LEGISLATIVE COUNCIL

Wednesday, 9 May 2018

The PRESIDENT (Hon. A.L. McLachlan) 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.

Ministerial Statement

INFRASTRUCTURE INVESTMENT

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:17): I table a copy of a ministerial statement on the topic of South Australia welcoming infrastructure investment in this state made earlier today in another place by the Minister for Transport, Infrastructure and Local Government.

Personal Explanation

HOSPITALS, WINTER DEMAND

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:17): I seek leave to make a personal explanation.

Leave granted.

The Hon. S.G. WADE: In answers yesterday to a question by the Hon. Tung Ngo in relation to the winter demand strategy, I indicated that the decision to pause EPAS at the RAH was done in the context of overcrowding on 9 April. On reflection, the relevant overcrowding occurred on a number of days throughout March.

Members interjecting:

The PRESIDENT: Order! I now call on questions without notice.

Question Time

NATIONAL PARTNERSHIP AGREEMENT ON REMOTE INDIGENOUS HOUSING

The Hon. K.J. MAHER (Leader of the Opposition) (14:18): My question is to the Minister for Human Services. Will the minister please advise of the financial value of the NPARIH agreement to South Australia over the last 10 years?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:18): Of the which agreement?

The Hon. K.J. MAHER: The NPARIH agreement.

The Hon. J.M.A. LENSINK: The NPARIH agreement?

The Hon. K.J. MAHER: The NPARIH agreement over the last 10 years.

The Hon. J.M.A. LENSINK: I thank the honourable member for that question. I don't have those details to hand but I will take that on notice and get a response for you as soon as possible.

NATIONAL PARTNERSHIP AGREEMENT ON REMOTE INDIGENOUS HOUSING

The Hon. K.J. MAHER (Leader of the Opposition) (14:18): I seek leave to make a brief explanation before asking the Minister for Human Services a question.

Leave granted.

The Hon. K.J. MAHER: I will help the new minister out a bit. The NPARIH agreement is the National Partnership Agreement on Remote Indigenous Housing. According to the budget papers handed down last night, it will cease on 30 June 2018 and over the last 10 years has provided $287.3 million of commonwealth government funds for South Australia to address critical housing needs for Aboriginal families living in remote communities.

Now that the minister is clear about what is being asked, will she advise who is the responsible federal government minister for administering NPARIH and what communications has she had with that minister about the NPARIH agreement?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:19): I thank the member for clarifying that question. I thought he was actually referring to a name rather than using an acronym, which I certainly haven't heard before. Perhaps he was being a little bit cute to try to make himself look smart. In relation to the—

The PRESIDENT: Minister, please don't debate the question.

The Hon. J.M.A. LENSINK: I apologise, Mr President. In relation to the agreement, I was aware that there were funding issues that arose before the election. I actually made contact with the relevant federal minister, the Hon. Nigel Scullion, prior to the election to raise this issue. Since the election, I have been advised that negotiations with the commonwealth are ongoing. Those have been taking place at a Treasurer to Treasurer level. They are ongoing and I am hopeful that there will be resolution of that forthwith.

NATIONAL PARTNERSHIP AGREEMENT ON REMOTE INDIGENOUS HOUSING

The Hon. K.J. MAHER (Leader of the Opposition) (14:20): A further question: given, as I outlined in the previous question, last night's budget locked in almost one-third of a billion dollars' worth of cuts, if you base it on the last 10 years, can the minister guarantee that no remote Aboriginal community or homeland will be forced to close as a result of these cuts?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:20): I thank the honourable member for that question. I think that's potentially rather a long bow, but as I stated in my response to the previous question, I am hopeful that there are going to be fruitful discussions with the commonwealth and we will await the outcome of those prior to any of those issues.

NATIONAL PARTNERSHIP AGREEMENT ON REMOTE INDIGENOUS HOUSING

The Hon. K.J. MAHER (Leader of the Opposition) (14:21): A supplementary question arising from the answer given: just to be clear, the minister won't guarantee that there will be forced closures of Aboriginal communities or remote homelands as a result of these cuts?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:21): I note that there has been a certain strategy in relation to questioning, asking ministers to rule things in or out.

The PRESIDENT: Minister, don't debate the question.

The Hon. J.M.A. LENSINK: I'm sorry; a new regime with a much higher standard than was enforced on the previous administration, which we welcome. I'm not going to play the game in this place of ruling anything in or out, because I know where that's going. So, you can keep asking me that, and I will give you the same response.

NATIONAL PARTNERSHIP AGREEMENT ON REMOTE INDIGENOUS HOUSING

The Hon. I.K. HUNTER (14:22): Supplementary: the honourable minister on her feet said she was hopeful of fruitful discussions with the commonwealth. Minister, have you initiated those fruitful discussions? When will you have them with the commonwealth?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:22): I don't have anything further that I can add to my previous response.

NATIONAL PARTNERSHIP AGREEMENT ON REMOTE INDIGENOUS HOUSING

The Hon. I.K. HUNTER (14:22): Supplementary: so, in relation to your answer that you're hopeful of fruitful discussions, you are not organising any. I think you are just hoping that one day the commonwealth will come along and knock on your door; is that right?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:22): If I could quote the minister from previous responses in this place: 'Don't verbal me.'

NATIONAL PARTNERSHIP AGREEMENT ON REMOTE INDIGENOUS HOUSING

The Hon. I.K. HUNTER (14:22): Supplementary.

The PRESIDENT: Mr Hunter, a further supplementary. You did put a proposition in the last supplementary. I hope this one is going to be concise.

The Hon. I.K. HUNTER: It is very concise, sir. It is simply this: have you or have you not contacted the commonwealth, asking and seeking for a meeting to discuss this issue?

The Hon. T.A. FRANKS: Point of order, Mr President: 'have you or have you not' refers to the minister, I believe, not the President, but my interpretation just then was that it referred to the President.

The Hon. I.K. HUNTER: I will rephrase, Mr President. Has the minister or has she not contacted the commonwealth and sought to have a meeting about this issue?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:23): Mr President, I have nothing further to add.

AGED-CARE FUNDING

The Hon. T.J. STEPHENS (14:23): My question is to the Minister for Health and Wellbeing. Will the minister update the council on the impact of the federal budget on aged-care sector services?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:23): I thank the honourable member for his question. The Turnbull government yesterday announced, as part of the federal budget, an investment of $1.6 billion in Australian aged care. This is good news for South Australia. We all know the consequences of a lack of investment in the aged-care sector. The Liberal federal government, together with the Liberal state government, is making protection of the elderly and the vulnerable a priority.

I welcome a particular aspect of the federal announcement, which is particularly relevant to South Australia in the aftermath of Oakden. Directly as a consequence of Oakden and the reports that were done at both the state and federal level, the commonwealth government has introduced new standards of accountability and transparency. In particular, they have announced the establishment of an aged-care quality and safety commission. It was my pleasure to join the federal Minister for Aged Care, the Hon. Ken Wyatt, at Leabrook on 18 April and be able to continue to engage with him on issues relating to aged care and services for both Australians and South Australians.

I think the commission will be a very valuable initiative in terms of both strengthening the quality of accreditation and oversight and restoring public confidence in aged-care services. The commission will begin on 1 January 2019 and will replace what I regard as fairly complex arrangements between the Australian Aged Care Quality Agency, the Aged Care Complaints Commissioner and the aged-care regulatory functions of the Department of Health. A new chief clinical adviser will provide guidance and advice to the commission, particularly on complex clinical matters. These changes will strengthen transparency and accountability.

We also welcome the investment of $22 million over five years to support the development of a national plan to address elder abuse. This parliament, in a multipartisan way, expressed its concern about elder abuse in the last parliament with the establishment of the Joint Select Committee on Elder Abuse, chaired by the member for Hurtle Vale and a former member of this place, the Hon. Kelly Vincent. The $22 million investment over five years at the national level to develop a plan to address elder abuse, I hope, will reinforce efforts at the state level also.

In another element of the federal budget, there is the announcement of an investment of 14,000 new high-level home care packages, 13,500 residential aged-care places and 775 short-term restorative care places. This investment is very important for South Australia in the context of our hospitals. There are far too many South Australians languishing in our hospitals waiting for an appropriate placement in aged-care services. I am delighted that the federal government is making this investment and I hope that it has the consequence of not only providing better services for older South Australians but also helping us to focus our healthcare services on those who actually need medical care at the time.

I also acknowledge the $60 million investment in capital investment in aged-are services and hope that, in the rollout of these investments, the South Australian government and the commonwealth government can work together to deliver increased services. Obviously, the Marshall Liberal government is so concerned about residential aged-care places that we have committed to a new 24-bed nursing home at Strathalbyn, and we hope that we can work with the commonwealth to deliver real investment for services to meet the needs of older South Australians moving forward.

Ministerial Statement

FEDERAL BUDGET

The Hon. R.I. LUCAS (Treasurer) (14:27): I seek leave to table a copy of a ministerial statement made in another place today by the Premier on the subject of the federal budget, key decisions for South Australia.

Leave granted.

Question Time

SOLAR ENERGY

The Hon. M.C. PARNELL (14:27): I seek leave to make a brief explanation before asking the Minister for Trade, Tourism and Investment a question about investment in solar energy.

Leave granted.

The Hon. M.C. PARNELL: According to recent figures released by solar industry statistician SunWiz, the South Australian rooftop solar market fell by more than one-third in April from 16 megawatts to 10.8 megawatts, with some solar retailers suffering big falls in orders and installations. According to respected energy industry analyst Giles Parkinson, writing today in the online newsletter One Step Off the Grid:

> The South Australian solar market has suffered a dramatic downturn since the state poll in mid-March, with analysts and solar retailers blaming the policy uncertainty since the election of the Steve Marshall-led Liberal government.

The director of SunWiz, Warwick Johnston, said:

> We are hearing reports of sales volumes dropping considerably as people wait for the new South Australian government's solar and storage policy to be implemented.

According to Giles Parkinson:

> …confusion over the new government's intentions have hit the market since Marshall said a day after the poll that he had no interest in pursuing the 260MW virtual power plant proposed by Tesla, which would provide solar and storage to 50,000 low income households.

He also notes in his article that government officials admitted that it was likely that consumers were holding fire while waiting to see the contents of the new policy, and on battery storage in particular. That may come in May. My question of the Minister for Investment is: when will the government provide certainty to the thousands of South Australians who work in the renewable energy sector and the thousands more who want to invest in clean energy and storage for their homes and businesses?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:29): I thank the honourable member for his question. I know he has had a longstanding interest in renewable energy, as he and I have been on a number of committees over the years. There is a range of factors being taken into consideration at the moment, but all of those are a matter for the Minister for Energy and Mining. For specific details, I will take that question on notice and bring back a reply to the honourable member.

HOUSING SA

The Hon. C.M. SCRIVEN (14:30): My question is for the Minister for Human Services. Will the minister advise whether she has initiated a full conditions assessment of Housing SA properties as promised within the first 30 days of the government and what she sees as the purpose of that assessment?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:30): I thank the honourable member for that question. The short answer is yes. The lack of a condition assessment report on the housing trust stock was raised by the Auditor-General, either last year or the year before, as something that had not been undertaken. I will have a lot more to say in coming weeks in relation to the complete and utter mismanagement of this $10 billion state asset, which was started under the great Liberal premier Sir Thomas Playford and has been allowed to be run down under the Labor Party.

Not having full condition reports of these properties means that the assets aren't being managed in a strategic fashion to know which ones are in the best condition. There are ongoing issues that have been raised in relation to the RoGS (Report on Government Services) report, which is published annually and looks at all the different services, comparing them around the various states and territories. There are a number of properties that are not fit for purpose, that do not meet current tenant needs, so as part of the Marshall government's commitment to the South Australian people about improved services, this is one way in which we are delivering on them.

HOUSING SA

The Hon. C.M. SCRIVEN (14:32): Supplementary question arising from the answer: will the minister advise who is undertaking this assessment review, the cost of the review and the commencement and completion dates of the review?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:32): I don't have those exact details to hand, but I will bring those back to the chamber as soon as possible.

HOUSING SA

The Hon. C.M. SCRIVEN (14:32): Can I just clarify that you don't know who is undertaking the review?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:32): I have received a briefing. I can't remember off the top of my head what the name of the organisation is, but I will provide those details for the honourable member and bring that back.

DISABILITY REFORM COUNCIL

The Hon. J.S. LEE (14:32): My question is for the Minister for Human Services on the topic of disability reform. Can the minister provide some information about the recent COAG Disability Reform Council?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:33): I thank the honourable member for that question. The Disability Reform Council took place on 30 April for the background information for honourable members in relation to the NDIS rollout. The commonwealth government is taking responsibility for disability service provision across Australia, and in that space all states and territories are transitioning their services to be funded under the NDIS through the NDIA, which is the National Disability Insurance Agency.

South Australia and New South Wales are the two states that are due at full scheme earliest. South Australia is due at full scheme on 1 July, so clearly it is critical that at those meetings the commonwealth government is made aware of the matters that are part of the challenges as we go forward. Those meetings have been very fruitful. Some of the topics that we discussed had updates from the NDIA, such as the implementation of improved pathways. Those who follow this issue closely may remember that a number of people, individuals and families, who are transitioning into the scheme were having their planning meetings done on the telephone, which many people found unsatisfactory. That's in the process of changing to face-to-face meetings and will result in a better service for those people and a better understanding of what their particular individual needs are.

There is also a range of other issues which are still under negotiation between states and territories in the commonwealth and these relate to matters such as specialist disability accommodation, managing the mainstream interfaces, particularly as they relate to health, and a range of other interfaces in other areas. We also received a copy of the National Institute of Labour Studies' evaluation of the NDIS report which was undertaken by Flinders University, and I can provide some details on those and further market updates from various states and territories.

The experience of a number of participants has been quite positive. However, it is important to note that there are some people who have not had the best experience, due to delays, and are not receiving timely communication from the NDIA. The National Institute of Labour Studies noted that there are particular inequities for people who have psychosocial needs, those with intellectual disability, those from culturally and linguistically diverse backgrounds, Aboriginal and Torres Strait Islander backgrounds and older participants. So, it was certainly emphasised at that meeting that we need to ensure that those matters are taken up by the NDIA and that those cohorts receive an improved experience going forward.

