

## LEGISLATIVE COUNCIL

Thursday, 31 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*

#### **PUBLIC TRANSPORT**

**The Hon. R.I. LUCAS (Treasurer) (14:16):** I table a copy of a ministerial statement relating to the Adelaide metropolitan passenger bus service contracts made earlier today in another place by my colleague the Hon. Stephan Knoll.

### *Question Time*

#### **ROYAL ADELAIDE HOSPITAL**

**The Hon. K.J. MAHER (Leader of the Opposition) (14:17):** I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing about hospital safety cover-ups.

Leave granted.

**The Hon. K.J. MAHER:** Yesterday, the minister admitted that he knew about a serious clinical safety issue at the Royal Adelaide Hospital, but chose not to inform the public. Today, it has been revealed that other surgeons had been using the same operating theatre that the infections occurred in and that these surgeons may not have known about this issue. My questions to the minister are:

1. Why did the minister make the decision not to inform the public about this issue?
2. Under what circumstances will the minister inform the public about serious clinical safety issues in hospitals?
3. Exactly when was the minister informed and how was he informed? Was it via a briefing or was it verbally, and by whom?
4. When the minister was informed last week of these major clinical safety issues, was he also informed that other surgeons may have been using these operating theatres and they didn't know about the infection issue?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:18):** I thank the honourable member for his questions. First of all, I think he is quite wrong, or at least premature, to describe this as a major, serious clinical safety issue. I will just remind the council of what has been found. Clinicians at the Royal Adelaide Hospital, as part of their regular clinical governance processes, have maintained data in relation to the outcomes of their surgeries. What they noticed, as I understand it, in early May was that there was starting to emerge a trend in infections. A trend in this cohort can be relatively small numbers.

We are talking about the period from the opening of the new Royal Adelaide Hospital in September last year through to most recently. The data I have been given is that in the period there were 116 orthopaedic procedures. These are particularly hip and knee replacements. During that period, four patients were identified with infections out of that total of 116. That correlates to an infection rate of 3.45, which is significantly above the 1 per cent that you would expect, and it is monitored through the National Joint Replacement Registry.

I would make it clear to the house that the cause has not yet been identified. Considering we are talking about four in 116, I am advised that, considering it's such a small number, there is the potential for a part, if not all, of the impact to be statistical variance. CALHN is taking this—

*Members interjecting:*

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

**The Hon. S.G. WADE:** CALHN is taking this matter seriously.

*Members interjecting:*

**The PRESIDENT:** Let the minister answer.

**The Hon. S.G. WADE:** What the clinicians did, quite responsibly, is they decided that the trend in infections needed further investigation. That further investigation is continuing. They have decided to take action to minimise the potential risk without knowing what the cause is. I think that is highly responsible. It is what we expect clinicians to do in a situation like this. CALHN—

*Members interjecting:*

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

**The Hon. S.G. WADE:** CALHN (Central Adelaide Local Health Network) is reviewing the process end to end. This includes every aspect of the process, including instrument sterilisation, design features, scrubbing up procedures and so on. They have also taken a step to maximise patient safety by ensuring that infection prevention and control requirements are met within the areas where this surgery is performed. As a precaution, in recent weeks orthopaedic surgeons have postponed elective hip and knee replacement surgeries at the Royal Adelaide Hospital. That is a precautionary step. While the trend in infections is being investigated, I think it is quite responsible for the clinicians to take steps to minimise any potential risk.

In relation to the question of the member in relation to a decision to issue a statement, the newspaper this morning was quite incorrect to say that I decided not to make a statement. It has not been suggested—

*Members interjecting:*

**The PRESIDENT:** Order!

*Members interjecting:*

**The PRESIDENT:** Order! Leader of the Opposition, we do not need commentary. I was very kind allowing you to ask that question, because technically you are not supposed to put press statements in questions.

**The Hon. S.G. WADE:** The fact of the matter is that health alerts are normally issued by the department or by the local health network or by a particular public health officer. They are not normally issued by the minister. Considering that what is happening here is that clinicians are investigating the causes of a trend in infections, we are yet to know whether this is anything more than a statistical variance, and if there are clinical impacts, what they are. The steps being taken, in my view, are very responsible.

#### ROYAL ADELAIDE HOSPITAL

**The Hon. K.J. MAHER (Leader of the Opposition) (14:24):** Supplementary arising from the answer: how was the minister informed of this issue? Was it via a briefing or was it verbally, and by whom?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:24):** Late last week, the chief executive of SA Health came to my office and advised me that an issue was being investigated, and that a brief would be prepared.

#### ROYAL ADELAIDE HOSPITAL

**The Hon. K.J. MAHER (Leader of the Opposition) (14:24):** Supplementary arising from the original answer: as the original question stated, it has come to light that the same operating

theatres were being used by other surgeons. Was the minister aware of this when, late last week, the chief executive gave him a briefing?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:24):** The fact of the matter is that the clinicians involved in the surgery have identified not an issue with particular theatres but an issue with a particular procedure. They have, as clinical governors, as the people who know the intricacies of orthopaedic surgery, decided the steps that have been taken. I have no doubt that the orthopaedic clinicians, who are monitoring their own surgical outcomes, have advised other surgeons. The fact of the matter is that the issues are with the surgical class, not particular theatres.

#### ROYAL ADELAIDE HOSPITAL

**The Hon. K.J. MAHER (Leader of the Opposition) (14:25):** Final supplementary arising from the original answer: I take it from the minister's answers that he is guaranteeing that other surgeons were made aware of this issue outside the orthopaedic division?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:25):** It certainly would be my expectation that surgeons would talk to one another. I will take that on notice and bring back an answer for the member.

#### ROYAL ADELAIDE HOSPITAL

**The Hon. I.K. HUNTER (14:26):** Supplementary: the minister said that, when he was advised that the situation was serious enough, as a precautionary measure further surgeries would be cancelled. Did he then not consider it also a useful precautionary measure to advise the public?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:26):** It is an interesting point as to who needs to know and when. The fact of the matter is that here we have a trend in infections, with an investigation yet to identify a cause. The nature of health alerts are incredibly broad. I mentioned earlier some of the health alerts that go out, and some would hardly rate a mention in terms of awareness within the community. For example, since I have been minister I think there have been three or four food-related recalls, and it is important, considering that that material goes far and wide, that also the alert goes far and wide.

But, let's remember what we are talking about here. We are talking about a procedure which, to be frank, is rarer than I thought. If you had asked me how many hip and knee replacements we would have done at the Royal Adelaide Hospital since September, I would have been surprised that it was only 116. Be that as it may, 116 procedures have been done. This is a very discrete patient group; this is not a situation where we are concerned about somebody picking up a piece of pizza that is not fit for human consumption and our needing to broadcast it. These people are coming through our door—we don't need to do the surgery at that place if we choose not to, and that's exactly what the clinicians have done.

Considering that this is an investigation of a trend in infections, that a discrete patient group was involved and that steps were being taken to prevent further infections, I have no reason to question the decisions that the clinicians have made.

#### ROYAL ADELAIDE HOSPITAL

**The Hon. R.P. WORTLEY (14:28):** Supplementary: just a few minutes ago the minister tried to basically blame a journalist for lying to justify what happened. Can you name the journalist?

*Members interjecting:*

**The Hon. R.P. WORTLEY:** That came out of the original answer. Will you identify the journalist who you say misrepresented you?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:28):** My suspicion, actually, was that it was the shadow minister for health and wellbeing, Chris Picton.

#### ROYAL ADELAIDE HOSPITAL

**The Hon. I.K. HUNTER (14:28):** Supplementary arising from the answer: given that the minister—

*Members interjecting:*

**The PRESIDENT:** Order! I can't hear the member.

**The Hon. I.K. HUNTER:** —is the sole determinant now of what is in the public interest in relation to these very important matters at the Royal Adelaide Hospital, and given that the minister believes that alerts about pizzas are sufficient to be made public, why then does he think that alerts about serious increases in surgical infections are not fit to be made public?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:29):** I made it clear that I did not make the decision as to the form of public announcement.

**The Hon. K.J. Maher:** You did! You sat on it.

**The PRESIDENT:** Order! Stop showing disrespect to your own whip.

**The Hon. K.J. Maher:** You get the information.

**The PRESIDENT:** Leader of the Opposition, don't talk over me. Allow the minister to respond to your own whip's question.

**The Hon. S.G. WADE:** Going back to the honourable member's pizza, the point—

**The Hon. K.J. Maher:** You were flippant and compared it to pizza.

**The PRESIDENT:** Order!

**The Hon. S.G. WADE:** The point is not whether or not the harm from an infection in relation to hip or knee replacement is greater than consuming a contaminated pizza, because the variables are diverse. The point I was making was about the need to know. There is no risk of somebody walking into the Royal Adelaide Hospital and having elective orthopaedic surgery without the clinicians knowing it.

The clinicians have decided that they will not do elective surgery for hip and knee replacements at the Royal Adelaide Hospital for the next period while they investigate a trend in infections. That is a very clear and, I believe, sound strategy to limit the risk in relation to orthopaedics. I am sure that, as the investigation proceeds, they will make decisions as to whether they are comfortable in resuming elective knee and hip replacements at the Royal Adelaide Hospital, and I assure you that will be a decision that clinicians will make.

#### **MENINGOCOCCAL B STRAIN VACCINATION**

**The Hon. C.M. SCRIVEN (14:31):** I seek leave to make a brief explanation before asking a question of the Minister for Health about meningococcal B.

Leave granted.

**The Hon. C.M. SCRIVEN:** The minister has said on ABC Radio that a meningococcal B vaccination program will be in place ahead of mid-2019. If that is the case, on what date will South Australian families be able to access this vaccine?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:31):** Before 1 July 2019, because what I was highlighting in that public statement was the duplicity of the Labor Party. The Labor Party chose to have a petition on meningococcal B in late 2016 and yet today the shadow minister for health and wellbeing says, 'Bring it in tomorrow, bring it in tomorrow. We were going to do it tomorrow.' Then, on 4 March, before the election, the current Leader of the Opposition, at that stage the minister for health, told a press conference that they would introduce it on 1 July 2019.

Yet, what did we have this morning? The shadow minister for health and wellbeing said, 'Bring it in tomorrow, bring it in tomorrow.' The Labor Party is more interested in playing political games than in improving health outcomes. If they believed we needed a meningococcal B vaccination program in South Australia, then why were we, at the time of the election, the only state in Australia not to have a state-funded meningococcal vaccination program?

Thankfully, the PBAC has recommended the introduction of an ACWY vaccination program, which will start on 1 July 2018. I have an expert working group working on a—

**The Hon. C.M. Scriven:** Tomorrow? Excellent.

**The Hon. S.G. WADE:** Sorry?

*Members interjecting:*

**The PRESIDENT:** Order! Let the minister answer his question in silence.

*Members interjecting:*

**The PRESIDENT:** Minister, continue with your answer.

*Members interjecting:*

**The PRESIDENT:** Please, can we cease the conversations across the aisles and show courtesy to the minister on his feet.

**The Hon. S.G. WADE:** I feel a bit like the déjà vu experience that Rob Lucas had yesterday, where the member just doesn't seem to listen. My comments about 1 July 2018 were, as I said, in relation to the commonwealth program in relation to ACWY, not B. Get your serotypes right.

**The Hon. R.I. Lucas:** They wouldn't know what it was.

**The Hon. S.G. WADE:** Get your serotypes right, that's all I can say.

**An honourable member:** How do you spell it?

**The Hon. R.I. Lucas:** Spell it for them.

**The Hon. S.G. WADE:** Serotypes? S-e-r-o-t-y-p-e.

**The PRESIDENT:** Cease spelling like children and allow the minister to answer an important question.

**An honourable member:** He was the one spelling.

**The PRESIDENT:** You can ask that again, Hon. Mr Hunter, if you so choose.

**The Hon. S.G. WADE:** Thank you, Mr President. I feel rebuked. I shall no longer spell.

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

**The PRESIDENT:** Order! The Leader of the Opposition, when I say 'Order!', obey me. I'm interested in the minister's answer; let him speak.

*An honourable member interjecting:*

**The PRESIDENT:** Mr Hanson, it's an important question and an important answer. Let the minister speak.

**The Hon. S.G. WADE:** I think you are right, Mr President, the attitude of the opposition to questions suggests that they don't take the issues as seriously as they might feign. As I said, we went into the last election with South Australia being the only state that didn't have a state-funded meningococcal vaccination program. The commonwealth is introducing the ACWY from 1 July 2018. The expert working group is undertaking its work and I'm advised that it is likely that I will get a report from that group in the next week or two, which is well ahead of the two to three-month time frame that we expected a report would come. Then, it will need to be considered by government, because there will no doubt be options and costs. However, let's be clear: the South Australian Marshall Liberal government is committed to a meningococcal B vaccination program for South Australia.

#### **MENINGOCOCCAL B STRAIN VACCINATION**

**The Hon. C.M. SCRIVEN (14:35):** Supplementary arising from the original answer: if the minister is serious about this issue, as he alleges, why are we not seeing an introduction before mid-2019 so that babies' lives can be saved?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:36):** The honourable member's question is not even consistent with her original one. As she rightly said in her first

question, I have committed that there will be a program in place before 1 July 2019, which is better than what the member for Croydon said before the election.

#### **MENINGOCOCCAL B STRAIN VACCINATION**

**The Hon. C.M. SCRIVEN (14:36):** Further supplementary: how much funding has the government allocated for this program?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:36):** Considering that I have already said that we will be awaiting the expert working group report to consider the options and consider the costs involved, the costs will become clear as the options are determined.

