

## LEGISLATIVE COUNCIL

Tuesday, 19 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.

### *Bills*

#### **DISABILITY INCLUSION BILL**

##### *Assent*

His Excellency the Governor assented to the bill.

##### *Parliamentary Procedure*

#### **ANSWERS TABLED**

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

#### **PAPERS**

The following papers were laid on the table:

By the Treasurer (Hon. R.I. Lucas)—

The University of Adelaide, Report 2017

Regulations under the following Acts—

Children's Services Act 1985—Registered Children's Services Centres

Fences Act 1975—General

Work Health and Safety Act 2012—Prescription of Fee

Regulations Under National Schemes—

Education and Care Services National Law—

Amendments

Further Amendments

Rules of Court—

Magistrates Court—Magistrates Court Act 1991—

Criminal—Amendment No. 67

Supreme Court—Supreme Court Act 1935—

Civil—Supplementary—Amendment No. 9

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

Report and map for the declaration of a special declared area pursuant to Section 9A of the Mining Act 1971 over the Teetulpa Goldfields region

Report of Outcomes of Review of the Character Preservation (Barossa Valley) Act 2012 and Character Preservation (McLaren Vale) Act 2012

Regulations under the following Acts—

Development Act 1993—Designated Osborne Area

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

Kanku—Breakaways Conservation Park Co-management Board—Report, 2016-17  
Environment Protection (Water Quality) Amendment Policy 2018

*Personal Explanation***RENAL DIALYSIS SERVICES**

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:21):** I seek leave to make a personal explanation.

Leave granted.

**The Hon. S.G. WADE:** In answering a question on 7 June 2018, I referred to the redistribution of resources within the Barossa, Hills and Fleurieu districts of Country Health SA. I am advised that the Mount Barker emergency department changes were not funded from the reallocation of funding.

*Question Time***MODBURY HOSPITAL**

**The Hon. K.J. MAHER (Leader of the Opposition) (14:29):** My question is to the Minister for Health and Wellbeing. What was the nature of the advice from your department indicating that, in the absence of a new intensive care unit at Modbury Hospital, appropriate levels of clinical safety may not be achieved with the establishment of a stand-alone high dependency unit?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:30):** I thank the Leader of the Opposition for his question. I feel as though I must have been dreaming when I answered this question a number of times because it still keeps coming. I think it's very important that the parliament appreciates the context of the advice that I received coming into government and, for that matter, the context of the advice which the former government received in relation to Modbury Hospital and the context of the Liberal Party's commitment.

The context of the Liberal Party's commitment in relation to Modbury Hospital is that we committed that there would be the institution of a board. That board would review services across the northern region, both at Lyell McEwin and at Modbury Hospital. In that context, we would be looking to lift the complexity of surgery and the length of stay of patients at Modbury Hospital and, in that context, we would be establishing a high dependency unit.

The previous government's consideration of a high dependency unit was in relation to a completely different service mix than what the Liberal government is planning. The high dependency unit will be established in due course and with all due regard to patient safety.

**MODBURY HOSPITAL**

**The Hon. K.J. MAHER (Leader of the Opposition) (14:31):** Supplementary arising from the answer: when was the minister first informed by his department that, and I quote from the tabling of his answer to a question on notice, 'appropriate levels of clinical safety may not be achieved with the establishment of a stand-alone high dependency unit'? When was the minister first informed of that by his department?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:32):** My understanding is that that information was included in the incoming government briefs.

**MODBURY HOSPITAL**

**The Hon. K.J. MAHER (Leader of the Opposition) (14:32):** Further supplementary arising from the original answer: has the minister received any further advice, in addition to his incoming government briefs, that made it very clear to him that clinical safety may not be achieved with the establishment of a stand-alone high dependency unit?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:32):** The fact of the matter is that I continue to have discussions. I think I have already told the house that within a month—I suspect it was within two or three weeks of being re-elected to this place and appointed a minister—I was sitting in Modbury Hospital, talking to local MPs, three of whom were elected because they supported the restoration of services to Modbury Hospital. I was sitting with a number of people who are, shall we say, strongly associated with the former government's Transforming Health agenda and, to be frank, a number of clinicians who are vehemently opposed.

**The Hon. I.K. HUNTER:** Point of order, sir. The point of order is one of relevance. The honourable minister was asked a direct question about what was to his knowledge and now he is going on a rant.

**The PRESIDENT:** I appreciate the point of order. I am giving the minister some latitude.

**The Hon. S.G. WADE:** Just for your clarification, Mr President: I took the reference to briefing very broadly. I take verbal briefings and, in this context, I am including verbal briefings. What I am talking about is a discussion with a range of clinicians who had a range of views. The former government knew what it was to have a range of clinical opinions and to choose one over another because that's exactly what it did in relation to The QEH cardiac services.

The government went for three or four years on the basis of one set of clinical advice. Professor Dorothy Keefe, for example, said it was a no-brainer to do what the Labor government was doing. Then, in the middle of last year—I think it was 17 June, certainly in the middle of last year—the former premier, the member for Cheltenham, announced that Transforming Health was dead and the government was not going to act on the basis of the clinical advice of Dorothy Keefe and others.

The former minister made it quite clear that it was a political decision, so I hardly think it is appropriate or credible for the Labor Party to come in here and start preaching about the sanctity of clinical advice. What I would say is that we have never said—never said—that we would open a high dependency unit on 18 March 2018. What we have said is that we have a pathway towards strengthening services at the Modbury Hospital, and in the context of strengthening the services at Modbury Hospital we will establish a high dependency unit.

#### MODBURY HOSPITAL

**The Hon. K.J. MAHER (Leader of the Opposition) (14:35):** I have a final supplementary, Mr President.

**The PRESIDENT:** You're promising?

**The Hon. K.J. MAHER:** Given that the minister told parliament in his very first question time that he had read and fully understood every one of his incoming government briefs, can he inform the chamber what the safety concerns are that were raised that had his department saying that appropriate levels of clinical safety may not be achieved with the establishment of a stand-alone HDU? What was the nature of the concerns about safety?

**The PRESIDENT:** You've asked the question. Minister.

**The Hon. D.W. Ridgway:** It's a fairly long-winded supplementary.

**The PRESIDENT:** Hon. Mr Ridgway, we don't need commentary from you.

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

**The PRESIDENT:** Leader of the Opposition, do not engage in conversation with the minister, and the minister shouldn't be baiting you. Minister.

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:35):** Thank you, Mr President. I suppose, in some ways, hypothetical questions are out of order because they are asking you to look forward to things that haven't yet happened, but what the Leader of the Opposition is asking me to do is to go back and think what was in the minds of the briefers when they wrote that brief.

One concern that I suspect was in their minds was the report of Dr Andrew Burston, which was a report of an intensivist in relation to the high dependency unit services. He had concerns about the safety of the Modbury high dependency unit under the former government. Those concerns—

**The Hon. K.J. Maher:** What were the concerns? You said you understood your briefs.

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

**The Hon. S.G. WADE:** Those concerns of Dr Burston—

**The Hon. K.J. Maher:** If it was not safe, you would have taken notice, I am sure.

**The PRESIDENT:** Leader of the Opposition, restrain yourself. The minister is attempting to answer your own question.

**The Hon. S.G. WADE:** The concerns of Dr Burston related to resourcing. He said that he had concerns in relation to the high dependency unit being operated by the former Labor government at the Modbury Hospital because of resourcing. We believe that a properly resourced high dependency unit with proper clinical governance and an appropriate level of service mix will be safe, and we are certainly not alone in that.

