



House of Assembly
Hansard

COVID-19 INTERSTATE EXEMPTIONS FOR DOMESTIC VIOLENCE

Sam Duluk MP
Member for Waite

[21 July 2020]

Emergency Management (Quarantine Fees and Penalty) Amendment Bill

Committee Stage

Mr DULUK (Waite): I move: Amendment No 1 [Duluk-1]— Page 2, after line 13— Insert: 3A—Amendment of section 25—Powers of State Co-ordinator and authorised officers Section 25—before subsection (3) insert:

(2a) A direction or requirement under this section must not prohibit travel into or out of the State where the travel is **for the purpose of escaping domestic violence or providing support to a family member who is experiencing domestic violence**, or is otherwise reasonably necessary for the purpose of dealing with circumstances arising out of domestic violence (but a direction may impose conditions in relation to such travel).

Parliament has given extraordinary powers to the Commissioner under this COVID legislation and it has become apparent to me, from reading the Directives and correspondence to my office around some of the definitions of 'essential travellers' under the directives of the *Emergency Management Act 2004*, especially around the Directive No. 9, in terms of who is an essential traveller and on what basis compassionate grounds can be granted for an individual to come to South Australia.

At the moment, compassionate grounds can be granted to persons who travel to South Australia to visit a critically or terminally ill relative or to attend the funeral of an immediate family member, provided that such persons self-quarantine during any period in which they are not visiting their relative or attending the funeral. I am sure there have been hundreds of applications made to the State Coordinator in terms of that provision.

My amendment simply includes the provision to allow persons to travel to South Australia or to leave South Australia in the case of domestic violence or escaping domestic violence.

This provision is to sit under section 25 of the *Emergency Management Act 2004*. There is a list of powers granted under that section, which is quite substantive and gives the power to the State Coordinator to direct persons.

In this case, this amendment is simply saying that when it comes to a person who would be seeking a directive from the State Coordinator, domestic violence would be an exempt reason. We know that there is a huge issue with domestic violence in our community. I prepared some notes to members last night and gave some examples of what we are seeing in other states, such as Victoria.

I am delighted to see that the Member for Reynell has also tabled a very similar amendment—in fact, it is incredibly close to mine—on the back of seeing my amendment. I am not sure if she picked that up and would like to have carriage of that herself, but it is good to be on a unity ticket with the Member for Reynell on this issue. I certainly hope that the Labor Party will be supporting my amendment as I indeed will be supporting theirs, which is to follow.

I appreciate the Attorney has already made some comments in relation to her desire to work with the State Coordinator to at least see this incorporated into the *Emergency Management (Cross Border Travel No 9) (COVID-19) Direction 2020*. It is my desire, and that of members of my community who have contacted me, to see that expressly enshrined in legislation; hence, I move the amendment before the house today.