

## LEGISLATIVE COUNCIL

Wednesday, 13 May 2020

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

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

*Parliamentary Committees*

### LEGISLATIVE REVIEW COMMITTEE

**The Hon. N.J. CENTOFANTI (14:16):** I bring up the fifth report of the committee.

Report received.

*Parliamentary Procedure*

### PAPERS

The following paper was laid on the table:

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

Snapshot of South Australian Aboriginal Children and Young People in Care and/or  
Detention from the Report on Government Services 2020—  
Report dated May 2020

*Question Time*

### PATHOLOGY SERVICES

**The Hon. K.J. MAHER (Leader of the Opposition) (14:17):** My question is to the Minister for Health and Wellbeing regarding pathology. My questions are:

1. Has the minister ever held discussions at a Liberal Party fundraiser, FutureSA event or other Liberal Party event with any representative from Clinpath or Sonic Healthcare?
2. Has the minister hosted a table at a FutureSA or Liberal Party fundraising event that included representatives of Clinpath or Sonic Healthcare?
3. Has the minister, before or after the state election, had any discussions with representatives of Clinpath or Sonic Healthcare in relation to the possible privatisation of government pathology services?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:18):** I will certainly need to take that on notice. I don't—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. S.G. WADE:** We are apparently under lockdown. The Leader of the Opposition wants to have a Fringe performance in the Legislative Council. I don't recall conversations with Clinpath or Sonic about privatisation, but it would hardly surprise me that a private pathology firm might advocate for that approach. What is very clear to them now is that this government is committed to SA Pathology staying in public hands.

### PATHOLOGY SERVICES

**The Hon. K.J. MAHER (Leader of the Opposition) (14:19):** A supplementary arising from the question: does the minister have any recollection of discussing any matter with representatives from Clinpath or Sonic Healthcare at a Liberal Party event?

**The PRESIDENT:** Just before you answer that, Minister for Health and Wellbeing, that was very much like your original question, the honourable Leader of the Opposition. You are actually supposed to ask a different question, if you are going to ask a supplementary.

**The Hon. K.J. MAHER:** A question arising from the answer, where the minister referred to whether he had had discussions about the privatisation of pathology services. Has the minister had discussions with anybody about the privatisation of pathology services at a Liberal Party event?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:19):** I have answered that question. I refer the honourable member to my previous answer.

#### **PATHOLOGY SERVICES**

**The Hon. K.J. MAHER (Leader of the Opposition) (14:19):** Supplementary arising from the original answer, where the minister referred to whether or not he had had discussions about the privatisation of pathology services. Does the minister have any idea why the director of Liberal Party fundraising would be cc'd in on emails between himself and a private pathology service?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:20):** I would suggest that that question is probably better directed to the person who wrote the email, not the person who received it.

*Members interjecting:*

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

#### **PATHOLOGY SERVICES**

**The Hon. C.M. SCRIVEN (14:20):** I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing regarding pathology.

Leave granted.

**The Hon. C.M. SCRIVEN:** On 30 March, 20 April and 27 April, the CEO of Clinpath wrote to the Premier, along with minister Stephen Wade and Rob Lucas. Liberal Party fundraising director Maurice Henderson was also sent this correspondence. The offer was to use Clinpath Laboratories as a backup to SA Pathology COVID-19 testing. A similar arrangement is in place in other states. Clinpath has had no correspondence in reply to repeated written offers, even though it is reported that the minister promised a response.

The federal government last month funded Sonic Healthcare, the owner of Clinpath, to provide rapid COVID-19 testing in aged care. This week, the minister announced that SA Pathology had assembled a team for rapid aged-care testing, and the CEO of Clinpath yesterday referred to this duplication as, 'Exactly the same thing' and 'seems to me to be a waste of Government funds' and 'They could be using that money for something else' and 'They're both Liberal governments, surely they talk to each other? It's beyond me.'

My questions to the minister are: why have the Premier or ministers not replied to repeated correspondence from the CEO of Clinpath regarding offers to assist with COVID-19 testing? Why is the government expending resources in aged-care testing for COVID-19 when the commonwealth has funded an identical service?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:22):** Isn't this absolutely amazing? Here we have a Labor Party which is advocating for privatisation of pathology services. What a hypocritical bunch this is. You have been lecturing us about even trying to ask for better value for money for pathology services, and as soon as we announced that we are not looking for alternative service providers, you come in here advocating for privatisation of pathology services. You hypocrites. What was the second question? I got so excited about the first that I had trouble with the second. If the honourable member wouldn't mind repeating her question, I will offer her an answer.

*Members interjecting:*

**The PRESIDENT:** Order! The honourable Deputy Leader of the Opposition, could you repeat the second part of your question?

**The Hon. C.M. SCRIVEN:** It's both the first part of the question and the second part of the question that the minister has not answered, so, with your indulgence, I will—

**The PRESIDENT:** If you want to, or I will move on.

**The Hon. C.M. SCRIVEN:** Why have the minister or the Premier not replied to repeated correspondence from the CEO of Clinpath regarding their offer, and why is the government spending money on aged-care testing when the commonwealth has funded that service?

*Members interjecting:*

**The PRESIDENT:** Order! The Minister for Health and Wellbeing, and we will listen in silence. Minister for Health and Wellbeing.

**The Hon. S.G. WADE:** So why did I fail to respond to correspondence in March or April? Surprise, surprise, surprise: there was a pandemic on. We had a department that was completely fixed on responding to the global pandemic, and the opposition wants to come in here and say, 'I'm sorry, you have delayed correspondence to a corporate leader.' Well, how about talking about the significant disruption to health services for ordinary South Australians?

They preach against privatisation of SA Pathology services, now they come in advocating for it. Instead of standing up for the worker and the ordinary constituents who are looking for health services, they want to demand correspondence going back to corporate leaders in Adelaide. Now tell me about duplication of services. Are you honestly telling me that you think that whenever a private company provides a service in the South Australian market that rules out a public sector provider being in that market?

What a bizarre approach! We have a Labor Party that wants to advocate for privatisation of public services, but now they want the pathology services to be able to stake a claim like it is the Wild West and claim a monopoly over a field because they got there first. This is a galling, incompetent opposition. They can't even follow the logic of their own philosophies.

*Members interjecting:*

**The PRESIDENT:** Order! Do you have a supplementary question, deputy leader?

#### **PATHOLOGY SERVICES**

**The Hon. C.M. SCRIVEN (14:25):** A supplementary arising from that extraordinary answer: is the minister aware—

*Members interjecting:*

**The PRESIDENT:** Order! Just hang on, please. The Deputy Leader of the Opposition will be heard in silence. The minister will answer and be heard in silence.

**The Hon. C.M. SCRIVEN:** Mr President, can you promise that the minister will answer?

**The PRESIDENT:** Deputy Leader of the Opposition, if you have a supplementary question, ask it; if not, sit down.

**The Hon. C.M. SCRIVEN:** I appreciate your indulgence. Is the minister aware that the correspondence to which he is so disparaging refers to the pandemic, which he says was preoccupying his time, and why he cannot answer the question?

*The Hon. R.P. Wortley interjecting:*

**The PRESIDENT:** The Hon. Mr Wortley, what part of 'in silence' didn't you understand? The Minister for Health and Wellbeing.

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:25):** Guilty as charged, I have had some delayed correspondence in the last couple of months.

**PATHOLOGY SERVICES**

**The Hon. C.M. SCRIVEN (14:26):** Supplementary: can the minister advise how much funding is available from the commonwealth government to pay for the aged-care testing and how much the state government is therefore duplicating?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:26):** No.

**PATHOLOGY SERVICES**

**The Hon. K.J. MAHER (Leader of the Opposition) (14:26):** Supplementary arising from the answer the minister gave: has the minister had discussions with the director of the Liberal Party or the director of FutureSA about the correspondence which was referred to in the question and the answer?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:26):** No.

**PUBLIC SECTOR EMPLOYEES**

**The Hon. E.S. BOURKE (14:26):** I seek leave to make a brief explanation before asking a question of the minister for industrial relations regarding public workers.

*Members interjecting:*

**The PRESIDENT:** Order!

Leave granted.

*Members interjecting:*

**The Hon. E.S. BOURKE:** Has my leave been approved?

**The PRESIDENT:** I said, 'Is leave granted? Leave is granted.' If your Leader of the Opposition would be silent, you would hear that I have granted you leave. Let's have a go now.

**The Hon. E.S. BOURKE:** I'm sure the Treasurer is very excited.

**The PRESIDENT:** Order! Let's do this.

**The Hon. E.S. BOURKE:** Health, disability and care workers are the front line of the COVID-19 crisis. On behalf of these workers, which include hospital orderlies and those who sterilise equipment, I understand the United Workers Union asked to roll over an existing agreement to maintain conditions until June 2021 with a 2 per cent pay increase. This would appear to be in line with the budget and other enterprise agreements. Despite this, the Treasurer was quoted in InDaily last week, saying that he did not support a rollover of existing conditions, and I quote, 'We want to see significant changes if we could.'

The changes the government are demanding include making it easier to cut jobs and to allow privatisation. Yesterday, the minister spoke about a pay deal for nurses, and I quote:

...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.

My questions to the minister are:

1. Why is the government prioritising changes to working conditions during the biggest crisis in living memory?
2. Why is the government trying to remove conditions that protect front-line health and disability workers from job cuts and privatisation?
3. What other significant changes does the Treasurer want to see?

*The Hon. R.P. Wortley interjecting:*

**The PRESIDENT:** Treasurer, when the Hon. Mr Wortley can zip it, please provide an answer.

**The Hon. R.I. LUCAS (Treasurer) (14:29):** Mr President, thank you for your protection. I thank the honourable member for her question, but I will refer the honourable member to the answer I gave to the Hon. Ms Bonaros yesterday, who asked the same question. I will briefly repeat the answer to the question that I gave the Hon. Ms Bonaros, who I think asked a supplementary question along those lines.

That is, I would have indicated yesterday or I did indicate yesterday my enormously high regard for many of the hardworking members of the Public Service, and on behalf of the government members I pay tribute not just to the front-line workers such as nurses and doctors and police, of course, who have attracted most of the front-line attention but to the many other hardworking members of the Public Service, some of whom the honourable member has included in her question.

I did respond yesterday to broadly the UWU claim. I think I might have even referred to the UWU, who are representing a group of unions; there are five or six unions, I think, who are involved in the weekly paid group of public servants. The UWU just happen to be the lead union in relation to that particular negotiation. I have indicated—I cannot remember the exact words I used—that I was hopeful that we might be able to reach agreement with one or two of the other public sector unions in the not-too-distant future. I think I probably indicated yesterday that whilst we weren't as far advanced with one or two of the other unions as we were with the nurses federation, as I said I was hopeful we might be able to conclude agreements with some of the other public sector unions.

The honourable member's characterisation of my quote in the InDaily article last week didn't match the actual quote when she read it. I think she did include the final words which were 'the government's preferred position' or 'my preferred position' or something. Clearly, when you go into a negotiation—the government went into the negotiation pre the COVID-19 pandemic with a position; the union went into their negotiation with a position. The union has significantly reduced the extent of its salary demand which it made at the start. The government has been prepared to negotiate.

I am sure the honourable member, given her background, is probably familiar with enterprise bargaining. That is how enterprise bargaining negotiations are conducted—if both sides enter into the negotiations in good faith. You start off with your initial positions and you hopefully sit down and come out with a position which both sides can be comfortable with. As I said yesterday in relation to the nurses federation's characterisation of where the negotiations were, they saw what they achieved as a big win for nurses. I am pleased to hear that they believe that to be the case.

The government continues the negotiations with the UWU and in relation to the salaried workers group the PSA is the lead group there. As I said, I don't intend to conduct a public negotiation in the parliament, much as I might be encouraged to do so with the honourable member. We will respectfully conduct those negotiations with the union negotiators and with the government negotiators.

As I made clear to the UWU representatives when they sought my intervention, I said, 'Look, I'm not here to negotiate'—by 'here' I mean it was a teleconference, but 'I'm not present at this teleconference to negotiate an enterprise bargaining deal with you. I will listen to your concerns, but ultimately you need to sit down with the government negotiators, they will take instructions from me, they will negotiate with you, you will negotiate on behalf of your members and ultimately they will put a recommendation to me.' So I am hopeful that we might be able to reach an agreement in the not-too-distant future.

#### **PUBLIC SECTOR EMPLOYEES**

**The Hon. T.A. FRANKS (14:33):** Supplementary: if the Marshall government holds these workers in such 'high regard', why then have they put on the table in these negotiations the removal of important security of employment clauses and the removal of redundancy, redeployment and retraining provisions?

**The Hon. R.I. LUCAS (Treasurer) (14:33):** Because we don't view those particular clauses in the same way the honourable member does.

### EXPORT INITIATIVES

**The Hon. J.S.L. DAWKINS (14:34):** My question is directed to the Minister for Trade, Tourism and Investment. Will the minister provide an update to the council about assistance for South Australian exporters?

**The Hon. D.W. RIDGWAY (Minister for Trade and Investment) (14:34):** I thank the honourable member for his ongoing interest in exports. The Marshall Liberal government is committed to supporting South Australian exporters to get through this coronavirus crisis and come back stronger than before. It is for this reason we have established the Export Recovery Taskforce. We worked with industry to load up two Singapore Airlines flights full of produce. The second left this morning.

Now I am pleased to announce a new support program of some \$500,000 to assist small and medium businesses to begin exporting via e-commerce. The e-commerce accelerator program—or ECAP, as it has been named—will provide exporters with grant funding of up to \$10,000 to establish or further an online presence and sell their products to the world. There has never been a more important time to begin pivoting business operations to the digital and online world.

Online shopping in Australia has been growing at 14.3 per cent over the past five years and is forecast to grow at 7.8 per cent per annum to reach some \$34½ billion by 2023-24. In 2017-18, there were 2,557 local companies who exported and 59 per cent of those were small businesses.

The COVID-19 pandemic has seen travel and face-to-face business come to a halt, and the existing channels through brick and mortar stores have been disrupted. Many customers have increased their online purchases, exposing South Australian businesses that are reliant on local markets. Currently, it is estimated there are some 8,600 businesses in South Australia with the potential to export, including 1,500 wholesalers who could access the program and embrace e-commerce opportunities. Our government is creating an environment to support and encourage these businesses to adopt e-commerce.

The grant funding can be used to start a wide range of activities designed to get a business online. This could include commissioning a digital marketing plan, consultation around online channel selection, purchasing ICT equipment or purchasing digital advertising. Additionally, any training to assist with developing e-commerce capability and begin selling online is eligible for funding. I urge any business that has considered exporting through online channels to head online to the DTI website for further information. The opportunity to embrace broader markets through e-commerce will only continue to grow. Together we can begin shifting our focus to online and digital sales and come back stronger than before.

### COVIDSAFE APP

**The Hon. T.A. FRANKS (14:36):** My question is to the Minister for Health and Wellbeing regarding the COVIDSafe app. It is simply: what state requirements, through either the parliament or other delegated legislation, will be required for this app to be able to be implemented in South Australia, and how many South Australians have downloaded it?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:37):** In relation to the honourable member's last question, I can confidently say that one has, and that is me. I am strongly encouraging South Australians to sign up for the COVIDSafe app, because it will help our public health clinicians to trace cases. It is one thing to test, but once you have found a case you need to be able to find out who they have come into contact with.

In terms of the COVIDSafe app and engaging the state officials, the commonwealth has made it very clear that the only people who can use the data are state officials, and to facilitate that there was an agreement that each state and territory bilaterally had to sign with the commonwealth. My understanding—and I will come back to you if I am wrong—is that we signed our agreement at the end of last week. It might have been early this week, but we are signed up, which now means that South Australian public health officers will be able to get access to the information.

My understanding is that the commonwealth parliament will be considering legislation this week, but I expect all of the commitments of the commonwealth in relation to privacy will be reflected in either legislation that is put into place or legislation that is in place. I am advised that the proposal

was subject to a privacy impact statement, which was prepared in consultation with the Australian Privacy Commissioner, and it will be published.

I am confident that the commonwealth will be vigorous in complying with privacy, because I think that the confidence of the public in this app will be crucial. In that sense, I would remind people that the app is deletable. If you delete the app, the data associated with it is also destroyed. In that context, any suggestion that this app is being misused I think would lead to a significant withdrawal, which would completely undermine the public health effort. Certainly, to the extent that it is within my capacity, I will be protecting the privacy of the app.

#### COVIDSAFE APP

**The Hon. T.A. FRANKS (14:39):** Supplementary question: I'm not sure that the minister understood my question. Is it actually possible for the COVIDSafe app to be used if you yourself were to test positive to trace your contacts?

**The Hon. S.G. Wade:** If I test positive?

**The Hon. T.A. FRANKS:** Right now, can we use it?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:39):** Well, my understanding is that the information can't be used unless the person who has been identified—

**The Hon. T.A. Franks:** If it can't be used regardless of your permission, have we got the right legislative framework in place so that our state public health officials can actually use this app, because as of last Thursday they did not have that?

**The PRESIDENT:** The Hon. Ms Franks, the minister can answer your first supplementary. If you have another one perhaps you could frame it to that point.

**The Hon. S.G. WADE:** My understanding is that if I, as a user, don't consent to my data being downloaded then it won't be downloaded. That's a policy decision of the commonwealth. Personally I think that does raise issues because, with all due respect, I think the Hon. Mr Hood might like to know that I'm COVID positive even if I don't choose to tell him. Similar issues come up in all sorts of infectious disease situations, but that's a policy decision the commonwealth has made and my understanding is that if I'm the subject of the positive test and I'm a user of COVIDSafe—they are two conditions precedent—I can, having consented to using COVIDSafe, I can not consent to my data being used to contact others. That is my understanding of the commonwealth framework.

#### COVIDSAFE APP

**The Hon. T.A. FRANKS (14:41):** A further supplementary: can the minister rule out that no further legislation is required to ensure that public health officials in this state can access and use to trace the COVIDSafe app data if somebody does give their permission? My understanding as of last Thursday was that there needed to be further work beyond the bilateral agreement that may indeed necessitate legislation in the state parliament. If the minister can rule out that we will need that legislation that would be most helpful.

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:41):** To be frank, I feel duty-bound to go back and make inquiries if there is a concern that we might need legislation. But I certainly do not recall any advice being given to me that we need to have complementary state legislation. To stop and reflect, my understanding is that we are a state that does not have a legislated right to privacy, so why would we need to modify it to accommodate the app?

#### COUNTRY HOSPITALS

**The Hon. T.T. NGO (14:42):** My question is to the Minister for Health and Wellbeing regarding hospitals. Could the minister tell the house when tenders will be issued? What is the contract value and when will work begin and be completed for the following immediately and shovel-ready regional hospital stimulus projects: (1) Fire and safety upgrades at Kapunda Hospital; (2) Sterilisation facilities at Angaston hospital; and (3) Installation of generators and electrical upgrades at Peterborough hospital, Clare Hospital and Coober Pedy?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:43):** I have a sense of déjà vu. I thought I answered the Kapunda question yesterday, but let me refer to the advice I have received and, as I said yesterday, I am relying on advice. In relation to Kapunda, I am advised that the proposed tender release is July 2020 and the proposed completion is February 2021. In relation to Angaston, the proposed tender release is October 2020 and the proposed completion is 2021. In relation to Peterborough, I am advised that the proposed tender release is June 2020 and the completion is December 2020. I am advised that in relation to Coober Pedy the proposed tender release is June 2020 and the proposed completion is December 2020.

Whilst I am on my feet, I thank the honourable member for highlighting yet again this government's commitment to the economic stimulus response. This isn't just a health emergency; this is an economic emergency. To be frank, one feeds into the other. Economic distress and unemployment undermines the health and wellbeing of families where the breadwinner or breadwinners are not employed.

Certainly, social isolation and dislocation adds to the stress of mental health. So we had an economic stimulus package. We were the first state in Australia to have an economic stimulus package. I also highlight the fact that this government's response to the health crisis has also involved economic investment. For example, when we needed to put in place dedicated COVID-19 facilities, we identified three sites: Wakefield, College Grove and the Repat. Particularly in relation to Wakefield and College Grove, we needed to significantly invest. We invested \$7 million in beds and medical equipment. In relation to the Repat site, there is \$6.5 million in terms of—

**The Hon. C.M. SCRIVEN:** Point of order, Mr President: given that the questions were all about regional hospitals, my point of order is relevance when talking about metropolitan facilities.

**The PRESIDENT:** I heard the question on the basis of hospital upgrades, and I think the minister is providing probably quite valuable information about hospital upgrades. I am sure the minister is close to finishing his answer. Minister, would you like to conclude?

**The Hon. S.G. WADE:** Thank you, Mr President. I will be very brief. I mention also that we have brought forward other capital works and other projects, because both capital works and operating costs stimulate the economy. Two examples are that we brought forward works in the south in relation to the SHEP project and also in relation to Modbury.

#### COUNTRY HOSPITALS

**The Hon. T.T. NGO (14:46):** Supplementary question: the minister missed out Clare Hospital, could he respond to that one?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:46):** My understanding is that the proposed tender release for Clare is due—just a couple of weeks away—and the proposed completion is December 2020.

#### COUNTRY HOSPITALS

**The Hon. T.T. NGO (14:46):** Supplementary: is the minister able to tell the house what are the costs of those contracts for each hospital? I know he has read out the tender date and completion date, but what about the value of those contracts?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:47):** I presume these are total budget costs, so depending on the project they may go over more than one year: Kapunda, I am advised, is a budget of \$882,000; Angaston, I am advised, is a budget of \$1.3 million; Peterborough, I am advised, is a budget of \$463,000; Coober Pedy, I am advised, is a budget of \$492,000; and Clare is a budget, I am advised, of \$820,000.

#### PUBLIC SECTOR EMPLOYEES

**The Hon. D.G.E. HOOD (14:47):** My question is to the Treasurer. What leave and other assistance arrangements has the government provided to the public sector during this COVID-19 crisis?