**The Hon. K.J. Maher:** Because you know better than your departmental advice.

**The PRESIDENT:** The Hon. Ms Scriven is on her feet, Leader of the Opposition. Allow one of your colleagues to ask their question in silence.

#### HOMELESSNESS

**The Hon. C.M. SCRIVEN (14:37):** I seek leave to make a brief explanation before asking a question of the Minister for Human Services.

Leave granted.

**The Hon. C.M. SCRIVEN:** On 11 June 2018, *The Advertiser* reported that the national homeless and housing agreement, set to begin on 1 July this year, is yet to be signed by the state and federal governments. The agreement is reported to be worth \$104 million next financial year and \$433 million over the forward estimates. My questions are:

1. Is the minister confident that a new agreement will be signed with the federal government?
2. What negotiating instructions have been provided to state officials to secure a new agreement?
3. What contingency measures is the minister considering or planning to put in place if no new agreement is signed?

**The Hon. J.M.A. LENSINK (Minister for Human Services) (14:38):** The answer to the first question is yes, it has been signed. The answer to question two is, that's a really strange question; its best endeavours. We want to get the agreement in place and that has been successful, and my department is undertaking contacting all the homelessness providers to let them know the good news that the funding is on its way.

#### HOMELESSNESS

**The Hon. C.M. SCRIVEN (14:38):** Supplementary question: can you advise the date that it was signed?

**The Hon. J.M.A. LENSINK (Minister for Human Services) (14:38):** On 15 June.

#### STROKE SERVICE

**The Hon. E.S. BOURKE (14:39):** I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing regarding the Royal Adelaide Hospital stroke unit.

Leave granted.

**The Hon. E.S. BOURKE:** The front page of *The Advertiser* reports today that the Royal Adelaide Hospital stroke unit is once again in crisis, as two senior specialists go on leave at the same time, leaving the service run by a junior doctor. My questions to the minister are:

1. When was the minister first advised that the stroke unit was being left without leadership?
2. What immediate action did the minister take?
3. Will the minister cancel the leave of one of the specialists?
4. What measures have been put in place to ensure procedures can go ahead and patients remain safe?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:39):** Through you, Mr President, I thank the honourable member for her question. As she indicated, there have been public reports that two INR specialists will have upcoming leave at the same time. Interventional neuroradiologist cover will continue to be provided at the RAH, with a full-time, credentialled INR specialist available during the period of overlap of upcoming leave. I am advised that that leave overlap is between 1 July and 10 July. During part of this overlap period additional support will be available, if needed, at Flinders Medical Centre from a credentialled INR specialist.

A more robust policy regarding leave approval and roster management was introduced early this year; however, on this occasion it was not followed correctly. As minister, I am very disappointed that that has occurred. A new campus clinical head has been appointed and will be commencing on 16 July. The first task for the clinical head will be to better manage the coordination of annual leave amongst clinical staff.

I should note that this eventuality is different from the situation in April 2017 in that there will be a full-time, credentialled INR cover at the RAH during the period of leave overlap. As I said, I am very disappointed about this situation. I have asked for a formal briefing. I have asked SA Health to identify whether either of the specialists on leave during the leave period can reduce their leave. In relation to when I was first advised, I think I became aware late yesterday afternoon as the department was responding to a journalist who was the journalist who wrote this morning's report.

#### OLDER PERSONS MENTAL HEALTH

**The Hon. J.S.L. DAWKINS (14:41):** I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing concerning mental health.

Leave granted.

**The Hon. J.S.L. DAWKINS:** Members of the council will be aware of my longstanding concern about suicide and mental health issues which can be associated with those who tragically choose suicide. Older South Australians, in particular older men, are a specific risk group. Will the minister update the council on support for mental health among older persons?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:42):** Through you, Mr President, I thank the honourable member for his question and his ongoing interest in both mental health and suicide prevention. One example of support that is becoming available is the Older Person Mental Health First Aid program, which was launched in Adelaide this morning as a result of a partnership between the SA Mental Health Commission and Mental Health First Aid Australia.

OPMHFA is a specialist mental health first aid training course for families and carers living and working with older people aged 65 years and older. The course trains people to recognise and respond to mental health problems in older people before they reach crisis. It covers the full gamut of mental health, from the early stages, including signs and symptoms of common mental health problems in older people, through to first aid in a crisis, such as panic attacks or suicide or other unsafe behaviours.

In South Australia, we are all too well aware of the necessity to care for our vulnerable older residents, particularly after the scandal of Oakden. In this regard I am proud to have given notice earlier of legislation that will be introduced to safeguard older South Australians. The Marshall Liberal government is committed to bringing this important legislation to parliament within 100 days of the election, and tomorrow I will fulfil that commitment.

*beyondblue* statistics show that an estimated 10 to 15 per cent of older people are believed to experience depression, and 10 per cent will experience anxiety, with rates of depression for people living in residential aged care climbing to a concerning 35 per cent. Changes in physical health, loss of independence, grief and loss, and brain changes can contribute to depression among older Australians, who may also be hesitant to seek help early in case they appear weak or may be worried that they will be seen as a burden to their families and loved ones.

Mental health problems in older people can be underdiagnosed and undertreated in the later stages of life. Unfortunately, people caring for older people may know about physical health problems but may not understand mental health issues. As is the case for people of all ages in all domains of

health, it is much better to get help early, yet too often symptoms can be wrongly attributed to simply getting older.

Through OPMHFA, families, friends, carers and workers will be taught to recognise the clusters of symptoms of different illnesses and mental health issues to offer compassionate responses and provide initial help to guide people towards appropriate treatments and support. After today's inaugural two-day training course, two further showcases will be held: one in Port Lincoln on 12-13 July, and the other in Mount Gambier on 25-26 July. More courses will be rolled out across South Australia.

I commend the South Australian Mental Health Commission and Mental Health First Aid Australia for initiating and promoting these courses, and I encourage South Australians to participate. Older South Australians and their families and loved ones can feel confident that both the government and the commission are actively implementing measures to help them feel safe and secure.

### **MEDICAL EQUIPMENT SURPLUSES**

**The Hon. J.A. DARLEY (14:45):** My questions are to the Minister for Health and Wellbeing regarding surplus medical equipment. Firstly, can the minister advise what happened to the medical equipment that was previously located at the former Royal Adelaide Hospital; in particular, which organisations were the recipients of this equipment? Secondly, what equipment could be reused in South Australia and to what other uses could it be put?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:46):** I thank the honourable member for his question and his interest in the South Australian public health system. At the time of the move from the site of the old Royal Adelaide Hospital to the new, there was significant medical and non-medical stock that was not relocated. A decommissioning team had responsibility for the complex process of deconstructing what was a large hospital. Where possible, the surplus stock was relocated to SA Health sites across South Australia. There were 11 metropolitan services that received equipment and 15 rural and regional services. SA Ambulance also received some decommissioned stock.