**The PRESIDENT:** One further supplementary, the Hon. Ms Scriven.

#### **MENINGOCOCCAL B STRAIN VACCINATION**

**The Hon. C.M. SCRIVEN (14:36):** Are we to understand that the minister has not had any orders placed for a vaccine supply in order to ensure that babies can be safe?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:36):** Let's be very clear: the Labor Party did not have any orders in before the state election.

*Members interjecting:*

**The PRESIDENT:** The minister is answering the question; let him answer. Let him answer your questions.

*Members interjecting:*

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

**The Hon. I.K. Hunter:** How long have you been in government for? When are you going to start talking about what you're doing?

**The PRESIDENT:** Have you finished, the Hon. Mr Hunter? Minister.

**The Hon. S.G. WADE:** I'm actually surprised that the Labor Party is wandering into this territory because it was the member for Croydon in the other place who, before the election, committed to vaccinations for children and did not place the order before the election.

**The Hon. C.M. Scriven:** Have you placed it now?

**The Hon. S.G. WADE:** Yes. Let me go through this then. The advice that I was given was that the previous government's commitment was made without knowledge of availability of the vaccine. To me, that is irresponsible. After the member for Croydon made that commitment it was found that it was not possible, for 2018, to secure the supplies. When this issue was raised with the member for Croydon in the media he was asked, 'Who advised you that it was available?' and he said, 'Officers'. In spite of repeated questioning he wasn't willing to tell us who the officers were. I would even be willing to settle if he could tell us if they were SA Health officers, or were they officers of the state ALP?

#### **NATIONAL DISABILITY INSURANCE SCHEME**

**The Hon. E.S. BOURKE (14:38):** My question is to the Minister for Health and Wellbeing. Will the health minister provide interim funding to ensure that 25 organisations and 150 staff providing vital community mental health and respite services in the community, and over 2,000 people receiving these services, are able to continue beyond 1 July?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:39):** I thank the honourable member for her question. I presume what the honourable member is referring to is the organisations that are having their funding withdrawn as the NDIS is rolled out. Is that the case?

**The Hon. E.S. BOURKE:** Yes.

**The Hon. S.G. WADE:** As the NDIS rolls out and comes close to full scheme, the state government is very concerned about mental health clients who may not be able to access services under the NDIS. All governments—state and federal—have committed to ensuring that clients in

commonwealth and state mental health programs will not be disadvantaged by the NDIS and that continuity of support will be provided to those people.

There are currently four commonwealth funded non-government mental health programs that provide assistance to mental health clients. It is estimated that the funding for these four programs in South Australia totals \$40 million. The state government is concerned that the commonwealth is withdrawing funding for these services before clients are receiving services under the NDIS. As I said, the bilateral NDIS transition agreement between the commonwealth and South Australia defines the responsibility for the continuity of support to people of all ages in receipt of commonwealth administered disability programs to rest with the commonwealth, which is reflected in information given to clients on the Department of Social Services website.

It is the view of the Marshall Liberal government that the commonwealth should continue to provide support for individuals who would have otherwise been receiving a service, only reducing this support as these individuals access alternative services. The honourable Minister for Human Services and I share a real concern about the situation. I have spoken to my federal colleague directly on a couple of occasions. My understanding from my discussions with the honourable minister is that she has officers interstate this week to try to work through this issue.

What has happened, in our view, is that the federal government has gotten ahead of itself in the recent budget, if you like. It is withdrawing funding and assuming a take-up rate in the NDIS that is optimistic. We believe that is a risk to mental health consumers and the organisations that serve them. We will continue to advocate with our federal colleagues, not only to maintain continuity of service to mental health consumers but also to honour the commitments they have given to not just this government but the people of Australia.

#### **NATIONAL DISABILITY INSURANCE SCHEME**

**The Hon. E.S. BOURKE (14:41):** Supplementary question: what negative effects has the minister been advised will be the result of not continuing these services?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:42):** One of the concerning elements of this is that we really don't know the magnitude of the problem. First of all, they are commonwealth programs, so we don't know exactly how many individuals are involved, but the impact can be quite diverse.

Let me give you an example of one service, and the Hon. Tammy Franks was with me at this same event. We were fortunate to be at a psychosocial rehabilitation service called Diamond House in the western suburbs. My understanding is that their funding is secure for the next 12 months, so I don't think they are one of the 25 services you directly referred to. However, they are the sort of service that might be affected in that they are in the psychosocial space.

What we are talking about is people who don't meet the NDIS criteria. My understanding is that most people in the mental health sector think that probably about 20 per cent of people with psychiatric disability might meet the NDIS criteria. However, in the other 80 per cent, you have a significant number of people who, if they are not provided appropriate support in a dynamic way—in other words, being able to scale up and scale down, depending on the person's circumstances—they may well risk becoming acute and, if you like, risk falling into that 20 per cent.

So we think it's very important for the state and the federal governments to work with the NGOs for this continuity of service. It's what all governments accepted was going to be a challenge of this. If you are having a change, you have got to expect a transition. I should make it clear: there are some people who are questioning whether or not psychiatric disability fits into the NDIS model, and that is a fair call. However, there is no doubt that some people with psychiatric disability experience the complete disconnection from the community and a lack of a capacity to be able to cope without support, and that's the sort of disability support the NDIS is meant to deliver.

My sense of the community is that they are still keen to give it a go. They appreciate that the transition will involve uncertainty and discomfort. But we are concerned that the commonwealth's overestimation of the take-up rate for the NDIS is risking significant harm in the sense of disruption and risk of escalation of health issues for people with mental health issues. We are keen that they identify the risks they are putting the customers at and changing their plans.

### NATIONAL DISABILITY INSURANCE SCHEME

**The Hon. E.S. BOURKE (14:45):** A further supplementary: will there be added pressure on hospitals or emergency departments because of this cut?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:45):** Let's put it this way: we are already experiencing—if it is of interest to the honourable member, I might find you a stat in a different stream altogether. Let's be clear: we are already seeing problems with the NDIS impacting on the South Australian health system. One of the issues is that a lot of people, as they are leaving hospital, will need to access disability support.

One of the problems is the delay in getting people's eligibility determined, whether it is psychiatric disability or general. The second factor is the problem with people accessing the services that they become eligible for and funded. What we have found with the National Disability Insurance Scheme is that, if they fail to provide people with services, they often will not be able to return to the community. So one of the stark issues has been that people are in our hospitals because the NDIS is not ready for them.

I am advised that there are 85 patients currently in overnight hospital beds across South Australia who are experiencing delays in the NDIS process. These are not people who are there because they have health issues; these are people who are there because the health system does not discharge people to homelessness. One of the selfish reasons why I am encouraging the commonwealth to get their act together on the NDIS, both for psychiatric disability and otherwise, is that the quicker they can get their act together, the sooner we can have those 70 people not being where they don't want to be. That is 70 people who can be out living in the community, not remaining in a hospital bed when they don't need medical treatment.

### NATIONAL DISABILITY INSURANCE SCHEME

**The Hon. E.S. BOURKE (14:47):** A further supplementary: just to confirm, if you do prefer to have those people out in the community, is the government funding for the replacement of that funding being taken out?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:47):** Yes, I'm sorry, obviously I didn't do a very good job of explaining it in my last four or five answers. This is not money that we are taking out. This is the commonwealth in the federal budget taking out money from, if you like, post-NDIS services—in other words, services that they don't think will be needed after the NDIS is rolled out—before the rollout has been completed. There is no—

*The Hon. C.M. Scriven interjecting:*

**The Hon. S.G. WADE:** Excuse me. This issue is in relation to commonwealth funding, not state funding.

### NATIONAL VOLUNTEER WEEK

**The Hon. J.S. LEE (14:48):** My question is to the Minister for Human Services about National Volunteer Week. Can the minister update the chamber about the important work and contributions by so many volunteers across South Australia?

**The Hon. J.M.A. LENSINK (Minister for Human Services) (14:48):** I thank the honourable member for her important question and note her strong association with a number of community organisations which have a large number of volunteers. I know that her work in this space is greatly admired, including by me.

National Volunteer Week was from 21 to 27 May. It is a Volunteering Australia initiative which aims to provide an opportunity for volunteer-involving organisations to promote, celebrate and thank volunteers across Australia. The theme for 2018 was 'Give a little. Change a lot.' It represents the millions of volunteers nationally who make a profound impact in their communities and on society through giving a little bit of time to help others.

To mark National Volunteer Week in South Australia, a volunteer parade is organised every year from the Torrens Parade Ground to Victoria Square to launch the official proceedings. Some 68 per cent of South Australians over the age of 15—or 922,000 people—are engaged in some form of



volunteering. It is estimated that South Australians contribute 1.7 million hours of unpaid work each year, with the value of that unpaid labour estimated at almost \$5 billion. The South Australian government values this enormous contribution volunteers make, and continues its strong support for volunteering across the state.

This year, the volunteer parade was held on Monday 21 May. Our esteemed Governor was there to welcome everyone and to participate in the events. We were also joined by the Rt Hon. Lord Mayor of Adelaide Martin Haese. The member for Hurtle Vale Nat Cook was there, as was the member for Reynell Ms Katrine Hildyard, as well as a number of office-bearers and Ms Evelyn O'Loughlin from Volunteering SA.

A huge range of volunteers operate in South Australia and the parade was representative of that. There was a group from the Community Visitors Scheme, there were local councils, Adelaide University has a quite extensive volunteer program, there were some of the emergency services, and, of course, Lions and Rotary were performing the very important role of cooking the barbecue. It was a great opportunity to acknowledge the work of volunteers across South Australia and to share in the celebrations.

On the evening of 21 May, I was privileged to attend two events. One was hosted by Zoos SA to thank their some 450 volunteers across their two sites at Monarto and Adelaide. Those volunteers are absolutely integral to the operation of zoos in South Australia and play a whole range of roles, and we were able to present certificates to a number of people there. Holiday Explorers was another event I attended that evening. They provide services to people with intellectual disabilities, taking them on trips and holidays and so forth, and are really part of the inclusion agenda which enables people with disabilities to participate in activities of their choice.

The following day, Calvary Hospital held an event to thank the some 240 volunteers who operate across a range of their sites, and in the evening of 22 May it was Hutt Street, which is, of course, well-known to a number of members of this chamber. It has some 680 volunteers, and we were able to thank a number of them and present them with certificates.

There is a range of events that I am sure a number of members would be involved in. Personally, I will be doing my little bit this weekend at the toy library. Our toy library nearly closed last year due to lack of members to be on the volunteer committee and be part of the roster system. We put a call out on Facebook and we have been able to save the Adelaide Hills Community Toy Library, and I look forward to doing my little bit with my little bloke this weekend. I encourage everyone to thank volunteers in the appropriate way during this important time.

#### **VOLUNTEERING SA&NT**

**The Hon. I.K. HUNTER (14:53):** I believe the minister, on her feet, mentioned the chief executive officer of Volunteering SA&NT—I think Ms Evelyn O'Loughlin was the name she used—representing the peak body for the sector. When did the minister meet with the CEO in a formal capacity as opposed to a quick chat over a snag at a barbeque?

**The Hon. J.M.A. LENSINK (Minister for Human Services) (14:53):** I can look at my diary to see when I last met with Ms O'Loughlin, but I just received a text from her about some other matters that we have been communicating about. I also rang her earlier this week.

There are a number of stakeholders I meet with on a regular basis, and if there are matters they need to discuss with me on a short-term basis I always offer them my mobile phone number and say, 'Just ring me if you need anything.' It saves the administrative process of setting up a whole range of times and meetings. It is my intention to have further meetings with Ms O'Loughlin, but she is always able to ring me at any time, as she does—in fact, she texted me while I was in question time.

#### **COMMUNITY CENTRES SA**

**The Hon. I.K. HUNTER (14:54):** If the minister doesn't believe in having formal meetings with peak bodies, will she be having a quick snag catch-up with the CEO of Community Centres SA, or has she had a formal meeting with them?

**The Hon. J.M.A. LENSINK (Minister for Human Services) (14:54):** I don't accept the characterisation of what the honourable member has just stated. I never said that I would replace formal meetings with these—

**The Hon. K.J. Maher:** Have you had a formal meeting or not?

**The Hon. J.M.A. LENSINK:** I have a whole range of formal meetings. I mean, she can be a busy person, too, so we try to coordinate our diaries.

**The PRESIDENT:** Minister, respond to the Hon. Ian Hunter's question, not the informal ones from the Leader of the Opposition.

**The Hon. K.J. Maher:** I bet you there's one put in the diary in the next couple of days.

**The PRESIDENT:** Leader of the Opposition!

**The Hon. J.M.A. LENSINK:** When I saw Ms O'Loughlin last week, we did discuss that we needed to have a meeting, but she wasn't in any particular hurry. However, I have met with her this year, so I am not quite sure what the honourable member is getting at: that, unless I have meetings every two weeks with every single stakeholder, I am being negligent in my duty? I would certainly hope that's not his suggestion because I do have regular meetings with the stakeholders and, as I have said, there are times when people seek to meet with you when it can be just solved with phone calls.

**The PRESIDENT:** The Hon. Ms Franks.

*Members interjecting:*

**The PRESIDENT:** Let the Hon. Ms Franks ask her question in silence.

#### SA PATHOLOGY

**The Hon. T.A. FRANKS (14:56):** Thank you, Mr President. I seek leave to make a brief explanation before addressing a question to the Minister for Health and Wellbeing on the topic of South Australian Pathology.

Leave granted.