**The Hon. R.I. LUCAS (Treasurer) (14:48):** I thank the member for his question. I think it is testimony to the very warm regard that I and other government members hold towards the



hardworking members of the Public Service to indicate that the government has demonstrated that through very generous arrangements for public servants who have been endeavouring to continue to undertake their activities during the global pandemic. A significant number of government workers, at least certainly through the first couple of months, have been able to work from home.

Government departments and agencies have been provided with various resources to assist VPN or other software, such as Outlook, Web Access, SharePoint, Office 365 and Microsoft Teams, in many cases allowing them to work from home without a VPN. I did hear an example of where one particular department even allowed some employees to take home, I suspect, their ergonomically designed chairs because of concerns about work health and safety, sitting in non-ergonomically designed chairs for long periods of time working from a home office perhaps not best suited to long hours working at a computer terminal or desk.

Certainly, chief executives in the main and senior public servants have been very generous in terms of trying to assist those workers who need to or wanted to work from home during the period. In the last week we have seen significant numbers of public servants returning to office work, as we have seen in other office buildings throughout the nation as well.

In addition to that, the government, through the Commissioner for Public Sector Employment, issued Determination 3.1: Employment Conditions. In that, approval was given for extra access of 15 days of special leave with pay for COVID-19 related absences. This was an additional provision provided by taxpayers to hardworking public servants, which they were able to benefit from, which in many, many cases was not available to hardworking private sector workers working for organisations, companies and businesses.

In addition to the 15-day special leave with pay for COVID-19 related absences, there was also, at the discretion of the chief executive of each agency, the potential to access additional special leave with pay. In line with the Commissioner for Public Sector Employment's appropriate determination, it was possible in certain circumstances for additional access to special leave with pay.

There were a range of other benefits that we provided to our hardworking members of the Public Service. For example, we announced that eligible public servants would be able to access a payment in lieu of recreation leave and long service leave as part of our first stimulus package. This meant, for example, if a public servant who continued to have paid employment but nevertheless had a partner or a spouse who had lost their job as a result of the COVID-19 pandemic and therefore the family income had dropped significantly because previously they had been a two-income family with a mortgage, perhaps, that had been geared towards two incomes and all of a sudden they became a one income family, the Public Service member of that household was able to access payment in lieu of recreation leave and long service leave to assist with the ongoing payment of bills that that family household might have been confronted with.

There were a range of other benefits the government provided its hardworking members of the Public Service. I am sure all members of this chamber, not just government members, would warmly endorse the generous nature that taxpayers, through its elected government, have provided to its hardworking members of the Public Service in terms of providing support to work their way through the challenges of the global pandemic.

#### **PUBLIC SECTOR EMPLOYEES**

**The Hon. R.P. WORTLEY (14:52):** Supplementary question: Treasurer, for those casual employees within the public sector who normally work right throughout the year, 48 or 50 weeks of the year, in particular swimming instructors, who are now off and not getting paid because swimming centres and the like are closed, will that leave be taken as a break in service, which would impact on their long service leave, or would that long service leave be protected due to the fact that this is through no fault of their own and it is all regarding the COVID-19 pandemic?

**The Hon. R.I. LUCAS (Treasurer) (14:53):** I would need to take that question on notice and bring back a reply. As I have said in response to questions which are directed to this particular cohort of workers, casual workers by their very nature are employed on a casual basis. They have no ongoing connection in terms of permanent ongoing employment with the government as a public

sector employer. Their remuneration package is geared towards that end. They are paid a slightly higher amount, but their benefits are reduced because they are not deemed to be full-time, ongoing employees in the Public Service. When they are employed as casuals, they understand that.

Indeed, their union representatives understand that as well because they have lobbied the former government for many years for changes and the former government made no changes. I am sure they will continue to lobby this current government as well. In relation to the specific issues about swimming instructors and long service leave entitlements, I will take that particular specific question on notice.

### COMPULSORY LAND ACQUISITION

**The Hon. C. BONAROS (14:55):** I seek leave to make a brief explanation before asking the Treasurer a question about compulsory land acquisition.

Leave granted.

**The Hon. C. BONAROS:** Last year, this parliament passed the Land Acquisition (Miscellaneous) Amendment Bill 2019, which, amongst other things, provided for compensation for disadvantages resulting from the state government compulsorily acquiring properties along with a number of other measures aimed at empowering landowners. The bill was assented to in December of last year and is to commence on a date fixed by proclamation. My question to the Treasurer is:

1. Have the provisions of the new act now been proclaimed? If so, when?
2. Are all the provisions due to commence at the same time?
3. Importantly, will the compensation provisions of the act come into effect in time for residents living on or nearby Portrush Road and Magill Road whose properties are earmarked for acquisition as part of the \$98 million redevelopment of that intersection?

**The Hon. R.I. LUCAS (Treasurer) (14:56):** I will need to take that on notice. That particular act I think is the responsibility of another minister. I am not sure whether it is minister Stephan Knoll or Attorney-General Vickie Chapman, but it's not with me, so I will need to take advice in relation to that. I am happy to do so and bring back a reply as soon as we can.

### PATHOLOGY SERVICES

**The Hon. K.J. MAHER (Leader of the Opposition) (14:57):** My questions are to the Minister for Health regarding pathology. How does the minister reconcile his comments about not having the time or inclination to answer correspondence from a private company with the minister's previous comments about the need for public and private health providers to join forces and work together? I note a 4 May press release from the minister to that effect.

Secondly, has the minister in fact yet responded to Clinpath's email or is he ignoring this and potentially other correspondence of offers to help during this pandemic? Finally, having had time now to reflect, will the minister now apologise for his intemperate remarks directed at a private health company attempting to help with testing during this pandemic?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:57):** I thank the honourable member for his question.

*Members interjecting:*

**The PRESIDENT:** Minister for Health and Wellbeing, please answer the question when the Leader of the Opposition is finished. Are you finished, Leader of the Opposition?

**The Hon. K.J. MAHER:** Yes.

**The PRESIDENT:** Okay, thank you. Minister.

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

**The PRESIDENT:** Well, he doesn't need any help. Minister for Health and Wellbeing.

**The Hon. S.G. WADE:** I would like to thank the honourable member for his question. I think perhaps the simplest way for me to respond to the honourable member's question is to read my letter to Dr Whitehead:

The Marshall Liberal government has demonstrated its commitment to the best health outcomes for South Australians and its willingness to marshal all the resources of the state to that end, including during the COVID-19 pandemic.

As we move from the containment phase to the suppression phase, we are keen to engage the private pathology sector in relation to how it can contribute to the pandemic response in South Australia—

*Members interjecting:*

**The PRESIDENT:** Order! Let the minister complete his answer. Order!

**The Hon. S.G. WADE:** The letter continues:

—in particular, how it could strengthen our capacity to test for COVID-19, trace cases and contacts and respond rapidly to outbreaks.

*Members interjecting:*

**The PRESIDENT:** Leader of the Opposition, listen.

**The Hon. S.G. WADE:** It continues:

To plan and coordinate the surveillance effort, the Department for Health and Wellbeing has established—

**The Hon. E.S. Bourke:** Did you just realise you have a fundraising event tomorrow?

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

**The Hon. S.G. WADE:** Sorry, Mr President, I just want a chance to give an answer.

**The PRESIDENT:** Minister, just take a seat. The Hon. Ms Bourke, the honourable Leader of the Opposition, the minister is on his feet. He is answering the question. If you have a supplementary question, we may consider that. Minister, please continue.

**The Hon. S.G. WADE:** It continues:

To plan and coordinate the surveillance effort, the Department for Health and Wellbeing has established a COVID-19 Surveillance Committee. The committee is being chaired by the Chief Public Health Officer, Professor Nicola Spurrier.

Public and private pathology services will be engaged through a consultative forum. To facilitate competitive neutrality, no provider will be represented on the Committee.

I look forward to collaboration across the pathology services of the State to support South Australia's response to the global pandemic and maximise the health and wellbeing of South Australians.

That's the end of the quote from the letter.

**The Hon. K.J. MAHER:** Point of order, Mr President: will the minister table the document from which he is reading now?

**The Hon. S.G. WADE:** Mr President, I would have thought that that request could wait till the end of my answer.

**The PRESIDENT:** I think you are right.

**The Hon. S.G. WADE:** It's hardly a point of order to ask for a document to be tabled.

**The PRESIDENT:** No, it's not a point of order.

**An honourable member:** He's got no manners.

**The Hon. S.G. WADE:** It's not that he's got no manners; he's got no idea of how the house works.

**The PRESIDENT:** Order! Just continue with your answer, and then—

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

**The PRESIDENT:** Order! Please, complete your answer.

*Members interjecting:*

**The Hon. S.G. WADE:** That letter—

*Members interjecting:*

**The PRESIDENT:** Minister, take a seat. The minister will complete his answer. If you wish to request him to table a document, you can do so when he has finished his answer. We will listen in silence to the rest of his answer. Minister.

**The Hon. S.G. WADE:** That letter is completely consistent with our approach since day one of government. We have said—

*Members interjecting:*

**The Hon. S.G. WADE:** Mr President, could I please have the opportunity to answer the question.

**The PRESIDENT:** Order!

*An honourable member interjecting:*

**The PRESIDENT:** Do you want to hear the answer or not? Minister.

**The Hon. S.G. WADE:** From day one of this government we said that we would use public and private resources completely focused on delivering the best health outcomes for South Australians. Let's think of a couple of examples that we have done. We have established a Patient Services Panel, which allows us to buy—my latest recollection is 13 private hospitals were signed up for that panel so that we could buy private hospital services for public patients. Then, when the COVID-19 pandemic came, we were more than happy to be part of a national approach to engaging private hospitals in response to the COVID-19 pandemic. Let's be clear, every Labor government in Australia signed up for that deal.

This is a government that has demonstrated that we are more than willing to be partners with the private sector in delivering the best possible outcomes for public patients. In the context of COVID-19 and pathology services, we will be doing the same again. But the reality is that the largest pathology service in South Australia is SA Pathology. At the start of the pandemic, not even SA Pathology had the capacity to COVID-19 test. They very rapidly got that capacity. They ramped it up to a world-leading testing regime.

As the pandemic progresses, I am sure there will be opportunities to partner with the private sector, but whether it is the Patient Services Panel, whether it is the private hospital agreement with the commonwealth, or whether it is pathology services, this government's laser focus will be on delivering the best outcomes for South Australian patients and taxpayers.

### **PATHOLOGY SERVICES**

**The Hon. K.J. MAHER (Leader of the Opposition) (15:03):** Supplementary: can the minister inform the chamber of the date of the letter which he read out, and will the minister table the letter?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:03):** The letter is dated 13 May and I table it.

### **BUSHFIRE RECOVERY SUPPORT**

**The Hon. J.S. LEE (15:03):** My question is to the Minister for Human Services.

*Members interjecting:*

**The PRESIDENT:** The Hon. Ms Lee, sit down, please. I need to be able to hear the question, Leader of the Opposition. The Hon. Ms Lee.

**The Hon. J.S. LEE:** Thank you, Mr President. My question is to the Minister for Human Services, regarding bushfire recovery efforts. Can the minister please provide an update to the

council on how the Marshall Liberal government is supporting South Australia's recovery from the impacts of the SA bushfires?

**The Hon. J.M.A. LENSINK (Minister for Human Services) (15:04):** I thank the honourable member for her question and for her interest in this area. Once again, I would like to thank members of the South Australian community, whether they be private individuals or organisations. Indeed, I note that a number of the organisations that she has regular contact with amongst our multicultural communities have been very generous in organising fundraisers to provide funds to those people who have been impacted by the bushfires, and I thank them particularly for their generosity.

The SA Bushfire Appeal has managed to achieve over \$8.6 million in donations so far. So far, there have been some 934 applications for requests for assistance, over 70 per cent of which have been approved. The outstanding ones may include some which were not in the footprint of the fire and those that are being assessed particularly needing information from third parties.

There has been a range of different categories that were approved to provide assistance to individuals, households and businesses, some of which I may have outlined previously, but they include families of people who died in the fires, those who have been catastrophically injured, those whose principal place of residence was destroyed or rendered uninhabitable, property owners who experienced infrastructure damage to their house or property, another element for non-structural damage and a further category for primary producers and small businesses.

We have now been able to add additional categories which include community infrastructure and assets, so we have opened the applications to those organisations to apply for a grant of up to \$20,000 from the SA Bushfire Appeal, and we are encouraging any organisations, community groups, sports clubs, social clubs, etc. who may have been impacted by the fires to apply for those funds. The applications close on 3 July, so we are very keen to ensure that any organisations that have been impacted by the fire will apply for those funds.

Of course, we stand by, ready to assist people who may need assistance with their applications. Clearly, there were people who lost everything, so they may not have immediately available the identification information and so forth. Particularly through the recovery offices, we have had staff available to assist people through that application process, and we urge them to continue to apply for each of these different grants.

### HOMELESSNESS

**The Hon. M.C. PARNELL (15:07):** I seek leave to make a brief explanation before asking a question of the Minister for Human Services about support for people who are homeless in this current public health emergency.

Leave granted.

**The Hon. M.C. PARNELL:** One of my staff members who lives in the city regularly comes across people who are apparently homeless, who are sleeping in doorways and on the street. One location, for example, is in King William Street, just near Parliament House between Rundle Mall and Grenfell Street. My colleague has seen people there on many occasions.

One of the government's initiatives in relation to homelessness has been to provide emergency hotel accommodation for rough sleepers in Adelaide. This initiative has been roundly supported in the community. It has also shown that homelessness isn't an intractable problem and that everyone can be housed. That was a comment that was made by Baptist Care SA chief executive, Graham Brown, in the media last month.

Of course, homelessness is not a static problem with a static number of people affected. Many people drift into and out of homelessness, and new people join their ranks every single day, so it is impossible at any point in time to know exactly who is or isn't homeless.

In raising this issue, I would just point out that this is not a gotcha moment for the minister, and I am not criticising the government's approach, but what I would like the minister to explain to the house is: firstly, what is the process of monitoring homelessness in the city during the current public health emergency? Secondly, are government officials or other agency workers patrolling the

streets or the Parklands, looking for rough sleepers; or, thirdly, is the government reliant on reports from the public to find those who are sleeping rough and to offer them accommodation?

**The Hon. J.M.A. LENSINK (Minister for Human Services) (15:09):** I thank the honourable member for his question and for his interest in this area. One of the services which is funded for particularly that group of people he is referring to, who are rough sleeping in and around the city, is called the Street to Home project. It is contracted to NEAMI, which is a well-established organisation. They have been operating that contract for some time. They are what we call assertive outreach providers, so they certainly do operate in and around the city and look for people in known places where they sleep rough. So that does operate.

People can actually report to them themselves, which is something that I have certainly done through the Street Connect app—it is not actually an app; it is a website. It enables somebody who comes across someone who is sleeping rough to enter a little bit of information: if the person is awake, you can ask their name and a few details and put that information in. I understand that within some 24 hours the Street to Home staff will check in that area, maybe sooner than that as well. They will actually go and try to connect with that person to offer them assistance.

There is also the Homelessness Gateway, that members of the public or people who are experiencing homelessness can contact. That is another avenue for people to make contact with. So certainly in and around the city we do have very active services. The honourable member referred to BaptistCare. We have obviously got the Hutt St Centre and a range of other services that operate in and around the city that are very actively engaged.

It is worth mentioning that the Adelaide Zero Project, which is under the auspices of the Don Dunstan Foundation, has its By-Name List, which it has been operating since I think May 2017 or thereabouts. That keeps a name of every person who is found to be sleeping rough. It also tracks their outcomes as to whether they are housed—they may come in and out of homelessness, as the honourable member identified in his question—and that assists us to know what is happening with rough sleeping in the city.

I think it is worth mentioning, too, that obviously people who are experiencing homelessness are not all rough sleeping. There are some who may be couch surfing, living in cars, or indeed living in other parts of the state. At the moment the state government has some 390 people experiencing homelessness in motels, which includes rough sleepers. These people are supported with meals and case management, which has been a great opportunity for them to connect with other services that may be able to assist them. So far we have managed to assist 30 people into longer term housing, and that is a process that we are continuing to work on.

Rough sleeping, as I have said before in this place, is not in the best interests of the individual by any stretch. It has risks. It is bad for health outcomes. So our desire is always to ensure that we can get people into a dwelling with supports to assist them back onto their feet. I hope I have answered all those questions.

### EXPORT RECOVERY TASKFORCE

**The Hon. R.P. WORTLEY (15:13):** I seek leave to make a brief explanation before asking a question of the Minister for Trade and Investment regarding relationships with other agencies.

Leave granted.

**The Hon. R.P. WORTLEY:** During recent discussions with the Chief Executive of the Department of the Premier and Cabinet, Mr McDowell said he was not aware of the existence of the Export Recovery Taskforce that has been formed to respond to COVID-19. My questions to the minister are:

1. Why is the head of the Premier's department not aware of your Export Recovery Taskforce?
2. Has the Export Recovery Taskforce been asked to develop any recommendations?
3. If so, will they be considered by the Premier and his department?

**The Hon. D.W. RIDGWAY (Minister for Trade and Investment) (15:14):** I thank the honourable member for his question and his interest in the Export Recovery Taskforce. The task force was an initiative of mine and the department's to just quickly, when the 48 weekly international flights coming to Adelaide ceased, sit down and talk with our exporters to look at the problems they were facing and to see if we could look at some pathways to help them.

Clearly, members in this chamber are well aware of the issues faced by the rock lobster industry when the markets collapsed in China especially, and in Asia, around Chinese New Year because of COVID-19. Once all the airlines and the flights ceased there was some considerable concern for a number of our exporters of fresh produce.

The export task force was really a response to the crisis, as an operational matter for me as minister and my department. It is not something we had to seek permission from the Chief Executive of the Department of the Premier and Cabinet to establish. It is a voluntary task force of stakeholders who have some concerns, freight forwarders, logistics experts and also producers, and the majority were people involved with the aquaculture and fresh food sector.

Of course, then within about a fortnight of it being established and starting to get a handle on what the volume was—was there some going interstate to Melbourne by road to get access to international flights—we saw the international freight assistance mechanism established by the federal government, by the very good and hardworking federal Minister for Trade, Tourism and Investment, the Hon. Simon Birmingham. They established this \$110 million fund to support exporters right across the nation who had lost access to markets because the daily passenger flights were no longer flying.

It wasn't a matter of providing the Premier or the Department of the Premier and Cabinet with advice and recommendations. We have the federal government with a program on the table. Mr Michael Byrne is the International Freight Coordinator. He came and joined. The task force meets about once a fortnight or thereabouts via a video or telephone hook-up in, I would say, a relatively informal way. We invited Michael Byrne to come and address the group, to explain what the process would be and how we might assist our exporters.

It is fair to say the federal government's initial focus was Melbourne, Sydney, Brisbane and Perth and that Adelaide and Hobart, or South Australia and Tasmania, would have to put proposals up on a case-by-case basis. The task force then was actually able to be really useful because we already had in place some data and some indication of producers who couldn't get to markets. Some were going to Melbourne. Since then, as I mentioned earlier today, the second flight to Singapore left this morning. That is two flights we have had now, two of at least six that Singapore has committed to.

It wasn't a matter of providing recommendations. It was actually to have the industry ready to act when there was an opportunity. The federal government provided that opportunity and I can say that I was very delighted that the industry was able to step up and fill the plane very quickly.

#### *Parliamentary Committees*

### **SELECT COMMITTEE ON THE EFFECTIVENESS OF THE CURRENT SYSTEM OF PARLIAMENTARY COMMITTEES**

**The Hon. C. BONAROS (15:18):** I move:

That the standing orders be so far suspended as to enable me to move a motion without notice concerning the attendance of the member for Florey before the Select Committee on the Effectiveness of the Current System of Parliamentary Committees.

*An absolute majority of the whole number of members being present:*

Motion carried.

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

That a message be sent to the House of Assembly requesting that the member for Florey, Ms F.E. Bedford, be permitted to attend and give evidence before the Select Committee of the Legislative Council on the Effectiveness of the Current System of Parliamentary Committees.

**The Hon. R.I. LUCAS (Treasurer) (15:19):** I am happy to, as best as I can understand it, agree to the motion, but I think it would assist, as Leader of the Government in the council, that if something is going to be moved as a suspension of standing orders that the leader—and I am not sure if other members were aware of the motion—is made aware of the motion. We had a meeting Monday afternoon to look at business this week and the issue was not raised with me then. I apologise if the member's officers raised it with a member of my staff but certainly no member of staff has advised me of the particular motion and the reasons for the motion.

I do not wish to be difficult in relation to this so I am happy, as best I can understand the honourable member's motion, to allow it. I assume the member for Florey is wanting to present at a particular committee. I know she has asked urgently to meet with me this afternoon but I have not had a chance to discuss it. I am not sure what it is about; whether it is about this issue or something else, but I am about to meet with her on an unknown issue that she has asked to meet with me on.

I just think it is a matter of process. It would be useful if members are going to seek the suspension of standing orders that other representative parties and certainly I, as Leader of the Government in the council, are at least made aware of it. Generally, we are very amenable in trying to assist the process. As I said, I do not wish to stand in the way of this. I have seen from the member's nod that she has indicated that the member for Florey is a willing partner in this.

*The Hon. C. Bonaros interjecting:*

**The Hon. R.I. LUCAS:** The Hon. Ms Bonaros has just indicated by way of interjection that she is supportive of this. I am not sure who the members of the committee are. Who is the government member on the committee? It is the President and myself. Mr President, you are the other member. It is even more interesting that I am a member of the committee and the President is the other member of the committee and I am certainly not aware of it. If that is the particular committee and the member for Florey wants to come along and present evidence to it and it requires this particular motion, I am happy to support it. However, just in terms of the smooth operation of the parliament it would be useful to advise members of the need to suspend standing orders so that we can all be aware of what we are voting for.