Some examples of the equipment reassigned and reused in this way are hospital beds, operating theatre lights and sterilisation equipment. I am advised that the total capital value of the reassignments to, shall we say, South Australian health agencies was approximately \$3.3 million.

In addition to this reassignment of equipment, there were also donations to around 60 community groups and charities in South Australia, such as Scouts; public schools, both secondary and primary; community sports groups; research organisations; adult education organisations; and charitable groups such as the Salvation Army. I am advised that the total value of donations to these organisations was in the order of \$1.8 million.

Finally, there were donations overseas to developing countries made through Rotary's Donations in Kind program, which worked in partnership with local charities. These donations of repurposed medical and non-medical equipment went to more than 20 developing nations and were worth approximately \$13 million. Those 22 nations straddle the globe, including nations as far away as Kurdistan and as close as Timor-Leste.

An example of that overseas charitable support was given in this week's *Sunday Mail*, which told the story of donations to the Kakuma general hospital, Kenya, which services the Kakuma Refugee Camp. Hospital beds, mattresses, monitors, an operating table and an ultrasound machine, together with wheelchairs, were amongst the stock donated. The donation was facilitated by a charity called Barefoot to Boots, which was founded by Adelaide brothers Awer Bul and Awer Mabil. I congratulate them and all of those involved in these charitable groups for the work they do.

All South Australians can be proud of our participation in charitable work through donations made by SA Health from the old RAH. South Australians can be assured that the decommissioned stock left behind at the old RAH was disposed of both responsibly and generously.

### SOCIAL SERVICES

**The Hon. J.E. HANSON (14:49):** I seek leave to make a brief explanation before asking a question of the Minister for Human Services regarding funding for the employment, disability, housing and homeless sectors.

Leave granted.

**The Hon. J.E. HANSON:** Recently, the shadow minister for human services conducted a round table with stakeholders from the employment, disability and housing and homelessness sectors. Stakeholders are extremely concerned that no funding commitment has been provided beyond the 2017-18 financial year. My questions are twofold:

1. Will the minister update the council on when these community organisations can expect the funding certainty they desperately need to support those South Australians most in need?

2. Will the minister update the council on what steps she has taken to prevent the loss of jobs and services in and from community organisations and service providers, given the impending funding deadline that has left many providers uncertain of their job security after next week and many clients anxious as to the viability of the services they utilise?

**The Hon. J.M.A. LENSINK (Minister for Human Services) (14:50):** I thank the honourable member for that question. I've just responded in relation to the homelessness and housing providers in relation to the signing of the new agreement, so that funding should continue. Those payments are being organised as we speak. In fact, I probably let the cat out of the bag on Friday when Shelter SA contacted me via social media and I let them know, because they are very good at getting the message out to their stakeholders.

I was actually contacted by several providers who were invited to that particular meeting, held on Monday by the member for Hurtle Vale, and I think the Leader of the Opposition attended that meeting as well. The feedback that I had from the meeting was that a number of providers were being put under political pressure to be coerced into something they were actually very uncomfortable about and that they were, in effect, being used by the Labor Party for their own purposes. So that's the feedback that I've had from organisations.

*Members interjecting:*

**The Hon. J.M.A. LENSINK:** Members of the opposition may well laugh, but that's the feedback I've had from several people from several sectors. In relation to the disability organisations, I'm not quite sure how that fits in to the scheme of things because there is a process in place that relates to Disability SA, NDIS, and that's not dependent on 30 June.

That is an ongoing arrangement that where the services haven't transitioned to the NDIS as yet, those providers continue to be funded under the previous system. If the honourable member would like to give me specific examples of specific service providers who are concerned, then I would be more than happy to take those up to resolve those issues rather than perhaps using them as a political football for the benefit of the Labor Party.

### SOCIAL SERVICES

**The Hon. J.E. HANSON (14:52):** A supplementary: political footballs aside, can the minister update the house as to where the government intends to refer any clients—

*Members interjecting:*

**The PRESIDENT:** I cannot hear, minister, the question.

*Members interjecting:*

**The Hon. J.E. HANSON:** It was clarified with the President that it was a supplementary.

*Members interjecting:*

**The PRESIDENT:** It's the President's ruling. I don't see anyone on their feet other than the Hon. Mr Hanson, and I can't hear the Hon. Mr Hanson. I will listen to the question and I will make my decision.

**The Hon. J.E. HANSON:** Thank you, Mr President, for your protection. Can the minister update the house as to where the government intends to refer clients with specialised needs post 1 July should any of those organisations close their doors?

**The PRESIDENT:** It does arise out of the general answer.

**The Hon. J.M.A. LENSINK (Minister for Human Services) (14:53):** With the specialised needs, is the honourable member talking about specialised needs in terms of disability services? What specific services is he referring to?

**The PRESIDENT:** Minister, you can't ask a question back to the Hon. Mr Hanson. Minister, answer the question to the best of your ability.

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

**The PRESIDENT:** Leader of the Opposition, you do not need to give free advice. Minister.

**The Hon. J.M.A. LENSINK:** And I will refrain from taking advice from the Leader of the Opposition. I think that would be a very unwise approach. If the honourable member has specific either clients or services which have concerns, then he can refer them to us and we will endeavour to assist them as we always do in a very efficient manner.

#### **SOUTH AUSTRALIAN TOURISM INDUSTRY COUNCIL**

**The Hon. D.G.E. HOOD (14:54):** My question is to the Minister for Trade, Tourism and Investment. Can the minister update the house on the recent SATIC Tourism Meet the Minister workshops held in the CBD and Glenelg?

**The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:54):** I thank the honourable member for his ongoing interest in the tourism industry. Last week, we commenced a commitment I gave the South Australian Tourism Industry Council prior to the election that, if we were successful in winning the election—and I knew the Tourism Commission would also launch the Regional Visitor Strategy—I would do a range of meetings across South Australia, and they have entitled them 'Meet the Minister' events. We have had the first two, one in the town hall, hosted by the Lord Mayor, and one in Glenelg, hosted by the acting mayor down there, in Partridge House.

It was a sellout—in fact, you didn't have to buy tickets, but it was a capacity event at the town hall. There was a waiting list for people who wanted to get in the door, and the same in Glenelg. The room was chock-a-block. There were people standing up at the back. So obviously the industry is very keen to engage. It was a good sign that we had people there from local government, large and small tourism operators and industry bodies, such as the Hotels Association, the Convention Bureau and StudyAdelaide. I was also pleased to see the Hon. Zoe Bettison attend the CBD event as the shadow minister, taking an interest in how you engage with the industry.

We have 19 of these events scheduled—pretty much the city ones are done now—for regional South Australia over the next three months, and they are three-hour meetings, so that's a significant commitment. It is a really good chance for me to get out and meet the regional operators since the election, to see what they do and look at the challenges they are facing.

It's an important way that the Marshall government wants to collaborate with industry, have a conversation about how we can grow the tourism sector, grow the economy, create local jobs and also grow the population in regional South Australia, because under the previous government it went backwards. It was only by a handful, about a dozen or 12 people, but the population in regional South Australia went backwards.

My objectives, of course, for this are to listen and understand, which is something that I think all ministers who have responsibilities broadly across the state should get out and do; work towards developing an implementation plan for the Regional Visitor Strategy; and synchronising our efforts with the Regional Visitor Strategy and the 2020 tourism plan.

