LEGISLATIVE COUNCIL

Tuesday, 12 May 2020

The PRESIDENT (Hon. T.J. Stephens) took the chair at 14:16 and read prayers.

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

Bills

FIRE AND EMERGENCY SERVICES (MISCELLANEOUS) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

COVID-19 EMERGENCY RESPONSE (BAIL) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

SUMMARY OFFENCES (TRESPASS ON PRIMARY PRODUCTION PREMISES) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

THE WYATT BENEVOLENT INSTITUTION INCORPORATED (OBJECTS) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

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

Assent

His Excellency the Governor assented to the bill.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the President—

Adelaide Park Lands Lease Agreement between the Corporation of the City of Adelaide and Jolley's Boathouse Bistro Pty Ltd
The University of Adelaide, Report—2019

By the Treasurer (Hon. R.I. Lucas)—

Fee Notices under Acts—
Land and Business (Sale and Conveyancing) Act 1994
Regulations under Acts—
Gaming Machines Act 1992—General
Work Health and Safety Act 2012—Prescription of Fee

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

Fee Notices under Acts—

Bills of Sale Act 1886
Community Titles Act 1996
Passenger Transport Act 1994
Real Property Act 1886
Registration of Deeds Act 1935
Roads (Opening and Closing) Act 1991
Strata Titles Act 1988
Valuation of Land Act 1971
Worker's Liens Act 1893

Notices under Acts—
Local Government Act 1999
Public Health Emergency—
Annual Business Plans and Strategic Planning (No 4)
District Council of Coober Pedy Electronic Participation in Council Meetings (No 3)
Electronic Participation in Council Meetings (No 1)
Public Access and Public Consultation (No 2)

Regulations under Acts—
Harbors and Navigation Act 1993—Fees
Motor Vehicles Act 1959—
Fees
Reduced Registration Fees—Prescribed Amounts

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

Regulations under Acts—
Heritage Places Act 1993—Forms and Revocations
National Parks and Wildlife Act 1972—Fees

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

SA Police Response to the Deputy Coroner's Finding of 14 August 2019 into the Death of Alexander Peter Kuskoff – April 2020

ANSWERS TABLED

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

Question Time

COUNTRY HOSPITALS

The Hon. K.J. MAHER (Leader of the Opposition) (14:26): I seek leave to make a brief explanation before asking the Minister for Health and Wellbeing a question about public health.

Leave granted.

The Hon. K.J. MAHER: On 12 March this year, the minister and the Premier released a joint statement about upgrades to country hospitals. The release in part stated, 'South Australia will benefit almost immediately.' The release went on to say, 'The $15 million will boost local economies, trigger immediate jobs and provide better health services.' On 26 March, a further media statement from the Premier about COVID-19 stimulus stated:

> This complements the $350 million we announced earlier this month, focused on shovel-ready infrastructure maintenance jobs such as hospital and road upgrades…

During a recent discussion the chief executive of SA Health couldn't answer any questions about the health-related COVID-19 stimulus announcements. The minister has been asked about these matters previously so it may well be that he can provide and inform parliament in greater detail today. My question to the minister is: have the immediate and shovel-ready fire and safety upgrades at the Eudunda Hospital been completed?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:28): The honourable member asks in relation to the Eudunda project, which relates to the fire service of the client's upgrade in relation to fire tanks, pumps and sprinklers. The budget is $350,000. I am advised that the process is well underway. A tender is expected to be issued in July and the completion of the project is forecast to be February 2021.

COUNTRY HOSPITALS

The Hon. K.J. MAHER (Leader of the Opposition) (14:28): A supplementary arising from the answer given: for clarity, is the minister saying this immediate shovel-ready project will have tenders not completed for another two months after first being announced two months ago? Is that what the minister is informing the chamber?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:29): I advise the chamber that this government is following orderly procurement and construction processes.

COUNTRY HOSPITALS

The Hon. K.J. MAHER (Leader of the Opposition) (14:29): A supplementary arising from the answer: does the minister think that four months after an announcement that immediate projects will start really constitutes immediate and shovel-ready?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:29): I just ask the council, does the honourable member really think, does the council really think that we issue a press release one day, throw out all of the probity and procurement arrangements and start digging the next day?

COUNTRY HOSPITALS

The Hon. K.J. MAHER (Leader of the Opposition) (14:29): Final supplementary.

Members interjecting:

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

The Hon. K.J. MAHER: For the sake of clarity—

The Hon. E.S. Bourke: Trigger immediate jobs.

The PRESIDENT: The Hon. Ms Bourke!

The Hon. K.J. MAHER: —is the minister informing the chamber that tenders will not be released until some four months after the announcements, let alone any contracts signed some time after that, and then the project completed long into the future?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:30): I have nothing to add to my previous answers.

NARACOORTE HOSPITAL

The Hon. C.M. SCRIVEN (14:30): My question is to the Minister for Health and Wellbeing regarding public health. Have the immediate and shovel-ready sterilisation facilities at Naracoorte Hospital been completed?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:30): I make the point, first of all, that members of the opposition are asking questions that they say relate to public health. These are not public health matters: these are matters about hospital services. If they don't know what public health is, perhaps they should stop using the term. In relation to Naracoorte, the government is proud to be involved in a project for the Central Sterile Services Department (CSSD) compliance upgrade. I am advised that the budget is $3,115,000. The proposed tender release is July 2020 and the project is scheduled to be completed in June 2021.

NARACOORTE HOSPITAL

The Hon. C.M. SCRIVEN (14:31): I have a supplementary: is the minister saying that four months is also appropriate for this immediate response to COVID-19 and the economic stimulus—that four months is an appropriate time before tenders will even be released?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:31): As I previously indicated, the government is still complying with normal procurement requirements.

WAIKERIE HEALTH SERVICE

The Hon. E.S. BOURKE (14:31): My question is to the Minister for Health and Wellbeing regarding hospital services.

Members interjecting:

The Hon. E.S. BOURKE: I am taking on your feedback—amazing!

The PRESIDENT: Order!

The Hon. E.S. BOURKE: Have the immediate and shovel-ready installation of generators and electrical upgrades at Waikerie hospital been completed?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:32): I thank the honourable member for her question. By way of preface, the Waikerie hospital is the one where the community itself had put money into the hospital—I think it was the upgrade of the operating theatres, if I remember correctly—because of the former Labor government's complete and utter neglect over country health for their whole term. I would like to thank the opposition for taking this opportunity in question time today to highlight this government's commitment to rural health services. This is a government that has committed $140 million into upgrades to country hospitals over the next 10 years. The $15 million that we are discussing in detail today is part of that program.

In terms of Waikerie, the scope of the works will be an electrical distribution network upgrade, which is both switchboards and cabling. I am advised that the budget for the project is $705,000 and the proposed tender release is June, a matter of a couple of weeks away, and the proposed completion is by December this year.

WAIKERIE HEALTH SERVICE

The Hon. E.S. BOURKE (14:33): I have a supplementary arising from the original answer: can the minister confirm if this was new funds or funds brought forward from another project?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:33): The $15 million in the COVID-19 economic stimulus package was announced by the government to further deliver upon health and aged-care sustainment upgrades across the regional—

The Hon. K.J. Maher: Don't read from press releases, Wadey; actually answer it. It's already in the public arena.

The PRESIDENT: The honourable Leader of the Opposition will listen in silence. Minister.

The Hon. S.G. WADE: If the honourable member—

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: —is assuming it's already in the public domain—

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: —is he reflecting on—

Members interjecting:

The PRESIDENT: He's allowed to provide information.

The Hon. S.G. WADE: —his honourable colleague for the fact that they have asked the question?

The Hon. K.J. Maher: Is it already in the public arena and is that appropriate?

The PRESIDENT: Well, then, if that's the case then there is no need to answer the question. Sit down, minister. The Hon. Mr Dawkins.

WINE INDUSTRY

The Hon. J.S.L. DAWKINS (14:34): My question is directed to the Minister for Trade and Investment. Will the minister provide the council with an update on South Australian exports in wine and how the government plans to assist the industry to re-establish export markets post coronavirus?

The Hon. D.W. RIDGWAY (Minister for Trade and Investment) (14:34): I thank the honourable member for his ongoing interest in exports, especially wine. Wine, we know, remains the state's largest merchandise export, increasing by some $85 million (or 4.6 per cent) to $1.93 billion to the 12 months in March. Much of this growth comes from the increase in premium quality wine exports, with growth in the total value up 8 per cent, compared with 3 per cent value nationally.

In the short to medium term, though, some pressure on wine exports is expected as a result of the social restrictions, such as dining out due to coronavirus, but the South Australian wine industry is well positioned to support the export recovery, and the Marshall Liberal government has designed a series of market initiatives to support our wine exporters to get back on track. With wine industry events postponed or cancelled, these market initiatives are designed to: encourage consumer demand and export orders for South Australian wine, working with existing in-market partners; informally educate wine exporters on the post-COVID-19 wine market; and support market diversification.

On 28 May this year I will be co-hosting a China wine market webinar with the South Australian Wine Industry Association. On 11 June there will be another webinar on the Hong Kong market with Peter Gago and other key industry representatives speaking. Both these webinars will provide an up-to-date market insight and share consumer trends in China and Hong Kong respectively.

Another initiative is the Marshall Liberal government partnering with the China Chamber of Commerce of Foodstuffs and Native Products to hold a virtual wine trade exhibition in late June, where South Australian wineries will meet potential buyers over a live stream. With more and more wine trade business being conducted online, our government is also ramping up training to upskill our wineries in this area.

In early June our government will deliver three webinars in collaboration with Wine Communicators Australia on how to successfully conduct virtual wine tastings for buyers. In these uncertain times the Marshall Liberal government also wants to diversify our markets. One such market of focus is the United States, and of course we appointed Ms Regina Johnson as our in-market representative in February this year. Growth in our wine exports in the US was up 19 per cent in the January to March quarter, compared with 2019, and we are seeing the results of our federal government's investment in the Far From Ordinary Wine Roadshow that was held late last year.

We will continue investing in this market and partnering with Wine Australia to support up to eight South Australian wine exporters access the US market entry program by funding 50 per cent of the participation fee. Considering that the USA is one of the most complex wine markets in the world, it is important that South Australian businesses access this growing market and hit the ground running when borders reopen. In addition to these initiatives we will continue to work closely with our regional wine associations, as well as Wine Australia and other campaigns and initiatives, and our overseas office network remains a valuable connection for our wine exporters to access. The Marshall Liberal government continues to support this critical industry through this coronavirus crisis to create more jobs and wealth for South Australians to make us stronger than before.

RENAL DIALYSIS SERVICES

The Hon. T.A. FRANKS (14:37): I seek leave to make a brief explanation before addressing a question to the Minister for Health and Wellbeing on the topic of changes to health services, including renal services.

Leave granted.

The Hon. T.A. FRANKS: A constituent, who is in late stage renal failure, has informed my office that she and others in her support group were not directly notified when kidney transplants came to a halt due to COVID-19. That constituent found that patients who were on dialysis or awaiting transplants were directly notified, but other patients who also do need to know of the changes, including herself, were not. Publication of these changes seemed largely to be done online and in social media. My questions to the minister are:

1. How are renal patients notified of changes to transplant procedures?

2. What direct notifications were prioritised based on service levels?

3. How will communication with patients for renal services, but also for all health services that are subject to consistent and current change, be improved in the future?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:39): I thank the honourable member for her questions, which highlight a significant issue, particularly in times like these. The nature of the pandemic is that, not only in relation to health services but in relation to so many parts of the operation of our society, there were regular and significant changes and communication was very important. I accept the point the honourable member made that not everyone uses electronic means for communication. I will certainly take on notice the question the honourable member asked and seek further information. Certainly, if there was a failure to communicate with all of the relevant cohort in terms of people who need information, I'm sure that SA Health would want to take that on board.

LOXTON HOSPITAL COMPLEX

The Hon. R.P. WORTLEY (14:39): My question is to the Minister for Health and Wellbeing regarding country hospital safety upgrades. Have the immediate and shovel-ready fire and safety upgrades at the Loxton hospital been completed?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:40): Is that Loxton?

The Hon. R.P. WORTLEY: Loxton.

The Hon. S.G. WADE: I am pretty sure that's close to 'Luckindale'.

The PRESIDENT: Minister!

The Hon. S.G. WADE: The government is pleased—

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: The Hon. Mr Ridgway! Minister, answer the question.

The Hon. S.G. WADE: —to be investing money in the fire services compliance upgrades which involves fire tanks, pumps and sprinklers at the Loxton hospital. As the honourable member is wanting to remind the house, this is another example of the legacy of neglect that we inherited from the former Labor government. That's why this government, in that project, I am advised, is expending $2.155 million. The honourable member will be very pleased to know that next month, June 2020, the proposed tender will be released, and that project will be delivered by February 2021.

LOXTON HOSPITAL COMPLEX

The Hon. R.P. WORTLEY (14:41): Supplementary: has the money allocated for this work at the Loxton hospital already been allocated in the budget or is this new money?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:41): The government has made it clear that the stimulus funding is a pool forward of the assets sustainment program within the existing $140 million commitment to over 10 years. This is not unlike other programs, but the fact of the matter is that this money brought forward provides stimulus now rather than stimulus later.

ENTERPRISE BARGAINING

The Hon. D.G.E. HOOD (14:41): I seek leave to make a brief explanation before asking a question of the Treasurer regarding enterprise bargaining.

Leave granted.

The Hon. D.G.E. HOOD: Today, the nurses federation has made statements about progress on the nurses enterprise bargaining.

An honourable member interjecting:

The PRESIDENT: Order! Continue, the Hon. Mr Hood.

The Hon. D.G.E. HOOD: My question to the Treasurer is: will he update the chamber on this important matter?

The Hon. R.I. LUCAS (Treasurer) (14:42): I am advised that today is International Nurses Day, so—

The Hon. S.G. Wade: In the International Year of the Nurse and Midwife.

The Hon. R.I. LUCAS: In the International Year of the Nurse and Midwife. I know the Minister for Health has made public statements, but I, too, join with my colleagues on this side of the chamber in publicly acknowledging the magnificent work that nurses do. Mr President, you would be very familiar with the magnificent work that nurses do specifically but also generally. On behalf of government members, I publicly acknowledge, proudly acknowledge, the magnificent work nurses do not just during the onslaught of the global pandemic, which has obviously focused attention, but at all times.

With that backdrop, I am pleased to indicate that we are getting closer to reaching an agreement with the nurses federation in relation to an EB. The federation have issued a public statement today saying that an agreement had been concluded or reached. I think that's just a touch premature, but it is certainly, nevertheless, indicative that we have progressed significantly in terms of negotiations. I would be hopeful that sooner rather than later we might be in a position to put an offer to all nurses for a ballot.

The process is that government negotiators will hopefully conclude in the near future negotiations with representatives of the nurses federation in relation to an agreement. I note the nurses have welcomed a 2 per cent offer as a win for nurses. We are delighted to hear that perspective on the offer. We indicated at the outset that taxpayers could not afford the original ask of 3.5 per cent in terms of salary increases. The taxpayers could really only afford moderate and sensible salary increases. We are pleased to see the nurses federation's public acknowledgement of the 2 per cent offer as a win for nurses in South Australia.

If those final details of a formal offer can be concluded in the coming days, that final offer will go to the nurses federation negotiators. If an agreement can be reached, then a formal offer has to go to a ballot of all nurses—and I am told there are some approximately 17,000 plus, but I am sure my ministerial colleague will have a more precise number than I. Nevertheless, it is a very significant number of employees that will have to be balloted, because the federation represents a significant number of nurses but not, indeed, all nurses, and all nurses will have the opportunity to vote either for or against the formal offer.

