LEGISLATIVE COUNCIL

Tuesday, 5 June 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.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the President—

Register of New Member's Interests, June 2018—Registrar's Statement
Ordered—That the Report be printed. (Paper No. 134)

By the Treasurer (Hon. R.I. Lucas)—

Reports, 2016-17—
Aboriginal Lands Trust
National Aboriginal Cultural Institute Incorporated
State Opera of South Australia
Regulations under the following Acts—
Bills of Sale Act 1886—Fees
Community Titles Act 1996—Fees
Land and Business (Sale and Conveyancing) Act 1994—Fees
Real Property Act 1886—Fees
Registration of Deeds Act 1935—Fees
Strata Titles Act 1988—Fees
Workers Liens Act 1893—Fees

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

Regulations under the following Acts—
Roads (Opening and Closing) Act 1991—Fees
Road Traffic Act 1961—Revocation
Valuation of Land Act 1971—Fees

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

Report on actions taken following the Coronial Inquiry into the Death in Custody of Shaun Martin Keane dated April 2018

Ministerial Statement

HOUSING AUTHORITY

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:18): I have a ministerial statement on the new housing authority. As part of the Marshall Liberal government's 100-day plan, we committed to establishing parameters for a new housing authority, amalgamating the functions of Housing SA and Renewal SA. The role of the South Australian Housing Trust has changed considerably since it was established in the 1930s. Once seen as a key economic driver for the state, the Trust is now struggling to meet the changing needs of South Australians experiencing housing affordability issues.

Today, the South Australian Housing Trust has shifted from housing families in employment as its principal customer to instead assisting a growing number of South Australians who are at risk

and vulnerable, often as single person households. The cost of maintaining ageing assets, an increased need to provide services to assist people to access housing and sustain their tenancy and a dramatic reduction in revenue has put the South Australian Housing Trust at risk of being unable to provide appropriate housing to low income households into the future.

Unfortunately, the housing space has been constrained by the shifting and competing priorities of the previous government, resulting in a fragmented and stagnant housing system. This has led to ineffective and outdated administrative arrangements and a governance structure that does not have the capacity to deliver reform.

If we want to help more South Australians get a roof over their head and provide them housing stability into the future, then we need all parts of the housing system to be working together. We need existing housing models to be modernised and refined. As the Productivity Commission's recent inquiry report into introducing competition and informed user choice into human services highlighted, Australia's social housing system is broken. Reform is essential.

The government's first step towards modernising the housing system is to draw upon the visionary foundations of Playford and bring the Housing Trust into the modern era by operating as a new housing system from 1 July. The parameters of the new housing authority include a new governance structure, a new system-wide focus and a new business model that will drive improved operational performance and customer outcomes.

The establishment of a new governance structure will enable transparency, accountability and long-term integrated asset and service planning. This will see housing strategy, asset and service functions previously provided separately by Renewal SA and Housing SA delivered through one accountable entity. Key to the new housing authority's success will be the appointment of a skills-based board, which will work with industry, not-for-profit organisations and, most importantly, communities, families and individuals, to develop and drive much-needed reform.

South Australia needs a housing system that is more strategic, sustainable and viable into the future. It needs a system that enables and promotes housing options and pathways to support South Australians achieve their housing aspirations. I am excited about the establishment of the new housing authority and the opportunity to oversee a new strategic housing direction that promises greater social and affordable housing outcomes for South Australians.

Parliamentary Procedure

ANSWERS TABLED

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

Question Time

ROYAL ADELAIDE HOSPITAL

The Hon. K.J. MAHER (Leader of the Opposition) (14:27): I seek leave to make a brief explanation before asking the Minister for Health and Wellbeing a question about cover-ups and secrecy.

Leave granted.

The Hon. K.J. MAHER: The minister has had a bad week; in fact, he has had a couple of very bad weeks. Last week, we saw reports, and then confirmation, of a 'wall of secrecy' being built at the Royal Adelaide Hospital—a secrecy wall to hide the failings of the minister from the public and the media; a minister who refuses to inform the public when things go wrong, as he has done for the last couple of weeks. My questions to the minister are:

1. When was the minister or his office first informed of the intention to build the wall at the Royal Adelaide Hospital?

2. When did the minister or the minister's office first inform the Premier or the Premier's office about the intention to build the secrecy wall at the Royal Adelaide Hospital?

3. Did the minister ask for the Ambulance Employees Association and the South Australian Salaried Medical Officers Association to be consulted on the secrecy wall?

4. How long will the secrecy wall remain in place at the Royal Adelaide Hospital?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:29): I thank the member for his question. In terms of when I was first advised, I have already told the media that I was first advised on Thursday afternoon. In terms of when the Premier's office was first advised, I will take that on notice. I have issued no directions in relation to the consultation between the AEA, SASMOA and SA Health in relation to privacy measures at the hospital.

ROYAL ADELAIDE HOSPITAL

The Hon. K.J. MAHER (Leader of the Opposition) (14:29): Supplementary arising from the answer: just so we are very clear, is the minister saying neither he nor anyone in his office had any knowledge of the plans for this wall to be erected before Thursday of last week?

Members interjecting:

The PRESIDENT: He doesn't require your advice, Leader of the Opposition.

The Hon. K.J. Maher interjecting:

The PRESIDENT: Do not talk over me. Minister. Let the minister—

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:30): The question I was asked was when I was first advised. I'm not aware of anybody in my office being advised before I was, but I will take that on notice.

STATE BUDGET

The Hon. C.M. SCRIVEN (14:30): My question is to the Treasurer. Will the Treasurer confirm that the South Australian budget will be boosted by $272 million in 2018-19 as a result of increased GST receipts? Will the Treasurer confirm that there will be similar increases across the forward estimates?

The Hon. R.I. LUCAS (Treasurer) (14:30): I think the Under Treasurer gave advice at the Budget and Finance Committee in relation to 2018-19 of that particular number, $270-odd million or $272 million; I do not have the transcript in front of me at the moment. If the Under Treasurer has given that advice to the Budget and Finance Committee, I would take that, to use a phrase I used a couple of weeks ago or last week, as entirely accurate. He is in the best position to give you that advice.

My recollection of the advice he gave the Budget and Finance Committee was that he was not in a position to give exact figures for the out years 2019-20 and onwards. He gave a quite detailed explanation in relation to the relativities issue, as well as various other factors which will need to be taken into account, and that Treasury was still doing work on what the impacts would be.

In relation to the second question, no, I can't give you an indication of the exact number for the out years. I think that was the advice the Under Treasurer gave the committee yesterday.

STATE BUDGET

The Hon. K.J. MAHER (Leader of the Opposition) (14:31): A supplementary arising from the answer: has the Treasurer been given any advice that the out years are likely to result in at least a baseline of $120 million extra in GST revenue, as the Under Treasurer outlined to the Budget and Finance Committee yesterday?

The Hon. R.I. LUCAS (Treasurer) (14:32): The Under Treasurer always advises me of the facts of the situation. He outlined those facts to the Budget and Finance Committee, so certainly I have had discussions with the Under Treasurer of a similar nature in relation to the evidence he gave to the committee yesterday.

PAYROLL TAX

The Hon. E.S. BOURKE (14:32): My question is for the Treasurer. Will the Treasurer confirm that revenue from payroll tax is likely to be up by approximately $24 million this financial year and that conveyancing revenues are likely to be up by around $12 million?

The Hon. R.I. LUCAS (Treasurer) (14:32): I can only confirm the advice that the Under Treasurer gave the Budget and Finance Committee yesterday, so I have no separate or independent

advice in relation to that. The advice the Under Treasurer gave the Budget and Finance Committee is to his and their best knowledge the latest estimates of revenue both from payroll tax and other tax bases. I have no independent or separate advice which would disprove that. So that is the basis of the advice the government has received thus far.

Again, as the Under Treasurer advised the Budget and Finance Committee, we will take the final advice as we prepare the September budget in terms of what the final collections are for 2017-18 and what the latest estimates will be for 2018-19 in the forward estimates years. Ultimately, that's a separate and independent decision for the Treasury officers to take and to advise the government. Those numbers will be incorporated in the budget when it is brought down in the first week of September.

SOUTH AUSTRALIAN TOURISM INDUSTRY COUNCIL

The Hon. T.J. STEPHENS (14:33): My question is for the Minister for Tourism. Could the minister please update members on the South Australian Tourism Industry Council's recent tourism conference and how the Marshall government is working collaboratively with industry to maximise significant economic opportunities?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:34): I thank the honourable member for his ongoing interest in the tourism industry. As it was, it was a privilege to be involved in last week's Tourism Industry Council (SATIC) annual statewide conference. The annual SATIC conference is a great platform, which this year brought together almost 400 participants from the tourism sector to deepen relationships and promote the sector.

In the last three years the event has doubled in size and moved from a one to a two-day program. The increase in industry participation signifies that our tourism operators are looking to develop their businesses so that they can be more engaged with domestic and international markets. This is a tangible sign of business confidence, as we saw today, rising to an eight-year high, as the Business SA and Statewide Superannuation survey showed us today.

An excellent example of business development opportunities to be taken from the conference was one of the Service IQ masterclasses held on changing times and emerging trends. Mark McCrindle from McCrindle Research gave some insights as to how operators can ready themselves for everything from technological trends to demographic shifts and from social change to generational transitions. This can flow down to very practical initiatives that operators can use to boost their businesses, such as embracing digital technology for booking systems and marketing.

The Gather and Graze welcome event, held at the Adelaide Central Market, was an excellent showcase of South Australian produce in a venue which is synonymous with what South Australians hold dear in our wonderful food offerings. Local producers on show were KI Distillery, Barossa Valley Cheese, Barossa Fine Foods, the Carousel Nut Bar, Food Tours Australia, Jagger Fine Foods and KI Stall 17.

I am told that the survey results are still being received but the approximate 400 delegates felt that the conference was very valuable to their business development, great value for money and something they would recommend to others in the industry. SATIC has done an exceptional job in pulling together the conference, which is useful and relevant to the industry, and I am pleased that they will be expanding on this great work by hosting 19 metro and regional industry workshops in the coming weeks. It is a great opportunity for this government to engage in a collaborative working relationship with the industry. Integral to that process is visiting the regions, listening to what operators have to say and discussing how we can grow South Australia's tourism sector and bring more dollars into our economy and create more jobs.

In the first 24 hours SATIC has already received almost 100 registrations for the first two metro workshops, so it is very clear that the industry is keen and excited to engage with the government, which is genuinely listening and wanting to collaborate. The Marshall government is actively, positively and proactively engaging with industry and we very much hope that the new opposition will support those efforts rather than stifle them. Unfortunately, early signs aren't that good. The opposition has already moved to prevent me representing the Premier in an upcoming Food SA industry event.

Under the previous Labor government, they simply did not understand that to foster a positive environment for any industry, in order that it can flourish and achieve its economic potential, you

need to work collaboratively with the industry. This means regularly getting out on the ground and listening to the challenges and the issues. I encourage members opposite to use this term in opposition constructively rather than obstructively and let this government do what it needs to do, and observe how an effective government engages well with industry for the economic benefit of our state.

SOUTH AUSTRALIAN TOURISM INDUSTRY COUNCIL

The Hon. I.K. HUNTER (14:37): Supplementary arising from the answer: the minister on his feet talked about the importance of a collaborative working relationship with businesses and industries, and one of the businesses that he mentioned in his answer to the question—

Members interjecting:

The PRESIDENT: Order! I'm allowing the Hon. Mr Hunter to give some context for the benefit of the minister before he answers the question.

The Hon. I.K. HUNTER: One of the businesses that the minister mentioned in his answer to the question actually has a very strong position against the government's deregulation of shop trading hours. How many of those other businesses has the government listened to in relation to the deregulation of shop trading hours and how they will destroy South Australian small businesses?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:38): I thank the honourable member for his supplementary. Those people on that particular evening did not raise that issue with me. It was a celebration of the tourism industry and the tourism sector, which works seven days a week—24 hours a day, almost 7 days a week—365 days of the year, because the tourism sector understands the importance of being there to serve their clients.

SOUTH AUSTRALIAN TOURISM INDUSTRY COUNCIL

The Hon. I.K. HUNTER (14:38): Supplementary: the minister on his feet also lamented a decision not to give someone a pair to go out and foster a positive environment with industry. I wonder if the minister would care to reflect on why that is important today when it wasn't important to give the premier of the previous government a pair to go to Whyalla for the opening of a crucial industry, the steelworks.

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:38): I remind the honourable member that this is the Legislative Council and we don't have any influence over the pairs granted or not granted in the House of Assembly. We have had a very constructive relationship—I have been in this chamber longer than the honourable member; I have been here for 16 years—I don't recall the opposition in the previous 16 years refusing any pairs to the government in the Legislative Council.

RE-USABLE COFFEE CUPS

The Hon. M.C. PARNELL (14:39): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing about re-usable coffee cups.

Leave granted.

The Hon. J.E. Hanson interjecting:

The Hon. M.C. PARNELL: I have referred to no prop. This morning's copy of *The Advertiser* refers to a decision made by the On The Run convenience store and petrol station chain that they will henceforth refuse to fill coffee cups that customers bring themselves. According to the article, more than 100 service stations and stores will be affected by the On The Run ban. The excuse offered by the company is one of food safety. To quote *The Advertiser*:

> A spokesman for OTR said the decision 'has been made in the interests of our customers' health and wellbeing'.

I would point out that today is World Environment Day and the On The Run decision is completely at odds with what most other coffee retailers are now doing, which is encouraging people to bring their own cups and in fact giving them a discount if they bring their own cup rather than use a disposable cup. *The Advertiser* also points out, and I will accept it at face value, that Australians use one billion disposable coffee cups per year—one billion; one thousand million disposable coffee cups. My questions of the minister on World Environment Day are:

1. Does the minister believe that re-usable coffee cups pose such a risk to health and safety that they should be banned?

2. If not, what steps will he take as Minister for Health and Wellbeing to either urge or force On The Run to reverse this anti-environment policy?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:41): I thank the honourable member for his question. I would make the point that individual businesses have a responsibility to manage food safety within their businesses. I tend to agree with the honourable member that perhaps this particular business is taking an overzealous approach, but the legislative duty of my department is to make sure that food businesses meet minimum standards, not that they exceed them.

I am sure that individual businesses will need to make business decisions as to whether insisting on people using their own cups rather than perhaps getting a discount for a re-usable cup is in their business model or not, but I certainly don't think that I should, as Minister for Health, be legislating for the maximum food safety risk.

I do take the implicit point in the member's question, which is that we should not take a narrow view of health. I certainly appreciate that the environment in which we live is a major factor in our health. I don't want to be held to this, but it is my recollection that one of the most significant reductions in mortality in the life of the colony of South Australia, now the state, was through the introduction of reticulated water and sanitation. A public health measure, an environmental measure, if you like, had a dramatic impact on health services.

This government takes very seriously the issue of public health. That's why we are re-establishing the position of chief public health officer. I accept the member's point that the efforts that this state makes in terms of managing the environment, which is directly the responsibility of minister Speirs in the other place, will also have real benefits for the health of South Australians.

STATE BUDGET

The Hon. K.J. MAHER (Leader of the Opposition) (14:43): I seek leave to make a brief explanation before asking a question of the Treasurer on the budget outlook.

Leave granted.

The Hon. K.J. MAHER: The Treasurer informed us today in the Legislative Council that he has no further or better information about revenue projections other than those outlined by David Reynolds, the Under Treasurer, to the Budget and Finance Committee yesterday. In questions today, the Treasurer has agreed that there is in the order of $272 million in a GST windfall over and above the projections from the Mid-Year Budget Review expected in the 2018-19 financial year. He has also agreed that there is likely to be at least a baseline of $120 million extra GST revenue over and above the Mid-Year Budget projections in the out years of the budget cycle. The Treasurer has also agreed that state-based revenue projections are better than were forecast during the Mid-Year Budget Review.

The Under Treasurer also outlined potential budget risks in big agencies, being SA Health, a budget risk of up to $70 million, but the Under Treasurer informed the committee that it's much more likely, in his experience, to be closer to zero as a budget overrun, and that child protection has a budget risk of up to $20 million but in the Under Treasurer's view is much more likely to be closer to zero than the budget risk of $20 million.

Given there is a massive windfall expected in commonwealth GST revenue and increase in state-based revenue and a much lower than anticipated budget risk, does the Treasurer accept any budget deficit is his fault?

The Hon. R.I. LUCAS (Treasurer) (14:45): No, Mr President. A simple answer. It was a nice endeavour from the Leader of the Opposition to try to absolve himself from all of the sins and atrocities that they committed over the last 16 years. Good try, but we're not going to be allowing the Leader of the Opposition and indeed his cronies from the former Labor government of the last 16 years to wash their hands of the sins and atrocities they committed over 16 years, which have been visited upon the new Marshall Liberal government.

When the details of the budget are outlined in September, the details of those atrocities that this former government committed upon not just the budget but the long-suffering people of South

Australia, it will be evident to everybody the extent of the financial disasters and calamities they have left the incoming Liberal administration. The full details, I can assure you, will be detailed in all of their gory detail between now and the first week of September.

Just some examples of the problems that confront the budget: the—they would have thought—very clever strategy where they would fund programs. Let me give you as one example the $50 sports vouchers for parents, a very popular program, and the incoming Liberal government indicated during the election period that it would increase funding to parents in relation to sports vouchers.