Of course, it's a bipartisan approach to these things. We are committed to the \$8 billion target that the former government set. We also want to look at some long-term and strategic opportunities to support the tourism industry further, beyond the 2020 target of \$8 billion. Eight billion dollars will



be a great target for us to achieve, but beyond that we need to set the next target and the targets beyond that.

Fleurieu Peninsula and KI will be next week, after this sitting week. Mid North and Eyre Peninsula will be early July. We are also filling these itineraries with tourism, trade and investment visits while I am there. I am also attending the Yorkshire—the Yorke Peninsula Tourism Awards this Friday night.

**An honourable member:** Yorkshire what?

**The Hon. D.W. RIDGWAY:** I know we do have a good relationship with Yorkshire, but I am not going to be attending Yorkshire for their tourism awards. The Regional Visitor Strategy identified the potential to grow regional visitor expenditure in our 11 tourism regions from \$2.6 billion to \$3.5 billion or \$3.6 billion, so it's a billion dollars extra we can get.

South Australia's regions, as you would be aware, Mr President, generate 40 per cent of the state's total \$6.6 billion visitor expenditure and account for over 13,000 regional jobs. Now that we have identified the potential, the government and industry need to work together to deliver outcomes to deliver on our commitment to get to \$8 billion by 2020 and beyond.

In closing, I would like to thank Shaun de Bruyn and his team at the South Australian Tourism Industry Council for the support they have given this project. They put the events on, they have coordinated it and made sure that locals are all well informed, and they sent out the invitations. So two out of the 19 are done and were a great success, and I am looking forward to the other 17.

#### SHOP TRADING HOURS

**The Hon. F. PANGALLO (14:58):** My question is to the Treasurer and Leader of the Government, the Hon. Rob Lucas, regarding shop trading hours. Will the Treasurer provide exemption certificates under the act to non-exempt shops to enable them to trade longer hours should the government's proposed bill to deregulate shopping hours fail to pass the upper house when it is finally introduced, and have noncompliance notices already been issued to stores claimed to be operating outside existing regulations?

**The PRESIDENT:** Treasurer, the first half of the question might be slightly out of order but I will allow you some latitude as to whether you wish to answer it. It's supposition as to whether it passes the chamber or not and the honourable member probably should not have asked it.

**The Hon. R.I. LUCAS (Treasurer) (14:59):** I'm sorely tempted to ignore the first part of the question but in the interests of good relationships with new colleagues in the chamber—which are always important to encourage, I find, Mr President; my long history in this chamber is to be nice to as many people as you can for as long as you can because you never know from whence people might come to support a particular issue that might be of importance to you as a minister or as a government.

In relation to the first part of the question, it does presuppose, as you rightfully pointed out, Mr President, the possible result of a deliberation by this chamber or another chamber in relation to the proposed shop trading hours legislation. However, in that hypothetical circumstance, all I can say is what I have said previously, and that is that there is a long-established precedent under the existing shop trading laws that largely former Labor ministers—because we have largely had former Labor ministers in South Australia for most of the last 30 or 40 years—have used to provide exemptions.

The best example that I can give to the honourable member is the traditional pre-Christmas exemption arrangements where former ministers—and I said largely members of Labor governments and most recently the former attorney-general John Rau, who was the industrial relations minister, but many former ministers have done the same thing—that is, the considerable powers that exist within the existing shop trading hours legislation allowed minister Rau to exempt a large number of stores to trade outside the normal trading hours in that period leading up to Christmas. That is a long-established convention recognised by South Australians and that remains, of course, an option for any minister with or without amended trading laws in South Australia.

I think that is the most comprehensive response that I can give to the member, other than saying that the alternative to the current dog's breakfast legislation that we have before the house—

is that when we do come to debate the issues in the coming weeks and months I think it will be self-evident to anybody who is prepared to look rationally at shop trading laws legislation that there are, indeed, significant anomalies that have built up after decades and decades of bandaid changes and amendments to the original shop trading laws in South Australia.

The safest, best and most sensible resolution to all of this is comprehensive reform providing freedom of choice for traders, consumers and workers. If a trader wants to trade, if a worker is prepared to work and if customers want to shop, why should the laws of the state stop that sensible arrangement from occurring? It occurs virtually everywhere in regional South Australia, with the exception of the limitations in Millicent at the moment.

Those members in this chamber who come from God's own country in the South-East in Mount Gambier will know that stores there can actually trade on Christmas Day, on Good Friday and on Anzac Day morning. They make their own decisions as to whether they want to trade or not trade. Stores as close as Mount Barker in the Adelaide Hills can trade on Christmas Day, Good Friday and Anzac Day morning. Three or four kilometres down the road at Stirling—no, no, no, not allowed to.

**The Hon. T.J. Stephens:** Naughty Stirling.

**The Hon. R.I. LUCAS:** Naughty Stirling, exactly—as my colleague interjects, inappropriately, Mr President, but nevertheless usefully. Why on earth do we have that situation in Mount Barker? We have had many debates about Mount Barker in terms of extending services such as transport and others, but they can actually trade in Mount Barker for the lucky citizens of Mount Barker. In Mount Barker they have Coles and Woolworths and they actually have a Foodland, and they have an IGA—all happily trading together, all in that little locale of Mount Barker in the Adelaide Hills. The Foodland has not gone out of business; in fact, I think the Foodland actually only opened in the last couple of years in the full knowledge that Coles and Woolworths were trading happily whenever they wanted to in Mount Barker.

So there are all those sorts of examples, which will be made very clear to members as they consider their approach to the legislation. The best answer I can give in relation to the honourable member's first part of the question is, yes, there is considerable power in the existing legislation and, should this parliament say that we are not going to give you a sensible reform of trading hours laws in South Australia, the existing legislation is the existing legislation, and that will need to be enforced.

In relation to the second part of the question, which is in relation to, in essence, under the existing laws, if there are other arrangements where people are trading unlawfully, what will be the circumstance? The circumstance will be that, if the parliament says that you have a dog's breakfast of legislation in South Australia but you are going to have to stick with it, then that will be the circumstance, and we will need to police those particular circumstances.

In relation to the past practice, I have given the example I think in this chamber before where former minister Rau, when advised that within regional areas a number of independent supermarkets had been trading unlawfully outside the legislation on Sundays for 10 or 15 years, he did not retrospectively institute prosecutions in relation to those independent retailers, and we made no criticism as an opposition of his approach in relation to that.

He recognised that people in those country communities were clamouring, were crying out, to be able to trade on Sundays. They wanted, contrary to the shop trading laws of the state, those supermarkets to be able to open so they could go and buy their goods and produce on Sundays. They wanted it, but the law prevented it. So the former minister, minister Rau, did not institute prosecutions over 10 or 15 years, or whatever it was, but allowed councils to, in essence, get rid of the proclaimed shopping district status they had; that is, to deregulate completely.

So under a Labor government, under a Labor minister—contrary to the bleatings we have heard from the Labor Party in recent times—they instituted a complete deregulation of shop trading hours in most of these regional areas.