As with the AEU negotiation, we have every expectation that if the nurses federation is endorsing the acceptability of the government's offer on behalf of taxpayers then it is highly likely that the vast bulk of the nurses on an enterprise agreement ballot are likely to support it as well. But one can never assume these things, so there is still a process that has to be gone through. I am told that a ballot of all 17,000 nurses can take a number of weeks to be conducted within SA Health, but officers from the Treasury department will work with SA Health in progressing it should there be the final details negotiated with the nurses federation.

I thank my colleague for the question and I am very hopeful that we will be able in the not-too-distant future to announce a formal offer to go to all nurses for a ballot with the expectation, I hope, that what has been, certainly from the government's viewpoint, a productive discussion and negotiation and, certainly on behalf of the taxpayers of South Australia, if it is agreed, a welcome acknowledgement that even in these tough times this government is prepared to offer sensible and reasonable salary increases to its hardworking public service employees and in particular nurses.

ENTERPRISE BARGAINING

The Hon. C. BONAROS (14:46): Supplementary question: can I take it from the Treasurer's response just now that he would agree that other essential service employees in health, mental health, aged care and disability services who have also worked tirelessly throughout the COVID-19 crisis in particular, are also worthy of the same 2 per cent increase?

The Hon. R.I. LUCAS (Treasurer) (14:47): I thank the member for her question. Indeed, we acknowledge all of the hardworking public servants. Indeed, on behalf of the government I have rejected what I think has been ill-informed criticism of some public servants who are working their backsides off during the global pandemic doing a range of things, such as the high-profile health work that the nurses and doctors and others undertake but also, I think, the hard work of an administrative nature that many public servants do in trying to get out cash grants and various levels of assistance.

I think it is important for us to acknowledge the hard work that our public servants across the board conduct. All of them deserve reasonable and sensible salary increases that taxpayers can afford. In relation to the negotiations that are going on with two other key unions, the PSA in relation to the salaried employee workers and the UWU and a number of other unions in relation to the weekly paid group within the public sector, I am optimistic that we might be able to reach agreement with those.

They are not as far advanced—certainly the PSA negotiation perhaps at this stage is not as far advanced as the nurses federation's public statement today—but certainly from the government's viewpoint we continue to sit down in a reasonable fashion with the union negotiators to try to hammer out what is a reasonable agreement for workers but clearly a reasonable agreement also for the taxpayers of South Australia in terms of what they can afford.

We have said for nearly 18 months now that we cannot afford 3 and 3½ per cent salary increases. Ultimately, we have settled disputes in and around about 2 per cent for a range of public sector negotiations, sometimes slightly above, if there have been trade-offs in terms of productivity offsets, sometimes at the lower end, if there have been no productivity trade-offs and it has just been a rollover of existing conditions. I know the government has entered the negotiations and, I believe, conducted the negotiations with a clear set of principles in mind; that is, we can afford reasonable wage increases and will continue to do so.

In relation to the two other major groups, there are a number of other minor—I shouldn't say minor in terms of importance but in terms of numbers of employees—EBs going on in addition to the two larger ones, which are the salaried and the weekly paid. With all of those, we are entering it with the same riding instructions in terms of trying to reach a sensible agreement. In terms of the two to which I suspect the member might be referring—weekly paid and salaried—I hope we might be able to reach a sensible agreement in the not-too-distant future.

ENTERPRISE BARGAINING

The Hon. C. BONAROS (14:50): Further supplementary: given the tireless amount of work that these front-line employees have faced during the COVID-19 crisis, what consideration has been given to a further rollover of the enterprise agreement to enable those negotiations to take place at a more appropriate time?

The Hon. R.I. LUCAS (Treasurer) (14:50): We always give a lot of consideration—appropriate consideration—to those sorts of issues, but ultimately they are issues that we negotiate with the union negotiators during the EB negotiation.

MODBURY HOSPITAL

The Hon. C. BONAROS (14:51): I seek leave to make a brief explanation before asking the Minister for Health and Wellbeing a question about jobs at Modbury Hospital.

Leave granted.

The Hon. C. BONAROS: As members of this chamber are aware, Modbury Hospital and the north-eastern community were dealt a cruel blow by the previous Labor government under the auspices of the trouble-plagued Transforming Health program. High-dependency services were shut

down, acute medical and surgical beds were closed, and emergency surgery and major elective surgery ceased. This left its emergency department, which sees about 40,000 patients a year, without backup emergency services, and it meant that acutely ill patients were transferred to the Lyell Mac and beyond, sometimes after long and life-threatening delays.

To give credit where credit is due, the current state Liberal government is moving to address the mistakes of the previous Labor government and is in the process of a $96 million upgrade to the hospital, but that has now been faced with problems of its own, with up to 10 staff at the hospital facing an uncertain future. My questions to the minister are:

1. Can the minister confirm that the clinical sterilisation unit at Modbury Hospital is the only outsourced clinical sterilisation unit in the state's public hospital system?

2. In light of the imminent closure of the Modbury operating theatres and the displacement of staff, will the minister act to address this anomaly and ensure these professional staff are re-engaged as public sector employees, as in other public hospitals? If not, why not?

3. How and when did this outsourcing occur?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:53): My understanding is that the contract predates this government. Certainly, that's my understanding. I will need to check about the CSD, whether it is the only CSD that is provided by the private sector. The fact that it is a private service at a public hospital, and that it is Modbury and this government inherited it, highlights the fact that the former Labor government maintained this contract. That's not particularly surprising. With medical imaging, hospital hotel services and in all sorts of domains, the Labor government ran private sector contracts. Their rhetoric in relation to privatisation is hardly sustained in a consistent way.

The honourable member is quite correct in linking this disruption to the CSD services to Transforming Health. The Marshall government is committed to restoring Modbury Hospital as a community hospital after the Transforming Health downgrade, and key to that is elective surgery. We have already seen a move to multiday, more complex, and we are heading towards the re-establishment of a high dependency unit.

With COVID-19, an opportunity arose to actually facilitate that project. It meant that the opportunity was that if we shut the operating theatres for 11 months, the theatres would be ready eight months earlier. SA Health is actively looking at redeploying its own staff, and I do acknowledge the disruption to the staff of private contractors. I have indicated that the government will, as we do with all our partners, work with our partners to minimise disruption. In the end, they are private sector employees under a private contract.

MODBURY HOSPITAL

The Hon. C. BONAROS (14:55): Supplementary: can the minister confirm whether discussions are taking place with the private contracted company (ISS in this instance, I believe) regarding the government's ongoing contractual arrangements that relate particularly to these staff in the sterilisation units, and whether discussions are taking place about redeploying them or taking them on as public sector employees specifically?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:55): I'm more than happy to take that question on notice and bring back the information for the honourable member.

The PRESIDENT: Supplementary question?

MODBURY HOSPITAL

The Hon. C. BONAROS (14:56): Thank you. Can the minister also bring back a response in relation to how the outsourcing of that particular unit occurred in the first instance?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:56): Yes, certainly.

KAPUNDA HOSPITAL

The Hon. I. PNEVMATIKOS (14:56): My question is to the Minister for Health and Wellbeing regarding hospitals. Have the immediate and shovel-ready sterilisation facilities at Kapunda Hospital been completed?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:56): The government is pleased to be investing in the Kapunda Hospital to undertake a compliance upgrade for a central sterile services department. The budget for the project is $882,000. The proposed tender release is July 2020 and the proposed completion is 2021.

KAPUNDA HOSPITAL

The Hon. I. PNEVMATIKOS (14:57): Supplementary: how many new jobs will this project create?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:57): I'm happy to take that on notice.

DOMESTIC AND FAMILY VIOLENCE

The Hon. J.S. LEE (14:57): My question is to the Minister for Human Services regarding domestic and family violence. Can the minister please provide an update to the council about how the Marshall Liberal government is supporting South Australians experiencing domestic and family violence during the COVID-19 pandemic?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:57): I thank the honourable member for her question and for her interest in this area, and acknowledge that other honourable members—I think particularly the Hon. Ms Bonaros—have raised this issue in the context of the COVID pandemic that we are experiencing.

The women's safety ministers council, comprising all safety ministers from around Australia for each jurisdiction, has been actively not just monitoring this pandemic and its impact on domestic and family violence but indeed negotiating a funding package to assist during this challenging time. I have talked previously, when asked about the statistics, about what we know. I also take note that the police commissioner, as one of the very important stakeholders in this space, has publicly commented about the data from the police perspective.

What we do know is that the actual number of calls to the existing hotlines that we have—which now run 24 hours a day, as one of our election funding commitments—hasn't necessarily increased, but that the complexity of the people who are calling and their situations has. So we are very concerned that there are people who are going through some very difficult challenging times.

We were very pleased that the commonwealth government has provided a funding package across all states and territories. The amount made available for South Australia is $2.4 million, which has enabled us to work through *Committed to Safety*, which is our living document for guiding our domestic and family violence services. That's enabled us to provide some new services to fill some gaps that we haven't provided for before and fund some existing services to deal with any more complex cases or any surges that they may experience—which we may well experience once restrictions are further eased.

We have a $900,000 package, which is specifically to work on those services that work with perpetrators. The Men's Referral line will be receiving money so that South Australian men who use violence can contact that service to seek assistance and then be connected with some of our local DV counselling services. There are additional brokerage packages, which means that the services can provide a range of flexible options that might include counselling for children who are experiencing trauma, financial counselling, safety upgrades and a range of other things.

The Department of Human Services has commenced, and is continuing with, a targeted communication package. We also have additional funding to build capacity of workforce, not just within the specialist sector but for those services such as Lifeline and the Telecross service, which are more focused on the other aspects of the COVID crisis, to enable them to identify people who are calling who are experiencing domestic violence and then to be able to refer them on. We are very pleased that that agreement has been reached and want anybody who is experiencing domestic

violence to know that the government is here to support them and that the services are standing by to assist.

E-SCOOTERS

The Hon. M.C. PARNELL (15:01): I seek leave to make a brief explanation before asking the Minister for Trade and Investment, representing the Minister for Transport, Infrastructure and Local Government, a question about e-scooters.

Leave granted.

The Hon. M.C. PARNELL: The government has authorised the use of commercial electric scooters as part of ongoing trials in Adelaide, now extended to include North Adelaide and the Coast Park Trail. Of course, in response to the COVID-19 pandemic, the service has been suspended, effective Sunday 29 March; however, it will be resumed after the current crisis has passed. As part of the commercial provision of e-scooters, the government has required that they be speed limited, have basic safety equipment, be subject to specified rider behaviour and only be used in designated areas. However, if a private citizen buys an identical e-scooter with identical limitations, he or she can be prosecuted for riding it. I note that e-scooters are widely available for sale in South Australia, both through retail outlets and online; however, they can't be used in public. According to the government website:

> If you are caught riding an e-scooter not approved for this trial you may be fined for driving an unregistered and uninsured motor vehicle [the fine being] $1,232.

My questions to the minister are: firstly, when the e-scooter trial resumes after the COVID-19 pandemic has passed, will the government allow the use of private e-scooters on the same terms and conditions as commercial e-scooters; and secondly, what are the government's future plans for the use of private, small-wheeled electric vehicles, given that these vehicles are increasing in popularity and availability?

The Hon. D.W. RIDGWAY (Minister for Trade and Investment) (15:03): I thank the honourable member for his question. I suspect I am the only minister in this chamber who has actually ridden an e-scooter—I suspect I am, but maybe the Hon. Stephen Wade has—so I am probably the right person to take this question. All the details that the honourable member refers to are very important questions, and I will refer them to the hardworking Minister for Transport, the Hon. Stephan Knoll, and bring back an answer.

BORDERTOWN MEMORIAL HOSPITAL

The Hon. J.E. HANSON (15:04): My question is to the Minister for Health and Wellbeing, regarding hospitals. Has the immediate and shovel-ready installation of generators and electrical upgrades at Bordertown hospital been completed?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:04): I would like to send a cheerio to the Minister for Trade and Investment, the son of Bordertown.

The Hon. D.W. Ridgway: I think Bob Hawke is the son of Bordertown.

The Hon. S.G. WADE: For us you are the son of Bordertown. The honourable member's question related to Bordertown. The Marshall Liberal government is pleased to be dealing with Labor's neglect of country hospitals by investing, I'm told, $495,000 in electrical distribution network upgrades, switchboards and cabling at the Bordertown hospital. I'm advised that the proposed tender release is June 2020, just a couple of weeks away, and the proposed completion is by the end of the year.

BORDERTOWN MEMORIAL HOSPITAL

The Hon. J.E. HANSON (15:05): Supplementary question: what government departments have been involved in the preparation of the tender for those works?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:05): I will certainly take that question on notice but considering the contract value, I suspect that it is being done by SA Health itself, being less than half a million dollars, but I will certainly take that on notice. Could I just commend

the honourable member for the nimbleness with which he, after all these questions, found something fresh to bring to the chamber.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Dawkins.

CORONAVIRUS

The Hon. J.S.L. DAWKINS (15:06): My question is to the Minister for Health and Wellbeing. Will the minister update the council on testing for COVID-19 in South Australia?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:06): I would like to thank the honourable member for his question. As South Australia moves from the first stage of containment of the COVID-19 pandemic to the second stage of suppression, it's more important than ever that we do not relax the public health measures that have helped to protect us so far: social distancing, personal hygiene and staying home if unwell. These are still the best things all of us can do to stop the spread of the coronavirus.

Perhaps I might just pause on behalf of all honourable members to thank the President and the officers of the council for the considerable efforts they have taken to make sure that our workplace continues to be a safe place to work.

Honourable members: Hear, hear!

The Hon. S.G. WADE: Another key aspect of this second stage will be a broad-based testing regime. Despite the low number of cases in South Australia, the public health advice is that we can expect new cases. In particular, as restrictions are eased, it will be crucial that these cases are identified as quickly as possible. We need ongoing testing for COVID-19, effective case tracing and rapid response. South Australia is well placed to implement this necessary broad-based testing. Australia already has a world-leading testing regime and in South Australia we have tested around 3.5 per cent of the population, putting us in a strong position compared to other jurisdictions and our international peers.

The commonwealth government's COVIDSafe app will be of great assistance in this process and I urge all South Australians to download and use the app as I have done. However, it has been made clear right from the beginning of the app's development that it is not a silver bullet. SA Pathology has done a sterling job to put us in such a strong position, and I commend them for their efforts.

They now have a new weapon in their arsenal in the fight against COVID-19 in the form of rapid point-of-care testing being rolled out for COVID-19. Point-of-care testing will provide a turnaround time of 60 minutes instead of the usual 24-hour time frame. I know that at times the turnaround time got down as low as 13, but without this point-of-care testing it is not possible to get down to an hour. The rapid testing ability will be rolled out across our metropolitan hospitals as well as in 10 regional hospitals. This new testing capacity will assist in diagnoses for patients who are deemed clinically urgent, allowing an almost immediate response to these cases. It will also provide faster identification and isolation of potential cases of COVID-19.

We know that the easing of our restrictions will be gradual and based on expert public health advice. We know that there is a danger of a second wave once restrictions are eased, as we have seen internationally. This new rapid testing ability will be just one of the safeguards we need to have the confidence to be able to consider further easing of restrictions, but all these plans are predicated on the maintenance of good public health measures such as social distancing. We need to support our public health team by practising these basic defences.