**The Hon. C. BONAROS (15:22):** Just by way of assistance can I explain that I should have given notice of this yesterday and it was an oversight on my part in terms of not giving notice. At the last meeting which the Leader of the Government was an apology for, a resolution was moved to have a motion put before the parliament for the member for Florey to attend before the committee. I should have given notice of that yesterday. I inadvertently forgot to do so yesterday and so to rectify the error of yesterday I move this motion today. However, I completely take the Leader of the Government's point that I should have—and will in future—ensure that the government, the Leader of the Opposition and the crossbench are made aware if there is to be a suspension of standing orders.

Motion carried.

#### *Matters of Interest*

### **CORONAVIRUS RESTRICTIONS**

**The Hon. D.G.E. HOOD (15:23):** I rise today to speak about the economic impact of the coronavirus restrictions in Australia. I think it was the Minister for Health and Wellbeing who said in question time today that this is not merely a health crisis, it is also very much an economic crisis. The Morrison government recently revealed current restrictions to delivering a \$4 billion hit to the economy each and every week. The Prime Minister has urged Australians to get back to work at their offices if it is safe to do so, or at their normal workplace where it is safe to do so, as the national cabinet continues to work on lifting more lockdown restrictions.

Treasurer Josh Frydenberg, an outstanding Treasurer I might add, outlined last week in a speech to the National Press Club the growing cost of closing restaurants and retailers and keeping workers quarantined at home has forecast to hit a very substantial \$50 billion. For every extra week current restrictions remain in place, Treasury has estimated a \$4 billion reduction in economic activity due to reduced workplace participation, productivity and consumption.



The fact remains that the longer people are unemployed the harder it is to get a job. In the early 1990s the unemployment crisis resulted in a 5 per cent increase over three years, but it took seven years to get back to its pre-crisis level. This was, as the Treasurer described, unemployment going up the elevator and coming down by the stairs.

The Australian response in containing the virus has been quite remarkable, and in many ways the Marshall government has helped South Australia lead the way in a national response, something of which I believe as a nation and certainly as a state we can be very proud. As a result of all this, we are well placed to bounce back from COVID-19 once the true recovery or rebuilding phase commences.

With a national unemployment rate forecast to double to around 10 per cent in just three months, this underlines the importance of getting people back to work and back to their activities as soon as possible to avoid long-term economic and social impact from the high unemployment rate that will result. The national economy is on track to enter its first recession since the 1990s, with forecasts of an economic contraction in the June quarter. GDP is expected to fall significantly by around \$50 billion, or some 10 per cent, in that quarter.

Notwithstanding that, Australia's success to date in terms of our health response and the unprecedented scale and scope of our economic response, economic indicators are going to get considerably worse in the period ahead before they get better. This is accepted and understood. The hardest hit sectors, like retail and hospitality, are among our biggest employers, accounting for more than two million employees between them. Despite the panic buying of household goods, Australia's credit card data confirms that spending has been substantially decreasing.

The most recent credit card data from the major banks indicates that spending on arts, recreation, accommodation and food services was down some 60 to 70 per cent in late April, compared with the same time the previous year. Despite the record increase in retail trade in March due to panic buying, overall consumption, according to the National Australia Bank data, has fallen some 19.5 per cent since the start of the year. The good news for South Australians is that the declines, whilst being across all jurisdictions, are such that we have fared substantially better, with a fall of 16.8 per cent.

The global economic shock the world continues to endure is comparable, indeed worse, than the global financial crisis. It is, however, reassuring that national cabinet has indicated that it will continue to consider more opportunities for easing restrictions, building on decisions already taken to date, such as around elective surgery, or in some states limited gatherings and visitations.

An essential part of the back-to-work strategy has been the reopening of schools, a measure the Marshall government successfully implemented at the start of the current school term. It must be noted that the response of the South Australian public to the tough social distancing measures, coupled with the world-leading coronavirus testing regime implemented by the state government, and the outstanding work of SA Health and our dedicated doctors, nurses and allied health professionals, has seen South Australia well placed to bounce back from this unprecedented pandemic.

This is a very serious challenge to our economy, which is one we have not seen for many years, maybe never seen at some level. It will take everything we can muster as a society to team together in order to overcome the economic hit, but it is important to note that our state is as well placed as anywhere in the world, both in terms of dealing with the health crisis and dealing with the economic crisis. If you need to be somewhere to face this pandemic, South Australia is best place to be.

#### **DOMESTIC AND FAMILY VIOLENCE**

**The Hon. C. BONAROS (15:28):** Like many others in the community and in this place, I am deeply disturbed by some of the hidden problems being exposed as part of the state's extended social lockdown due to the COVID-19 pandemic. The growing fear shared by police and domestic abuse experts is that the longer the pandemic goes on the more vicious acts of domestic violence will be committed behind closed doors. Recently, the police commissioner and COVID-19 State

Coordinator, Grant Stevens, revealed that police had seen a 9 per cent increase in domestic violence incidents since the pandemic started.

At the same time, domestic violence support agencies continue to hold fears about the number of victims who cannot make calls for assistance because they are isolated in the same household as their perpetrator. Prior to schools returning in term two a couple of weeks ago, child abuse notifications had also reduced due to the absence of children from schools and the inability of mandated notifiers, namely, teachers and school personnel, to make observations and reports. SAPOL has revealed that its officers are conflicted about a reduction in child abuse notifications they have received due to the earlier absence of children from school due to the pandemic and the inability of those mandated notifiers to make observations and reports.

Victoria Police combated similar concerns last month by launching Operation Ribbon to specifically tackle an anticipated rise in domestic violence. It is in this worrying environment that I recently called for all firearm and ammunition sales for sporting and recreational purposes to be temporarily restricted to protect potential domestic violence victims as the COVID-19 pandemic continues to hit Australia, albeit not as bad as other parts of the world.

This follows similar restrictions in Victoria, Western Australia and Queensland. In recent weeks, SA women's services providers have reported a significant reduction in calls for help since COVID-19 restrictions began. This is despite an increase of nearly 70 per cent of online searches on women and domestic violence from South Australia since lockdown. According to national watchdog Counting Dead Women, 16 Australian women, including one from South Australia, have died from violence so far this year.

The SA victim was a young Adelaide mum of three, aged just 33, who was allegedly killed by her former partner in her own home in the southern suburbs. To add to the tragedy, none of her neighbours, who heard her murderous screams for help, attempted to help. It really makes you question what sort of society we are living in when nobody addresses those calls for help. It is why in this place I have been asking the state government what it is doing to protect at-risk domestic violence victims and vulnerable children in light of the concerns raised by the police and DV support agencies.

We all have a role to play: keep an eye out on members of your community, check on people you know are vulnerable, report any concerns you have. That is exactly what 76 prominent South Australians have done by signing a letter calling for greater domestic violence vigilance. I was honoured to be approached recently to be one of the signatories urging us all to be the eyes and ears of those trapped in violence behind closed doors during lockdown. Many may have seen some media exposure of the letter in today's *The Advertiser*. I salute Our Watch founding chairwoman and former federal Democrats leader, Natasha Stott Despoja, who is the brainchild behind the letter.

Other signatories include the Premier; the opposition leader; former prime minister Julia Gillard; my colleague in this chamber the Hon. Tammy Franks; Dr James Muecke AM, Australian of the Year 2020; Dr Richard Harris, Australian of the Year 2019; and many other passionate South Australians. As Natasha said, and I quote:

The letter is intended as a gentle, but heartfelt reminder, that we can all be good by-standers, that we can all look out for each other, especially in such stressful and tough times.

I could not agree more. For the record I seek leave to table a copy of that letter.

Leave granted.

### SIKHS IN GALLIPOLI

**The Hon. R.P. WORTLEY (15:33):** This year, 25 April marked the 105<sup>th</sup> anniversary of the Gallipoli campaign. Every year on this day we commemorate our ANZACs and the bravery and sacrifice of our service men and women in military missions across the world. We remember those who gave their lives in defending the values that Australia stands for. In paying respects to our war heroes, I would also like to knowledge the role of the Sikhs as valuable allies in the two world wars and as members of the ANZAC forces. While Sikhs made up less than 2 per cent of the Indian population, they comprised over 20 per cent of the British Indian Army that fought alongside Australian soldiers in Gallipoli.

The role of the fierce but righteous Sikhs in Gallipoli is documented through numerous affectionate mentions and photographs that were sent home to Australia by our soldiers. The Sikhs would share their meals of dahl and roti bread with Australian soldiers who were keen for a change from the ANZAC rations. The Sikhs arrived at Gallipoli as part of the Forge G of the British Indian Army as the 14<sup>th</sup> Ferozpur Sikh Battalion and were later joined by the 1<sup>st</sup> Rajindra Patiala Sikh Infantry. The Mountain Artillery Brigade, comprising Sikhs and Punjabis, also served alongside Australians for the entire eight months of the campaign.

Their contribution was not limited to the battlefield alone. The Sikhs were an integral part of the medical unit, and supply and transport unit that cared for our allied forces. The 14<sup>th</sup> Ferozpur Regiment were highly trained and seasoned in military operations, having previously participated in multiple operations in India. To honour their past service, Sikh soldiers were distinguished with the right to wear turbans, which were identified in many notes sent home by ANZAC and British soldiers during the war.

At midday on 4 June 1915, the 14<sup>th</sup> Ferozpur Sikhs, comprising 13 Indian officers and 450 sepoy, attacked the Turkish forces as a part of the Third Battle of Krithia during the Gallipoli campaign. The aim of the battle was to capture trenches and further the allied hold line. They bravely marched forward from gully ravines despite the possibility of hidden machine-gun fire from the Turkish forces.

The Turks controlled the high ground and had already dug trenches, giving themselves a great strategic advantage. The challenge facing the Sikhs was further heightened as the British had limited shells and could not successfully push the Turk soldiers back according to plan. Despite all these setbacks, the Sikhs charged upward in a fight, with all odds against them. They fought machine-gun and rifle fire with bayonets and not one man turned back or surrendered in defeat that day.

The fierce battle that ensued left the regiment with 11 out of 13 officers and 371 out of the 450 sepoy as casualties, a terrible loss of life in one day of fighting. However, their tales of courage and strength live on in the writings of men like Lieutenant Reginald Savory and General Sir Ian Hamilton. Savory speaks of Uday Singh, the broad-shouldered battalion wrestler who deserted the reserve trenches to rescue Savory in the midst of gunfire with no fear of death. Uday Singh carried him to safety, having flung Savory across his shoulder in a show of loyalty to his officer that the Sikhs have garnered a reputation for.

Many ANZACS wrote home about the bravery of Karam Singh who continued to command his troops despite being blinded by an artillery shell. Section Commander Magger Singh leapt past a wire obstacle, leading his men across the obstacle that the Turks expected would deter the Sikhs. In a letter to the commander-in-chief in India, General Hamilton spoke of the extreme gallantry of the battalion that allowed not an inch of ground to be lost with not a sign of wavering all day. He spoke of the Turkish trenches littered with the bodies of the fearless Sikhs who had fallen face first in their charge, undeterred by the prospect of death.

The Sikhs throughout the Gallipoli campaign will always be remembered for their discipline, valour, strength and faith in the face of opposition. These lion-hearted men followed the paths of their formidable warrior ancestors and entrenched the foundations of a long-lasting friendship between the Sikh community and Australia. I am privileged to have developed a good relationship with the Sikh community in South Australia over the past six years.

I would like to acknowledge the presence in the gallery of Mr Balwant, President of the South Australian Sikh Society, and Dr Takhar of the Prospect temple, who encouraged me to talk about the contribution of the Sikhs in the Gallipoli campaign today. I also acknowledge Noor Garcha for her research assistance in preparing this speech.

#### **ABORTION ACCESS**

**The Hon. T.A. FRANKS (15:38):** I rise today to talk about abortion access for South Australian women under the COVID pandemic. South Australia is the only place in this nation where almost all abortions happen at a public hospital and at no cost to the patient. However, the procedure is still regulated in this state by the criminal law under which the penalty for an illegal abortion is life

imprisonment. Yet, abortion is legal in South Australia if two doctors agree that a woman's physical and/or mental health is endangered by the pregnancy or if there is serious foetal abnormality, but it must also take place in a prescribed hospital, even to take the pill of what is a medical abortion, and the patient, of course, must have been resident in South Australia for some two months, a proviso peculiar only to this state.

The hoops that patients need to jump through to access a medical abortion in this state should have been removed years ago and would have been if we had moved to decriminalise abortion as SALRI has now recommended. Under the pandemic, those hoops, those barriers, are even more profoundly insulting and archaic. As Gina Rushton has reported in Buzzfeed news earlier this month, South Australia is now waiting on one man to decide whether or not a woman can access an abortion by telehealth, an essential health service that in any other state or territory of this nation pregnant people are currently able to access.

It has never been more important that people not be forced to travel. Yet, in South Australia we continue to force pregnant people to travel hundreds of kilometres to take some pills. It presents a barrier to health access at the best of times, but this is the worst of times. The UK and Ireland recognised that at the onset of this pandemic and their similar laws were suspended to allow telehealth abortion access in that nation.

Yet, South Australia's law has remained unchanged, despite words in this place by the Minister for Health and Wellbeing, despite an ongoing lobbying campaign by those who we know have been very vocal on this such as the SA Abortion Action Coalition, but also groups such as the Human Rights Law Centre. Our law has remained unchanged despite the ludicrous nature of the fact that we know South Australian women and girls are contacting Marie Stopes and that Marie Stopes could offer them that telehealth abortion in any other state or territory except for South Australia right now.

Those phone calls are redirected and those women and girls are forced in some cases to travel literally hundreds of kilometres to take these pills. To add insult to injury, that we are claiming this is somehow good for their health, they are forced to return while miscarrying. So if we really cared about their public health, if we really cared about public safety, we would not be forcing women and girls under this pandemic to take that journey. What we are doing is waiting for that one man, police commissioner Grant Stevens, as the UK and Ireland has done, to issue a direction under the Emergency Management Act, as he has the power to do, to ensure that that telehealth is accessible, that the best possible provision of health services is happening in this state and that, indeed, the safety of these women and girls is not imperilled.

The ludicrous nature of the fact that, while there has been public lobbying on this, the Human Rights Law Centre asked me how they could contact State Coordinator Grant Stevens. I thought it would be on the website and that led me to call the COVID hotline because there is no publicly available information for the State Coordinator. I was referred last week in that call to dial 131 444. The irony of my having to call the police for the insurance of women and girls in this state to access public health, I think, absolutely underscores that when this pandemic is over we must have the political courage to ensure that the best public health continues to be offered in this state and that we remedy this archaic law and stop forcing women and girls to travel hundreds of kilometres because our archaic 50-year-old laws have not kept up with the 21<sup>st</sup> century.

### **SUICIDE PREVENTION**

**The Hon. J.S.L. DAWKINS (15:43):** It was a great privilege to speak at the conclusion of the moving Ski for Life Memorial Ceremony at Cadell Training Centre on Saturday 7 March this year. Soon after the ceremony, the 23 teams participating in the eighth annual event headed off to Cobdogla on the mighty River Murray. It was excellent to see the continuing support for Ski for Life from StandBy Support After Suicide and Silent Ripples, including the Premier's Council on Suicide Prevention members Janet Kuys and Tracey Wanganeen. Prior to the ceremony, a great breakfast was served by members of the Cadell Bowling Club and supporters from the local community.

Ski for Life exists with purpose and passion for social change when it comes to health, wellbeing and suicide prevention. It is a group of people committed to raising awareness and promoting these issues by hosting the annual Ski for Life waterski relay over the March long weekend

in South Australia. The waterskiing teams share compassion and empathy for those impacted by suicide, mental health and overall wellbeing struggles, with most having a story of their own to tell.

Along with waterskiing 456 kilometres between Murray Bridge and Renmark in three days, the teams raise funds in order to facilitate a grant process to fund and support community initiatives and programs that raise awareness, provide support and have a focus on mental health, wellbeing and suicide prevention. The Ski for Life grants program is open all year round, with applications encouraged for programs and projects which align with the group's mission. To find out more about that, members can visit [www.skiforlife.com.au](http://www.skiforlife.com.au) for more information.

Day one, Friday 6 March, kicked off at Sturt Reserve, Murray Bridge, with the teams assembled for breakfast and the official opening of the event by the member for Hammond in another place, Mr Adrian Pederick. Great support was provided for that breakfast and opening event by the Rotary Club of Mobilong and the Murray Bridge suicide prevention network. The day saw 207 kilometres covered, ending at the Morgan Riverside Caravan Park after stops at Younghusband, Mannum and Swan Reach, where they were greeted by the member for Chaffey, the Hon. Tim Whetstone, and Tanya Malins and Karen McColl from my office.

After the ceremony at Cadell on the Saturday morning, which I referred to earlier, the teams skied on to Waikerie and finished up at the Cobdogla Club, where, I understand, significant celebrations of day two took place. On day three, Sunday 8 March, the group headed to Loxton, Martin's Bend near Berri, and finished with a grand finale at Renmark. I would like to indicate a huge congratulations to all the teams and people involved, who raised around \$80,000 during this year's event. I would particularly like to pay tribute to Jane Kellock from Farrell Flat and her significant team of voluntary organisers of this fabulous event.

I first became involved with Ski for Life through the efforts of its founder, the late Bill Stockman. Bill was a great campaigner for mental health and suicide prevention, particularly among men and among farmers but right across the board. I indicate also that I am greatly thankful for the support from the Department for Correctional Services for making available river frontage at the Cadell Training Centre—it is not normally open to the public—for the ceremony that is held there every year. I think that reflects the very good work that comes out of the issues group on suicide, which gets all the agencies working in these efforts. Once again, I would just like to commend to the chamber all the people who contribute to Ski for Life as a wonderful community organisation.

## CORONAVIRUS

**The Hon. E.S. BOURKE (15:48):** The pages of *Hansard* capture the state's history. It is our state's storybook. From the first words spoken in the Old Chamber to the words I will share in this address, *Hansard* is one of the most incredibly powerful tools to capture how our state has evolved and adapted. Many of the state's most significant moments have been captured by the fast-moving fingertips of *Hansard*—the good and the bad.

The words of the Premiers that have come and gone are all recorded in the pages of our state's storybook, but there are some stories missing: the stories of those who do not shout from the rooftops about the work they are doing in our community, especially in times of need. They are simple acts of kindness, but they are the stories that will offer a glimpse into how South Australians were able to adapt during the coronavirus pandemic when we were literally forced to stop our lives as we knew it overnight.

Generations to come will hear the stories, stories that will sound like a Hollywood movie, of when Australia was cut off from the rest of the world, of when our state borders were closed and the jet streams of international planes no longer left paths in our skies, of when schools were closed and finding toilet paper became our country's new national sport.

Every South Australian has been confronted with the challenges of the coronavirus outbreak. Business owners have lost a lifetime of work overnight. Our unemployment rate is now 6.2 per cent, the worst in the nation, and nationally, because of coronavirus, almost one million people have lost their job. Many people are having to join Centrelink lines for the first time, and the sight of those never-ending cues is one that many South Australians, if not all, will ever forget. Four hundred and

thirty-nine South Australians have contracted COVID-19 and, tragically, four lives have been cut short. To their families and loved ones, my thoughts are with you.

In amongst the heartache there have been stories of the community's willingness to adapt, connect and help others, stories that will be an important chapter in our state's storybook. Since social distancing commenced my office has made over 7,000 phone calls into the community, calls that have given people the opportunity to share what so many of us have experienced, the willingness to back a local, to help a neighbour and to support those in our community who are most vulnerable. I do not have time today to share all of these incredible stories, but these are a few to add to our state's storybook.

There is that of Omar, from Adelaide, who despite having a young, restless and now homebound family has been a friendly face in his neighbourhood and who has been regularly checking in on and helping his neighbours whenever he can without even thinking twice. When asked about it, Omar simply stated that, 'Helping out is just the right thing to do.' Jasmin from North Adelaide has also been regularly checking in on her neighbours and helping them by buying and dropping off food and other essential items.

Yolande from Menindee Gardens shared with us how coronavirus in some ways has actually brought her local community closer, as she now feels more socially connected. Whenever Yolande goes for a walk around her neighbourhood she is now greeted by warm smiles and friendly conversations—of course from afar. She has also been helping out her neighbours when they have not been able to get to the shops, and so have her neighbours been helping her in return.

Closer to my home, my neighbour Matt became the saviour of many families during the extended school holidays. Every day Matt would shed a little bit of magic into the homes of the Gilles Street Primary School community when he would read Harry Potter via Zoom. Yes, this was loved by the Gilles Street kids but not as much as it was loved by their parents. It gave a much-needed one hour to many parents to answer calls and work on endless emails. So thank you, Matt.

Then there are the stories of those who usually dedicate their time to help out others but due to coronavirus have had to self-isolate, people like Max, who is a regular volunteer at Meals on Wheels, people who have had to look after themselves though they would rather be helping and looking after others.

There are countless stories of businesses that have adapted and changed to help the community, places like Shobosho, a restaurant on Leigh St, Adelaide, that has been creating pre-packaged, convenient meals for our healthcare workers. While this has been a strange and uncertain period in our state and indeed in the entire world, it is these stories of the kindness of the stranger, the neighbour and the friends that have proved—

Time expired.

### INFRASTRUCTURE PROJECTS

**The Hon. F. PANGALLO (15:53):** Infrastructure SA today released its 20-year vision for South Australia. The independent advisory group was established by this government to provide informed and evidence-based advice to allow the government to make decisions on infrastructure planning, investment and delivery. While the blueprint contains a raft of big building ideas costing a bucketload of money, much of the report deals with upgrading infrastructure on our road assets, left lagging by previous governments.

The transport minister lauds the exercise, particularly when there are potential projects in his own electorate in the Barossa Valley. Of course, he has derailed plans for a tourist train there. A proposal to upgrade the Strzelecki Track is welcome. Indeed, bituminising the famous outback road was part of SA-Best's election platform. There is also talk of an underground rail line in the city. That has been talked about for decades, but no government to date has had the gumption to commit to such grandiosity, particularly now in this COVID-19 era and the long-term impacts it could have on the bottom line.