A number of members are shaking their head—representatives of the Labor Party and the shoppies union. They know that was the circumstance that their minister, their government, instituted—complete deregulation. A Labor minister, a Labor government, said, in relation to those communities, 'You can shop on Christmas Day, you can open and trade on Good Friday, you can

open and trade on ANZAC Day morning. I'm a Labor minister, I represent a Labor government, and I'm going to do that.'

What we have now is a more restricted freedom of choice option that is going to be provided by a Liberal government. We won't be allowing in the metropolitan area those stores to be able to trade on Christmas day, on Good Friday or on ANZAC morning, unlike the former Labor minister and the Labor government, in some of the regional areas, and we are saying that there should be greater freedom of choice for the other days of the year, with the exception of those 2½ days.

So, no, we won't be going back and seeking to prosecute people who have been operating outside the current trading laws, but if this parliament says to us, 'We're not going to let you do sensible reform,' if this parliament says, 'You've got dog's breakfast legislation, you police it and you live with it,' then, sadly, we'll have to do so, and, sadly, to some of those traders who wanted to trade after 9 o'clock on a weekday night in the metro area, to some of those traders who want to trade on public holidays, such as Boxing Day, to some of those traders who want to trade after 5 o'clock on a Saturday or a Sunday in the metropolitan area, we will have to say, 'You can't do so, and if you do trade then you will be prosecuted.' That is the simple reality.

So great responsibility rests on honourable members in this chamber, including the honourable member who asked the question, in relation to the shape, nature and direction of freedom of choice in terms of shop trading hours laws over the coming weeks and months.

#### SHOP TRADING HOURS

**The Hon. J.E. HANSON (15:09):** Supplementary based on the original answer: given that the honourable member has put his case and given that consumers don't have any more money in their pocket just because shops are open longer, can he guarantee that deregulated trading hours won't create more risky employment for younger workers, and how does deregulated trading hours actually create more jobs?

**The Hon. R.I. LUCAS (Treasurer) (15:09):** Let me invite the honourable member, firstly, to have a quiet chat with the former attorney-general, Mr Rau, the member for Enfield.

**The Hon. J.E. Hanson:** Talk about your legislation.

**The Hon. R.I. LUCAS:** No, no; because the Hon. Mr Rau, as he was then, the attorney-general, minister for industrial relations, actually, as I said, introduced much greater—much greater—freedom of choice in terms of trading hours. So I would ask the member: put the question to the attorney-general.

**The Hon. J.E. Hanson:** I'm putting the question to you.

**The Hon. R.I. LUCAS:** Well, I'll answer from my viewpoint, but I'm just saying to him that he is a member of the same caucus. He was in the same caucus when this occurred.

**The Hon. J.E. Hanson:** Just answer the question, Rob.

**The Hon. R.I. LUCAS:** Well, exactly; I will answer the question in the way that I wish to. In part, I'm going to say have a word to your colleague, if you're talking to him. Have a word to your colleague. The world hasn't fallen in on those regional communities in South Australia. Have the young people been knocking on the doors to Labor members and to former attorney-general John Rau, and to the honourable member, saying, 'As a result of full deregulation in these regional communities by the Labor government we have been disadvantaged'? Quite the contrary, Mr President.

Young people by and large, particularly those who are studying, are desperate for weekend work. They are happy for weekend work, particularly on public holidays. Weekend work and public holiday work, young people see it as a way of being able to get extra hours, extra work to help them either fund their studies or to fund their lifestyle and their lifestyle commitments and whatever they choose to spend their money on. There are two answers: speak to the member for Enfield, because he has already implemented much further deregulation in regional areas than we are even contemplating, and have a word to him in relation to what the impact has been in relation to—

**The Hon. I.K. Hunter:** You just stand up for the big businesses, Rob, that's all you do, the big end of town.

**The Hon. R.I. LUCAS:** Well, this is a decision taken by your government.

**The Hon. I.K. Hunter:** You're not listening to small businesses.

**The Hon. R.I. LUCAS:** You supported it, the Hon. Mr Hunter. You sat back there as a part of the cabinet and caucus and you quietly supported it. As a rabid lefty, Mr President, you supported this legislation of your ministerial colleague—

**The Hon. I.K. HUNTER:** Point of order, Mr President. The Hon. Mr Lucas has just called you a rabid lefty, sir. Whilst I am very happy to have you in the club, I think it's not actually factually correct.

**The PRESIDENT:** Thank you for your point of order. Treasurer, continue.

**The Hon. R.I. LUCAS:** The Hon. Mr Hunter as a rabid lefty, Mr President—

**The PRESIDENT:** Please don't reflect injuriously upon any other member.

**The Hon. R.I. LUCAS:** Mr President, with the exception of the adjective 'rabid', I'm sure you don't mind being referred to as left, right or indifferent in terms of your political affiliations. In relation to the Hon. Mr Hunter as a rabid lefty, you were part of a government which instituted much greater deregulation in some of these regional communities, in particular in relation to Sunday trading.

**The Hon. I.K. Hunter:** We stand up for small business, Rob, that's what we do.

*Members interjecting:*

**The Hon. R.I. LUCAS:** Give me a break. In relation to the new government's proposed reforms, we will build upon the basis which former attorney-general Rau instituted in relation to some of those regional areas, but we won't go as far. We are not going as far. We are not going to allow trading in the metropolitan area on Christmas Day, on Good Friday or on ANZAC Day morning. It is our view, based on the experience in every other state in Australia, that there will be a large number, a significant number, of young people and older people—not just young people, but a significant number of younger people in particular—who will be queueing up for the extra hours, who will be queueing up for the opportunity to be able to trade because there will be a number of further opportunities that they will have as a result of greater freedom of choice in relation to shop trading hours in South Australia.

### SHOP TRADING HOURS

**The Hon. E.S. BOURKE (15:14):** Supplementary question arising from the answer: can the Treasurer confirm that, by removing this point of difference—that regional communities can open currently and the metropolitan area can't—regional communities will not be impacted, and what modelling you are basing that on?

**The Hon. R.I. LUCAS (Treasurer) (15:14):** The modelling I use is common sense. With the greatest respect in the world, when I am living on the plains in Adelaide and I want to go shopping on a Sunday morning for some milk or some bread, I am not going to be choosing whether or not I am going to go to Mount Gambier or to the local, suburban supermarket. Common sense tells me that if I have the choice between driving to Mount Gambier to get my milk and bread or getting it from a local supermarket in suburban Adelaide, I will choose the suburban supermarket. I am not going to be mulling over in my own mind, 'Shall I drive four hours and 20 minutes to Mount Gambier to go to a supermarket or should I stay here in Adelaide?'

I will make a common-sense judgement. I don't have to do modelling in relation to my consumer choices. It's just common sense, and if members of the Labor Party don't have common sense then it's no wonder they are in opposition. That's the sort of logic they are putting before the house in terms of defending the indefensible, and the indefensible—their position, we know—is whatever the shoppies union says they will do and they are required to follow. For a brief period of time, the Leader of the Opposition in another place said—in a brain explosion, I suspect—I might even think about nine to 11 on a Sunday morning.' I am sure he got a phone call from the shoppies union saying, 'Peter, what did you just say?'