It is also important to provide ongoing support to providers in South Australia, and that is part of my ongoing discussions with that sector. The NDIS is, overall, a fantastic concept because it provides choice and control to people with disabilities when, in the past, they have often been passive recipients of services. It has almost been a bit of the luck of the draw—if you could get yourself to a service provider who had a vacancy, then you would get a good service, but if they were oversubscribed or if you were in an area that didn't perhaps have those services available, then you would miss out. As the system matures, we will see a greater service provision and greater independence and dignity for people with disabilities, but it is requiring close monitoring on a very regular basis, and the Disability Reform Council is an important part of that process.

ANSWERS TO QUESTIONS

The Hon. J.A. DARLEY (14:37): My question is to the Leader of the Government. In view of the fact that we passed a motion yesterday to impose a 30-day time limit to answer questions on notice, will the government consider imposing a time frame for questions asked without notice, and if not, why not?

The Hon. R.I. LUCAS (Treasurer) (14:38): It has been an issue that I have discussed with some of my ministerial colleagues and certainly the best endeavours from ministers will be to try to comply with the spirit and intent of the sessional order change that we have passed as a chamber. The model in the other states, by and large—I don't have the documentation with me—does relate to questions on notice. It hasn't related to questions without notice during question time but, certainly, I can indicate on behalf of my ministerial colleagues that we will endeavour to operate within the spirit and intent of the sessional order which relates to questions on notice.

When it comes to the work of the Standing Orders Committee, I am happy to explore what, if any, provisions exist in other jurisdictions that relate to questions without notice during question time where some aspect of them might be taken on notice. That can certainly be a discussion that we can have during the Standing Orders Committee. So, the answer to the question is yes; we have followed and will significantly follow the precedence in other jurisdictions. On behalf of my ministerial colleagues, I give you the undertaking that, to the extent that we can, we will endeavour to comply with the spirit and intent of the sessional order in relation to questions that we take on notice during question time.

HOUSING AUTHORITY

The Hon. C.M. SCRIVEN (14:39): I seek leave to make a brief explanation before asking a question of the Minister for Human Services.

Leave granted.

The Hon. C.M. SCRIVEN: The then Marshall opposition took to the last election a commitment to establish parameters for a new housing authority amalgamating the functions of Housing SA and Renewal SA. Given we are now around halfway towards this self-imposed deadline, would the minister update the house as to what parameters have been established concerning this proposed amalgamation?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:40): I thank the honourable member for her question, and I did refer to this, I think, on the first sitting day, that we have a project team which has consisted of joint members of Renewal SA and Housing SA to determine what the new housing authority should look like. They have considered a range of options, and there is also an external person who is from the community housing sector on that as well. They are still working on the particular range of options.

The chief functions of it are really, as I stated in relation to a previous question that the honourable member raised, improving services, because we have this disparate arrangement which has existed, I think, since 2014, under the previous government, where the assets were managed under Renewal SA and the housing tenancy arrangements were managed by Housing SA and they somehow fit within the Housing Trust Board. I think members of the Housing Trust Board struggle to get the two parts of the system to work together.

So, it is about providing a much more streamlined, unified service into which we will incorporate a range of those functions. Clearly, there are machinery of government changes that will be required. Potentially legislative changes, but it is a significant rearrangement so the team is still in progress. They are represented by different parts of the housing spectrum, if you like, from the homelessness and crisis sector through to the people who manage the assets, and I think because they are working well together and because they understand the different parts of the system, they will come up with a very good proposal which I will take to cabinet and that will be a decision of cabinet.

Parliamentary Procedure

SITTINGS AND BUSINESS

The PRESIDENT: Just before we go on to the next question, can I alert the photographer that you can only take a photograph of a member standing. You understand? Thank you.

Question Time

TASTING AUSTRALIA

The Hon. D.G.E. HOOD (14:42): My question is to the Minister for Trade, Tourism and Investment. Will the minister update the chamber on the recent Tasting Australia event held in Adelaide during mid-April?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:42): I thank the honourable member for his question and his ongoing interest in a wonderful event known as Tasting Australia. I had the great honour and pleasure of attending the 2018 Tasting Australia event as the Minister for Trade, Tourism and Investment. This year, Tasting Australia was brought forward and extended to coincide with the Australian Tourism Exchange, which was a great opportunity for tourism wholesalers, operators and other stakeholders to experience our world-class offerings firsthand.

Tasting Australia, or TA as it is affectionately known, is South Australia's premier eating and drinking festival, and one of the pre-eminent wine festivals in Australia. This year, it took place between 13 and 22 April and demonstrated that indeed it has gone from strength to strength since it was established in 1997 under the previous state Liberal government. The event is owned and managed by the South Australian Tourism Commission through its major events arm, EventsSA.

Tasting Australia promotes our state as a culinary tourism destination, showcasing South Australian eating and drinking experiences. The event is focused on people and places such as chefs, producers, restaurants, South Australian produce, including seafood, meat, wine and spirits, and South Australian destinations.

This year, for the first time, the event was held over 10 days, crossing two weekends and encouraging visitors to stay longer with greater opportunity for the travel event—

Members interjecting:

The PRESIDENT: Order! Let the minister speak. Minister, you may continue.

The Hon. D.W. RIDGWAY: Thank you for your protection, Mr President—encouraging visitors to stay longer, with greater opportunity to travel for the event. There were over 140 events, and the event hub was the 'town square', situated in Victoria Square. This year's program was truly impressive. To name just a few, there was Taste Buds Kitchen, the kids' kitchen, an opportunity for kids to get their hands dirty and hone their cooking and food preparation skills.

Tasting Australia Airlines offered a unique experience where visitors could hop on a plane and travel into our beautiful regions to experience our world-class produce where it was produced. There was also the mystery and quirkiness of the d'Arenberg Cube Surrealist Ball, an opportunity for guests to explore the architectural creative masterpiece of the cube, whilst enjoying some of South Australia's best wine and food collaborations by some of our best local chefs, partnering with the acclaimed international talents.

Members opposite, for their information, one of their good friends, Mr Jamie Newland and his wife, were at the surrealist ball and dressed very well in the theme of the night.

The Hon. K.J. Maher: Is he a good mate of yours?

The Hon. D.W. RIDGWAY: He was a good mate of yours, the opposition leader.

The PRESIDENT: The Leader of the Opposition, you can ask him a question later. We've got plenty of time.

The Hon. D.W. RIDGWAY: There was the Tasting Australia Spirit Awards, a celebration of all things distilled around Australia. The national distillery recognised the ingenuity and the energy among young Australian distillers who entered their gin, whisky, vodka, rum, brandy, liqueurs and more for judging by the expert panel. The event received 166 entries from 63 distilleries across Australia, which was a brilliant success for this new addition to the Tasting Australia program.

Then, of course, there was the town square. Apart from being involved in the opening event, along with the creative team, Simon Bryant and Jock Zonfrillo, I had the pleasure of attending the opening night event of the Australian Tourism Exchange, which was held in the town square. It was an incredible feast for the senses, wandering through the square, which was themed 'Charred', on a drizzly Autumn evening: the taste and smells of the food stalls, mixed with the smokiness of the wood ovens and the grills. I know that the 2,300 ATE delegates had a truly memorable experience.

This year, more than 53,000 people attended the town square for TA, and 8,632 tickets were sold throughout the festival, with almost 1,400 people through the glasshouse kitchens, with 1,174 attending the East End Cellars masterclasses and sellouts across the Tasting Australia Airlines offering.

The event generated some $5.2 million in expenditure for the state, some nearly 5,000 interstate guests and nearly 3,000 international guests, contributing to a total of 41,352 room nights across the state. This is a great result for both the event and the state's economy. Going forward, the Liberal government will always be looking at ways that we can continue to enhance this great event, which showcases South Australia's world-class food and beverage offerings.

Tasting Australia really shines a light on our city and regions, which is great for regional tourism and for maximising regional tourism opportunities. It is perhaps one aspect we can continue to bolster in future years. I am confident that many opportunities will have arisen out of this year's event for our local tourism businesses, which, hopefully, will enable them to grow, drive demand and create more jobs.

I sincerely thank the creative team, the event patrons and ambassadors, with the exceptional international, national and local chefs and the South Australian businesses that participated, but in particular I would like to thank the event sponsors. My thanks and congratulations go to all of the South Australian Tourism Commission staff for the event that did the state proud and for the many hours of work they put in, especially after hours in the evenings.

TASTING AUSTRALIA

The Hon. I.K. HUNTER (14:48): Supplementary: the minister has been reporting on his attendances and waxing lyrical on events organised by the previous government, and trying to associate himself with the success—

The PRESIDENT: This is the question?

The Hon. I.K. HUNTER: The question then is: when will he advise the chamber of his—the minister's—attendance at events which he has instigated and which, using his own words, are wonderful thrills for the senses? When will the minister be providing wonderful thrills for the senses?

Members interjecting:

The PRESIDENT: Leave it to the President, front bench. I will allow the question, given that it was a very effusive answer from the minister.

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:49): I would be very happy to report. I am reporting on an event created by the Liberal Party in 1997, which has continued to prosper and grow. We have always supported it in a bipartisan way, and are pleased to see the former government turn it into an annual event. I indicate that it was a success this year, and it will continue to be a success because the Liberal Party has always valued the contribution of this part of the economic sector.

An honourable member interjecting:

The Hon. D.W. RIDGWAY: It is interesting that there is an interjection about me liking to eat. I love South Australia and I love everything it has to offer, and I will continue to love it and continue to promote it as widely and as broadly as I can every day possible.

Members interjecting:

The PRESIDENT: Order!

TASTING AUSTRALIA

The Hon. K.J. MAHER (Leader of the Opposition) (14:50): A supplementary question: how much did this year's event cost in total? I'm sure the minister has an answer, given that he was asked a similar question yesterday—or are his staff having a laugh at his expense?

The PRESIDENT: No; we don't need the extra commentary, Leader of the Opposition. The supplementary was fine; the additional commentary was not fine.

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:50): Perhaps the member should get a hearing test, because yesterday—

The PRESIDENT: Do not debate the question and insert an insult. Answer the question, minister.

The Hon. D.W. RIDGWAY: The final bills are not in for the event because, of course, it finished only two weeks ago. Yesterday, when I was asked a question, it was about the Australian Tourism Exchange, not Tasting Australia.

The Hon. K.J. Maher: What was the budget for this one?

The Hon. D.W. RIDGWAY: I don't have the budget figures, but you asked me a question about the cost.

The Hon. K.J. Maher interjecting:

The PRESIDENT: Leader of the Opposition, do not bait the minister. Restrain yourself. Minister.

The Hon. K.J. Maher interjecting:

The PRESIDENT: Leader of the Opposition, pay attention. Stop baiting the minister. Minister.

The Hon. D.W. RIDGWAY: I will bring back any information I am able to in relation to the final costs when they are available.

The PRESIDENT: Okay. I think we have explored that issue.

LYELL MCEWIN HOSPITAL SHORT STAY MENTAL HEALTH UNIT

The Hon. C. BONAROS (14:51): My question is to the Minister for Health and Wellbeing. Is the government or the minister aware of a patient with mental health and disability issues living in, or having recently lived in, an ATCO site hut—in other words, a transportable hut—on the grounds of the Lyell McEwin Hospital instead of being accommodated in the appropriate hospital ward? Does the government know the reason why this may be the case? If so, does it believe it is appropriate for a patient with such illnesses, or a patient of any sort for that matter, to be housed in such an environment?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:51): I thank the honourable member for her question. I am not aware of any patients in an ATCO hut at the Lyell McEwin Hospital. What I am aware of are issues at the Lyell McEwin Hospital as a result of the closure of the short stay unit. In that context, I can advise the council that the Lyell McEwin temporary mental health short stay unit was closed on 15 December 2017 following a SafeWork SA inspection and the issuing of two improvement notices. Both improvement notices directed NALHN to ensure a safe workplace for clinicians in two separate office spaces and the removal of multiple ligature points in Ward 2C SSU. I am aware that is causing accommodation problems.

I am not sure if I have advised the council that when I visited the mental health ward at Modbury, staff raised with me the issue that they are experiencing a higher level of occupancy than they have in the past because of the lack of availability of that short stay mental health unit. The previous administration had put down plans for the construction of a unit to open, I think, late 2019. The Marshall Liberal team does not believe that is an acceptable time frame to provide not only the emergency department with the short stay mental health capacity but also to provide mental health patients with an opportunity to regain their health in an environment more conducive than the mainstream emergency department.

I am actively pursuing, with my department, opportunities to provide a short stay capacity at the Lyell McEwin much earlier than late 2019. Without knowing the case, I do not know if this would help in that circumstance, but it may be part of the issue we have with mental health services in the north.

LYELL MCEWIN HOSPITAL SHORT STAY MENTAL HEALTH UNIT

The Hon. C. BONAROS (14:53): A supplementary: if that is not actually the case, and we do have a case where there has been a patient who has been moved into one of these ATCO hut sites—which I understand has been left in its place after construction work—would the minister be able to confirm whether or not that is indeed the case?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:54): I thank the honourable member for her supplementary. I certainly will get a briefing on whether the events she has described are occurring and, if they are, why they are.

HUTT ST CENTRE

The Hon. C.M. SCRIVEN (14:54): I seek leave to make a brief explanation before asking a question of the Minister for Human Services.

Leave granted.

The Hon. C.M. SCRIVEN: The Hutt St Centre provides essential services and support to some of the most marginalised people in our community. In recent times, the centre has come under some heavy scrutiny due to some antisocial behaviour that, it is alleged, is caused by some of its clients. Why has the minister failed to speak up in support of this centre and the incredibly valuable services that it provides?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:54): I thank the honourable member for her question. I am not sure whether the imputation that I have failed to speak up on behalf of the centre is correct at all, or whether it's even parliamentary, because that just isn't the case. There has been a lot of conjecture about the Hutt St Centre from a lot of different stakeholders, and some of it is quite inflated. In these situations, there is usually some truth to some parts of it. My personal view is the Hutt St Centre has been unfairly targeted as the cause of all the problems that have been taking place in that precinct.

My understanding, from talking to the Hutt St Centre and other stakeholders, is that there is a range of cohorts in that district, some of whom are associated with the Hutt St Centre and some of whom clearly aren't. Getting to the nub of the issue is part of the problem. Certainly, the police have stated quite clearly, regarding the issues in that corner of Adelaide, that they do not have an increase in reported crimes, but having certainly listened to a lot of people, they are concerned. There have been incidents of antisocial behaviour, and some people feel quite disturbed by some of the behaviours in that part of the world.