The government boasts about its \$12.9 billion of infrastructure works in the pipeline over four years. Schools—tick. Hospitals—tick. Roads—tick. Making us smarter, wealthier, healthier and

making it easier to move around all sound good on paper. Yet, like everything it is what actually gets done that matters. Actions speak louder than ambitious words by Thinkers in Residence.

I suspect the 20-year vision outlined today will also gather dust, as priorities are directed at getting us to the other side of the pandemic. As Phil Sutherland, the Chief Executive of the prominent Civil Contractors Federation, said today, 'Without diminishing the value of the strategy, it was not the blueprint industry was expecting.' Let me sum that up: an underwhelming yawn.

There is one glaring omission from Infrastructure SA's blueprint: there is not one mention of rail transport infrastructure, apart from that pipedream of an idea underground. South Australia has been left lagging so far behind when it comes to rail freight networks that we may as well be back in the age before Robert Stephenson's Rocket train led the Industrial Revolution charge back in 1829. This government, like Labor, despises rail and what it can do for the state's sagging economy and regional development. Rail is a vile four-letter word.

Our once proud and bustling regional network has fallen into ruin in the hands of the American company contracted to maintain it to an operational standard. Other states have a powerful network of rail extending beyond the suburbs and continue to expand on it. Just look at Western Australia, Queensland, New South Wales and Victoria. On the eastern seaboard they are even talking about superfast trains servicing cities and regions. What about South Australia? Pipedreams that go nowhere, just like GlobeLink, a bold but costly project.

Across the world, the backbone of leading economies and struggling ones is rail. They continue to grow them. They still see an important role for this mode of transport, so why are key decision-makers here so blinded? If you want real nation building projects, rail needs to be high on that list. I am sure that one day a myopic government will see that we are missing out, particularly in our regions where populations continue to dwindle.

Rail can also transform tourism in places like the transport minister's own electorate, the renowned Barossa Valley. Instead, he wants to rip up the tracks there. I seek leave to table a very insightful and comprehensive submission that was given to Infrastructure SA, titled 'South Australia: building for the future'.

Leave granted.

**The Hon. F. PANGALLO:** Authored by Maurice Parry on behalf of the South Australian Transport Action Group, the purpose of the report was to present a transport infrastructure plan to revitalise South Australia's flagging economy and provide a foundation for future mining and manufacturing expansion. It makes for interesting reading, with innovative thinking like a standard gauge line connecting Whyalla, Kimba and Wudinna or extending the network of rail in the Adelaide Hills. I have this thought for our transport minister, the Hon. Stephan Knoll, and the brains trust at Infrastructure SA: the right train of thought can take you to a better station in life.

#### *Parliamentary Committees*

### **SELECT COMMITTEE ON WAGE THEFT IN SOUTH AUSTRALIA**

**The Hon. I. PNEVMATIKOS (15:58):** I move:

That it be an instruction to the Select Committee on Wage Theft in South Australia that its terms of reference be amended by inserting new paragraph 2A as follows—

- 2A That, during the period of any declaration of a major emergency made under section 23 of the Emergency Services Act 2004 or any declaration of a public health emergency made under section 87 of the South Australian Public Health Act 2011, members of the committee may participate in the proceedings by way of telephone or videoconference or other electronic means and shall be deemed to be present and counted for purposes of a quorum, subject to such means of participation remaining effective and not disadvantaging any member.

This is an identical motion to those passed last sitting week in this place, except for the committee to which it refers. This motion simply allows for the committee during this declared emergency to use electronic means to meet.

Motion carried.

*Motions***PLANNING AND DESIGN CODE**

**The Hon. M.C. PARNELL (15:59):** Before I begin I would like to seek the leave of the council to move the motion standing in my name in an amended form.

Leave granted.

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

1. That the petition signed by 13,928 residents of South Australia concerning the impact of planning laws on environment, heritage and community rights tabled in the Legislative Council on 30 April 2020 be noted.
2. That this council agrees with the petitioners and commits to:
  - (a) advocate for an independent review of the operation of the Planning, Development and Infrastructure Act to determine its impact on community rights, sustainability, heritage and environmental protection;
  - (b) advocate for an independent review of the governance and operation of the State Planning Commission and the State Commission Assessment Panel;
  - (c) urge the government to defer the further implementation of the Planning and Design Code until:
    - i. a genuine process of public participation has been undertaken; and
    - ii. a thorough and independent modelling and risk assessment process is undertaken.
  - (d) legislate to ban donations to political parties from developers similar to laws in Queensland and New South Wales.

Just by way of explanation, it was brought to my attention that, whilst I had faithfully reproduced the words from the petition into the motion, it would be better to modify the words slightly to better reflect the functions and powers of this chamber, so the amendment simply replaces the word 'undertake' with the words 'advocate for'; otherwise the motion is the same.

It was my pleasure in the last sitting week to table a petition signed by 13,928 South Australians calling for real and meaningful planning reform. This petition is one of the largest ever in South Australia. Thanks to the heroic efforts of hundreds of volunteers, the petition has reached the 10,000 signature threshold required to ensure that it will be investigated by the parliamentary Legislative Review Committee. That is a great result and I extend my congratulations to Professor Warren Jones and members of the Protect Our Heritage Alliance, also the National Trust of South Australia, the Community Alliance and all the other groups and individuals who made this petition such a success.

Of course, it is one thing to table a petition but another thing altogether for members of parliament to take it seriously. That is why I have introduced this motion. In short, the motion says to the petitioners and to other South Australians, 'We hear you and we agree with you. The planning system is flawed and it needs to be fixed.' That is what this motion is about.

There is nothing like being stuck at home during a pandemic to focus the mind on the importance of good planning. As we self-isolate, work from home or teach our kids from the kitchen table, we are more conscious than ever about our domestic surroundings. Can you see greenery out your window? Do you have enough space? Is there somewhere for the kids to run or kick a ball? Are the services that you need nearby or accessible? These things are now more important than ever before.

What people are starting to realise is that the suitability of our housing, the quality of our natural environment, the accessibility of our neighbourhoods and our general quality of life are largely determined by planning. For many of us, it was planning decisions that were made decades ago but for others it is planning decisions that were made yesterday or that will be made tomorrow. If we get planning wrong the consequences can last a lifetime; if we get it right it benefits us all.



This petition has three main elements. Firstly, it calls for a review of planning legislation, planning policy and planning authorities. Secondly, it calls for a deferral of the next stage of the Planning and Design Code. This is the stage that covers country South Australia and metropolitan Adelaide, and it covers the area where 99 per cent of us live. Thirdly, the petition calls for a ban on political donations from property developers similar to laws in New South Wales and Queensland.

These are topics that are all very close to my heart. I have spoken about them many times in the past, both in my 14 years in parliament and in my previous 16 years as a conservation campaigner and environmental lawyer. I have introduced many bills, amendments and motions on this subject of planning, yet many of the problems identified when I started this journey 30 years ago still remain today, so rather than just hearing from me today, I thought it was important for the parliament to hear from those who signed the petition.

You might ask: how do I know what they think? The answer is that I asked them. What I received was a flood of correspondence from dozens and dozens of South Australians, most of whom I do not know and had not corresponded with before. Some were very surprised to hear from a member of parliament. For example:

Hi Mark,

Thank you for your email. It is unexpected to receive a progress report. This is both unusual and most welcome. Thank you for taking the trouble to update me.

Paul

I will say at this stage that in the interests of the confidentiality of constituents I will just be using first names. I did not get a chance to ask everyone who wrote to me whether they were happy for their full identities to be disclosed in parliament, so it is first names. Here is another comment from Barrie:

Too often I only hear from a member of parliament when they come around begging for my vote. Again, thank you for bothering to keep me informed on this topic.

What was also apparent was that for many of the people who signed this petition it was a topic that was very close to their hearts. Another stated:

Dear Mark,

Keep up the good work. I sign few petitions, but this one is particularly important to me.

That is from John. Similarly:

Hello Mark,

I must say it is a surprise to hear from you. I am too used to the concerns of constituents succumbing to the political wasteland of greed and corruption, which I expected would become the fate of the petition I signed for the lady in Hahndorf a while ago.

I would like to take this opportunity to thank you for not being one of the majority and actually doing what would appear to be something positive in regard to this fiasco. I hope that you have the resolve to keep up this fight, and actually cause a rethink within the rabble who wish to push through with the changes, no doubt for their own monetary gain at the expense of decency.

Kindest regards,

David

So passions are running high in this topic. Whilst the scope of the petition is broad, one of the most common issues raised by petitioners was a concern for the fate of our built and natural heritage. It was also a common thread that people thought that the institutions they relied on to protect our heritage were not up to scratch and that they needed to be reviewed and reformed. For example, Jayne wrote:

Dear Mr Parnell,

Thank you for letting the petitioners know the current state of play. I have fought for heritage issues most of my life and it is heartening to know that it has not perhaps fallen on deaf ears this time. I have spoken at a so-called community forum on public input to heritage issues a few years ago in the city, only to have one of the government employed panel roll their eyes at my plea in a most unprofessional manner. The whole event was a fait accompli and designed to appear as if true democracy was in progress.

This is very disheartening behaviour to those who attempt to put their case for careful consideration of that which so many South Australians value. If ever there was a time we need to value our fast-disappearing built heritage, our environment and our enviable lifestyle of parks, gardens, space, our wildlife and natural world, it is now during the crisis that has clearly shown that unbridled growth at any cost, crowded living and an emphasis on the economy, over and above human life in much of the world, has resulted in an unprecedented disaster that we have yet to see the end of at this point in time.

Kind regards,

Jayne

Another person wrote:

Dear Mark,

Thank you for your email in reply to my signing the petition! I am very distressed when I see so many beautiful homes and buildings in the city and all across the state being destroyed, complete gardens as well, to build the truly ugly new types of homes! They are being built with very poor materials and not designs that suit our hot summers! They are all squashed together, with no gardens!

I cannot believe the total disregard for trees! Especially old established trees that were here long before we were! People are so greedy for money there doesn't seem to be any thought for anything else! Adelaide was always known for its beautiful homes and gardens, but they are fast disappearing!!

Regards,

Belinda

A common theme in many of the emails I received from petitioners was that they welcomed new development, but they wanted it to be good development. For example, this one from Nicholas:

Hi Mark,

Thank you for your email. I am lucky to be living in a beautiful suburb with lots of gardens and trees, and in almost every street we see sad changes. There are beautiful homes being removed, with the gardens all flattened, including established trees, and new single or multiple residences being built, taking up most of the land, minimal gardens and hardly any trees are also the result.

As a designer I do love the look of modern houses. We have recently had a new home built on one side of our residence, and it is well placed on the block of land, trees have been planted and there are reasonable eaves and we believe a concept used for the doors and windows to assist with natural ventilation in the summer.

On the other side is a two-story white monolith that is being built to our boundary. The footprint is huge, with a narrow strip of open space front and back, no eaves and, sadly, the owner has removed a beautiful native garden which was easy care and attracted wonderful bird life and was beautifully cool in summer and sheltered in the winter. The major elements of the garden could have been kept and would have actually enhanced the home because in my opinion it needs it. The owners do not intend to plant trees because in their opinion 'trees are trouble'. Very short sighted.

Kind regards,

Nicholas

I know that it is common to put people into one particular box or other when it comes to planning. A former planning minister was quite notorious for putting people into simplistic pro or anti-development camps, but that is unhelpful as most of us have very mixed views on how we can protect the good things of the past whilst planning for a better future. One local councillor from the southern suburbs wrote to me, and he said:

Thanks Mark for the Reply and your support for the community who are very nervous about the scale of the Planning and Design Code changes.

Our Council have responded by suggesting areas where smaller block sizes would be Ok. Those areas are in the proximity of shopping centres and public Transport hubs.

However block reductions below the current 450m<sup>2</sup> for semi detached and 500m<sup>2</sup> for detached dwellings invite demolition of suburban liveability. As the councillor for a Ward which covers some of the loveliest areas of older established suburbs with tree lined streets and a corridor of magnificent...red Gums, my community is generally opposed to this densification.

All these liveability features are under threat by un fettered development.

However our Council does lack affordable housing options for lower income groups.

Hopefully by identifying areas around the Train Station, bus routes and Shopping Centres for densification this appetite can be satisfied.

So it is a complex issue, and most people are not simply in a pro- or an anti-development camp. It was interesting to hear—this councillor did not use the words 'transit-oriented development', as that phrase went out of fashion, but it was a concept that had a lot of merit, although it is not much talked about now. Whilst the majority of the people who signed the petition have strong feelings about what they like and do not like, some of the people who wrote to me were clearly far more knowledgeable about the institutions and the processes of planning, and the planning review in particular. For example, Elizabeth wrote to me:

Dear Mark,

Thanks for this and I will watch Parliamentary debate on Wednesday with interest. It's great you are communicating in this way to those of us who are concerned and have signed the petition.

The key issues are

1—ensuring community can comment on and provide input on the revised code BEFORE it is turned on. Councils have NO IDEA if their submissions are going to be reflected in the corrected/improved code—there has been no feedback given to them despite their huge efforts with the submissions sent in Feb 28<sup>th</sup>.

The 'What We Have Heard' report is still not issued summarising submission content (promised for May—no date given). There were apparently 1720 submissions!

2—delaying the implementation of the Code—beyond July 1<sup>st</sup> for Phase 2 and end September for Phase 3. How can Phase 2 be turned on when umbrella policies which also apply to Phase 3 are not yet resolved (eg heritage provisions and many other policy issues).

Elizabeth

Another reaction from someone who has unsuccessfully tried to engage in the process was this response from Philippe:

Dear Mark,

In mid-February, we submitted for consideration our comments with regards to the proposed Planning and Design Code. In particular, we highlighted many of the detrimental impacts of the change on zoning on the beautiful and peaceful suburb we live in, namely Black Forest.

Black Forest, 5035, has been earmarked for transitioning into the General Neighbourhood Zone. The allowance for infill on small block sizes will severely impact our suburb and contradicts the assurances of the Hon Stephan Knoll, Minister for Planning, Transport and Infrastructure, in which the transition to the new zoning will occur with little or no change to the existing zoning.

That is the so-called like-for-like approach that the government promised but which has clearly not been delivered. The process was sold to us as one of procedural change when, clearly, some of the most important features of planning, such as zoning, block sizes, set-backs, building heights and open space, have been fundamentally changed. This is not like-for-like. Philippe, as others did, also reflects that the current COVID-19 pandemic should give the government cause to reflect. He says:

The Planning and Design Code was based on premises that existed before COVID-19; it needs to evolve and fit the new world we are heading to and not impose inadequate planning and design rules which are not conducive to good physical and mental health of individuals and families.

I have another one from George, who I have not met but I recognised his name and I know that he is a very senior figure in South Australia's tourism industry. George writes:

Dear Mr Parnell,

I am very concerned that the Code if implemented in its present form will seriously compromise the very values that South Australia stands for. Particularly in relation to our built heritage, which is so valuable to our tourism industry. We cannot afford to compromise any of that.

Rushing this imperfect code through Parliament at this time does not represent a responsible government. We look to our parliament to implement sound principles of dealing with community issues, not the imperfect code that is being proposed. I'm aware that the code is still being developed, and for this reason urge you to convince other parliamentarians to defer the implementation of the code, particularly at this time of crisis, in its present form, until it has been further reviewed and restructured. In its current form, the Code will disenfranchise Councils, Communities and individuals and erode the protections that have been fought for decades to achieve where we are so fortunate to be at the present time.

Yours sincerely

George

There are some petitioners who sheet home responsibility for planning problems to local councils, but most appreciate that the state government holds the whip hand. Overwhelmingly, the petitioners wanted local people to have a say in the future of their neighbourhoods. For example:

Dear Mark,

Thanks for your email. I live at Robe and I see our heritage buildings under threat here and everywhere in SA. It makes sense that locals should have the largest say in development as they are the people who are affected most. And let's keep vested interests out of the argument such as developers. Let's keep our history and be excited about our new developments.

Thanks David.

In some areas, residents are starting to band together, specifically around responding to the new Planning and Design Code. For example:

Dear Mr Parnell,

I live in Mile End and the houses on the northern side of my street ended up in the 'Urban Corridor' zone back in 2015—which really means just about anything goes from a 'development' point of view. A four storey apartment building is proposed to be built diagonally opposite my house. I don't mind some infill,—but this building is too bulky and there is no meaningful provision for any type of greenery.

There is a group of residents who hope to have this section of our Street changed back to character policy area—or in the new zoning, a suburban neighbourhood.

Our area has become so much greener over the last 36 years we have lived here—it would be awful to see it go backwards.

Kind regards,

Margaret

The need for the new planning system to do much better in relation to water management was another common theme of submissions. Stephanie wrote:

For years it has concerned me that we just open up land willy nilly for development of predictable housing, without thought to water retention, swale guttering, rainwater tanks and grey water recycling, let alone all the other prerequisites of a thoughtfully constructed dwelling that serves people, community and planet.

The final part of the petition related to political donations and this, as all members would know, is an issue that has done more than any other to discredit the planning system, especially in other states. Planning officials and ministers have ended up in gaol, and the ICAC in various states has had many open corruption files for many years. Corruption, politics and planning have always appeared to be natural bedfellows.

So it is now time, in my view and in the view of the petitioners, to nip this in the bud, and one way to do that is to ban political donations from property developers. If we look at how much influence developers have, another resident of Black Forest, Steve, wrote saying:

Thanks, Mark, I never sign petitions unless it's something I genuinely feel about.

I am very distressed about the pandering to greedy developers, they only think of one thing, profit, and leave de-greened suburbs whilst taking that profit. Their behaviour is a disgrace. They manipulate planning codes wherever they can. There are bad stories about developers almost daily in the press.

My suburb of Black Forest is a wonderful community of nature loving and environmentally aware people who believe in sustainability. We have dozens and dozens of magnificent shady trees in backyards and lots of wildlife. Black Forest in the new code is being rezoned to allow denser infill development, which will lead to wholesale destruction of this beautiful suburb.

The premier in his '2020 Vision' speech in January talked about planting more trees in Adelaide to moderate the heat of summer. Talk is cheap when his government is sacrificing Black Forest to greedy developers.

Thank you, Steve.

For some people, this issue of planning and the accountability of the government to the people is a vote changer. Another person—and I have not met this man—who is 71 years old, by the name of Bob, said:

From my perspective, if the government does not move considerably away from its current direction, for the first time in my life I will not vote for the liberal party.

Best regards, Bob.

In conclusion, I would like to thank again all those who have signed this petition and all those who took the trouble to collect those signatures. I will again make the point that, despite the distractions of the COVID-19 pandemic, the community and citizens are still paying close attention to this planning reform process. I very much look forward to the Legislative Review Committee considering this petition. I look forward to the Environment, Resources and Development Committee considering the Planning and Design Code, when it eventually reaches that committee. I also look forward to further debate on this motion when it resumes next month.

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

#### *Parliamentary Committees*

### **SELECT COMMITTEE ON MATTERS RELATING TO SA PATHOLOGY AND SA MEDICAL IMAGING**

**The Hon. E.S. BOURKE (16:22):** I move:

That it be an Instruction to the Select Committee on Matters relating to SA Pathology and SA Medical Imaging that its terms of reference be amended by inserting new paragraph 2A as follows—

- 2A. That, during the period of any declaration of a major emergency made under section 23 of the Emergency Services Act 2004 or any declaration of a public health emergency made under section 87 of the South Australian Public Health Act 2011, members of the committee may participate in the proceedings by way of telephone or videoconference or other electronic means and shall be deemed to be present and counted for purposes of a quorum, subject to such means of participation remaining effective and not disadvantaging any member.

Motion carried.

#### *Motions*

### **NATIONAL VOLUNTEER WEEK**

**The Hon. R.P. WORTLEY (16:23):** I move:

That this council—

1. Acknowledges National Volunteer Week from 18 to 24 May 2020;
2. Recognises the generous contribution of volunteers throughout South Australia;
3. Appreciates the work of volunteers in supporting their communities during the ongoing COVID-19 pandemic; and
4. Recognises that many in-person events that are usually held during National Volunteer Week will be cancelled owing to the COVID-19 pandemic and that it remains important to acknowledge volunteers via alternative formats.

In moving this motion, it is important to acknowledge that now more than ever we recognise the work of our volunteers, even if we cannot celebrate volunteers with planned events at this time.

Sadly, many events that are usually held during this week will this year be postponed or cancelled, yet we can look for other ways to acknowledge volunteers through social media and other formats. This year has been a year like no other and for many volunteers who have contributed to our community as we have faced massive challenges, from devastating bushfires to a health pandemic, it is timely that our chamber pauses to acknowledge those who continue to devote their time to their community.

Local volunteers are the people who step in and step up in times of crisis, natural disasters, economic stresses and political turmoil. This could not be more visible than in the past few months as we have faced the challenges and upheaval of a disastrous fire danger season and the current COVID-19 pandemic. I make special mention of the CFS volunteer firefighters. Your tireless work throughout the bushfire season will never be forgotten by our community. For the homes and

livelihoods you saved, the animals and livestock that were kept safe from harm and the towns that endured, we are all grateful.

Volunteer firefighting has a long and proud history in Australia. We acknowledge that the volunteer effort is a significant part of our natural disaster response. Our firefighting model would not be possible to implement and maintain if it were not for the many thousands of people on call every day who respond to emergency situations. The CFS dedicated 1,300 volunteer firefighters and incident management personnel to assist crews in Queensland and New South Wales when fires started burning as early as September last year.

Then came our recent bushfire season, which has also been one of our worst, with 200,000 hectares of land burnt. The fire danger season started early, in last October and November, with fires in Port Lincoln and Yorketown. These events were sadly followed by the bushfires that tore through Cudlee Creek and Kangaroo Island in December and January. People are willing to give up so much of their own time, and in some instances put their own safety on the line, to protect their communities and communities across Australia.