CORONAVIRUS

The Hon. T.A. FRANKS (15:09): Supplementary: what is the percentage rate of accuracy of our testing regime and has this been a consistent figure for the duration of the pandemic?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:09): I am certainly happy to take that on notice.

The PRESIDENT: The Hon. Ms Franks, a further supplementary.

CORONAVIRUS

The Hon. T.A. FRANKS (15:09): Has the minister asked the rate of accuracy of our testing regime at any time during the pandemic?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:10): Sorry; asked for what?

The Hon. T.A. FRANKS: Asked the health professionals for the accuracy rate of our testing at any time during the course of the pandemic?

The Hon. S.G. WADE: I don't recall having done so. I trust SA Pathology to maintain the accredited standards that it lives by.

CORONAVIRUS

The Hon. T.A. FRANKS (15:10): Supplementary: is the accuracy rating of our testing 100 per cent?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:10): I have already taken that question on notice.

The Hon. T.A. Franks: No, you haven't.

The Hon. S.G. WADE: Well, it's implicit in the first one.

The PRESIDENT: The Hon. Mr Pangallo, do you have a supplementary question?

CORONAVIRUS

The Hon. F. PANGALLO (15:10): Yes, I do, thank you, Mr President. Can the minister explain this rapid type of test? What are they, how do they work, and do they meet the appropriate approvals and standards? Also, is testing going to be extended into aged and residential care facilities?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:11): I thank the honourable member for his question. In relation to the rapid testing service, it is based on a network of equipment that is, as I understand it, already present in South Australian hospitals. My recollection is that in the first year of this government, we provided point-of-care testing for influenza at some of our metropolitan hospitals. My understanding is that point-of-care testing is available in different parts of the state, but, to be able to use it for COVID-19, specific capsules need to be used.

If my recollection serves me correctly, we needed to acquire 400 capsules. SA Pathology has installed rapid testing instruments throughout the state laboratory network and SA Pathology has received its first shipment of 400 cartridges, which is required to commence the testing. I should stress that it is not intended that the rapid testing replace the standard PCR testing that we do through our dedicated clinics. These particular tests are significantly more expensive than a standard clinic test. The value of it is obviously the quick turnaround.

I am advised that it is helpful in terms of responding to people who are clinically unwell. For example, if you can quickly identify whether or not a person may be carrying infectious disease, that would change the way you manage the patient within the facility. But, obviously, it has obvious relevance to contact tracing. If we can test a person who may be positive for COVID-19 and within an hour find out whether or not they are, it will give us an opportunity earlier to engage with case tracing, contacting potential contacts of that person and to, if you like, bring forward the isolation period. To be frank, you bring forward the isolation period not just for the person who proves positive but also all their confirmed contacts.

Also, I think it is an important part of ensuring that the testing is not burdensome on people. I do want to pay tribute to the extraordinary commitment of the people of South Australia in cooperating with the public health effort by continuing to put themselves forward. I saw figures earlier today that were highlighting the presentations for COVID-19 testing in recent days. For example, on the basis of the information I have, there were more than 1,600 people who were tested in South Australia yesterday, on 11 May.

We have not tested that number of people since 22 April. In other words, in spite of the fact that there are fewer cases in South Australia than there have been in previous weeks, South Australians are still heeding the advice of the public health clinicians, and with relatively mild symptoms are presenting themselves for testing. That wasn't just a one-day wonder. To be frank, the weekdays of last week all exceeded 1,300. Right through the pandemic that would be regarded as a good day. We had five good days last week and another good day yesterday. The fact that we had no cases identified through those testing days illustrates, I think, the continued strong community support for the public health response in this pandemic.

The honourable member also asked me to address whether or not we were doing anything to help protect aged-care residents. The government has had what I would call a round table of aged-care providers that we have been meeting with regularly since we came to government. It is not an area that we fund, but it is an area we care about and an area that has a significant interface with the health system. Our relationship took on added poignancy earlier this year when the pandemic started, because right from day one the risk to aged-care residents and workers was recognised.

At one of the earliest health minister's conferences we had in the context of the pandemic, four particular risk groups were identified, and one of those was people in aged care. That has been borne out by the pandemic. One thing America and Australia share in common is that we have had approximately one-third of our deaths from COVID-19 being residents of aged-care facilities. Thank God, one-third of deaths in Australia is 27 deaths out of a total of 97. I say 'thank God' because America has had 26,000 deaths in aged-care facilities. This is a human tragedy of unparalleled significance, in my lifetime at least, and our responsibility to help protect our aged-care workers and residents is significant.

In terms of what we are doing, only this week SA Pathology announced it had established a rapid response team to deal with any outbreaks in aged-care facilities in South Australia, and for that matter any residential facility. The public health team has identified that not only is aged care a site where the risk is high but also a whole range of residential facilities, for example, prisons, boarding houses and supported residential facilities. I know the honourable Minister for Human Services and I have had ongoing conversations about the challenges in disability facilities.

This SA Pathology team is a team of both nurses and phlebotomists who will be ready to rapidly go into a facility in the event of an outbreak and test as many people as need to be tested, both staff and residents. It gets back to the issue I was raising in relation to point-of-care testing: to get an early read about what is happening in a facility is very important because if we need to respond to a case we need to make sure that that case doesn't become a cluster and that cluster doesn't become a community outbreak. So SA Pathology, together with a broader SA Health team, is working with aged-care facilities to make sure we are ready for any case or cluster that might emerge.

CORONAVIRUS

The Hon. F. PANGALLO (15:19): Supplementary: in relation to that response, will the rapid response team be in conflict with any existing contracts with private contractor Clinpath?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:19): This government has demonstrated its willingness to partner with public and private providers, and we have done that in the Patient Services Panel, we have done that in the private hospital partnerships in responding to COVID-19. We are committed to partnering with a whole range of entities in terms of delivering the best possible health response.

The nature of markets is that if there's more than one person in the market that doesn't mean conflict. More than one person in the market means you haven't got a monopoly; you might have something less. There are a number of private providers in the market. The government will continue to work with SA Pathology, Clinpath and other pathology providers to maximise our response to COVID-19.

CORONAVIRUS

The Hon. C.M. SCRIVEN (15:20): Supplementary regarding testing: what's the maximum acceptable time between someone being tested and that person getting the results back?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:20): I thank the honourable member for her question, because I suspect there is no maximum time, but it does give me the opportunity to highlight the benefits yet again of point-of-care testing. The reason why I say that is because my understanding is that South Australians who are resident on the APY lands can wait days for pathology results and COVID-19 results in particular. That's why we welcome the commonwealth initiative to establish point-of-care testing in remote communities.

I am advised that the commonwealth is facilitating two point-of-care testing sites—let's just say at least two—on the Anangu Pitjantjatjara Yankunytjatjara lands. To have the capacity on the lands to test people who may be possible carriers of COVID-19 is particularly important. The health infrastructure on the lands is not at a high level. It is primarily a primary healthcare network provided by Nganampa Health Council. It of course would be a challenge to respond to COVID-19 on the lands. It brings me back to the comment I made earlier about the health ministers' conference earlier this year, when there were four particular risk groups that were highlighted; one of those was people in remote communities.

CORONAVIRUS

The Hon. T.A. FRANKS (15:22): Supplementary arising from the original answer: the minister noted that 3½ per cent of South Australia's population have now been tested. Does that 3½ per cent exclude people who have had more than one test or is it calculated differently?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:22): If I am understanding the information that's been provided to me, my understanding is that there's been 71,009 COVID-19 samples taken relating to 65,322 patients. My understanding of that is that you might be tested for COVID-19, you may need to go into isolation, you might be asked to have a test on coming out of your medical care. Of course, the reality is that the one patient can be tested more than once because they might have a recurrence of symptoms. They might be negative on the first occasion; that doesn't mean it won't be positive on the next occasion. The honourable member is correct that the global figure includes repeats, but still that's 65,000 tests.

The Hon. T.A. Franks: I think we should be clear on the figures. I just want to know.

The Hon. S.G. WADE: Yes. I hope the honourable member finds that information useful.

LAND TAX

The Hon. F. PANGALLO (15:23): I seek leave to make a brief explanation before asking the Treasurer a question about land tax.

Leave granted.

The Hon. F. PANGALLO: The government's land tax reforms are due to kick in from 1 July this year. However, RevenueSA last week wrote to property owners and trust owners in South Australia stating the changes, and I quote, 'come into effect on 30 June 2020', not, as you would expect, from midnight 30 June. It also requests the owners update their relevant property information via the RevenueSA portal by 3 June 2020 even though it's letter states the information is for the 2020-21 financial year.

Accountants and landowners who have contacted me are concerned this may be a sleight-of-hand trick by the government to ensure impacts of the new land taxes kick in a year earlier than stated, in the 2019-20 financial year and not the 2020-21 financial year as many believe. They are also concerned RevenueSA is seeking such detailed, in-depth information from them, the likes of which have never been requested before, with relatively little notice and during the COVID-19 emergency that has curtailed or closed down businesses. My question to the Treasurer is:

1. Can the Treasurer confirm when his land tax reforms come into force? Is it 30 June in the 2019-20 financial year or from 1 July in the 2020-21 financial year?

2. Why has RevenueSA written to property owners advising the new laws come into effect on 30 June and not 1 July, as you have stated, or is this a typo?

3. Will the substantial disclosures required by RevenueSA that will update its landowners database as at 20 June 2020, being for the financial year 2020-21 land tax purposes

and supposedly not earlier years, result in any amended land tax assessments, including penalties for the financial year 2020 or earlier years? I am prepared to take that on notice.

The Hon. R.I. LUCAS (Treasurer) (15:26): I am delighted he is prepared to take it on notice. I am happy to leave it to him. I suspect the honourable member meant he is happy for me to take it on notice and, given the complexity of the questions, there might be some elements—and given the expiration of question time—but I can answer some of the broad questions.

The first thing is that this government isn't interested in any area, let alone land tax, in sleight of hand, so we can reject out of hand any suggestion from anyone, mischievous or otherwise, that the government is up to anything which might be described as sleight of hand. We are open, up-front, transparent and accountable as always and certainly in relation to land tax. As members will know, I have not shied away from the land tax debate through all of last year, although it does seem a long time ago now, given bushfires and COVID-19. Whilst I might be accused of a lot of things, I was certainly up-front in defending the government's position all the way through that, so I reject out of hand any notion of anything being sleight of hand.

The government's major change, which obviously related to aggregation and also in terms of thresholds and new land tax rates for the various classifications or categories, will apply from the financial year 2020-21. There is a legal nicety in relation to land tax: it is calculated for each financial year on the basis of land tax arrangements, as I understand it—and I will stand corrected if I am wrong—at midnight on 30 June of the year, but in relation to the legal complexities of 30 June as opposed to 1 July, I will take that on advisement and come back with a legally correct response.

In terms of the honourable member's constituents, the key issue is that this is in relation to next financial year, which is 2020-21, so the new aggregation provisions and the new thresholds and the new tax rates will apply from 2021. There should be no concern that they are going to be retrospectively applied in some way to 2019-20. In relation to the request for further information, again, we were quite open about that. Because we are introducing a much fairer and more competitive land tax system from next year—next financial year—it does require much more detailed information; for example, trust arrangements, corporation arrangements. All those sorts of things are required as part of the legislation which passed this parliament.

If RevenueSA is meant to make judgements in relation to aggregation, they need to know trust arrangements, who owns what. They need to know, for example, which corporations are related to which other corporations under the provisions of the legislation the parliament passed. So yes, the answer to the question is that more complex information is required of landowners.

There have been some reasonable questions raised in the public arena about letters that were sent to individuals who might have been, they believed, holding exempt land. I know the Hon. Mr Darley has raised in the public arena some examples, and I will be seeking from Mr Darley if he has constituents who are prepared to identify themselves to us. I am happy to undertake to have them checked as to why information was requested of them.

I have been given information that in certain circumstances, even though a landowner might own land that is exempt, if it is, for example, held in a corporation as opposed to an individual there may well be reasons why RevenueSA has sought information from individuals in the circumstances. As to whether or not that is reasonable, I am happy to check any concerns an individual constituent might have as to why information was being sought from them.

With that, I will check the *Hansard* record. I will have my office check the *Hansard* record to see what other questions I might not have provided a response to. If there are other questions I have not provided a response to, I am happy to provide them on notice to the honourable member.

Bills

GENETICALLY MODIFIED CROPS MANAGEMENT (DESIGNATED AREA) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 30 April 2020.)

The Hon. C.M. SCRIVEN (15:31): I indicate that I am the lead speaker for the opposition on this bill. It feels like we have talked about genetically modified crops ad nauseam since well before Christmas, which is kind of ironic, given that the government's initial move was to try to rush legislation through, or in fact to make changes by regulation, thereby depriving the chamber and the parliament of making considered commentary, from having a debate and from actually coming to a conclusion that would assist those who would like to utilise the benefits of GM and yet allow those who see a benefit in remaining GM free to do so.

In the original bill, the government sought to make all of mainland South Australia available for genetically modified crops, but there are regions that see that they obtain a competitive advantage by remaining genetically modified crops free, GM free. Kangaroo Island, of course, has been acknowledged by the government as being one of those regions and therefore has been excluded from the bill—something which the opposition supports—but it is also important that those other regions that may wish to remain GM free, for good marketing reasons, for economic reasons, should have the opportunity to do so.

The opposition wanted local communities to be able to have a say, to be able to have input into whether their area was in fact to become available for GM crops or whether it would remain GM free. I am very glad that, despite the Premier describing such local input, such local involvement, as a stupid idea in months not that far past, the government has in fact come round to agreeing that it is a good idea to allow local communities to have a say. Therefore, the bill that we have before us represents an outcome of consultation—I acknowledge the hard work of the member for Giles, Mr Eddie Hughes—and compromise, so that we have a bill that is acceptable to many people.

Obviously, not everyone will be happy, but this bill represents an effective compromise, which allows local communities to have a say but still sees an outcome where broadacre farmers who want to access GM, particularly GM canola technology, can get what they want. Importantly, that will not be at the expense of communities in South Australia that do benefit from genetically modified free status. So, whilst the final decision will be with the minister, it is important that it has been acknowledged that those regions that need to have input and would like to have input will have an opportunity to potentially remain GM free.

We will have more to say in the committee stage, and of course there are a number of amendments—some of which the opposition supports and some which we do not. I will be able to make further commentary at that stage.

The Hon. M.C. PARNELL (15:34): South Australians are rightly proud of our international reputation as a clean, green, healthy place to live and to visit. Equally, we are proud of our reputation for producing clean, green, quality food. It is no wonder that so many South Australians, as well as a number of iconic South Australian food producers, are disheartened and dismayed that the Marshall Liberal government is intent on threatening this reputation by ruthlessly lifting the moratorium on growing genetically modified crops, no matter the cost.

They have made it very clear that they are more interested in putting the economic interests of the multinational agrochemical companies ahead of South Australian farmers. They are refusing to consider simple amendments to protect our farmers and the financial losses that they will incur once GM contamination of non-GM farms happens. Contamination is inevitable; it is not a matter of if, it is a matter of when.

It is absolutely appropriate that so many South Australians have been questioning the motives of this government and the Minister for Primary Industries over protecting foreign-owned big businesses at the expense of our own farmers. It is a question that I would like the government to answer as well. The original bill, as introduced into the House of Assembly, was identical to the bill that this council rejected last December. The current bill should have met the same fate and likely would have had it not been for the complete about-face by the Labor Party.