What the Leader of the Opposition didn't indicate or the former government didn't indicate was that they actually had budgeted to cut the funding for the program, without telling the people of South Australia, next year. They were going to cut the funding of the program and didn't tell anybody. That's the sort of government we had, where they actually indicated this program was continuing but they had secret plans to cut the program, because they didn't indicate they were going to continue the funding.

There are dozens and dozens of examples right across the spectrum where the former government had budgeted for programs to stop. In the investment attraction area my colleague minister Ridgway would be able to indicate any number of examples where programs were budgeted to stop at either the end of this particular financial year or the end of the next financial year, and there was no ongoing funding in relation to those particular programs. They will be the sorts of details which will be outlined, as I said, in all of their gory detail between now and the September budget.

The evidence that the Under Treasurer gave to the Budget and Finance Committee in relation to the ongoing challenges that the Minister for Health confronts as a result of having inherited 16 years of financial mismanagement in the health portfolio cannot be so easily dismissed as the Leader of the Opposition seeks to do.

The Hon. K.J. Maher: You agreed with the Under Treasurer.

The Hon. R.I. LUCAS: I have. The evidence that was given yesterday and the questions were actually in relation to the budget year of 2017-18. He should have asked some questions; perhaps he may well refine his questioning technique when he has a bit more experience in terms of chairing the Budget and Finance Committee.

The Hon. K.J. Maher: You've read the evidence, have you, Rob? You read it, did you?

The Hon. R.I. LUCAS: Of course, I read the evidence. I didn't say that. I said I didn't have a copy of the transcript in front of me. The Leader of the Opposition can recreate the history of the answers that I give but go to the *Hansard* and see the accurate statements. What I said earlier was that I didn't have a copy of the transcript in front of me. I didn't say I hadn't read the transcript. Any competent treasurer or minister would read the transcript as soon as it was available. We obviously had an audio tape of the proceedings of the committee yesterday morning available soon afterwards.

The evidence was given yesterday and the questions were essentially in relation to 2017-18. What the Leader of the Opposition should have been asking, if he had been a little more refined or adept in terms of his questioning technique, would have been what the outlook is in relation to the challenges that confront not only the health portfolio but a number of the other portfolios such as child protection, TAFE and other—

The Hon. K.J. Maher interjecting:

The Hon. R.I. LUCAS: You didn't ask about TAFE. The Leader of the Opposition forgot to ask to about it. The reason he didn't ask about TAFE was because of the financial calamities that his government left the budget in in relation to TAFE. But right across the board there are financial challenges that have been left to the incoming government which have to be confronted and will be confronted by the incoming government.

In relation to the gravamen of the Leader of the Opposition's question, no, the budget position of 2017-18 will be wholly and solely the responsibility of the outgoing Labor government. Let the cards fall where they may in relation to what the final position is in relation to 2017-18. Yes, we will accept responsibility for 2018-19 onwards because that will be the budget that we bring down in September. But the budget result, which, as I have indicated publicly, is likely to be in a deficit position

in 2017-18, will be wholly and solely the responsibility of the incompetence and the financial mismanagement and the negligence of the outgoing Labor government.

STATE BUDGET

The Hon. K.J. MAHER (Leader of the Opposition) (14:52): A supplementary question arising from the answer given: the Treasurer talked about budget deficits and he has admitted that revenue is up, spending might be down. He was left with a surplus but he might turn it into a deficit. My question is: how many budgets has the Treasurer delivered in the past, and how many of those have been surpluses?

The Hon. R.I. LUCAS (Treasurer) (14:52): As a former premier might have said, I don't accept the premise of the honourable member's question. The first point I would make is—

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —what the Leader of the Opposition has just indicated is entirely inaccurate, and that is I never indicated the words to the effect that he indicated that I did. In relation to the position of former budgets, if you want to go back to 20 years ago, I am quite happy to bring into the house the four budget documents that were produced, three of which had surpluses in the non-commercial sector. Those documents indicate quite clearly they were surplus budgets.

STATE BUDGET

The Hon. K.J. MAHER (Leader of the Opposition) (14:53): A supplementary arising from the original answer: according to the accounting standards of the time that they were delivered, how many budget surpluses has the Treasurer ever delivered?

The Hon. R.I. LUCAS (Treasurer) (14:53): According to the budget accounting standards at the time and the budget documents, three out of the four.

METROPOLITAN HOSPITALS

The Hon. J.S.L. DAWKINS (14:53): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing regarding metropolitan hospitals.

Leave granted.

The Hon. J.S.L. DAWKINS: Over many years I have worked closely with the communities of the northern suburbs and been well aware of the pressures that their hospitals face. Will the minister advise the council of progress in the redevelopment of metropolitan hospitals?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:54): I thank the member for his question. Over the last four years the Labor Party systematically deformed South Australia's health system under the banner of Transforming Health. It is always easier to tear things apart than it is to rebuild them and South Australians should know that it will take years to rebuild. That has been the advice of both health professional organisations and health advocates.

On the weekend, I had the pleasure of visiting the Lyell McEwin Hospital to open a new emergency extended care unit. The unit is a 14-bay unit. This is the first stage of the expansion of the ED at the Lyell McEwin. It means a net increase of 11 beds across the emergency department and it will help the hospital manage the heightened demand that winter brings. Population growth in the north in recent years has put increased pressure on the Lyell McEwin Hospital and seen a significant increase in presentations to the ED.

Since the last substantial ED upgrade over a decade ago, the number of presentations to the Lyell McEwin Hospital ED has increased from 35,000 to 70,000. It was put under further pressure when the former Labor government downgraded the Modbury Hospital as part of its Transforming Health budget cuts. The project will bring the ED capacity to 52 beds, contributing to the much-needed upgrade of healthcare facilities in the north.

The unit will be able to assist in managing the winter demand by giving more options for emergency department clinicians in the management of cases that present. It will allow patients to be cared for beyond four hours towards 24 hours. A patient who might need that level of care might be somebody who, for example, has experienced a head trauma and people want to observe the

client for an extended period. For example, it might be somebody who is experiencing dehydration and needs fluids, and it could be as diverse as somebody waiting for an allied health assessment before they return home.

Additional consultants and nurses are being recruited to support the expansion. The project is part of a wider redevelopment, which includes further expansions to the ED. Construction of stage 1 began in February and was completed in 12 weeks, and it adds to the significant amount of work being done in NALHN to improve patient flow through the hospital.

LYELL MCEWIN HOSPITAL

The Hon. I.K. HUNTER (14:56): Supplementary: I ask the minister, in relation to the answer he just gave, how many additional consultants and nurses will he be putting on staff?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:57): My understanding is that it's in the order of 25, but I will get the breakdown. My understanding is that it's both nurses, medical personnel and admin staff. One of the nurses explained to me that one of the roles they are intending to put in was, I think, a position by the name of a communications nurse. A lot of patient flow initiatives are trying to help hospitals connect, basically. If somebody needs to have a transfer, it's often a matter of finding the bed at the next location.

One of the other really interesting initiatives at NALHN which I was able to see in action was when I was in one of the wards and saw a nurse changeover conference. They were using one of the bed management tools to be able to see what was coming their way. I think it was a medical unit, so they were able to look in to the records of the emergency department and identify clients who had been, if you like, earmarked for their sort of care.

I am told that not only do they anticipate what is coming, they also, as was described to me, pull patients in. So they can perhaps identify a patient in the ED who is waiting for a bed and, when a bed becomes available, they might actually approach the ED and say, 'We have a bed.' This is one of a number of measures that is being taken to try to improve patient flow, and that's a real benefit to the people of the north.

LYELL MCEWIN HOSPITAL

The Hon. I.K. HUNTER (14:58): Further supplementary: in relation to that answer and the original answer, how much of the budget for that capital outlay in terms of the additional build at the Lyell McEwin and how much of the ongoing outlay in salaries for the consultants, nurses and administrative staff will be part of this year's financial year report, which the Hon. Mr Lucas tells us is already in the red, and how much will be put into the forwards?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:59): I must admit I don't understand the import of the member's question. The expenditure on this project was part of Labor's fit of embarrassment about Transforming Health when, was it the middle of June last year, the former Labor premier (Mr Weatherill) and the now Leader of the Opposition in the other place, the former minister for health, now not a member of this place, went to The Queen Elizabeth Hospital and announced the dumping of Transforming Health.

Soon after, the budget had a number of projects, which were an attempt to try to start the recovery of the public health system. After three years of demolition the damage had well and truly been done. I am glad that at least they put the first step towards recovery, but there are a lot more steps to go.

HEALTH SERVICES

The Hon. I.K. HUNTER (15:00): Final supplementary: I am very grateful to the minister for putting on the record right now the fact that the things he was boasting of in his answer to the question from the Hon. Mr Dawkins were actually Labor initiatives.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:00): Considering that the member failed to form that into a question, let me provide an answer nonetheless. I am more than happy to take every resource possible to try to help the people of South Australia recover from the Transforming Health disaster. I am not going to replicate the trashing of the capital assets of the health system that the Labor Party inflicted on the people of South Australia with the closure of the

Repat. I will continue to do what is in the best interests of South Australians as both taxpayers and health consumers.

CHEMOTHERAPY TREATMENT

The Hon. J.A. DARLEY (15:01): I seek leave to make a brief explanation before asking the Minister for Health a question regarding chemotherapy treatment.

Leave granted.

The Hon. J.A. DARLEY: In 2013, an at-home chemotherapy service named chemo@home was founded in Perth. Since this time, over 10,000 treatments have been carried out on cancer patients in the comfort of their own homes. Founders, Julie Wilkes and Lorna Rogers, have stated that their service costs approximately 50 per cent of what it costs to treat patients in hospital day units.

Within the coming weeks this service will be expanded to Melbourne, Sydney and Brisbane. Will the government consider providing a system of chemotherapy at home for cancer patients in South Australia?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:01): I thank the honourable member for the question. There are a lot of hospital-type services already provided in the home. I was at a workshop with health clinicians last Friday, and I think the issue of palliative care in the home was highlighted.

Also, it is my belief that we might be providing some chemotherapy in the home already. I will take the question on notice. I certainly believe that providing healthcare services to the inpatient level at the home is to the benefit of both the client and the health system. There are benefits such as avoiding needing to be exposed to a hospital environment, which has infection risks, particularly for a certain class of clients. It often complies with patients' wishes, particularly in the palliative care space, and in a situation like chemotherapy or renal dialysis one can appreciate that, particularly if you have long sessions, the opportunity to have that at home would be welcomed.

Certainly in the renal space it has been a well-established practice to have home-based dialysis services. It is very important, particularly if people have long sessions, for the preservation of the family unit. If people can stay in the home environment and be able to interact with their loved ones while undertaking medical treatment, that is a win/win. To clarify, I will seek further details for the honourable member on the extent to which we currently use chemotherapy treatment at home, and on the opportunities to expand that.

FEDERAL BUDGET

The Hon. J.E. HANSON (15:03): I seek leave to make a brief explanation before asking a question of the Treasurer regarding funding for South Australia in the federal budget.

Leave granted.

The Hon. J.E. HANSON: Yesterday, the chief executive of the Department of Treasury and Finance advised that the federal budget allocated nothing in new infrastructure monies to South Australia in 2018-19, $30 million in 2019-20, $40 million in 2020-21 and $92 million in 2021-22 for new infrastructure in South Australia. Will the Treasurer confirm these figures and that the $1.8 billion figure that the Treasurer has previously spruiked was not in fact allocated in the recent federal budget?

The Hon. R.I. LUCAS (Treasurer) (15:04): No, I won't, but thank you for the kind invitation. The federal budget did outline funding over the period of our forward estimates, which is, I think, the point that the honourable member has missed, and also a period beyond the forward estimates. So the $1.8 billion figure is in the federal budget, but I think the point the honourable member didn't understand or missed is that there are two periods: one is in the forward estimates period or our current forward estimates period and a period beyond it, but it was actually included in the federal budget documents in terms of an allocation of funding for various projects.

I have already said in this house and also publicly, we are having grown-up, adult conversations, which perhaps might surprise the former members of the Labor government, in terms of negotiating with our federal colleagues what is called 'reprofiling', to use a former Labor government phrase, of those capital works projects. Our wish or our submission is to bring forward

into our forward estimates period some of that money which has been allocated beyond our current forward estimates period. We are able, as I've said before, to argue that case with our colleagues for some projects—Pym Street, for example, Gawler electrification, and we also believe the Joy Baluch Bridge, because at least some or all of the business case work has been done by the former government.

Sadly, the two biggest projects, the two remaining bundles of the South Road project, the former Labor government of which you were a prominent member, Mr Acting President, just didn't do the work. The business cases for those two particular bundles were not done by the former Labor government and, therefore, we're not in a position to be able to present those business cases through the necessary processes such as Infrastructure Australia and other processes that are required by the federal government in relation to the funding.

So in those particular projects we are going to have to do the hard work the former government hasn't done, do the business cases and then follow those particular projects through. But in relation to the ones where the business cases have either been done or substantially done then, as I said, we are engaging in adult, grown-up conversations with the commonwealth government to try to bring forward some of that funding into our forward estimates period so that we can continue with some of those projects in the interests of South Australia.

FEDERAL BUDGET

The Hon. J.E. HANSON (15:07): A supplementary arising from the answer: is the Treasurer willing to confirm that, based on the current estimates which he has and what was put through the Department of Treasury and Finance in the committee, there is in fact $162 million currently allocated going forward; and, secondly, is he willing to concede therefore that there will very likely be another state election before we see any more money?

The Hon. R.I. LUCAS (Treasurer) (15:07): Again, I thank the honourable member for his kind invitation to confirm that but, no, I won't, with great respect. With great respect, I won't confirm. In relation to the first part of the question, whatever the numbers the Under Treasurer gave the Budget and Finance Committee will be the best numbers that the government has available to it in terms of the actual numbers. My recollection of the transcript was the Under Treasurer read through the actual numbers straight out of the federal budget papers and placed them on the record of the Budget and Finance Committee. So, whatever those numbers added up to, they will be the numbers and will be accurate.

In relation to whether we will confirm as to whether or not there will be another election before any money is allocated, no, I won't confirm that, with great respect. I can only repeat again, and I am not sure whether the member is hard of hearing, but the Marshall government is engaged in adult, grown-up conversations with our federal colleagues in the interests of trying to bring forward some of that funding, reprofile the funding into the current forward estimates period. Certainly on my understanding, the next election is not due until March 2022. We are having adult, grown-up conversations now, so I am not going to confirm, and I can't confirm, that there will be another election before there is potentially any result to those particular conversations.

POSITIVE FUTURES

The Hon. D.G.E. HOOD (15:09): My question is to the Minister for Human Services: will the minister update the chamber on the Positive Futures Expo that was held last month?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:09): I thank the honourable member for his important question. I did attend the Positive Futures Expo put on by the City of Playford on Wednesday 23 May at the Playford Civic Centre in Elizabeth, which was also attended by the member for Hurtle Vale, Ms Nat Cook.

The City of Playford held its 15th Annual Positive Futures Expo on that day, which grew out of a desire to assist school leavers with connections and options for post-school. It has become a very successful event and assists school leavers and other people in the community to understand career pathways, connect with local employers and service providers, and meet with others and share their inspiration. It attracts some 400 to 500 attendees each year, consisting of students from the surrounding schools, with other students also attending.

There were over 42 stallholders, many of which would be familiar to honourable members, particularly if they are familiar with services in the disability space, including Anglicare, Barkuma, Barossa Enterprises, Campbell Page, Community Living Options and a range of other service providers. With almost 19,000 of Playford's 92,000 residents identifying as having a disability, it's clearly a very important annual event on the calendar for the region and for people in that community.

I was particularly impressed by the expo as an initiative of the local council, and I was also impressed with the City of Playford in terms of its inclusive agenda. While I was there, the council staff showed me a part of the courtyard and advised that some of the developments there and which will proceed are going to be universal design compliant. I think it fully demonstrates that there are councils in South Australia which understand the inclusion and access agenda as we move forward in a post-NDIS environment, and I think Playford is to be commended as a leader in this area in terms of understanding the genuine needs of its citizens and providing full access to them in the built form as well as in services. I commend them for the works that they are doing in terms of fully inclusive further development.

HOUSING AUTHORITY

The Hon. F. PANGALLO (15:12): My questions are to the Hon. Michelle Lensink, the Minister for Human Services, about the new housing authority. In light of the new housing authority announced by the Minister for Human Services:

1. What does this mean to all the 21,000 plus people who have been on Housing Trust waiting lists for decades, including the 3,000 or more listed as urgent?

2. Considering the minister's statement of a decline in revenue, how much is owed by Trust tenants in unpaid rent, and what is it doing to recover it?

3. Has the government adopted a policy to write off most or all of that debt?

4. What will happen to the previous Labor government's program to build 1,000 new homes in 1,000 days?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:13): I thank the honourable member for that very comprehensive set of questions. I will attempt to answer them all, and I'm sure that if I have missed any he will remind me of what I might have forgotten.

The new housing authority was part of our 100-day commitment. It is a policy that arose out of a number of consultations that I had with people in Housing Trust properties, in community housing properties, with providers and a range of other stakeholders in the community services sector who, I think, had been frustrated with the previous regime. This meant that the functions of Housing SA and Renewal SA were divided and, therefore, two very important parts of the system were not operating together.