Throughout the COVID-19 pandemic, volunteer crews have continued to attend structure fires, hazard incidents and road crashes. Their work continues. The fire danger season had not yet ended when our community had to turn its attention to the sweeping COVID-19 pandemic. This has been a challenging time for so many, not least for the many volunteers who have not been able to do the type of work that they normally would.

However, the workload has surged for many not-for-profit and service organisations, and South Australians have answered the call. Volunteers have adapted to providing a service in a COVID-19 safe manner and have undertaken a range of tasks, such as transportation, data entry, delivering food and supplies, conducting wellbeing checks and assisting with call centre support.

Throughout this time, I have also been struck by the generosity of so many people who have taken it upon themselves to check in on vulnerable people in their neighbourhood. It was heartwarming to see the personal cards dropped into letterboxes, with offers of help for tasks such as grocery runs and posting mail, or an offer of a friendly chat with fellow neighbours.

Over the past few weeks, I have called thousands of people across the state to check in and see how they are going. Many people who are elderly, vulnerable or who have been required to self-isolate are deeply appreciative of the kindness of strangers during this time. I have heard stories of neighbours who have rallied together to ensure that groceries are dropped off, arranged for medicines to be delivered and mail to be collected.

I have heard heartwarming stories of neighbours who have checked in on other residents, chatting over the back fence at the same time each morning to keep up a regular routine and to keep another person company during this challenging time. I have heard stories of people whose loved ones are interstate and have little or no support. This is where people within their neighbourhoods, people they may not have met or have only met briefly, have become invaluable and have provided support when they need it most. I wish to acknowledge the way that many volunteers have quickly adapted during this time and have undertaken different tasks to help others.

As our community makes cautious steps towards recovery I know that volunteers will play a very special role in this recovery effort. Our state has been through some very tough times in the past six months. For the many volunteers who have helped others, even when they themselves have faced their own challenges, you are a testament to the strong community spirit that runs through this state.

As a parliament we can, of course, strengthen the contribution of volunteerism by implementing structures to support and nurture our volunteers in a COVID-19 safe sphere. We must also wherever possible formally appreciate the values of volunteers' contributions to our communities. To every volunteer, your work is transformative. Thank you for your hours of hard work, your time and your effort, your compassion and your belief in improving the wellbeing in our community.

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

## INTERNATIONAL DAY OF FAMILIES

**The Hon. R.P. WORTLEY (16:30):** I move:

That this council—

1. Acknowledges that 15 May is International Day of Families;
2. Recognises International Day of Families as an annual observance reflecting the importance that community places on families as basic units of society;
3. Recognises that every family is different, and families can be defined in many ways; and
4. Acknowledges the difficult circumstances experienced by many families during the ongoing COVID-19 pandemic.

I am pleased to rise today to move this motion to recognise the United Nations International Day of Families. This is an opportunity for all of us to contemplate the importance of family to any one individual person's life and the contributions of family to our community. This special day is also an opportunity to celebrate the roles of families not only in our own lives but across the broader community.

The 15<sup>th</sup> of May is International Day of Families, as designated by the United Nations. This is a time to reflect on what family means. Last year, I spoke about the activities that are held locally, nationally and internationally to celebrate this important day, from movie nights to teddy bear picnics for children. I also remarked that events for International Day of Families would ordinarily attract more than 100,000 participants nationwide, with the involvement of more than 100 organisations in South Australia alone. Ordinarily businesses, councils, community groups and sporting clubs are all encouraged to hold events and celebrate the special role of families. Of course, this year these types of events will not be happening, which, although unfortunate, is the right thing to do as we practise social distancing so we may combat the COVID-19 pandemic as a united front.

In 1993, the United Nations General Assembly passed a resolution which established 15 May as the International Day of Families, with the intention to increase the understanding of economic, demographic and social changes that affect families and as a mechanism to encourage communities to reflect upon the significance of families around the world. The enduring aim of the day is to continue to raise awareness of the issues that families face around the globe and what can be done to address these concerns at a government and community level.

This is a particularly important message for all of us to consider here in this chamber. We are privileged to have the power to help our community be the best it can be. Families everywhere have undoubtedly shouldered a massive burden during the worldwide COVID-19 pandemic. Economic stresses, job losses, caring for out-of-school children while juggling work responsibilities and protecting vulnerable family members have been daily challenges for millions of families in Australia and worldwide.

I have made phone calls to many households recently to check in and see how people are going. I have nothing but the utmost respect for the way in which many families have mobilised during this time, juggling so many responsibilities, and have at times struggled with balancing work responsibilities and caring responsibilities, a struggle that cannot be seen outside of the home, knowing that their efforts are for a higher purpose that is keeping the community safe.

So I do want to acknowledge here today the difficult circumstances many families have faced in recent times. I also wish to acknowledge that for so many families, you have faced massive disruption to your lives. You have kept on keeping on and have continued to adapt, continued to do your best, continued to face challenges while caring for vulnerable people such as children and elderly relatives.

The impact of COVID-19 on our society will be felt for a long time. We are cautiously emerging from strict restrictions and look to enter a recovery phase. I think there is an opportunity here to consider how our economy and society can function to foster greater equality. I say this noting that women continue to shoulder a disproportionate level of unpaid work in the domestic settings, often while balancing paid work. If we can achieve greater equality for families, we can achieve greater equality for women.

I have also spoken with many people who were very pleased to see their workplaces adapt to flexible working arrangements, and they expressed a desire for these flexible working arrangements beyond the COVID-19 pandemic. This is an opportunity for workplaces to examine which traditional ways of working exist because of convention or tradition, not because of necessity. This is also an opportunity to have a conversation about enabling families to have a greater choice in how their work and home responsibilities fit together.

One of the most important roles that each family in our community can have is the role of educating the next generation. Let us take time to consider what we can learn from this time and how we can be a fairer society moving forward. Let us consider whether the new ways that workplaces have adapted can be of benefit to so many who are struggling to maintain work-life balance. Our families, in whatever form they may take, are our first educators. Our families teach us about the world. Through the power of education, families help to build our society, and so much of this starts at home. It is my privilege to commend this motion to the house.

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

### PROVOCATION DEFENCE FOR MURDER

**The Hon. T.A. FRANKS (16:36):** I move:

That this council—

1. Notes that—
  - (a) South Australia once led the nation on the decriminalisation of homosexuality after Dr George Duncan was murdered in the River Torrens because he was gay;
  - (b) South Australia now lags the nation in this area as it is the only place in Australia that still enables the so-called 'gay panic' provocation defence for murder;
  - (c) the Marshall government made public commitments to introduce legislation to abolish this provocation defence by the end of 2019;
2. Calls on the Marshall Liberal government to introduce legislation to abolish this provocation defence with urgency; and
3. Condemns the continued existence of the so-called 'gay panic' provocation defence for murder.

The hateful gay panic defence for murder in South Australia must finally go. It is now nearly 50 years since Dr George Duncan was thrown in Adelaide's River Torrens simply because he was gay, and he drowned; he was unable to swim. His killers were never brought to justice. We know who they were. We know that not only was he unceremoniously thrown in the river once, but indeed a second time he was thrown back in the river by police, again, because the TV cameras came too late to film the original dredging of this human being from the River Torrens and wanted the vision for the nightly news.

That disgusting act led some, I believe, very fortunate law reform, where we proudly led the nation and decriminalised homosexuality in this state, the first to do so in Australia. That law reform became law and gained that traction because a man was killed. In South Australia, we now lag behind the rest of the country in keeping the so-called gay panic defence as one of the provocation suites that sees a murder charge diminished to manslaughter. The defence is based on a non-violent homosexual advance being seen as somehow legitimising murder and treating it as lesser than murder. This defence not only exists in South Australia, it is being used in South Australia.

In my diary, under these COVID times, my staff had marked my 10 years in this place recently. We have not had a celebration of that, because we will wait for the pandemic to pass before we can all gather together. One of the first bills I brought to this place was a bill to abolish the gay panic defence. I did so many times, and twice my bills were the subject of review and recommendations by the Legislative Review Committee of this place.

Not once but twice the South Australian Law Reform Institute has looked at this issue—not once but twice. We have already had four inquiries into abolishing the gay panic defence and the overwhelming recommendation each time of those reviews in the end—certainly the first one that had some major barriers put in front of it—was not only to abolish from our state the homosexual advancement test, that so-called gay panic defence for murder, but to get on and do it.



Before the last election the Weatherill government met and matched the Marshall opposition in a promise to abolish the gay panic defence. Last year, in April, the Attorney-General, upon receipt of the second SALRI report, promised to abolish the gay panic defence by the end of 2019. This week, with the commemoration of the murder of Dr George Duncan, his memorial at the River Torrens was vandalised. I believe it was the first time, in the many years since members of this parliament banded together to erect a monument to our proud place in the road to equality, in our proud place of having decriminalised homosexuality and in the sadness and disgrace that it was the death of a man at the River Torrens that took us to act.

I do not call that vandalism homophobic, I call it hateful vandalism, and it is given succour and comfort by the lack of action of this parliament to abolish the gay panic defence. How many more years must we wait? Will it take another murder of a man such as Andrew Negre, who was murdered by Michael Lindsay, who then used the gay panic defence to seek to have his bashing and stabbing of a man—and then putting him in a wheelie bin and dumping it in a gully—somehow diminished as more understandable and as of needing a lesser penalty because he claimed that the victim had made an unwanted sexual advance to him.

It is now almost a decade since I introduced that bill and here we are still twiddling our thumbs and giving comfort and succour to hurtful and hateful antihomosexual acts in this place, while we put this into the 'too hard' basket. All sides of politics have now committed to removing this awful, outdated and disgraceful offence—defence for what should be seen as a pure offence. We keep being promised change and we are yet to see it. It pains me that I have had to move this motion today but I do so because we need to keep the pressure on. We have learnt in this place that without that pressure there will be no action when it all seems too hard, when those who historically we have treated as lesser are not listened to, are not given respect and are not treated as equal.

With that, I hope that the council will see fit to support this motion and I hope that the government will bring forward legislation not by the end of this year but by the end of this particular sitting, by the winter. With those words, I commend the motion to the council.

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

#### *Bills*

### **RETURN TO WORK (COVID-19 INJURY) AMENDMENT BILL**

#### *Introduction and First Reading*

**The Hon. K.J. MAHER (Leader of the Opposition) (16:44):** Obtained leave and introduced a bill for an act to amend the Return to Work Act 2014. Read a first time.

#### *Second Reading*

**The Hon. K.J. MAHER (Leader of the Opposition) (16:45):** I move:

That this bill be now read a second time.

This bill amends the Return to Work Act to deal with the current COVID crisis. South Australians, and Australians more broadly, deserve credit for the way they have handled the COVID-19 emergency. We have avoided many of the worst impacts that the disease could have wrought upon us. The horror stories from overseas serve as a reminder of what may otherwise have happened in our country and our state.

One of the greatest lessons of this emergency is that in times of trouble we need to help each other. That is exactly what this bill seeks to do, by helping workers who contract COVID-19 whilst at work in areas that place them at high risk. In simple terms, this bill builds on longstanding provisions in workers compensation law that deal with presumptive conditions. Under standard workers compensation arrangements a worker must prove, on the balance of probabilities, that an injury occurred at work to access support under the scheme. With presumptive conditions, more than two dozen of which are included in schedules 2 and 3 of the Return to Work Act, the onus of proof is reversed.

For the group of workers included in this bill and in those presumptive conditions in schedules 2 and 3 already in the act, they would be able to access workers compensation if they

contracted COVID-19 or the various diseases or conditions listed in schedules 2 or 3 if it could not be proven they had contracted it somewhere else. The workers who would be covered by this legislation are in two groups: specific occupations and specific workplaces that potentially put the workers at higher risk of COVID-19.

We do not pretend to know precisely who will be at higher or lower risk in the future, so the bill allows for these groups to be changed by regulation. As a starting point in the bill the occupations include passenger aviation, police and emergency services and passenger transport. The workers may be in locations that in the course of a shift or a roster their job qualifies them for support because of the workplace. The prescribed workplaces in the bill include: hospitals and surgeries; aged care; childcare and kindergartens; pharmacies; supermarkets, delis and convenience stores; petrol stations; and schools.

These workplaces must remain open, even during major emergencies, and there are a significant number of people coming and going. Workers in these places, whether customer-facing managers or after-hours cleaners, all face higher risks and we believe should be supported. This bill includes some important safety measures. It makes it clear for the avoidance of doubt that this bill does not create any other liability beyond those included in the Return to Work Act. It also includes a provision so that employers who are insured under the scheme may recover any costs from the scheme. This is intended to prevent premium increases for specific employers or industries that may experience a higher incidence of COVID-19 related claims than others.

The opposition announced the intention for legislation on 2 April, and a very similar bill was introduced into the other place at the time. I note that the Greens have very similar legislation for this chamber. Obviously this is not the time to debate it, but I do note that, despite a few technical differences, they both seek to remedy the same thing and have a common goal: they both seek to protect workers who are at a high risk of contracting COVID-19, and this should be commended.

With regard to the differences, this bill applies to all people in certain workplaces, not just in customer-facing roles, as I said; for instance, cleaners. This is particularly important for people like after-hours cleaners who come into contact with surfaces and disregarded items that could be a source of infection even if they do not come face-to-face with customers. The Labor bill also differs at the point at which compensation may be paid, either from diagnosis or from the point of isolation.

It is disappointing that the government has not indicated support for this type of bill and the protection that is being proposed by both Labor and the Greens. The state government has shut down numerous industries while telling other workers in critical areas that they have to work. This is understandable in the circumstances, but at the same time they were trying to cut back the days we sat in parliament. Also at the same time, the government has been attacking the conditions of workers on the front line, a number of whom would be covered under this legislation.

We have heard in recent times a discussion about the government seeking to remove clauses from enterprise agreements that protect workers from job cuts and privatisation, workers who are in fact in forward-facing customer roles on the front line. It is almost incomprehensible, when these workers include people like hospital orderlies, those who sterilise hospital equipment and those who provide disability and aged care. In the midst of such an emergency, we need those critical workers to be confident about coming to work on these high-risk areas. Employers need to be confident that their workers will be on the job. The community needs to know that they can rely on these services.

It is possible that this proposal may incur some cost on the scheme of the corporation, but it is important that all of our institutions contribute and share the load. We hope that this legislation will rarely if ever be needed and that we come out on the other side in a post COVID-19 framework and that this legislation will have little work to do then. But, at the current time and if it returns and spreads, it is critical that we do all we can to protect workers who serve and protect us.

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

*Motions*

### **INTERNATIONAL NURSES AND MIDWIVES DAYS**

Adjourned debate on motion of Hon. S.G. Wade:

That this council—

1. Recognises the World Health Organization declaring 2020 the 'Year of the Nurse and the Midwife';
2. Recognises both International Nurses Day and International Day of the Midwife;
3. Recognises the courage, hard work and compassion of nurses and midwives in responding to the COVID-19 pandemic; and
4. Thanks nurses and midwives for their outstanding service in hospitals, homes and the community to protect and maintain the health and wellbeing of all South Australians, year in year out and during the COVID-19 pandemic

(Continued from 29 April 2020.)

**The Hon. C.M. SCRIVEN (16:53):** The World Health Organization declared 2020 the Year of the Nurse and the Midwife. Ordinarily, of course, nurses and midwives play an integral role as professional partners in the delivery of health care across the globe, but their worth has perhaps never been so evident or deeply valued as it has been this year with the devastation of COVID-19 sweeping our world.

Nurses and midwives truly devote their lives to caring for families, mothers and children. They educate and offer life-saving immunisations and health advice. Nurses are there when we enter the world and invariably hold our hands and offer comfort to our loved ones as we take our final breath. In many communities there are no medical practitioners or allied health staff. It is the nurse or midwife who is available to support a community's full healthcare needs.

This designated year is to recognise the vital role of nurses and midwives, to celebrate their work, highlight the challenges they face and advocate for increased investments in the nursing and midwifery workforce. Each year, we celebrate International Nurses Day on 12 May, the anniversary of the birth of Florence Nightingale, the acknowledged founder of modern nursing. The Lady with the Lamp lived to the age of 90 and died in 1910.

We have celebrated International Nurses Day since 1965 and since 1988 the International Council of Nurses has declared a theme for each year. This year, the council announced the theme as 'Nursing the world to health'. With the scourge of COVID-19, I am sure the irony of this is not lost on any of us. The intent of the theme was to shine a light on the way nurses are able to address such a wide range of contemporary health challenges. Who could possibly have imagined that our nurses would be facing a global pandemic, possibly the biggest healthcare challenge of our time, indeed of our lifetimes?

On 5 May, we celebrated the International Day of the Midwife, as we do every year. The theme is 'Midwives with women: celebrate, demonstrate, mobilise, unite—our time is NOW!' This theme was set to highlight the vital role and dedication midwives play in caring for women, children and families. Midwives play a vital role in preparing women for pregnancy, ensuring women and their precious babies traverse pregnancy and childbirth safely. They educate and inform women. They ensure they are empowered and they provide support throughout the experience.

During the COVID-19 pandemic, our midwives have been faced with some extraordinary challenges, with it being necessary to restrict the numbers of people attending births because of the physical distancing guidelines. This has been deeply challenging for women, their partners and their healthcare teams. The Australian College of Midwives has been advocating around this issue and supporting state branches, which in turn are supporting midwives with the delivery of these difficult policy settings.

Indeed, my eldest daughter is giving birth to her first child in these unusual circumstances. We are waiting any moment to hear that she has gone into labour. I would like to acknowledge some of the wonderful people who are helping her in that circumstance in the Mount Gambier hospital. Sonya and her amazing team have needed to provide antenatal classes via computer participation. They have needed to prepare extra resources to mail out. They need to be available to answer questions that would normally be answered in those on-site settings.

They have needed to try to prepare women who perhaps have not had a chance to tour the maternal facility at the Mount Gambier hospital so that they can feel supported, they can feel prepared and as comfortable and ready as possible as they enter into the exciting experience of

giving birth. Midwife Maddie is one of the many excellent midwives who have been able to do appointments over the phone, supporting women such as my daughter, and then assisting in the various gaps that must necessarily occur when we are trying to do things over the phone that would otherwise be done face to face.

They are just examples of the wonderful healthcare teams that we have in Australia. It is because of such wonderful healthcare teams that Australia has been able to face this COVID-19 pandemic head-on and avoid the widespread and sweeping tragedies that we have seen in other nations in the world. We have seen tremendous leadership by our health workers in working with expert epidemiologists and infectious disease experts. We have relied on and trusted science.

Governments have been able to trust the advice they have been given and in turn have delivered the policy settings based upon it. Amidst the raging COVID-19 pandemic, our nurses and midwives have continued to turn up to work. These healthcare professionals have continued to show extraordinary resilience. Life-saving care and life-sustaining care has been delivered to patients from staff with dedication and compassion.

As we consider the devastating numbers of COVID-19 transmissions and deaths globally, in what are widely known as highly skilled and modern healthcare nations such as the UK, USA, Italy, Spain, Germany and others, how grateful we can be to live in Australia. How grateful we can be for the nurses and midwives at all levels who have provided care and support during the COVID challenge and continue to be armed and ready for any surge that might now come as we tentatively reduce the restrictions and face the reality that at some point we will see people entering our state again.

I want to particularly note the thousands of nurses who work with distinction in our regions and in our remote areas. The Australian Nursing and Midwifery Federation nationally and the South Australian branch, led by Adjunct Associate Professor Elizabeth Dabars, have provided industrial advocacy when it was evident that the supply of PPE was inadequate and when it was feared we had insufficient surge capacity in terms of beds, and they continue to fight for a deal in relation to special paid COVID-19 leave.

Along with the Australian College of Nursing, they have also been at the heart of the call for upskilling and the provision of education packs and resources for clinicians across a range of workplaces. Our Labor team, in particular the member for Kurna and the member for Hurtle Vale, has been very active in relation to getting a better deal for our healthcare workers. We have seen the government agree to some of our suggestions such as free car parking for hospital workers during the pandemic.

However, it has been a huge disappointment to see the lack of care shown by the state government in relation to the huge number of government casual nurses left without work because of the sudden halt to elective surgery and the reduction in hospital presentations. Our government-employed casual nurses are not eligible for JobKeeper payments. The health minister, the Premier and the Treasurer have all refused to address this, although other states have done so. As a consequence, we still have casual nurses who have had hardly any income whatsoever for the past two to three months.

Yet, there are many opportunities where they could have been engaged in public health education, screening and welfare programs. Our highly skilled nurses could have supported all of these. That they were ignored and not supported is a disgrace, and this government should truly hang its head in shame. Casual nurses who have been told at short notice that all their shifts have been dropped have been offered no support whatsoever by this state government.

These front-line healthcare workers have pleaded with the government for support but their pleas have been disregarded. These casual nurses still have responsibilities—they still have mortgages, they still have bills to pay, they have families to support—and it is truly disappointing that they have been treated so poorly. I hope that, as elective surgery schedules now start to gradually increase, we will see the work increase and flow to our valuable casuals who can get back to supporting their families again.

The opposition has led the call for the state government to waive the costs for nurses associated with their annual compulsory registration costs which require every nurse in South

Australia to pay a yearly figure of \$175 to be able to continue to work as a nurse. If the state government does truly value the work of our nurses and midwives, the absolute least it could do is waive their registration fees this year. I am advised that these registration fees are not due until the end of May, so there is still time for the government to do the right thing and waive the registration fees for 2020.

In this, the International Year of the Nurse and the Midwife, as we celebrate the very special days for both professions, I offer a heartfelt thanks to all nurses and midwives providing a service in hospitals, homes and the community, protecting and maintaining the health and wellbeing of all South Australians now and for the rest of 2020. Thank you for your dedication, your passion and your commitment.