This is the same Labor Party that had been the architects and the champions of our state GM crops moratorium for 16 years. That was until two weeks ago. Under the leadership of Peter Malinauskas (member for Croydon) and opposition spokesperson for primary industries, Eddie Hughes (member for Giles), the Labor Party has sold out its own supporters—those who voted for them based on their election promise to retain the moratorium.

The Labor Party has also sold out our organic industries and non-GM farmers with their dirty deal to get the GM crops moratorium lifted without any of the protections, safeguards or avenues for compensation that non-GM and organic farmers and their representative bodies have been calling for. This behaviour is disgraceful.

What makes the Labor Party's sell-out even more ridiculous is that less than 48 hours after the deal was done and the amended bill had passed the lower house—so before the ink had even dried on the deal—the Minister for Primary Industries turned his back on the agreement with Labor and unilaterally lifted the moratorium again, via regulations, for a fourth time. Those regulations remain in force today and, again, the government has refused to table them in parliament because they are fearful of yet another disallowance motion.

So much for Labor's plan to allow local councils six months to consult and decide whether they would like to stay GM free. The moratorium is lifted, and it was lifted less than 48 hours after the deal was struck between Labor and the government. With the moratorium already lifted, once GM crops are planted, there is no going back. Once the genie is out of the bottle, you cannot put it back.

If the government had had the courage of its convictions to table the regulations today, and if this council was minded to disallow these regulations again, for a fourth time, tomorrow, then the minister would no doubt have put new regulations into the *Gazette* again on Thursday, as he has every other time that this council has disallowed the regulations.

The minister put out a media release saying that he will continue to ignore proper parliamentary processes and keep using regulations until he gets his way. This minister has no respect for our parliament, our democracy, or the people of South Australia. The frightening thing is that the minister's behaviour in this matter is a clear indication to me that he has no intention of approving any application from any local council that decides that they want to stay GM free. When the minister continually overrides the democratic decisions of this chamber to impose his own will and agenda on the state, then what chance does a local council have?

That is the first major problem with Labor's dodgy deal, that it was broken within 48 hours of being signed. The second flaw is that Labor has moved some inexplicable amendments that relate to experimental rather than commercial GM crops. They moved these amendments without so much as a word of explanation. There was nothing in Labor's second reading speech in the lower house. They were not explained when the amendments were moved in the committee stage in the lower house. They were not explained to the media, and they were not explained in the form letters sent to their constituents.

I am hoping that Labor has had a change of heart in relation to this because the Labor amendments inexplicably removed ministerial exemptions for experimental GM crops from the act. Just to be clear, they are not removing the ability for experimental GM crops, also known as GM crop trials, to be grown in South Australia, they are in fact doing the opposite of that. They are effectively vacating the field and removing all ministerial discretion and decision-making as well as public notifications through publication of crop trial information in the *Government Gazette*.

While deleting this power in the act, they have also gone one step further and allowed experimental GM crops to be grown without public knowledge or ministerial discretion on Kangaroo Island and also in any council areas that are subsequently declared GM free. In short, they have gone even further than the government in abandoning all South Australian autonomy over trials of GM crops that are not authorised for commercial release. I am hoping very much that Labor has seen the light in relation to that, but we will see when we get to the committee stage.

I will just briefly run through the sets of amendments to this bill that I have filed. The set of amendments [Parnell-2] relates to this issue. It arises from the Labor amendments that went through in the other house. My amendments Nos 1, 4 and 5 are related. As I have mentioned, the Labor amendments in the lower house that established new subsection (1a) in section 5 and new section 5A(8) enabled experimental GM crops, or crop trials, to be grown anywhere on Kangaroo Island and in designated GM free council areas without the current requirement for a ministerial exemption. Labor's amendment at section 7(2) removes the provisions in the current act for ministerial exemptions for experimental GM crops anywhere in South Australia.

The effect of these amendments is that there will be no requirement for any ministerial decision or public notification in South Australia if someone with a limited-scale GMO licence issued by the federal Office of the Gene Technology Regulator (OGTR) decides to grow an experimental GM crop anywhere in South Australia. My amendments seek to go back to the status quo in relation to that issue. I am hopeful that the Labor Party, having had this explained to them, will join with the Greens in supporting that amendment.

Amendments Nos 2 and 3 in my set No. 2 relate to the decision-making in relation to remaining GM free. The government's bill simply provides that a local council can ask the minister for permission to stay GM free. These amendments ensure that the council, having consulted their community, will have the final say over whether or not they want to stay GM free. I think that actually puts into effect what the Labor Party said they were trying to achieve when they reached their agreement with the government.

The [Parnell-1] set of amendments starts by establishing a new part 3A in the act, 'Protection from contamination'. It establishes a process for contamination risk assessment that must be conducted by the minister when a person gives notice that they propose to cultivate a GM food crop. The assessment looks at the potential for contamination of other land by the proposed GM crop and the likely effect on the marketing of other non-GM crops.

The minister may then grant approval for the cultivation of the crop if they are satisfied that the proposed crop is not likely to have an adverse effect on the preservation, for marketing purposes, of the identity of other non-GM crops. In a subsequent year, if the minister has previously conducted a risk assessment for the same crop and land, they do not need to conduct another one, they can rely on the previous assessment and the minister must publish the location and type of GM crops being cultivated on a website.

The rationale behind this is that the commonwealth Gene Technology Act allows for the assessment and approval of licences for commercial release but it also allows states to designate areas—for example, mainland South Australia—for the purposes of preserving the identity of non-GM crops for marketing purposes. Where the current South Australian act allows for the designation of an area of the state as the only part of the state in which genetically modified crops of a specified class may be cultivated and that decision is made for marketing purposes, this amendment requires an assessment of the impact on marketing of individual crops in specific locations rather than on the entire class of GM crops.

Rather than looking at impacts across a broad area, this ensures that impacts are considered at a local level. The rationale is that some GM crops may have little impact on marketing of their non-GM counterparts but others are likely to have major impacts, so to make a blanket decision to allow all GM crops ignores the potential differences in market impacts from the different GM crops. That is entirely consistent with the regime under federal law which focuses on marketing as the rationale for declaring areas or parts of areas as GM free.

My amendment proposes a new clause 17D, which is the right to damages provisions, and is identical to the four previous private members' bills that I have brought into this place on a fairly regular basis since 2007. It provides that anyone who suffers loss as a result of GM contamination is entitled to damages against the patent owner of the GM plant material that has caused the contamination. My proposed clause 17E amends the current special protection provisions which are consequential on the above. Similarly, the new 7B which repeals section 27 is also consequential.

Before concluding, I wish to put a number of questions on the record for the minister to answer:

1. What consultation did the Marshall Liberal government undertake with the LGA or councils before supporting the Labor amendments in the other place?

2. Why did the government regazette the regulations to lift the moratorium across mainland South Australia while, at the same time, they were doing a deal with Labor to allow councils six months to consult and decide whether they wished to apply to remain GM free? Is it because they know that some farmers have already planted GM crops in reliance of these regulations?

3. How can a local council area remain GM free if the government is allowing GM crops to be planted before consultation even begins?

4. Why did the government support the deletion of ministerial exemptions for experimental GM crops from the act?

5. What offers, inducements, promises of investment or other incentives has the Marshall Liberal government, any of its ministers or any government bodies or agencies been offered by Monsanto, now owned by Bayer, or any other agrochemical corporation if the GM crops moratorium is lifted?

6. Why is the government refusing to support farmer protection measures? Are they protecting the interests of foreign-owned big businesses because they are fearful of a boycott or other retribution from agrochemical companies?

7. Why is the government ignoring the calls of important and iconic South Australian food producers, such as San Remo, Maggie Beer, BD Paris Creek Farms, Tucker's Natural, Jonny's Popcorn and others, to keep South Australia GM free?

8. Why is the government ignoring the concerns of South Australia's important and growing organic sector and their representative body, the NASAA Organic?

In conclusion, I believe that this Marshall Liberal government will be remembered as the government that took us down the path of no return. This is a path from which there is no turning back. It is a path that chooses agrochemical giants over South Australian farmers. It is a path that undermines healthy and natural organic foods and will lead to inevitable contamination of our non-GM and organic food industries. This will be the legacy of this Marshall Liberal government and it is not one that they can be proud of.

The Hon. F. PANGALLO (15:49): I have already had a lot to say on this topic, particularly in the debate for my defeated bill in the last sitting week. I was cut short on commenting on this bill—and I acknowledge the President's direction in this—so I will just take over where I left off. SA-Best does support GMOs. We have said it all along: the benefits are there, the science is there, not just for cropping but also in areas of medicine. The introduction of this technology also presents greater opportunities for our world-class agricultural researchers and institutions.

In this world, gripped by the health uncertainty and challenges of COVID-19, we should be thankful we have the enormous biotechnology expertise available around the world that can be utilised in creating life-saving medicines and vaccines. I am sure this technology is being used in the urgent and complex task to find an antidote for the novel coronavirus that has virtually shut down the entire planet. It would be foolhardy to ignore a development that benefits humanity and our existence.

The science is proven when it comes to the ag sector and it continues to evolve with other crops that can be designed to be resistant to pesticides and herbicides. For now, the jury is very much still out on any indirect health consequences. If you look at clinical studies and trials of these types of crops, particularly in Third World countries like those on the African or South American continent, the benefits far outweigh the negatives.

As for this bill, it has won the support of the previously obstinate opposition, primarily with its amendments to give councils around the state a six-month period to opt in via an application to an advisory committee. This was declared patently stupid by the Premier and the primary industries minister, Tim Whetstone, back in December last year. Well, apparently, 'It is not stupid now,' the minister declared on radio a couple of weeks ago. I am scratching my head to see what has changed, apart from the minister's desire to get this done and dusted and get the numbers rather than see a crossbencher's bill get up before his. That is why I referred to it as the Forrest Gump GM bill—stupid is, stupid as, like Forrest declared.

This GM bill could create GM and non-GM zones within the state. Is there anywhere in the world where this happens? Although, in the end, it really will not be councils making the call; that responsibility has been solely given to the minister—by the minister himself, I might add, who signs off on it. Essentially, the state could eventually be totally GM, including Kangaroo Island, which under this legislation remains GM free and requires separate legislation. It also contains a Labor-inspired

facility where the minister can approve trials of GM crops. The size and locations of these trials are not specified—lacking detail.

The Local Government Association has told me there was no consultation with its members by either Labor or the government. It remains totally in the dark on the details and who will bear the costs of community consultations. I can see it creating divisions in communities, particularly in the Adelaide Hills, Fleurieu and Kangaroo Island. Can you trust councils to represent the wishes of their communities when there are likely to be conflicts of interest from members who are also primary producers? How do you prevent cross-contamination being spread from GM to non-GM areas? What if a large rural holding in a GM council area also happens to sit or traverse into a non-GM council area?

What I particularly find disappointing is, despite the minister's mantra of giving farmers a choice, this bill does not actually give the choice or any rights to those who wish to remain GM free, whether they be organic producers or those who cultivate canola as a marketing advantage and are also able to get a premium price for it. I flag that we will be supporting the Hon. Mark Parnell's amendments that give non-GM growers a right to civil remedies, in the event they suffer losses resulting from contamination, without the need to establish negligence.

We also have a clause that civil remedies will not be affected. Mr Parnell has attempted to have this provision inserted in previous GM debates and it mirrors a clause that was contained in my defeated bill providing safeguards and protections, although mine differed in that the affected farmer would be able to sue the patent rights holder of the GM seed for contamination.

This is contradictory of the government, which opposed this measure in its farm trespass bill, passed only in the last week of sitting, where primary producers were given the right to sue for any losses caused by unwanted intrusions, so what is the difference here? There are other manufacturing industries where their legal obligations are enshrined to provide protections. This bill serves the interests of the biotech chemical giants.

My amendments are taken from my defeated bill and include giving two months' notice to neighbours before seeding or cultivation of GM. There is a provision to provide at least a 10-metre buffer zone separating non-GM and GM crops. That may be unworkable and I may withdraw that section of the amendment at a later date. Another amendment effectively provides a sunset clause for Kangaroo Island, where its non-GM status can be reviewed by parliament around the time the existing moratorium would be lifted in 2025. The bill before us does not offer that.

I have consulted with some property owners on the island who support this, and today I took a call from Jamie Heinrich, who is vice chair of AgKI. Mr Heinrich informed me that there have been three recent community meetings on the island where there was strong support for the moratorium remaining in place but only until at least 2025, and leaving the door open for it to be lifted by parliament should other GM grazing crops that are currently being evaluated, like rye and clover grasses, became available down the track.

The farming community on the island wants the matter left in its hands and it is disappointed in the government's seemingly inflexible attitude, which leaves KI permanently GM free until yet another act of parliament is passed, with Mr Heinrich describing it as 'a kick in the guts'. AgKI has also sent a letter to minister Whetstone, expressing its bitter disappointment, and I will read from this letter and also seek leave to table it. It is dated 4 May 2020 and states:

Dear Minister Whetstone,

As you are aware our local $150m industry is the largest on the island and we are the major employers, our members represent the vast majority of local primary producers.

The recent developments in parliament regarding the GM bill are quite concerning given all the time and effort we contributed into the Grain Producers SA hearing in Parndana (15/03/2019) and the Legislative Council select committee hearing in Kingscote (28/03/2019).

We clearly indicated our support for KI Pure Grains' desire to remain GM free in the near future, however, we also clearly stated we did not want to be precluded from having access to GM technology that may advantage the remaining 95 per cent of KI primary producers when it comes available.

During the GPSA meeting we discussed legislation versus regulation and setting up the bill such that we can relatively easily allow GM technology to be utilised at such time when all of the sustainability, management and production advantages outweigh the marketing advantages possibly gained by a small component of our entire industry. We are extremely disappointed that this is not reflected in the current bill.

Furthermore, the same views resulted, the importance of the need to retain the sunset clause, at a public meeting (organised by the government, facilitated by PIRSA) on 19/09/2019.

It is our understanding that amendment 6 will remove clause 6 from the Government's bill. This effectively means KI will be permanently GM free until another act of parliament is passed. This means we lose control of our own destiny, exactly the opposite to what we fed back through the local hearings.

We have a relatively young and very progressive membership base who will want access to any future 'game-changing' technology that becomes available. We are concerned with this long…phase between actually wanting policy change, and actually achieving it once this bill is locked away—this is our opportunity to get it right the first time!

And he goes on:

If you would like to discuss our views and concerns regarding GM, please contact me direct...

Yours sincerely,

Rick Morris

Chairperson

I am not sure whether the minister has even responded to that. I seek leave to table the letter.

Leave granted.

The Hon. F. PANGALLO: In closing, I am also calling for a review of the act by the minister every three years, an amendment I moved and which the government agreed to when its bill failed late last year. With that, SA-Best supports the second reading.

The Hon. J.S.L. DAWKINS (16:00): I rise as a former farmer and, sadly, there are not a great deal of us with primary production experience. I know the minister, who will sum up this debate, is one of those. I understand that our newest member of this chamber also has some experience in the primary production sector. It may not be the growing of grain, but I acknowledge her experience in that area as well.

I rise to support this legislation. I would like initially to note that, while there may be people here who highlight the things that this bill does not do, that it does not satisfy everybody, I think this bill and the negotiations that are taking place between minister Whetstone and the opposition's primary industry spokesman, the member for Giles, have been a very good example of what can be done to get the best possible result for, let's face it, the people who are actually the practitioners out there, who are growing the grain in South Australia, who have been very good at it and want the ability to be able to do that into the future. So I give credit to minister Whetstone and Mr Hughes for the way they have worked.