My approach with the Hutt St Centre is I have been to see them. I have spoken to them on numerous occasions. I have convened a meeting with all the crisis and homelessness services behind the scenes to see what we can do to assist and support the Hutt St Centre, if they are experiencing an increase in workload in that area. They are well aware that I as minister am personally very supportive of their work. So, that's the approach that I have taken.

I have not been given to speaking to various stakeholders through the media; I don't think that's helpful. I think there have been people on both sides of the debate who have made particular accusations of one another, and I don't think, quite frankly, that helps the cohort of people who need those services to actually get a resolution and to provide services.

So, I have been working behind the scenes with them. They are well aware that I speak to the Lord Mayor on a regular basis. He also has convened a working group, which is focused on attempting to bring all the stakeholders together because clearly they have a lot of responsibilities in this space as well. I am hopeful that, going into the future, Hutt St Centre will continue to provide services and that we will be assisting homeless people in an appropriate manner.

The PRESIDENT: I understand there won't be a question from the Liberals. We will go to the Greens. The Hon. Ms Franks.

GOODS AND SERVICES TAX

The Hon. T.A. FRANKS (14:58): I seek leave to make a brief explanation before addressing a question to the Treasurer on the topic of the GST on sanitary products.

Leave granted.

The Hon. T.A. FRANKS: As the Treasurer and, I imagine, most members of this council would be well aware, in 2015, the former federal treasurer Joe Hockey unsuccessfully lobbied the states and territories to make sanitary products exempt from the GST. There have been several moves and, again, this is a hot topic currently before the federal parliament and certainly one of public debate.

It has been estimated that the GST on sanitary products is worth $30 million a year to the states, as Australian women spend around $300 million annually on these items. It has also been suggested by the Leader of the Opposition in the federal parliament that perhaps the revenue loss could be offset by applying the GST to 12 natural therapies that are sometimes GST free, such as herbalism and naturopathy.

What is not lost on me is that the GST-free status currently applies to condoms, dental dams, femidoms, lubricants, folic acid, sunscreen and nicotine patches, as well as in some cases aspirin, ibuprofen, paracetamol and indeed, in certain situations, Viagra. My question to the Treasurer is: will he advocate for the GST to be dropped from sanitary products and stand for women who do not see that the GST should have ever been applied to them?

The Hon. R.I. LUCAS (Treasurer) (14:59): As I have indicated publicly on behalf of the government, I am prepared to, and the government is prepared to, enter into discussions with treasurers from other jurisdictions in the commonwealth in relation to this particular issue. I note the comment of Gladys Berejiklian on behalf of the New South Wales government when she indicated her concern about the proposition. Her concern, as she articulated it publicly, was that the GST already applied to a number of other essential items as she designated them. Essentially, the point she made on behalf of the New South Wales government was, given that that was the case, where do you draw the line? She therefore wanted to have discussions with interstate colleagues as well in relation to the proposition.

The situation by law is that there has to be unanimous agreement if there is to be a change in the base of the GST. When this issue was discussed about three years ago, as the honourable member has highlighted, there was not unanimous agreement amongst the jurisdictions. As I understand it, the New South Wales government and, indeed, some other governments didn't agree at that time and because there wasn't unanimous agreement therefore the base could not be changed.

As I said, Gladys Berejiklian, on behalf of the New South Wales government, has recently spoken about the issue, publicly indicating the position of the New South Wales government. So, at this stage, it would appear that there is not unanimity amongst the jurisdictions in relation to the issue. The position I have indicated is that I am more than prepared to have this discussion with the other jurisdictions in relation to this particular issue. The issues that would be important would not only be the issues that the Hon. Ms Franks and others have articulated publicly but what the impact would be on the state GST base.

The member has noted some suggestions of what might be included as compensation in terms of revenue that might be lost if this particular change would occur. I have asked Treasury to see whether they or indeed interstate jurisdictions have done or could do some work to work out whether what is being suggested would compensate the loss of revenue that the states might find in relation to this particular proposed change. That work is still being undertaken.

I think the next meeting of the board of treasurers is in the next month or so. That doesn't include the commonwealth Treasurer, that is only the state and territory treasurers. I think the next meeting which involves the commonwealth Treasurer is not until later this year where the issue might be able to be discussed. In summary, my public position that I have put already is that we are prepared to have this particular discussion. I have indicated the issues that we would need to consider as a state jurisdiction but, as always, I am prepared to have the discussion to see whether or not there can be unanimity in relation to this particular issue at the national level.

GOODS AND SERVICES TAX

The Hon. T.A. FRANKS (15:03): Supplementary: will the South Australian position be determined by the New South Wales Liberal leader or will the Treasurer actually undertake consultation with South Australians, for example, through the YourSAy website?

The Hon. R.I. LUCAS (Treasurer) (15:03): I am always happy to consult with South Australians. Indeed, the Hon. Ms Franks, on behalf of many South Australians, has put a view. My colleagues in the Liberal Party have also put a point of view. I am always happy to take consultation on this particular issue, but ultimately the decision will be taken by the state and territory governments and the commonwealth government at either a COAG meeting or a meeting of treasurers. Our position will not be dictated to by any interstate jurisdiction, but we do take notice of the views of our interstate colleagues in terms of the impact on GST revenue and any particular changes to the GST base. We certainly don't just ignore the positions that our interstate colleagues might put in relation to either this issue or indeed other issues.

The answer to the question is yes. I am happy to consult. We are receiving commentary and submissions from a wide variety of groups and individuals at the moment. My advice is that the former government received commentary and advice over a period of time on this issue as well, so all of that information is available. But ultimately, the decision will be taken by treasurers and leaders of the government at the national level.

GOODS AND SERVICES TAX

The Hon. T.A. FRANKS (15:04): A supplementary arising from the original answer: has the Treasurer consulted with the minister for women?

The Hon. R.I. LUCAS (Treasurer) (15:05): I have consulted with all of my colleagues.

GOODS AND SERVICES TAX

The Hon. I.K. HUNTER (15:05): The Treasurer has indicated that the decision will be taken by the Treasurer and the leaders of government. What position will the Treasurer and the state Premier be advocating for at these meetings?

The Hon. R.I. LUCAS (Treasurer) (15:05): The position will be as I have just outlined—that is, we are open to the discussion. We are prepared to listen to the debate, but we will want to look and see that the revenue base for the state is also a consideration in terms of any decision that we take.

GOODS AND SERVICES TAX

The Hon. I.K. HUNTER (15:05): A supplementary: will the Treasurer advise the chamber whether he will be advocating positively to effect this change and remove the GST on sanitary products?

The Hon. R.I. LUCAS (Treasurer) (15:05): I will be advocating exactly the way I have just outlined to the house.

SCREENING CHECKS

The Hon. J.E. HANSON (15:05): I seek leave to make a brief explanation before asking a question of the Minister for Human Services.

Leave granted.

The Hon. J.E. HANSON: The screening process delivered by the Department of Human Services is particularly important for people seeking to work with children, people with a disability and in the aged-care sector. Minister, how many people are currently waiting to have their standard screening assessment completed? What is the average time it is taking for these standard assessments to be completed?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:06): I thank the honourable member for the question. As he has outlined, the screening processes are incredibly important. Can I advise that the number of screenings at present that have been held as at 7 May is some 274,357 individuals who hold child-related screenings. For disability services, it is 27,892. For vulnerable persons, it is 37,316 and, in the aged-care sector, it is 54,005. We now have a continuous monitoring process so that some 111 clearances have been revoked for 92 people since 1 July 2017.

In relation to the applications that are determined, we have a statistic where some 70 per cent are resolved in fewer than 10 business days. Quite a number, I think 90 per cent—I will need to double-check what that exact figure is—are resolved within 30 working days. So, that's reasonably quick.

The reasons, as the honourable member will be aware, that some people are held up is that there can be, broadly, three or four separate issues. So, the continuous monitoring is monitoring of the SAPOL database, the child protection database. Those reports are updated daily and provided to the screening unit. If somebody submits an application through that process and there is a flag on that, then that becomes a separate process which takes a lot longer for individual people to assess and go through. Some of those can take a considerably longer period of time because they need to be individually assessed and judgement needs to be made whether they are appropriate.

The other matter that comes into play in this space is that if people have accidentally put down a different name or if they have changed their name or there is some other detail, then they will not fall within those faster timetables and therefore that can actually delay it. I have just discovered here that actually 94 per cent are done within that time frame of 30 business days. There is an ongoing project in relation to clearing what is called a backlog. Additional staff have been allocated to that process and so those more detailed assessments are working through that process.

If anybody is in a situation where the screening is holding up their potential for work or if they have any concerns, then they can contact my office on 8463 6560 and we will make sure that they are fast-tracked because we certainly don't wish to have anybody missing out on employment opportunities because their screening hasn't been approved.

SCREENING CHECKS

The Hon. J.E. HANSON (15:10): I have a supplementary question arising from that answer. Minister, do you and all of your staff have a working with children check?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:10): When I was first appointed minister, my adviser and I were asked to make sure that we had one and so that has been processed. I am assuming that all my other ministerial staff who are working within my office have screening checks. I would be very surprised if they wouldn't, but I will double-check that for the honourable member and advise him forthwith.

SCREENING CHECKS

The Hon. I.K. HUNTER (15:10): I have a supplementary question. The minister mentioned a number of staff allocated to deal with backlogs of screening applications. Will the minister advise the chamber that the number of staff allocated to the screening administration in her agencies will not be reduced by any government efficiencies required of her agencies in the next state government budget?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:11): I see that this will be a line of questioning to me about ruling things in and ruling things out, and I'm not ruling anything in or out in relation to the budget. I'm sure the media will tire of receiving these media releases stating that 'The Minister for Human Services won't rule this or that out', but I'm not going to play that game.

SCREENING CHECKS

The Hon. T.T. NGO (15:11): I have a quick supplementary question. Is the free screening for volunteers after the budget or is it happening soon?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:11): I thank the honourable member for his question. Indeed, the free screening for volunteers was a commitment of the government. We did not provide a timetable on that but the advice from my department is that there may need to be some legislative change in order to enact that because people may avoid having to pay a fee for a worker screening by signing up as a volunteer beforehand, so that may take some time to progress through this place. That will be up to all of us to ensure that it is committed.

SCREENING CHECKS

The Hon. J.A. DARLEY (15:12): Supplementary: can the minister advise the size of the current backlog?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:12): That is a very good question and I will take it on notice and get back to the honourable member on that issue.

STROKE SERVICE

The Hon. F. PANGALLO (15:12): My question is to the Minister for Health and Wellbeing. Can the minister please provide details as to why South Australian taxpayers are paying for a fly-in fly-out stroke specialist to be flown into Adelaide from interstate to consult at the new Royal Adelaide Hospital when an accredited local doctor is available to do so?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:13): I thank the honourable member for his question. SA Health has temporarily engaged an interstate neurointerventional radiology locum who will be residing in Adelaide on a short-term basis to provide cover for upcoming pre-arranged leave. The locum will join the 24/7 on call roster to ensure two INR specialists are available to provide the highly specialised blood clot retrieval service at the Royal Adelaide. I stress that this is a short-term appointment in relation to upcoming pre-arranged leave.

The locum was engaged from interstate as there is no qualified specialist in South Australia with the capacity to provide full-time cover for the duration of the leave. Honourable members will recall that there are matters before the Coroner's Court that highlight the importance of this service being a 24/7 full-time cover. Remuneration for the locum is in line with standard rates provided to specialists performing this procedure.

STROKE SERVICE

The Hon. F. PANGALLO (15:14): Supplementary: can the minister please provide details on the need for such circumstances, including how much it costs each time the interstate specialist consults at the new Royal Adelaide Hospital and how long he or she stays for each visit?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:14): My understanding is that this person is here on a short-term basis full time and so therefore it is not an episode by episode callout rate, but I will clarify that and bring advice back to the house.

TRANSPORT INFRASTRUCTURE

The Hon. K.J. MAHER (Leader of the Opposition) (15:14): My question is to the Treasurer. Of the $1.8 billion that was supposedly promised for transport projects in South Australia, has even 10 per cent of that been budgeted for in the forward estimates? Can the Treasurer indicate whether the South Australian government has only started talks today with the federal government on allocating more than 10 per cent over the next four years?

The Hon. R.I. LUCAS (Treasurer) (15:15): The issues in relation to commonwealth budget infrastructure spending have been the subject of ongoing discussions in the short period that we have been in government, but obviously the decisions were announced last night and discussions now move into a new stage. The Premier, by way of ministerial statement today, made it quite clear that the South Australian government is happy with the quantum of funding that has been won for South Australia—$1.8 billion for transport-related projects—particularly when the former minister for transport said, after last year's budget, that he hadn't been able to get one extra dollar for South Australia.

On the one hand, the former government said they couldn't get one extra dollar; in this particular budget there is an aggregate spend of $1.8 billion projected. The government is happy with the aggregate. We are happy with the projects that have been selected. The next stage of the negotiations is to bring forward the expenditure—

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: Excuse me, Treasurer. Minister for Trade, Tourism and Investment, stop baiting the Leader of the Opposition, and vice versa. Treasurer.

The Hon. K.J. Maher interjecting:

The PRESIDENT: The Leader of the Opposition!

The Hon. R.I. LUCAS: The next stage of the negotiations is to bring forward, or reprofile, to use the phrase the former Labor government in South Australia used, some of that expenditure into the earlier years. That will be possible for some projects, but sadly, because of the ineptitude and the financial incompetence of the former government in not completing business cases for the projects on South Road between Darlington and the River Torrens, which were essential parts of Infrastructure Australia requirements, the new government will have to undertake those business cases, and that is a large chunk of the $1.8 billion—that's $1.2 billion that is being held up because the former government didn't undertake those business cases.

In relation to the others where there has been a business case either completed or substantially completed, we are conducting negotiations with the commonwealth. Can I indicate to the council that on the most recent project that is still being undertaken, the Northern Connector, the former state government, in negotiation with the federal government, reprofiled, or brought forward, the expenditure of money some two or three years earlier than had originally been announced as a result of negotiations.

That is, at the time of around about 2015-16, there was projected expenditure in 2018-19, and what happened was that through a renegotiation that money was brought forward, because the state was in a position to be able to complete the Northern Connector project at an earlier stage than had originally been projected. Exactly the same process will be used by the government, that is, there is money out there in the forward—

The Hon. K.J. Maher: Out there somewhere.

The Hon. R.I. LUCAS: Exactly the same as the Northern Connector, which was a project overseen by your government, the honourable Leader of the Opposition. As your government did with the federal government, brought forward expenditure, we will be seeking to negotiate to bring forward expenditure as well.

