars of applications by the Public Trustee and Guardian for the issue of a warrant under the *Guardianship and Administration Act 1993*.

58—Amendment of section 52—Certain documents may be deposited with Public Trustee and Guardian for safe keeping

This clause makes consequential amendments.

59—Amendment of section 53—Certificate by Public Trustee and Guardian of appointment to act

This clause makes consequential amendments.

60—Amendment of section 54—Indemnity to persons having dealings with Public Trustee and Guardian

This clause makes consequential amendments.

61—Substitution of section 55

This clause replaces the current regulation making provision with a new provision that provides for the making of regulations and fee notices.

Schedule 1—Related amendments and transitional provisions etc

This Schedule:

- makes related amendments to various Acts, principally to replace references to the Public Advocate and Public Trustee with references to the Public Trustee and Guardian
- deletes Part 2 of the *Guardianship and Administration Act 1993* which establishes the office of the Public Advocate
- includes transitional provisions.

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

STATUTES AMENDMENT (BAIL AUTHORITIES) BILL

Introduction and First Reading

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

At 16:24 the council adjourned until Tuesday 12 May 2020 at 14:15.

Answers to Questions

CORONAVIRUS

In reply to **the Hon. T.A. FRANKS** (24 March 2020).

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

1. The *Shop Trading Hours Act 1977* (the act) enables me, as the responsible minister, to grant an exemption to the act on my own initiative for a period not exceeding 30 days.

On 19 March 2020, following the behaviours being evidenced in shops, in particular in shopping centres, with large numbers of people in small spaces trying to buy certain products, I announced an exemption to apply from 21 March to 19 April 2020 that gave retailers and customers greater choice and flexibility to help alleviate pressures faced as a result of the pandemic. This decision was supported by SA Health advice.

The exemption applied to all non-exempt shops in the Adelaide CBD and suburbs enabling them to trade during any hours on a weekday, between 12.00am to 9.00pm on a Saturday, and between 9.00am to 9.00pm on a Sunday.

The exemption enables consumers and staff to better practice social distancing by flattening out periods of peak demand. It also allows retailers to assist with supply of grocery stock and give supermarkets greater flexibility in relation to designated shopping times for elderly members of the community and people with a disability.

2. During the period of the exemption, retailers responded by using the increased flexibility to extend their trading hours. Woolworths, Coles, Aldi, some Drakes stores and other independent supermarkets have all availed themselves of the increased flexibility to extend their trading hours.

It should be noted that Coles' stores trading hours, which had initially been reduced at the outset of the pandemic, were subsequently increased, after I granted the exemption, until 10pm Monday to Friday and until 9pm on Saturday and Sunday.

A further exemption has now been granted for a further 30 days until 19 May 2020, whilst maintaining trading restrictions before 12 noon on ANZAC Day. This decision was supported by advice from SA Health.

Supermarkets and other shops continue to modify their business models, vary their opening hours and vary the level of restrictions in place to ensure the safety and wellbeing of their staff and customers and ensure the viability of their businesses. The ability for retailers to achieve this flexibility remains imperative and provides evidence of the value in such measures.

3. Throughout this pandemic, the Marshall Liberal government has always acted in accordance with the advice of the Chief Public Health Officer and SA Health. That health advice has been consistent on this issue – extending shop trading hours facilitates acceptable social distancing practices in shops.

In these unprecedented times, the government wants to make it as easy and safe as possible for South Australians to get the groceries they need, while giving supermarkets the flexibility they need to cater for increased consumer demand whilst supporting staff.