I know the member for Giles has been working away over many months to try to get the Labor Party to see that this is the way forward for South Australia. I know there are some significant agitators in the Labor Party who are dead against this, but I give credit to Mr Hughes for the way he has worked not only with members of the select committee going back a number of months ago, which I was one of, but also particularly in relation to the minister. Of course, the minister has been prepared, I think in consultation with the broad representatives of industry, to come up with some sensible compromise, so I give him credit for that.

I did spend a number of months, probably longer than that, on the select committee into that issue that was initiated by the Hon. Mr Darley as part of the arrangement that I think he came to with the Hon. Mr Parnell at the death knock of the previous parliament. I give credit to the Hon. Mr Darley as chairman of the committee and the Hon. Mr Parnell and the Hon. Ms Bourke for the way in which we all worked together to get the best information.

I did speak on the report of that committee, and I will repeat a few of the things that I said on that occasion. Firstly, I said on 30 October 2019:

I very much support the position that the Hon. Mr Darley and I reached, that the moratorium be retained for Kangaroo Island but lifted for the rest of South Australia. I do that on the basis that, in an overwhelming manner I think,

there was evidence that reinforced my view that the farming sector in South Australia, which is highly regarded around the world and has been for decades, deserves the opportunity to have the choice of growing genetically modified crops within their rotation schedule.

It is something that happens everywhere else in Australia.

If we go a bit further down in what I said on that occasion, I will quote again from that speech:

We had evidence of where some of the leading researchers in this state, who would have been the natural beneficiaries of money from the grain sector in doing further research, missed out on the tender and the tender was given to a university in Victoria. That university in Victoria then handed the tender back to the South Australian researchers on the proviso that they had to do the work in the Wimmera of Victoria. If that is not bizarre, then I do not know what is. In my time as a person involved in the farming sector, the quality of our research here and the terrific development in varieties suitable to our climate has been highly regarded around the world and has been taken up in other parts of the world. We need to do everything we can to make sure that that research capacity is enhanced and that we do not lose those people from South Australia.

I also want to highlight one of the key things, I think, in the evidence we took in that committee, which was about the industry's, and particularly the grain handling sector's, ability to deal with segregation.

As someone who has been around the grain industry most of my life, the ability to have advanced scientific segregation regimes is one that I am so impressed with, because it has come so far from my early days as a grain grower. Yes, we hear about the fears of people growing things next to other people and contaminating things, but the great majority of people who farm respect their neighbours and actually work with their neighbours.

I think I remember minister Whetstone himself quoting the fact that—not that this was grain, but in the horticultural industry—in the neighbouring property he had an organic farmer who had different principles and practices to his own, but they respected each other and they got on and excelled in their own particular ways. That is the way that most farmers do it. It is a little bit like neighbours: yes, there are neighbourly disputes, but the great majority of people respect each other and get on with it. The basis of this legislation is working to actually make use of that attitude, I think.

Once again, I think it is time for us to get on with it. It has been a very long saga. South Australia has been left out on its own in Australian agricultural terms. We have shown and we have demonstrated for decades our ability to be leaders in the agricultural sector, and I think it is time that we respected that.

In closing, the Hon. Mr Parnell, whom I have great respect for, even though we have very different views on this matter, talked about the legacy of this government in relation to this matter. I think it will be a proud legacy. There has been reference today to some very well educated young farmers who want to advance the economy of this state, and this legislation will allow them to do so. With those remarks, I support the second reading.

The Hon. D.W. RIDGWAY (Minister for Trade and Investment) (16:10): I rise to speak on behalf of the government to sum up the second reading debate on this very important piece of legislation. As I enter my 19th year here, in every one of those 19 years we have discussed GM to some degree. In the precursor to the decisions made, I think in 2004 by minister McEwen at the time—I think that is when it was—this has certainly been a well ventilated debate for the best part of two decades.

It is interesting how views change, and I am pleased to see that we now have some agreement between the two major parties. I know that comes as a disappointment to the Hon. Mark Parnell and his team. He has been a strong advocate for a point of view that I, as with my colleague the Hon. John Dawkins, do not agree with; nonetheless, I recognise his strong advocacy for his position.

I thank everybody for their contributions, including the Hon. Clare Scriven, the Hon. Frank Pangallo and the Hon. John Dawkins. I do not want to prolong the debate and go over too many old issues, but the Hon. Mark Parnell posed a number of questions and the minister's office has provided me with some answers, so I will now read them onto the record.

In his first question, which was not a formal one, the Hon. Mark Parnell talked about multinationals. This makes me laugh because, for example, if you drive a Toyota, are you supporting a multinational? Of course you are; it is a good car and they are good supporters. Mitsubishi are

starting to build their new corporate headquarters; they are a multinational and we support them. However, we have a choice: the choice to buy whatever motor vehicle we would like to buy.

The basis of this debate, from my perspective and that of the Liberal Party, is to give farmers a choice. That is something that has been missing from this debate. Four other mainland states—Queensland, New South Wales, Victoria and Western Australia—have allowed it, and the farmers there have had those choices.

I will just address some of the Hon. Mr Parnell's questions, and there may be some other answers coming, so I may have the full suite. I have a few notes of my own. The first question was: what consultation did the government undertake with local government authorities on the ALP amendments? The government consulted widely on the original bill introduced into the House of Assembly. Of course, there was the independent expert review by Emeritus Professor Kym Anderson, and submissions in response to the Anderson review findings and statutory public consultation on the regulations.

The amendments providing councils with an opportunity to apply to be a non-GM cultivation area are as a negotiated outcome to enable the bill to pass the parliament. Ultimately, the parliament has the final say on this legislation. I will comment in relation to local government. The Hon. Frank Pangallo talked about consultation with local government and asked whether it had been done. He then went on to talk about conflicts of interests, because you might have farmers and primary producers who are also councillors.

As I said, this debate has been raging for almost two decades. If you are a primary producer on a council, you would have to be totally disengaged with the community to not know there has been a debate on GM crops. I think councils have been well aware of it. Secondly, the Hon. Mr Parnell asked: why regazette the GM regulations while negotiating with the ALP? The government has previously explained that we would be re-regulating to lift the moratorium while the bill remains before parliament. This would be done to provide farmers with certainty.

It is the government's understanding that no commercial crops have been sown or seed released into South Australia given the uncertainty of the status of the bill. I am a bit disappointed that the Hon. Mark Parnell would think that any of our primary producers would break the law and sow a crop if they did not have the approval to so.

Thirdly, the Hon. Mark Parnell asked: how could council areas be GM free if crops were grown under the regulations? If the bill passes in the parliament, councils will be able to apply to be a non-GM crop cultivation area and it would be unlawful for a person to cultivate GM food crops. It is the government's understanding that seed companies will not release GM seeds into South Australia until the parliament resolves the legislation.

Fourthly: why did the government support the lifting of the ministerial exemption for research and development? The government agreed with the opposition proposal to allow the Office of the Gene Technology Regulator to allow licensed research to be undertaken in areas that are non-GM crop growing areas, including Kangaroo Island. The understanding was that the opposition did not want to support commercial crop cultivation. There was agreement that research should be supported. The proposed removal of the existing requirement for ministerial exemption for GM science was a consequential amendment resulting from the addition of specific provisions to proposed sections 5(1a) and 5A(8), enabling science to be undertaken.

I will just look at this latest document that has arrived. It may have some more answers as well. What incentives are there for Monsanto or other seed companies? None. I think the honourable member could consult the electoral returns to see any donations and the like that have come from anybody, but none that we are aware of have come from Monsanto. Why does the government not support farmer protection measures? Is it a fear of boycott or other action? The government does not support the Parnell so-called protection measure amendments and does not support the similar measures in the former bill introduced by the Hon. Frank Pangallo because they have not been widely consulted and are untested and likely unworkable.

Nowhere else in Australia have such provisions been introduced. Such provisions create untested legal principles and significant uncertainty for industry, which would likely prevent the adoption of new crop technologies in South Australia. The Anderson report demonstrated that there

is no issue across the rest of South Australia with GM grain segregation. As a result, the government does not believe such measures are needed and, worse, the proposals may cause harm to South Australia's economy.

Seven: why not support food businesses seeking to remain GM free? The Anderson report found that there was no economic benefit and no special premium to be gained for businesses arising from the SA moratorium. Food businesses will be able to market honestly their products that are GM free, where that is the truth.

I do recall the honourable member mentioning Jonny's Popcorn in a previous contribution. While I know that we grow forage maize for some dairies around Meningie, the lakes and Mount Gambier, I am still not certain that we grow the corn that you pop in South Australia. I did ask the honourable member at the time. I know Jonny and Mrs Jonny, his lovely wife; I cannot remember her name. It is magnificent popcorn. In fact, they were with me at FOODEX in Japan a bit over 12 months ago. It is a fabulous product, but I am not sure that the actual corn itself is grown here.

Why is the government turning its back on the organics sector? The organics sector thrives in other states alongside GM producers. That is right. Victoria, New South Wales and Queensland have very large and lucrative organic industries where people have still been able to have their organic products, growing them alongside GM crops and marketing them as organic. I think that has pretty much covered all the questions the honourable member asked. I thank everybody who has made a contribution. For the record, so there are no surprises, the government will be supporting three of the Hon. Mark Parnell's amendments in his set No. 2, which are amendment No. 1, amendment No. 4 and amendment No. 5.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. M.C. PARNELL: I might say at clause 1, in response to something the Hon. David Ridgway said in his summing-up—and it relates to the question I am about to ask him—that I was not suggesting that farmers had broken the law. In fact, the point was the opposite. The thing is that it has been legal to grow GM crops at most times since 1 January this year, and that is as a result of the regulations the government has continually introduced.

So if a farmer had planted a GM crop during the period when those regulations were live, they would not have broken the law. Mind you, they may have broken the law very briefly in the 24 hours or so between a Wednesday afternoon, when this chamber disallows regulations, and a Thursday afternoon, when the *Government Gazette* comes out, but I want to correct the record that I was not suggesting wholesale law breach by farmers.

The minister did allude, in summary—I do not want to verbal him; I would have him answer this question again. The question was whether anyone has planted any GM crops or otherwise dealt with GM material during any of the last five months since 1 January when the moratorium was first lifted by regulation. I think the minister said that he was not aware of any, but if he could again put on the record his understanding about whether any of the previously unlawful dealings with GM material have occurred in South Australia during the period that the moratorium has been lifted.

The Hon. D.W. RIDGWAY: I will reiterate that I am not aware of any crops being sown. Of course, this debate has been well ventilated all summer, with regulations being disallowed, and the honourable member would know that we are talking about canola, which grows best when it rains. While you can sow it dry in April, nobody much would sow anything at all at least into April, even if they are sowing it dry.

This year we have had great opening rains for our agricultural sector—in fact, it was probably one of the best openings to the season in a long time. I do not know how long it has been, but it has been particularly good. I doubt whether anybody would have sown any crops at all prior to the beginning of April. It has been disallowed and reintroduced and disallowed—it has been well ventilated.

My understanding is that the seed companies were not prepared to sell, or so I am told. The advice I have had from others is that, even if you wanted to be sneaky and grow some canola, the seed companies simply would not sell it to you. While the honourable member might say that they are big, nasty multinationals, they actually do want to make sure, as we said in the answers from the minister's office, that they have some clarity that parliament has passed legislation to allow crops to be grown, or that the regulations are in place to allow crops to be grown. I cannot speak for every primary producer, but as far as we are aware nothing has been sown this season.

The Hon. M.C. PARNELL: I thank the minister for his answer. He says to the best of his knowledge, and I accept what the minister says, but the question that flows from that is: how would you know whether or not crops have been planted in the past? Let's look forward: if the moratorium is lifted by this bill before us, how will the government know who is planting GM crops, and where?

The Hon. D.W. RIDGWAY: Once this act comes into operation and part of the state is able to grow a GM crop, it is really about choice. Farmers will be able to sow the crops. Having been a farmer myself, I know that most farmers have a level of interest. You look over the fence and see what people are growing. I expect there will be some trials. My little home village of Wolseley has a very robust agricultural bureau. There will be trials done. There will be all sorts of things done. People will talk. So while we might know about it, the community will know about it and they have nothing to fear.

As you remember, I took the Hon. Tung Ngo to the South Australian-Victorian border where there were canola crops either side of the fence. I do not know whether the Victorian one was GM canola because it is pretty hard unless you are a plant geneticist to tell whether it is actually GM canola or not. The Victorian farmer is Mr Ian Tink, if he still owns that property, and Mr Jamie Edwards is on the South Australian side. Jamie does not want GM. I can guarantee that his crop was a non-GM crop. Mr Tink may well have been growing GM canola. Across the border fence, both people were able to grow their crop and market them and harvest them very satisfactorily and independently of each other.

I do not think there is a need for us as a government to know what people are doing. That is the responsibility of the local farmers. But communities do talk and people like to share when they have had a successful crop. Everyone likes to brag at the footy or at the cricket or at the pub on a Friday night or at the local clearing sale about what they did and how they did it and why it was successful. I actually think there is no need for government to know what people are doing but there will be reasonable transfer of information around the community.

The Hon. M.C. PARNELL: I guess what flows from that is that if the government does not know which people are planting GM crops and where, and if you do not happen to live in that community and are talking personally to those farmers, once this act has come into place the community will have no idea what GM crops are being planted where. I guess what I am trying to work out is, aside from returns from the silo, perhaps, at the harvest end of the cycle, is there any mechanism at all for anyone—government or other citizen—other than the good neighbour in us that you have talked about and that the Hon. John Dawkins talked about, is there any other way that anyone in South Australia can find out who is growing GM crops and where?

The Hon. D.W. RIDGWAY: I have a little bit more information. They will be under a stewardship program by the seed supplier, so there will be some arrangement with the seed supplier. Of course, when you deliver that GM grain to a silo, whether it is Viterra or any other receiver, there is an obligation. From a segregation point of view, you must declare that it is GM canola because the penalties are massive if you do not make that declaration and you knowingly tip GM canola in with existing non-GM canola. So there is some traceability at that point.

If I choose to plant it, I will enter a stewardship agreement with my seed supplier and so there will be some undertakings. I am not entirely familiar with those stewardship agreements so maybe we could provide the honourable member with a copy of one of those stewardship agreements just to give him a little comfort of what multinationals—I will not put any other adjectives—supply, so that we can actually see the sort of relationship between the seed supplier and the farmer. Then, of course, there is an obligation on the farmer to actually truthfully label and deliver their grain to a silo or to an end user clearly stipulating what variety and that it is GM canola.

Clause passed.

Clauses 2 to 4 passed.

New clause 4A.

The Hon. F. PANGALLO: I move:

Amendment No 1 [Pangallo–1]—

Page 3, after line 10—Insert:

4A—Insertion of section 4A

After section 4 insert:

4A—Civil remedies not affected

The provisions of this Act do not limit or derogate from any civil right or remedy and compliance with this Act does not necessarily indicate that a common law duty of care has been satisfied.

This clause is to make it clear that civil remedies are not limited or derogated from any civil right or remedy that is available and that compliance with this act does not mean that a common law duty of care has been satisfied. So unless the Greens' amendments providing for a right to pursue damages against the GM patent holder are passed, I would expect that the government's bill will give rise to a lot of litigation between non-GM farmers whose land will be impacted by neighbouring GM crops.