TRANSPORT INFRASTRUCTURE

The Hon. K.J. MAHER (Leader of the Opposition) (15:19): Supplementary: the Treasurer has indicated that the money is maybe, possibly somewhere out there. He says that there is $1.2 billion needed for business cases.

Members interjecting:

The PRESIDENT: It's a long answer and I am allowing some clarification for the Leader of the Opposition.

The Hon. K.J. MAHER: Does that mean that if there is $1.2 billion of $1.8 billion awaiting business cases, there is $600 million that is allocated in the next four years, or is it under $165 million? Which is it?

The Hon. R.I. LUCAS (Treasurer) (15:19): The subject of the negotiations that are going on between commonwealth and state offices at the moment, and exactly consistent with the Northern Connector project—

The Hon. K.J. Maher: Do you know how much is in the forward estimates?

The PRESIDENT: Leader of the Opposition, you have—

The Hon. K.J. Maher: He doesn't know how much is in the forward estimates. How much?

The Hon. R.I. LUCAS: —they'll be bringing forward—

The Hon. K.J. Maher: How much? How much is actually in the forward estimates?

The PRESIDENT: We do not need a running commentary. Treasurer.

The Hon. R.I. LUCAS: They'll be endeavouring to bring forward some of the estimates—

The Hon. K.J. Maher interjecting:

The PRESIDENT: Leader of the Opposition, you have asked—sit down, Treasurer—your question, allow the minister to respond. Treasurer.

The Hon. K.J. Maher: How much do you reckon is in the forward estimates?

The PRESIDENT: No. Control yourself, Leader of the Opposition.

The Hon. R.I. LUCAS: Mr President, he is still getting used to being in opposition. The situation is, as I have outlined twice now, exactly consistent with the Northern Connector Project and, I am advised, other projects in the past. Money which is allocated in the outer years of a commonwealth budget is negotiated by state governments to bring it forward into earlier years if the state government has done the work in relation to business cases and been ready to do the projects.

With some of the projects that have been announced, that is possible. With some of the projects—the two big ones between Darlington and the River Torrens—the former Labor government had not done the work, failed the people of South Australia, and the new government is going to have to do the business cases and take them through the Infrastructure Australia process to try to get that funding approved through that particular process.

Matters of Interest

NATIONAL RELAY SERVICE

The Hon. T.A. FRANKS (15:21): I rise today to speak about Australia's National Relay Service, which is currently under threat. Australia's National Relay Service has been one of the world's best relay services since 1995; however, on 4 April this year, the Australian government released a request for tender for the next contract for the National Relay Service, a tender that would see that service slip from being the world's best to potentially one of the world's worst relay services.

Consumers who are deaf, hard of hearing, deaf-blind or who have speech impairment rely on the National Relay Service as a natural bridge to vital services and the wider community.

The government now sees the National Relay Service as a safety net rather than an equivalent phone service for consumers with disabilities, as it has come to be. Australia's National Relay Service consumer organisations have repeatedly made key recommendations to improve the NRS; however, it appears that none of those recommendations have been incorporated into the government's recently released tender documents. In 2016-17, the actual cost of operating the National Relay Service was close to $32 million a year.

The request for tender proposes only $22 million per annum cap on the service for the three years of the new contract. This does not support the recommendations made by the consumer organisations in which the National Relay Service needs to be funded on a cost recovery basis. While access to emergency services remains a 365-day, 24-hour requirement, the request for tender does not stipulate operating hours required for all other services.

This puts at risk those current relay services which are operating on that 365-day, 24/7 model and critically ignores the recommendations that Auslan Video Relay become a 365-day, 24-hour service. The outreach program, a vital community education and NRS training program, was dramatically defunded in 2017 and will not be in introduced in the next NRS contract. Additionally, the new contract will require all deaf, hard of hearing, deaf-blind and those who are speech impaired relay users to register to use the NRS; however, people wanting to contact those relay users will not need to register to use that service. Many NRS users believe that this is a breach of fundamental disability antidiscrimination principles, requiring only people with a disability to register in order to access what is an essential service.

Kyle Miers, Chief Executive of Deaf Australia, has said that the government and Department of Communications took no notice of consumers' concerns with the essential service definition, adding that 'the new National Relay Service will not address the issues of isolation and social exclusion'.

Australian National Relay Service users call on the federal government to ensure that the National Relay Service of the future does not decrease their access to this vital service. Yesterday in this place, I certainly called on the Marshall government to ensure that South Australians are not disadvantaged by this new tender. If one simply looks at the app for the National Relay Service, on the phone, it is summed up by the very first user review, 'The NRS has opened up a whole new world for me.' It allows people to make communication with the vital services that we all in this place no doubt enjoy being able to access—things such as calling the police for assistance or contacting Service SA to undertake your business. Any particular government or community service that we need day to day, every day, 24/7, 365 days a year, is currently under threat if you are deaf, hard of hearing, blind or have a speech impairment.

I echo the words of the now former member, the Hon. Kelly Vincent, wishing us all well on the first day of parliament on Twitter, and noting that the responsibility of every one of us in this place is that social reforms enabling independence bring economic gain and that no-one is voiceless—there are only those we have not yet learned to listen to. By not listening to these voices and these concerns about the National Relay Service we would be closing those doors on South Australians. I urge us all to step up and ensure that this service is maintained to the standard that is required 24/7, 365 days a year.

COUNTRY PRESS AWARDS

The Hon. J.S.L. DAWKINS (15:26): I rise today to speak about the Country Press SA Awards held in the Adelaide Convention Centre on 23 February this year. The awards were hosted by the Country Press SA President, Mr Ian Osterman from *The Courier* at Mount Barker, and the MC for the evening was Darren Robinson from *The Leader* at Angaston.

I was delighted that the then leader of the opposition and now Premier, Steven Marshall, was able to attend the awards, along with a number of other MPs and candidates, including the then Liberal candidate and now member for Finniss, Mr David Basham, and the then ALP candidate for the Legislative Council, Ms Emily Bourke, of course now the Hon. Emily Bourke.

I was delighted that, on the night, life memberships of Country Press SA were awarded to Mr Michael Ellis, the proprietor of the *Yorke Peninsula Country Times*, and Mr Ben Taylor, proprietor and general manager of the Taylor Group of newspapers based in the Riverland. Both families, the Ellis family and the Taylor family, have had a long association with Country Press SA and have played very strong roles, not only in the country press sector in this state but across the country.

My award for best community profile was judged by Lauren Novak of *The Advertiser*, and was won by Mr Les Pearson of the *Plains Producer*, and I quote Lauren Novak:

> Pearson's piece on rough footballer, Robbie 'Mad Dog' Muir, was a surprise and a delight. It was good news sense on the part of Pearson to recognise the potential profile in Muir when he visited the news room to introduce himself. The article is well written and balanced and the subject topical, given the current focus on family violence and substance abuse, particularly ice, in country areas.

I congratulate Les Pearson, the editor of the *Plains Producer*, on winning that award, also Paul Mitchell from *The Murray Pioneer* in second place and Ian Osterman from *The Courier* in third. In the major awards on the evening, best newspaper (over 4,000 circulation) was won by the *Yorke Peninsula Country Times* and second place went to *The Border Watch* at Mount Gambier. In the under 4,000 circulation section, the winner was the *Plains Producer*, based at Balaklava, and second was *The South Eastern Times*, which is centred around Millicent. It was the second time that both those papers actually won the ultimate accolade at those awards, and a great celebration was had by the proprietors and staff of both newspapers, as I understand.

I was saddened to learn, around the time of the election, of the passing of former Country Press SA president, Mr David Wright. He had actually been a judge at the awards. He passed away suddenly on 16 March at the age of just 50. He enjoyed a long career in regional newspapers across South Australia, working in Whyalla, Ceduna, Port Lincoln and also Katherine. His last role was as the managing editor of the *Northern Argus* in Clare, a newspaper he devoted 18 years to, until he left the industry in 2014 to establish a taxi service in Clare. It was a shock to me—I think I heard about it on election day—to hear of Mr Wright's death. He was certainly sadly mourned by the newspaper and the country newspaper industry in South Australia.

I conclude by congratulating Country Press SA again on a wonderful awards night. I know a number of members here have attended in the past. They do a very professional job of presenting what is a very wideranging and incredible industry in South Australia, which we welcome and enjoy.

STATE ELECTION

The Hon. J.E. HANSON (15:31): I rise today to take the opportunity to congratulate members of this chamber who successfully contested the March 2018 South Australian election. As a 16-year Labor government asking for an unprecedented fifth term, it was always going to be a hard task for Labor. We took a solid and strong track record to the election, one that any government that had seen four elections would be proud to hold. I sometimes wonder how the current government will feel after perhaps their own four years and they look back on our track record. I guess we are going to wait and see how that pans out for them.

After only 12 months in this place, I find I am commonly reminded in gibes and so on, often by members of the other place, that election to this place is somehow less democratic or less representative. I find such talk disappointing. It would not escape the attention of those seeking to get elected to this place that to be here you need vastly more votes than a 50 per cent plus one equation that we often see in the other place. This has certainly been shown statistically in the more than 3,000 counts that had to be performed and six weeks of waiting to appoint the final three positions here.

I am certain that, while the process may lack the same media attention as the lower house results we all watch unfold on the night on the excellent ABC coverage of the election, it was no less democratic sitting in the Electoral Commission with my fellow comrades as the computer spat out the results somewhat, I think, disappointingly—I think more pomp and ceremony might have been required, but that is just my view. I can assure you that I sat behind the Hon. Ms Scriven on the day and it was nerve-racking to say the least.

This election has again also shown us that, while the other place may form government per se, it is this place that keeps such a government in check by showing a more varied and representative selection of how the people voted. New members of this place will be proud to soon realise, as I have, that the hours of words and discussions held in this place can shape the lives of South Australians in a way that few in the other place seem to get around to recognising.

I am also certain that it has not escaped the attention of members in this place that this election has seen the addition of more women than men to this place, including, of course, three out of four from my own party. This is a welcome addition, in my opinion, and something that will better serve all honourable members in this place in the debates we will no doubt have over the next eight years, regardless of who is on the Treasury benches. As has already been noted by the Hon. Ms Scriven in her first speech, it places us in a disappointing contrast to the gender balance of the other place. I hope to see the pleasant trend of this election to this place continue in four years' time and, more broadly, across both places well into the future.

I would particularly like to congratulate all those in my party who successfully contested the election, including our newly elected deputy leader, shadow minister for industry and skills and shadow minister for forestry, the Hon. Clare Scriven. It is a pleasure to welcome her to this place and I know that she will serve the community of Mount Gambier and the South-East of South Australia well. People from the Mount just do not know how lucky they are to have a strong and committed member to fight in their corner, as she will.

I also congratulate the Hon. Emily Bourke on her successful election to this place. Emily is a hardworking campaigner who is dedicated, like many of my other colleagues in this place, to fighting for the rights of workers, health and education. The Hon. Irene Pnevmatikos will also be a great asset to this house with her experience of practising law to protect the rights, conditions and wellbeing of hardworking South Australians.

Along with my three newly elected Labor colleagues, congratulations must also be given to the Hon. Connie Bonaros, the Hon. Frank Pangallo and, of course, the Hon. Tammy Franks. Well done on your election and on making this place a continuing juxtaposition of democracy to the other place. I would also like to congratulate the Hon. David Ridgway—I think the honourable member for eating things, at this point—the Hon. Stephen Wade, the Hon. Terry Stephens and the Hon. Jing Lee.

The Hon. J.M.A. Lensink interjecting:

The Hon. J.E. HANSON: Someone has to do it, Hon. Ms Lensink.

FUEL SECURITY

The PRESIDENT: The Hon. Mr Pangallo. This is your pre-maiden maiden speech.

The Hon. F. PANGALLO (15:36): Thank you, Mr President. I rise to speak about Australia's, and in fact South Australia's, fuel security crisis. If Australia were driving a motor car right now the vehicle's fuel gauge would be flashing near empty. In fact, we have been driving dangerously close to running on empty for nearly two decades.

Today, Australia has 22 days of crude oil supply, 59 days of LPG, 20 days of petrol, 19 days of aviation fuel and 21 days of diesel. Australia is the only member of the International Energy Agency which consistently fails to meet its obligatory 90-day domestic liquid fuel holdings, while our demand for fuel continues to increase. Petrol, diesel and jet fuel account for 98 per cent of our transport needs.

I have been unable to get a breakdown of what is available in South Australia, but if it reflects the national picture, and it may not, we are three weeks away from a calamitous shutdown of our transport networks, businesses and our very way of life—in fact, probably even this place. That is how reliant we are on imported liquid fuel supplies, which totals more than 90 per cent. A calamitous situation is not out of the question; if not a natural disaster of some kind then a confrontation in either our region or the Middle East could severely constrain our supplies, much of which come from Singapore, which in turn relies on the Middle East for its crude supply.

The possibility of a confrontation is real. We have already had the Cold War chills from North Korea and there is the elephant in the South China Sea, or maybe I should say the giant panda in the South China Sea, China, and its military/naval build-up around a group of disputed islands as tensions rise between the US and its allies, including Australia, over freedom of navigation in these disputed waters. An escalation could see shipping lanes affected, even closed.

Here is how serious the situation could become in the event of a confrontation that could last weeks: Australia's Liquid Fuel Security Report stated that Australians would suffer food shortages, be unable to access medical services or pharmaceutical supplies, be unable to get to work and, if it were protracted, would not have a workplace to go to.

Of course, there are emergency procedures that would come into play. If fuel rationing is needed during a liquid fuel emergency some essential goods and services need to continue to be made available and be exempted from rationing, and they include defence services, ambulance services, corrective services, fire and rescue services, police services, public transport services, state emergency services, or equivalent organisations, and taxi services.

However, Australia has no legislation that requires the government to maintain an emergency fuel stockpile. We also do not have bilateral agreements to stockpile. Our dependency on fuel imports has grown from 60 per cent in 2000 to the 90 per cent level it is at today. Alarmingly, there is no plan to stop our dependency on imports reaching 100 per cent if the last of our few existing refineries close down, or to halt further decline in our fuel security.

As Air Vice-Marshal John Blackburn AO pointed out in his comprehensive reports for the NRMA Motoring and Services on Australia's liquid fuel security in 2013 and 2014, there has been no public government policy on maintaining a minimum level of oil refining capacity in Australia. In other words, there has been no plan B and no contingency plan in the event of any major disruption to our supplies. Australia has sadly been complacent, and I am sure its citizens would be horrified to know the true extent of the situation. We saw that with our blackout a couple of years ago.