**The Hon. T.A. FRANKS:** In relation to recent revelations about delays and losses of SA Pathology blood tests, the minister advised the chamber during question time on 16 May that a task force had been established, headed by Dr Tom Stubbs. The minister also detailed how 30 extra staff were being hired by SA Health. However, I am informed by Professionals Australia, a network of 25,000 Australian professionals, including those working in medical science, that the problem is far broader than just EPLIS and data entry and that fixing it will require an increase of the medical scientist and technical officer workforce by approximately 10 per cent across the board.

It was noted at the time that staff were being hired to expedite data entry into the statewide EPLIS system. My questions to the minister are:

1. Can the minister advise how many of the 30 additional staff hired by SA Health are qualified medical scientists and technical officers, or are anticipated to be, and if they haven't yet commenced, when will they all have commenced?
2. What are the terms of reference for the inquiries of Dr Stubbs' task force and, specifically, will that task force take a narrow focus on issues of data entry and EPLIS or will wider workforce issues, such as a substantial increase in the employment of qualified scientific and technical personnel, be considered?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:57):** I thank the honourable member for her question. The member is certainly correct to say that there are two streams of issues in relation to SA Pathology. If I could focus first of all on the delays in testing and the task force. The task force is primarily focused on the issues that emerged particularly from December last year.

With the 30 additional staff, let's be clear, attempts to recruit them have been going on for some time. I think when I was first briefed on the matter the number of the 30 who had been recruited was still in single figures. I think the most recent briefing I received was that we were up to 26. So,

you are right, the 30 additional staff are not fully employed yet. My understanding is that, overwhelmingly, those people are not medical scientists, they are data entry specialists.

This highlights one of the issues of the transition from the legacy system to the new system. The time that it takes to input data into the new system has significantly increased. The advice I was given was that in the old system it might take you less than a minute to enter the information for a single patient but that in some cases in the new system it is taking up to three minutes, so it's a threefold increase.

Also, my understanding is that there is a need for double entry. In other words, information needs to go in more than one system. The reason why those staff are particularly focused on data entry is because of the transition to EPLIS. I think it is really important, considering the honourable member mentioned the advocacy of Professionals Australia, that this house recognises that there is a significant burden being borne by our medical scientists and other SA Pathology staff. We are greatly indebted to them for their perseverance in what has been an escalating issue.

There are steps being taken to try to make the situation more bearable in the short term. As well as employing extra staff and SA Pathology implementing new systems to reduce transit times for urgent specimens, they are working with a project manager, eHealth and Cerner, the EPLIS provider, to improve system performance. They are also providing additional training and reassigning some existing staff to data entry roles. Certainly, at least for a period—and I think it is continuing—some of the smaller collection centres have actually been closed so those resources can be dedicated to facilitating the transfer of EPLIS.

The other part of the honourable member's question was about the ongoing needs at SA Pathology. In 2014, the former government commissioned Ernst and Young to assess the efficiency, effectiveness and financial performance of pathology services in South Australia. What Professionals Australia describes the impact of that as being is, once the government decided they were going to implement those recommendations, they started planning for staff reductions before the EPLIS program and the efficiency projects were in place. Staff are telling me that the shortages in professional staff have been developing over time. In a way, EPLIS has come on top of that and so an agency that is already under stress has had the challenge of an IT project.

The government is fully appreciating that this has been a stressful period for staff. We appreciate their patience with us as we do the best we can to stabilise the organisation. In terms of Professionals Australia's concern about the former government's failure to be transparent with them about the data that underpinned the project, the former opposition, now the government, gave a commitment before the election that we would not implement the staff reductions that the former Labor government proposed. As far as we are concerned, the efficiency improvement program is paused at this stage and we certainly believe that, particularly after the events of the EPLIS rollout, we need to have a good hard look at keeping SA Pathology strong going forward.

#### SA PATHOLOGY

**The Hon. T.A. FRANKS (15:03):** Supplementary arising from the answer: is there a workforce strategy to ensure into the future that staff aren't working ridiculously long hours, such as 80-hour weeks, because that isn't sustainable?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:03):** I totally agree with the honourable member that you can't have staff working extraordinary hours. It's not good for their health. It's also not good for their effectiveness as clinicians. Obviously, no matter whether you are in aviation or a truck driver or a medical scientist, you can't be performing at your best if you are experiencing fatigue. We are very keen to make sure that, as we do that planning for SA Pathology going forward, we can return safe working practices to SA Pathology.

#### HOSPITALS, WINTER DEMAND

**The Hon. R.P. WORTLEY (15:04):** My question is for the Minister for Health and Wellbeing. Given that winter starts tomorrow, why has the minister still not released a winter demand plan for our hospitals? Hasn't this inaction left our hospitals unprepared?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:04):** I thank the honourable member for his question. I really do wonder in which universe the Labor opposition lives. I have been implementing my winter demand strategy for months. We have introduced free flu vaccines for under fives, which started in early May. We stopped the rollout of EPAS, because clinicians told us that the government going ahead with rolling out EPAS on the cusp of winter would have risked a meltdown. We have opened a 12-person discharge lounge at the RAH, which will improve patient flow. Logically, it frees up at least 12 beds. Considering that in terms of patient flow, if that can facilitate patient flow through the balance of the beds, that will have an ongoing impact.

We are looking at other things like improving the discharge of the NDIS patients I was referring to earlier. We have long-stay patients in those beds. If we can work with those patients, which we are doing, that will free up beds. To put it another way, every NDIS client we help to facilitate a discharge for will free up a bed. That is 70 beds that could be available, which would go a long way in our winter demand strategy. This is a winter demand strategy that will continue to evolve. I can assure the house that the department is working diligently on a whole range of initiatives. All I can say is: watch this space.

#### HOSPITALS, WINTER DEMAND

**The Hon. R.P. WORTLEY (15:06):** Supplementary: as winter starts tomorrow, does the minister have a plan that can be seen, or are you—

**The PRESIDENT:** You have asked your question, 'Do you have a plan?' Is there any more?

**The Hon. R.P. WORTLEY:** Do you have a plan or are you just trying to pull things together to make it look like you have a plan?

**The PRESIDENT:** There is inference in the second half. I am not going to allow the second half. The first part of the question is appropriate. Minister.

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:06):** I'm a bit bemused. I don't know why the member thinks that providing vaccinations to children under five is not real action. I don't know why the member doesn't think that establishing a 12-person discharge lounge at the Royal Adelaide Hospital is not real action. The fact of the matter is that the previous government seemed to think that you could run a power plant on press releases. We believe that you can run a state by good government and sound actions.

#### HOSPITALS, WINTER DEMAND

**The Hon. R.P. WORTLEY (15:07):** A supplementary: what extra resources will the minister make available to the SA Ambulance Service over this winter period?

**The PRESIDENT:** I am not sure that arises out of the original answer.

**The Hon. R.P. WORTLEY:** It's all part of the plan.

*An honourable member interjecting:*

**The Hon. R.P. WORTLEY:** That's exactly right: what plan?

*Members interjecting:*

**The PRESIDENT:** Order! I listened to the minister's answer. I note the member's point of order, but I am not going to allow it because you are extending your question particularly to the Ambulance Service, which is a bridge too far, the Hon. Mr Wortley. Leader of the Opposition, you have a go at a supplementary.

#### HOSPITALS, WINTER DEMAND

**The Hon. K.J. MAHER (Leader of the Opposition) (15:08):** A supplementary arising from the original answer: can the minister inform the chamber of which website people would go to view his winter demand plan?

**The PRESIDENT:** I am allowing that supplementary.

**The Hon. K.J. Maher:** Why do you need a website? You just need action.

**The PRESIDENT:** Leader of the Opposition, let the minister answer your own question. Please don't answer your own question to yourself. Let the minister answer the question.

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:08):** The honourable member seems to get excited about plans.

*Members interjecting:*

**The PRESIDENT:** Minister, please continue.

**The Hon. R.P. Wortley:** He's action man, is he? Action man.

**The Hon. S.G. WADE:** I thank the honourable member for his compliment. I am indeed an action man. That is why I have stopped the rollout of EPAS at the Royal Adelaide Hospital, because it will improve the capacity and it will improve the resilience of that hospital to cope with winter—a winter that is made more risky by the former Labor government's decision to close the Repat hospital last November.

**The Hon. K.J. MAHER:** Point of order, Mr President.

**The PRESIDENT:** Sit down, minister. I will listen to the point of order.

**The Hon. K.J. MAHER:** The question was very specific about naming the website where this plan appears, not about EPAS or anything else.

**The PRESIDENT:** I am allowing some latitude by the minister for context, and we will see how it goes. Minister.

**The Hon. K.J. Maher:** Table the plan.

**The Hon. S.G. WADE:** It is interesting that the member is so keen for a website and so keen for a document with some highfalutin strategy. All I can say is that—

**The Hon. K.J. Maher:** I don't have a plan.

**The PRESIDENT:** Minister, just continue.

**The Hon. S.G. WADE:** —in the last two years—

**The Hon. K.J. Maher:** Good plan.

**The Hon. S.G. WADE:** The winter demand management plan that the Labor Party used as a working title, if you like, was used for the last four years. My understanding is that there were press releases in two years. If the opposition thinks it is so essential to have a press release or a website, perhaps they should have done that in two of the last four years.

#### SOCKS 4 DOCS

**The Hon. J.S.L. DAWKINS (15:10):** I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing about the welfare of South Australian doctors.

Leave granted.

*Members interjecting:*

**The Hon. J.S.L. DAWKINS:** Well, this is a serious subject, actually. More than a decade ago, when I assisted in organising locally-funded suicide prevention programs in the Riverland and on Eyre Peninsula at times of significant crisis, I became aware of the great stress that such situations place on the general practitioners in the area.

Since that time, I have also witnessed similar situations, both in country and metropolitan settings, that have had particular negative impacts on the mental health of general practitioners. Will the minister advise the council on what the government is doing to uphold the welfare of South Australian doctors?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:11):** I thank the honourable member for his question. Discussion of health policy often separates stakeholders into discrete groups—the department, the community, patients and medical professions—but in many ways these

are abstract categories. We are all healthcare consumers, even those of us who, most of the time, are healthcare providers. Sometimes the very compassion and self sacrifice that leads individuals to dedicate themselves to work as a medical professional may mean those individuals give insufficient attention to their own health, particularly their mental health.

Doctors are encouraged to work long hours, and their work often carries with it elevated levels of stress. They work with a sense of responsibility for those in their care, and an awareness of the potential impacts of a mistake.

Tomorrow, the South Australian Salaried Medical Officers Association (SASMOA) will launch Socks 4 Docs, an initiative highlighting the need to focus on the health and wellbeing of medical professionals. Socks 4 Docs was founded in 2017 by Victorian cardiologist Dr Geoff Toogood, after his own battle with mental illness. This year, SASMOA will be joining its colleagues internationally in the UK, Canada and the USA to wear crazy socks to help raise awareness. Everyone is affected by the mental health of their medical professionals, whether it is receiving treatment or socially as friends and family of our 14,000 medical professionals.

Socks 4 Docs is not intended to raise awareness in the general community alone, it is also intended to raise awareness amongst medical professionals themselves. We want to encourage them to look after their own health and to seek medical attention when they need it. As the honourable member highlights, the risk of suicide amongst medical professionals is a real concern. This is particularly important because, according to research by *beyondblue*, doctors have higher rates of suicidal ideation and attempted suicide than does the general population.

At a human level we don't want to see another human suffer, and as Minister for Health I am also keen that we support our health professionals to be healthy. It means they can work to their best, it supports recruitment and retention and reduces sick and other leave.

To this end, yesterday I donned my own pair of crazy socks to take part in the Socks 4 Docs 2018. Out of deference to the President, I have left those socks in my room. I congratulate SASMOA and their partner organisations on this important initiative. I am very pleased to have been involved, and I encourage South Australian medical professionals to join in the day.

#### **QANTAS PILOT TRAINING ACADEMY**

**The Hon. F. PANGALLO (15:14):** I seek leave to make a brief explanation before asking the Leader of the Government, the Hon. Rob Lucas, or, I imagine, the Minister for Trade, Tourism and Investment, the Hon. David Ridgway, or the Minister for Regional Development—

**The PRESIDENT:** The Hon. Mr Pangallo, you really have to ask the question of a specific minister. So can you make a decision which one you want to respond to your question?

**The Hon. F. PANGALLO:** I will ask it of the Treasurer. I will start again. I seek leave to make a brief explanation before asking a question of the Leader of the Government, Rob Lucas, about the Qantas pilot training academy.

Leave granted.

**The Hon. F. PANGALLO:** Earlier this year, Australia's premier airline, Qantas, announced plans to open a new pilot academy capable of training up to 500 pilots a year, preferably near an existing regional airfield to provide easy access to uncongested airspace. Qantas said it expected to open the academy next year and that it will initially invest up to \$20 million to establish the new facility. During the election campaign, SA-Best said it would initiate immediate discussions with Qantas to lure its world-class pilot training program to regional South Australia, with the possibility of creating up to 380 jobs.

The closing date for submissions is 8 June, after which a shortlist will be announced before a final decision on the location is made this year. My question to the minister is:

1. Has the South Australian government prepared a submission to Qantas to establish its pilot academy in regional South Australia and/or does it intend to do so before the deadline?
2. If so, what regional city is the preferred site, and have the South Australian government and taxpayers offered the company a financial incentive to do so?

3. If so, how much, and what will be the benefits for the state?

**The Hon. R.I. LUCAS (Treasurer) (15:16):** I am delighted to take the question and refer the detail of the question to my colleague the Minister for Trade, Tourism and Investment. My understanding is that his agency is the agency that has been involved in the discussions with Qantas in relation to the particular issue the Hon. Mr Pangallo has referred to. I am aware there have been some discussions, but the nature of those discussions is a matter for the minister and the officers who advise him.