**The Hon. T.T. NGO (17:02):** I also rise to support this motion. I recognise and celebrate the incredible superhuman nurses working in our state, around the country and around the globe. I thank the nurses and midwives for their dedication and commitment to our community. Nurses and midwives see us at our best and our worst. They bring life into the world and they see it out. They are there for the bits in between, which are sometimes messy and sometimes painful. They see us when we are most scared and most vulnerable. They help us when we are weak and they become someone with whom we secretly share our fears. They hear things we might never tell our loved ones.

Nurses and midwives quickly develop relationships in trust and care, and this comfort can make all the difference to someone who is anxious when facing the unknown. Theirs can be the last face we see and the last hand we hold—a privilege, a heavy weight of sadness. Nurses and midwives also share our joys. They are part of a select group who see faces of newborns before anybody else. They support us while we recover and they see us back to good health, sharing in our gains and victories. They join our lives for moments, but daily they see the meaningful impact of their medical expertise, experience, training and compassion.

My sister, Dung, is also a local nurse and has been nursing for 25 years. I noticed that the minister and the Premier visited her ward a couple of weekends ago. I know she thought that her appearance in the photo was not very good, but she told me that she was very happy with that photo. My daughter, Renee, is also a graduate nurse, and started her employment in February this year, right at the start of the coronavirus pandemic. I have a little insight into the challenges they face every day because they are committed to helping others: I see that their jobs are not glamorous and that patients can be rude and demanding.

Nurses and midwives give up time with their own families and friends to care for us and ours. Their work times vary, they work through the night and at times the rest of us might think inconvenient, they are called in unexpectedly and they put their lives on hold for us. Nurses and midwives bravely go into strangers' homes to provide support and care. While the coronavirus pandemic is challenging for everyone, what has given hope, lifted spirits and inspired confidences are the medical staff who have worked tirelessly around the world.

Visions of neighbourhoods coming together in the evening to clap and cheer for front-line health workers have galvanised communities. Hopefully, this strengthened the will of those workers, knowing that their communities are behind them. We have also seen footage of the toll that the pandemic has taken on nurses, health workers and carers—how the devastation and death has also deeply affected those people of great strength and grit, who bear more pain and loss than anyone should.

The artist Banksy recently produced an image that is perfect for our time. It is of a child flying its superhero through a make-believe sky, but Batman and Spider-Man are slumped in the child's discarded toy bucket. The child's superhero is dressed in a nursing uniform, red cross on her chest and face mask in place.

In closing, I want to also acknowledge the casual nurses in our state. I understand that many, due to COVID-19 restrictions, have been left without work and have forgone wages during the pandemic. It beggars belief that any medically trained worker would not be supported during this time. I also want to thank the Australian Nursing and Midwifery Federation, led by its secretary, Adjunct Associate Professor Elizabeth Dabars AM, for protecting and fighting for nurses and

midwives while they protect and care for us. Lastly, I urge the state government to demonstrate the appreciation we feel towards our invaluable nurses and midwives, not just through words but by waiving nursing registration fees for 2020.

**The Hon. R.P. WORTLEY (17:09):** International Nurses Day is celebrated every year on 12 May, the anniversary of Florence Nightingale's birthday. Nurses and midwives devote their lives to caring for so many, in hospitals and in the community. Nurses provide care all day, all night, every day, everywhere. It is so important that nurses be acknowledged for the role they play in providing high-quality health care to all those who need it.

We acknowledge the compassion, professionalism and commitment that nurses display in caring for their patients. The World Health Organization has designated 2020 as the International Year of the Nurse and the Midwife in honour of the 200<sup>th</sup> anniversary of the birth of Florence Nightingale. During this time, we not only acknowledge and appreciate our nurses but we acknowledge the role they have played in confronting the COVID-19 pandemic.

Indeed, perhaps it could not be timelier that 2020 is the International Year of the Nurse and the Midwife. The coronavirus has revealed that around the world the courageous work of nurses is irreplaceable. Nurses are selflessly on the front line, caring for those who have been hospitalised with COVID-19 and doing so with commitment and compassion. Nurses preserve our human dignity day after day, particularly during a time of so much uncertainty. It takes a combination of strength and selflessness to undertake this work, to change lives and to save lives every day.

I also wish to acknowledge that nurses and healthcare workers in other places in the world have lost their lives to the coronavirus. That front-line health workers have themselves contracted this disease and passed away is an unspeakable tragedy. In some countries a lack of personal protective equipment has contributed towards the high rate of infections among nurses and other healthcare staff. Each of these deaths is a tragedy. These nurses, who have loved ones, including many with young children, have lost their lives because of their caring work. This is heartbreaking.

That nurses and healthcare workers have suffered in the face of this pandemic is an important reminder for our healthcare workforce that safety is paramount. All governments have a responsibility to keep their healthcare workers safe.

The COVID-19 pandemic has shown nurses and healthcare workers at their finest. However, there is no doubt that the demands on nurses and healthcare workers has been immense. Beyond the immediate and intermediate challenges presented, we must ensure that, looking to the future, our healthcare systems receive the substantial investment required to meet the demands of the future.

Indeed, it was very unfortunate to see so many casual nurses left without shifts for the duration of the non-urgent elective surgery ban. Furthermore, public hospital nurses could not access JobKeeper payments and effectively faced unemployment. Many of these nurses have dedicated their working life to the public healthcare system and are relied upon by the health system to work flexible hours. I have heard anecdotally that some nurses were able to be deployed, yet many hundreds of nurses were left with few or no shifts. I join with so many South Australians who were shocked to see public hospital nurses left without work. Redeploying these experienced nurses should have been a priority; quite frankly, it makes no sense that it was not a priority.

In a more ordinary year, there would be events planned to celebrate our nurses. Sadly, this year those events will have been cancelled or postponed. Even though these events cannot take place, the importance of recognising, acknowledging and thanking our nurses has never been more important. To all nurses, midwives and other healthcare workers in South Australia, thank you. You have spent time away from family, your loved ones and worked long hours, caring for those in our community who have contracted COVID-19. Thank you for everything you have done and continue to do.

**The Hon. T.A. FRANKS (17:13):** I rise on behalf of the Greens to support this motion and to recognise the vital and important work of nurses and midwives in our state and around the world. I know that you, Mr President, like me have nurses close to us in our family. My aunt is a nurse and a midwife and used it to travel the world, most notably in the Middle East, so I always saw it as a very glamorous profession when I was growing up, although I know that the reality is far from that.

This year, of course, has been dubbed as the International Year of the Nurse and the Midwife. I do not think anyone realised at the start of this year just how true that would become. Let's not forget that in the past week, we also had the International Day of the Midwife on 5 May and International Nurses Day on 12 May. I would also like to acknowledge that last night we were all invited to light a candle in honour of nurses who have lost their lives in saving lives, in treating and caring for patients with COVID-19 around the world.

This year we have so much to thank nurses and midwives for. Nurses in particular have been at the front line of the COVID-19 pandemic. This pandemic has highlighted the difficult and invaluable work that nurses do and just how much we rely on them. Nurses and other healthcare professionals have been heralded as heroes, and quite rightly, but they have been challenged like never before. Many have stepped up to take on new roles and training, and it has been great for nurses to have the opportunities to upskill and provide even more support than normal during this public health emergency.

It is also important to remember that nurses have been on the front line of providing health care and have played a significant role in public health advocacy well before the pandemic. Nurses and midwives are often the first, and sometimes the only, point of care in their communities, and they play a vital role in providing health services. Their work is usually hidden and in the background. It has now been thrust into the limelight, and we have seen an incredible outpouring of gratitude from the public.

But applause does not pay the bills. You cannot eat praise, nor does it help when our front-line healthcare providers face misdirected anger and often abuse. We cannot forget or ignore the fact that, while we are thanking nurses and midwives here, words are not enough. Most nurses in Australia earn below the average Australian wage, even if they work full time. On International Nurses Day, whilst publicly singing their praises, the New South Wales government froze nurses' pay during the pandemic. Moving forward, we need to ensure that nurses are properly compensated for their valuable and vital work and that they have safe working conditions.

We also need to ensure that front-line workers, such as nurses and midwives, during the pandemic are protected and that they have access to adequate PPE but also that should they become sick they do not fall through the cracks. We cannot ask them to choose between their health, their essential work and their ability to put food on the table.

While we are recognising the capability and importance of nurses during this pandemic, on the advice of the World Health Organization, we should be looking at other recommendations that they have made in regard to nurses and midwives and their capabilities in providing care. For example, let's talk about the WHO's recommendation on a broader range of health practitioners being enabled by law to provide abortion services.

In 2003, WHO's safe abortion guidance recommended that abortion services be provided at the lowest appropriate level of the healthcare system. The recommendation was that mid-level health workers can be trained to provide safe early abortion without compromising safety. It includes as mid-level providers midwives, nurse practitioners, clinical officers, physician assistants and others. Yet, 17 years later, we still lag behind in action on this recommendation. I hope that while we celebrate the capability and service of nurses and midwives here we remember that we could be enabling them to provide more accessible care to women and girls around our state right now. I hope that soon our laws will catch up with best health practice.

I would also like to reflect, as other speakers have done, on the theme of this year's International Day of the Midwife, that theme being 'Midwives with women: celebrate, demonstrate, mobilise, unite—our time is now!' This is being used as a rallying call for midwives to be part of leading and demanding political action for a gender equal world.

According to the International Confederation of Midwives, 'We are the feminist profession.' Midwives use their voices to speak up in community discussions around female genital mutilation, child marriage, contraception and sexual reproductive health rights. We need to ensure that we are listening to their voices on gender equality, particularly coming up to recovery from this pandemic, where reports and data are already showing us that women are bearing the brunt of the impact of this virus.

I am glad to have this opportunity today to recognise and reflect on the enormous positive contribution to our communities and our collective health that nurses and midwives make. I thank them for their tireless and selfless dedication and service, and tell them we will continue to fight for your rights at work and for fair compensation, just as we will continue to listen to your voices. Now more than ever, we are aware of the vital work that you do and respect your expertise.

**The Hon. C. BONAROS (17:19):** I, too, rise to speak in support of the motion. As we know yesterday, Tuesday 12 May, was the 200<sup>th</sup> anniversary of the birth of Florence Nightingale, said to be the founder of modern nursing. Fittingly, International Nurses Day is a day dedicated to the men and women, past and present, who have chosen this most admirable profession. The World Health Organization has named this year, 2020, as the International Year of the Nurse and the Midwife. It is a timely recognition, considering the current worldwide COVID-19 pandemic and the impact it has had on all of our lives.

I am in absolute awe of the selflessness of the nurses and midwives who dedicate their working lives to caring for people. They have a profound impact on lives every day. Like many of us in this chamber, I speak from personal experience, not only as a hospital patient myself but also seeing the care and attention that nurses have given my loved ones at different times over the years. Somehow in some way they deal with suffering and they deal with death and dying on a daily basis. It is a profession that many of us simply are not cut out to do.

Midwives are present at the miracle of birth and it is most often joyous but occasionally, of course, also heartbreaking. Midwives help a mother to bond with her child and provide essential guidance both before and after birth. They do the same for the fathers of those children. It must be such a privilege to be present at such an important time in the parents' lives and to witness a baby draw breath and open its eyes for the very first time. It is, indeed, I am sure a very rewarding career.

I also wish to recognise the strong commitment of Indigenous midwives and—forgive me for my pronunciation—Ngunkaris, traditional Aboriginal healers to birthing and health care on country. As we know, Indigenous men and women have been acting in these roles long before Florence Nightingale was born. As I have said, it takes a certain sort of person, a special sort of person with unconditional empathy for people from all walks of life, to be a nurse.

I am in awe of nurses who care for children with a terminal illness. I am in awe of nurses who comfort the family of a loved one who has just passed, expectedly or otherwise. I am in awe of nurses who care for the elderly, the vulnerable, the disabled and the lonely—and I am just not sure how they do it. Nurses do not just attend to the physical care of a patient, their role is all-encompassing. In the past Australian nurses were called to war alongside our soldiers. They were often the last face a soldier saw. Some gave the ultimate sacrifice themselves. In their work, nurses recognise that a peaceful death is just as important as a peaceful birth.

Personally, I will be forever grateful to the nurses who carried me through the passing of my mother: Hannah, Ed, Norelle, Bishnel, Bina, Elaine, Glynnis, Julie, Macy, Leonie, Lesley, Emil, Tracy and Paula amongst others—and, of course, the birth of my son, the most difficult and the most joyous occasions of my life. The care all of these nurses showed to my family and to me will never be forgotten but one nurse in particular will always hold a special place in my heart for her compassion, her caring nature and her warmth for making my mum and me both as comfortable as possible on the eve of her passing. To all of them I say thank you.

It takes a special sort of person to be present at the end of life when a person closes their eyes for the very last time—day in and day out—and to do so with empathy, caringness and warmth. Our frontline healthcare workers have been doing an exemplary job in the midst of the current coronavirus pandemic. I take this opportunity also to thank all those essential workers in our healthcare system, our disability workers, our aged-care workers, our mental healthcare workers and all our hospital staff, the backbone of our health system, and the engine rooms of our health system, who do not always get the same level of recognition for their work but who go above and beyond each and every day to keep our loved ones safe and the wheels turning in our healthcare system.

According to the World Health Organization, 23,000 healthcare workers have tested positive to COVID-19 across more than 50 countries. A hundred nurses are estimated to have died as a result of caring for infected patients, although that number could well be higher in reality. In South Australia



a 20-year-old intensive care nurse who worked on coronavirus patients in her role at the RAH tested positive for the virus in April. This was despite wearing her personal protective equipment and adhering to all of the protective protocols and behaviours. While most South Australians are worried about social distancing it is the very nature of the role of a nurse and midwife that it is impossible for them to maintain any distance from their patients.

Many front-line nurses and midwives have not had contact with their family and friends since the pandemic began. Many go home at the end of each shift knowing full well that trying to keep as safe as possible may result in their own loved ones being exposed to heightened risks. It is a true reflection of their empathy for others. They are concerned they will put others at risk more than for themselves. Such is the selflessness of this profession.

There are more than 35,000 nurses and midwives registered in South Australia, and we should not ever take that for granted. In fact, I am constantly reminded that in many other parts of the world, even in my parents' birth country, having a nurse at your loved one's bedside remains a privilege to which they are unaccustomed. Even in many developed parts of the world, if your loved one falls ill the only option you have is to hire the services of a nurse to sit by their side and provide care for them during their hospital stay. This is a common practice.

It has always astounded me that this is the case, but I think it would be equally astounding to members of our community that, even in developed countries, providing the services our nurses do here, day in, day out, is not always a given. If you cannot afford a nurse, then family members have no other option but to take on that role themselves. So we should never take for granted just how lucky we are in Australia and in South Australia.

As the world adapts to a new normal post COVID-19, I hope that many more young boys and girls, men and women, will choose this most admirable profession as their calling. Up until recently my son would have me believe that all superheroes wear capes, but as he rightly pointed out to me during a hospital visit recently sometimes they wear scrubs. With those words, I wholeheartedly support the motion and I thank the Minister for Health and Wellbeing for providing us with the opportunity to give our thanks and show our appreciation to all of them.

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (17:27):** I thank honourable members who have contributed to the discussion today: the Hon. Clare Scriven, the Hon. Tung Ngo, the Hon. Russell Wortley, the Hon. Tammy Franks and the Hon. Connie Bonaros. This 2020 International Nurses Day is occurring, as the Hon. Tammy Franks highlighted, in the 2020 International Year of the Nurse and the Midwife. Many of us were looking forward to a calendar of events to celebrate the profession. Instead, 2020 was to be the year of the pandemic, but what a profound demonstration of the courage, skill and compassion of nurses.

We appreciate that this pandemic still has a long way to go, but as honourable members have highlighted repeatedly already the nursing profession has demonstrated all of those aspects: courage, skill and compassion. I thank the Hon. Clare Scriven for highlighting the fact that not only are nurses excelling in their direct care for people experiencing COVID-19 but are also dealing with a range of challenges that have been put before them in terms of the delivery of ongoing services. It was delightful to hear about her daughter's journey in Mount Gambier and I wish the Hon. Clare Scriven and her family every blessing as that birth proceeds.

In terms of the team working with her, they are adapting their model of care to quite extraordinary circumstances. As the Hon. Clare Scriven highlighted, to support a mother through a midwifery journey when you cannot even visit the site is a real challenge, and right across the health system we have 18,000 nurses in the state hospital system and the equivalent of about 13,000 FTEs. I doubt whether there was a single nurse or midwife who did not have to adapt their model of care in the new environment. Of course there was a cadre of nurses who delivered care in the ICU context and in other parts of the network to provide nursing care to people who were or are COVID positive.

I acknowledge the Hon. Tung Ngo's sister in the ICU unit at the Royal Adelaide. It was my privilege, together with the Premier, to visit that unit a week or so ago. At that stage, it was the ICU in Australia with the largest number of patients having been through that unit. If I recall correctly, there were 18 patients who had received ICU care at the Royal Adelaide ICU. To talk to those nurses

about the journey they have been through, the care that they have provided in the most extraordinary circumstances, was a real privilege.

In that context, I certainly accept the point the Hon. Russell Wortley made about the importance of safety at work. We talk a lot about sovereign risk in terms of defence procurement and supply, but I think this year we saw the issue of sovereign risk in terms of the most basic guarantee of worker health and safety in the nursing profession in terms of PPE. The reliance of the world on one or two countries to provide such a vital resource was a risk that proved to be very challenging for the whole world, and it still remains a significant challenge. I think one of the real successes of South Australia this year has been the Detmold manufacturing group stepping up to provide the domestic production. That will be a major guarantee of the health and safety of nurses and other medical workers for years to come.

I accept the Hon. Tammy Franks's point that nurses need to be valued, and that is exactly what this government is doing with a realistic enterprise bargaining offer. We are optimistic that it will be resolved and accepted. I note that the Australian Nursing and Midwifery Federation regards what is on the table as a big win for nurses.

I would like to join the Hon. Tung Ngo and the Hon. Connie Bonaros in highlighting the compassion and empathy of nurses and the fact that they are with each of us in our key life events from birth right through to death. I would like to pause and acknowledge the strong nurse leadership that we have in South Australia. In particular, I want to put on record the respect I have for the Chief Nurse and Midwifery Officer, Jenny Hurley, who is a constant source of wise counsel and, to be frank, a ferocious advocate for nurse professional development, which I greatly appreciate.

I would also like to acknowledge the industrial and professional organisations that represent nurses, in particular the Australian College of Midwives, the Australian College of Nursing, the Australian Nursery and Midwifery Federation, and I acknowledge there are a range of nurses professional bodies, particularly in some of the specialty areas of nursing. I would like to also thank the nurses and midwives who offered me hospitality yesterday and on the actual day of International Nurses Day. It was a privilege to be in Ward 5E, a surgical ward for gastro and liver services at the Flinders Medical Centre ably led by their nurse unit manager, Kylie Finlay, and also to be at Ward 4A, which is a general ward run by Nick Piltikidis.

It was also a privilege, later in the day, to join the Chief Nurse and Midwifery Officer and nurse leadership from across the department and the networks in a sharing of cake in the Hindmarsh Square complex. That event really highlighted the bittersweet nature of the year. As I said, we were looking forward to the 2020 International Year of the Nurse and the Midwife to celebrate the nursing profession, but it has also been a very challenging year and a year that has seen nurses give their life in service. At that commemoration, we shared not only cake but also a sprig of rosemary and a minute's silence. I would like to thank nurses and midwives for everything they do every day, but especially what they have done in 2020, the International Year of the Nurse and the Midwife and also the year of the pandemic.

Motion carried.

#### **SHANAHAN, CHIEF SUPT JOANNE AND MCNEILL, MS TANIA**

Adjourned debate on motion of Hon. C. Bonaros:

That this council—

1. Expresses its deep regret over the tragic death of pioneering South Australian police officer, Chief Superintendent Joanne Shanahan, and St Peters woman, Tania McNeill, in a tragic road accident on Saturday 25 April 2020;
2. Acknowledges the exemplary service, commitment, dedication and outstanding contribution Chief Superintendent Shanahan made to the South Australian community through her highly distinguished and decorated career in the South Australian police force, spanning four decades;
3. Expresses its appreciation for Chief Superintendent Shanahan's pioneering role in working with domestic violence support agencies to make the lives of hundreds of women and their children safer;

4. Acknowledges Chief Superintendent Shanahan's leadership role in SAPOL's response to the coronavirus pandemic; and
5. Recognises the outstanding contribution Chief Superintendent Shanahan made to the SA Greek community, where she was highly regarded and respected.

(Continued from 29 April 2020.)

**The Hon. J.M.A. LENSINK (Minister for Human Services) (17:35):** I rise today to support the motion moved by the Hon. Connie Bonaros and offer my condolences, and those of organisations and services within the human services sector, to the friends and family of Detective Chief Superintendent Joanne Shanahan. I also pay my respects and offer my condolences to the loved ones of St Peters wife, mother and businesswoman Tania McNeill. Their lives were taken in the same tragic car accident on Saturday 25 April.

Joanne Shanahan's passing is a terrible tragedy for her family and friends and also for the South Australian public. She made an immense contribution to the domestic and family violence sector in South Australia over her career. As the Minister for Human Services, I would like to outline some of her legacy and provide messages of condolence from those in the sector who knew her well.

Detective Chief Superintendent Joanne Shanahan joined South Australia Police in 1981 and was designated as a detective in December 1992. She was only the third woman in South Australian police history to be appointed chief superintendent. Last year, she was awarded the Australian Police Medal in the 2019 Australia Day honours. She was a trailblazer and it is fitting that she was recognised with this award in the year that South Australia celebrated 125 years of women's suffrage in this state.

She served in both uniformed and criminal investigation branch roles, including specialist crime areas, until her promotion to the rank of inspector in 2002. Her career spanned more than three decades and involved major cases that shocked the state, including the child abuse uncovered in 2008, known as the house of horrors. She showed superior leadership and commitment in the field of family and domestic violence, with her involvement in this complex area beginning in 1999 as the officer in charge of a local service area family and domestic violence investigation unit.