As I said in my ministerial statement, a large part of this is to do with service reform. I think it is fair to say that there is a lot of systems reform that is required in this space. We need to be managing the services in a much more appropriate manner.

In the short term, the tenants will continue to be provided under the Housing SA banner, so we are not proposing to change those arrangements for them. But in the long term we are looking towards pathways for people who are in the homelessness sector who can't get their way into Housing Trust properties at the moment. We are looking to providing better services for people within the system and ensuring that the assets are managed in a much more cohesive manner.

I have heard a range of issues in relation to our social and public housing management. I think a lot of the systems don't talk to each other better. For instance, there may be properties that are within the community housing sector which could be available for people who are the most vulnerable.

The zero homelessness project that has recently been undertaken, which a number of members have referred to in this place, demonstrates a very important approach that we need to take in terms of housing in that it actually does a vulnerability assessment of individuals and therefore we can determine which people on the priority one list are in the most urgent need.

My understanding is that the business systems within the Housing Trust at the moment need to be upgraded, and there is a project that is ongoing—new technology and so forth to be

implemented. But there are a number of people on the category 3 list who probably haven't been contacted to see whether they still actually are in need of a home. That is part of the problem: the assets of the Trust have not been managed in a modern way. So if you ask questions about whether some of those people still need to be on the waiting list, it is very hard to find the answer because the systems are so completely outdated.

When I was in opposition, as a member of the Budget and Finance Committee last year, the CE of the then department for communities and social inclusion referred to the Housing Trust computer system as like a blue screen. There are probably members in this chamber who wouldn't have used those sorts of systems, but I go back to when I first started working and using a WordPerfect computer screen. That is the system that is currently under use by the Housing Trust.

We need to modernise arrangements. We need to provide a multiprovider model. The community housing sector, I think, is very keen to be able to provide not just social housing but also affordable rental and affordable purchase options, and so we need to have the new housing authority as an enabler to provide for those innovations and new models.

I attended something that was put on by one of the UnitingCares recently. It was part of the Portway Housing. They have managed to refurbish some old properties, which are coming onto the market as affordable rental, and a similar one that they are doing at Kidman Park, which I have been invited to and I'm hoping to attend in a few weeks' time.

Those are the sorts of things that I think we particularly are excited about because they will provide huge opportunities to people who are struggling in the current housing market and not able to get a stable situation with a roof over their head. We want them to be in stable accommodation, and that will enable them to go on to lead more fulfilling lives. That is the system that we are hoping to transform for the future.

HOUSING AUTHORITY

The Hon. F. PANGALLO (15:18): Can the minister answer the question, though: how much is owed by Trust tenants in unpaid rent? What is the government doing to recover that unpaid rent? Has the government adopted a policy to write off most of all that debt? What's going to happen to the previous Labor government's program to build 1,000 new homes in 1,000 days? Is that going to be scrapped?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:18): My apologies to the honourable member. I could talk about this issue for a very long time and a range of issues, as you can tell.

If I can deal with the 1000 Homes in 1000 Days issue first. That was a program developed by the previous Labor government. I think it was entirely misleading in its title because it implied that there would be 1,000 additional homes in the system. It was actually 1,000 new homes. It is due for completion in September of this year. My understanding is that more than 1,000 homes were demolished in order to produce these 1,000 new homes, so for anybody who was assuming there was going to be additional stock through this process, they were sadly misled.

That program is due for completion in 2018. From some of the community forums that I attended, there were some pretty unhappy tenants who were moved out because the program was going to come hell or high water. Also, because it scaled up and scaled down very quickly it meant that the program had to be delivered at a much higher cost than it would otherwise be. Anyone who understands the housing sector, they like to have a pipeline of projects which enables them to keep costs down, whereas this was very much a policy by media release, and I don't think there are too many people who are particularly proud of it.

In relation to customer debt, my advice is that all customers are required to pay outstanding debt and arrangements are made when a customer is unable to pay their debt in one payment. Housing SA continually reviews debt and its origin and strives to improve processes and procedures. My advice is that those recovery processes have been improved in recent years and that is reporting updated better management of debt. Payment options include Australia Post direct payments, BPay or EzyPay, which directly deducts payments from people's Centrelink pension or allowance.

In relation to the total outstanding debts, I am advised that as at 30 April there was $19.84 million worth of outstanding debt; the number of tenants with a debt was 5,292, the number

of non-tenants with a debt was 6,752, which makes a total of 12,044 customers and former customers. Some of those non-tenants would be people who may have a debt through the private rental affordability program. My understanding is that those processes have been improved and Housing SA continues to negotiate with customers in order to reduce those levels.

HOUSING AUTHORITY

The Hon. F. PANGALLO (15:22): Are they being written off? Has some of that debt been written off? Also, can you tell us how many of those 1,000 new homes have been completed?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:22): I will take the second one first: 1000 Homes in 1000 Days is due for completion in September this year. This particular note is dated May. Sites for the 1,000 new homes have been identified; tenders to build the 1,000 homes have been released to market; 394 are currently under construction and 277 have been completed. I have been advised that the program is due to be completed in September this year. In relation to whether there is particular debt that has been written off, I will take that on notice and get some further details for the honourable member.

GOODS AND SERVICES TAX

The Hon. I. PNEVMATIKOS (15:23): My question is to the Treasurer. Does the Treasurer agree that the South Australian budget could lose anywhere between $250 million and $2 billion as a result of the GST distribution changes which are currently under consideration by the commonwealth government and, further, what is the Treasurer doing to prevent this from occurring and what representations has the Treasurer made to his federal colleagues about this matter?

The Hon. R.I. LUCAS (Treasurer) (15:24): The evidence given by the Under Treasurer to the Budget and Finance Committee yesterday mapped out the various scenarios if various options that have been canvassed publicly were to eventually be agreed by the federal government, as to what the impact might be on South Australia. I think the most recent draft report—we haven't seen the final report of the Productivity Commission—will be recommending the per capita model, which is the one that has the most extreme impact on South Australia, which is the up to $2 billion figure. From recollection, I think the evidence the Under Treasurer gave was that the most recent draft report of the Productivity Commission talked about an impact, still significant, for South Australia of somewhere between $250 million and $500 million, rather than the $2 billion figure.

There are two points to make. One is that the Productivity Commission doesn't make the final decision. The Productivity Commission is a body that can only recommend to the federal government, and the federal government together, we would trust, with state governments would be the bodies that would make the final decision.

In terms of the second part of the member's question, I have said in this chamber on a number of occasions, and I have said publicly on a number of occasions, that the Marshall Liberal government won't be supporting any change to GST funding arrangements which disadvantages the interests of South Australia and South Australians. It doesn't matter whether it's a federal Liberal government or whether it's a federal Labor government, the Marshall Liberal government will be there fighting for the interests of South Australians, South Australian families and South Australian businesses.

We have been elected on that platform. The people of South Australia knew that that was the platform of the Marshall Liberal government, that we would always put the interests of South Australians first, and it was on that basis that the people of South Australia strongly endorsed Premier Marshall and strongly endorsed the Marshall Liberal government, and rejected the approach adopted by the former Labor government.

The people of South Australia have spoken. They accepted the position the Marshall Liberal government adopted and that is that the Marshall Liberal government will fight for South Australia and will put the interests of South Australians first, irrespective of whether there is a federal Labor government or a federal Liberal government. I would hope that the members of the Labor Party, rather than engaging in the internecine tribal warfare that they engage in within their party, would actually put those interests behind them and would actually join with the Marshall Liberal government in defending the interests of South Australia and South Australians, whether it be on the issue of GST funding or, indeed, on any other issue.

In relation to what representations I have made, I have spoken directly with the federal Treasurer. We have discussed this issue at federal meetings of state treasurers and the federal Treasurer, but I have also had a one-on-one meeting with the federal Treasurer, where I put on behalf of the people of South Australia, forcefully, the position that the Marshall Liberal government has adopted and will adopt in relation to the GST funding formula. I would hope that the honourable member will applaud the position of the Marshall Liberal government in being prepared to put the interests of South Australia first in defending South Australia's position in relation to the GST funding formula.

GOODS AND SERVICES TAX

The Hon. K.J. MAHER (Leader of the Opposition) (15:28): Supplementary question arising from the answer and particularly the very last part of the answer: would the Treasurer then agree that advocating for a change to a per capita distribution would be advocating against the interests of this state?

The Hon. R.I. LUCAS (Treasurer) (15:28): I have not and will not be advocating for a per capita distribution to South Australia. I have no concerns at all in repeating that ad nauseam. The Leader of the Opposition can ask the question, or indeed members of the Labor opposition can ask the question, any which way they choose and they will get the same response from me, from the Premier and from other ministers and MPs in the Marshall Liberal government.

The Marshall Liberal government was elected on a platform of fighting for South Australia, and we will continue to fight in the interests of South Australia, in the interests of South Australian families and in the interests of South Australian businesses. We have no concerns at all about putting the interests of South Australia first, before political judgements. We will put the interests of South Australia first in relation to the issue of the GST funding formula.

The PRESIDENT: Honourable members, the time for questions without notice has been completed. Can I remind honourable members that a strict interpretation of the standing orders is that proceedings of committees cannot be raised in the chamber. I have allowed some latitude today. Going forward, can members have regard to that when crafting their questions.

The Hon. K.J. Maher: Or answers.

The PRESIDENT: The Leader of the Opposition! Including answers as well. I was not pointing any fingers to a particular member.

Bills

DISABILITY INCLUSION BILL

Second Reading

Adjourned debate on second reading.

(Continued from 31 May 2018.)

The Hon. T.T. NGO (15:31): Thank you—

Members interjecting:

The PRESIDENT: Please show some respect for the Hon. Mr Ngo. He wishes to speak on an important bill.

The Hon. T.T. NGO: Thank you, Mr President. I rise to speak in support of the Disability Inclusion Bill 2018. The minister, in her comments upon introducing this bill, noted the work that had been done in its preparation by the previous Labor government.

As honourable members of this council are aware, many of the changes in this bill are being implemented in preparation for the rollout of the National Disability Insurance Scheme, or the NDIS. As our deputy leader has noted, when in government Labor ensured that South Australia was one of the first jurisdictions in Australia to sign up to the National Disability Insurance Scheme. Because of this Labor commitment, South Australia will also be one of the first jurisdictions to achieve full scheme implementation.

As South Australia is currently in a period of transition from our own administered scheme to a national scheme delivered by the commonwealth government, the NDIS presents a major reform

in the provision of services and supports for people with disability. The implementation of the NDIS will see the removal of block funding to organisations and the implementation of competition amongst various sets of providers to provide services to clients that are provided with a set amount of funding. We are being told that this will result in greater individual choice and control.

The Disability Inclusion Bill aims to promote human rights and improve inclusion in the community for South Australians with disability. This bill seeks to clarify South Australia's role in supporting people with disability, with a focus on rights and inclusion, in line with the United Nations Convention on the Rights of Persons with Disabilities, or UNCRPD, and the National Disability Strategy, or NDS.

The overall purpose of the bill is to ensure that the changeover from state-based to commonwealth-based administration is considered and to therefore incorporate the views of people with disability with policies and programs that affect them. The minister has also articulated that certain groups who face additional challenges and vulnerabilities, such as women with disability, children with disability, Aboriginal and Torres Strait Islander people with disability and culturally and linguistically diverse people with disability, will have principles applied to them through disability inclusion planning. It has already been stated by our deputy leader that the opposition intends to move two separate and very worthwhile amendments once we arrive at the committee stage of this deliberation.

The first amendment seeks to establish an independent disability advocate to safeguard the rights of people with disability and ensure that South Australians get the support they are entitled to. Our deputy leader has stated that the advocate would provide a stronger voice for people with disability and help improve service delivery, business practice and social inclusion.

This advocate's office would sit within the Equal Opportunity Commissioner's office, I believe, under our proposed amendment. Whilst the specific powers and functions that the advocate will have to achieve these objectives will be revealed at the committee stage, I believe this can go some way to addressing the concerns that former member of this place the Hon. Kelly Vincent raised when she advocated for the disability services commissioner.

The second amendment that the opposition is proposing seeks to double the number of people with disability employed within the state government. The purpose of the amendment is to ensure that the government is responsible for increasing the proportion of the state's public sector workforce with an identified disability from 1.36 per cent to 3 per cent. We know that in South Australia more than one in five people—around 350,000 people or 21 per cent—report having a disability. So it is clear with these statistics that proportionally we can do much better in this area. Setting an achievable target of 3 per cent is a very good start. With that, I indicate that I will be supporting this bill at its second reading.

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:37): I thank honourable members for their contributions on this important piece of legislation. If I could make some remarks in summing-up, the purpose of the bill is to stimulate state authorities and local government to make better provision for South Australians with a disability.

There is a common misconception that the National Disability Insurance Scheme is going to provide everything a person with a disability needs. When the NDIS problems are ironed out and everyone who is eligible is in the scheme, it will give people with disability access to the supports and therapies they need, but the NDIS will not make the local bus stop accessible for people with physical disabilities or the local health service responsive to the needs of people with intellectual disabilities or the corrections system able to make accommodation for people with brain injury or psychosocial disability.

However, all government departments, statutory authorities and local councils will need to make provision for people with disabilities who use their services. This bill is about people with disabilities of all ages. It is not restricted to people under 65 like the NDIS, so it covers all older South Australians who may acquire a disability later in life. Over 20 per cent of our population has a disability and this bill requires all state authorities to prepare a disability access and inclusion plan every four years and to report on progress on their plan every year.

The minister, who would be the Minister for Human Services, is charged with producing a state disability inclusion plan every four years and reporting on it every year. These reports are also

tabled in parliament. My strong understanding of this piece of legislation is that it will set up an accountability framework and enable the chief executive of my department, and then through me, to go back to agencies and ensure that they are providing services in an inclusive manner.

In relation to the amendments that I have tabled, I have tabled seven amendments to the bill in light of discussions that I have had with others, especially with a former member of this place, Ms Kelly Vincent, who tabled amendments to the bill last year. I have gone through Ms Vincent's tabled amendments from last year and done my best to address each of those in turn.

My amendments Nos 1 to 5 improve the wording of various clauses in line with the Hon. Ms Vincent's proposals. My amendments Nos 6 and 7 add to the functions and powers of the chief executive by including the words 'monitoring the compliance of state authorities and making recommendations about compliance to the minister', which adds to the accountability of state authorities.

The bill will encourage state authorities in the goal of improving access and inclusion. To go further risks a mindset of compliance, with agencies meeting the requirements set but not changing the culture of their organisations regarding the philosophy and practice of disability inclusion. It is for this reason that I plan, in the regulations, to allow state authorities until the end of 2019 at least to draw up their first access and inclusion plan after consultation with people with disabilities and the involvement and training of their employees. This is one of those ventures where the journey taken is more important than the destination. It is about cultural change that will endure and not about ticking the boxes required to fill the paperwork.

In relation to other amendments that have been proposed by the opposition, the government will not be accepting the amendments for the following reasons. The proposed disability advocate, or part 3A, would create a new statutory officer with responsibilities that overlap with roles of other statutory bodies, such as the Health and Community Services Complaints Commissioner, the Public Advocate, the Commissioner for Children and Young People and the Equal Opportunity Commissioner.

There has been no analysis or consultation on this proposal to create a new statutory office of the disability advocate. If there is to be a disability advocate, it does not need to be a separate statutory officer. For example, it could fit very well with the role and function of the Office of the Public Advocate. The disability advocate, as was originally announced prior to the election, was to advocate on behalf of NDIS participants for good outcomes in planning and service delivery by the National Disability Insurance Agency. The proposed amendment extends the scope to oversight of all state authorities and the resolution of specific issues and potentially confuses the role of the Department of Human Services.

The proposed office of the disability advocate also has very high and significant budget implications. Having a disability advocate in addition to the functions of the chief executive adds an additional layer of governance, which leaves all the functions of the existing bill, including the powers and functions of the chief executive; the requirement for the minister to produce the state disability inclusion plan, consult on it and report on its performance annually; and the reporting on the disability access and inclusion plans of state authorities. The amendment moves the bill from being about state authorities taking responsibility for their own disability access and inclusion plans and incorporating the inclusion philosophy into their corporate culture to being about compliance and penalties for not complying.

The proposal to employ people with disability in the public sector, part 3B, has also not been analysed or consulted on in the preparation of this bill and belongs more appropriately as part of regulations under the Public Sector Management Act. I have announced that I will be honouring the commitment prior to the election for a disability advocate to assist South Australians with a disability who are experiencing difficulty in their dealings with the NDIA during transition to full scheme, and I do not believe that the advocate role needs to be enshrined in this piece of legislation.

It may seem paradoxical, but a statutory advocate monitoring the behaviour of state authorities will hinder rather than advance the cultural change that we are seeking through this legislation and will be counterproductive to the goals that the legislation is working to achieve; therefore, I will not be accepting them.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 to 8 passed.

Clause 9.

The Hon. J.M.A. LENSINK: I move:

Amendment No 1 [HumanServ–1]—

Page 5, line 38 [clause 9(1)(e)]—Delete '(including decisions involving risk)' and substitute 'including decisions involving risk'

This is one of a series of amendments which were filed by the Hon. Ms Vincent last year prior to the proroguing of parliament. Ms Vincent's advice to me as shadow minister last year (and it has been reiterated since I have met with her on this piece of legislation) is that there are a number of best practice language amendments, including this one. Her comments to me are that, as to amendment No.1, ensuring that people have the dignity of risk is a well understood way of giving people with disabilities the right to make choices.