My understanding is that the possible locations Qantas might be interested in are more likely to be areas where there are currently Qantas flights. That's not just in South Australia but obviously in other states as well. I think to anyone who knows anything about regional South Australia, it would be evident which particular locations they might be interested in in South Australia, but equally I suspect the same criterion would be applied to other states and territories as well. In relation to the actual nature of the negotiations and the discussions, I will refer that particular issue to my colleague and bring back a reply.

#### SHOP TRADING HOURS

**The Hon. T.T. NGO (15:17):** I seek leave to make a brief explanation before asking a question of the Treasurer regarding shop trading hours.

Leave granted.

**The Hon. T.T. NGO:** Will the Treasurer deliver on the Liberal government's promise to introduce legislation to remove restrictions on shop trading hours within his first 100 days?

**The Hon. R.I. LUCAS (Treasurer) (15:18):** Certainly that is the government's goal, wish and desire. Whether it's exactly 100 days, or maybe 102 or 103 days, we will certainly be there within the 100 days, approximately.

#### SHOP TRADING HOURS

**The Hon. K.J. MAHER (Leader of the Opposition) (15:18):** Supplementary question arising from the answer: just so we are very clear and it's on the record, the Treasurer in this place has said of commitments that will be done within 100 days, 'They may be 102 days or 103 days.'

**The Hon. R.I. LUCAS (Treasurer) (15:18):** No, I didn't say it in relation to other commitments. I said it in relation to the shop trading hours question, which was the question the very hardworking Mr Ngo put to me, and I responded to that particular question. The leader might wish to verbal, or attempt to verbal, in a very inadequate way ministers of the government, but my answer was to the question the Hon. Mr Ngo put to me, which is my ministerial responsibility in relation to shop trading hours legislation in South Australia.

Let's be quite explicit: it is still the government's intention to introduce the legislation within the 100 days, but there is actually a sitting week just before the 100 days and there is a sitting week immediately after the 100 days. We are still aiming for the 100 days. The issue will be whether it is the week before the 100 days or the week immediately after the 100 days.

#### *Bills*

#### DISABILITY INCLUSION BILL

##### *Second Reading*

Adjourned debate on second reading.

(Continued from 30 May 2018.)

**The Hon. J.A. DARLEY (15:20):** I rise today in support of the Disability Inclusion Bill. Very briefly, the bill will establish a disability inclusion plan for the state and require all government and local government agencies to establish disability access and inclusion plans. I am very supportive of this and am heartened to see that principles from the United Nations Convention on the Rights of Persons with Disabilities will be enshrined in law.

The bill also outlines that those working with people with a disability will need to undertake screening to ensure that they are appropriate. I understand part of the urgency for this bill to pass is to ensure that the deadline for a 30 June start date for these screenings can be met. Again, I am supportive of this. Some people with a disability can be amongst the most vulnerable in the community and it is imperative that appropriate people work with them to minimise the risk of abuse or exploitation.

In terms of the screenings, I understand that some people are required to apply for three separate screenings through DCSI: one for working with people with a disability, one for working with children and one for working with the elderly. The government should work towards a system whereby one clearance would cover an individual to work with all vulnerable people. I understand the three were separated to adopt the highest benchmarks; however, having the highest benchmark for all three should surely be possible and take a lot of pressure off DCSI.

Further to this, as the system is now a dynamic system which monitors information from other agencies in real time, I do not understand the need for screenings to have an expiry. If a person is deemed to be unsuitable to work with vulnerable people, they and their employer are notified immediately. This is a much better system and it does not make sense that a renewal is required as any matters which would deem a person ineligible would be flagged immediately. I raised this with the previous government and hope that the new government will give consideration to this.

The bill has the ability to establish a Community Visitor Scheme whereby visitors will visit and inspect facilities, advocate and promote the rights of individuals and refer issues of concern to the relevant bodies. I am also supportive of this measure and I believe that the more eyes there are watching out for vulnerable persons the better it is.

The Community Visitor Scheme is similar to a community guardian scheme which was piloted in 2011-12. The scheme matched volunteer community guardians with vulnerable persons who did not have anyone else in their lives who could act as a guardian on their behalf. A review of the scheme in 2013 recommended that the scheme be expanded; however, this was not something the former government adopted. I have spoken to the new Attorney-General about this and I understand she is considering the program.

With regard to the opposition's amendments to introduce a disability advocate and a 3 per cent threshold of people with a disability in the Public Service, I am concerned that the introduction of such a body is included in this bill. It does not seem to fit the scope of the bill, other than the fact that it relates to people with a disability. I do not have an issue with establishing a disability advocate and I am supportive of the idea; however, I am not convinced that this bill is the appropriate place for it.

The amendments do not provide for the advocate to have investigative powers and, instead, relies on state authorities preparing reports for the advocate upon request. I am not confident this would be the best model as I cannot see a full and frank report from state authorities being provided to the advocate, especially if there are major systemic issues.

I believe it would be best if the advocate had the power to investigate matters, much like the Ombudsman, and I would be eager to hear the opposition's response to this. With regard to the suggestion of a 3 per cent threshold of people with disability in the Public Service, I have raised privacy issues with the government. I understand that requiring people to disclose their disability would be a breach of privacy, and that this threshold would be based upon those who disclose voluntarily.

I have asked the government if this information is currently held for the Public Service, and if so, what the current proportion of people with a disability currently employed by the South Australian Public Service is, and I await their response. Given these comments and outstanding questions, I reserve my position on the amendments and look forward to discussing these matters further with both the government and the opposition.

**The Hon. F. PANGALLO (15:25):** I rise to speak on the Disability Inclusion Bill 2018 and indicate from the start that SA-Best wholeheartedly supports this bill. As we know, this bill originated in the 53<sup>rd</sup> parliament, yet was not completely dealt with by the time parliament was prorogued. With



the introduction of the bill, the Marshall Liberal government has fulfilled its pre-election commitment to do so in this parliament.

This bill aims to promote human rights and improve the inclusion of South Australians with disability in the community through the implementation of disability inclusion plans across the whole of government. The bill is required as the sector fully transitions to the National Disability Insurance Scheme (NDIS). Prior to the introduction of the NDIS, each state was responsible for funding providers to deliver vital services to people with disability. For that purpose, the Disability Services Act 1993 was enacted.

However, when the NDIS is fully rolled out, there will no longer be a need for the Disability Services Act. Once the NDIS is fully realised, the South Australian government will no longer directly fund services for people with a disability. Full transition to the NDIS started in July 2016 and is expected to be completed by 2020. At its capacity, 475,000 people will be NDIS participants. South Australia was one of the first jurisdictions in the country to sign up to the NDIS and, while it will also be one of the first jurisdictions to reach full scheme implementation, it certainly has not been a smooth transition.

Indeed, the transition period has presented significant challenges. Services like the Cora Barclay Centre have been forced to merge with CanDo4Kids because of gaps in NDIS funding. It is deeply disappointing that the renowned Cora Barclay Centre, which has operated as a crucial service provider for deaf and hearing impaired children for more than 70 years, is being forced to merge because of a lack of adequate funding since the commencement of the NDIS. The Cora Barclay Centre is unique, working with children from all over South Australia from birth to adulthood and providing vital holistic support, including early intervention, student services, peer support programs, audiology, speech pathology and child and family counselling.

More could, and should, have been done by both the current government and the former Labor government to assist the centre in avoiding the necessitated merger. This week, about 60 Cora Barclay members unanimously approved the merger at its AGM. I note that, while the merger is voluntary and while the minister has told us that no services will be lost, it is still a sad by-product of the NDIS that the legacy of Cora Barclay is lost.

There is concern among other disability service sectors that jobs are at risk because of funding gaps under the NDIS. The Mental Health Coalition of South Australia has recently stated that care providers have already begun giving notice of layoffs at the end of the financial year. It claims that this is due to the federal government withdrawing funding that is currently delivered for mentoring programs and respite services for patients and carers. It comes amid a restructure that is to support similar programs under the NDIS—something that has now been delayed to mid next year. This is not acceptable and the government should assist with funding shortfalls to ensure continuity of services and secure at-risk jobs.

Recently, the federal Minister for Social Services, the Hon. Dan Tehan, had to admit that the way people accessed the NDIS was being reviewed as part of ongoing work. This follows the NDIA accidentally publishing for all to see the beginnings of a plan to remove people with level two autism, considered to require substantial support, from automatic entry to the NDIS. Minister Tehan was forced to write to organisations that support people with autism advising them that there has been no change to the current levels of access to the NDIS for people with autism. The minister has said that no changes would be made unless they were informed by research, evidence and extensive consultation with stakeholders and the community. I intend to hold him to that.

There have been many other issues associated with the rollout of the NDIS. The Senate inquiry into transitional arrangements for the NDIS reported in February that it received evidence of delays in accessing the scheme as well as delays in plan approvals, plan activations and access to services. As a result of the delays in the intake of participants against bilateral estimates with states and territories, there were over 34,500 people in September 2017 who should have already been participants who were here to access the scheme. These delays are unacceptable.

In addition, the inquiry heard that the plan review process is too lengthy and is potentially jeopardising participants' ability to access services. There have also been boundary issues and funding disputes which can lead to reduced access or no access to services for both NDIS

participants and people with a disability not eligible for the NDIS. State, territory and federal governments must work together to resolve these boundary issues and funding disputes. Current NDIS participation rates for people with a disability from culturally and linguistically diverse (CALD) backgrounds are significantly below what has been anticipated, and an NDIS CALD strategy must be implemented and published as a matter of priority.

The NDIS was designed with the intention to provide better outcomes, more choice and greater control and participation for those accessing the scheme. We all want it to succeed and SA-Best urges the state, territory and federal governments to work collaboratively to address the issues raised and move forward with the scheme that truly delivers on its stated claims for people with a disability. Returning to the bill, there will continue to be joint responsibility between the federal and state governments for particular aspects of the national disability services framework, including worker screening.

The bill provides for the establishment of a worker screening scheme through regulations. It will be required, given the current worker screening requirements contained in the Disability Services Act 1993 will no longer have any force once the NDIS is fully implemented. SA-Best supports the requirement that state government departments, statutory bodies and local councils will be required to develop and implement their own disability inclusion plans which will be reviewed every four years and a report produced each year as to their progress.

The state government has introduced a series of amendments which address many of the concerns former Dignity Party MLC, the Hon. Kelly Vincent, had raised with the bill, and we are broadly supportive of these amendments. The opposition has also introduced amendments to the bill, which we are continuing to work through, and will have more to say about them during the committee stage of the bill. We have witnessed how the political landscape and discourse can be elevated with a diverse and inclusive membership.

The Hon. Kelly Vincent made an outstanding contribution to this place during her time here, and Greens Senator Jordon Steele-John is making a difference in the often volatile environment of the Senate. He has raised many issues with access in the people's house, with many issues still to be worked through for him even though he assumed office in November last year. As he noted, Parliament House in Canberra is spending billions on a security upgrade to keep the wrong people out and we wait and see how much they are prepared to spend to get the right people in. There is much work to be done across government and we look forward to the changes that will flow with the passage of this bill.

Debate adjourned on motion of Hon. I.K. Hunter.

### **SUPPLY BILL 2018**

#### *Second Reading*

Adjourned debate on second reading.

(Continued from 30 May 2018.)

**The Hon. J.S.L. DAWKINS (15:36):** I rise to support this bill. I have, I suppose, the unique opportunity to once again support a Supply Bill presented to this house by the Hon. Rob Lucas as Treasurer. I am the only person who has ever had that privilege before and I am delighted to once again have that privilege, even though it has been a long time between drinks, so to speak.

As members would be aware, in the absence of special arrangements in the performance of supply acts there would be no parliamentary authority for expenditure between the commencement of the new financial year and the day on which assent is given to the main Appropriation Bill. Obviously that is going to be longer this year because of a later budget, which also results from the changeover of government at the March election. I remember such delayed budgets when the Labor Party was first elected; in fact, on one occasion they had a much later budget in midstream of their tenure. I cannot remember the reason given, but the opposition whip is nodding his head so I think his memory and mine coincide, even if we cannot remember the reason for the delayed budget.

This bill is for a figure of \$6.631 billion, necessary for the continuation of funds to ensure the work of the government and its agencies and, of course, the employment of the staff of all those

bodies. It is also crucial to the ability of the government to advance its relationships with many other groups in the community, including non-government organisations as well as many others.

With that in mind, I am pleased to note a media release issued by the South Australian Law Reform Institute last Friday. It is entitled 'Law Reform Institute to probe surrogacy laws'. I quote:

The South Australian Law Reform Institute (SALRI) is seeking feedback from the community as part of its comprehensive review of the state's surrogacy laws. The independent law reform body, which is based at the University of Adelaide Law School, had been asked to consider an appropriate regulatory framework for surrogacy arrangements in South Australia by former attorney-general John Rau, with current Attorney-General Vickie Chapman also supporting the review.

'This is an area of great interest to many South Australians—especially those who, through no fault of their own, are unable to have a child,' Ms Chapman said.

'SALRI is considering how South Australia's surrogacy laws work in practice, and any future reforms which may be required.

'Given the strong views this can elicit in the community, I am pleased to see SALRI take the initiative and seek feedback from all South Australians with a view on this important subject.

Professor John Williams and Senior Policy Officer Sarah Moulds, from SALRI based at the University of Adelaide, encouraged South Australians to have their say.

'We're pleased to be undertaking this topical and important reference, to consider the role and operation of the current law in South Australia,' Professor Williams said.