**The PRESIDENT:** Refer to the member by his proper title.

**The Hon. R.I. LUCAS:** The shoppies union wouldn't have been saying, 'Member for Croydon', they would have been saying, 'Peter, mate, what did you just say on television? Did you just say, contrary to what the shoppies union dictates require of you, that you might be prepared to look at nine to 11 on a Sunday morning?' He would have said, 'Oops, okay, I'll put it into reverse gear. That's off the table.'

*Members interjecting:*

**The Hon. R.I. LUCAS:** Yes, exactly. 'How high do you want me to jump?' he would have said to the shoppies union. 'How high do you want me to jump?' in relation to shop trading legislation. So it is quite clear who is calling the shots in the Labor Party. The shoppies union gets on the phone to the Leader of the Opposition in another place and he has got five reverse gears rather than five forward gears. Most people have five forward and one reverse, but the Leader of the Opposition has five reverse gears, from first to overdrive, and he was in overdrive within about 24 hours. He reversed as quickly as you could imagine. He had been told by the shoppies union, 'You're not even going to be contemplating that. If you do, preselection, funding', all of those particular controls that the shoppies union have in relation to the Labor Party—we have seen it for decades and we will continue to see it for decades.

*Members interjecting:*

**The PRESIDENT:** Order!

#### PREMIER AND CABINET DEPARTMENT

**The Hon. K.J. MAHER (Leader of the Opposition) (15:18):** My question is to the Treasurer.

*Members interjecting:*

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

**The Hon. K.J. MAHER:** Was the Treasurer present at a meeting on Tuesday 20 March this year, attended by Cabinet Office executives, the Premier, the Premier's chief of staff, James Stevens, and the Premier's adviser, Richard Yeeles, where the impartiality of Cabinet Office was discussed? What exactly was discussed about the impartiality of Cabinet Office at that meeting?

**The Hon. R.I. LUCAS (Treasurer) (15:19):** I have already answered this question and indicated I did attend a meeting. I think it was on the Tuesday after the election, but that's already on the record. I have already been asked that particular question. In relation to the discussion, I am advised—although I don't have access to the transcripts—that these issues were well and truly canvassed yesterday by the Leader of the Opposition in this chamber and other members. As I am advised, they were more than adequately answered in relation to the nature and substance of those particular conversations.

I might just say in relation to this issue that it could only be the Labor Party that would have any concerns about a government and a premier that would say something as outrageous as, 'I want to be assured about the impartiality of the Cabinet Office.' What a shock! Imagine having a premier who actually says, 'I would like to be assured of the impartiality of the Cabinet Office.' What an outrage! It would be an outrage to the Labor Party, because for the last 16 years they have treated the Department of the Premier and Cabinet as the Victoria Square sub-branch of the Labor Party—as the Victoria Square sub-branch of the Labor Party! It is shameful the way they have looked at the Department of the Premier and Cabinet.

Rik Morris, a former Labor candidate and the Labor candidate for this last election, a former staffer from the Labor Party in the Northern Territory, was in a senior executive position. Paul Flanagan, almost a wholly owned subsidiary of the Labor Party over the years, in and out of various ministers' offices, was in an executive position there, as were Kym Winter-Dewhurst, a former Labor Party staffer, and Don Russell, a former speechwriter to a former federal Labor prime minister.

A former chief of staff to former treasurer Koutsantonis, the bloke with the hyphenated surname, whose name escapes me—Carrick-Smith or Carrick-Hill or something; it is Carrick-

something, a most unusual name for a Labor Party staffer—managed to find his way with a hyphen and a Carrick in his name right through to be the chief of staff to a former Labor treasurer, as I understand it. The list goes on.

The shock and horror to a Labor Party opposition that a premier would come to office and would actually say, 'I would like to be assured about the impartiality of the Cabinet Office.' In relation to these issues, any premier, and certainly a reformist Liberal premier like Premier Marshall, would want to be assured that what went on under former Labor administrations—not just in the Cabinet Office, but, as I said, treating the Department of the Premier and Cabinet as the Victoria Square sub-branch of the Australian Labor Party in South Australia—is not the way to conduct good government in this state.

That is not the way this Premier and this government will conduct government in this state. It will not become the Victoria Square sub-branch of the Liberal Party. It should be, to the maximum extent that is possible—

**The Hon. K.J. Maher:** According to the law.

**The Hon. R.I. LUCAS:** According to the law, indeed. The now Leader of the Opposition, the former minister, might explain how, according to the law, the whole of the Department of the Premier and Cabinet happened to be populated by Labor Party candidates, by Labor Party staffers, by Labor Party officers, by Labor Party fellow travellers, right across the board. How did that happen according to law?

For the Leader of the Opposition and the Leader of the Opposition in another place, and indeed the former treasurer, to keep a straight face when they start asking questions about the politicisation of the Public Service, when you actually have a premier who has pledged, to the extent that it is possible, and all he can do is he can change chief executives because they have contracts with him—

**The Hon. K.J. Maher:** He knows that now, doesn't he?

**The Hon. R.I. LUCAS:** Every premier has always had the power in relation to contract appointments for chief executives, and that's where his power ends. But there is nothing wrong with any premier seeking an assurance about the impartiality of the public sector.

I am shocked; I am mystified—I thank the Hon. Mr Wortley—as to how anybody could see it as an outrage or as a problem that a premier might indicate that he wanted to be assured about the impartiality of the Public Service and, in particular, what is the critical engine room to good government, which is the Cabinet Office.

This is not an outpost of a government department or agency. I am not sure how the leader and the former minister treated employment within his agencies. We know he has some rusted-on supporters right across the board, but in relation to how the Leader of the Opposition, the former minister, treated things in an outpost of government, that is one thing, but in the engine room of a government, which is actually the Cabinet Office, one has to have an assurance about the impartiality of the people who are in that particular office.

There is nothing untoward, there is nothing improper, about seeking an assurance about impartiality. After all, that is what the Public Sector Management Act is all about.

#### **PREMIER AND CABINET DEPARTMENT**

**The Hon. K.J. MAHER (Leader of the Opposition) (15:26):** Supplementary arising from the answer: at the meeting that the Treasurer has now admitted he attended, did the Premier ask to know who in Cabinet Office had previously worked for the former premier or former ministers under the last government?

**The Hon. R.I. LUCAS (Treasurer) (15:26):** Let me just indicate it is not a question of, 'I have now admitted'; I indicated that about three weeks ago. I am not sure where the Leader of the Opposition was. Three weeks ago I was asked a question by one of the Labor members, and I indicated then, at that particular stage.

The only knowledge I have of the names of individuals was that I am advised that yesterday one of the Labor members of one of the committees to which I am unable to refer, I am advised, asked for the names of individuals, and I understand some of the individuals were named. I had no knowledge, I don't think, of anyone who worked in the Cabinet Office prior to coming to government. I mean, there might have been the odd person, but I had no knowledge.

I am advised that—and again I can't refer to transcripts that I don't have—as a result of the question, five individuals were named. I am now aware of those names and I have been able to do, as a result of those names, or my office has been able to do, some quick searching. Indeed, it is very intriguing, the Facebook posts of some of the individual members who've been named—very interesting.