My bill that failed in this place in the last sitting week was designed to avoid such adversarial and expensive litigation, making the defendants in these cases the patent owner, the GM licence holder for the GM canola seed and the owner of the GM technology and intellectual property. My bill did not set farmer against farmer or, as some incorrectly claimed, farmer against seed merchant. It gave rights in the same way as the Greens' amendment does, that is, it gave some rights to a non-GM farmer to protect their interests and claim for damage and loss without the need for the highly stressful and costly process of showing negligence.

This clause also puts the non-GM (and for that matter, the GM) crop grower in no doubt that the usual common law civil remedies are still available to them. This is less than ideal of course, but nevertheless it provides some comfort to non-GM farmers to know that this option is available to them. As I have said throughout this troubled debate, SA-Best supports all farmers and does not want to set farmer against farmer, but rather to ensure that adequate protections, checks and balances are available to GM and non-GM farmers alike, so that they can coexist and each seek to maximise the economic returns for themselves and the state.

What we have seen from this government is the sheer hypocrisy of it pushing through a primary production farm trespass bill, which had astonishing provisions for a convicted defendant to be liable to primary producers for unlimited compensation. Here we have in this government bill non-GM farmers having to fund and sue their neighbours for the trespass of GM seed, which is farmed under contract with the GM patent holder, which prescribes strict conditions on the farm with regard to chemicals they must use and other directives with which they must comply.

In reality, non-GM farmers know that under this government bill they will have almost no prospects of compensation for contamination of their crops and land. I never cease to be amazed at the double standards this government applies, focusing on political popularity rather than fair and balanced laws.

The Hon. M.C. PARNELL: The Greens are supporting this amendment.

The Hon. D.W. RIDGWAY: I indicate that the government will not be supporting the amendment. It is interesting, if you look at the other states, by and large farmers can get on with farming alongside each other. There have been a couple of isolated incidents, although the Hon. Mark Parnell talked to one farmer late last sitting week where the canola jumped up and flattened the fence (it was probably not the canola but probably the rain and the flood that did that). If you look at all the consultation, the review, the consultation with farmers, GPSA, and look at all of the other states, we do not think this is necessary at all, and we can manage it with segregation and the way it has been managed in every other state.

The Hon. C.M. SCRIVEN: The opposition will not be supporting this amendment.

New clause negatived.

Clause 5.

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

Amendment No 1 [Parnell–2]—

Page 3, lines 15 to 19 [clause 5, inserted subsection (1a)]—Delete inserted subsection (1a)

I explained in my second reading contribution why amendments in [Parnell–2], amendments Nos 1, 4 and 5, were necessary in order to allow the state to re-enter the field as it were in relation to experimental non-approved for commercial release GM crops. One of the consequences of the deal that was struck in the lower house was to remove those provisions. My amendments seek to put them back in, but using the principle of 'quit while you're ahead', given that both the government and the opposition have agreed to support my amendments Nos 1, 4 and 5, I do not think I need to agitate those any further.

The Hon. D.W. RIDGWAY: Just for the record, I will reiterate in the committee stage that, yes, the government will be supporting [Parnell–2], amendments Nos 1, 4 and 5.

The Hon. C.M. SCRIVEN: I confirm that the opposition will be supporting those three amendments that the government has just referred to.

Amendment carried; clause as amended passed.

Clause 6.

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

Amendment No 2 [Parnell–2]—

Page 3, line 25 [clause 6, inserted section 5A(1)]—Delete 'may' and substitute 'must'

Amendment No 3 [Parnell–2]—

Page 3, lines 33 to 35 [clause 6, inserted section 5A(3)]—Delete subsection (3)

Amendment No. 2 [Parnell–2] has the simple effect of allowing local councils to have the final say in relation to whether or not the moratorium is lifted in their area. The deal that was struck between the government and the opposition was that a local council could consult with its constituents, and if its constituents wanted to stay GM free the best that that council could then do is get down on its knees and ask the minister to please give effect to that decision.

This amendment seeks to give the council the final say by replacing the words 'the minister may' to 'the minister must'. So if the council decides that they want to stay GM free, then that is what happens, rather than having to go through the process of the minister considering it, the minister getting further advice and, my fear would be, the minister then rejecting what local councils want.

I saw this amendment as giving effect to what the Labor Party said they wanted to do, which was to empower local communities in relation to this issue. I understand that it does not have the support of the government or the opposition. Nevertheless, I think it is important because the consequence might be that local councils go to all the trouble of consulting their community, at their own expense I should say.

The government is not pitching anything in here. No surprise to people, but councils have a few other things on their plate at the moment. There is a pandemic out there, there is a whole range of council services that they are trying to rejig, so this idea that the council at their own expense has to reprioritise its work, it only has six months to consult, and then they can be overridden at the end of that time, I think is an unsatisfactory way to proceed. So I would urge the committee to support this amendment and the related following amendments.

Amendment No. 4 is a different category again, and that does have the support of the council so I will not move that just yet. In order to prevent a division, I do need people to put their position on the record just to be really clear.

The Hon. D.W. RIDGWAY: I indicate the government will not be supporting the amendment. I will look at the scenario of my council, the Mitcham council, which the Waite research facility is in. It is something that I think we should be extremely proud of, with a century or more of research around agriculture. It could be a scenario where, if we supported the Hon. Mark Parnell's amendments here, it would mean that the Mitcham council could be a significant over the research that is done at the Waite Research Institute, unless they got a ministerial exemption. It is fine that the honourable member is talking about some of his amendments in a broader sense, but that is a world-class research facility that needs to operate unfettered from any sort of political influence, so we certainly will not be supporting the honourable member's amendment.

The Hon. C.M. SCRIVEN: The opposition, similarly, will not be supporting this amendment. The reality is that not all councils want to have that final say. They do not necessarily want to be the decision-maker. They are happy to be involved in checking the views of their constituency and making recommendations but not necessarily being that final decision-maker. They also should have the ability to provide input but not necessarily take that full decision, given that different council areas, different council sizes and all of those different characteristics mean that councils are differently placed in terms of this particular matter.

The Hon. F. PANGALLO: Regrettably, I will not be supporting the Hon. Mark Parnell's amendment here, simply because, as I have pointed out in my speech, there could well be instances of conflict of interest on councils. If you leave it to them, you have many regional councils where many of the members are also farmers. I do not think it should be up to the councils to make that call.

I do share the Hon. Mark Parnell's concerns about the cost shifting again on local government and the fact that the minister and the government, even Labor, failed to consult with local government on this. It has just been foisted upon them to do what the government and this legislation will impose upon them. With that, we will not be supporting it.

Amendments negatived.

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

Amendment No 4 [Parnell–2]—

Clause 6, page 4, lines 9 to 13 [clause 6, inserted section 5A(8)]—Delete subsection (8)

This does have the support of the council and I look forward to the vote on that.

The Hon. D.W. RIDGWAY: We are supporting amendments Nos 4 and 5 of the Hon. Mark Parnell.

The Hon. C.M. SCRIVEN: The opposition is supporting this amendment.

The Hon. F. PANGALLO: We will be supporting it.

Amendment carried; clause as amended passed.

Clause 7.

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

Amendment No 5 [Parnell–2]—

Clause 7, page 4, line 33 [clause 7(2)]—Delete subclause (2)

This also has the support of the council.

The Hon. D.W. RIDGWAY: The government will support it.

The Hon. F. PANGALLO: Supported.

Amendment carried; clause as amended passed.

New clauses 7A, 7B and 7C.

The CHAIR: There are amendments in the name of the Hon. Mr Pangallo and the Hon. Mr Parnell to insert new clauses 7A through to 7C. Due to the sequence of where the

amendments fall within the principal act, I intend to, when we are voting, split the amendments. The Hon. Mr Pangallo, would you like to speak to your amendment first?

The Hon. F. PANGALLO: I move:

Amendment No 2 [Pangallo–1]—

Page 4, after line 33—Insert:

7A—Insertion of section 7A

After section 7 insert:

7A—Expiry of Part

This Part expires on 1 September 2025.

7B—Insertion of section 27A

After section 27 insert:

27A—Crop requirements

(1) A person who proposes to cultivate a genetically modified food crop on land (the *relevant land*) must, at least 60 days before cultivating the genetically modified food crop, give notice of the proposal to each owner of land adjacent to the relevant land.

(2) A person who cultivates a genetically modified food crop on land (the *relevant land*) must, at least 60 days before harvesting the genetically modified food crop, give notice of the harvesting to each owner of land adjacent to the relevant land.

(3) A person who proposes to cultivate a genetically modified food crop must ensure that a buffer zone of at least 10 metres exists between the boundary of the genetically modified food crops and the boundary of crops that are not genetically modified food crops.

7C—Substitution of section 29

Section 29—delete the section and substitute:

29—Review of Act

(1) The Minister must, within the last year of each prescribed period, undertake a review of the operation of this Act.

(2) The Minister must cause a report on the outcome of the review to be tabled in both Houses of Parliament within 12 sitting days after its completion.

(3) In this section—

prescribed period means—

(a) the period ending 3 years after the commencement of this section; and

(b) each successive period of 3 years after the period specified in paragraph (a).

The first of these provisions is to ensure that this part expires on 1 September 2025. This means that the moratorium on Kangaroo Island expires on this date and for that to continue it will need to come back to the parliament. As I have pointed out and I read in that letter, there are many on Kangaroo Island who would prefer to see at least an end date on the moratorium on Kangaroo Island. I am mindful that the Greens' bill put in place the moratorium until 2025 only.

This clause is to mirror this, as well as to acknowledge that in 2025, after the moratorium on the mainland has been lifted for a period of five years and the three-year review report is in, there will be an opportunity to continue the moratorium, or in fact even to modify it. Either way, the process is transparent and done by legislation, not by regulation. As I have said many, many times, this is the proper way to deal with this issue. It is interesting that the government's bill has come along to try to remove this safeguard.

As we have seen, this government often operates by stealth and here is another example where it can allow experimental GM crops on Kangaroo Island. There has been no mention of this that I can find, but allowing experimental crops on Kangaroo Island is not what we understand to be

a continuing moratorium. The second part of these provisions is what I would call normal good neighbour practices, but we will come to that afterwards.

The Hon. D.W. RIDGWAY: I indicate that the government will not be supporting the Hon. Frank Pangallo's amendment; however, I do put on the record that the government will continue to work with the Kangaroo Island farmers. I think it is not only Kangaroo Island, there is a large number of very progressive young farmers farming right across South Australia.

The government intends to continue to work with the farming community on Kangaroo Island and the rest of the state as we go through this journey now that it looks as though we will no longer have a GM moratorium in South Australia. I indicate that we are very happy to work with those sectors but we will not be supporting the amendment moved by the Hon. Frank Pangallo.

The CHAIR: We are only looking at 7A at the moment. The Hon. Ms Scriven, can you please give an indication, on behalf of the opposition, on 7A?

The Hon. C.M. SCRIVEN: Certainly. The opposition will not be supporting the Hon. Mr Pangallo's amendment. Our view is that a moratorium continuing on Kangaroo Island is the intent of this bill, and having an automatic expiry whereby the new legislation would need to come back to extend that moratorium is not in the intent as it stands at the moment. Any member can introduce legislation to remove a moratorium at any time, including in 2025 or before that; therefore, this amendment will not be supported.

The Hon. M.C. PARNELL: In some ways, the Greens' position is similar. We have been very consistent, from the time we first started this debate, in saying that important things should not happen just because the calendar clicks over. Important things should happen because the parliament makes a decision to change something. In this situation, we have the moratorium on the growing of GM crops on Kangaroo Island and I think it should continue until the parliament decides otherwise, rather than just because 1 September comes around. I take the Hon. Frank Pangallo's point; I think that was the original date we put in the legislation that went through the last parliament—

The Hon. D.W. RIDGWAY: At the last minute.

The Hon. M.C. PARNELL: It went through the last parliament. It was democracy in action.

The Hon. J.S.L. Dawkins interjecting:

The CHAIR: Order!

The Hon. M.C. PARNELL: I guess the reason for that is because that is what the parliament agreed to do, but if the Hon. John Dawkins and others remember, we had a situation where the statewide moratorium was going to expire simply because the calendar rolled around and the 10-year death knell on regulations was coming up.

That was the reason why the whole legislative thing was done. If no-one had done anything and not a single person lifted a single finger, the moratorium would have ended because the regulations expired. This is probably not the point at which to have an argument because we are in furious agreement—

The CHAIR: Thank you, the Hon. Mr Parnell.

The Hon. M.C. PARNELL: —that the parliament should decide if and when the moratorium is lifted on Kangaroo Island.

The CHAIR: I put the question that the amendment in the name of the Hon. Mr Pangallo, clause 7A, is proposed to be inserted. Those for the question say aye. The Hon. Mr Pangallo, do you want to vote for your own amendment?

The Hon. F. PANGALLO: No.

The Hon. F. Pangallo's new clause 7A negatived.

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

Amendment No 1 [Parnell–1]—

New clauses, page 4, after line 33—Insert:

7A—Insertion of Part 3A

After section 17 insert:

Part 3A—Protection from contamination

17A—Interpretation

In this Part—

contamination—land is contaminated by genetically modified plant material if—

(a) genetically modified plant material is present on the land; and

(b) the existence of the material on the land is attributable to the spread, dissemination or persistence of the material; and

(c) the original introduction of such material to the land was not knowingly undertaken by or on behalf of any person who is, or who has been, an owner or occupier of the land;

genetically modified plant material means—

(a) a plant or propagating material that is a GMO, or that is derived or produced from a GMO; or

(b) a GMO that is capable of modifying a plant or propagating material;

propagating material means seed or other material from which a plant can be propagated.

17B—Contamination risk assessments

(1) A person must not cultivate a genetically modified food crop unless the person has—

(a) given notice in writing to the Minister—

(i) identifying the land on which the crop is to be cultivated; and

(ii) identifying the crop that is to be cultivated; and

(iii) including any other prescribed particulars; and

(b) received an approval following a contamination risk assessment under this section.

Maximum penalty: $200,000.

(2) Subject to subsection (5), the Minister must, on receiving a notification under subsection (1)(a), conduct a contamination risk assessment to consider—

(a) the likelihood of contamination of other land by the genetically modified plant material; and

(b) the likely effect of such contamination on the marketing of other, non-genetically modified, food crops.

(3) In conducting a contamination risk assessment, the Minister—

(a) may require further information from the person who gave the notice under subsection (1)(a); and

(b) must consult with the Advisory Committee and take into account any advice provided by the Advisory Committee in relation to the matter.

(4) If the Minister is satisfied that the proposed genetically modified food crop is not likely to have an adverse effect on the preservation, for marketing purposes, of the identity of any other food crops in the State as non-genetically modified crops, the Minister may grant an approval for the purposes of this section.

(5) If the Minister has previously conducted a contamination risk assessment in relation to the same land and the same crop, the Minister may rely on the results of the previous contamination risk assessment for the purposes of dealing with the notification and determining the matters referred to in subsection (4).

17C—Right to information about location and type of GM crops

The Minister must maintain a register, on a website determined by the Minister, of notifications under section 17B(1)(a) (and the register must include at least the information referred to in section 17B(1)(a)(i) and (ii) and may include any other information the Minister thinks fit).

17D—Right to damages

(1) An owner or occupier of land who suffers loss as a result of the contamination of the land by genetically modified plant material is entitled to damages under this section.

(2) An action for damages under this section lies against—

(a) a person who cultivated a genetically modified food crop and who caused or permitted the contamination; and

(b) any person who has a proprietary interest in the material.

(3) All of the persons referred to in subsection (2)(a) and (b) are jointly and severally liable for the damages under this section.

(4) An action for damages under this section will be in the nature of an action in tort but it will not be necessary for a plaintiff to establish negligence.