'It's a complex area of law, which raises difficult ethical and legal questions. SALRI looks forward to hearing the views and comments of all with an interest in this area,' Ms Moulds said.

Professor Williams said commercial surrogacy is illegal in South Australia, and SALRI would not be considering any change to that aspect of the law.

Both Professor Williams and Ms Chapman thanked Legislative Council Member John Dawkins for his ongoing commitment to pursuing reform to the state's surrogacy laws, saying he had been instrumental in driving the debate.

The institute has prepared a range of fact sheets on key issues relating to South Australia's surrogacy laws, as well as an online survey that interested South Australians can take part in.

To review these materials, take part in the survey, or make a written submission, go to the YourSay website.

As the person who has previously done all the work, with support from many in this chamber and across the parliament, as well as my very small staff and parliamentary counsel, for well over a decade, I am delighted that the South Australian Law Reform Institute will be doing this work. As it says in the media release, it is a complex area of law which raises difficult ethical and legal questions. There is no doubt that in more recent times more of those legal questions have been raised, and they are questions that need to be addressed across the whole of this commonwealth, as well as by state legislation.

I think many of us are keen that that can be dealt with nationally. I have been told for many years about things that the then standing committee of attorneys-general and, subsequently, the Council of Australian Governments were going to do in this area. I have not seen much progress from either, I must say, but I think generally governments are starting to turn their minds towards this very important issue. It is an issue that, in just about every other jurisdiction that I am aware of, has been handled by a government rather than a mug backbencher who has very few resources.

I welcome the fact that this is happening. I welcome it as long as it brings back legislation that we get through this year, because the delays for those who wish to access surrogacy have been very long and very frustrating. The Hon. Mr Hunter chaired the Social Development Committee that looked at the first bill that I brought in, which I think was in about 2007, so we have been dealing with this stuff for a long time. We passed the first bill in 2009 after a very long delay of 14 months in the House of Assembly.

Subsequently, I brought in further legislation in 2015 as a response to the baby Gammy issue and the reports of baby factories in India. That act, which actually passed the parliament without division, unfortunately was never operated by the previous attorney-general and there are differing views about why that was the case. I still believe very strongly that the bill was one that would

operate—that the act that still sits there today would operate. However, there were enough naysayers—and some of those, I would say, came out of the Attorney-General's Department—that the attorney-general of the day did not operate the act.

After some delays, the Hon. Mr Hunter was of great assistance to me in getting the attorney-general of the day to the table to agree to a compromise, so we did come up with a compromise bill. The attorney-general allowed some resources to assist me in the preparation of that bill. He was very keen that we got it through this 'terrible chamber, which caused a lot of difficulty'. He worried that I would not get it through quickly enough and I said, 'You leave this chamber to me. We are actually pretty sensible on these sorts of issues.' And we did get it through quickly and we got it through without any division or opposition.

Unfortunately, it was the old story in the House of Assembly, where I was promised faithfully that it would go through. I was promised that by the then attorney and the then premier who, of course, was very proud of what had been done with the addition of same-sex couples to the surrogacy legislation, as it was to many other pieces of legislation. He was so proud about that and I said, 'Well, you do realise that it's actually not happening because the act hasn't been operated. People are not prepared to take a chance on that.'

Once again, people in this state who were very keen to make use of our legislation were not able to because—and it was not at five minutes to midnight; it was well after midnight, I think, on the last sitting day late in November last year—despite my entreaties to make sure that this got through, other initiatives of the then government got in the way. Those other initiatives got in the way of a lot of other good legislation that had come out of this place, and my compromise surrogacy bill was one such piece of legislation.

Certain members of the then government withdrew their numbers from the House of Assembly to ensure that the debate could not happen in the early hours of that Friday morning. I think that was a disgrace. I certainly do not blame many members of the Labor Party, who have supported me very strongly with surrogacy, but there were certainly some members who were mischievous in their intent in delaying and trying to stop surrogacy at every level.

However, we have moved on. I have probably provided more history on that than I intended to. I am delighted that, given the changing nature of legal procedures in relation to family law and other matters, it is appropriate that SALRI put their shoulder to the wheel on this, and I support them. I am sure that any other members of this chamber who have views about the development of further legislation should provide that to SALRI in the manner that has been indicated.

I have made it clear to the Attorney and to Professor Williams that I am very happy to support that as long as we get some legislation back into this chamber. I think it is going to start in the other chamber, and I have asked for that. The Attorney will introduce it. It will be a conscience matter, but it will be introduced and will be handled in government time. Let us hope that we get something back through the parliament and that we do not see another Christmas with this in limbo land for people who just want to access something that is part of South Australian law and is available to people in most parts of this country and the world. With great respect, there are a lot of women who want to access that because their biological clock is ticking. The people who have delayed this for so long should take note of that.

On another issue that is close to my heart, I was delighted that the federal member for Grey, Mr Rowan Ramsey, who is also the Government Whip—as a past whip, I will always have great respect for anybody who holds that position—moved a motion in the House of Representatives on 21 May this year. I will read it in part:

That this House:

- (1) expresses its support for continued trials into suicide prevention in rural and regional Australia;
- (2) recognises:
  - (a) the huge toll suicide takes on regional communities;

It also goes on further:

(4) supports funding into mental health research and trials in electoral divisions across regional Australia, such as those conducted in Whyalla, Port Augusta, Port Pirie, Port Lincoln and Yorke Peninsula, in the electoral division of Grey.

In speaking to his motion, the member for Grey said this:

Through the Country SA Primary Health Care Network, the 'question, persuade and refer' training program is being offered to around 1,000 community members within the National Suicide Prevention Trial regions, including Port Lincoln, Whyalla, Port Augusta, Port Pirie and the Yorke Peninsula. The program is designed to equip everyday people with three simple steps to help save a life: ask a question, try to persuade the person to seek help and then refer that person to the appropriate assistance. Like all pilot programs, we can never be sure of the results, but it's fair to say that we have not arrived at this point by accident. The program is being implemented on the best advice. We recognise the value of the community knowing how to assist and hopefully one day save a life.

Five suicide prevention groups in Grey have been awarded grants through the National Suicide Prevention Strategy to continue to work to reduce the number of suicides. These are the Empowering Lower Eyre Suicide Prevention Network, the Port Lincoln's suicide prevention network—

which I interpose is known as Lincoln Alive—

Stamp Out Suicide Copper Coast, Stamp Out Suicide Yorke Peninsula and the Whyalla Suicide Prevention Network. As part of this strategy, the government is also extending support for Roses in the Ocean training for community members with a lived experience of suicide, which has been accessing data from regional community suicide prevention forums and the online survey to help identify the key priorities in the trial region. Strong themes have emerged during the regional suicide prevention networks' work.

I am also pleased to report that John Dawkins, MLC, has been appointed as chair of the Premier's Council on Suicide Prevention, a state government initiative tasked with reducing SA's suicide rate. Mr Dawkins, who has for more than a decade been a passionate advocate for suicide prevention, will act as the Premier's Advocate for Suicide Prevention. I have already spoken to John about the links between the SA and federal governments, and I look forward to working closely with him.

I welcome that cooperation with the federal programs. There is not necessarily a difference of politics between governments. I think that over a lot of my lifetime I have seen, sometimes, federal programs and state programs operating without talking to each other or communicating with each other as well as they could.

There are obviously differences and, generally, as the Hon. Mr Hunter and others would know, the feds have a lot more money in their pocket than do state programs, but there is a benefit in this work that is being done in South Australia now working with those state-run or state-initiated networks. I have seen great value.

In the last six days, I have had the privilege of speaking at three significant suicide prevention/mental health events, ranging from Glencoe in the South-East last Thursday to Port Lincoln yesterday, and in between one that was conducted at the University of South Australia's east campus in Adelaide on Tuesday. Certainly, I think the collaboration between state and federal, between universities and a lot of other community groups, is important in this mental health space, particularly with suicide prevention. So I commend all these bodies for that work.

As I move forward in my work as the Premier's advocate in suicide prevention, I see that one of the key roles is in harvesting the opportunities that we can get from working, particularly in this state, with the primary health network, Country SA, which is doing really good work in the area.

I welcome the fact that I have great support in this role from right across the political divide. That was highlighted the other night when I did an interview with Paul and Laureen Newsham on 1079 Life on their program called Sunday Night Talk. The fact is that the awareness is there, but the community is growing in its capability and its ability to say, 'Let's do stuff in this area, and let's not let the stigma get in the way, as it has over many generations.'

So they are just a couple of areas in which I think the money provided through this Supply Bill can aid state government agencies. All of us who are paid from the state coffers can do more in the areas of both suicide prevention and reform of surrogacy legislation. With those remarks, I support the bill.

**The Hon. D.G.E. HOOD (15:59):** I rise to make a few remarks in relation to this bill, which, of course, as a government member I will be supporting. Members in this place would be well aware how imperative its passage is, given that it will appropriate the \$6.6 billion necessary to enable the

newly elected Marshall Liberal government to carry on the business of government until the budget is delivered in the next financial year.

As I have indicated in this place previously, I am excited to be part of a team that seeks to govern with fiscal conservatism, allocating taxpayers' money wisely and with careful consideration in order to fulfil its election commitments in line with community expectation. I firmly believe the implementation of the Marshall Liberal government's policy commitments will prove to be in the best interests of all South Australians.

Many of these initiatives will no doubt serve to revitalise our state's economy after far too many years of overtaxing and overspending by the previous government. Having long advocated for lower taxation, I anticipate the Marshall Liberal government's removal and reduction of an array of taxes will provide the relief to industry and individuals that is required to transform our state into a far more attractive place in which to live, work, invest and conduct business.

It is not sustainable to rely on increased taxes and new levies in conjunction with selling off valuable government assets in a futile attempt to keep up with overexpenditure. If I reflect on my own past, prior to my entry into politics, I recall for those members who are not aware that, whilst living in Adelaide, my particular role was based in Sydney and I would commute to Sydney on a weekly basis.

I had a number of work colleagues who became friends in Sydney and we would often talk about the differences between living in Sydney and living in Adelaide. I would always be a staunch defender of Adelaide and South Australia, but I think it is fair to say that over the period of time there, the esteem in which our state was held started to decline amongst my work colleagues, whether they were senior or junior to me, and it was seen as a less desirable place to live.

When I pointed out the relative cheapness—if that is the right word—in the price of housing relative to Sydney, for example, that did create some interest, but there was always the standard question, 'Well, what would I do there? What would my career look like? What opportunities would I have? What opportunities would my children have?' Really, I think that is the crux of it. We need a state economy that is thriving to create opportunities for people to genuinely want to stay and invest and develop a career here for themselves, their children and their families. That is really the crux, I think, of good economic management.

In many ways, perception is important, but the reality of being able to develop an interesting career, interesting work that pays well, of course, and being able to provide well for their families is ultimately what the overwhelming majority of people are seeking. That is fundamentally what I would see as the real essence of government: to create the environment in which those conditions can flourish.

Obviously, over many decades there has been a great debate amongst various economists and within political circles about what that looks like. What is the best way to achieve that outcome? Some would argue, for example, that we should provide a higher tax regime, that government knows best, that government can use that money to invest wisely in various industries that will benefit from that investment and that that will create further employment opportunities and ultimately create wealth for individuals and for society as a whole, which of course means better health care and all the spin-offs that improving or growing wealth creates.

I am not of that school. I do not believe that government knows best. In fact, in my experience, government often manages to find a way to mess these things up. Government, in my view, is best, where possible, where appropriate and where probable, to get out of the way. I am not suggesting that we do not have government, of course—I am not an extremist—but I do believe that the best governments are small governments. The best governments are governments that have a limited vision of intervention. They intervene only where necessary and only when necessary.

That is something that I think we have neglected in this state. We have had a philosophy of overintervention from government, in my view, for many years under the previous government. I do not say this necessarily as any direct criticism of the government. That was their view and they acted on their view. They were entitled to do that; they were in government. But my personal view is very different to that and aligns much more with what is now the Marshall Liberal government's philosophy: to intervene only when necessary and only where necessary, and that taxes should be lower.

In my view, the bottom line is that the private sector knows how to spend that money. Ultimately, it is their money. The money is generated by the private sector and therefore best spent by the private sector. There is a very simple saying and I often say it to people around me: no-one spends your own money as wisely as you do and no-one will look after your own money as wisely as you will. That applies at the individual level but it also applies at the corporate level, whether it be small businesses, very small businesses, from sole operators right up to very large organisations.

Ultimately, private enterprise has to return a profit to exist for any sustained period. That is the ultimate driver. The so-called profit motive drives, in my view, the most appropriate decisions and the wisest and usually the most frugal decisions. Governments, of course, are not usually bound by that discipline. Governments can run deficits for an extended period, and we see that at a federal level. In my view, that is not a long-term sustainable position that is in the best interests of the population. It is possible but it is not in the best interests of the population.

Looking at the specifics of the Marshall government plan, I think the removal of payroll tax to small businesses is certainly one of the most vital keys in achieving some of the objectives that I have just outlined and one that I have advocated for since I walked into this place just over 12 years ago. There are more than 143,000 small businesses in South Australia that employ fewer than 20 people each, and they comprise some 98 per cent of all businesses operating in our state. Given that these businesses provide employment to fully one-third of our workforce, I am sure members would agree that we cannot afford to have any of these businesses at risk of closure simply because payroll tax encumbrances have rendered their operations unviable or at least increasingly difficult.