I suspect, if there are intrepid members of the media listening anywhere—and I don't know whether there are, because I couldn't refer to them—but if there were any intrepid members of the media, now that the Labor members have actually had identified and opened the door, they might like to just have a look at the social media links. They might just like to have a look at the social media links of some of the people that the good members of the Labor Party had identified yesterday as having evidently, according to the evidence that I'm told was given yesterday, been parachuted directly out of—so I'm told—the Premier's office directly into the Cabinet Office, the engine room of the government.

If there are, as I said—and I can only repeat myself—any intrepid members of the media, they might like to do a social media search. They might like to make some inquiries as to the shape and nature and the background of some of the people that questions by the Labor Party identified—the Leader of the Opposition, the Hon. Ms Scriven and others, who asked questions to identify by name the individual officers. Now the genie is out of the bottle. The genie is out of the bottle, Mr President. It's not something that we did in government; I understand the officers just answered the question. It will make for very interesting reading indeed, in relation to some of that information.

#### PREMIER AND CABINET DEPARTMENT

**The Hon. K.J. MAHER (Leader of the Opposition) (15:30):** Supplementary question: at that meeting, referred to in the answer given by the honourable member, did the Premier ask to know who in Cabinet Office had worked for the previous premier?

**The Hon. R.I. LUCAS (Treasurer) (15:30):** No, I don't believe so. I am advised—not that I have seen the transcript—that when asked—

**The Hon. K.J. Maher:** You were at this meeting.

**The Hon. R.I. LUCAS:** No, no, this was a question yesterday. I am advised that the officer who was giving evidence yesterday indicated she hadn't been asked the names of the individual officers and made it quite clear that no names of individuals were given at that particular meeting.

**The Hon. I.K. Hunter:** You were at that meeting.

**The Hon. R.I. LUCAS:** I know, and certainly at that meeting no names of individuals were mentioned.

**The Hon. C.M. Scriven:** Did the Premier ask for a list?

**The Hon. R.I. LUCAS:** No.

#### PREMIER AND CABINET DEPARTMENT

**The Hon. K.J. MAHER (Leader of the Opposition) (15:31):** Final supplementary arising from the answer: at that meeting, did the Premier ask to know who in Cabinet Office had worked for the previous premier?

**The Hon. R.I. LUCAS (Treasurer) (15:31):** Not to my knowledge. I didn't hear any question from the Premier, or indeed anybody, in relation to names, and I am advised that the officer who gave evidence yesterday indicated that there was no discussion in relation to the names of individuals. The only place the names came out was yesterday, I am advised, when Labor members asked the officer to name the individuals on the public record who had been moved. That's the only

place where the names have actually been revealed, as a result of questions by the Labor Party members.

**The PRESIDENT:** Given the comprehensive answer given by the Treasurer, I am going to go straight to the last question. The Hon. Ms Franks.

#### **PAGEUP SERVICES**

**The Hon. T.A. FRANKS (15:31):** I seek leave to make a brief explanation before addressing a question to the Treasurer regarding the utilisation in the public sector of PageUp Services and the recent cybersecurity threat.

Leave granted.

**The Hon. I.K. HUNTER:** Mr President, I move:

That so much of standing orders be suspended that will prevent the member from completing her question and for the honourable minister to respond.

Motion carried.

**The Hon. T.A. FRANKS:** Thank you, Mr President. In May, PageUp, a software company that is a human resources software company, informed the Australian Cyber Security Centre and the Office of the Australian Information Commissioner that it had suffered a cybersecurity breach. Subsequently, it was reported that SA Health was caught up in this major breach and had undertaken an internal investigation. I am informed also that other government departments in South Australia, such as SA Water and agencies such as ReturnToWork, use the same e-recruitment service.

The information from PageUp to those employees and jobseekers has been to contact the agencies to whom they may have applied and presented personal information and seek to ensure that the data breach has not compromised their privacy. As well, if they believe they are victims of identity fraud due to this breach, to do such things as clarify bank details, contact DFAT with regard to passport information, change accounts and passwords, and so on.

I note that SA Health and SA Water both have advisories on their jobseeking portals, to potential jobseekers as well as current employees, about these breaches. My question to the Treasurer is: can he outline the exact nature of all of the departments and agencies that use PageUp Services, and have the people who may have had their data breached been contacted directly; what has been the ongoing investigation's results for SA Health; and has any other department or agency undertaken an investigation to ensure that no data of any potential employee or current employee has been breached?

**The Hon. R.I. LUCAS (Treasurer) (15:34):** It's an important question. I will refer the honourable member's question to the appropriate minister or ministers and bring back a reply.

#### *Bills*

#### **SUPPLY BILL 2018**

#### *Second Reading*

Adjourned debate on second reading.

(Continued from 7 June 2018.)

**The Hon. J.A. DARLEY (15:35):** As other members have previously indicated, the Supply Bill is needed to appropriate the \$6.6 billion so that the government and its departments can continue to function until the Appropriation Bill is assented to. Obviously, I am supportive of ensuring that government departments and services continue to be provided; however, I would be interested to see how much of this is actually needed and whether there is room to trim the fat.

I have been advocating for many years for an operational audit whereby the chief executive or minister undertakes an audit of government departments and agencies to look at what they do, what they really need to do, the most efficient way to do this and whether it is performed in the most effective location, how many staff they need to do it, and how that compares to how the departments are set up at the moment. I understand there is some scepticism in getting chief executives to justify



their own staffing arrangements and that there should be an external audit undertaken of the Public Service. In my discussions with the government, I have not had either of these options provided as a suggestion, and I flag that I will be moving my bill for an operational audit in coming weeks for the third time.

Compulsory acquisition of land is one area where I believe that efficiencies could be achieved. Whilst I understand that due process needs to be followed, I have encountered many cases where taxpayers would have been better off if DPTI and Crown law had used an ounce of common sense with dispossessed owners rather than stubbornly sticking to the rigid process. This often resulted in protracted negotiations between lawyers, with lawyers' fees ultimately being paid by the taxpayer. Extended negotiations have already had a detrimental effect on the mental and sometimes physical health of owners.

In my experience, those who have dealt with compulsory acquisition in recent years have observed no sense of urgency by the government. For DPTI staff and Crown law, they think nothing of dragging a matter out for as long as they like, as they have nothing to lose. At the end of the day, they go home to their family and they are simply doing a job, but in my opinion not particularly well. However, for owners, it is living with the constant uncertainty of where they will live as they do not know what they will be able to afford. This is often coupled with the withdrawal of funding for temporary accommodation, which imparts additional stress to owners.

I remember in 2005 I had a conversation with then minister Patrick Conlon and I stated that I would have no issues if the government were to compulsorily acquire my property, as I had faith in the process and those tasked with acquisition. Sadly, I can no longer say this as I have witnessed firsthand the nightmare that this has become for many owners. The process has become so bad that there are many valuers and lawyers who now refuse to take on work if it relates to compulsory acquisition. It speaks volumes when you have professionals in the private sector refusing to accept more work because they do not need the hassle of dealing with DPTI and Crown law. There is definite and urgent room for improvement here.

I understand the government intends to repeal the current Natural Resources Management Act. Whilst I am supportive of conserving our natural resources, the current NRM Act is a failed experiment. If a cost-benefit analysis were to be conducted on the undertakings of natural resources management boards, I would expect the outcomes to be negative for the taxpayer and owners of land resources. This is one area which could be improved upon, and I look forward to working with the minister and having a look at the new bill.