Air Vice-Marshal Blackburn's recent report strangely fell on deaf ears until this week when the federal government belatedly announced it would be conducting an urgent review of our fuel reserves. This is a good step, but it will take a year to get the recommendations of that review. The energy minister, the Hon. Josh Frydenberg, also promised his government would take another eight years for Australia to comply with the requirements of the International Energy Agency. That is a long time to wait when there are things that still appear unstable in our region or—

Time expired.

JAPAN AUSTRALIA FRIENDSHIP ASSOCIATION

The Hon. J.S. LEE (15:41): It gives me great pleasure to rise today to speak about the Japan Australia Friendship Association (JAFA) and the Kodomo no Hi Japan Festival 2018. The festival is well known as a multi-award event and was presented with the Australia Day Council of South Australia Community Event of the Year Award in 2018 and 2013. In 2013, the City of West Torrens also recognised the festival as the Community Event of the Year Award winner.

It is always a great privilege to be invited by JAFA to the Japan Festival. The organiser and I recalled that the Hon. Rob Lucas, who has a proud Japanese heritage, attended the festival last year. I am sure the Treasurer would agree with me that Kodomo no Hi is a fantastic festival. It is no surprise that it is recognised as the biggest and most popular Japanese festival in Adelaide.

This year, on Sunday 6 May 2018, it was a great honour to attend the festival as the assistant minister to the Premier and represent the Hon. Steven Marshall, the Premier of South Australia, who is also a new patron of JAFA. The government of South Australia would like to thank the Japan Australia Friendship Association for its outstanding work, and especially thank the hardworking president, Mr Mike Dunphy, Mr Ben Sparrow, the dedicated management committee, stallholders, sponsors and an army of volunteers for organising this magnificent event every year as a part of our exciting multicultural calendar for South Australia.

In Japan, Kodomo no Hi means 'Children's Day'. It is a national holiday in Japan on 5 May—a day that is set aside to respect children's personalities and to celebrate the happiness of children and their gratitude towards their mothers. What a beautiful thing to do! Sunday was a perfect sunny day, and the festival drew a massive crowd. People were out and about enjoying wonderful food and many music and cultural performances, including a martial arts demonstration, arts and crafts, dressing up in traditional kimonos and participating in a tea ceremony, just to mention a few.

Kodomo no Hi celebrates its 23rd anniversary this year. The festival is a celebration of friendship, cultural and social links between the people of Japan and Australia. It was indeed a pleasure to meet Mr Yoshimitsu Kawata, Deputy Consul General for Japan, and his lovely wife on the day of the festival. We spoke about the recent Japanese delegation that visited Adelaide from 1 to 3 May. The visit was arranged to mark the special milestone celebration of the 25th anniversary of the South Australia Okayama sister state relationship. Our Premier, the Hon. Steven Marshall, was delighted to meet delegates from Japan, and he extended his warm welcome to Australia to the Ambassador of Japan, His Excellency Mr Sumio Kusaka, and the Governor of Okayama Prefecture, His Excellency Mr Ryuta Ibaragi, and many other government officials and members of the Okayama Association of Corporate Executives.

Japan is the world's third largest economy and South Australia's fifth largest export and import market. Currently, some 600 Japanese students are studying in Adelaide. Japan is our state's 10th largest source market for international students. We are building strong relationships with Japan and our sister state to explore further exports and educational opportunities that South Australia has to offer.

Once again, I place my sincere thanks and heartfelt congratulations to Mike Dunphy and the JAFA team on hosting another fantastic festival for families and community members in Adelaide and South Australia. It was reported that over 6,000 people attended. I am pleased to say that our daughter and two grandchildren were among the 6,000 people. We all had a fantastic time. Once again, I would like to congratulate JAFA on the growth and success of the festival and thank them for their great work in celebrating our links with Japan, which enriches us as a proud multicultural state. Arigato gozaimasu.

NEWSTART ALLOWANCE

The Hon. T.T. NGO (15:46): I rise today to urge the federal government not to abandon the most vulnerable people in our community and to support the community campaign for the increase of unemployment benefits of Newstart payments by at least $50 per week. I was really disappointed there was nothing in last night's federal budget to support this initiative, but I do hold out some hope that there are enough decent and caring politicians federally to eventually support this.

I would like to give an example of what those living on Newstart have to survive on. A single parent with two children who is unemployed would receive a base rate of $295 a week ($42 a day), plus a maximum of $76 a week in a rental allowance. This income would be supplemented by family tax benefit A and B. From this meagre sum, the family would need to pay their rent of about $350 in Adelaide and obviously more for people living in Melbourne and Sydney. This would amount to about half of their income. The remaining dollars would then need to be spread amongst food, phone, internet, electricity, car registration, school fees and uniforms, just to name a few, as well as ensuring they have enough left over to attend mandatory job search commitments.

As you can see, it would be almost impossible to make ends meet. This would force parents to take drastic action, such as choosing between paying off a utility bill and having enough money to make sure that their children do not go without food. With the low payments that these families are receiving, there is little ability to put money away for an emergency. If their car or fridge breaks down, they would not have the financial capacity to replace it. This forces further drastic action, such as having to turn to borrowing from payday lenders who charge ridiculously high interest rates.

To pay off these loans, these families put themselves under further financial stress by not being able to pay utility bills or rent on time. This could result in them being evicted from their home or having their gas or electricity cut off. I have seen struggling families time and again in similar situations when I have visited families who called for help from the St Vincent de Paul Society during my time as the member and chairperson of the Croydon Conference. It beggars belief that the Liberal Party are so out of touch with the most vulnerable in our community, as demonstrated by one of their federal MPs, Ms Julia Banks, who said on the ABC radio that she could live on $40 a day. This is the mentality of the current federal government, and comments such as this is why the public is so mistrusting of politicians.

The Australian Council of Social Services has been calling for a rise of the Newstart Allowance by $51 a week. Achieving this alone would not solve the issues of poverty in

Australia; however, it would alleviate some of the financial pressures that those families living on Newstart face every day.

Leading economist Chris Richardson from Deloitte Access Economics also supports the campaign for a $50 increase in the Newstart Allowance. He urged that fixing the unnecessarily cruel dole payments is a more urgent priority than budget repair. Mr Richardson said:

> …we here in Australia don't have a dole-bludger problem—what we have is a society that is unnecessarily cruel.

I would like to acknowledge the work of Anti-Poverty Network SA, which has been advocating for an increase in Newstart for many years. I thank them for their continuous support and campaign on behalf of the most vulnerable Australians. I also thank many local councils who got behind this campaign—in particular, my old council, Port Adelaide Enfield council, which became the first Australian council to support and formally advocate for a rise in Newstart.

HOMELESSNESS

The Hon. J.A. DARLEY (15:51): I rise today to speak about the Adelaide Zero Project. The Adelaide Zero Project aims to end street homelessness in Adelaide's CBD by using the 'functional zero' approach. A target has been set to achieve functional zero homelessness in Adelaide's inner city by the end of 2020. Functional zero homelessness is reached when the number of homeless people on any given night is no greater than the housing availability for that night.

In 2016, the rate of homelessness in South Australia was 37.1 per 10,000 people. Currently in the Adelaide CBD, there are approximately 120 people sleeping rough. The causes of homelessness are varied and are often caused by interrelated personal, social and economic factors. Mental illness, domestic violence, unemployment, a lack of affordable housing, disability and drug and alcohol misuse are factors that may lead to homelessness.

The functional zero approach was founded by Community Solutions, and it has been implemented successfully across 75 US communities, housing more than 75,000 people. The functional zero approach involves a coordinated process of matching the need for housing with supply. It ultimately involves developing real-time data on homelessness—in other words, knowing the details of every person sleeping rough and coordinating local resources to meet their needs. This requires a commitment from a broad range of stakeholders, ranging from the homelessness sector, housing, mental health, drug and alcohol, youth services, domestic violence, justice and corrections, and the aged and disability sectors.

At the 2016 Don Dunstan Foundation Homelessness Conference, Rosanne Haggerty of Community Solutions outlined that the scale and geography of street homelessness in Adelaide makes it a fundamentally solvable issue. South Australia also has a long history of innovation in programs to address homelessness, and Adelaide has been recognised as one of the most livable cities nationally and globally.

In response to the conference, the Don Dunstan Foundation coordinated the first phase of the Adelaide Zero Project to determine how the zero approach from the United States could be implemented in Adelaide. On 22 February this year, the Adelaide Zero Project's implementation plan was released and over 30 organisations committed to the 2020 target. Some of these organisations included the Hutt St Centre, Shelter SA and Life Without Barriers.

One important aspect of the Adelaide Zero Project's implementation plan involves running a Connections Week to engage with people sleeping rough in the city. For Adelaide, this will be in the week beginning 14 May. During this week, volunteers and workers across the sector will be meeting people who are sleeping rough in the city to learn their names, their health circumstances, personal needs and the level of housing support that is required.

After this information is collected, a data tool will be created where information can be viewed and updated in real-time. This tool will be fundamental in understanding the movement of people within, into and out of the homelessness service system. It is a living database that will be constantly updated to allow for the coordination of services to meet the needs of individuals, helping organisations prioritise actions, housing needs and placements.

A public community briefing will be held on 17 May for those interested in the results of Connections Week and to hear about the next steps for the Adelaide Zero Project. The Adelaide Zero Project is an important step in developing long-term, sustainable solutions to homelessness. I hope this project fulfils its aim of achieving functional zero homelessness by the end of 2020.

Bills

FREEDOM OF INFORMATION (MISCELLANEOUS) AMENDMENT BILL

Introduction and First Reading

The Hon. M.C. PARNELL (15:56): Obtained leave and introduced a bill for an act to amend the Freedom of Information Act 1991. Read a first time.

Second Reading

The Hon. M.C. PARNELL (15:57): I move:

That this bill be now read a second time.

This is, in fact, the third time in the last four years that I have introduced this bill. The first time was in November 2014. That bill lapsed when parliament was prorogued so I reintroduced it in March 2015. That second bill, ultimately, was brought to a vote on 2 November 2016 and I am pleased that it passed the Legislative Council, importantly, with the support of the Liberal Party. However, throughout 2017 the bill languished in that graveyard of private members' bills that we respectfully refer to as 'the other place'.

So, this is the third time and, with a change of government, I am hopeful that it will be third time lucky with this bill passing both houses. As I will explain in more detail shortly, the bill derives from recommendations made by the Ombudsman back in 2014. These recommendations sat on the former attorney-general's desk for four years. The former attorney-general had no appetite for reform. He boasted of how his government had supported 90 per cent of the Ombudsman's recommendations across his wide jurisdiction; however, none of the Ombudsman's freedom of information recommendations ever found any favour with the attorney so nothing happened.

Now we have a change of government. In the speech with which the Governor opened this First Session of the Fifty-Fourth Parliament, His Excellency said, 'My government is determined that in everything it does it will be open and transparent.' The Governor also referred to promoting the public's right to information, so I am hopeful that this bill, which found favour with the Liberal Party in opposition, will also find favour with the Liberal Party now that it is in government.

Also by way of background, I note that the first time I introduced this bill I gave a lengthy second reading contribution, some 4,000 words, and I went through each of the clauses explaining which of the Ombudsman's recommendations they related to and how it was envisaged they would operate. The second time I introduced this bill, I made a few remarks to update the chamber about the lack of progress over the previous year and then I sought and obtained leave to incorporate the remainder of my second reading speech into *Hansard* without my reading it.

The Hon. K.J. Maher: Granted.

The Hon. M.C. PARNELL: Wait for it. I am proposing to follow a similar path this time, subject, of course, to the will of the council. I now seek leave to incorporate the remainder of my second reading speech into *Hansard* without my reading it.

Leave granted.

In May 2014, the South Australian Ombudsman released a report entitled 'An audit of state government department's implementation of the Freedom of Information Act 1991'. The audit looked at how 12 government agencies are managing their responsibilities under the Freedom of Information Act, focussing principally on the 2012-13 financial year. It also draws, in part, on the Ombudsman's experiences as a review authority under the Act. To quote from the executive summary of the Ombudsman report, he says:

> Government-held information is a public resource; and the public's right to access this information is central to the functioning of a participative democracy. Freedom of information…legislation is one means by which the public can understand, review and participate in government decision-making. However, it should only have to be used as a last resort.

The Ombudsman's audit found that the agencies' approach to information disclosure under the Act indicated two principal things: firstly, that the Act is outdated and its processes belong to a pre-electronic era; and, secondly, the agency's implementation of the Act is wanting and demonstrates a lack of understanding or commitment to the democratic principles which underpin the Act.

It revealed that most of the agencies are not coping with the volume and complex nature of recent freedom of information requests and that six of the 12 agencies failed to determine over 50 per cent of access applications within the time frame required by the Act. It revealed that most of the agencies did not understand how to apply the exemptions and the public interest test under the Act.

The Ombudsman's audit also revealed that it was common practice across all of the agencies to provide copies of freedom of information applications, determinations (draft or otherwise) and documents to their minister to 'get the green light' prior to finalisation of access requests. While the Act permits a minister to direct their agencies' determination, evidence provided to the audit strongly suggests that ministerial or political influence is brought to bear on agencies' FOI officers, and that FOI officers have been pressured to change their determination in particular instances. If a ministerial decision or direction is involved, it should be clearly set out in the agencies' determinations.

The audit also revealed that agencies' chief executives are not providing freedom of information or pro-information disclosure leadership. In nine out of the 12 agencies there is no directive at all from the chief executive, senior management or the minister about the operation or implementation of the Act. Only one agency stated that it has ever released an exempt document, despite the discretion to do so under the Act.

There needs to be an integrated approach to information access in this state, which includes freedom of information and privacy, the proactive release of information, with freedom of information used as a last resort. Of course, what goes along with that is adequate records management. So, the question that arises from the Ombudsman's audit is whether what is required is legislative or cultural change or a combination of both.

The report came up with 33 recommendations, and some of them do require legislation to be brought into effect. This bill addresses 10 of the 33 recommendations, and these are 10 recommendations that require legislative change. I will just quickly work through those changes.

The first change relates to the Ombudsman's recommendation No.1, which was:

> The objects and intent of the FOI Act should expressly establish that the Act is based on the principles of representative democracy. The Act is to enable community scrutiny, comment and review of government's activities. Government and FOI agencies are mere custodians of the documents and information, which they hold on trust for the benefit of the public. Documents and information held by government and FOI agencies are a public resource, and the public has a right of access to government-held information, unless disclosure would, on the balance, be contrary to the public interest.