I note the previous government had a growth rate target for small business in South Australia of 5 per cent and that recent figures for the last financial year reveal that it fell well short of that with an actual growth rate of 1.6 per cent. This is not at all surprising given that we have, unfortunately, had the lowest payroll tax threshold of almost every state; that is, the lowest level at which business is required to pay payroll tax. I do not know how the former government could have expected any other outcome under these circumstances. Increasing our employment rate is an obvious priority and a greater focus on ensuring the success of all our small businesses is a vital part of this process.

Those are fairly generic statements and I am sure everyone would agree with them. The disagreement is about how you achieve that objective. As I said, I am very much in the 'limited government' camp—not 'no government'. There is a role for government but I am very much in the limited government camp as my experience in the private sector says to me that government made things harder for industry usually and very rarely made it easier. They also almost always made it more expensive and almost always created barriers to private enterprise success.

In addition to the reduction of further imposts such as the emergency services levy, land tax and the natural resources management levy, I am pleased with another initiative of the Marshall Liberal government that will benefit both business as well as households—the development of a new strategy centring on reliability and affordability. Unfortunately, South Australia's energy security has been one of the topics that has been highly questionable and has often received even ridicule from other states and certainly from other governments within our country.

One of the reasons for that, in my view, is that we were striving, under the previous government, to meet self-imposed and unrealistic clean energy targets, causing an unwarranted preoccupation with unreliable and heavily subsidised renewable technologies. I am not saying there is no role for this technology—of course there is and, indeed, I believe it genuinely is the way of the future. The question is the rate of uptake: how quickly do we go down that path? I think that is where the disagreement lies.

My view is that we have been rushing down that path for largely ideological reasons, which have their place. Again, I am not completely opposed to these sorts of technologies; indeed, I can see the advantages of them. The question is: how quickly do we adopt their uptake? I am certainly not a supporter of unnecessary subsidies to these industries. There is a place and time for these sorts of things with genuinely new technology, but not at the expense of existing technology that has served us well for a very long time.

The failure to consider and invest more in other power sources was at least partly responsible for the statewide blackout in 2016 and further blackouts in 2017, which put our emergency services

at risk, cost businesses over \$365 million—it is widely accepted—and resulted in devastating losses and difficulties, even at hospitals and medical facilities. Needless to say, I was surprised when it was announced at the last election that the policy of the previous government, seeking to be re-elected, was to further increase its renewable energy target to 75 per cent by 2025. I think that was an ideologically driven target and, in my mind, the adoption of setting that target and achieving those levels was simply too quick to meet the practical needs of our energy requirements.

If the Liberal Party was not successful in winning the last election and forming government, South Australians would, I expect, have been paying even higher prices, under a regime of 75 per cent renewable energy, than we are at the moment. The Marshall Liberal government is committed to ensuring South Australia's energy grid is secure and generating sufficient base load power without the need for excessive subsidisation.

For too long, we have ignored the experts who have repeatedly said that another interconnector was necessary for the security of the South Australian electricity network. Now, under the new government, a \$200 million interconnector fund is finally being created, with the delivery of an interconnector between our state and New South Wales as a high priority. This undertaking is just one of the government's numerous solutions to safeguard and lower the cost of our power supply, as vital as it is.

Moving on to a different issue, I have always believed in choice in education and for families to have access to schools that best suit their needs and circumstances. The new Liberal government will take a new approach to non-government schools by treating them as partners in providing our next generation of South Australians the best possible start and fostering cooperation and collaboration to prevent any perception that they are in competition with government schools.

It will continue with budgeted recurrent funding, up to 22 per cent of the schooling resource standard, improving state funding from the lowest in Australia up to the national average. It will also maintain the budgeted introduction of capital grants to non-government schools in the way of an indexed minimum \$5.5 million per sector and is continuing the tender process that was underway prior to the election for improved internet services at schools.

I believe firmly in choice in education. It is very important that parents have the right to send their children to a school that appropriately reflects the values those children are taught at home, and I respect that that will be different things for different people. We have what I believe is a very good public education system in South Australia, but we also have a very good private education system and I, for one, am pleased that, in discussions I have had with the education minister and the government more broadly on this issue, there is a genuine desire to support the private sector and not have a situation where it is seen as almost in competition for the same students.

The situation should be one of choice and parents should be free to make that choice where possible. There are obviously restrictions on that; it is harder in regional areas to have genuine choice and it can be harder for financial reasons for people to have genuine choice. However, to the extent that government can, I am pleased that this government—and to be fair, the previous government to some extent—has placed a priority on allowing parents, and indeed assisting parents, to have genuine choice in choosing schooling for their children. It is one of the most important decisions a parent makes.

Whilst many of us in this chamber will be in the fortunate position of being able to have broad choice for our children in terms of where we choose to educate them, this is not always the case, as I have outlined. However, the principle here, and the most important thing in my view, is that choice is paramount. The parent should ultimately have the right to decide where to send their children and they should not be coerced into a decision one way or another.

Another focus of the Marshall Liberal government pertaining to education is the creation of more opportunities and flexible pathways for our young people to enter the workforce. This will be achieved through committing \$100 million to support over 20,800 traineeships and apprenticeships. Future growth industries, sectors experiencing skills shortages, defence, trades, and rural and regional areas are receiving particular attention under this government.

The formation of at least one new technical college, the re-establishment of industry skills councils and a review of current SACE requirements to determine best practice will proceed, and I



am proud to say that. This investment into our youth is critical in preventing our best and brightest from relocating interstate or overseas in order to fulfil their career and vocational aspirations. South Australia has traditionally been notorious for the exodus of our younger workers, and every possible avenue to prevent this should be engaged.

Indeed, one of the great things this government is focused on is to stop the exodus, the so-called brain drain, of our youngest and brightest and our well-developed professionals who see greener pastures and potentially higher salaries and, most commonly, more opportunity in some of the Eastern States. I believe it is incumbent on any government, and it is one of the priorities of this government, to stop that brain drain.

Many people have left South Australia over the years because the opportunities look brighter elsewhere. One of the great things about this government that I am excited about is the determination to put a stop to that brain drain and give an opportunity to our young people through investing in the things I have just outlined, in the specific industry sectors that I have just outlined, as a way of giving greater opportunity to our young people in particular.

As honourable members might recall, my former colleague in this place the Hon. Robert Brokenshire and I fought hard to expose the previous government's decision to close the Repatriation General Hospital. It was an issue that was of particular importance to me, given my father is a returned serviceman and our family has an appreciation for the significance of the Repat within the veteran community. It is something my dad has spoken about often and very fondly. Indeed, he has had a number of occasions to be treated in that facility.

I am proud to be part of a team that sees the value in re-opening this facility as a health precinct which is being recommissioned to reduce elective surgery waiting lists; provide access to a hydrotherapy pool, which is already open; and offer mental health accommodation for the elderly—all whilst maintaining the familiar culture of the Repat which is so important to our returned service men and women.

On that note, I commend the Marshall Liberal government's commitment to fund a defence industry employment program for ex-service personnel to facilitate their return to civilian employment. This effort to support our veterans and recognise their invaluable contribution is worthy of energy and finances. Again, this shows a level of respect for people who have put everything on the line for our nation, and I believe we should repay them in spades. Nothing we can do is enough, given what our veterans have put on the line and risked for us.

In regard to our state's infrastructure, South Australians deserve a forward-thinking state government that sets into motion long-term systemic plans that go beyond this current term of office. The Marshall Liberal government is taking this very approach, prioritising people before politics by establishing Infrastructure South Australia, an independent body that will combine public and private sector expertise to develop South Australia's first 20-year State Infrastructure Strategy. This innovative method of planning is long overdue.

We simply cannot afford to continue responding to the community's needs with ad hoc building projects and maintenance that is undertaken primarily to garner the favour of voters in strategic areas, often in marginal seats. I await with interest to see how this new body plans and provides for South Australians by enhancing our state's economic productivity and preparing for our anticipated and much needed population growth.

Further to this, the Marshall Liberal government is taking significant steps towards ensuring South Australian businesses are supported in their efforts to participate in government procurement for the provision of services through a range of reforms. One obvious means of ensuring public money is injected back into our economy is by encouraging local enterprise to compete for government contracts that can deliver the same or better outcomes than their interstate or foreign counterparts. Why wouldn't we keep the money in this state?

Providing targeted assistance to small and medium businesses in their preparation of tenders and ensuring at least one local business is involved in every tender are just two of this government's simple yet effective strategies to foster growth and prosperity across various private industries. Often the simple plans are those that work best. I am excited about what the potential is

for this initiative. Of course, there are many other policy initiatives I could mention which the Marshall Liberal government intends to undertake, or at least commence, in the immediate future warranting the passage of this bill.

I mentioned just a few of those in my contribution today but there are many others which will make a substantial difference to the business and commerce environment in our state. It is my firm view that that will flow through to more affordable living expenses for families and, ultimately, we will see our state thrive under this new leadership. I commend the bill to the council with every confidence the funds sought by our government will be used prudently and with the best interests and welfare of South Australians at heart.

**The Hon. J.S. LEE (16:20):** I rise to indicate my support for the Supply Bill, which seeks approval for the appropriation of \$6.631 billion for the Public Service of this state. A Supply Bill is necessary until the budget has passed through the parliamentary stages for the appropriation of money from the Consolidated Account.

In indicating my support, I note that the bill will enable delivery of a number of obligations preserved in the government's first 100 days election commitments whilst the 2018-19 budget is being finalised. The 2018-19 budget will be a landmark document for the Marshall Liberal government because, in the first instance, its focus will be the implementation of our election commitments and will pave the way for the development of a sustainable budget position for the future.

Under the leadership of the Premier, the Hon. Steven Marshall, and the Treasurer, the Hon. Rob Lucas, we will have a sustainable budget position for South Australia. One thing is certain: the Liberal government will apply prudent, accountable and realistic measures that will be entirely different and distinct from the smoke and mirrors that South Australia has been subject to for the last 16 years under a Labor government.

I would like to take a moment to congratulate our federal government on some of the key decisions made in the recent federal budget that will impact South Australia. South Australia is in better shape when the Liberal state government is working hand in hand with the federal government. In 2018-19, the commonwealth will provide South Australia with \$10.8 billion in general revenue assistance and payments for specific purposes. This includes general revenue assistance from the GST of \$6.9 billion next financial year, about \$270 million more than estimated in the state's 2017-18 Mid-Year Budget Review.

South Australia is reaping the rewards of a strong working relationship between the Marshall state government and the Turnbull federal government. The federal budget will provide \$1.8 billion in funding for major new transport projects in South Australia—this funding is in addition to the commonwealth's investment of \$1.3 billion to build the new shipyard and submarine yard at Osborne—and almost \$800 million on other defence infrastructure across South Australia. The Marshall Liberal government has a strong plan to grow jobs and expand the defence capabilities in South Australia. Unlike the 2017-18 federal budget, the former state government, under Labor, was unable to secure any new commonwealth money for South Australia in transport infrastructure.

I take this opportunity to highlight some of the election commitments that the Marshall Liberal government will be prioritising to effectively create a more competitive place to do business in South Australia through a range of initiatives such as scrapping payroll tax for small businesses, deregulating shop trading hours to allow businesses to remain open, and cutting land tax. South Australian businesses are doing it tough, operating under some of the highest cost structures in Australia. Our Treasurer recognises this, the Liberal bench recognises this, and that is why the Marshall Liberal government will scrap payroll tax for all small businesses in South Australia.

We will do this by exempting businesses with taxable payrolls of up to \$1.5 million from paying any payroll tax. I am a strong advocate for many small to medium-sized businesses in South Australia, and I am very pleased that this government will remove the payroll tax, making South Australia a more attractive place in which to invest and grow business. I am very encouraged by the direct feedback received from the business community that they welcome the Liberal government's approach to supporting small businesses.

The biggest impost that has increased year on year is state government rates, fees and charges. Cost of living is a huge issue for South Australians—it really is. When I am out and about talking to individuals from diverse communities, the number one complaint is the increase in cost of living and how expensive it is to live in South Australia.

Capping council rates; participating in affordable and reliable energy strategies; reopening the Repat as a genuine health precinct, which is so important to our community; and a comprehensive program to improve literacy and numeracy outcomes for all students are just some of the election agenda items that we, the state government, will pursue in the 2018-19 state budget. Thanks to the diligent work of the Minister for Health and Wellbeing, the Hon. Stephen Wade, and all the Liberal MPs advocating for our communities, the vandalism of Transforming Health has come to an end.

The health minister inherited the mess and problems from Labor, but he is determined, with the state government, to fix all these problems. Those opposite should be ashamed of themselves because, when they ask questions of the Minister for Health about the problems created by the former Labor government, they should be providing the answers, too, because they did not have answers. It is the Minister for Health who inherited these problems.

**The Hon. J.S.L. Dawkins:** They have erased it from their memory.

**The Hon. J.S. LEE:** That is right. A further feature of the first 100 days is the delivery of a reduction to emergency services levy bills for South Australians. It is worth remembering that the emergency services levy impacts not just households but also sporting clubs, community groups, multicultural clubs, churches, temples and independent schools. The Liberal Party made a commitment to reinstate the remission and, in doing so, reduce the cost of living for thousands of South Australians.

Today, we welcome the announcement made by the Premier, the Hon. Steven Marshall, and our Treasurer, the Hon. Rob Lucas, in delivering on the promised ESL bill savings. We are putting money back into the pockets of households and businesses and delivering on a key election commitment to lower costs in South Australia.