The Hon. C.M. SCRIVEN: I indicate that the opposition will support all of Ms Lensink's amendments, without needing to speak to each of them.

The CHAIR: Minister, do you wish to move all your amendments to clause 9, given the indication of the Hon. Ms Scriven?

The Hon. J.M.A. LENSINK: Yes, I will do so. I will make a brief reference to the contribution by my colleague the Hon. Dennis Hood, who commented on these amendments during his second reading speech. For the fullness of the record, Ms Vincent's rationale for these particular amendments has been contained in his contribution on this legislation. Therefore, I move:

Amendment No 2 [HumanServ–1]—

Page 6, after line 18 [clause 9(1)]—Insert:

(la) people with disability are free to associate with families, carers and other persons as they see fit, and should be supported where necessary to engage in family, social and friendship activities;

Amendment No 3 [HumanServ–1]—

Page 6, lines 39 and 40 [clause 9(3)(b)]—Delete 'child-focused and have the best interests of the child as their primary concern' and substitute 'child-centred'

Amendment No 4 [HumanServ–1]—

Page 7, lines 1 to 3 [clause 9(3)(d)]—

Delete 'should be respected and considered in any decisions affecting the child, taking an approach that is developmentally appropriate' and substitute:

will be listened to, and they should be given developmentally appropriate opportunities to participate in decisions that affect them

Amendment No 5 [HumanServ–1]—

Page 7, after line 4 [clause 9(3)]—Insert:

(ea) the developmental needs of children with disability must be taken into account, with particular focus on critical periods in their childhood and adolescence;

The Hon. T.A. FRANKS: With regard to amendment No. 1, the effect of this is simply to remove the parentheses?

The Hon. J.M.A. LENSINK: Yes.

The Hon. T.A. FRANKS: We support the amendment.

The Hon. J.A. DARLEY: I indicate that I will support amendments Nos 1 to 5 of the government's amendments.

The CHAIR: It is not necessary, the Hon. Mr Pangallo, but you can speak if you so wish. It is a free-ranging committee, for the new honourable members—you can stand at any time and indicate your view or contribute to the debate, ask a question or even make a statement.

The Hon. F. PANGALLO: I will be supporting the amendments.

Amendments carried; clause as amended passed.

Clause 10.

The Hon. J.M.A. LENSINK: I move:

Amendment No 6 [HumanServ–1]—

Page 8, after line 11—After paragraph (d) insert:

(da) to monitor the compliance of State authorities with the requirements under Part 5; and

(db) to make recommendations to the Minister in relation to the compliance of State authorities with the requirements under Part 5; and

Amendment No 7 [HumanServ–1]—

Page 8, after line 15—After its present contents (now to be designated as subclause (1)) insert:

(2) The Chief Executive has such powers as may be necessary or expedient for the performance of the Chief Executive's functions.

This, again—I shouldn't say 'in honour of' because she is very much alive—greatly respects the legacy of the Hon. Ms Vincent from this place and her wish that the legislation would ensure, I think she was quoted in the paper as saying, that these plans would not just rest on a shelf. I would commend the former government for the drafting of this legislation because, in relation to the disability access and inclusion plan, it is a strong form of feedback and monitoring by the Department of Human Services and to me as minister, in that every state government agency will be required to provide disability access and inclusion plans and provide strategies on how they intend to implement those.

Clause 16(3) of the bill sets out all the things that need to be included in an access and inclusion plan; includes that the state authority must explain how it proposes to give effect to the objects and principles; mentions a range of areas that must be included, which include built environs, events and facilities; information and communications, which obviously covers websites; 'addressing the specific needs of people with disability in its programs and services', which would cover health services for instance; and employment. It is not only limited to those things but those things must be included. Each of these authorities must set out what it intends to do to be inclusive and how it intends to get there, and then these things are reported through my department and then via myself to parliament.

Clause 10 of the legislation also outlines the functions of the chief executive, which demonstrates the requirements in terms of monitoring. Ms Vincent expressed concern that the provisions needed to be strengthened so these particular amendments, Nos 6 and 7, will seek to do that. Amendment No. 6 adds additional functions to those already conferred on the CE, namely, to monitor the compliance of state authorities with the requirements under part 5, which is the part dealing with the requirements of state authorities to prepare and implement the disability access and inclusion plan, and also to make recommendations to the minister in relation to the compliance of state authorities with the requirements of that part.

These additional functions require the CE, through the Department of Human Services, to perform that monitoring. A failure to do so will see the CE in breach of the requirements of the act with the attendant consequences under the Public Sector Act, which is amendment No. 7, which makes it clear that the CE has the necessary powers to perform those functions. The CE already has the power to require reports under clause 26 of the bill, and possibly the Public Sector Data Sharing Act 2016.

The Hon. T.A. FRANKS: I indicate the Greens will be supporting these amendments; however, we are simply seeking some clarification. In terms of a state authority, could the minister outline exactly what is the nature of a state authority? Is it SA Health or is it CALHN, NALHN, etc.? Where will the compliance be available other than to the minister? Will it be made publicly available for consumers, for example?

The Hon. J.M.A. LENSINK: I thank the honourable member for that question. In response to the first question, state authority is contained in the definition section in clause 3. I will read that out for the completeness of debate:

(a) an administrative unit (within the meaning of the *Public Sector Act 2009*); or

(b) an agency or instrumentality of the Crown, or agency or instrumentality of the Crown of a class, prescribed by the regulations for the purposes of this paragraph; or

(c) a local council constituted under the *Local Government Act 1999*; or

(d) any other person or body, or person or body of a class, declared by the regulations to be included in the ambit of this paragraph for the purposes of this Act,

but does not include a person or body, or person or body of a class, declared by the regulations to be excluded from the ambit of this definition for the purposes of this Act;

My advice is that it would include SA Health and all of its constituent bodies. Basically, unless my advisor tells me otherwise, all state government agencies are captured under this definition.

The Hon. T.A. FRANKS: Would CALHN and NALHN be required, for example? Or would it just be one for SA Health?

The Hon. J.M.A. LENSINK: Yes, in relation to this particular question, my advice is that an administrative unit is basically a department, and if we want to think of it as a pyramid, then all of the other bodies contained within that unit are also captured. There may be a specific reason why a separate or different disability access and inclusion plan could be promulgated for one of those units if there were a particular issue which could potentially be addressed through the regulations. What was your other question?

The Hon. T.A. FRANKS: How would a consumer or a citizen see these plans?

The Hon. J.M.A. LENSINK: There is a requirement to consult, so no government agency can produce a disability access and inclusion plan. They are required to consult with the disability community, so they will come up with their draft. I am imagining that this will be the way it operates: they will come up with their draft disability access and inclusion plan and be required by this legislation to consult with people with disability. Public reporting is via parliament.

Amendments carried; clause as amended passed.

Clauses 11 and 12 passed.

New clauses 12A, 12B, 12C, 12D, 12E, 12F, 12G, 12H, 12I, 12J and 12K.

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

Amendment No 1 [Scriven–1]—

Page 8, after line 36—Insert:

Part 3A—Disability Advocate

12A—Interpretation

In this Part—

Disability Advocate means the person holding or acting in the position of Disability Advocate under this Part.

12B—Disability Advocate

(1) There is to be a Disability Advocate.

(2) The Disability Advocate will be appointed by the Governor on conditions, and for a term (not exceeding 7 years), determined by the Governor and specified in the instrument of appointment.

(3) A person appointed to be the Disability Advocate is, at the end of a term of appointment, eligible for reappointment but cannot hold office for terms that exceed 10 years in total.

(4) The Disability Advocate is not, in the performance of functions under this Part, subject to the control or direction of the Minister.

(5) The office of Disability Advocate becomes vacant if the Disability Advocate—

(a) dies; or

(b) completes a term of office and is not reappointed; or

(c) resigns by notice in writing to the Governor; or

(d) is removed from office by the Governor under subsection (6).

(6) The Governor may remove the Disability Advocate from office for—

(a) mental or physical incapacity to carry out official duties satisfactorily; or

(b) neglect of duty; or

(c) misconduct.

(7) The Disability Advocate is a senior official for the purposes of the *Public Sector (Honesty and Accountability) Act 1995*.

12C—Functions and powers of Disability Advocate

(1) The functions of the Disability Advocate under this Part are—

(a) to monitor the compliance of State authorities with the requirements under Part 5; and

(b) to make recommendations to the Minister in relation to the compliance of State authorities with the requirements under Part 5; and

(c) to keep under review, within both the public and the private sector, programmes designed to meet the needs of people with disability;

(d) to identify any areas of unmet needs, or inappropriately met needs, of people with disability and to recommend to the Minister the development of programmes for meeting those needs or the improvement of existing programmes;

(e) to advocate for the rights and interests of any class of people with disability or of people with disability generally;

(f) to monitor the administration of this Act and, if the Disability Advocate thinks fit, make recommendations to the Minister for legislative change;

(g) such other functions as may be conferred on the Disability Advocate by or under this or any other Act or by the Minister.

(2) The Disability Advocate has such powers as may be necessary or expedient for the performance of the Disability Advocate's functions.

12D—Appointment of acting Disability Advocate

(1) The Minister may appoint a person (who may be a Public Service employee) to act as the Disability Advocate during any period for which—

(a) no person is for the time being appointed as the Disability Advocate; or

(b) the Disability Advocate is absent from, or unable to discharge, official duties.

(2) The terms and conditions of appointment of the person appointed to act as the Disability Advocate will be determined by the Minister.

(3) A person appointed to act as the Disability Advocate is a senior official for the purposes of the *Public Sector (Honesty and Accountability) Act 1995*.

12E—Delegation

(1) The Disability Advocate may delegate a function or power under this Act (other than a prescribed function or power) to any person or body that is, in the Disability Advocate's opinion, competent to perform or exercise the relevant function or power.

(2) A delegation under this section—

(a) must be in writing; and

(b) may be conditional or unconditional; and

(c) is revocable at will; and

(d) does not prevent the delegator from acting in any matter.

(3) A function or power delegated under this section may, if the instrument of delegation so provides, be further delegated.

12F—Staff and resources

The Minister must provide the Disability Advocate with the staff and other resources that the Disability Advocate reasonably needs for carrying out the Disability Advocate's functions.

12G—Use of staff etc of Public Service

The Disability Advocate may, by agreement with the Minister responsible for an administrative unit of the Public Service, make use of the services of the staff, equipment or facilities of that administrative unit.

12H—Disability Advocate may require State authority to provide report

(1) The Disability Advocate may, if the Disability Advocate is of the opinion that it is necessary or would otherwise assist the Disability Advocate in the performance of functions under this Part, require a State authority to prepare and provide a report to the Disability Advocate in relation to the matters, and in accordance with any requirements, specified in the notice.

(2) If a State authority has not complied with a requirement under subsection (1), the Disability Advocate may require the State authority to provide to the Disability Advocate within a specified period a report setting out the reasons for noncompliance.

(3) The Disability Advocate may, on receiving a report under subsection (2), submit a copy of the report to the Minister setting out the views of the Disability Advocate in respect of the State authority's noncompliance.

(4) The Minister must, on receiving a report under subsection (3), prepare a report to Parliament setting out—

(a) the Minister's response to the Disability Advocate's report; and

(b) any other information required by the regulations.

(5) The Minister must, within 6 sitting days after completing a report under subsection (4), cause a copy of both the report and the Disability Advocate's report under subsection (3) to be laid before both Houses of Parliament.

12I—Disability Advocate may direct State authority etc to comply with disability access and inclusion plan

(1) The Disability Advocate may, by notice in writing, if the Disability Advocate is satisfied that a State authority has not complied, or has not sufficiently complied, with a provision of the State authority's disability access and inclusion plan, direct the State authority, or a specified person or body, to take such action as the Disability Advocate may specify to ensure compliance with the plan.

(2) A State authority must not, without reasonable excuse, refuse or fail to comply with a direction under this section.

Maximum penalty: $10,000.

12J—Disability Advocate may make recommendations

(1) The Disability Advocate may, in response to issues observed by the Disability Advocate in the course of performing functions under this Part, by notice in writing recommend to a State authority that the State authority—

(a) change practices, policies or procedures in a specified way or review practices, policies or procedures to achieve specified outcomes; or

(b) conduct, or participate in, specified educational programs or educational programs designed to achieve specified outcomes; or

(c) take such other action as may be specified by the Disability Advocate.

(2) A State authority must, in relation to a recommendation under subsection (1), provide to the Disability Advocate a report setting out—

(a) whether the State authority proposes, or does not propose, to implement the recommendation; and

(b) if the State authority proposes to implement the recommendation—details of how the recommendation is to be implemented; and

(c) if the State authority does not propose to implement the recommendation—an explanation as to why the recommendation is not to be implemented.

(3) The Disability Advocate may submit a copy of a report under subsection (2) to the Minister setting out the views of the Disability Advocate in respect of the State authority's failure or refusal to implement a recommendation.

(4) The Minister must, on receiving a report under subsection (3), prepare a report to Parliament setting out—

(a) the Minister's response to the Disability Advocate's report; and

(b) if any action has been taken, or is proposed to be taken, in relation to a recommendation to which the Disability Advocate's report relates—details of that action or proposed action; and

(c) if no action is to be taken in relation to a recommendation to which the Disability Advocate's report relates—the reasons for not taking action; and

(d) any other information required by the regulations.

(5) The Minister must, within 6 sitting days after completing a report under subsection (4), cause a copy of both the report and the Disability Advocate's report under subsection (3) to be laid before both Houses of Parliament.

12K—Annual report

(1) The Disability Advocate must, not later than 31 October in each year, report to the Minister on the performance of the Disability Advocate's functions during the preceding financial year.

(2) The Minister must, within 6 sitting days of receiving a report under subsection (1), cause a copy of the report to be laid before each House of Parliament.

As I mentioned in my remarks at the second reading stage of this bill, this amendment regarding a disability advocate seeks to establish that person as an independent disability advocate. The purpose of the advocate is to ensure the rights of people with a disability are safeguarded and to ensure South Australians get the support they are entitled to under the National Disability Insurance Scheme (NDIS). The advocate would provide a stronger voice for people with disability and help to improve service delivery, business practice and social inclusion. It is intended that the independent disability advocate would be established within the office of the Equal Opportunity Commissioner. The functions of the advocate through the amendment are:

(a) to monitor the compliance of State authorities with the requirements under Part 5; and

(b) to make recommendations to the Minister in relation to the compliance of State authorities with the requirements under Part 5; and

(c) to keep under review, within both the public and the private sector, programmes designed to meet the needs of people with disability;

(d) to identify any areas of unmet needs, or inappropriately met needs, of people with disability and to recommend to the Minister the development of programmes for meeting those needs or the improvement of existing programmes;

(e) to advocate for the rights and interests of any class of people with disability or of people with disability generally;

(f) to monitor the administration of this Act and, if the Disability Advocate thinks fit, make recommendations to the Minister for legislative change;

(g) such other functions as may be conferred on the Disability Advocate by or under this or any other Act or by the Minister.

Through this amendment, the independent disability advocate will have the powers that may be necessary or expedient for the performance of their functions. It is imperative that this parliament, as we transition and, indeed, once full scheme implementation is obtained, establishes the advocate to ensure South Australians living with disability have the avenue they need to ensure they are receiving support to which they are entitled.

Some of the feedback we have received is, firstly: is an advocate role strong enough? Does it have sufficient teeth, as it were? The advocate role, as I mentioned, is designed to allow monitoring and to allow reporting. The advocate would have the ability, for example, to request a report from a specific state authority. It includes a requirement to provide a report to parliament each year. These would all enable failures in service delivery or practices to be brought to light, and it would enable any failures to include people with disability to be highlighted. In other words, it provides regular opportunities for scrutiny and, if necessary, exposure in the public domain, providing the teeth, if you like, for the disability advocate, which would be one of the steps in having changes made that will benefit people with a disability.

I note the minister's opening remarks today where she talked about not supporting this amendment, that this bill is about cultural change, indicating that there is therefore no need for a focus on compliance. The general support that we have had for the proposal to have an advocate certainly does not suggest that there would be any impediment to cultural change by having this. In fact, it would be strengthened. One of the biggest fears in the disability space, as in many others, is that we have feel-good statements that do not necessarily get put into practice. The advocate would help to ensure that that does indeed happen.

It is interesting that, on the one hand, we have suggestions that there is no need to ensure compliance; on the other hand, we have had consultation saying, 'Would an advocate role be strong enough?' This proposal, we believe, gives the appropriate balance. I therefore commend this amendment to the council.

The Hon. J.M.A. LENSINK: I have some questions for the honourable mover of this amendment. Can the honourable member advise, given that this piece of legislation has been around since probably the middle of last year, when the Labor Party decided that it would be a good idea to insert this into this piece of legislation?

The Hon. C.M. SCRIVEN: The Labor Party continually consults and this is a very important piece of legislation which we think is essential for people living with disability in our community, and so it has been developed throughout a period of time. We have had consultations with and support from a number of organisations, for example: the Brain Injury network of South Australia, Uniting Communities, Barkuma, Anglicare, disAbility Living, Minda Incorporated, Autism SA, Purple Orange, Novita, SCOSA, Orana Bedford and Inclusive Sport. They are some examples of those we have had consultations with and who I am advised support the policy to establish an advocate.