(5) This section does not limit or derogate from any other civil right or remedy that a person who may be entitled to damages under this section may have apart from this section but nothing in this section is intended to allow a person to be compensated more than once for a particular loss.

(6) This section does not extend to any case where genetically modified plant material was present on land before the commencement of this section.

(7) For the purposes of this section, a person has a *proprietary interest* in any genetically modified plant material if the person—

(a) holds a patent or other form of registered interest; or

(b) is the owner of intellectual property, with respect to the material.

17E—Special protection from liability for owners etc of contaminated land

(1) No action may be brought in a South Australian court or under South Australian law against a person who is an owner or occupier of land that is contaminated by genetically modified plant material on account of the fact that—

(a) the material is present on the land; or

(b) the person has dealt with the material.

(2) Subsection (1) does not apply if the relevant court is satisfied—

(a) that a person who is an owner or occupier of the relevant land has deliberately dealt with a crop knowing that genetically modified plant material was present in order to gain a commercial benefit; and

(b) that, in the interests of justice, another person's rights with respect to that material should be recognised or protected.

(3) This section extends to any case where genetically modified plant material was present on land before the commencement of this Act.

7B—Repeal of section 27

Section 27—delete the section

My inclusion of a new clause 7A is the entirety of set No. 1. These are the provisions that I mentioned in my second reading speech. These are the farmer protection measures. They include contamination risk assessments. They include the public's right to know. I am glad the minister has put on the record already that the government will have no idea who is planting GM crops and where. As a consequence, the public will have no idea who is planting GM crops and where.

My amendment provides for the minister maintaining a public register online. I think that is a very important point, and I am incredibly disappointed that at least the major parties do not see fit to recognise that the public has had a long interest in this matter and that they do have a legitimate right to know what crops are being grown. Normally, you just have a look. If it has yellow flowers, it is probably canola. If it is tall, it might be corn. Often it is clear, but not when you have GM crops.

If you have bought a property next to a canola grower and you are thinking of trying to get organic certification, the good neighbourliness that the Liberal members have referred to is all you have to go on. You have no right to ask and you have no right to be told. The government does not even know, and the government will not tell you where they are growing GM crops. So your decision is: 'Do I establish an organic farm next to this canola grower? I don't know whether or not they are growing GM canola, and I don't know if that's going to be a risky measure for me.' I think that is an insult to those farmers who are trying to add value to their crops by tapping into lucrative organic markets.

I have referred to all these provisions before, including sheeting home the responsibility to companies like Bayer when things go wrong. Interestingly, the government's only objection to making these companies stand behind the products they sell is: 'Well, no-one else does, and no-one else has tried that before.' Let us think about this. What other good or service provided in South Australia does the provider not have to stand behind? If you are an accountant or you are a lawyer, you are providing a service. You have to stand behind what you do. You can be sued, and you can be liable for damages.

Yet when it comes to GM crops, the government is refusing to make these companies responsible for the natural consequence of their activity, as we have discussed many times before, which is that their product will spread to places where it is not wanted. They will walk away from liability, and we will end up with, as the Hon. Frank Pangallo has been talking about, the very unsatisfactory situation of farmer suing farmer. This is the package of measures that is in my amendment. Again, if we are to avoid a division on this clause, I do need the other parties to put their positions on the record.

The Hon. D.W. RIDGWAY: I thank the honourable member for moving his amendment. I indicate that the government will not be supporting it. Let us look quickly at some of the provisions. This would require a farmer to notify and receive approval from the minister before growing a crop, and the government would have to publish a list.

Before the minister grants approval, he must assess the likelihood of contamination of other land and the effect of contamination on the marketing of non-GM crops. This assessment must include consultation with the GM advisory committee but may rely on previously conducted assessments. These requirements would introduce a significant regulatory burden and delays and uncertainty for farmers wanting to grow GM crops. This is red tape—green tape, if we like—from the Greens just to make this unworkable and effectively almost keep the moratorium in place.

The independent review and subsequent consultation did not support the premise that prior approval is needed to ensure that GM and non-GM farmers are not impacted by the growing of GM crops. It found that segregation protocols are successful in all other states that have a moratorium. I make the point that the economies of the other states have not collapsed. We have not seen farmer pitted against farmer. We have not seen rioting in the streets. We have not seen people upset with it. This is just another way to frustrate the process and basically to make it unworkable, and the government does not support the amendment.

The Hon. C.M. SCRIVEN: The opposition will not be supporting this amendment. Our intention throughout this has been to ensure that there is a balance between the interests of those who want to grow GM crops and those who want to remain GM free. Putting in place systems and bureaucratic processes that essentially make it unworkable, that block the ability for farmers to make that choice, is in our view not consistent with the goal of the bill, which is to lift the moratorium but to allow those who wish to retain it to have that input. So we will not be supporting this amendment.

The Hon. F. PANGALLO: We will be supporting the Hon. Mark Parnell's amendment in this regard. I think we have already made mention before about what the implications are. I think I have also mentioned that you are going to have communities that are going to be divided over this, particularly in the Adelaide Hills and in the Fleurieu, and probably even on Kangaroo Island, but particularly in the Adelaide Hills where there is an abundance of organic growers. This effectively robs them of that opportunity.

I know of some large producers in South Australia, and some large manufacturers, who are also upset that they will no longer be able to use the branding on some of their products because of

that. So I support the Hon. Mark Parnell. The intention here is basically to try to protect the organic growers. The minister goes on about the fact that there has not been all that much protestation and litigation in other states, and I acknowledge that. However, I do not think the honourable minister realises just how many organic growers this state actually has. Would you be aware of that, minister, of how many organic growers we have here, particularly in the Adelaide Hills?

The Hon. D.W. RIDGWAY: I am not sure of that number.

The Hon. F. PANGALLO: No?

The CHAIR: Order! We are not having a conversation.

The Hon. F. PANGALLO: In fact, I am sure I have heard you extolling the virtues of our organic growers in the Adelaide Hills, such as the apple growers, the cherry growers and others. With that, we will be supporting—

The Hon. J.S.L. Dawkins: There are plenty of organic growers in other states, where they—

The CHAIR: Order!

The Hon. F. PANGALLO: Yes, there are, but they also want a choice—and also to try to protect them. It is all about coexisting, being able to coexist with neighbours, and even having an opportunity to know what is being grown next door. What is wrong with that? There is nothing. We will support the amendment.

The Hon. M.C. Parnell's new clauses 7A and 7B negatived.

The Hon. F. PANGALLO: I want to correct the record: I do actually support my own amendment, where I said 'no'. If that record can be—

The CHAIR: I think it is too late, the Hon. Mr Pangallo.

The Hon. F. PANGALLO: Is it? I do not think it is.

The CHAIR: That will be discussed at the President's dinner at Christmas time.

The Hon. F. PANGALLO: I was not going to put it to a vote—to divide was my intention. Anyway, the second part of these provisions are what I would call normal good neighbour practices. Much like the Hon. Mark Parnell has pointed out, given the worrying concern that has been expressed about GM crops, it aims to maximise communication and cooperation and minimise conflict and dispute between farmers. Obviously, the two greatest risk periods for GM contamination or GM transfers is during the sowing and harvesting of GM crops, and giving your adjacent neighbours 60 days' notice of your intention to sow a GM crop is hardly an onerous or unreasonable imposition.

I believe that many farmers already would ordinarily give formal or informal notice to their neighbours. This notice gives the GM and non-GM farmer an opportunity to discuss any concerns, agree on any risk mitigation measures and the parameters for spraying; for example, if the wind is blowing at a certain strength.

Similarly, the clause requiring that a notice of intention to harvest be given to your adjacent landholders is best practice to try to prevent contamination, spread and a dispute. The purpose of the notice is to foster good working relationships in this new operating environment. Again, I am sure most farmers would adhere to this practice anyway but this clause gives everyone certainty that sowing and reaping of GM crops will not come as a surprise. This is to try to avoid localised and polarised disputes which can be very damaging in agricultural communities. I also have subsection (3) of my amendment which I understand is unworkable and I am prepared to withdraw that one.

Finally, I believe it is always good practice to review legislation, and this final provision is to ensure this act is reviewed after three years—that is 2023—and then each three years thereafter. The minister must report the outcome of the review to the parliament within 12 sitting days, which places an accountability element in the bill. We have seen quite a few backdoor attempts by this government to regulate rather than legislate in relation to GM crops, all of which I am pleased to say have been disallowed by the Legislative Council. As a house of review we need to retain our vigilance and monitor and review acts which are as significant, contentious and untested as this bill is.

The Hon. D.W. RIDGWAY: I indicate that the government will not be supporting this amendment. Again, I refer the honourable members to the recent great weather conditions we have had. Timely sowing of a crop is one of the greatest benefits in getting a good yield, so if you get an unexpected rain or an early rain you then think, 'I've got to give 60 days' notice to a neighbour before I can sow a crop,' you will miss 60 days of the growing season if you want to grow a GM crop and there has been an early rain, so that is totally unworkable.

In relation to a previous question, the website of the Australian Organic Market Report 2017—I know it is a couple of years old—states that 77 per cent of all organic producers with certified operations are in Queensland, New South Wales and Victoria; 3 per cent in Tassie; 12 per cent in South Australia; 1 per cent in the Northern Territory; and 1 per cent in WA. More than three-quarters of the certified organic operators are in the three Eastern States that allow GM crops to be grown.

The Hon. C.M. SCRIVEN: The opposition is not supporting this amendment.

The Hon. M.C. PARNELL: We will be supporting both the provisions that the honourable member has moved in relation to notification and also the review of the act.

The CHAIR: I am going to put the question that new clauses 7B and 7C as proposed to be inserted in an amendment form by the Hon. Frank Pangallo be inserted, bearing in mind that he has removed subsection (3) from 27A.

The Hon. F. Pangallo's new clauses 7B and 7C negatived.

Remaining clause (8), schedule and title passed.

Bill reported with amendment.

Third Reading

The Hon. D.W. RIDGWAY (Minister for Trade and Investment) (17:05): I move:

That this bill be now read a third time.

The council divided on the third reading:

Ayes 16
Noes..... 2
Majority..... 14

AYES

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

NOES

Franks, T.A.	Parnell, M.C. (teller)

Third reading thus carried; bill passed.

STATUTES AMENDMENT (BAIL AUTHORITIES) BILL

Second Reading

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

Leave granted.

Mr President, I rise to introduce the Statutes Amendment (Bail Authorities) Bill 2020.

The Bill amends the *Bail Act 1985* to address inefficiencies arising in relation to the hearing of bail applications before the Court. The Bill also amends the *Bail Act 1985* by changing the point at which bail can be revoked where it is suspected that a person has breached their bail conditions, from the point at which the Court makes the order, to the point at which the person is arrested.

Part 2 Clause 4 of the Bill amends the Bail Act 1985 to make the District Court and Magistrates Court a general bail authority. Parts 3, 4 and 5 amend the *Magistrates Court Act 1991*, the *District Court Act 1991* and the *Supreme Court Act 1935* to provide the Court the express power to make rules relating to bail applications. Any necessary limitations on which Court a bail application ought to be heard by will be provided within the rules of Court instead of the Legislation.

This change aims to improve efficiency in the justice system and our courts, a key tenant of the Government's Justice Agenda.

The practical difficulties encountered for bail applications and the resulting inefficiencies were identified by the Chief Justice. I understand these are particularly problematic for bail applications made in the period after committal but before arraignment for indictable offences where the Magistrates Court commits a defendant for trial in the District Court. Those bail applications must be heard by the Magistrates Court because the District Court is not a bail authority under the *Bail Act 1985*.

The amendments will allow for bail applications made between committal and arraignment to be heard by the District Court. This is the most efficient way of resolving the issue and improving case flow management.

Beyond this key amendment, the Bill makes a further amendment to the Bail Act. In an effort to better protect witnesses and victims of crime clauses 5, 7, 8 and 9 of the Bill respond to an issue regarding breaches of bail conditions occurring after a bail agreement has been revoked.

Upon the granting of bail, a defendant enters into a bail agreement which sets out a number of conditions upon which bail is granted. One important condition often included in a bail agreement identifies a person or persons that a defendant must not contact or approach whilst on bail.

Such conditions are protective in nature and designed to guard against harassment and intimidation. Presently, when a bail agreement is revoked, a defendant's right to be at large is revoked. However, so too are the conditions of the bail agreement. Accordingly, any breach of conditions occurring after the revocation of the bail agreement, including any contact made to a witness or victim, does not constitute an offence under section 17(1) of the *Bail Act 1985*.

These amendments change the point at which bail is revoked from the point at which the Court makes the order, to the point at which the person is arrested. Currently the Court may revoke bail under sections 6, 18, 19A and 19B of the *Bail Act 1985*. All are amended by the Bill to change the point of revocation to the point of arrest. However, Clause 5 is drafted so that the power of the Court to revoke a bail agreement immediately is preserved.

There are occasions where a bail agreement is revoked and it is later established that no breach of the relevant bail conditions have in fact occurred. The amendments included in this Bill provides for such circumstances. Where there has been no breach the bail agreement is not taken to have been revoked and the defendant will be released

unconditionally. Unconditionally in this context means that no new bail conditions are imposed. However the deemed revocation of the bail agreement is effectively reversed and the conditions of the original bail agreement will continue to apply.

The efficiency and accountability of our courts and justice system are crucial. This Bill seeks to resolve two issues which have arisen in our courts and have been identified by the Chief Justice.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Bail Act 1985*

4—Amendment of section 5—Bail authorities

This clause expands the list of bail authorities in section 5(1) of the principal Act to include the District Court and the Magistrates Court.

5—Amendment of section 6—Nature of bail agreement

This clause amends section 6 of the principal Act to provide that a bail authority (not being a police officer) may issue a warrant for the arrest of a person released under a bail agreement without first revoking the bail agreement and that a bail agreement is taken to be revoked on the arrest of the person released under the bail agreement. This clause further provides that if the person is later released unconditionally, the bail agreement is no longer taken to be revoked.

6—Amendment of section 8—Form of application

This clause inserts a new paragraph into section 8(1) of the principal Act to require that an application for release on bail must, if the bail authority is a court, be made to the relevant court in accordance with the rules regulating the making of bail applications under the relevant court legislation.

7—Amendment of section 18—Arrest of eligible person on non-compliance with bail agreement

This clause amends section 18 of the principal Act to remove the requirement for a court or justice to revoke a bail agreement before issuing a warrant for the arrest of a person to whom the section applies and to provide that the bail agreement of that person is taken to be revoked on the arrest of the person. This clause further provides that if the person is later released unconditionally, the bail agreement is no longer taken to be revoked.

8—Amendment of section 19A—Arrest of person who is serious and organised crime suspect

This clause amends section 19A of the principal Act to remove the requirement for a court to revoke a bail agreement before issuing a warrant for the arrest of a person to whom the section applies and to provide that the bail agreement of that person is taken to be revoked on the arrest of the person. This clause further provides that if the person is later released unconditionally, the bail agreement is no longer taken to be revoked.

9—Amendment of section 19B—Arrest of person who is or becomes a terror suspect

This clause amends section 19B of the principal Act to provide that the bail agreement of a person to whom the section applies is taken to be revoked on the arrest of the person rather than when the person becomes a terror suspect or is the subject of a certificate issued under the section. This clause further provides that if the person is later released unconditionally, the bail agreement is no longer taken to be revoked.

Part 3—Amendment of District Court Act 1991

10—Amendment of section 51—Rules of Court

This clause provides that rules of the Court may be made regulating the making of bail applications, including limiting the making of bail applications to the Court in circumstances where the application may be made to another court.