The focus of the 2018-19 state budget, which is going to be handed down in September, will be the implementation of the new Marshall government's commitments, as well as developing in the long term a sustainable budget position. I remind honourable members that it is Liberal governments that deliver sensible and responsible budgets. It is Liberal governments that always fix up Labor's mess. It is not hard to reflect on political history and the State Bank disaster. It was a Brown-Olsen-Kerin government that fixed up South Australia's mess after those dark days of crisis under Labor.

**The Hon. I.K. Hunter:** Remember the ETSA privatisation; that disaster?

**The PRESIDENT:** Order!

**The Hon. I.K. Hunter:** We had to fix up your mess.

**The PRESIDENT:** Order!

**The Hon. J.S. LEE:** Federally, it was the Howard-Costello strong management that got Australia's finances back on track after the Hawke-Keating fiasco. It is this Marshall Liberal government that, over time—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. J.S. LEE:** —will be the government that is asked to repair this state's fortunes after it inherited all this mess, debt and deficits over the last 16 years of Labor. It will be the Marshall Liberal government that will restore confidence for all South Australians. This is a government that I am proud to be a part of. This government is entrusted by the people of South Australia to deliver more jobs, better services and lower the cost of living and the cost of doing business.

I am incredibly excited about the space industry as well. Growing a space industry and capturing the opportunities in this sector is a key priority for the state government. Our Premier has

already had discussions with the Prime Minister, the Hon. Malcolm Turnbull; the defence industry minister, Christopher Pyne; defence minister, Marise Payne; and innovation minister, Michaelia Cash. He has also met with a number of key stakeholders, including Adelaide-born astronaut Dr Andy Thomas, to put South Australia on the front foot to grow a space industry.

I had the pleasure of meeting the dynamic Andrea Boyd, a South Australian who graduated from Adelaide University who currently works with the International Space Station as a flight controller for the European Space Agency. We need to create excellent platforms to support young and talented people to stay in South Australia.

I am indeed very pleased that there is a bipartisan bid to host a national space agency in Adelaide that will lead to a multibillion dollar industry. Having the space agency here will be a springboard for private investment, and South Australia is in a prime position because of our booming defence industry. Furthermore, South Australia has a vibrant space industry ecosystem, with more than 60 South Australian-based organisations involved in commercial space activities. Our government is proud to provide new scholarships for up-and-coming space entrepreneurs because we believe in retaining the best and brightest in South Australia.

I am equally excited that our government has launched the Regional Visitor Strategy through the Hon. David Ridgway, Minister for Trade, Tourism and Investment. This important strategy outlines opportunities to grow South Australia's regional visitor economy by \$1 billion and create 1,000 new jobs. This government is committed to more jobs for South Australians. As I said, I am very happy to be supporting this bill. The budget is just one way in which we will meet our election commitments. I look forward to the coming months, especially September, to support the vision of our Treasurer, the Hon. Rob Lucas, in delivering responsible measures for the people of South Australia.

Since the March state election, Deloitte Access Economics has released its first quarter Business Outlook for the nation and has found that South Australia may soon take over the other states and be given the title of fastest growth in the nation. I am optimistic for the future of South Australia. When the Liberal Party is on the Treasury benches, both federally and in South Australia, our citizens can breathe a little easier. We can sleep a bit better because we understand the importance of supporting families, we understand the importance of supporting small businesses, and we understand the importance of supporting our regions and communities.

The 2018 budget will be the first step on the long road back for South Australia's financial state of affairs with the restoration of the accountability promised by this government. With those words, I endorse the passage of the Supply Bill.

Debate adjourned on motion of Hon. I.K. Hunter.

#### *Parliamentary Procedure*

### **STANDING ORDERS SUSPENSION**

**The Hon. R.I. LUCAS (Treasurer) (16:32):** I move:

That standing orders be so far suspended as to enable me to rescind a motion.

Motion carried.

**The Hon. R.I. LUCAS:** I move:

That the adjournment of the bill, Order of the Day Government Business No. 2, be rescinded and taken into consideration forthwith.

Motion carried.

#### *Bills*

### **SENTENCING (RELEASE ON LICENCE) AMENDMENT BILL**

#### *Second Reading*

**The Hon. R.I. LUCAS (Treasurer) (16:33):** I move:

That this bill be now read a second time.

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

Leave granted.

Mr President, I introduce this Bill which amends the *Sentencing Act 2017*, to strengthen the provisions relating to the release of convicted sex offenders who are incapable of controlling, or who are unwilling to control, their sexual instincts.

Members will appreciate that amendments have been required as a result of the application for release on licence, granted by the Supreme Court on 27 March this year. The DPP appealed that decision and the matter was heard on Wednesday 23 May. No decision has been delivered as yet, but the Government needs to be—and is—prepared for the consequences of an unsuccessful appeal.

At the outset, let me be very clear about the approach of this Government when it comes to dealing with these types of issues. We will ensure that the community is protected. We will ensure that convicted sex offenders who are unable or unwilling of controlling their sexual instincts do not pose a risk to the community. We will ensure that sensible, thoughtful legislative solutions are introduced into the House.

The Attorney-General has advised that on 27 March the Leader of the Opposition wrote to the Attorney-General about the Humphry's matter and the Attorney-General replied by letter the next day. The Attorney-General advised the Leader of the Opposition that I would be happy to work with him or other local Members in relation to this matter.

Then, on 21 May, a briefing was provided to the Shadow Minister.

We heard nothing from the Labor Party about this matter until the story was released to the media this week. The former Labor Government had 16 years to get its legislation right – and they failed!

South Australians will see through the late and sudden interest in changing the law to protect the community.

Mr President, the amendments proposed in this Bill will ensure that those who have been, and will be, granted an order for indefinite detention to be released on licence into our communities, or to have their detention order discharged, will have to reassure the Court and relevant experts that they are suitable to be released.

The Bill will contribute to the increased safety of the public and provide victims and the community at large with greater security and freedoms by minimising the risk of a sexual offender being released into the community and then re-offending.

Section 57 of the existing Sentencing Act enables the Supreme Court to make an order that a person who has been convicted of a 'relevant offence' is to be detained in custody until a further order is made. A relevant offence is defined by reference to a number of offences of a sexual nature.

Before making such an order the Court must consider the reports of at least two legally qualified medical practitioners concerning the mental condition of the person and whether they are incapable of controlling or unwilling to control their sexual instincts.

A person is regarded as unwilling to control their sexual instincts if 'there is a significant risk that the person would, given an opportunity to commit a relevant offence, fail to exercise appropriate control of his or her sexual instincts'.

In some cases this may not be an immediate risk, however we must be vigilant to those who will bide their time and potentially risk society in the future.

The paramount consideration of the Court when determining to make an order under s 57 must be the safety of the community. The Court must then take other relevant factors into consideration including:

- the reports of the medical practitioners;
- any relevant evidence or representations that the person may wish to put to the Court;
- any other report ordered by the Court;
- any other matter the Court thinks relevant.

After an order for indefinite detention is made pursuant to s 57, the detained person (or the Director of Public Prosecutions) may apply to the Court to discharge the detention order (s 58) or to be released from custody on licence (s 59).

Under the existing provisions within the Sentencing Act, in determining to release an offender subject to an order of indefinite detention on licence, the paramount consideration of the Court must be the safety of the community. The Court must also then take the following factors into account:

- the reports of at least 2 qualified medical practitioners as to whether the person is incapable of controlling or unwilling to control his or her sexual instincts

- any relevant evidence or representations that the person may desire to put to the Court;
- any other report ordered by the Court;
- evidence tendered to the Court of the estimated costs directly related to the release of the person on licence;
- reports resulting from the periodic reviews on the progress of the person while detained (conducted by the Parole Board); and
- a report of the Parole Board identifying the Board's opinion on the effect the release on licence would have on the safety of the community, reporting on the probable circumstances of the person if released on licence, and the recommendation of the Board as to whether the person should be released on licence.
- any other matter the Court thinks relevant.

In the past, the Court has expressed the view that despite the risk an offender might pose to the safety of the community, it was appropriate to release the offender into the community on licence as the community could be adequately protected through a number of steps to be taken by the Department of Correctional Services and other agencies to manage those risks.

Mr President, this Bill amends the Sentencing Act to address concerns that have been raised about this approach.

The reforms create a two-step process.

Firstly, a detained person will need to satisfy the Court that they are both capable of and willing to control their sexual instincts.

If the Court is so satisfied, the Court can then consider whether they should be released on licence or have their indefinite detention order discharged, with the paramount consideration being the safety of the community in making that decision. This means that if the person cannot satisfy the Court that they are both capable and willing to control their sexual instincts, then the Court is unable to make an order to release the person on licence or to discharge their order of detention subject to one exception.

If the Court is satisfied that the person no longer presents an appreciable risk to the safety of the community due to their advanced age or infirmity, the Court can then consider whether they should be released on licence or have their indefinite detention order discharged, with the paramount consideration being the safety of the community in making that decision.

As reassurance to the community, these amendments will apply to anyone currently detained whose application for release on licence or discharge of licence is yet to be made, or has been made, but is not yet finalised.

Significantly, the amendments will also allow for the Director of Public Prosecutions (the DPP) to apply to the Supreme Court to either cancel or confirm the release on licence of a person who the Supreme Court has authorised to be released on licence.

If such an application was made by the DPP, the person subject to the licence would need to satisfy the Supreme Court that they are capable of controlling, and willing to control, their sexual instincts or that they no longer present an appreciable risk to the safety of the community due to their advanced age or infirmity.

If the Court is so satisfied, the Court can then consider whether they should confirm the release on licence, with the paramount consideration being the safety of the community in making that decision.

If the court is not so satisfied, then the person's release on licence would be cancelled.

The person would then be detained, and be at liberty to apply at a later date, under these new provisions, for release on licence or discharge of their detention order.

At present, where a person has been subject to licence conditions for a continuous period of three years, unless the DPP applies to the Supreme Court to order otherwise, there will be an automatic discharge of the detention order (pursuant to s 59 (19) of the Sentencing Act).

The Bill also removes this automatic discharge of a detention order. There is no reason to assume that just because a person has not breached a licence condition for three years that they suddenly pose no, or no significant risk, to the community at the three year mark. This is particularly so in cases where there has been very close supervision and conditions that would virtually prohibit a breach during the term of the licence.

Mr President, when considering the Bill it must be noted that if an applicant were able to satisfy the test of being willing and capable of controlling their sexual instincts, one would assume they would be likely to always apply for a discharge of the order altogether, rather than release on licence.

If such application were granted, the detainee would be released into the community without any preparation or supervision at all. To address the risk this may pose, a further amendment has been included to provide that, in

these circumstances, the Court may order that the discharge is not to take effect for such time as it considers necessary for the purpose of enabling the person to undergo a suitable pre-release program. This is reflected in the proposed new section 58 (6) of the Sentencing Act.

Mr President, this is an important Bill and one that has had some of the best legal minds in the Attorney-General's department consider it. I am confident that the Bill will ensure that the community is kept safe from offenders who are incapable or unwilling of controlling their sexual urges.

I commend the Bill to Members and I table a copy of the Explanation of Clauses.

#### EXPLANATION OF CLAUSES

##### Part 1—Preliminary

###### 1—Short title

###### 2—Amendment provisions

These clauses are formal

##### Part 2—Amendment of *Sentencing Act 2017*

###### 3—Amendment of section 58—Discharge of detention order under section 57

This clause amends section 58 to provide that an order for detention under section 57 cannot be discharged unless the person subject to the order satisfies the Supreme Court that the person is both capable and willing to control the person's sexual instincts or the person no longer presents an appreciable risk to the safety of the community (whether as individuals or in general) due to the person's advanced age or infirmity.

The section is also amended to provide that the Supreme Court may order that the discharge of an order for detention may come into effect at such time (after the making of the discharge order) as the Court considers necessary to enable the person subject to the order to undergo a suitable pre-release program.

###### 4—Amendment of section 59—Release on licence

This clause amends section 59 to provide that a person detained in custody under Division 5 of Part 3 of the *Sentencing Act 2017* cannot be released on licence unless the person satisfies the Supreme Court that the person is both capable and willing to control the person's sexual instincts or the person no longer presents an appreciable risk to the safety of the community (whether as individuals or in general) due to the person's advanced age or infirmity.

This clause also repeals subsection (19) of section 59. Currently, subsection (19) provides that if a person has been subject to a licence under section 59 for a continuous period of 3 years, the order for the person's detention under Division 5 will, unless the Supreme Court, on application by the DPP, orders otherwise, be taken to have been discharged on the expiration of that period.

###### 5—Amendment of section 61—Court may obtain reports

###### 6—Amendment of section 62—Inquiries by medical practitioners

###### 7—Amendment of section 63—Parties

###### 8—Amendment of section 64—Service on guardian

These amendments are consequential on the insertion of Schedule 2 into the *Sentencing Act 2017*.

###### 9—Amendment of section 65—Appeals

This amendment is consequential on the repeal of section 59(19).

###### 10—Amendment of Schedule 1—Repeal and transitional provisions

Transitional provisions are inserted into Schedule 1 of the *Sentencing Act 2017* for the purposes of the measure.

###### 11—Insertion of Schedule 2

This clause inserts Schedule 2 into the *Sentencing Act 2017*:

Schedule 2—Re-consideration of authorisations to release on licence under section 24 of repealed Act or section 59 of this Act

Schedule 2 provides for a scheme by which the Supreme Court may, on application by the Director of Public Prosecutions, cancel or confirm the release on licence of a person to whom clause 1 of the Schedule applies (being a person subject to an order for detention who, before the commencement of the clause, has been authorised by the Supreme Court to be released on licence).