The Hon. J.M.A. LENSINK: Can the honourable member advise whether it was the particular model of advocate that she has moved through her amendments or whether it was the ones that were anticipated during the election campaign?

The Hon. C.M. SCRIVEN: I am sorry, can you repeat that question?

The Hon. J.M.A. LENSINK: The concept of a disability advocate was something that the former minister, the member for Reynell, spoke about in the lead-up to the election. Can the honourable member advise what the consistency is in relation to that model compared to this one?

The Hon. C.M. SCRIVEN: Clearly, I was not in parliament at that time and I am not sure of the answer to that question. However, I think the relevance is to ask: is this a good policy or is it not? Does it have support within the community, particularly the community that is focused on supporting those with a disability? I think the answer to that question is yes.

The Hon. J.M.A. LENSINK: For the record I would just like to state that I think the member is wrong in her assumption because the model that was put forward prior to the election by the then minister did not anticipate this particular model. It talked about the NDIS transition and it talked about an office in the order of $200,000 a year. Our estimate is that this particular model would be at least $600,000 a year and is quite a different scope.

Just for the record, in terms of the advocate, my reading of the article which was in *The Advertiser* that said that the former government was going to have a disability advocate was that the position was funded. Taking that at face value, I was able to commit, as the shadow spokesperson, to an advocate of $200,000. Particularly given the difficulties that the NDIS implementation has had, when we came into government I asked my department whether any modelling work had been done on this particular proposal by the previous government and whether the funding was available and the short answer was no.

This was an uncosted—as I think my colleague the Minister for Health has referred to in another context—slogan by the former government. They had allocated absolutely no funding for this position and therefore the advice that came to me in relation to implementing this particular commitment was that it would need to be a budget bid, which is what I have undertaken to do. So these amendments are completely out of scope with what the then Labor government and the Liberal opposition were committing to and therefore I think it is all a bit cute for the new opposition to come up with something of this nature. I just place those comments on the record.

The honourable member in her contribution talked about improving service delivery. Can she advise the house what she anticipates by that, and does she anticipate that this role will have some jurisdiction over the NDIS?

The Hon. C.M. SCRIVEN: My understanding is that the jurisdictional issues are taken care of in the COAG agreements and other heads of—I am sorry, I forget the term—agreement. So this is looking at people being able to come to the disability advocate to explain that what has happened is not consistent with what is intended under the NDIS, and to have some advocacy. So that is about both raising issues and highlighting issues as well as then making recommendations to the minister or others, whether it is for operational change or for legislative change.

The Hon. J.M.A. LENSINK: Is the honourable member aware of who is able to direct the NDIS to make any changes in any decisions?

The Hon. C.M. SCRIVEN: I have a general understanding of that. I think the relevance is that the advocate's role is to raise issues and to give some focus on those issues so that they can be addressed through many various different steps, obviously only those that are possible within legislation and practice.

The CHAIR: Minister, is this on the same line, because the Hon. Ms Franks is keen to—

The Hon. J.M.A. LENSINK: Yes, I apologise to the Hon. Ms Franks. I would just advise the council that there is often a misconception, including from some state MPs, and indeed one federal MP's office sent me a letter recently asking me to alter decisions of the NDIS. I think it needs to be well and truly understood by members of this place that not even the federal government is, from what I understand, able to direct the NDIS.

All members of parliament should be advocates in the NDIS and using, where possible, the member and senator's contact office, but we have no jurisdiction to direct them in any way. I will not name the federal member; it was not one of ours, I am pleased to say. It was someone who had written to me recently to ask me to alter a decision of the NDIS, but I think honourable members need to be aware that there is a definite split in the jurisdiction.

The Hon. T.A. FRANKS: I indicate that while the Greens have a lot of sympathy for the intent of this amendment, there is a lack of detail here. I am going to start with some questions, and I am hoping they can be answered. The previous minister's disability advisory council was dissolved in 2014 under the Weatherill government, and that was that government process aimed at streamlining decision-making and consultation. In its place, we now have a disability engagement register.

Was the concept that is now presented here in an amendment from the Labor Party as opposition consulted on while they were in government through that disability engagement register? If it was, was the question of where this position would be located and what its terms of reference would be canvassed? Where is that information? I do not have it in the consultation documents. I do not have it from the YourSAy website. Specifically, why is this position not in somewhere like the Office of the Public Advocate?

The Hon. C.M. SCRIVEN: I thank the honourable member for her question. Some of that information I do not have, and I can certainly go away and seek to find that information if it is indeed available. However, in a general sense, in terms of why this is proposed to be established within the office of the Equal Opportunity Commissioner, the commissioner currently has some role and jurisdiction in terms of advocating on behalf of people with disability, so this is to build on that existing role and expand it so that people with a disability have a stronger voice.

I guess there are probably reasons why it would be better or worse in one department or another department, or one authority or another authority. The Equal Opportunity Commissioner seems to have a good overlap in terms of their role to enable this to be expanded to be a more effective opportunity for people who have a disability to have someone advocating on their behalf. I will certainly see if there is other information available and come back to you on that.

The Hon. T.A. FRANKS: What is the opinion of the Office of the Public Advocate with regard to this amendment?

The Hon. C.M. SCRIVEN: I can take that on notice and see if we have had some information that would assist the member.

The Hon. J.A. DARLEY: It is with some concern that I oppose these amendments, but I want to make it very clear that it is not because I do not support the establishment of a disability advocate. It is because I believe we can come up with a better model for a disability advocate. I strongly support a disability advocate.

The Equal Opportunity Commission has reported that 44 per cent of complaints they received last year were regarding disability-related matters. This is extraordinarily high and it promotes a strong case that perhaps there should be another body or person whose responsibility is solely to look at these matters so that the Equal Opportunity Commission can focus on other areas.

Whilst I commend the opposition for moving these amendments, I do not believe the model they have presented is the best model we can have. Nor do I believe it is best placed with a bill that is predominantly focused on disability inclusion plans. I have spoken to the government, who have indicated they too have an appetite to introduce a disability advocate but would like more time to discuss the nuances of such a role. I would appreciate the minister putting on the record the government's intentions on this matter and specifically the time frame which they would like to work to.

The Hon. J.M.A. LENSINK: I thank the honourable member for those questions. As I indicated, a disability advocate was something which was committed to by both major parties during the election campaign. It was a commitment originally by the former minister, Ms Hildyard. We committed to it as well on the understanding that it had been funded, and I was very disappointed, when we came to office, to discover that no funding had been allocated to this position; therefore, it is something that needs to go through as a budget bid and will be going forward as a budget bid. While I have refused to rule in and rule out things in this place, that is something which is going forward as a budget bid on my behalf.

It is disappointing, I think, for several reasons that it was not funded, because we are nearly at full NDIS rollout. It is running late, but it was supposed to be for 1 July, so clearly there is a significant cohort of people who are undergoing NDIS transition who would have benefited from this position now. Be that as it may, we have committed to that role and anticipate that it is the sort of role that would fit more within the current gambit of the Public Advocate.

The Hon. F. PANGALLO: I do not want to see any undue delay to this bill. I tend to echo the thoughts of my colleague the Hon. John Darley in relation to the disability advocate. We are opposed to it. The original concept of the disability advocate was to deal with complaints about the NDIS—creating a new statutory authority. The ALP's intention to create a disability advocate through these amendments does not appear to have been effectively consulted upon. It will impact upon other statutory officers, including the Health and Community Services Complaints Commissioner, the Commissioner for Children and Young People, the Equal Opportunity Commissioner and the Office of the Public Advocate.

The office of the disability advocate does not appear to have been costed or budgeted. It would be an estimate of about $600,000 at least, with the office-holder and three staff. The role of the advocate would be in addition to the powers and functions of the CEO under the act—part 3 of the bill.

I think the biggest issue is that this amendment is not what the bill is meant to be all about. It deals with inclusion plans to promote access and inclusion. The bill is meant to be about state authorities having disability access and inclusion plans reviewed. This amendment will not drive disability inclusion in the culture of a state authority. This is not meant to be a bill through which people make complaints. The bill is not meant to operate in a punitive way. There is already legislative recourse via the Disability Discrimination Act and the Equal Opportunity Act. The disability advocate would just add another level of bureaucracy.

Kelly Vincent was worried about disability inclusion plans being left on the shelf, so the government has strengthened the powers of the CEO. The issue of a disability advocate was taken to the election by the ALP. They said there was money set aside, but the current government says it must go to a budget bid. What is in the amendment is beyond the scope of what the ALP took to the election.

Just re amendment No. 2, the level of representation of people with disability in the Public Service being 3 per cent of all public servants as may be reasonably practicable, this amendment is desirable but has not been analysed or consulted—

The Hon. C.M. Scriven: Sorry, Mr Chairman, I do not think we have addressed that amendment as yet that Mr Pangallo is referring to.

The CHAIR: No, we haven't.

The Hon. F. PANGALLO: No? Okay. Anyway, I will leave it at that, Mr President. I just want to see this bill enacted.

The CHAIR: You address me as Mr Chair when we are in committee. Are there any other contributions?

The Hon. C.M. SCRIVEN: Perhaps just to wrap up in regard to the proposed amendment and some of the comments that have been made. Certainly in terms of funding, I have not until here in this place heard any figure of $600,000. I think if the minister sincerely believes that people with a disability would have been benefitting from something like this now had it been in place, then that is more reason again to accept this amendment and ensure that it can proceed swiftly rather than waiting for the vagaries of a budget bid which may or may not come to fruition.

In general terms, to address the comments made by the Hon. Mr Pangallo, statutory bodies always have some level of overlap. What we have heard from the disability community is that they really need a clear voice and a focus on issues that are particularly relevant to them, and that is why there is widespread support for the concept of a disability advocate. With those remarks, I commend the amendment.

The Hon. T.A. FRANKS: Can I ask the mover what the breakdown of costings is for this amendment and how much is the total, then also a breakdown into the human resources components, the staffing components and overheads, as well as access to Auslan interpreters and things like that?

The Hon. C.M. SCRIVEN: I thank the honourable member for her question. Certainly, final costings would need to be done by the current government. As I mentioned, the figure of $600,000 I had not heard before and my understanding is that it would be considerably less than that. However, I think the relevant point is that the parliament needs to set the policy of what is appropriate and then it is funded by the government of the day. It is a relatively small amount in the overall budget of the state. I think, therefore, it stands on its own merits and should be supported.

The Hon. T.A. FRANKS: There should be some sort of an indication of how much it would cost other than it is not $600,000. I would appreciate that, and also where the money comes from.

The CHAIR: Are there any other contributions on these—

The Hon. T.A. FRANKS: No, that was actually a question.

The CHAIR: A question. Sorry, I misinterpreted it.

The Hon. T.A. FRANKS: Where is the money going to come from, and can we have a little bit more meat on the bones of exactly how much it is going to cost? Obviously, you are saying less than $600,000. More than $200,000, I assume, is what we are at, given that is what was mentioned during the state election campaign. So where are we between the $200,000 and the $600,000 mark?

The Hon. C.M. SCRIVEN: The information I have is that it would be somewhere around $350,000. Ultimately, of course, it is up to the government to set the budget allocations, but it is that kind of figure.

The Hon. T.A. FRANKS: And my original question asked: what was the staffing component of that amount as well as what would the breakdown between staffing and non-staffing be?

The Hon. C.M. SCRIVEN: Again, remembering that this is the legislation rather than that exact policy detail, my understanding is that there is obviously the role of the advocate themself and then a policy officer and an administration officer. That is the type of staffing allocation that would be envisaged.

The Hon. T.A. FRANKS: Would they all be full time? What support do they have, other than their employment and salary? It is not employment if they cannot do their job.

The Hon. C.M. SCRIVEN: I need to reiterate that that will be the decision of the government as to how they can best resource it. The amendment refers to appropriate resourcing. We have given an indication of the sorts of things that we had in mind in terms of the staffing and allocations for the advocate position and associated costs, but ultimately those final details must be up to the government of the day.

The committee divided on the new clauses:

Ayes 8
Noes..... 12
Majority..... 4

AYES

Bourke, E.S.	Hanson, J.E.	Hunter, I.K.
Maher, K.J.	Ngo, T.T.	Pnevmatikos, I.
Scriven, C.M. (teller)	Wortley, R.P.	

NOES

Darley, J.A.	Dawkins, J.S.L.	Franks, T.A.
Hood, D.G.E.	Lee, J.S.	Lensink, J.M.A. (teller)
Lucas, R.I.	Pangallo, F.	Parnell, M.C.
Ridgway, D.W.	Stephens, T.J.	Wade, S.G.

New clauses thus negatived.

New clause 12L.

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

Amendment No 2 [Scriven–1]—

Page 8, after line 36—Insert:

Part 3B—Representation of people with disability in Public Service

12L—Commissioner for Public Sector Employment to ensure people with disability represented in the Public Service

Subject to this section, the Commissioner for Public Sector Employment must take such steps as may be reasonably practicable under Part 4 of the *Public Sector Act 2009* to ensure that at least 3% of the persons employed in the Public Service are people with disability.

This amendment seeks to double the number of people with a disability employed within state government. The purpose of this amendment is to have this parliament meet our collective responsibility to people living with a disability in South Australia to provide meaningful employment opportunities within the state's Public Service.

The amendment seeks to increase the proportion of the state public sector workforce with an identified disability from 1.36 per cent to 3 per cent. In South Australia more than one in five people, or around 350,000 people or 21 per cent, are reported as having a disability. Of these, nearly 90 per cent have a specific limitation or restriction, which means they are limited in the core activities of self care, mobility or communication, or restricted in education or employment.

The opposition respects that financial security and employment have been identified as key policy priorities by people with disability in South Australia. It is absolutely imperative that meaningful employment opportunities that provide security for people with disability are available in the South Australian public sector.

When there are over 20 per cent of South Australians living with disability, this parliament must commit to seeking to increase the representation of people with disability in the Public Service. This amendment directs the Commissioner for Public Sector Employment to take such steps as may

be reasonably practicable under part 4 of the Public Sector Act 2009 to ensure that at least 3 per cent of people employed in the public sector are people with a disability. I commend the amendment and encourage all members of this house to commit to this important target.

The Hon. J.M.A. LENSINK: I rise to make a few remarks in relation to this amendment, which is laudable and is the purpose of this piece of legislation. I agree with all of the comments made by the mover of this motion, except that this is an appropriate mechanism to perform it.

The whole purpose and the driving mechanisms within the legislation are to establish disability access and inclusion plans for each government agency, which means they need to say how they are going to provide access and inclusion and how they are going to get there, and then they have to be reported against. With the new amendments which the parliament has agreed to, which were amendments Nos 6 and 7, we have reinforced those provisions, which means that the CE has some very strong powers to direct agencies that are not meeting their access and inclusion goals.

This particular mechanism that has been moved by the opposition is not a dynamic means of ensuring the intended goals. I believe the disability access and inclusion plans are things that need to be updated and are publicly reported on, and to insert a particular target in this legislation is not the best mechanism.

For instance, if we look at the public sector dashboard to see what the proportion of people employed within the public sector currently is, it is at about 1.4 per cent, which, given that it is self reporting, that can be interpreted, so to increase to 3 per cent is definitely a laudable aim.

However, each department is performing differently. For instance, in the example of the Department of Human Services, they are sitting at 4.9 per cent, so to have this, almost an arbitrary figure, in a piece of legislation—they have already met that target—and in their disability access and inclusion plan they should seek to increase the target. I guess the point I am making is that this is not a particularly dynamic or responsive mechanism to ensure the intended goals, and therefore the government is not supporting this amendment.

The Hon. F. PANGALLO: This amendment is desirable, but has not been analysed and consulted. Such a target would fit better within the Public Sector Management Act and not under this bill. We oppose it.

The Hon. T.A. FRANKS: The Greens are happy to support this amendment. I do think the 3 per cent is an arbitrary figure and it is certainly far less than the presence of people with disabilities in our community and society. I suspect that, in terms of the self reporting and the data collection within the Public Service, this amendment will simply trigger a more stringent collection of data. I would hope that that would be the case in terms of complying with the 3 per cent target.

Under the previous Rann government's state strategic plan, it was laudable and effective that targets were set. This is a bill about disability inclusion plans for our Public Service, so in that way it does fit with the intentions of the bill and will not have any unintended consequences, that we can see.

The Hon. J.A. DARLEY: For the record, I will not be supporting the amendment.

The CHAIR: Are there any other contributions?

The Hon. C.M. SCRIVEN: Yes, just to respond on the record to some of those comments from honourable members. First of all, regarding the comment by the minister that this is not the best mechanism, when we are talking about disability inclusion we need to be aware that we need many mechanisms. This is one tool that would be in the toolkit, if you like, to encourage those who are in recruitment and so on to consider people who may have a disability, because it is also a matter of sending a very positive message to people with a disability who, sometimes, as has been alluded to indirectly, do not report that they have a disability as they think they may be discriminated against.

Having an increased target shows that the government is sincere about trying to improve the levels of people with a disability who are employed within the public sector, so it is important in terms of encouraging people who have a disability to apply and have a good shot at getting work within the public sector. As noted by the Hon. Ms Franks, currently the proportion within the public sector is much less than the proportion within the general community. The opposition's view is that anything

that can help improve that and make a better balance that is more consistent with our community is going to be beneficial; therefore, we would ask for support for this amendment.