So, the amendment that my bill seeks to introduce is to include a reference to the principles of representative democracy in the objects section of the Act and also to acknowledge that documents held by government are 'a public resource to be held on behalf of the public and managed for public purposes'. The reason this is an important recommendation is that the evidence presented to the Ombudsman clearly shows that there is doubt on agencies' understanding and observance of the existing objects and intent of the Act. Clearly, agencies need more guidance.

The second amendment relates to the Ombudsman's recommendation No.24, where he says:

> Following commonwealth and interstate freedom of information legislation, the Act should give express guidance on what factors should and should not be taken into account in determining whether disclosure of documents would, on balance, be contrary to the public interest.

This amendment is designed to address the difficulties experienced by FOI officers in applying the public interest test, and it does so by giving express guidance on what factors should and should not be taken into account when assessing the public interest. The amendments I have are similar to those used in commonwealth and interstate legislation.

It has often been said that the public interest is an amorphous concept. It is not defined in the current Freedom of Information Act; in fact, I do not believe it is defined in any South Australian statute. So, the determination of where the public interest lies is often non-justiciable and depends on the application of subjective rather than any ascertainable criteria. The public interest will no doubt change over time and according to the circumstances of each case.

The difficulties for agencies in ascertaining the public interest are widely acknowledged, and it is also generally accepted that legislators should not attempt to define the public interest in freedom of information legislation. But an alternative approach, the same one used in the Queensland Right to Information Act 2009, is to prescribe specific factors which must be considered in determining where the public interest lies. The FOI decision maker is then required to balance the factors favouring disclosure against the factors favouring non-disclosure and decide whether, on balance, disclosure of the information would be contrary to the public interest.

In New South Wales an FOI applicant under that Act has a legally enforceable right to be provided with access to the information unless there is an overriding public interest consideration against disclosure. In Tasmania, their Act lists 25 factors that must be considered when assessing if disclosure would be contrary to the public interest.

The commonwealth Act was amended just a few years ago in 2010 to create conditional exemptions whereby access must be given to a document unless access would, on balance, be contrary to the public interest.

The next amendment in my bill is related to recommendation No. 8 of the Ombudsman's audit which says:

> The Act should require agencies to promptly acknowledge receipt of an access application and an application for internal review. Both acknowledgments should inform the applicant of the relevant review and appeal rights and timelines, particularly in the event of the agency failing to make an active determination within the statutory time frames.

The Ombudsman also says:

> In the meantime, the agencies should adopt this practice as a matter of policy.

Well, we believe it should be put in legislation. The Ombudsman's report notes that all departments routinely advise applicants by letter of the receipt of their FOI application but not all of them acknowledge receipt of applications for internal review of FOI decisions. Also, in cases where there is no active determination by an agency, applicants are often not in a position to know their rights to review. The onus to escalate the process and apply for a review or an appeal of a deemed refusal still falls to the applicant, even though there may have been no communication at all from the agency. For this reason it is important that applicants be well informed about their review and appeal rights from the outset, and this needs to be through an acknowledgment process.

I will just pause at that point to note that, as some members would be aware, I have twice been taken to the District Court on FOI matters, one of which related to deemed refusal. The subject matter was the redevelopment of the Festival Plaza behind Parliament House. The dispute arose when the statutory time period passed with the agency (DPTI) refusing to provide any documents. So, I deemed it to be a refusal and lodged an application for internal review. The agency again refused to respond to that and so I went to the Ombudsman. Eventually the Ombudsman determined that I had every right to see the documents and ordered them to be made available to me. That determination finally resulted in a District Court appeal at the suit of Walker Corporation, which was very keen for me and for this Parliament to be kept in the dark in relation to its plans for the Festival Plaza.

I use that as an example because as an applicant for documents under the Freedom of Information Act, I have ended up in court without there having been a single determination by the agency in relation to the documents. The agency simply refused to respond, not once but twice. So I think that reforming the Act in the way envisaged by the Ombudsman and as proposed in this bill is the way to go.

I would also add in relation to that matter that I believed I had a pretty good idea of the game that was being played by the Walker Corporation. I believe that they knew I would be ultimately successful, but their objective was to put as much time as possible between me and the documents so that when they finally were released, they would be stale and of little interest, particularly to the media.

So, I didn't even bother engaging lawyers or briefing Counsel, even though the hearing date was looming. I suspected that they would relent, which they did a week or so before the scheduled District Court hearing. I got the documents, but by then, the plans had changed and the debate had largely moved on. For example, the massive new hotel that was planned to line King William Road and obliterate public views of important heritage buildings had been abandoned. Perhaps the Walker Corporation was reluctant for the public to know just how much public land they coveted for private commercial development.

As Freedom of Information appeals are effectively a no-cost jurisdiction, despite winning the now uncontested case, because I was representing myself, I wasn't actually out of pocket. For the Walker Corporation, they were presumably happy to spend a few thousand fending off a pesky Member of Parliament who was paying too much attention to the State Government's privatisation of the Festival Plaza and Riverbank precinct. The worked the system and it worked for them. This is why we need reform.

Back to the Bill before us, another issue in relation to the tardiness of governments responding to freedom of information requests has been picked up by the Ombudsman in recommendation No. 10, where he recommends:

> … agencies must refund the fees to an applicant if they exceed the initial determination or internal review time limitations under the Act.

As we know, nothing focuses the mind like a nagging pain in the hip pocket and given that, as the Ombudsman said, half the agencies failed to respond to half the applications in the statutory time frame, if those applications were to become free and, given that some of them do involve hundreds or even thousands of dollars of application and processing fees, I think it would focus the mind the of agencies and they would make sure that they dealt with the applications in a timely manner.

That will not affect members of parliament to the same extent because, as we all know, the first thousand dollars of applications lodged by members of parliament is not subject to any fees. So that I think is an important reform to protect other members of the public who are often hit with large fees for exercising their rights under the Act.

The next reform relates to another part of recommendation No. 10. The Ombudsman recommends that:

> Agencies have a discretion to impose a ceiling of 40 hours for processing access applications following consultation with the applicant.

All of us would be aware of responses we have received, sometimes in the realm of high fiction, where the claim is that it would unreasonably take away from the resources of the agency to have to look for this document or documents, which really on any sensible analysis should be pretty easy to find in a filing cabinet. In fact, the ability of inefficient agencies to rely on their inefficiency as a reason to deny access to information has always seemed to me to be quite absurd. We deal with that in this bill as well.

Members would also be aware that often the response from agencies is, 'We can't find the document' or 'It does not exist.' That is always a surprising finding, especially when you have identified the document by name. Perhaps what we should do more often is provide a photocopy of the document to the agency that we are seeking to obtain it from under FOI just to show them that, yes, we have the back of the truck copy but we do need an officially released one as well. What the Ombudsman said about documents that cannot be found or do not exist under recommendation 13 is:

> The Act should include a provision similar to section 26 of the Freedom of Information Act 1992 (WA) , that an agency can determine to refuse access on the basis that ' documents cannot be found or do not exist '.
>
> A determination of this nature should be subject to review and appeal.

Because at present the Act is silent as to what is required when agencies are unable to locate the requested documents. The Ombudsman notes that:

> Agencies appear to struggle with offering adequate explanations to applicants when they cannot locate documents.

In contrast, Victoria, Queensland, Western Australia and the commonwealth all have legislation that expressly provides that, if documents cannot be found or do not exist, then this is construed as a determination to refuse access. The Ombudsman has recommended that SA include similar provisions in our Act and he also recommends that those determinations be reviewable and appealable, and the Greens agree.

Recommendation No. 19 relates to refusal of access. The Ombudsman says, and there are a range of points here:

> The Act should be amended to:
>
> - lessen the number of exemption provisions
> - provide that information must be disclosed unless, on balance, disclosure would be counter to the public interest
> - expressly direct agencies to consider the objects and discretions in the Act before applying exemption provisions.
>
> The agencies should in the meantime, adopt a policy that, in the context of the objects and intent of the Act:
>
> - discretions under the Act must be exercised in a way that favours disclosure of requested documents
> - documents requested under the Act should be released unless release would cause real harm.

In the Ombudsman's analysis of the agencies' use of exemptions, and based on his experience as an external review authority under the Act, he concluded that the list of 19 clauses and 50 subclauses and paragraphs of exemptions in the Act were 'unclear' and 'open to misuse' and that they 'tend to overwhelm the purpose of the Act'. The Ombudsman suggested that this list encouraged 'all but the most seasoned FOI officer to adopt a 'pick the exemption' approach.'

Evidence gathered in this audit confirmed that, again using the Ombudsman's words:

> On receipt of an access application, agencies can often turn first to consider what exemptions might 'fit'.

In the Ombudsman's 2011-12 report, he basically made similar observations where he said that:

> Agencies commonly submit 'blanket claims' over documents, rather than assessing the actual information within the documents
>
> ...most agencies regularly fail to provide detailed submissions to justify their FOI determinations.

The Ombudsman notes that, looking back over his own annual reports from 1992-93 to 2011-12, there are two key themes that he and his predecessors have observed, the first being that 'agencies commonly fail to provide reasons for denying access to documents', and the second that 'the starting point for agencies should be that documents should be released, unless release would cause real harm.' So this amendment addresses this second key theme, which was put most strongly in the 2002-03 report, that:

> Agencies should always turn their mind to the objects of the Act 'to extend as far as possible, the rights of the public to obtain access to information held by government'.

The next amendment relates to notices of determination, which is picked up in the Ombudsman's recommendation No. 25. This, I think, is one of the most important principles of this bill because it goes to the heart of the misuse, by the executive arm of government, of the freedom of information system. The Ombudsman's recommendation is:

> If ministerial 'noting' is to occur, the process should be established by a formal written policy, common to all state government agencies. The policy should:
>
> - expressly recognise section 29(6) of the Act
> - provide that if the minister has directed that the agency's determination be made in certain terms, the agency should ensure that this is clearly stated in the determination
> - provide that if the minister or their staff has had any involvement in the 'noting' of a determination, then this fact and the extent of the noting should be stated in the determination
> - provide that the ministerial 'noting' process must be managed in a way that does not impact on statutory time frames.

What all that means is that when ministers provide a direction as to what to do in determining a freedom of information application, that process should be overt and not covert. There is no legal requirement under the Act for agencies to even tell their minister what FOI applications have been lodged or determinations made; however, it is clearly a widespread practice. The Ombudsman states in his report that:

> Whilst it is appropriate for agencies to keep their minister informed of sensitive matters, the practice of ' ministerial noting ' can result in political interference, or the perception of political interference, in the FOI process. The Act provides a mechanism for transparency and accountability of government; and any perception of political interference in the decision making may affect public confidence in the process.

Evidence gathered in the Ombudsman's audit strongly suggests that ministerial political influence is brought to bear on agencies' FOI officers, and that FOI officers have been pressured to change the determination in particular instances. One witness referred to in the Ombudsman's audit:

> indicated that they had received phone calls from a minister's office asking that certain documents not be released—not because an exemption applied, but because the documents were considered to be embarrassing to the government.

That is just one example; there are many more in the Ombudsman's report. Clearly that is political interference, and we need to shine some sunlight onto that process. The other aspect of this is that the practice of ministerial noting can blow out the time frames for determining freedom of information applications.

As one witness to the Ombudsman's audit said, 'We can get an answer sometimes within days and sometimes it can drag for more than six months.' Clearly this has the potential to cause significant delays in the processing of freedom of information applications and reviews. It also means that the minister's office decides when to release information, which creates possibilities for political views to influence the timing. The Ombudsman notes:

> I have come across an instance in an external review in which an agency released information the subject of an access application to a media outlet, prior to releasing the information to the applicant, an opposition member of parliament. Evidence given to the audit suggests that this is not uncommon.

To put that into plain language, if something embarrassing is about to be lawfully provided to the opposition or to a crossbench party under the Freedom of Information Act, ministers are directing that it be given to the media first. Clearly, that is not the process envisaged or lawful under the Act. By contrast, the freedom of information legislation in Queensland, New South Wales and Tasmania ensures the independence of agency decision-makers and that they are free from inappropriate influence.

It is the Ombudsman's view that if an agency's determination is directed by its minister it should be clearly stated in the determination. This amendment goes some way to address this issue by requiring that if a determination was at the direction of another person (that would include a minister) the determination must include the name of that other person and the extent of the direction given to the FOI officer.

The next amendment again relates to internal review, and I referred to recommendation No. 8 before. This is a continuation of that same issue where the agencies should be providing acknowledgements of receipt of internal review applications and restating the legal rights that an applicant has for further review. When it comes to external review, the Ombudsman, in recommendation No. 11, said:

> The Act should allow an external review authority to remit deemed or inadequate determinations back to the agency for consideration.

Currently, external review authorities, under the Act, and that includes the Ombudsman, do not have the power to remit deemed or inadequate determinations back to agencies for their reconsideration. The Ombudsman notes that numerous external reviews received in his office are a result of agencies being unable to make the determination in time and often they have not been able or are unwilling to avail themselves of section 14A to extend the time to deal with the application at first instance. This puts an unnecessary burden on the Ombudsman's office when it is referred to them for external review if the agency has not considered or processed the application and documents have not been collected or collated. The Ombudsman states in his report that:

> Anecdotal evidence from agencies to my office suggests that for some agencies, it is easier to allow the statutory time to pass and let my office 'do the work'. In such matters, the external review authority has to bear the burden of agencies' inability to manage its staffing resources and processes.

This amendment provides that the external review authority may remit the determination back to the agency for further consideration.

The final amendment I want to refer to relates to the improper direction or influence over FOI officers by others. The Ombudsman's recommendation No. 26 states that:

> The Act should create offences of improperly directing or influencing a decision or determination made under the Act. A uniform protocol should be created for use across all agencies which codifies the requirements for accountable and transparent communication between ministerial offices and agency FOI officers in relation to access applications under the Act.

While the effectiveness of the FOI Act is largely dependent on those responsible for implementing it, the Act does not contain any prohibition about improper direction of or influence on an accredited FOI officer or other FOI staff. In contrast, New South Wales and Queensland legislation protect FOI decision-makers from improper influence by making it an offence to direct a person engaged in the administration of FOI legislation to make a decision which the person believes is not the decision that should be made under the Act. This amendment creates an offence of improper direction or influence and the penalty for that offence is a fine of up to $5,000.