The Schedule provides that the release on licence of a person to whom clause 1 of the Schedule applies must not be confirmed unless the person satisfies the Supreme Court that the person is both capable

and willing to control the person's sexual instincts or the person no longer presents an appreciable risk to the safety of the community (whether as individuals or in general) due to the person's advanced age or infirmity.

Debate adjourned on motion of Hon. I.K. Hunter.

## **INDEPENDENT COMMISSIONER AGAINST CORRUPTION (INVESTIGATION POWERS) AMENDMENT BILL**

### *Introduction and First Reading*

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

### *Second Reading*

**The Hon. R.I. LUCAS (Treasurer) (16:34):** I move:

That this bill be now read a second time.

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

Leave granted.

This Bill amends the Independent Commissioner Against Corruption Act 2012, the ICAC Act, to address the Government's commitment to address the need for transparent justice in South Australia when investigating serious or systemic maladministration and misconduct in public administration.

In short, the Bill clarifies how the Independent Commissioner Against Corruption Commissioner investigates matters raising potential issues of serious or systemic misconduct and maladministration in public administration and, importantly, will provide the Commissioner with the discretion to hold public hearings into matters. It should be emphasised that the amendments do not affect anything in the ICAC Act relating to investigations into corruption. The Government nor the Commissioner support open hearings into such investigations.

Under the current convoluted scheme, the Commissioner's power to investigate misconduct or maladministration is provided by reference to the Ombudsman Act 1972. The Ombudsman has the powers of a commission as defined in the Royal Commissions Act 1971. However that power is curtailed by section 18(2) which requires investigations to be carried out in private. Because the Commissioner is both the investigator and the decision maker in these types of investigations, persons whose rights, interests or legitimate expectations might be adversely affected must be accorded procedural fairness. Therefore it is crucial that the process be transparent for that to occur, the Commissioner is able to determine when and if an investigation or part of an investigation should be held in public.

This Bill does what the commissioner himself has been requesting for several years. However, the Oakden investigation particularly highlighted the issue of open hearings. On page 16 of the Oakden report, the Commissioner wrote: 'this investigation has firmly reinforced my view that the legislation under which I operate ought to be amended to give me the discretion to conduct investigations of this kind in public'. He went on to state: 'There is a tension between the Act which provides jurisdiction to investigate and the Acts which provide the powers during the investigation....The tensions could be resolved if the ICAC Act were modified to seamlessly include the powers of investigation and reporting in respect of misconduct and maladministration. I have previously proposed to the Government that the powers to investigate such conduct be found by a more direct route than is presently the case. The Government did not accept my proposal. I am hopeful that these issues will be considered again.'

These amendments address the Commissioner's comments in a practical and simple way. They remove the requirement for the Commissioner, when dealing with an investigation into matters raising a potential issue of serious or systemic maladministration or misconduct in public administration, to exercise powers of an inquiry agency and set out the powers and functions relating to such investigations in schedule 3A to the ICAC Act. The schedule consolidates the powers and functions available to the Commissioner under the Ombudsman and Royal Commissions Acts, clarifying the manner in which an inquiry is to be heard, the powers available to the Commissioner and ensuring those powers are fit for purpose. In particular, clause 6 of schedule 3A clarifies the extent to which legal professional privilege and public interest immunity are abrogated during a maladministration or misconduct investigation and clause 26 of schedule 3A provides for the Commissioner to report on one or more investigations in such manner as the Commissioner thinks fit. Setting out the powers and functions in this way will ensure that arguments about the scope and nature of investigative powers available to the Commissioner are avoided in future investigations of this nature.

Finally, the Bill includes three amendments intended to improve some operational aspects of the legislation. For example, clause 10 of the Bill will insert new section 39B into the ICAC Act to provide a delegation power, so that if for some reason the Commissioner is unable to conduct an investigation, the Deputy Commissioner or an examiner may head the investigation and report to the Commissioner. The Bill also provides for the person heading the investigation to make non-publication or suppression orders. These changes are necessary for purely practical reasons.

The Commissioner has repeatedly called for these amendments, and the Government has committed to transparent and accountable practices in public administration. This measure clearly demonstrates that commitment.



I commend the Bill to members.

#### EXPLANATION OF CLAUSES

##### Part 1—Preliminary

###### 1—Short title

###### 2—Commencement

###### 3—Amendment provisions

These clauses are formal.

##### Part 2—Amendment of *Independent Commissioner Against Corruption Act 2012*

###### 4—Amendment of section 7—Functions

This clause amends the provision specifying the functions of the ICAC to remove references to the ICAC exercising the powers of an inquiry agency and instead refer to the ICAC investigating misconduct and maladministration in public administration.

The provision also makes some amendments that are consequential to allowing public inquiries.

###### 5—Amendment of section 24—Action that may be taken

This clause removes references to the ICAC exercising the powers of an inquiry agency and replaces them with references to the ICAC investigating misconduct and maladministration in public administration.

###### 6—Repeal of sections 26 and 27

###### 7—Repeal of sections 33 to 36

Clauses 6 and 7 are related to the ICACs new investigatory powers in relation to misconduct and maladministration in public administration. These provisions that currently relate to corruption investigations are able to apply equally to misconduct and maladministration investigations and so are being relocated to a new general Division (see clauses 9 and 10).

###### 8—Substitution of section 36A

This clause substitutes the current section 36A (which allows the ICAC to investigate potential issues of misconduct and maladministration in public administration by exercising the powers of an inquiry agency ie the Ombudsman's powers) with a new provision that applies the proposed Schedule 3A to investigations by the ICAC into potential issues of misconduct and maladministration in public administration.

Proposed new section 36B replicates section 28 of the *Ombudsman Act 1972*.

###### 9—Heading to Part 4 Division 2 Subdivision 4

This clause substitutes a heading to make Part 4 Division 2 a Division containing general provisions relating to investigations by the ICAC.

###### 10—Insertion of sections 39A to 39F

This clause relocates the provisions deleted by clauses 6 and 7.

###### 11—Amendment of section 42—Reports

This clause deletes a provision that would be inconsistent with the power to hold public inquiries.

###### 12—Amendment of section 45—Commissioner's annual report

This clause deletes a provision that required the ICAC to report on the number and general nature of occasions on which the ICAC exercised the powers of an inquiry agency. The requirement to report on investigations by the Commissioner is already contained in subsection (2)(b)(ii) (and this provision will now cover both corruption investigations and misconduct and maladministration investigations).

###### 13—Amendment of section 54—Confidentiality

This clause is consequential to the new provisions on public inquiries.

###### 14—Amendment of section 56—Publication of information and evidence

This clause is consequential to the new provisions on public inquiries.

###### 15—Insertion of Schedule 3A

This clause inserts a new Schedule containing provisions relating to investigations into misconduct and maladministration. The new Schedule contains provisions dealing with the following matters:

- the power to conduct a public inquiry
- orders that may be made in the course of an investigation into misconduct or maladministration in public administration to prevent undue prejudice or undue hardship to any person, or otherwise in the public interest
- rules as to procedure and evidence are disapplied
- legal representation for participants in the investigation
- limiting claims of legal professional privilege for the Crown and public authorities and claims of public interest immunity
- admissibility in evidence of statements or disclosures etc made in an investigation
- examination of witnesses (including powers to compel attendance and deal with contempt)
- power to require a written statement of information about a specified matter or to require answers to questions
- power to require a person to produce a document or thing for the purposes of the investigation
- power to enter and inspect any premises or place occupied by a public authority and anything in or on those premises or that place
- action that may be taken following an investigation, including the making of findings, recommendations or reports

#### Schedule 1—Transitional provisions

##### 1—Application of amendments

The transitional provision deals with the replacement of section 36A and the introduction of the new investigation powers.

Debate adjourned on motion of Hon. I.K. Hunter.

### **EVIDENCE (JOURNALISTS) AMENDMENT BILL**

#### *Introduction and First Reading*

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

#### *Second Reading*

**The Hon. R.I. LUCAS (Treasurer) (16:35):** I move:

That this bill be now read a second time.

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

Leave granted.

The Evidence (Journalists) Amendment Bill 2018 amends the *Evidence Act 1929* to introduce a default rule that journalists cannot be compelled to answer a question or produce any document that may disclose the identity of a confidential informant.

Communications with journalists do not enjoy any special privilege under the common law in Australia. There is High Court authority to this effect.

However, there are strong public interest arguments for confidential communications with journalists to be protected. This encourages the free flow of public interest information into the public domain. By enabling journalists to keep confidential the identity of an informant, it is anticipated that people will more readily come forward with information on matters of public interest, including to hold governments and corporations to account.

The majority of other Australian jurisdictions, including the Commonwealth, New South Wales, Victoria, Western Australia and the Australian Capital Territory have legislated to introduce a similar rule, commonly referred to interchangeably as 'journalists shield laws' or 'journalists privilege'.

In the lead-up to the March State election, the Liberal Party promised to introduce journalist shield laws if elected and this Bill seeks to fulfil that promise.

The Bill defines 'journalist' as a person 'engaged in the profession or occupation of journalism in connection with the publication of information in a 'news medium' (in turn defined as a medium for the dissemination to the public or a section of the public of news and observations on news'. This is consistent with the definition in the (NSW)

*Evidence Act 1995* and also the approach in the (Vic) *Evidence Act 2008*. A journalist for the purposes of the provisions need not be employed by a media outlet; the definition applies also to contracted and freelance journalists, provided journalism is their profession or occupation.

The risk in defining 'journalist' more widely, for example, the equivalent Commonwealth definition refers to a person 'engaged and active in the publication of news' is that less scrupulous people, potentially with fictitious sources, may receive protection. This risk needs to be balanced against a concern to adopt definitions sufficiently wide to allow for rapidly evolving online platforms for journalism and the shift away from traditional forms of news towards new modes of public communication, for example blogs and tweets.

To allow sufficient flexibility to respond to rapid evolution in modes of public communication whilst avoiding the risks associated with a wide definition, the Bill allows for regulations to specify classes of person who are deemed to be included in, or excluded from, the definition of 'journalist'.

The proposed laws will apply to proceedings in a court, which in turn is defined in the principal Act to include a 'tribunal, authority or person invested by law with judicial or quasi-judicial powers, or with authority to make any inquiry or to receive evidence': s.4(1).

The Bill:

- provides that no civil or criminal liability is incurred by a journalist for failing or refusing to answer any question, or to produce any document or other material, that may directly or indirectly disclose the identity of their informant, being an informant who reasonably expected that the informant's identity would be kept confidential, whether because of an express undertaking given by the journalist or otherwise (that is, the expectation of confidentiality may be implied from the circumstances);
- provides that the default rule against disclosure is subject to an overriding public interest test whereby the court in the proceedings in question, may order disclosure if satisfied that, having regard to the circumstances of the case, the public interest in disclosing the identity of the informant:
- outweighs any likely adverse effect of the disclosure on the informant or any other person;
- outweighs the public interest relating to the communication of information by the news media generally; and
- outweighs the need of the news media to be able to access information held by potential informants.

By providing for an overriding public interest test by application of which a court may order that the informant's identity nevertheless be disclosed, the Bill seeks to strike an appropriate balance between what may be competing public interests: on the one hand in having the informant's identity disclosed in the particular circumstances, versus on the other hand any adverse impact on the informant and the public interest in facilitating the free flow of information.

I commend the Bill to Members.

#### EXPLANATION OF CLAUSES

##### Part 1—Preliminary

###### 1—Short title

###### 2—Commencement

###### 3—Amendment provisions

These clauses are formal.

##### Part 2—Amendment of *Evidence Act 1929*

###### 4—Insertion of Part 8A

This clause inserts a new Part as follows:

###### Part 8A—Journalists

###### 72—Interpretation

The proposed section defines terms to be used in the Part.

###### 72A—Application of Part

The proposed section provides that the Part is to apply to court proceedings commenced before or after the commencement of the Part.

###### 72B—No liability incurred for failure to disclose identity of informant in court proceedings

The proposed section provides a protection for journalists and prescribed persons (defined as being employers of journalists or those engaging journalists by contract) from criminal or civil liability if they refuse

to answer questions or produce documents or material that may directly or indirectly disclose the identity of a person (the *informant*) who has given information to the journalist or prescribed person. The person seeking the protection must satisfy the court that the person is a journalist or prescribed person, that they have been given information by an informant with the expectation that the information may be published in a news medium and that the informant's identity would be kept confidential.

The court may order that the protection does not apply to journalists if satisfied that the public interest in disclosing the informant's identity would outweigh—

- any adverse effect on the informant or other person; and
- the public interest relating to the communication of
- information by the news media generally; and
- the need of the news media to be able to access information held by potential informants.

Debate adjourned on motion of Hon. I.K. Hunter.

### *Resolutions*

#### **WOMEN'S SUFFRAGE ANNIVERSARY**

The House of Assembly passed the following resolution to which it desires the concurrence of the Legislative Council:

1. That in the opinion of this house, a joint committee be established to inquire into and report on matters relating to the 125<sup>th</sup> (quasiquicentenary) Anniversary of Women's Suffrage and to consider—
  - (a) the significance of the Adult Suffrage Bill 1894;
  - (b) the courageous political campaign by the South Australian suffragists, unions and women's rights movements;
  - (c) recognition of Aboriginal women in South Australia, who gained the right to vote in 1894 but were denied the right to vote at Federation until 1967;
  - (d) ways to commemorate the 125<sup>th</sup> anniversary of women's suffrage in South Australia; and
  - (e) any other related matter.
2. That, in the event of a joint committee being appointed, the House of Assembly shall be represented thereon by four members, of whom three shall form a quorum of assembly members necessary to be present at all sittings of the committee.

At 16:37 the council adjourned until Tuesday 5 June 2018 at 14:15.