The committee divided on the new clause:

Ayes 10
Noes..... 10
Majority..... 0

AYES

Bourke, E.S.	Franks, T.A.	Hanson, J.E.
Hunter, I.K.	Maher, K.J.	Ngo, T.T.
Parnell, M.C.	Pnevmatikos, I.	Scriven, C.M. (teller)
Wortley, R.P.		

NOES

Darley, J.A.	Dawkins, J.S.L.	Hood, D.G.E.
Lee, J.S.	Lensink, J.M.A. (teller)	Lucas, R.I.
Pangallo, F.	Ridgway, D.W.	Stephens, T.J.
Wade, S.G.		

The CHAIR: There are 10 ayes and there are 10 noes, so in accordance with convention I cast to the noes.

New clause thus negatived.

The Hon. T.A. FRANKS: Point of order: on which convention did you just base your vote, Mr Chair?

The CHAIR: I took advice from the Clerk that, by tradition, and therefore by convention, the Chair of the Committee or President casts for the noes in the case of a tied vote and does not seek to make the majority. That is my understanding; I did take advice from the Clerk, to assure the Hon. Ms Franks.

The Hon. T.A. FRANKS: Second point of order for clarification, Mr Chair: is that based on a presumption that the Chair will then always cast their vote with the noes? Or will the Chair cast their vote with the status quo?

The CHAIR: Effectively with the status quo, and given that this was the introduction of a new amendment, a new clause, that is why I acted in that way. Thank you, the Hon. Ms Franks, for allowing me to clarify.

Clauses 13 to 15 passed.

Clause 16.

The Hon. C.M. SCRIVEN: Mine is a question for the minister. How does the government intend on ensuring that state government departments, statutory bodies and local councils develop and implement their own disability access and inclusion plans every four years? The particular question is around ensuring that it does actually occur.

The Hon. J.M.A. LENSINK: I thank the honourable member for her question. They are required to, under the legislation, for starters. They will need to come up with a draft plan each, and then they will be required to consult with people with disability in the appropriate manner, and then they will have plans in place that they will then need to implement. There are reporting requirements for each of those agencies through to the CE of the Department of Human Services and therefore to myself as minister. That is then reported through to the parliamentary system. It is a requirement under legislation that they do so.

We have, through amendments Nos 6 and 7, strengthened those provisions in relation to the CE's role so that, if agencies are not undertaking their appropriate role, we can go back to them and instruct them. Effectively, there is a naming and shaming provision in this legislation such that, if

agencies are not doing what they are supposed to be doing, that will be reported through to parliament.

For those local government authorities, there was some concern which came out in the previous government's consultation. I think it is fair to say there was concern from the local government sector that these requirements might be onerous, so there is a little bit of leeway that is being provided to them such that they will have a bit of breathing space until next year. My department will also be publishing guidelines which will assist with a pro forma approach to facilitate them in terms of enabling them to go through the process with the minimum of fuss.

The Hon. K.J. MAHER: I have a question on clause 16(7), which states:

A State authority must publish (in a format that is accessible to people with disability) its disability access and inclusion plan…

Can the minister elaborate a bit further on what is meant by 'format that is accessible to people with disability' by way of examples of such formats?

The Hon. J.M.A. LENSINK: There is a range of standards. If you were to google 'universal access to websites', you would find a whole range of information that is available. Clearly, there are people who are sight impaired who might require larger font formats for websites and a range of alternatives for other people as well in terms of their access to a particular website. There are some really good examples and some really bad examples, if people want to find them. If the honourable member wishes to have a great more detail, I would suggest that he google 'universal access websites'.

The Hon. K.J. MAHER: In relation to the same issue, as the honourable member is suggesting for myself that I google it to find more information rather than actually putting on record some examples, are these questions that are going to be left for each state authority to google it for themselves and decide how they do it, or is there a consideration of regulations to do this? I hope the minister is not going to be nearly as flippant with the operation of the act as she is in parliament.

The Hon. J.M.A. LENSINK: Well, you know, that is the pot calling the kettle black—flippant in parliament, the Leader of the Opposition. As I was just responding in terms of the previous question from the Hon. Ms Scriven, there will be the publication of guidelines from my department, which will assist all agencies in the development of these things.

The Hon. K.J. MAHER: I thank the minister for her answer, which does not actually answer the question at all. Is it anticipated that there will be regulations in relation to the format that is accessible to people with a disability?

The Hon. J.M.A. LENSINK: No, not regulations—guidelines.

The Hon. K.J. MAHER: How will these guidelines be published and will these guidelines themselves be accessible to people with a disability?

The Hon. J.M.A. LENSINK: Yes, I anticipate that the guidelines will be, because this is the whole point of the legislation, and many of the points are to do with actually consulting with people with disability as well. If the guidelines are inadequate then I fully expect that people with disabilities will advise us and we will be very mindful of that because it is for their purpose. This legislation is forward-looking and inclusive and is for people with disabilities to ensure that they are able to achieve those aims of having full access and inclusion.

The Hon. K.J. MAHER: Given that the minister has said that the guidelines will be published in a format that is accessible to people with a disability, can she now outline and summarise what those formats are that will give access to people with a disability?

The Hon. J.M.A. LENSINK: They are to be developed in consultation with Disability. I am being asked a hypothetical question without having asked the disability community, so, no.

Clause passed.

Clause 17.

The Hon. K.J. MAHER: In relation to the annual report on the operation of the disability and inclusion plan, will the minister undertake that these annual reports will also be in a format that is accessible to people with a disability?

The Hon. J.M.A. LENSINK: Yes.

Clause passed.

Clauses 18 to 27 passed.

Clause 28.

The Hon. T.A. FRANKS: I think I am in the right place here: at clause 28 it is interaction with the Public Sector (Data Sharing) Act 2016. This is somewhat of an esoteric question in that it is a whole of government thing and I am sure that it will come up time and time again. Given that we are talking about disability inclusion plans and people, in some circumstances, disclosing their disabilities to their employer, will this bill provide that that information is shared beyond the scope of these disability action plans and beyond the scope of state agencies with other entities?

The Hon. J.M.A. LENSINK: Sorry, can you repeat the last part of your question, please?

The Hon. T.A. FRANKS: The question I have is with regard to the operation of the Public Sector (Data Sharing) Act 2016. This clause notes that nothing in this part affects the operation of the Public Sector (Data Sharing) Act 2016. My question simply is: will the disclosure of information for the purposes of these disability inclusion plans and for the collection of information in our Public Service and in our state agencies and authorities be shared beyond the scope of what is provided for in the body of this bill, with other agencies, federal agencies and so on?

The Hon. J.M.A. LENSINK: I think clause 27 goes to your question; I am advised that clause 28 is a technical clause.

The Hon. T.A. FRANKS: On this clause, I am seeking an assurance that that data will not be shared beyond the use that is in the scope of this bill.

The Hon. J.M.A. LENSINK: So you are concerned about privacy provisions?

The Hon. T.A. FRANKS: Privacy.

The Hon. J.M.A. LENSINK: Yes. No, that is not anticipated. If I can just also add something that was raised by the Hon. Mr Darley in his second reading. I think we have discussed this as well. There is not any obligation for someone with a disability to report their disability to their employer. In effect, it is a voluntary reporting system, but no, it is not anticipated that any private information would actually be shared. It is for the purposes of assisting people with a disability with their access and inclusion, and not as some sort of big brotherish motivation.

The Hon. K.J. MAHER: On clause 28—and I think it is part of what the Hon. Tammy Franks was talking about—is the minister assuring the chamber that the operation of clause 27, indeed all of part 9 of the bill, is not caught in the scope of the Public Sector (Data Sharing) Act?

The Hon. J.M.A. LENSINK: It is not—sorry?

The Hon. K.J. MAHER: It is not caught within the scope of the Public Sector (Data Sharing) Act? Clause 27 is not caught in the scope of the Public Sector (Data Sharing) Act? Is that what the minister is assuring the chamber?

The Hon. J.M.A. LENSINK: The advice I have is that these pieces of legislation operate in parallel.

The Hon. T.A. FRANKS: What is the purpose of clause 28 then? Why do we need to specify that the Public Sector (Data Sharing) Act is not affected by this particular piece of legislation?

The Hon. J.M.A. LENSINK: The advice is that this is a technical clause, which is quite standard. Because this bill is subsequent to the Public Sector (Data Sharing) Act, this clause has been inserted to ensure that this bill does not limit the performance of the previous act.

The Hon. K.J. MAHER: Just very briefly, regarding the original question that the Hon. Tammy Franks asked about the potential privacy implications of the operation of the Public Sector (Data Sharing) Act with this bill, does the minister stand by her original answer that this bill is not affected and that there are no privacy concerns?

The Hon. J.M.A. LENSINK: Yes.

The Hon. T.A. FRANKS: I am satisfied with the minister's clarification for the record and note that when these things come before courts they are often referred to the *Hansard*. With that, I am happy to continue.

Clause passed.

Clauses 29 to 33 passed.

Schedule 1.

The Hon. C.M. SCRIVEN: With respect to part 5 of the schedule, the repeal of the Disability Services Act, minister, I note your statement in your second reading explanation that the Disability Services Act 1993 will not be required once transition to the NDIS is fully realised because the state government will no longer directly fund services. Can you just confirm that there are no services that the state government will be continuing to fund, such as services specifically excluded by the NDIS, that will require the retention of the Disability Services Act 1993?

The Hon. J.M.A. LENSINK: If I understand the honourable member's question correctly, you are probably talking about interface issues. The previous CEO likened the NDIS to flying a plane while you are still building it; I think my analogy would be that it is like juggling everything in the kitchen sink while riding a unicycle. There are a number of matters that continue to be addressed as we transition. I think the bog standard disability services that most people would understand, be they respite services, day options or personal care services, are all transitioning to the NDIS under their new model.

It is running late, obviously, but there is a whole lot of other interface issues. People with disabilities will continue to require health services and all of those what you would call mainstream services, but they were never covered under the Disability Services Act in any case. So it is things which are funded currently under the Disability Services Act which transition. Because we are running late, the need for repeal obviously is going to take longer, but once that transition is fully complete there is no purpose for the Disability Services Act to continue.

The Hon. C.M. SCRIVEN: Under the NDIA act there are a number of things that are not and will never be funded through the NDIS. So I just want to clarify that there are no services that the state government would be continuing to fund?

The Hon. J.M.A. LENSINK: No services, what do you mean by that?

The Hon. C.M. SCRIVEN: Of those that are currently covered under the Disability Services Act, there will be no residual services whatsoever that will continue to be funded by the state government and that therefore might require retention of the Disability Services Act 1993?

The Hon. J.M.A. LENSINK: There may be certain residual services such as the Exceptional Needs Unit, which the government may continue to fund, but they are much more the exception than the rule, and you do not need the Disability Services Act for particular, unique services, they can be funded under other arrangements and under other acts.

The Hon. C.M. SCRIVEN: So when will the repeal of that act occur?

The Hon. J.M.A. LENSINK: The Disability Services Act? Look, I cannot really say at this stage, given that we were supposed to be at full scheme by 1 July this year. That is now not going to happen, so that decision has to be deferred until we are at full scheme and once we are confident that everybody has been transitioned in.

For services which are currently receiving their quarterly block funding, their amounts are reducing as people transition to NDIS and are paying under a fee-for-service model. The changes anticipate that all of the current state government funding, which is $723 million plus indexation per annum, will transition. It is once that reaches its completion that the Disability Services Act will no longer be required, but we are not there yet.

Schedule passed.

Title passed.

Bill reported with amendment.

Third Reading

The Hon. J.M.A. LENSINK (Minister for Human Services) (17:06): I move:

That this bill be now read a third time.

The Hon. T.A. FRANKS (17:06): I rise to speak on the third reading and indicate that, while the Greens support this bill, we had a lot of sympathy for the disability advocate amendment. We certainly seek to ensure that there is a clear commitment from the government at this third reading stage for some form of advocacy and for some time frames to be outlined by the government. With those few words, I indicate we will be supporting the bill.

Bill read a third time and passed.

SENTENCING (RELEASE ON LICENCE) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 31 May 2018.)

The Hon. K.J. MAHER (Leader of the Opposition) (17:08): The Sentencing (Release on Licence) Amendment Bill 2018 amends the Sentencing Act 2017 to further tighten conditions of release on licence or discharge of detention for an offender who has been declared unwilling or unable to control their sexual instincts and who is being detained indefinitely. This bill has been prompted by the potential release of notorious paedophile Colin Humphrys. However, the opposition does not believe the government bill in its current form goes far enough, and the opposition has lodged a number of amendments to strengthen this bill.

I will briefly recount how we came to this point then outline Labor's amendments to this bill. Colin Humphrys has a history of sexual offending across five states over 30 years. He was gaoled in 1992 for offences against a child who was kidnapped from Adelaide and delivered to him in New South Wales. The victim of this offence has been referred to in court transcripts and recent media reports as XX. Through the Carly Ryan Foundation, whose work is to be very highly commended, I have met with Colin Humphrys' victim XX. His strength and determination to bring about change is truly inspirational.

After being released, Colin Humphrys committed sexual offences against a then 14-year-old boy within 30 minutes of having met the young person. That offending continued for the next three years. In 2009, Justice Sulan sentenced Colin Humphrys to 10 years' imprisonment for five counts of unlawful sexual intercourse with a person under the age of 17. His Honour declared that Colin Humphrys presented an unacceptable risk to the community and ordered indefinite detention under then section 23 of the Criminal Law (Sentencing) Act 1988.

In December 2013, Colin Humphrys applied for release on licence pursuant to then section 24 of the Criminal Law (Sentencing) Act 1988. That application was withdrawn by Colin Humphrys after unfavourable medical and Parole Board reports. In July 2015, Colin Humphrys made a second application for release on licence. Despite the Parole Board remaining unsupportive of Colin Humphrys' release and medical reports unable to conclude that he was willing or able to control his sexual instincts, Justice Kelly ordered his release on licence in March 2018.

These matters that I just mentioned—the Parole Board and the willingness or ability to control sexual instincts—are not legislated determinants for the decision-making for the Supreme Court to release on licence. In her judgement, Justice Kelly noted:

> … the response of the Parole Board to the application was fairly consistent throughout, to the effect that the applicant remains at a high risk of re-offending and is not suitable for release on any terms and conditions.

The judgement to allow the release on licence has been appealed by the DPP and was heard by the Full Court of the Supreme Court on Wednesday 23 May 2018. It is understood that the decision is likely to be handed down in the very near future, and that is why this bill is so urgent.

Unfortunately, the Attorney-General in the other place, the member for Bragg, has largely mishandled this matter over the last couple of weeks. Just over a week ago, the Labor opposition released a private members' bill that would strengthen the regime under which an offender like Colin Humphrys could be released. Justice Kelly's judgement to release Colin Humphrys on licence was

handed down on 27 March 2018, a full two months before the Liberal government took any action in this matter.

On the morning of Monday 28 May, the Attorney-General, the member for Bragg, told ABC radio that the government would not yet be introducing legislation on this issue, that it would be premature to do so and that the government would wait until the full bench of the Supreme Court had handed down its decision. Later on the morning of 28 May, the Attorney-General gave a very confused interview on FIVEaa; it was hard to ascertain any new or changed particular position of the government.

Then, of course, the government had a cabinet meeting later on Monday 28 May. After the cabinet meeting, the government had a new position that was completely contrary to what the Attorney-General had told the public just that morning. The government said they would in fact have legislation that would largely mirror the Labor opposition's bill, albeit deficient in a number of ways.

In her contribution in the House of Assembly, the Attorney-General made a number of claims that I think are important to put on the record now. The Attorney-General claimed that the opposition had not sent her a copy of the bill. She claimed that she could not possibly have seen the bill because it was emailed to someone else the day before it was released. The Attorney-General, in her contributions in the House of Assembly, claimed that the bill was emailed to the wrong address.

Whilst this is a minor point, it is one the Attorney-General has seen fit to make a big issue of and reflects on the chaotic nature of how the Attorney-General is handling this matter and her portfolios. The draft bill was emailed the day before it was publicly released to the email address agd@agd.sa.gov.au. The Attorney-General claims that this is not the correct address for her to be contacted on.

The Attorney-General's own personal website has the email address agd@agd.sa.gov.au as the correct way to contact the Attorney-General. The website of this parliament has the same email address as the way to contact the Attorney-General. So, according to the Attorney-General, the email address that she holds out to the rest of the world to contact her on should not be used to contact her. It is quite a remarkable proposition.

In addition, the Attorney-General has already garnered herself quite a reputation for poor communication in relation to legislation. After introducing the first raft of Attorney-General bills into this parliament, the Attorney-General's office ignored repeated requests from the opposition for briefings. It was only when I raised with the Attorney-General publicly during a radio interview that we had been refused briefings that briefings were then offered.

Again, just last week, the Attorney introduced bills without offering briefings to the opposition, and I presume without offering briefings to the crossbenchers. In my experience, that is not a particularly conducive way to have legislation dealt with efficiently in this place. To the credit of the Attorney-General's office, they have now apologised for again introducing bills and starting the process without offering any briefings.

There is no doubt that the bill we see before us from the government has been cobbled together because of pressure under which the Attorney-General found herself at that cabinet meeting on 28 May to do something about this issue rather than put it off into the future. As a consequence of rushing the bill in such a way, the Attorney-General has left a number of deficiencies that we are now faced with fixing up.