Finally, I would say that I am willing to discuss any sensible amendments to this Bill with interested Members. I have deliberately confined this Bill to the recommendations of the Ombudsman, but that is not to say that these are the only reforms that are worth pursuing. I have started with the Ombudsman's recommendations to de-politicise (as far as possible) the reforms in this Bill. Whilst the Greens support all these reforms, the primary architect is a Statutory Officer whose views should command respect from all sides of politics.

I commend the Bill to the Council.

Debate adjourned on motion of Hon. T.J. Stephens.

Motions

POVERTY IN SOUTH AUSTRALIA

The Hon. T.A. FRANKS (16:01): I move:

1. That a select committee of the Legislative Council be established to inquire into and report on poverty in South Australia, and in particular—
   (a) the extent and nature of poverty in South Australia;
   (b) the impact of poverty on access to health, housing, education, employment, services and other opportunities;
   (c) the practical measures that could be implemented to address the impacts of poverty;
   (d) any other relevant matters.
2. That standing order 389 be so far suspended as to enable the chairperson of the committee to have a deliberative vote only.
3. That this council permits the select committee to authorise the disclosure or publication, as it sees fit, of any evidence or documents presented to the committee prior to such evidence being presented to the council.
4. That standing order 396 be suspended to enable strangers to be admitted when the select committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating.

This is a motion to establish a select committee of the Legislative Council to inquire into and report on poverty in South Australia, in particular the extent and nature of poverty in our state and the impact of that poverty on access to health, housing, education, employment and services, as well as any other opportunities. It also is a select committee set up to investigate the practical measures that could be implemented to address these impacts of poverty in the way that they are happening right now to South Australians in terms of 2018, and any other relevant matters.

In 2018, I think it is to our shame that we still have people living in poverty in a developed nation. I rise today to speak about poverty, not for the first time. Indeed, I have spoken about poverty many times in this place and on more than one occasion in this council I have talked about the war that we wage on the poor, rather than the war that we should wage on poverty. It is deeply disturbing that this war goes on, with continued attacks not only made on those people who have been plunged into poverty and live below the poverty line but punishing them while they are there. Now we are seeing attacks on the very services that work to alleviate that poverty. Where once, back in the 1980s, we had a prime minister (prime minister Hawke) who talked in terms—aspirational, but achievable terms—of no child living in poverty, it seems now that beating up on the poor is a national pastime, from our federal leaders to local councillors.

A snapshot of poverty in Australia provides a shocking picture that should prompt urgent action from all levels of government. According to the Australian Council of Social Services report of 2016, 'Our poverty in Australia', the poverty line for a single adult is $426.30 a week, defined here as 50 per cent of the median income. For a couple with two children, it is $895.22 a week. Despite Australia's 20-year economic growth, there are around three million people living in poverty in our nation. One in six children under the age of 15 lives in poverty. We are certainly a long way from the days of having a prime minister promise that none of those children need live in poverty in this country. Conversely, child poverty in Australia increased by two percentage points over the decade 2003-04 to 2013-14.

Meanwhile, of the people receiving social security payments, 36.1 per cent were living below the poverty line, including 55 per cent (more than half) of those receiving Newstart Allowance. Beyond these statistics of course there are stories of people who have no food to put in their pantries. In fact, they have no need for a pantry because there is simply nothing to place in it. We now have an attitude in this country that somehow it is acceptable for people to live in poverty and that somehow it is often seen as their own fault. This comes from the idea of the deserving and undeserving poor, which certainly I learnt about in my university days and had thought was a thing of the past, not of our present.

Meanwhile, on average, more than 100,000 Australians are homeless each and every night. This is a shocking figure for a society that prides itself on a fair go—it certainly does not provide that fair go—and for a wealthy nation where everyone in our community should be able to share in that wealth. More than a quarter of those people afflicted by homelessness are under the age of 18 and around a quarter are Aboriginal and Torres Strait Islander Australians. Chronically underfunded public housing and homelessness services are then left to deal with this. Sadly, now we are seeing not only that war on the poor but a war on those services that are actually fighting the good fight: the war on poverty itself. The Hutt St Centre does amazing work in combating homelessness and poverty but now finds itself the number one target of a dedicated campaign of attack from certain local councillors and some newspaper columnists.

As a result of this campaign, it has been forced upon SAPOL to say that resources are being deployed to fight the fear of crime rather than any crime itself. In fact, SAPOL has stated that there is no evidence of an escalation of any crime rate in this particular area around the Hutt St Centre. We must do better than this. Rather than a war on poverty and the services that are actually helping to alleviate that poverty and homelessness, we need a war on poverty itself. We need to get to the bottom of the claims that are being made about the Hutt St Centre and about homelessness in general. We must know whether there are vested interests at play with hidden motives for pushing out the Hutt St Centre that have nothing to do with poverty. Perhaps that is the case. This committee will certainly investigate that situation.

I believe we should be lauding the work of the Hutt St Centre along with organisations such as the Don Dunstan Foundation, Anglicare, Uniting Communities, Catherine House and Shelter SA, all of whom are doing their bit to end poverty and homelessness and all of whom deserve our support.

In the face of some of the claims made in the media late last year, the Institute for Global Homelessness recognised Adelaide as one of the 12 cities in the world leading the way in tackling street homelessness. That is the sort of news I would like to see more of in our local papers. It is time we had a real conversation about poverty and homelessness in this state, and this council is the place for that. It is time for action on poverty and homelessness.

The establishment of this select committee will be an important first step in this direction. The committee will also provide a voice for those who are living in poverty, who are silenced in our current public debate. I have liaised with the Don Dunstan Foundation, with Shelter SA and with groups such as the Anti-Poverty Network who are campaigning for a raise in Newstart. It will also allow a voice for those living in Ceduna who have been put on a cashless welfare card and plunged into poverty. This will be a committee, I hope, that will be cross-party in its approach and that will start to look at solutions and a vision for a place where not only no child lives in poverty in this state but no-one lives in poverty in this state. With those few words, I commend the motion to the council.

Debate adjourned on motion of Hon. T.J. Stephens.

Bills

STATUTES AMENDMENT (DECRIMINALISATION OF SEX WORK) BILL

Introduction and First Reading

The Hon. T.A. FRANKS (16:09): Obtained leave and introduced a bill for an act to amend the Criminal Law Consolidation Act 1935, the Equal Opportunity Act 1984, the Spent Convictions Act 2009, the Summary Offences Act 1953 and the Return to Work Act 2014. Read a first time.

Second Reading

The Hon. T.A. FRANKS (16:10): I move:

That this bill be now read a second time.

This bill is a reintroduction of the 2015 private members' bill that was put before this place—and it passed in quite strong numbers—by the Hon. Michelle Lensink. This bill is based on New Zealand's decriminalisation of sex work model, which will serve the some 2,000 sex workers who are currently operating in South Australia to have legal protections and to safeguard their humans rights.

Protecting sex workers from exploitation, promoting the welfare and occupational safety and health of sex workers, and creating an environment conducive to public health, will be assisted by this bill. This bill amends the Summary Offences Act 1953, the Criminal Law Consolidation Act 1935 and other parts of our laws to end an environment that criminalisation has created, an environment of stigma, discrimination and systemic exclusion that prevents sex workers from accessing health and support services and increases their risk of violence and abuse.

It also has silenced sex workers from reporting to the police such things as sexual abuse, harassment, domestic violence or damage to property caused by their clients. The model in this bill is supported by no less than Amnesty International, the World Health Organisation, the Secretary General of the United Nations (Ban Ki-moon), and many other relevant bodies.

The one thing that this bill embodies is the principle of 'nothing about us without us'. On that note, I seek leave to continue my comments on the next Wednesday of sitting so that those who are most affected by this bill can come and view it or listen to it on the stream. With those few words, I seek leave to conclude my remarks.

Leave granted; debate adjourned.

Motions

SOUTH AUSTRALIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

The Hon. J.A. DARLEY (16:13): I move:

That the regulations made under the South Australian Civil and Administrative Tribunal Act 2013 concerning fees—general, made on 26 September 2017 and laid on the table of this council on 28 September 2017, be disallowed.

Previous parliaments have been faced with the issue, when disallowing regulations, where we cannot disallow parts of regulations that have been laid on the table. If we disallow regulations then we must disallow all of them. I am faced with this issue with this disallowance motion, as I am only really concerned with the new regulations as they relate to the Valuation of Land Act.

The new regulations would see fees for a SACAT review of a valuation increase from $71 to $765 for corporations and $545 for others. This is an incredible increase. When these regulations were laid on the table last year, I was a member of the Legislative Review Committee and sought further information from the Attorney-General's Department as to why there was such a big increase. The information provided in the response advised that the increase in fees is needed because the current fees are unsustainable, that SACAT may not be able to deliver their services without an increase, and that an increase in fees would deter frivolous applicants.

I understand there may be applications from owners who are seeking only a very small reduction in their valuation and who lodge applications for reviews without fully understanding the work that is required of them, as well as from the Valuer-General. This is not the fault of the owner. In searching for information on valuation reviews, the only information is the administrative instructions on how to lodge a review. There is no guiding information on what needs to be provided to SACAT or review valuers. The Valuer-General would do well to have information available to the public as it may assist with so-called frivolous applicants.

Further to this, the Valuer-General may find that having conversations with owners at the objection stage may resolve the issue without having to resort to a review at all. Owners often do not know they can request this of the Valuer-General, and it is not something that is advised in the State Valuation Office's objection pack. This simple change would save a lot of time and money in the long run.

I have requested from the Valuer-General's office information regarding the number of objections they receive and the number of these that are then referred to SACAT, or a review valuer, to gain insight into how many people this will affect; however, I am still waiting for these statistics. As such, I will need to conclude my remarks at a later stage.

My concern about the increase in these fees is that it will deny people the right to review, or that many may not bother because of the high cost. This will negate any positive outcome from the review. The current median value for a house in South Australia is $470,000. If an owner asks for SACAT to review the valuation it would need to be a valuation reduction of over 50 per cent in order for the owner to recoup his costs in savings from their rates and taxes. In my 11 years as valuer-general, I cannot ever recall seeing a reduction in value of this magnitude.

I understand that whilst there are other avenues available to request a valuation review, many people choose to have a SACAT review rather than a review by a valuer at a cost, as a SACAT review is lower. This indicates to me that the scale of rates for all reviews should be revised. This may result in an increase in the SACAT fees; however, the level that is being proposed is far too much. As I said previously, I am still waiting for further information from the Valuer-General and, as such, I seek leave to conclude my remarks at a later stage.

Leave granted; debate adjourned.

Bills

DISABILITY INCLUSION BILL

Introduction and First Reading

The Hon. J.M.A. LENSINK (Minister for Human Services) (16:17): Obtained leave and introduced a bill for an act to promote the full inclusion in the community of people with disability; to assist people with disability to achieve their full potential as equal citizens; to promote improved access to mainstream supports and services by people with disability; to provide for the screening of persons who want to work or volunteer with people with disability and to prohibit those who pose an unacceptable risk to people with disability from working or volunteering with them; to provide for a community visitor scheme; to provide for responsibilities of the state during and following the transition to the National Disability Insurance Scheme; and for other purposes.

Read a first time.

Second Reading

The Hon. J.M.A. LENSINK (Minister for Human Services) (16:19): I move:

That this bill be now read a second time.

This bill is the fulfilment of a pre-election commitment to reintroduce this bill within the first 100 days. The Marshall Liberal government is committed to laws to bring about tangible measures that recognise and enshrine rights and responsibilities for people with disability as assumed by other members of the community, and I now propose to reintroduce this bill into parliament.

The Disability Inclusion Bill aims to promote human rights and improve inclusion in the community for South Australians with disability. It is an important piece of legislation in the context of significant change taking place in the disability sector at the present time. The National Disability Insurance Scheme (NDIS) is transforming the way disability support is funded and delivered across Australia.

We are currently in a period of transition from the state administered scheme to a national scheme delivered by the commonwealth government. The NDIS presents a major reform and heralds a new era in the provision of services and supports for people with disability, with an emphasis on individual choice and control. South Australia was one of the first jurisdictions to sign up to the NDIS and will also be one of the first jurisdictions to reach full scheme implementation.

In the context of these major reforms, the Disability Inclusion Bill seeks to clarify South Australia's role in supporting people with disability. The bill sets the state government's future direction, focused on rights and inclusion, in line with the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and the National Disability Strategy (NDS).

Previously, the state government was responsible for funding providers to deliver services to people with disability. The Disability Services Act 1993 was created for this purpose. It is therefore a service-oriented act established to administer funding and regulate the state disability services sector. During transition, the South Australian government is progressively transferring responsibility for disability services and support to the commonwealth government and the National Disability Insurance Agency (NDIA).

The Disability Services Act 1993 will not be required once transition to the NDIS is fully realised because the state government will no longer directly fund services. Instead, the NDIA will work with eligible individuals to create a personal budget to pay for their chosen services and supports, based on their goals.

We know there is more to living a fulfilling life than simply being able to access disability services and supports. People with disability also have a right to be included in all other aspects of the community on an equal basis with other citizens. Inclusion covers things that may otherwise be taken for granted, like catching a bus to work, attending community events, going to the shops or sporting events, and participating in training or other educational activities. It means access to broader community and mainstream services and opportunities that, without dedicated planning and action, are not always easily accessible to people with disability due to various factors. Enhancing inclusion and removing these barriers is the focus of the Disability Inclusion Bill.

These challenges were recognised in the National Disability Strategy, which was Australia's response to the ratification of the UNCRPD. The state government will continue to have a role in implementing the aims of the NDS and the UNCRPD into the future, once the NDIS is fully rolled out. The principles and vision of these landmark documents set the policy foundation for the Disability Inclusion Bill.

I now turn to the features of the bill. The bill is underpinned by a range of rights-based principles that reflect the tone of the UNCRPD and NDS. These principles are based on a recognition that whilst people with disability have the same fundamental human rights as others, they often experience difficulty exercising their rights because of the inaccessibility of things such as built form, cultural approaches or a range of other limitations. Through these principles, the bill gives visibility to the issues faced by people with disability.

The overall purpose of the bill is to ensure these issues are considered and the views of people with disability are incorporated into policies and programs that affect them. The bill also articulates a range of rights specific to certain groups who can face additional challenges and vulnerabilities. This includes women with disability, children with disability, Aboriginal and Torres Strait Islander people with disability and culturally and linguistically diverse people with disability. The principles will be brought to life through disability inclusion planning, which is another key feature of the bill.