Joanne Shanahan was committed to making our state safer for women and children and she was driven by compassion and understanding for those most vulnerable. Her work led to many firsts in our state and our nation for responding to violence; no obstacle or challenge was a deterrent. Her mission was to make positive change for victims of violence and our community. The Office for Women within the Department of Human Services had a wonderful working relationship and friendship with Joanne over many years to improve women's safety in South Australia.

Joanne's work with the Office for Women included the statewide rollout of the Family Safety Framework and the creation of the Multi-Agency Protection Service (MAPS) for which she led the cross-government project team from concept stage to implementation in 2014, bringing together SAPOL, Families SA, Housing SA, Education and Health in one office to ensure information and intelligence about at-risk children, women and families was acted upon properly. Joanne knew that MAPS would ensure incidents of child neglect and domestic violence were detected at the earliest opportunity. At the time, she said:

If we have a wider perspective of what is happening from different agencies, you are going to get a better picture to allow intervention faster than has been the case.

MAPS continues to be an invaluable service to this day, thanks in no small part to the foresight of Joanne.

In 2014, she was also appointed as the inaugural officer in charge of SAPOL's Family and Domestic Violence branch, which was formed following the internal review and Coroner's inquest into the murder of Zahra Abrahimzadeh. Joanne was also instrumental in delivering the first multiagency hub, located at the site of Women's Safety Services SA. This, too, continues to be an important part of the sector and responses in South Australia.

The Office for Women has told me that Joanne's partnership in these projects was invaluable. She approached challenges with an open mind, was always flexible in finding solutions

and focused on practical ways that we could improve outcomes for women and children. During all of this, her compassion, kindness and respect for everyone, especially for women and children as victims, shone through and was also evident in her support of victims and their family members during extremely challenging situations such as coronial inquests.

Joanne touched many people in her professional work and I have been provided with messages to share from some of those in the sector with whom she worked closely. Maria Hagias, who is the CEO of Women's Safety Services SA, said that Joanne will always be remembered as a leader, pioneer and compassionate advocate in the area of domestic violence and sexual assault, and I quote:

Her leadership, commitment and drive resulted in the development and implementation of initiatives that have ensured the safety and wellbeing of victims of violence.

Joanne's contribution to our state in addressing and working towards the elimination of violence against women will be her legacy and we will ensure that together we continue her work.

What an immense privilege to have worked alongside her and we will treasure those memories now and into the future. Vale Joanne.

Arman Abrahamzadeh, from the Zahra Foundation, has provided me with the following words, and I quote:

Joanne Shanahan and I met in 2014, shortly after the Coroner handed down his findings into my mum's murder by my abusive father. As the inaugural officer in charge of the family and domestic violence branch, we worked closely with one another and it was then that I saw her take charge against domestic violence. Her commitment, drive and passion for the cause was inspiring. Over time, Joanne and her husband, Peter, became mentors and friends.

Joanne's hard work and leadership made South Australia a leading jurisdiction in the fight to eliminate and prevent family and domestic violence. Her tireless effort in establishing the Multi-Agency Protection Service is one of her many professional legacies.

Detective Chief Superintendent Shanahan APM was more than a highly decorated police woman. She was a loving and proud mother who would share her children's achievements with joy. My thoughts are with her children especially now as we have just celebrated Mother's Day. Joanne was a loyal friend and work colleague. She will be sorely missed but not forgotten. May she rest in peace.

Susie Smith, Co-Chair of Embolden, the peak body for domestic and family violence services in South Australia, and Manager of Centacare's Limestone Coast Domestic Violence Service has described Joanne as a 'gallant crusader'. She said that Joanne was instrumental in shifting the organisational culture in the sector by driving the development of trusting relationships between SAPOL and domestic violence services. Susie further credits Joanne with having played a significant role in moving the sector towards an integrated response—work that continues today.

As has been stated by previous speakers, it has been touching that we had Adelaide landmarks lit up blue shortly after her passing. I also note that Kornar Winmil Yunti and Chief Executive Officer, Craig Rigney, will be establishing a domestic violence award in her name. Joanne Shanahan was an incredibly dynamic and energetic woman who applied herself to the safety of women and children across decades of her outstanding career. She had a wonderful view of life and was immensely proud of her husband, Peter, who himself worked tirelessly over many years to improve access to justice for women who have experienced domestic and sexual violence and their children. She will be greatly missed.

**The Hon. C. BONAROS (17:43):** I thank the Leader of the Opposition, the Hon. Kyam Maher, for his contribution and the Minister for Human Services, the Hon. Michelle Lensink, for her contribution, for both heartfelt contributions and their support of the motion. Once again, I convey my deepest sympathies to Chief Superintendent Joanne Shanahan's family: her husband, Peter; her children, Nick and Eleni; her parents, Mr and Mrs Panayiotou; and the rest of her family.

Their strength and courage last Friday was profoundly admirable, and I hope they take some comfort from the show of support of the thousands of community members who lined the streets for Joanne's funeral procession. All deaths are sad, needless deaths even more so. Some affect us more than others. Chief Superintendent Shanahan's passing has affected so many of us for so many different reasons. For my part, I take this opportunity to thank her for her tireless work, for making our community a better place for all of us in so many different ways.

Once again, I convey my deepest condolences to the family and loved ones of Tania McNeill's whose loss is just as heartbreaking. As I said before, we know that her family's pain is just as deep and her family is just as broken. Our thoughts and prayers remain with them also. With those words, I commend the motion to the chamber.

Motion carried.

### *Bills*

## **STATUTES AMENDMENT (MANDATORY REPORTING) BILL**

### *Introduction and First Reading*

**The Hon. C. BONAROS (17:45):** Obtained leave and introduced a bill for an act to amend the Children and Young People (Safety) Act 2017 and the Criminal Law Consolidation Act 1935. Read a first time.

### *Second Reading*

**The Hon. C. BONAROS (17:46):** I move:

That this bill be now read a second time.

As members may recall, I introduced this bill in May 2018. It seeks to tighten legislation that was passed in 2017 and which came into effect in 2018—namely, the Children and Young People (Safety) Act 2017—with respect to mandatory reporting requirements as they pertain to priests or other ministers of religion.

As it currently stands, the act maintains a regulation allowing for a potential future exemption. It is imperative that this loophole is closed so that priests and/or other ministers of religion can never be exempted from those provisions. Victoria passed similar legislation late in 2019, which came into effect on 17 February 2020. Under this bill, priests and/or other ministers of religion who hear confessions or hear other disclosures and form a suspicion about child sex offences and abuse will have a mandatory obligation to report the matter to police, and that will be prescribed in the legislation as opposed to regulations.

The Catholic Church's response to the recommendations of the royal commission has been deplorably inadequate. It blindly continues to hold the sacredness of confession above the interests of children, despite a massive groundswell of alarm throughout the community about its continued recalcitrance in keeping its head buried in the sand. It is business as usual for the church, and shame on it for having that attitude. It is therefore crucial that the loophole provided by the regulation be closed shut, and shut for good. The lives of people literally rely on it. We cannot allow a possible exemption, ever, for priests and/or ministers of religion to avoid the requirement to mandatorily report.

As lawmakers, we have a duty to introduce laws that align with community expectations, and this is one such expectation. The influence of the Catholic Church cannot be underestimated in seeking to lobby this government—or future governments, for that matter—to be exempted through regulation which would not require legislation. I say again that their blind continuation of ignoring the recommendations in relation to the confessional point to that fact.

The bill also broadens the scope of the requirement for priests and/or ministers of religion to report certain child sex offences, including in the course of confession, by specifying that a prescribed child offence include murder, rape, use of children in commercial sexual services, incest and child exploitation material and related offences. I have spoken in this place on a number of occasions about sexual abuse pertaining to children—innocent children—within our religious institutions. Victims of sexual abuse within the Catholic Church represented almost two-thirds of all the victims who bravely came forward to share their harrowing and intensely personal stories of abuse with the Royal Commission into Institutional Responses to Child Sexual Abuse.

The royal commission received over 42,000 calls. It held 8,013 private sessions, and 2,575 referrals were made to authorities, including police. The royal commission heard from 2,489 survivors of child sexual abuse in 964 different Catholic institutions. The commission found 7 per cent of Catholic priests abused children between 1950 and 2010. In one Catholic order, St John

of God Brothers, 40 per cent of clergy were alleged perpetrators, while one in five Marist and Christian Brothers were the subject of allegations.

It is difficult to fathom. It is difficult to comprehend that within the hallowed walls of the Catholic Church there was never a whistleblower, there was never someone who had the courage and integrity to break ranks, there was never anyone these children could trust to protect them. For over six decades the interests of the church were placed above the best interests of the children entrusted in their care. It is a national disgrace.

Those who knew, many of whom were in senior positions of power and influence, preferred to be complicit rather than have the moral fortitude to stand up for what they knew was so appallingly wrong. Among the worst in this category was Australia's most senior Catholic clergy in the world, the disgraced Cardinal George Pell. Just last week previously redacted and shocking findings of the royal commission were tabled in federal parliament, following Cardinal Pell's acquittal in April on child sex charges.

The report implicates Cardinal Pell in the cover-up of abuse of Gerald Ridsdale, Edward Dowlan and Peter Searson, which took place over 30 years. On page 246 of 'Report of Case Study No. 28: Catholic Church authorities in Ballarat' the royal commission found:

We are satisfied that in 1973 Father Pell turned his mind to the prudence of Ridsdale taking boys on overnight camps. The most likely reason for this, as Cardinal Pell acknowledged, was the possibility that if priests were one-on-one with a child then they could sexually abuse a child or at least provoke gossip about such a prospect.

By this time, child sexual abuse was on his radar, in relation to not only Monsignor Day but also Ridsdale. We are also satisfied that by 1973 Cardinal Pell was not only conscious of child sexual abuse by clergy but that he also had considered measures of avoiding situations which might provoke gossip about it.

The extent of knowledge within the various religious institutions is difficult to comprehend. The report lists name after name after name of ministers of various religions who either abused children or knew it was happening—and just as reprehensible as the original perpetrators, did nothing. How they slept at night beggars belief. It is appalling. It reads like a horror movie of the worst kind for these poor, defenceless children. It is clear those who knew preferred to look the other way so that paedophile priests could evade justice rather than face judgement.

Of course, while the Catholic church was the most pervasive in its sexual abuse of children, it most certainly was not alone. There is no doubt—in fact, there is clear evidence—that many other faiths have been implicated. The royal commission also frequently heard about child abuse in Anglican institutions: 594 survivors told the royal commission about abuse in 244 different Anglican institutions. The commission also heard from 294 survivors who were abused as children in 64 different Salvation Army institutions.

Collectively, these figures are hard to comprehend. I also despair at the countless other victims living amongst us who are not willing or are unable to speak out because of the complex reasons this sort of trauma causes—or, worse still, like many others who knew about it, could not live with the trauma and have taken their own lives.

As the royal commission highlighted in its report, the occurrence of child sexual abuse was most common in religious schools and residential institutions. It is against this backdrop we need to consider the impact these organisations have had in Australian society, especially given their pivotal role in education and welfare services to large numbers of children over decades and the considerable government funding they have received for such services.

It is also important to acknowledge the similar impacts caused to the lives of a large number of Indigenous Australians, including many who were forcibly removed from their families as children and placed in Christian missions.

I have previously spoken in this place of notorious paedophile priest Father Michael McArdle. McArdle admitted in confession to child abuse on more than 1,500 times. He disclosed in an affidavit in 2004 that he confessed to 30 different priests over a 25-year period. He was advised by clergy to pray. Thirty different priests kept silent. Thirty different priests did not consider the best interests of children to be a paramount consideration over the interests of the church. I cannot believe that not one of those priests chose to break ranks—not one.

McArdle's reign of absolute terror on young children highlights the crucial need for priests to be told by senior leaders that they must report crimes to authorities. If McArdle's crimes had been reported, so many innocent children would have been saved from a lifetime of pain and suffering. Instead, this disgusting excuse of a human being was allowed by the church to continue to sexually abuse children. This sick monster has explained how he felt after each confession. I have said it before, and I will say it again: 'It was like a magic wand had been waved over me.' He was forgiven 1,500 times, told to pray, and then kept on abusing children.

In 2004, McArdle was gaoled for six years for his abuse of two girls and 14 boys over a 22-year period. Those are the ones whom we knew of or who were willing or able to come forward. He molested altar boys and girls in the sacred confessional, in the presbytery, in the vestry and on church and school camps. Lawyer Mal Byrne, who has represented many child sex abusers, said it best:

Paedophiles do not stop harming children because they have been to confession. What they are doing is unburdening themselves to a priest in the hope that they might feel a little bit better but then continue to commit their heinous crimes. There is a difference between confessing something just to get it off your chest and make yourself feel better, and confessing in real terms which means proper atonement for what you have done. In the case of paedophilia, this means being properly accountable by handing yourself in to police, accepting the penalty that is coming to you and trying to reform. If you are not making that type of confession, why should you be protected?

Reverend Rob MacPherson, a minister of the Unitarian Church in Adelaide, has steadfastly argued that canon law must not come before the need to protect children. MacPherson was himself abused by a member of the clergy under the seal of confession and suffered as his abuser continued to hold a position of influence in his parish. He was just a nine-year-old boy when a Catholic Church deacon violently raped him. His life spiralled out of control following his abuse. He spent years recovering with the support of professional help. He said:

Had mandatory reporting applied at the time and place of my abuse, I could have started then on the path of healing earlier—and my abuser brought to justice.

The case studies I have touched on are historical, but that does not mean children are not sexually abused today. Volume 16 of the royal commission's findings states:

It would be a mistake to regard this child sexual abuse as historical; as something we no longer need to be concerned about. While much of the abuse we heard about in religious institutions occurred before 1990, long delays in victims disclosing abuse mean that an accurate contemporary understanding of the problem is not possible. Some of the abuse we heard about was just recent.

More than 200 survivors told us they had experienced child sexual abuse in a religious institution since 1990. We have no way of knowing how many others may have had similar experiences.

New cases continue to come forward. By all indications, Catholic priests would rather go to gaol than break the silence of the sacred seal of confession, even today. We must legislate to ensure that child sexual abuse is reported by everyone—no exceptions, not now, not ever.

As a parent—and I have said this before—nothing terrifies me more than the thought of anyone harming my child, and I know that I am not alone. I know that everybody in here feels the same. In considering this bill, I ask honourable members just for a moment to put themselves in the shoes of the countless children who were sexually abused, or even the parents and loved ones of the abused victims, and imagine their pain. Someone should have done something. It can never happen again. In closing, I remind honourable members that Australia is a signatory to the United Nations Convention on the Rights of the Child. Article 3 states:

In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

Article 4 provides:

States Parties shall undertake all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

Article 34 recognises the States Parties must 'undertake to protect the child from all forms of sexual exploitation and sexual abuse'. The best interests of the child are paramount to any rights of any

religion, minister or church. It is everyone's business to protect our children. It is your business, it is my business, it is the business of every member of every church in South Australia and, indeed, Australia. With those words, I commend the bill to the chamber.

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

### **RETURN TO WORK (COVID-19) AMENDMENT BILL**

#### *Second Reading*

Adjourned debate on second reading.

(Continued from 8 April 2020.)

**The Hon. K.J. MAHER (Leader of the Opposition) (18:01):** I rise to speak to the bill, and indicate that I will be the lead speaker for the opposition. The Labor Party applauds the Greens for their efforts to support critical workers and essential services during the COVID-19 emergency. This is a far cry from the Liberal government, which has taken many opportunities during this emergency to make it harder, or not support workers.

The government has not supported reasonable return to work proposals. The government sought to strip job security provisions from enterprise agreements. This includes parts of enterprise agreements that protect front-line and disability workers from job cuts and privatisation. The government has continually extended 24-hour shop trading, allegedly in response to COVID-19, but then refuses to support better protection for retail workers, check-outs, people who stock shelves, cleaners and managers.

The government sought to suspend traineeships and apprenticeships for months beyond these emergency measures, and the government continues to try to gut out labour hire legislation that protects some of the most vulnerable workers. In this context I applaud the Greens for bringing the bill to the parliament. However, the Labor Party has introduced legislation—that I have spoken about today—and has introduced legislation previously in the other place, and the Labor Party will be voting in preference for our scheme.

This position was formed after consulting over a number of weeks with organisations that represent workers. As I indicated, Labor has previously introduced COVID-19 return to work bills in the other place, and now in this place. Although Labor welcomes the efforts of the Greens we will not be voting for the legislation, noting that we prefer our own bill.

**The Hon. C. BONAROS (18:03):** Can I indicate our support for the second reading of the bill. It means the link between the suspected or diagnosed COVID-19 in the workplace does not need to be established; it is automatically presumed on account of the face-to-face nature of the work of our front-line workers in SA. It means unnecessary, expensive and stressful legal proceedings can be avoided. It means front-line workers can instead go on with the mammoth task at hand with a little more ease. In real terms it applies to those front-line workers who would find it difficult, if not impossible, to maintain social distancing from the public at work. They should not have to choose between a pay cheque and potentially exposing others to COVID-19 if they have a cough.

Designated workers have played a pivotal role in preventing the further spread of COVID-19 within our community, and I for one am very grateful for all they have done and continue to do each and every day. They are the front-line workers who have bravely risked their own health during the pandemic for the benefit of others, often to the detriment of themselves and their families.

I remind honourable members of a report just overnight that a railway ticket officer in the UK died from COVID-19 after being spat and coughed at at work, which was extremely disturbing. It is an example of a worst-case scenario, a scenario that would have crossed the minds of many of the front-line workers we are talking about today, yet they continue to risk their own health and safety for the greater good. They do so, having even temporarily relocated from their families so that they are not exposed to the same risks.

I note that the opposition also has a bill, and I am sure we will be working through these issues in the chamber in the coming weeks. With those words, I indicate our support for the second reading of this bill and look forward to further debate.



**The Hon. R.I. LUCAS (Treasurer) (18:06):** The government, as I have indicated publicly, strongly opposes this bill and other pieces of legislation proposed by members of the Labor opposition. Put simply, this bill and the other bill will seek to amend the Return to Work Act to reverse the onus of proof in the act for COVID-19 claims. This would simply mean that workers who are diagnosed with COVID-19 are presumed to have contracted the disease from their employment unless ReturnToWorkSA or the employer, in the case of the Crown or self-insurers, can prove otherwise. The current law is that, as with other workers compensation claims, a worker who is diagnosed must prove on the balance of probabilities that the disease arose from employment.

In relation to this particular bill, the range of employees proposed to be covered, if I can summarise briefly, are all emergency services workers, including but not limited to CFS, MFS and SES; certain members of the police force who have face-to-face contact (most of these remaining categories are those who have face-to-face contact); employees who work in the healthcare industry or a healthcare service, passenger transport services or the freight transport industry, the aged-care industry or an aged-care service, the childcare industry or a childcare service and the education industry or an education service, including preschool, school and tertiary education; employees who work in the retail industry (which is a very large group); employees of courts and tribunals; employees employed in correctional services institutions or youth training centres; employees who work in the hospitality industry or hospitality service (which, together with the retail one, would be an extremely broad category); employees who work in the disability care industry; employees who work in the industry or a service of provision for refugees, half-way houses, homeless shelters, etc.; employees who work in library services; and any other persons who work in a service or industry prescribed by regulations.

So it is an extraordinarily wide category of employees. We are not just talking about what is most often mentioned—front-line services such as doctors and nurses—we are talking about an extraordinarily wide range of employees. This bill also includes another extraordinary provision which states that a worker is entitled to weekly income support payments because they have been diagnosed with COVID-19 will continue to be entitled to income support for a further three weeks after the worker returns to work or ceases to be incapacitated by the injury.

What this is saying is that an insurer or employer would have to pay a worker who is fit to work, has returned to work, an additional three weeks' pay on top of any remuneration they are already paying to the employee. I guess those who are supporting or moving the legislation need to explain what the particular problem is in the first instance, that is, how is the current system failing?

There seems to be this assumption that because workers are placing themselves in difficult and dangerous situations, depending on the nature of their particular work, in some way they are being left high and dry; that is, they are not being covered or compensated by the current workers compensation scheme. I think the challenge to those who want to see this legislative change is that they need to indicate the evidence for that particular claim. It cannot just be the vibe or the feeling or, 'This is the issue.' Someone actually needs to describe what is the evidence for the particular problem that the legislation seeks to resolve.

As of the first week of May, the Office of the Commissioner for Public Sector Employment advises that there had been no COVID-19 claims at that particular time made by public sector employees. ReturnToWorkSA have advised that they have received four COVID-19 claims. At this stage, none has been rejected, one has been accepted and the other three are being determined. These are all obviously, given the nature of the pandemic, only recent claims, so unlike some of the other workers compensation claims, which sometimes take years winding their way through the Employment Tribunal and various other jurisdictional issues. At this stage, not one COVID-19 claim has been rejected. That is not to say there will not be more COVID-19 claims, but at this stage there is just no evidence to indicate where the current system is actually failing.

The other issue I think for those who support this legislation is that there was not similar legislation in relation to previous pandemics such as SARS (Severe Acute Respiratory Syndrome), MERS (Middle East Respiratory Syndrome) and a range of others. There were not, under the former Labor government, any endeavours to introduce similar legislation in relation to the capacity for people to contract those particular viruses and to be injured or to lose their life as a result of those pandemics. I think that is the first issue and that people have to actually take those issues up and

explain why it is that the current legislation, which was put in place by the former Labor government and supported by then Liberal opposition, is not meeting the challenge confronting us at the moment.