Part 4—Amendment of Magistrates Court Act 1991

11—Amendment of section 49—Rules of Court

This clause provides that rules of the Court may be made regulating the making of bail applications, including limiting the making of bail applications to the Court in circumstances where the application may be made to another court.

Part 5—Amendment of Supreme Court Act 1935

12—Amendment of section 72—Rules of court

This clause provides that rules of the court may be made regulating the making of bail applications, including limiting the making of bail applications to the court in circumstances where the application may be made to another court.

The Hon. D.G.E. HOOD (17:10): I rise briefly to speak to the Statutes Amendment (Bail Authorities) Bill 2020 and commend this bill to the council. This bill amends the Bail Act 1985, seeking to address the inefficiencies arising in relation to the hearing of bail applications before the courts. It provides the courts with the express power to make rules relating to bail applications. The bill also amends the Bail Act 1985 by changing the point at which bail can be revoked. In essence, the bill works to address inefficiencies experienced where bail applications are made in the period between committal and arraignment.

This reform is taking a practical step to ensure that the bail authority is the court before which the applicant finds themselves, which of course would seem a commonsense move. It explicitly

provides that the Supreme Court, the District Court and the Magistrates Court are all relevant bail authorities and, where relevant, the court to which a bail application may be made, that is, it is made to the court in which the defendant appears.

The aim of this change is to improve efficiency in our courts and the justice system, a key principle of the government's justice agenda. The Chief Justice identified the practical difficulties encountered for bail applications and the resulting inefficiencies. These amendments will improve case flow management and will better protect victims of crime and witnesses by addressing issues arising when breaches of bail conditions occur after a bail agreement has been revoked.

Currently, when a bail agreement is revoked, so too are the conditions of the bail agreement. Therefore, any breach of the conditions occurring after the bail agreement is revoked, including any contact made with a victim or witness, does not presently constitute an offence under the Bail Act 1985. Appropriately, these amendments change the point at which bail is revoked from the point at which the court makes the order to the point at which the person is arrested, again a commonsense move in my view.

In the case where a bail agreement is revoked and it is later established that no breach of the relevant bail conditions has in fact occurred, the bail agreement is not taken to have been revoked. The defendant will be released unconditionally in the context that no new bail conditions are imposed and the conditions of the original bail agreement continue to apply.

It is important to protect those who might otherwise be jeopardised by the conduct of someone who is subject to such a bail agreement. It is also important to ensure that someone who would make a bail application or would make a subsequent bail application can do so without having to navigate through the maze of the court structure.

It is critical that our courts and justice system are efficient and accountable. These are appropriate reforms to make sure that bail arrangements in this state can operate so as to most effectively protect and provide confidence to the public at large, and also ensure that the dispensing of the business of managing these applications within the justice system can be done in the most optimal way.

I commend the engagement of the courts with the government and the diligent work of the Attorney-General in the other place in ensuring that there is a methodical and productive engagement between the courts and the government. This is a very good example, in my view, of a pragmatic and desirable reform that ought to be made, and it is possibly overdue. I commend the bill to the council.

Debate adjourned on motion of Hon. R.P. Wortley.

CRIMINAL LAW (LEGAL REPRESENTATION) (REIMBURSEMENT OF COMMISSION) AMENDMENT BILL

Introduction and First Reading

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

Second Reading

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

That this bill be now read a second time.

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

Leave granted.

I am pleased to introduce the Criminal Law (Legal Representation) (Reimbursement of Commission) Amendment Bill 2020 (the Bill), which amends the *Criminal Law (Legal Representation) Act 2001*.

The Bill makes two changes to the process by which the Legal Services Commission (the LSC), South Australia's primary legal aid provider, is reimbursed for the costs of expensive criminal cases. The changes are designed to ensure that the LSC is subject to a consistent, reliable maximum cost when taking on a serious criminal case.

The *Criminal Law (Legal Representation*) *Act* aims to ensure that all people have access to legal representation for the trial of a serious offence in South Australia. It was introduced in response to the 1992 High Court case of Dietrich v the Crown. The High Court held that if a person charged with a serious criminal offence is unable to gain legal representation, the trial should be adjourned or stayed until he can find such representation. To ensure this requirement is fulfilled, the *Criminal Law (Legal Representation) Act* gives persons charged with a serious offence a right to legal representation from the LSC. The costs of this assistance are split between the LSC, the government, and in some cases the accused person themselves. The LSC has recently requested some alterations to the way that these costs are shared with the government.

If the costs of a serious criminal case exceed a set level, known as the funding cap, the *Criminal Law (Legal Representation) Act* allows the LSC to apply to the government for reimbursement of the excess costs. The funding cap is currently set at $50,000 for a case with a single defendant and $100,000 for a case with multiple defendants.

It recently came to the government's attention that the *Criminal Law (Legal Representation) Act* does not allow the costs of some preliminary criminal processes to count towards the LSC's reimbursement claim. They are considered separate, non-reimbursable expenses.

The *Criminal Law (Legal Representation) Act* only requires the LSC to provide legal representation after the defendant is committed to the Supreme or District Court for trial. However, often the defendant meets the LSC's standard criteria for legal assistance, and so they also receive legal assistance during the preliminary committal processes that occur in the Magistrates Court.

Because these earlier costs cannot count towards a reimbursement claim, the LSC will face uncertain costs if they take on the serious criminal case in the early stages of the criminal process.

Above all it is the government's position, which is reflected in the Bill, that the LSC should be able to be certain, when they take on a serious criminal case, that they will not have to spend more than the funding cap.

Clause 4 of the Bill broadens the definition of legal assistance costs to make it clear that all costs spent on a serious criminal case can be counted towards the total costs for the purposes of a reimbursement claim. The new definition of legal assistance costs includes the costs of providing the assistance to which the defendant was legally entitled under the *Criminal Law (Legal Representation) Act*, as well as any other discretionary assistance that the LSC provided the defendant in relation to the same case. However, the total legal assistance costs will not include an appeal against the sentence or conviction, or any other costs prescribed by regulations.

This new definition ensures that the reimbursement exercise reflects the true cost of the criminal case from the time the charges are laid to when they are finalised.

The LSC also currently faces uncertain costs when a single set of serious criminal charges needs to be heard across multiple trials. This may be required due to practical issues, such as courtroom size, as a complex criminal matter may have multiple defendants, each with their own legal team. It may also be required due to evidentiary issues.

Split trial situations subject the LSC to an additional funding burden. The Criminal Law (Legal Representation) Act applies the funding cap to each individual trial, even if the matter started as one set of charges. Therefore the LSC may take on a case expecting to spend just $50,000, and end up needing to spend $100,000 if two trials are required.

The Bill allows the LSC to treat separate but related trials as a single case for the purposes of the funding cap. Upon application to the Attorney-General by the LSC, and if the Attorney-General is satisfied that it is appropriate in the circumstances, multiple related trials will be considered a single criminal case for the purposes of reimbursement and the total legal assistance costs may be calculated accordingly. The funding cap will be applied once to the total costs of all related trials.

The Bill ensures that the Legal Services Commission is subject to a consistent, predictable cost when taking on a serious criminal case.

It seeks to ensure the LSC can fulfil its role of providing legal assistance for serious criminal matters, whilst also continuing to fund their other important work of providing community legal advice and education, as well as representation in family law, domestic violence and mental health matters.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Criminal Law (Legal Representation) Act 2001*

4—Amendment of section 4—Interpretation

This clause inserts and substitutes definitions for the purposes of the measure.

The definition of *assisted person* is substituted and is proposed to mean a person for whom legal assistance of a kind mandated under section 6(1) or (1a) of the Act is, or has been, provided.

The definition of *legal assistance costs* is substituted and is proposed to be expanded to include all costs of providing legal assistance to an assisted person in relation to the relevant trial (see section 5(2) of the LSC Act) regardless of whether the costs were incurred before or after the person became an assisted person. The proposed definition expressly includes the costs of providing—

(a) legal assistance of a kind mandated under section 6(1) and (1a); and

(b) all other legal assistance (other than prescribed legal assistance) which the person was eligible for and provided with under the LSC Act for matters related to and preliminary or ancillary to the trial, including (without limitation) committal proceedings under Part 5 Division 3 of the *Criminal Procedure Act 1921*.

For the purposes of the proposed definition of *legal assistance costs*, *prescribed legal assistance* is defined as—

(a) legal assistance provided to a person for the purposes of an appeal against conviction or sentence; and

(b) legal assistance of a kind prescribed by the regulations.

For the purposes of the definition of *associated proceedings* a new subsection (3) is proposed to be inserted to clarify that proceedings may be preliminary or ancillary to a trial whether or not the matter actually proceeds to trial.

5—Substitution of section 18

This clause substitutes a new section 18 in respect of the Commission's right to reimbursement in respect of the costs of providing legal assistance to persons who are assisted persons under the Act.

Proposed new section 18 retains the core elements of the existing section but has been revised to —

(a) apply to criminal cases that may be comprised of multiple related trials (including multiple accused); and

(b) include the costs of providing legal assistance for committal and other proceedings to be included in the tally of reimbursable costs for a criminal case subject to an approved case management plan.

For the purposes of proposed new section 18, trials are *related trials* if the charges the subject of each trial are founded on the same facts or form, or are a part of, a series of offences of the same or a similar character (whether or not relating to the same accused person).

Schedule 1—Transitional provisions etc

1—Application

The amendments will apply in respect of a criminal case commenced before or after the commencement of the measure. However, if, at the commencement of the amendments, the Legal Services Commission has already been reimbursed in respect of a criminal case (in whole or part), any further entitlement to reimbursement for the case is to be determined under the Act as in force before that commencement.

2—Case management plans

This clause saves existing approved case management plans which will be taken to be approved for the purposes of substituted section 18.

3—Expensive Criminal Cases Funding Agreement

This clause continues the existing *Expensive Criminal Cases Funding Agreement* for the purposes of the substituted section 18.

Debate adjourned on motion of Hon. R.P. Wortley.

At 17:17 the council adjourned until 13 May 2020 at 14:15.

Answers to Questions

KANGAROO ISLAND BUSHFIRE

In reply to **the Hon. F. PANGALLO** (5 February 2020).

The Hon. R.I. LUCAS (Treasurer): The Minister for Police, Emergency Services and Correctional Services has provided the following advice:

The intent of the independent review is to look into South Australia's preparedness for dealing with significant bushfire activity and what can be done to mitigate the impact of bushfires on our communities into the future. The review will have a broad scope with areas of focus on preparation, planning, community resilience, response and recovery.

Due to restrictions surrounding COVID-19, Mr Mick Keelty AO lead inquirer has considered a modified approach to the independent review into South Australia's 2019-20 bushfire season. The changes to the review include the inability to hold public forums which therefore means Mr Keelty's fees will need to be adjusted accordingly.

Early discussions have proposed that the review team will be providing coordination support to the royal commission.

ECONOMIC STIMULUS PACKAGE

In reply to **the Hon. K.J. MAHER (Leader of the Opposition)** (24 March 2020).

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

Of the initial $350 million of economic stimulus measures to help grow the South Australian economy and secure local jobs in the wake of the ongoing impact of bushfire and coronavirus, around $40 million relates to projects bought forward from future years ($38 million from the period up to 2023-24 and $2 million that would otherwise have been spent in 2024-25). This includes the $15 million for country hospital upgrades and $10 million in social housing maintenance. In addition, $15 million was brought forward from the planning and development fund as part of the government's commitment to work with local councils to deliver $50 million of shovel-ready projects to support local jobs.

The other announced measures total $232 million of new money, and include support for:

- new infrastructure projects;
- the Economic and Business Growth Fund;
- nature based tourism;
- bushfire recovery and rebuild measures; and
- the government's grassroots football, cricket and netball program.

The remaining $78 million of measures has yet to be finalised and announced.

The $120 million of new infrastructure projects that will be fast tracked to support local jobs and businesses, includes:

- $52 million for targeted regional road network repair and improvement, including on the Stuart Highway, Yorke Highway, Dukes Highway and Riddoch Highway;
- $35 million to rehabilitate and resurface the South Eastern Freeway between the tollgate and Crafers;
- $15 million for Heysen Tunnel refit and safety upgrade;
- $12 million for a higher capacity north-south freight route by-passing Adelaide; and
- $6 million to seal Adventure Way and Innamincka Airport Road.

In response to the COVID-19 pandemic and its significant impact on local businesses, industry sectors and jobs, the South Australian government has announced a second economic stimulus package – the Jobs Rescue Package, worth $650 million – that will provide immediate financial support and relief to those most affected. This takes the total Marshall Liberal government's economic response package to the impacts of the coronavirus to $1 billion.

INTERNATIONAL STUDENTS

In reply to **the Hon. T.A. FRANKS** (8 April 2020).

The Hon. D.W. RIDGWAY (Minister for Trade and Investment): I have been advised:

1. Statistics obtained from the commonwealth Department of Education, Skills and Employment show that as at 19 April 2020, there were 30,984 student visa holders in South Australia.

2. The exact arrival dates of international student visa holders to South Australia cannot be confirmed as a portion of the students may be in their second and third year of education. However, based on national data as

at February 2020 we do know that there were approximately 9,000 new enrolments in programs in South Australia in 2020. Some of them may have arrived late in 2019 or transferred from another visa category.

3. The South Australian government has not provided subsidies to international students to travel to South Australia post pandemic declaration. Individual education institutions may have provided subsidies to international students to travel to South Australia, however that is a commercial matter between the institutions and the international students and has not been disclosed.

4. I am unable to advise how many international students are currently unable to return to their place of departure. However, with many international borders closed, it would be very difficult for students to return. Additionally, the terms and conditions of student visas require mandatory reporting of intentions to permanently cross borders, however that is a matter between the students, their education institutions and the Department of Home Affairs. The data is not publicly available.

5. Statistics obtained from the commonwealth Department of Education, Skills and Employment show that as at 19 April 2020, there were 30,984 international student visa holders located in South Australia. The breakdown of international student visa holders across the different sectors as at 19 April 2020 was:

(a) Higher education sector—21,937

(b) Independent ELICOS sector—355

(c) Non-award sector—234

(d) Postgraduate research sector—853

(e) Schools sector—1,838; and

(f) Vocational education and training sector—5,767

The government has worked extensively with the international education sector through my Ministerial Advisory Committee for International Education (MACIE), to understand the impacts of COVID-19 on international students and to work toward understanding what assistance is needed by international students.

The government has also continued to work with StudyAdelaide to undertake whole-of-sector coordination in regard to the health and welfare of international students including daily COVID-19 updates, weekly newsletters, guidance regarding health and wellbeing services, care packages and accommodation options for students who may need to self-isolate, provision of virtual self-isolation packs and the promotion of online community events.

In recognition of the importance of this sector to our economy, the hardship faced by our international students and the efforts of our institutions to support them, the government has released its $13.8 million support package for international students in South Australia.

This package complements, not duplicates, the substantial support made available by our education institutions and indeed was developed in close consultation with them and MACIE.

Within 72 hours of the announcement of the International Student Support Package, more than 11,000 registrations for funding had been received.

6. I am unable to advise how many international students located in South Australia are below the age of 18. That information is not published by the commonwealth Department of Education, Skills and Employment, the commonwealth Department of Home Affairs or the education institutions.

REGIONAL AIR SERVICES

In reply to **the Hon. C.M. SCRIVEN** (29 April 2020).

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

The additional flights to Mount Gambier commenced Monday, 4 May 2020.