Achieving an inclusive society is a long-term vision that requires consistent efforts. The bill aims to support this by ensuring that appropriate planning takes place in a coordinated manner across state and local government. This planning will underpin a more inclusive community, which provides equality of access to mainstream services and facilities for people with disability, in line with the six outcomes areas of the NDS.

Under the bill, a state disability inclusion plan will be developed every four years. There is also a requirement for state government departments, statutory authorities and local councils to develop and implement a disability access and inclusion plan (DAIP) every four years. A list of which statutory authorities are captured by this requirement will be prescribed through regulations at a later stage once the legislation has passed and will be done in consultation with affected organisations.

The state disability inclusion plan will be the overarching framework. It will set the state government's disability inclusion agenda and provide guidance for agencies developing DAIPs. DAIPs will detail the ways in which agencies which are captured by the bill's requirements plan to improve access to their services and programs. DAIPs will address their identified barriers and specify the action required to ensure that people with disability can contribute to and participate more fully in their communities.

An annual report will be prepared, providing a single reference point for tracking progress across the state disability inclusion plan and the various DAIPs. The need to involve people with disability, their families, carers, advocates and peak bodies in disability inclusion planning is recognised as well. This is in line with the state government's approach to engagement, which is to involve South Australians in decisions that matter to them. Broad requirements for consultation are included in the bill. It stipulates that all plans must be developed in consultation with people with disability. The specific consultation requirements will be detailed in accompanying regulations and guidelines to be developed.

State government departments, statutory authorities and many local councils are already preparing these plans and doing much in this area. Including this requirement in the bill will place greater rigour and emphasis on the disability inclusion planning process and a consistent approach across the state. In addition to the rights and inclusion focus, the bill includes a range of other supplementary aims. The national Quality and Safeguarding Framework will set nationally consistent requirements for ensuring supports and services delivered through the NDIS are safe and of high quality.

There will be joint responsibility between the commonwealth and state government for certain aspects of the national framework, including worker screening. Current requirements for worker screening in the South Australian disability services sector are covered by the Disability Services Act 1993, which will no longer have any force once the NDIS is fully implemented. Therefore, a new legislative basis for worker screening is needed. Part 6 of the bill provides the ability to establish a worker screening scheme through the regulations. Where possible, the bill mirrors the new working with children check scheme being established through the Child Safety—

The Hon. K.J. Maher interjecting:

The Hon. J.M.A. LENSINK: —will you behave yourself—(Prohibited Persons) Act 2016. Further operational details will be provided in the accompanying regulations, which will also mirror the new working with children check scheme and will be developed in line with the national policy proposed under the national Quality and Safeguarding Framework.

The bill also includes the ability to make regulations for a community visitor scheme (CVS). Currently, the South Australian disability CVS operates under the Disability Services Act 1993. This scheme will continue to operate during transition to the NDIS. A national evaluation of community visitor schemes across the country is underway, the findings of which will inform the commonwealth government's position on such a scheme under the NDIS. Depending on the outcome of this review, part 7 of the bill allows the state government to develop regulations to establish a CVS if the need arises.

Lastly, the bill enables the drafting of general regulations that may include any measures to fill gaps that emerge as implementation of the NDIS continues; in particular, elements of the national Quality and Safeguarding Framework. Part 6 of schedule 1 of the bill allows for the Disability Services Act 1993 to be repealed once it is no longer needed. Importantly, it is not intended that the Disability Inclusion Bill replace the Disability Services Act 1993. This is because the Disability Services Act 1993 is still required whilst we are in transition to the NDIS. Part 6 of schedule 1 will only be enacted once the NDIA fully assumes responsibility for the disability services sector in South Australia. A period may therefore exist in which both the Disability Inclusion Bill and the Disability Services Act 1993 operate at the same time.

In closing, I would like to acknowledge the work of the previous government in the drafting of this legislation. The bill before us is identical, except that the date is 2018 instead of 2017. I would also like to acknowledge the work of Dr David Caudrey, who has remained in service to ensure that the important work of disability policy continues under the South Australian government, at least until we reach full transition. I commend the bill to members. I seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

3—Interpretation

This clause defines terms and phrases used in the Bill.

4—Interaction with other laws

This clause clarifies that the provisions of the Bill do not limit the operation of other Acts unless the contrary intention appears in the Bill.

5—Act to bind, and impose criminal liability on, the Crown

This clause extends the potential for criminal liability under the Bill to include the Crown.

6—Part 2 etc not to create legally enforceable rights etc

This clause confirms that proposed Part 2 of the Bill does not create legally enforceable rights or entitlements, nor does it affect existing rights or liabilities.

Part 2—Objects and principles

7—Act to support United Nations Convention on the Rights of Persons with Disabilities etc

This clause sets out Parliament's intention that the proposed Act is to be administered so as to support and further the principles and purposes of the *United Nations Convention on the Rights of Persons with Disabilities*, as well any other relevant international human rights instruments affecting people with disability.

8—Objects

This clause sets out the objects of the Bill.

9—Principles

This clause sets out principles to be observed in the course of the operation, administration and enforcement of the proposed Act.

Part 3—Administration

10—Functions of Chief Executive

This clause sets out the functions of the Chief Executive under the proposed Act.

11—Powers of delegation

This clause is a standard power of delegation.

12—Guidelines

This clause empowers the Chief Executive to publish guidelines for the purposes of the proposed Act.

Part 4—State Disability Inclusion Plan

13—State Disability Inclusion Plan

This clause requires the preparation of a plan setting out or providing for the matters referred to in proposed subsection (3), to be known as the State Disability Inclusion Plan.

The clause makes procedural provision in relation to the preparation of the plan, including consultation requirements and requiring the plan to be laid before Parliament.

14—Annual report on operation of State Disability Inclusion Plan

This clause requires the Chief Executive to prepare an annual report on the State Disability Inclusion Plan in respect of each financial year, with the report to be laid before Parliament.

15—Review of State Disability Inclusion Plan

This clause requires the Minister to review the State Disability Inclusion Plan at least once in each 4 year period, with a report on the review to be laid before Parliament.

Part 5—Disability access and inclusion plans

16—Disability access and inclusion plans

This clause requires each State authority, as defined in proposed section 3, to prepare a disability access and inclusion plan and sets out how such plans are to be prepared and what they must contain. The plans are required to be published and accessible to people with disability.

17—Annual report on operation of disability access and inclusion plan

This clause requires each State authority to prepare an annual report on their disability access and inclusion plan in respect of each financial year, with a combined summary of the reports required to be laid before Parliament.

18—Review of disability access and inclusion plans

This clause requires State authorities to review their disability access and inclusion plans at least once in each 4 year period, with a report on the review to be submitted to the Minister.

Part 6—Screening of persons working with people with disability

19—Interpretation

This clause defines terms and phrases used in the proposed Part.

20—Working with people with disability

This clause defines what it means to work with people with disability for the purposes of the proposed Part.

21—Certain persons prohibited from working with people with disability

This clause prohibits persons of the kinds specified in proposed subsection (1) from working with people with disability, and creates an offence where they do so in contravention of the proposed subsection. The clause also creates an offence for an employer to employ, or continue to employ, a prohibited person in a prescribed position as defined in proposed section 19.

22—Working with people with disability without current screening check prohibited

This clause prohibits a person from working with people with disability unless a screening check has been conducted in relation to the person within the preceding 5 years, and creates an offence where they do so in contravention of the proposed subsection.

23—Regulations to set out scheme for screening checks

This clause is a regulation making power allowing the regulations to set out a scheme for the screening of people proposing to work with people with disability.

Part 7—Community Visitor Scheme

24—Community Visitor Scheme

This clause is a regulation making power allowing the regulations to set out a scheme for a community visitor or visitors in relation to people with disability.

Part 8—National Disability Insurance Scheme

25—Regulations for the purpose of implementing etc the National Disability Insurance Scheme

This clause is a regulation making power allowing the regulations to make provisions providing for, or relating to, the transition to the National Disability Insurance Scheme.

Part 9—Information gathering and sharing

26—Chief Executive may require State authority to provide report

This clause confers on the Chief Executive the power to require a State authority to prepare and provide a report to the Chief Executive in relation to specified matters, and sets out procedures for where a State authority fails to do so.

27—Sharing of information between certain persons and bodies

This clause enables specified persons or bodies to exchange certain information and documents with each other to enable them to perform official functions or to manage certain risks.

28—Interaction with *Public Sector (Data Sharing) Act 2016*

This clause clarifies that the provisions of the proposed Part do not limit the operation of the *Public Sector (Data Sharing) Act 2016*.

Part 10—Miscellaneous

29—Confidentiality

This clause is a standard provision preventing confidential information from being disclosed except in the circumstances specified in the proposed section.

30—Victimisation

This clause is a standard provision allowing a person who is the subject of an act of victimisation as defined in the proposed section to have the matter dealt with as a tort or under the *Equal Opportunity Act 1984*.

31—Service

This clause sets out how documents and notices may be served on a person.

32—Review of Act

This clause requires the Minister to review the operation of the proposed Act between 3 and 4 years after commencement, with a report on the review to be provided to the Parliament.

33—Regulations

This clause is a standard regulation making power.

Schedule 1—Related amendments, transitional provisions and repeal

Part 1—Preliminary

1—Amendment provisions

This clause is formal.

Part 2—Amendment of *Carers Recognition Act 2005*

2—Amendment of section 5—Meaning of carer

This clause makes a consequential amendment.

Part 3—Amendment of *Disability Services Act 1993*

3—Repeal of sections 5B and 5C

This clause makes a consequential amendment.

Part 4—Amendment of *Intervention Orders (Prevention of Abuse) Act 2009*

4—Amendment of section 3—Interpretation

This clause makes a consequential amendment.

Part 5—Repeal of *Disability Services Act 1993*

5—Repeal of *Disability Services Act 1993*

This clause repeals the *Disability Services Act 1993*, and will be brought into operation once the National Disability Insurance Scheme is operational.

Debate adjourned on motion of Hon. C.M. Scriven.

Parliamentary Committees

BUDGET AND FINANCE COMMITTEE

The Hon. K.J. MAHER (Leader of the Opposition) (16:30): I move:

That standing orders be so far suspended as to enable me to move for the substitution by motion of a member of the Budget and Finance Committee.

Motion carried.

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

That the Hon. J.E. Hanson be substituted in the place of the Hon. T.A. Franks (resigned) on the committee.

The Hon. R.I. LUCAS (Treasurer) (16:31): I rise on behalf of government members to indicate that we will not oppose the motion, but I do pass commentary on the dog's breakfast way that the Leader of the Opposition has managed this particular process. Just to remind the chamber, the original position as discussed, which has been a longstanding one, was that this committee was a committee of five, which was essentially two government members, two opposition party members and one crossbencher. That has been its history for a decade.

In some initial discussions, that was our understanding of what the position was likely to be. We understand that eventually the crossbenchers were unable to come to an agreement in relation to one of two members who were interested in being a member of the committee, and the position that the Leader of the Opposition and the crossbenchers then negotiated was that it be a committee of six.

There was a discussion and one way of resolving that, because the alternative position, which I think the Leader of the Opposition put, was that the government would only have one member on the committee, was that there would be two Labor members, one government member and two crossbenchers. The position I put to the Leader of the Opposition was that that would be unprecedented. It would mean, given the heavy workload of the committee, that in the event that the government member was sick, absent or away, there would be no government representative on the committee.

We then got to the situation where we indicated that, alright, the resolution would be to move an amendment for six members, who would be two government members, two opposition members and two crossbenchers. Then, at the last moment, the Leader of the Opposition came and said, 'No, there are now three crossbenchers who want to be on the committee, so would you move an amendment?' or, 'If you don't move the amendment, we will move an amendment to make it seven members on the committee,' who would be two government, two opposition and three crossbenchers.

In the space of less than 24 hours, having gone from five to six and then to seven members at the last moment, the Leader of the Opposition advised me that one of the crossbenchers was now no longer either interested or prepared to serve on the committee and the Labor Party now wanted to have a third member nominated to the committee. I think, in terms of its new structure, this is contrary to the longstanding convention and practice that we have had but, as I said, the government members will not vote against this particular matter at this stage.

As I have indicated before, I am hopeful that there might be some sensible discussion between all parties about reform of committees in terms of the nature, structure and operation of those committees. There were productive discussions in the last parliament between the then government and then opposition. My understanding is that there is a willingness for those to continue in terms of a potential sensible reform. This particular arrangement of three Labor members, two government members and two crossbench members of a particular committee is an unusual structure of the Budget and Finance Committee.

As I have said, we will not vote against the motion being moved by the Leader of the Opposition on this particular occasion, but I do express my concern at the process through which we have ended up in this position. I hope that maybe, in the sensible discussion that might ensue over the coming months or so between all parties, we might come to a sensible resolution, not just in relation to this committee but also all the other committees that operate in this chamber, in the other chamber and as joint committees of both chambers.

The Hon. T.A. FRANKS (16:35): I rise to put some contrary opinions to those that have just been expressed. What I would say is unprecedented is that this Budget and Finance Committee has indeed been a creature of this parliament—a creature of an oppositional nature of this parliament—because this is the only parliament in the commonwealth that does not include the upper house in its estimates process. That is certainly something that, I put to the Treasurer, should be reformed in this particular parliament.

However, the Budget and Finance Committee has done an admirable job as a committee set up and, indeed, shared by the opposition for some 10 years, according to the words of the Treasurer, as a way of scrutinising the finances of this state. It is unprecedented for a member of the government to move to establish this committee and for a member of the government to think that they would control this committee. This is a committee of the opposition; that is, the opposition being the opposition and the crossbench who are not in government.

Members interjecting:

The PRESIDENT: Order! Allow the member to speak.

The Hon. T.A. FRANKS: Thank you for your protection, Mr President. This is a process that we have set up in this upper house, this Legislative Council, because we are not involved in the estimates processes of this state parliament. Therefore, I think it is well within our rights to have established how we would like to see it run. What is unprecedented is that we have not debated the motion from the opposition leader, but that we have debated the motion from the government.

The government, of course, was approached by crossbenchers and members of the opposition with regard to reconfiguring this committee to change the numbers and to address the desire of crossbenchers and opposition members to be on it. The government refused to negotiate—that is why we are presented with the situation we now have. That is also unprecedented, because I would warn the government that, in this place, they need to negotiate.

The PRESIDENT: I understand from the Leader of the Opposition that he does not wish to sum up the debate.

Motion carried.

At 16:38 the council adjourned until Thursday 10 May 2018 at 14:15.