The Labor opposition has lodged a number of amendments to this bill to improve it and to strengthen it. I trust the Attorney-General in another place has taken the time to look closely at the amendments, and I look forward to receiving support from the Liberal government for these amendments, which will then make the bill much more like the draft opposition bill.

The amendments, which I will outline, are: first, it requires the support of the Parole Board for a person under licence or for a discharge of a detention order to be a condition precedent, that is, if the Parole Board does not agree that someone ought to be released, then they ought not be released. As I stated earlier, in the case of Colin Humphrys, the Parole Board, all through proceedings over the last couple of years, remained steadfast in their view that Colin Humphrys posed an unacceptable risk and that there were no licence terms and conditions under which that offender should be released.

I implore people like the Hon. Dennis Hood, who has taken a very strong stand on these issues in the past, to use whatever influence he has in the Liberal Party party room to make sure that they come up with a sensible response to this and back in the opposition amendments. I am sure the Hon. Dennis Hood, if he was still on the crossbench with Family First or the Australian Conservatives, would be appalled at the possibility that a dangerous paedophile could be released against the wishes of the Parole Board. I would urge the Liberal government, and people like the Hon. Dennis Hood, to use whatever influence they have to make sure the government backs these very sensible amendments.

Secondly, the opposition amendments remove 'aged or infirm' as a legitimate reason for a detention order to be discharged or for a person to be released under licence. Under the Liberal bill a person has to either satisfy the court that they no longer pose a risk because they are not willing and able to control their instincts or because they are aged and infirm. The opposition takes the view that, if you cannot demonstrate that you can control your sexual urges or instincts, and that is why you have an indefinite term of detention, you should not have another way to get out through being aged or infirm.

A judge cannot give any weight to the length of time a person may spend in indefinite detention when making a decision about discharging a detention order or releasing a person under licence. I do not think this needs much explanation. We want to make sure that there is no reason given that a person might be detained indefinitely for a very long time. That is exactly what we think this legislation should do.

Our amendments introduce a new clause whereby a person who has been released into the community or into an institution and breaches any condition of their release licence is immediately returned to custody and has a seven-year waiting period before they can again apply for release. The amendments introduce a new clause to allow the appropriate board (in most cases that will be the Parole Board) to vary, revoke or cancel any conditions of release on licence on the application of the Director of Public Prosecutions.

Our amendments introduce a new clause to cancel release on licence where someone was released due to their age or infirmity and where there is evidence suggesting the person may now pose a risk to the community. Of course, we would prefer that the Liberal government supported our earlier amendment to remove aged or infirm as a reason for discharge or release on licence, but if that amendment fails we will be moving amendments to the bill so that a person who is released, being aged or infirm, can be, on application, taken back into custody if their circumstances change.

In the other place, an example was offered where someone was released due to being infirm and made a remarkable recovery in six months' time. We should make sure that there is an ability in those sorts of cases for that person to be brought back and detained. Finally, our amendments will ensure that, on rehearing applications for someone who is on licence, the court must consider the costs directly related to the release of the person on licence.

There is a provision in the Liberal government's bill for rehearing an application of someone who has been released on licence. Most of the things the court must take into account when rehearing that application mirror what the court must take into account when originally making the decision to release on licence, but for some reason the provision that the court must take into account, the cost directly related to the person on licence, is only in the original legislation and not in the bill in the section where it can be reheard.

This is almost certainly a consequence of the rushed nature of this bill and a legislative oversight which again demonstrates why having cabinet force you to introduce a bill in only a few hours leads to the sort of legislation we have before this chamber. With those words, I look forward to the speedy passage of this bill.

I note the Attorney-General, in her 180-degree backflip on this issue, has said that she is keen to ensure that this bill passes parliament before a decision of the full bench of the Supreme Court, which could be any week now, so I look forward to some discussions over the next day or so with members of the crossbench about the effect of these amendments and the speedy passage of this bill with the amendments.

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

SUPPLY BILL 2018

Second Reading

Adjourned debate on second reading.

(Continued from 31 May 2018.)

The Hon. R.P. WORTLEY (17:22): I rise to speak on the Supply Bill 2018. Having passed the other place, the Supply Bill has now come before this chamber. I know members will perform their due diligence in carefully considering this bill. As we know, a supply bill is required until a budget can pass through the necessary parliamentary stages and until an appropriation bill can receive assent. This is then an important bill, and I am pleased to contribute my remarks. Indeed, this bill presents all members with an opportunity for speaking about all manner of topics related to government expenditure.

While by nature these bills are quite often brief, it is known that contributions to supply bills can be lengthy indeed. This is, of course, justified when you consider the sheer magnitude of expenditure that is appropriated for within the Supply Bill. Therefore, seeing as this bill and brevity do not go hand in hand, I will take my time to deliver my carefully considered remarks. I have a number of topics of my own related to government expenditure and I intend to cover these in my remarks and will do so thoroughly. I also take this opportunity to look at some of the government's priorities and explore further the question of how they might set their budget and meet all of their election commitments.

This bill seeks to appropriate $6.6 billion and, given the broad nature of this appropriation, I would like to reflect upon the budget surplus that greeted the new Treasurer when he was appointed to his position back in March, although, as we know, he is busy trying to construct an entirely different narrative. The Treasurer inherited a healthy budget from the former Labor government, a budget that was in surplus, yet in light of the federal budget the Treasurer has already moved to describe the 2017-18 budget as being in deficit.

Of course, many of us know that he would like to construct a budget deficit, more so for his own political purposes than for any other sound reason. The Treasurer's statements on this matter are spurious indeed, driven by a desire, I am certain, to present a budget in deficit, quickly followed by a budget surplus for 2018-19. The truth of the matter is that the Treasurer's motives and statements are all rather transparent; he has inherited a budget in surplus and, in particular, when you consider the boosts from the GST, which will allocate approximately $272 million extra in the 2018-19 budget, I find the Treasurer's words to be hollow cries indeed.

It is not just pot luck that leads to a fiscal surplus. Previous treasurers have worked successfully over the past 16 years to ensure the provision of essential services while maintaining responsible financial management of the public sector. Tens of thousands of jobs were created under the previous government, mostly by investing $33 billion since 2002-03 into improving hospitals, roads, schools and public transport. The previous government fought for and then won the $50 billion Future Submarines contract, the largest tender in the nation's history, and set in train a continuous shipbuilding program.

The former government also protected jobs at the Whyalla Steelworks, with the sale of Arrium and metal processing jobs at Port Pirie through the Nyrstar redevelopment. The former government looked to ensure our financial viability and future by partnering with businesses to boost job creation through our job accelerator grants, and led the way through tax reform, which will return $2.5 billion to businesses and the community over the next decade.

South Australia has faced its fair share of challenges in recent history. The federal Liberal government drove Holden out of the state and then went on to cut funding for schools and hospitals. The same federal Liberals advocated for our submarines to be built overseas. This is all bad enough, but what is truly unforgivable is that they failed to fix our broken national energy market. As I reflect upon these challenges, it is truly remarkable that, despite these challenges and these setbacks, despite the fact that time and time again the federal Liberal government has let this state down, South Australia has emerged as a world leader.

The Treasurer himself might remember the state of the CBD when they left office all those years ago in 2002 and, although he would never admit it, he must have cause to reflect upon the

state of the CBD now, as he assumes his old job from 16 years ago. Indeed, one only needs to cast an eye over the CBD to take in all of the truly transformative changes: a revitalised CBD, a transformed Adelaide Oval, a footbridge, the Riverbank Precinct, the Adelaide Convention Centre, the tram extension, and fostered laneways, small bars and a vibrant city culture and nightlife. The former government had the foresight to understand that, by revitalising the CBD, there would be flow-on effects to our regions as well.

All of those regions, along with their amazing offerings of food and wine, also receive substantial investments, and the benefit has been significant. Last year alone, we welcomed a record 442,000 visitors who spent $1.1 billion here in South Australia. When Adelaide was once again ranked the fifth most liveable city in the world last year by *The Economist*—for the sixth consecutive year, I might add—it reinforced that the former government had indeed invested in the right priorities. *The Economist's* independent international study of cities recognises what South Australians know to be true: that this is a wonderful place to live, to work and to socialise.

I turn my attention now to Health, a challenging and critical portfolio. Under the former government, we vigorously pursued the creation of an excellent health system with every major hospital upgraded. Most notably, of course, a little way further down North Terrace is our state-of-the-art health and biomedical precinct with the world-leading new Royal Adelaide Hospital as its centre.

Under the former government, South Australians had more nurses per person than any other mainland state. It is a remarkable achievement when you pause to consider nursing staff levels when Labor came into office in 2002. Our legacy is also that of the equal highest number of hospital beds per person in our public hospitals. These achievements were not accidental. The former government invested heavily into our public hospitals. There was $4 billion committed to upgrade every metropolitan public hospital and every major country hospital in South Australia. It is important to note as well that the former government did these things. We brought the Modbury Hospital back into public hands after the previous Liberal government privatised it.

In September last year I had the honour and privilege of attending the opening of the new Royal Adelaide Hospital, one of the most technologically advanced hospitals in Australia. This day was one of great pride for myself and many of my Labor colleagues. The former government persevered through an ill-advised and negative opposition, namely by those opposite, to this project. Through all the carping and the whingeing and the repeated conjecture of the naysayers, again mostly from the mouths of those sitting opposite, including the Hon. Mr Stephens, the former government persevered, and here we are today. The new Royal Adelaide Hospital has set a benchmark. It is one of the largest social infrastructure projects undertaken in Australia.

The 800-bed hospital provides comprehensive clinical care to approximately 85,000 inpatients per year and 400,000 outpatients per year. Built into the design of the new hospital are simple yet transformative concepts, including catering to physical and emotional needs of the patients and their loved ones. There is a strong focus on natural light. With 100 per cent single overnight patient rooms, the new Royal Adelaide Hospital allows patients to be treated in privacy and in comfort. State-of-the-art facilities also cater to the needs of health professionals, and we are attracting some of the best and brightest expertise from around the world.

Telehealth facilities allow for clinicians and staff to consult with their colleagues and patients in regional and remote areas of South Australia. Advanced digital imaging technology means that images are streamed live from operating theatres and procedure rooms for both diagnostic and training purposes. Interestingly, the hospital has the largest microbiology system in the Southern Hemisphere. What this means in practical terms is that the clinicians at the Royal Adelaide Hospital have state-of-the-art technology to support timely diagnoses and provide expert treatment of infectious disease.

The new Royal Adelaide Hospital is considered the super site for major emergencies, namely strokes and heart attacks, but also provides complex multitrauma care facilities. Amongst many features is a 24-hour on-site stroke team and a 24-hour diagnostic and imaging services team. The new hospital provides care for patients suffering from complex cancers and for patients requiring a bone marrow transplant. The RAH is home to specialist acute spinal and brain injury rehabilitation services and a specialist neurosurgery, cranio-maxillofacial surgery and other complex surgical care services.

The new Royal Adelaide Hospital was purpose-built to be equipped to play the lead role in South Australian disaster management strategies. The hospital has purpose-built decontamination showers, five negative pressure rooms and a quarantine room. The hospital is designed to be flexible and convert specific areas into clinical areas in the event of a mass casualty disaster. The building itself is designed to withstand a major earthquake or natural disaster.

I reflect upon other hospitals across metropolitan Adelaide and South Australia. I take a moment to look at the upgrades they received in addition to the opening of the brand-new Royal Adelaide Hospital. In recent times, in our western suburbs, the former government invested $409 million to redevelop The Queen Elizabeth Hospital, including a larger and state-of-the-art emergency department, operating theatre and day surgery suite. New outpatient medical imaging services were built and there was provision for advanced brain and spinal injury rehabilitation services.

In Adelaide's south, the former government invested $385 million to improve and upgrade facilities at the Flinders Medical Centre, including a new neonatal unit and a rehabilitation centre. Further down south, at the Noarlunga hospital, $36 million was invested to improve services and infrastructure, including a new day surgery unit, new operating theatres and a new renal dialysis unit.

In the north-east, $153 million was invested to upgrade the Modbury Hospital. The Modbury Hospital has come a long way since the dark days of privatisation. Not only did we bring this much-loved facility back into public hands but we invested money to improve emergency medical and surgical services.

It disturbs me that prior to the last election the honourable opposition spokesperson for health developed a policy based on very ill-informed advice from certain people who we do not know because he refuses to divulge the names of the people who had given him advice, except for Warren Jones. All this advice went against the advice of the Australian Medical Association and the surgeons at the College of Intensive Care Medicine.

I imagine that the new Minister for Health and Wellbeing will find out pretty soon that actually making decisions in government as a minister and totally disregarding the advice of the specialists and the people who work in the industry is going to be far different to implementing the irresponsible policies he had during opposition and leading up to the election.

In Adelaide's north, $385 million was invested at the Lyell McEwin Hospital, including a redeveloped and expanded emergency department. You would not recognise the Lyell McEwin Hospital now from when we first came into government in 2002 because our government injected a lot of money over those 16 years because we had a strong belief that working people in the northern suburbs had just as much right to world-class care as people in the eastern suburbs and cities and people who use private health. It is a real credit to the Labor government for the fantastic facilities that are at the Lyell McEwin Hospital.

Across South Australia the former government delivered more than $300 million in capital investment, namely upgrades to country general hospitals at Berri, Mount Gambier, Port Lincoln and Whyalla. Cancer services were also expanded, including a new Regional Cancer Centre in Whyalla and 14 designated chemotherapy units throughout regional South Australia.

We invested $50 million in a veterans' mental health precinct, the Jamie Larcombe Centre, which provides high quality mental health and post-traumatic stress services to veterans and first responders in modern facilities. In the past four years, 50 more acute mental health beds were opened and community health services received further investment, with 36 per cent more staff on hand than the national average. Eighty new drug rehabilitation beds, clinical services and family supports were provided as part of the $8 million investment in the South Australian Ice Taskforce.

A world-class health system requires state-of-the-art facilities to support our paramedics. The previous Labor government built new ambulance stations at Oakden, Noarlunga, Mount Gambier and Seaford and, more recently, at Morphettville and Parafield. The former government invested $12 million for a South Australian Ambulance Service rescue retrieval and aviation base at Adelaide Airport to ensure quick response times for people who have become ill or are critically injured. The ambulance fleet was refurbished, 72 extra paramedics and support staff have been employed in the last three years and $22 million was invested to replace manual stretchers with high-tech powered stretchers.

Labor fought and will continue to fight against the federal Liberal government's massive cuts to health in both the 2014 and the 2015-16 federal budgets. When the federal government drops the ball, the result is that our public hospitals are flooded with avoidable presentations. Preventable conditions are certainly of rising concern, and it is the responsibility of successive governments to invest in preventative health measures to keep both adults and children healthy and out of hospital.

The federal government has slashed millions of dollars from South Australia for preventative health initiatives. Labor will continue to hold the federal government to account over their actions. Preventative and primary health remain the federal government's responsibility. Nevertheless, the former state government was prepared to invest in preventative health measures, and it gives me cause to reflect and question the actions so far of the current health minister in this place and what his government is doing to ensure that preventative health measures receive funding.

I hope the health minister in this place is maintaining the pressure on his federal counterparts to ensure South Australia receives its rightful share of funding. Labor will continue to advocate for fair and sufficient federal funding for primary, preventative and mental health initiatives. Be it in government or in opposition, we will not stop. We will be advocates for South Australians, and we will continue to fight for fair and sufficient funding.

I turn my attention now to education. The earliest years of life set our children and young people up for a lifetime of wellbeing, happiness and success. We all want the best for our children and the best for our young people in South Australia. At the centre of these values is the belief that education must be accessible to all. More than that, education must be well resourced and world class.

At the core of our values also is that every single South Australian child should have the opportunity to excel—not good luck or good fortune but the inherent right to have the opportunity to excel. This is pivotal and central to the idea of a fair go for all. It has to be straight off the bat and it starts with our children, their wellbeing, their happiness and their ability to access quality education.

When all is said and done, schools need to be well resourced. The former government doubled investment in public schools since 2002—doubled the investment. The former government also stood up to the Liberal government and their cuts to our schools. Only recently, the former government invested more than $1 billion in school infrastructure, including an unprecedented $692.2 million to upgrade 91 public primary and high schools and $100 million dollars to build the new Botanic High School.

It is incredibly important that we prepare our children and young people to work in the jobs of tomorrow by encouraging skills in science, technology, engineering and maths. That is why the former government invested $250 million to build state-of-the-art science and maths facilities in public schools, and $250 million in low interest loans for Catholic and independent school infrastructure. The former government created 44 children's centres across the state and has invested more than $3.3 billion in school infrastructure since 2002. In practical terms, this means that funding per student in public schools increased from $7,600 in 2002 to $16,427 in 2017. In 2007, the year 12 attainment rate was 57 per cent, and by 2017 the rate had been lifted to 92 per cent, the highest in the nation.

The former government not only invested in our schools but improved accessibility by looking at the issues that might be affecting a child and their family. One way of doing this was to lift the income eligibility for the School Card for a family with one child from $37,274 to $57,870, allowing an extra $16,000 a year to save on education costs. The former government also centrally funded public schools' utility bills and provided extra funds for cleaning and maintenance for public schools and preschools, while a further $66 million over four years could be made available for teaching resources, support programs and technology.