Very few pieces of legislation I have seen have developed or resulted in such widespread and vehement opposition from right across the board. Given the time, I am not in a position to read through all the submissions. It may well be that when we come to debate the Labor Party legislation at a later stage we might be able to indicate the strength and the vehemence of the opposition. But let me just indicate, for example, the communication from the Australian Small Business and Family Enterprise Ombudsman, Ms Kate Carnell AO, who gave her opinion on both bills—both the Labor bill and this particular bill. Kate Carnell indicated:

Small businesses all over the country are doing their utmost to protect the health of their employees and keep them employed through these difficult times. COVID-19 is highly communicable and suggesting that if an individual contracts the disease, their workplace is undoubtedly the source in the absence of any evidence entirely ignores the very real possibility of infection elsewhere. Such an assumption places unfair onus and significant additional burden on small business operators.

Small business employs hundreds of thousands of South Australians and legislating these proposals would lead to small businesses having to reconsider the ongoing employment, and engagement of staff. With Australia's unemployment rate set to rise, legislation which disincentivises hiring staff would be an act of self-harm on behalf of the South Australian Parliament.

That is the Australian Small Business and Family Enterprise Ombudsman giving her independent opinion on the legislation. I will refer briefly to some of the others in quick detail, but I will refer to two others in some sort of detail. I work very closely with these groups. We do not always agree on issues but these groups represent the independent supermarkets of South Australia, the small independent retailers in South Australia, and some members in this chamber highlight often that they need to be protected in terms of their employment and the ongoing importance of the small independent retailers in the South Australian environment.

The Master Grocers of Australia represent Drakes, Romeos, Chapley's, Eudunda Foodland group and a number of other independent retailers, and their position is that they strongly oppose the amendments. They state:

1. MGA strongly opposes the amendments proposed to the Return to Work Act...as referred to in the amendments to the legislation as proposed above.

Again, referring to both the Labor bill and this particular bill, they say in part, and I will not read the whole letter:

11. However, where it is totally beyond the ability of the employer to do anything other than offer all protective measures available, it is unacceptable to expect the employer to assume responsibility simply because there is no one, or nothing else, to blame.

12. It is anticipated that the unemployment rate in Australia will reach in excess of 10% in 2020, which would have been higher without the injection of billions of dollars by State and Federal Governments to help save jobs.

13. The proposed amendments to the Act would dissuade many employers to even contemplate employing staff. It is clear that if these amendments are permitted in the Act then regardless of what the employer does he/she will be liable to compensate the employee on the basis that he or she has not provided a safe workplace...

15. Employers will simply not be prepared to take the risk of employing valuable staff if they are to be blamed for the consequences of an uncontrollable disease despite all the care, they may take to protect their employees.

16. MGA opposes the proposed amendments to the Act. As an employer organization MGA understands that there is often need to make provisions to workers compensation legislation to provide for the safety and well-being of employees. However, MGA believes that the amendments to the Return to Work Act (COVID-19) are both unnecessary and potentially damaging to the current and future economy of South Australia.

I repeat, that is the group that represents the independent retailers: Drakes, Romeos, Chapley's, Eudunda Foodland group, a group that we often hear, and I agree, are important employers in South Australia, and they are trenchantly opposed, vehemently opposed to these particular pieces of legislation.

My other very good friends who represent the independent retailers are the South Australian Independent Retailers group, and they represent, as members know, Foodland, IGA and Friendly

Grocer stores. They say that they strongly oppose these pieces of legislation for the following reasons:

1) This will set a precedent that all future wide spread diseases are to be covered by the workcover system and there is a high risk employers will be held automatically responsible for all future diseases impact on staff. This is a precedent that should not be set. Employers have no control of employees outside of the workplace and employers should not automatically be held responsible for the results of their employees behaviour outside of work.

2) The Bill effectively takes away all responsibility for an individual's own behaviour and deems it the employers responsibility that a person became ill due to the virus. Employers should not be held account for employees behaviour outside of the workplace. Many fines are currently being issued for irresponsible behaviour by individuals' regarding the lack of social distancing—why should an employer be held responsible for that type of behaviour if the person became ill as a result of poor behaviour outside of work?

3) In the current environment many workers are working from home—the home may then be deemed a workplace under the act. It is difficult for employers to monitor employees behaviour at the home workplace. It is also difficult for employers to restrict who visits the home workplace—children? partners? neighbours? family? tradespeople? All of these visitors to the home work place carry a risk of introducing the virus or becoming infected. If a virus is transmitted to these people, at a home workplace then they are likely to be deemed to have been injured at a workplace and the employer liable for their illness as well and not just the employees!

4) Sadly as we have seen the virus causes death. Under the bill if the illness is automatically the employer responsibility then so will a death of person (who happens to be an employee of the industries covered by the bill) be automatically deemed a workplace death. This means employers and their directors will be held responsible for workplace deaths of people who may have caught the virus outside the workplace. How is that fair or logical? As a result, the cost to the employers and the workcover system of this bill will be immense.

Further on it states:

It is unclear how a person with more than one job will be treated if they get the virus—which workplace will be deemed to have caused the virus to be caught by the employee and hence which employer will be held responsible where there are multiple employees?

Finally, it states:

The SAIR and its members take workplace safety seriously and have a genuine interest in providing safe workplaces, but we believe this bill is an unreasonable burden on employers and should be defeated.

I quoted those three at length, the first because of the national profile of the Australian Small Business Ombudsman and the second two because those two particular groups represent South Australian small independent retailers. As I said, we have often heard them being quoted in this chamber as being important employers in the South Australian context. They are vehemently, trenchantly, opposed to this legislation as being unfair and unreasonable on them as employers, and it would be, in the words of some, an act of self-harm by this parliament to be supporting legislation of this type through the South Australian parliament.

Without going through all the others, ReturnToWorkSA have indicated their opposition to the bill. The Self Insurers of South Australia have indicated their opposition. The Australasian Convenience and Petroleum Marketers Association (which represents all the On The Runs), BP, Mobil, Viva Energy, Adelaide Fuel, and Caltex Woolworths strongly oppose the legislation. The Motor Trade Association is strongly opposed to the bill. The Australasian Association of Convenience Stores, the peak body for the convenience industry, strongly oppose it. They went as far as saying that, if this bill were to pass, they would consider advising their members to close their doors on account of the risks they face being elevated to an unsustainable level. The submission went on to describe the draft Labor bill as entirely inappropriate and grossly unethical.

The Australian Retailers Association strongly opposes the bill. The Council of Small Business Organisations Australia, the national organisation, became aware of the bill and is strongly opposed to it. The Australian Industry Group is strongly opposed to the bill. I have counted the Master Grocers Association and the South Australian Independent Retailers. The Master Builders Association does not support the bill. The Australian Lottery and Newsagents Association does not support the bill. The Pharmacy Guild of Australia does not support the bill. The Australian Hairdressing Council strongly opposes the bill. Business SA has also expressed concerns about the legislation.

As I said, the one thing these two pieces of legislation have done is they have united almost every employer group in the state, from big to small, from independent to large, to say that this is ill

thought-out, ill-considered legislation that will be an act of self-harm at a time when we are trying to protect employment in South Australia.

For circumstances where an employee may have contracted the disease from a bus or from a nightclub or from a hotel or from a bar or from a mate who came around and visited them at home, or wherever it might happen to be, the automatic assumption is that it is the employer who is to blame. It is for those reasons that the government strongly opposes this proposed legislation and indeed the Labor bills.

**The Hon. T.A. FRANKS (18:23):** I would like to thank the members who have made a contribution today, particularly the Hon. Connie Bonaros and SA-Best, who have indicated their support for this bill. I note the words of the Labor opposition lead speaker that they will not be supporting this bill today because they prefer their version of the bill. I thank them for acknowledging the leadership. I noted in my original speech that it was something that the Greens had discussed around the various states and territories and at a federal level at about the same time as the Labor leader announced the Labor Party's intention to move in the other place on that. Certainly, it is no surprise therefore that our bills are not dissimilar.

Some key differences that I would like to point out and put on the record at the moment are the automatic and retrospective commencement date for this bill that is contained in the Greens' version that I would like the Labor Party to consider, as well as the broad range of people-facing workers.

While the Hon. Rob Lucas may have trotted out references to the fact that it is accepted that nurses, doctors and health professionals be considered and protected, the very point of this particular pandemic and this particular virus is that, while we are generally told to stay at home, workers are put in the very path of danger by the fact that they are in people-facing industries. JB Hi-Fi workers are put in incredibly cramped spaces without PPE and are unable to distance themselves socially and in an appropriate way and are crying out through RAFFWU, their union, for assistance, guidance and support with that. These are the very workers we do not often think of as essential workers, who have suddenly become the essential workers of this pandemic.

It is different from SARS and previous pandemics. Not in my lifetime have we had the police commissioner in charge of the state and able to suspend every single law of this state should we need to for the purpose of this pandemic. Not in my lifetime have we seen the streets empty and homeless people housed in what I would point out to the Treasurer are refuges not refugees. This is the thing: people are being told to stay home, yet some people are being told to go to work, and if they did not go to work then we would be far weaker in terms of our economy, let alone our society, let alone for those particular businesses that rely on the workers that we are currently putting in harm's way.

I am glad that the honourable Treasurer in his contribution has reflected on something that he tweeted—as I noted in my second reading explanation—on 7 April that in fact 'you are already covered for COVID-19 under our return to work legislation', so no employer need think that that is not the case. What this bill does is identify those workers who are and have been deemed to be essential, who we are putting in harm's way. We are risking their very lives to keep our society going.

I note that earlier on today the honourable Treasurer noted that he held some of these workers in very high regard. Well, I did not hear the voice of any of the workers represented in his reflections and consultations today. I note that we have had not one, not two, but three, I think now, emergency COVID bills, and not a skerrick of consultation has been done on those. I note that the Treasurer, in his enthusiasm, has extended shop trading hours and cited public health advice. I am yet to see any substantiation of real public health reasons why we extended our shopping trading hours at the very time that other states reduced theirs.

I note that poor behaviour outside of the workplace has been put down as a reason for these workers to not be given the presumptive treatment if they have been put in harm's way and that that is how they have contracted the disease should they do so. How outrageous—the poor behaviour of these workers who we are absolutely relying on 24/7 right now, without whom the state would have ground to a halt.

It is cited that this bill is a disincentive for employers to employ people. I think this bill is a disincentive for employers to put their workers in harm's way, to needlessly subject them to being put in danger, and that is the very point that this bill makes. The Treasurer also remarked that workers were placing themselves in this danger. Workers are going to work. They are directed by their employers, and there is a duty of care to protect our workers under this act, the relevant act, and in this state.

While the Treasurer may dismiss the 'vibe', the 'feeling', certainly I note that the 'vibe' and the 'feeling' went a long way to the restriction on the provision of alcohol to our dining tables now that we have started to serve food. I understand the South Australian state stands alone in banning the ability for someone to have a beer or a wine or a sneaky gin with their meals in coming weeks. No public health evidence has been provided for that move. That is simply the 'vibe of the thing'. As I noted, the enthusiasm of our Treasurer for 24/7 shop trading hours remains untamed, but extending our shop trading hours has also been very much a 'vibe of the thing' from the Treasurer.

Now, more than ever, the fact that we have not done it this way before is no longer a reason not to do it differently. We are doing so many things differently and this is what was cited by the Treasurer to be an uncontrollable disease. I note the very fine work of the Premier and the Minister for Health and Wellbeing, the Chief Public Health Officer and her deputy and of the State Coordinator. This work has controlled this disease. It is controlled; we can provide safe workplaces and we can stop blaming workers for their supposed poor behaviour outside of work.

We are telling everyone to stay home and stay safe, yet we are putting these people in harm's way. I am a little disappointed that the Labor Party did not have any discussions with me prior to making their contribution this evening. I would have been happy to work with them on this bill, and would have been happy to suspend standing orders to support their bill going through tonight.

As we have now changed the sitting schedule, we have many more weeks to wait—indeed, until June—before we debate this very important issue. The issue is the provision of a presumptive COVID care—not a COVID care that blames workers for putting themselves in harm's way, but one that sends a very strong message that employers should not put their workers in harm's way and provides that very high regard that I would hope the Treasurer wishes to extend to all workers in this state.

Bill read a second time.

*Sitting extended beyond 18:30 on motion of Hon. R.I. Lucas.*

## **COVID-19 EMERGENCY RESPONSE (FURTHER MEASURES) AMENDMENT BILL**

*Introduction and First Reading*

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

**The Hon. R.I. LUCAS (Treasurer) (18:34):** 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 am pleased to introduce the COVID-19 Emergency Response (Further Measures) Bill 2020.

The Bill makes amendments to the *COVID-19 Emergency Response Act 2020* and other associated amendments to ensure the continued safe and efficient functioning of the State of South Australia and the Government and to address further critical matters that have arisen since the passage of the Act and throughout the continuing COVID-19 Pandemic

The Bill builds on the work of the COVID-19 Act, and continues the work of the Marshall Government in providing a thoughtful, proactive and considered approach to the COVID-19 pandemic. Mr President, I will now deal with each of the changes proposed by the Bill.

Clauses 3, 4 and 6 of the Bill change the way in which the COVID-19 Emergency Response Act will deal with commercial leases and the moratorium on evictions for tenants by removing section 7 and including head powers to

support new extensive regulations. As Members would recall, section 7 was passed in the initial Act, and was the first response to the changes for commercial leasing.

By way of background, on 7 April 2020 National Cabinet published the *Mandatory Code of Conduct—SME Commercial Leasing Principles During CO VID-19* which set out principles for providing rent relief to tenants suffering financial hardship and encouraged landlords and tenants to negotiate agreements relating to rent relief.

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

There has been much discussion and stakeholder interest in the Code's provisions. I am sure nearly each one of us in this place has received correspondence from businesses, tenants and commercial landlords. I commend the work of the Department for Treasury on implementing the Code in SA.

The Code, which does not appear in full in the Bill before us, is implemented through Regulations. The Code deals with issues of rent waivers and deferrals, and restricts the application of commercial leasing modifications to SME tenants with an annual turnover below \$50 million per annum.

By including the majority of the commercial lease provisions in Regulations rather than the Act allows for greater flexibility if changes need to be made to the scheme and is consistent with the approach taken in New South Wales and Victoria.

Therefore, the moratorium on evictions and other protections for tenants included in the COVID-19 Emergency Response Act will now be included in the new regulations, and removed from the Act through this Bill by deleting section 7.

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

The Bill provides that these regulations will expire after six months. This will give the business community certainty in making agreements and arrangements.

Members may recall that the Act recently passed ceases at either the finalising of the Emergency Period, or 6 months from its commencement, whichever is earlier. By including a separate expiry program for the Code in this Bill, the Government is acting to ensure that commercial tenants and landlords see the protections of the Code for a guaranteed period of time, regardless of the operation of the Emergency Period.

Moving now to other matters in the Bill, Clause 5 of the Bill inserts into the COVID-19 Emergency Response Act new section 10A which contains special provisions regarding visits of community visitors and the Chief Psychiatrist.

Under the *Mental Health Act 2009* and the *Disability Services (Community Visitor Scheme) Regulations 2013*, community visitors have obligations and discretions to visit treatment centres, community mental health facilities, disability accommodation premises and day options program premises. The visits are an important aspect of the Community Visitors' functions, which include referring any matters of concern to appropriate persons or bodies and advocating for and assisting vulnerable people in the facilities.

The Chief Psychiatrist has similar functions to visit and inspect hospitals under the *Mental Health Act 2009* and the *Health Care Act 2008*, which are an important aspect of his monitoring of the provision of mental health care in South Australia.

A new section 10A enables these visits as well as visits of community visitors under the *COVID-19 Emergency Response (Schedule 1) Regulations 2020*, which relate to detention of certain protected persons during the COVID-19 pandemic, to be conducted remotely by audiovisual or other electronic means during the COVID-19 pandemic. Information relating to such visits is to be reported on a publicly accessible website which must be updated at least monthly.

This is consistent with similar changes made under other legislative schemes through the Act recently passed.

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

Clauses 8(1) and 8(6) of the Bill adds to the work done by the Act to allow audio-visual options for Parliamentary Committees. The changes in this Bill further ensure that Parliamentary Committees established under the *Aboriginal Lands Parliamentary Standing Committee Act 2003* and *Parliamentary Committees Act 1991* can meet

by audio-visual or audio means. While section 17 of the COVID-19 Emergency Response Act applies to these Parliamentary Committees generally, a concern was raised by the House of Assembly Clerk which is shared by the Legislative Council Clerk that parliamentary privilege will not apply to these Committees' proceedings unless there was a specific provision authorising them to meet via alternative means. These amendments address this concern.

Clause 8 of the Bill, highlights the Government's determination to stimulate our local economy, and get South Australians back into the work force.

Clauses 8(2) and 8(7) of the Bill make changes to the *Development Act 1993*, and where relevant to the *Planning Development and Infrastructure Act 2016*, to reduce the burden and red tape on the planning process and to create a seamless and streamlined process to stimulate economic development during the COVID-19 pandemic.

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

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

Clauses 8(2) and 8(7) remove the requirement for the State Commission Assessment Panel to consult with Councils in relation to Crown developments during the COVID-19 pandemic.

Under the current provisions of the *Development Act* and *Planning Development and Infrastructure Act*, there is a time consuming process whereby the State Commission Assessment Panel must consult with councils, assess their comments and report to the Minister. Potentially, the Minister may then need to prepare a report which must be presented to both Houses of Parliament.

Removing the requirement for time consuming notification to local councils promotes more efficient development, thereby encouraging economic stimulus during the period of the COVID-19 pandemic.

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

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

South Australia is experiencing very low demand conditions during COVID-19 conditions. This makes the secure operation of the power system challenging, and this challenge would be further exacerbated if for any reason South Australia separates from the rest of the National Energy Market.

When an electricity supply emergency is caused by too much supply in the National Energy Market and not enough demand for electricity, the most efficient way to manage the supply and demand balance is to direct supply reductions.

Clause 8(4) ensures that a coordinated and efficient reduction of supply can occur through the transmission and distribution businesses. In the case of an energy emergency, this would allow the most efficiency and effective response where the network business is the party best able to undertake this function.

Clause 8(5) of the Bill amends the *National Electricity (South Australia) Act 1996* to allow the Governor by regulation to amend or vary the operation of the National Electricity Rules insofar as they are laws of this State to protect the reliability and security of the power system.

Increased power generation from solar systems on homes and businesses is reducing the available load that can be automatically reduced as part of an emergency response to technical faults on the system.

Clause 8(5) allows regulations to be made which amend the National Electricity Rules to enable prompt actions to be taken to allow adequate load shedding in South Australia. Whilst the National Electricity Law currently includes a framework for jurisdictional derogations from the National Electricity Rules, the process is not quick enough for managing the risk during COVID-19 conditions.

Moving to the schedule of the Bill, Clause 1 of schedule 1 of the Bill removes the requirement under the *Development Act* to obtain the concurrence of the Minister or the Council for non-complying developments where the State Commission Assessment Panel is the relevant authority before development can be approved. This clause also removes the requirement to obtain the concurrence of the State Commission Assessment Panel in cases where the Council is the relevant authority. This process does not exist under the *Planning Development and Infrastructure Act 2016* which is due to come into operation this calendar year.

Finally, Mr President, Clause 2 of schedule 1 of the Bill amends the Training and Skills Development Act to give the South Australian Employment Tribunal power to suspend a training contract up to and including 1 January 2021 necessary due to the COVID-19 pandemic, instead of the four week limitation that appears in the current provisions. This is consistent with the Training and Skills Commission COVID Guidelines, and was a request of the Minister for Innovation and Skills.

The COVID-19 pandemic has affected businesses differently, with some having to close temporarily, while others have experienced a significant downturn in activity. For some, this has affected an employer's capacity to employ and train its apprentices or trainees.

Suspending the training contract is preferable to a termination as a suspension is approved on the understanding that the contract will resume when the business recommences and therefore supports apprentices and trainees to remain connected to the apprenticeship system in South Australia. It also provides employers greater flexibility to deal with a significant downturn as it allows an apprenticeship or traineeship to recommence when business picks up again.

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

The Bill will further assist what is already happening in mitigating the economic impacts on the State throughout the COVID-19 pandemic. It also promotes general community safety by adopting measures that will support social distancing and other community restrictions in line with health advice into the future.

Finally, the Bill makes a number of key changes, specifically to our business and development sectors, and will help give local businesses confidence so they can retain and create more jobs and keep our economy going as we continue to open.

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

#### Explanation of Clauses

##### Part 1—Preliminary

###### 1—Short title

###### 2—Amendment provisions

These clauses are formal.

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

###### 3—Amendment of section 6—Expiry of Act

This clause provides for the expiry of new section 7 (and the regulations under that section) on 30 September 2020 and also ensures that requirements in proposed section 10A relating to reporting on the use of powers under that section will not expire when the rest of section 10A expires.

###### 4—Substitution of section 7

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

###### 5—Insertion of section 10A

This clause allows a community visitor (which is defined to include the Chief Psychiatrist) to perform a function or exercise a power under a prescribed law to visit and inspect premises, or visit a patient, resident or other person contemplated by the prescribed law, by means of audiovisual or other electronic means that do not involve the community visitor physically entering the premises. The provision also includes requirements for online reporting in relation to the use of the powers under the provision.

###### 6—Amendment of section 19—Regulations

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

###### 7—Amendment of section 20—Savings and transitional matters

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

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



This clause amends the schedule of temporary modifications as follows:

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

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

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

Schedule 1—Related amendments

Schedule 1 makes related amendments as follows:

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

Debate adjourned on motion of Hon. T.T. Ngo.

## **GENETICALLY MODIFIED CROPS MANAGEMENT (DESIGNATED AREA) AMENDMENT BILL**

*Final Stages*

The House of Assembly agreed to the amendments made by the Legislative Council without any amendment.

## **RAIL SAFETY NATIONAL LAW (SOUTH AUSTRALIA) (RAIL SAFETY WORK) AMENDMENT BILL**

*Introduction and First Reading*

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

## **RADIATION PROTECTION AND CONTROL BILL**

*Introduction and First Reading*

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

At 18:37 the council adjourned until Thursday 14 May 2020 at 11:00.