We must always strive to make things better and to try to improve the lives of everyone, particularly those most in need of our help. Certainly at times the former government, as sadly do many jurisdictions around the world, faced challenges in ensuring that all of our young children and young people were at all times safe and protected. I think we can all agree that where tragedies have occurred, successive governments need to develop an evidence-based approach to ensuring that these things do not happen again.

To that end, I was certainly proud when the former government invested more than $500 million to reforming the state's child protection and child development systems. In addition,

came the appointment of the Commissioner for Children and Young People, a person who would ensure that children's voices are heard at all levels of government, including the highest levels of government.

In response to the recommendations from the Child Protection Systems Royal Commission led by the Hon. Margaret Nyland AM, the Department for Child Protection was formed in November 2016. The department has the responsibility of ensuring that any contact with the child protection system adds value to the lives of children and in particular managing circumstances where children are at risk of harm, are unsafe or are neglected, and supporting families to keep their children safe. The department also supports children and young people under the guardianship of the minister and facilitates out of home care for children and young people at risk.

In some circumstances the department will support reuniting children with their families, if it is safe to do so. In other circumstances the department will manage an adoption process. Ultimately, children or young people who are in the long-term care of the department must be supported, cared for and have every opportunity to reach their full potential.

I would like now to turn my attention to the national electricity market. I noted earlier that, despite the challenges South Australia has faced in recent times, we have emerged as a world leader. The former government was recognised as a world leader in renewable energy. I note with regret that the website One Step Off The Grid recently reported that the South Australian solar market had suffered a dramatic downturn since the state election result in March, and solar retailers suggest that policy uncertainty since the election of the Marshall Liberal government is to blame for this downturn.

Confusion is said to have hit the market after the Premier, in another place, said he had no interest in pursuing the 260 megawatt virtual power plant proposed by Tesla, which would have provided solar and storage to 50,000 households, many of them low-income households. Data from the solar industry statisticians SunWiz show that South Australia's rooftop solar market fell by more than one-third in April, from 16 megawatts to 10.8 megawatts, with solar retail suffering from a large decrease in orders and installations.

The former government knew that the national electricity market was broken, and when the federal Liberal government failed to fix it the former government stepped in. Our energy plan was launched a bit over 12 months ago. It was ambitious and established South Australia as a global leader in climate change and renewable energy policy. In taking charge of our energy future, the former government looked to implement strategies that would focus downward pressure on prices and provide incentives for private investment. This means, quite simply, cheaper and reliable power for all South Australians.

Shortly thereafter our state captured the attention of the world when we partnered with Tesla, its CEO Elon Musk and Neoen to build the world's largest lithium ion battery at Jamestown to store renewable energy. The battery holds backup power for when we need it and cuts costs by improving overall stability of the grid. So it happened that the former government then went on to secure the world's biggest solar thermal plant, at Port Augusta, to boost competition and further secure our energy grid.

The independent Australian Energy Market Commission is predicting a $300 price drop over the next two years. The former South Australian energy minister, from another place, introduced reforms to ensure that the energy minister held emergency powers to direct generators to turn on when required and to direct the Australian Energy Market Operator to control flow on the interconnector to Victoria. Importantly, this reform meant that the state government of the day would have the power to maintain the state's electricity supply in an emergency.

Under the former government, South Australia was at the forefront of global transformation towards a renewable future. A shift from 99 per cent fossil fuel to almost 50 per cent renewable energy was achieved. The former government commissioned South Australia's first wind farm at Cape Jervis on the Fleurieu Peninsula and from this a major growth industry formed supporting more than 2,000 jobs in 2016-17.

It is with interest that I note that the Premier in another place has said that he and his government remain committed to delivering their 300 commitments, so we in the opposition will monitor these commitments, particularly with regard to expenditure. Some of the Premier's election

commitments will require significant expenditure to implement. The Treasurer, no doubt, will be looking for ways to deliver these very expensive election promises without, one would hope, compromising on essential service delivery.

I remarked earlier that the former Labor government left a budget surplus, matched with steady employment figures and decent forecasts for growth. Yet, with all of this, taking into account the challenge for the current government will be how they manage the relationship with their own federal counterparts. Indeed, if the Premier wishes to deliver on all 300 of his election commitments and ensure appropriation for service delivery, then I hope he is developing a strong case for a change in attitude from his federal counterparts.

I have mentioned several times throughout my remarks that the former Labor government stood up for South Australia time and time again, particularly when it came to the federal government's cut to health, to education and their failure to act when it became increasingly clear that the national energy market was broken. The federal Liberal government failed to advocate for South Australia when we sought to secure the submarines project and when they let Holden walk away. The challenge for the new state government then is a great challenge indeed. The Premier and the Treasurer will inevitably, I believe, need to put their close relationship with their federal counterparts to one side and fight for the interests of South Australians.

They will need to fight to ensure that the federal government is passing on revenue to the states, our state, and at times they will need to be willing to put aside their personal friendships with their federal colleagues to do what is right for South Australia. I will finish by saying that in time we will see more on the purposes of the expenditure of $6.6 billion appropriated for this bill. The Treasurer, in presenting his first budget in many years, will have many challenges to face, in particular the challenges presented by his own federal colleagues. With that, I support the passing of the Supply Bill.

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

CRIMINAL LAW CONSOLIDATION (DISHONEST COMMUNICATION WITH CHILDREN) AMENDMENT BILL

Introduction and First Reading

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

Second Reading

The Hon. R.I. LUCAS (Treasurer) (17:54): 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 Criminal Law Consolidation (Dishonest Communication with Children) Amendment Bill 2018 amends the *Criminal Law Consolidation Act 1935* to include two new offences to apply where an adult communicates with a child and lies about their age or identity, seeking to meet with the child or with the intent to commit an offence against a child. Serious penalties will apply.

The Bill is prompted by the tragic death of Carly Ryan in 2007, who was pursued online by an adult predator who pretended to be a teenage boy and groomed, deceived and subsequently murdered Carly after she rejected his advances.

This Bill will promote the safety of children and counter predatory behaviour by adults towards children. The offences in the Bill will act as a deterrent to such predatory behaviour and will allow the early intervention of law enforcement into grooming activity.

The first new offence will make it an offence punishable by a maximum of five years imprisonment for a person to knowingly communicate with a child and to make a false statement that the person is younger than they are or someone other than who they are in such communications and meet or arrange to meet a child.

The second new offence makes it an offence punishable by a maximum of ten years imprisonment for a person with the intention of committing an offence against the child to knowingly communicate with a child and to make a false statement that the person is younger than they are or someone other than who they are in such communications.

The offences in the Bill apply to persons of or over the age of 18 years. A child is defined as a person under the age of 17 years.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Criminal Law Consolidation Act 1935*

4—Insertion of Part 5 Division 5A

This clause inserts new Part 5 Division 5A into the principal Act dealing with dishonest communication with children:

Division 5A—Dishonest communication with children

139A—Dishonest communication with children

This section creates two offences. Subsection (1) makes it an offence for an adult to lie in communication with a child by stating that they are younger than they are or someone other than who they are, and for the adult to meet or arrange to meet with that child. This is a minor indictable offence.

Subsection (2) creates an offence similar to that in subsection (1), however it does not require the adult to have met with or arranged to meet with the child but requires that the adult has intent to commit an offence against the child in lying in such communication. This is a major indictable offence.

It should be noted that for the purpose of these offences, a child is someone aged 16 years or younger.

Debate adjourned on motion of Hon. E.S. Bourke.

PUBLIC INTEREST DISCLOSURE BILL

Introduction and First Reading

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

Second Reading

The Hon. R.I. LUCAS (Treasurer) (17:56): 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 into *Hansard* without my reading them.

Leave granted.

In accordance with the Independent Commissioner Against Corruption's recommendation following a review of the effectiveness of the *Whistleblower Protection Act 1993,* the Bill will repeal that Act and replace it with a scheme more in line with contemporary attitudes about disclosure of wrong doing in public administration and in recognition of the existence of the Independent Commissioner Against Corruption and the Office for Public Integrity.

The purpose of the Bill is to facilitate disclosures about public administration information by public officers or former public officers; ensure that public disclosures are properly assessed and where necessary, investigated and actioned, and ensure that a public officer making a disclosure is protected against reprisals.

The Bill also provides protection for disclosures by members of the public about wrongdoing in the private or public sector where the information is disclosed to an appropriate recipient and the information relates to substantial risk to public health or safety and the environment.

For a disclosure to be protected, the person must believe on reasonable grounds that the information is true, or believe on reasonable grounds that the information may be true and is of sufficient significance to justify its disclosure. A person who makes an appropriate disclosure is not subject to any liability as a result of that disclosure.

The Bill creates a duty on the person who receives an appropriate disclosure to take action in relation to the disclosure and take reasonable steps to keep the informant advised of the action or outcome of any investigation.

Importantly, the Bill allows disclosure to be made to a Member of Parliament or a journalist where a person has made a disclosure in accordance with the requirements under the Bill and either does not receive notification within 30 days that an assessment has been made or does not receive notification within 120 days, or longer, as specified in a written notice to the disclosure, of the outcome of the assessment. 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. News medium is defined as a medium for the dissemination to the public or a section of the public of news and observations on news. The definition is based on the definition in the New South Wales Evidence Act 1995 and consistent with the approach in the Victorian Evidence Act 2008. The definition is intended to be narrow, so that it does not capture such media as tweets and blogs. Flexibility is built into the Bill to allow for development in modes of communication by allowing for regulations to specify classes of person who are deemed to be included in, or excluded from, the definition. This is an appropriate balance between the risk of defining too widely and not recognising development of new forms of communication in public communication.

The Government and the Independent Commissioner Against Corruption consider that the ability to make an appropriate disclosure to a journalist is critical to ensuring that there is an effective, transparent scheme and that the public can be assured that information will be dealt with in a timely and appropriate manner. It is a safeguard against secrecy and complacency in addressing matters of serious or systemic maladministration and misconduct in public administration.

The Bill demonstrates the Government's commitment to accountability and transparency in public administration.

I commend the Bill to Members.

Explanation of Clauses

1—Short title

2—Commencement

These clauses are formal.

3—Objects

This clause sets out objects for the measure.

4—Interpretation

This clause defines certain terms used in the measure. In particular, *environmental and health information* is defined as information that raises a potential issue of a substantial risk to the environment or to the health or safety of the public generally or a significant section of the public and *public administration information* means information that raises a potential issue of corruption, misconduct or maladministration in public administration. The umbrella term used in the measure to encompass both of these categories of information is *public interest information.*

5—Immunity for appropriate disclosure of public interest information

This clause provides an immunity from liability for any person who makes an appropriate disclosure of environmental and health information and for a public officer who makes an appropriate disclosure of public administration information. The section also sets out the requirements for making an 'appropriate disclosure' for each category of information and who such a disclosure may be made to.

6—Disclosure to journalist or member of Parliament

This clause sets out additional ways in which an 'appropriate disclosure' of information may be made.

7—Duty to act in relation to appropriate disclosure

This clause sets out actions to be taken following an appropriate disclosure of public interest information. Such information must be assessed and, following assessment, action must be taken (in accordance with applicable guidelines or as appropriate in the circumstances). The clause also provides for notification to be given to the informant and to the OPI. The clause does not apply to a disclosure to a member of Parliament other than a Minister of the Crown (who is required to refer the disclosure to a relevant authority who is then obliged to deal with the disclosure as if it had been made to them) or to a journalist.

8—Identity of informant to be kept confidential

This clause creates an offence protecting the identity of an informant.

9—Victimisation

A person who causes detriment to another on the ground, or substantially on the ground, that the other person or a third person has made or intends to make an appropriate disclosure of public interest information commits an act of victimisation. Victimisation is an offence and is also actionable as a tort or as if it were an act of victimisation under the *Equal Opportunity Act 1984*.

10—False or misleading disclosures

Making a false or misleading disclosure of public interest information is an offence. The clause also makes it clear that such disclosures are not protected under the measure.

11—Preventing or hindering disclosure

This clause creates an offence of preventing or hindering a person making an appropriate disclosure of public interest information.

12—Duties of principal officers

The principal officer of a public sector agency or council must ensure that 1 or more officers or employees of the agency or council are designated as responsible officers under the measure and must ensure that a document setting out relevant procedures for making and dealing with appropriate disclosures of public interest information is prepared and maintained.

13—Duties of responsible officers

A responsible officer of a public sector agency or council for the purposes of this Act must receive and deal with appropriate disclosures of information and provide advice to officers and employees of the agency or council in relation to the administration of this Act.

14—Guidelines

The ICAC may publish guidelines for the purposes of the measure.

15—Non-derogation

The measure is in addition to, and does not derogate from, any privilege, protection or immunity otherwise existing under which information may be disclosed without civil or criminal liability.

16—Regulations

This clause provides a regulation making power.

Schedule 1—Related amendments, repeals and transitional provisions

Part 1—Related Amendments

This Part sets out related amendments to the *Local Government Act 1999* and the *Public Sector Act 2009*.

Part 2—Repeal

This Part repeals the Whistleblowers Protection Act 1993.

Part 3—Transitional provisions

1—Disclosures under repealed Act

The measure (other than clause 7) applies to an appropriate disclosure of public interest information under section 5 of the *Whistleblowers Protection Act 1993* as if it were an appropriate disclosure of public interest information under the measure.

2—Designation of responsible officers

The principal officer of a public sector agency or council in existence at the commencement of the measure must ensure that clause 12 is complied with within 3 months after that commencement.

Debate adjourned on motion of Hon. E.S. Bourke.

FAIR TRADING (GIFT CARDS) AMENDMENT BILL

Introduction and First Reading

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

At 17:57 the council adjourned until Wednesday 6 June 2018 at 14:15.

Answers to Questions

LIVE SHEEP EXPORT

In reply to **the Hon. F. PANGALLO** (3 May 2018).

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment): The Minister for Primary Industries and Regional Development has advised:

The South Australian government supports the state's livestock producers and associated industries that rely on the live export trade. The South Australian government supports the high standards of animal welfare which are regulated. The government remains supportive of the live export industry and the more than 400 South Australian jobs generated by the local industry and we will work closely with the Australian government pending the outcomes of the current review of recent shipments to the Middle East, where there were unacceptable mortalities of sheep en route to support the industry as it implements recommendations of the recent independent McCarthy Review into the export of sheep to the Middle East.

The Australian government, not individual states, is responsible for the export of livestock from Australia. Exporters must comply with the Commonwealth *Export Control Act 1982,* and under this legislation, exporters must comply with two mandatory standards; the Australian Standards for the Export of Livestock (ASEL), which is also under review, and the Exporter Supply Chain Assurance System (ESCAS), where the exporter must keep control of the supply chain arrangements in the importing country during livestock transport, management and slaughter. Compliance with ESCAS is independently audited, and alleged breaches of ESCAS, and ASEL, are investigated by the commonwealth Department of Agriculture and Water Resources. Non-compliance can result in loss of an exporter's licence.

The McCarthy Review made 23 recommendations to improve the animal welfare conditions of sheep in the live export trade and the commonwealth government has accepted those recommendations and is working to implement them. These recommendations include reducing stocking densities on the vessels; improving heat stress assessment and management; reducing mortality performance standards and checking animal weights to assess the accuracy of proposed loading plans.

RSPCA (SA) inspectors have the authority to investigate breaches of the South Australian *Animal Welfare Act 1985* and take action regarding any unlawful handling and treatment of livestock within the state.

This includes the transport and handling of livestock up to the point that they are loaded onto the ship. The animals then come under the responsibility of the commonwealth and the exporter for their passage, disembarkation and slaughter.

LIVE SHEEP EXPORT

In reply to **the Hon. T.A. FRANKS** (3 May 2018).

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment):

The Minister for Environment and Water has advised me that he has responsibility for any breaches of the *Animal Welfare Act 1985* and has been monitoring this issue through the RSPCA who carry out compliance on behalf of the government regarding the Animal Welfare Act.

Whilst compliance with the *Animal Welfare Act 1985* is mandatory within South Australian borders and for three nautical miles from our coastline, it has no jurisdiction for the rest of the journey.

HOME BATTERY SCHEME

In reply to **the Hon. R.P. WORTLEY** (3 May 2018).

The Hon. R.I. LUCAS (Treasurer): I have been advised:

The government has met these 30-day election commitments.

I can confirm that the Minister for Energy and Mining has given instructions to his agency for the establishment of the $100 million 'household storage subsidy scheme'.

The Minister for Energy and Mining has also issued instructions to his agency for the $10 million customer demand response trials, $10 million demand aggregation trials and the $10 million trial of technologies to improve grid integration.

The minister's instructions for the $50 million grid-scale storage fund, which is also one of our government's 30-day election commitments, has also been provided to his agency.

NATIONAL RELAY SERVICE

In reply to **the Hon. T.A. FRANKS** (8 May 2018).

The Hon. J.M.A. LENSINK (Minister for Human Services): The Department of Human Services has advised that the commonwealth government has consistently allocated $20 million per annum for the National Relay Service (NRS) since 2013-14. In its 2018-19 budget, the commonwealth government increased the allocation to the NRS to $27.7 million in 2018-19, an increase of 38.5%. Forward estimates are for $22 million p.a. There was no

previous budgeted amount of $32 million. However, the estimated actual expenditure for 2017-18 was $31.7 million, or 58.5% over budget.

As undertaken in my earlier response to this question, I have written to the commonwealth Minister for Communications, the Hon. Senator Mitch Fifield, seeking clarification on the budgeted amounts and reassurance that the NRS will continue to be adequately resourced.