In recent weeks, the issue of waste has featured prominently in the news due to China's decision to lower the threshold for contaminated recycling material they will accept. The government has announced a \$12 million support package for councils to help deal with this issue. Whilst this is a good start, I hope it is not just money for a bandaid solution. There is opportunity for South Australia to establish economically viable recycling facilities to process not only our own waste but potentially waste from around the nation, too. Solutions should be long term and incorporate a circular economy.

The European Commission recently issued a good practice and guidance policy for Public Procurement for a Circular Economy. Essentially, green public procurement is defined as a process whereby public authorities seek to procure goods, services and works with a reduced environmental impact throughout their lifecycle when compared to goods, services and works with the same primary function that would otherwise be procured. It would be good to see the government introduce a similar public procurement policy in this state. Such a policy could increase manufacturing opportunities whilst also reducing the amount of waste going to landfill.

**The Hon. I.K. HUNTER (15:40):** I rise to support the Supply Bill and, in doing so, I seek the customary indulgence of the chamber, and indeed of you, sir, to be able to range very broadly across areas of government expenditure or, as I will come to very briefly shortly, non-expenditure. I would like to begin by reflecting on what a strange start to a term of government we have just witnessed in the last several weeks.

After 16 years in opposition—16 years that any decent political party would have spent developing policies and a vision for our state—the Liberal Party finally find themselves on the Treasury benches, and what have we had so far? Not a lot, I would say. There are not a lot of fresh

ideas. There is certainly not a lot of vision. It seems there is no agenda for reform from this government. There has been indecision and, dare I say, confusion all around. It is as if the new government did not actually expect to be back in charge of the Treasury benches at all until 2036 and therefore had no well-developed plans for implementation or putting to the parliament in these short few weeks since the election.

Indeed, we had the Minister for Trade and Tourism in this place, in response to a question about Rex Airlines' announcement that they would reduce their weekly service between Adelaide and Mount Gambier by five times per week, say that he could not even recall who he had met at Rex Airlines or whether he had put to them any concerns about the matter, fobbing it off to a minister in another place.

I am pretty sure we will see very shortly that, in fact, the government is having severe difficulties in adhering to their 100-day plan, a plan they promised South Australians in the lead-up to the election. When the Treasurer was asked in this place whether he would deliver on the Liberal government's promise to introduce legislation to remove restrictions on shop trading hours within the first 100 days, he could not even assure the chamber of that.

From the *Hansard*, I think he said, 'Whether it's exactly 100 days or maybe 102 days or maybe 103 days, we will certainly be there within 100 days approximately.' I do not remember seeing the word 'approximately' all through the Liberal Party's 100-day plan or what they took to the election, but that is what we have now. We have approximations, we have failings and there does not seem to be a lot of concern on the government benches that they are actually not living up to the promises they made to the people of South Australia.

As you know, sir, action is eloquence, and what have we seen? A rough and ready approach and certainly not a lot of eloquence. After 16 years, I was sure that the Liberal Party would come into this place with a raging agenda and want to implement that agenda immediately and crack on with it, but that is not what we have seen. I make no comments about the value of that agenda; I am pretty sure it would not have been a good one. It would have been a Liberal agenda and, in essence, that would not have been a good one. It would have been more neoliberal drivel that we have seen from the federal government.

In a couple of policy areas already we have seen this government roll over to the federal government to have their tummy tickled. They have rolled over and not stood up for the state and the interests of South Australia, which was as we prophesied, particularly lately in terms of the River Murray. We believe the state deserves so much better.

It only took a few short months for the Treasurer to drop the state budget into deficit. When the last government left office, I understand there was a projected \$12 million surplus, and now the Treasurer, the Hon. Rob Lucas, says it will be impossible to maintain a state budget surplus for the current financial year. We will wait and see, when the budget is brought down, how he manages to do that and turn a surplus into a deficit, but clearly there will be a plan to do that, and that is what we have been proffered by the incoming government.

We have seen attack after attack on the public sector, with chief executives sacked. Just last week, we saw multiple members of the South Australian Multicultural and Ethnic Affairs Commission lose their positions. All this while the Minister for Child Protection is apparently off playing golf on weekdays, telling parliament that the game was for charity and then having to come back and correct the record and apologise for misleading the other place.

Then there was the bizarre story, in terms of their government's law and order strategy, of sending the STAR Force into kids' parties. Then we had the member for Wright receiving weird emails from the member for Gibson, the Minister for Police, Emergency Services and Correctional Services, about doughnuts and where and when he could go to give doughnuts to those hardworking emergency service workers in our state. As I said, I did not expect much but I did not think it would be this bad. It is the first few weeks of an incoming government and what do they have to show for it?

It is this bad because there is no policy direction being delivered from this government to the people of South Australia. There is a massive void that is being filled with ministers doing odd things and not being accountable to this parliament for them. They have no direction at all and I think that

is concerning for our state. When the opposition highlighted the concerns of residents—for example, the release of convicted paedophile Colin Humphrys—the Attorney-General said it was a stunt to introduce legislation to the house, to the other place, tightening parole laws. Then, 24 hours later, the government introduced exactly that legislation.

While it is comforting to know that the government can see a good idea and will take it for their own and pick up Labor's suggestion in this instance, why on earth does it take the Labor opposition to nudge this government into action when they could clearly have seen this coming because the warnings were out there, and yet they were absolutely inactive? This is a government that is reacting, not leading.

It is as if we have a tired, washed-out 16-year government now. This government is acting like it is a government out of ideas, out of energy and out of time—and it has only been three months. It seems longer, I know. What were they doing in years past in opposition, planning for the eventuality of coming into the Treasury benches? It certainly has not been preparing policies to introduce into parliament and certainly probably not preparing policies to advance the interests of the state and what is good for South Australians.

There is, of course, a plan to back in behind Coles and Woolworths and take a sledgehammer to independent traders and independent grocers by trying to deregulate shop trading hours. We have heard about that today. Is it no wonder that independent retailers and businesses owned and operated by South Australians are outraged by this behaviour? South Australians absolutely deserve better from their government. Our state has a very proud legacy of bold and visionary leadership because that is what a state like South Australia needs to stand out against other states in the commonwealth, to attract our fair share of jobs and investment here. We need that bold and visionary leadership.

South Australians know that it is not in the stars to hold our destiny but it is in ourselves to make that destiny manifest. It is only with leadership, it is only with the state government working with the state's industries, unions, workers, independent traders and small retailers, our small businesses and our farming sector that we can make this state a success story. Under the leadership of Jay Weatherill, and Mike Rann before him, we had this strong vision.

Every single day we worked to transform this state and our fantastic capital city. It is amazing to look back at photos and articles about Adelaide from 2002. You would be hard-pressed to work out where Peel Street was in 2002. It is now buzzing with around a dozen small bars, filled even on cold winter nights, and it is all because of a Labor government and a progressive attorney-general who listened to what people and businesses wanted and acted on it. Labor upgraded Adelaide Oval and brought footy back into the CBD, flooding our restaurants and hotels with business.

The new Royal Adelaide Hospital, SAHMRI and significant investments by our university sector have reinvigorated North Terrace. Labor upgraded every major hospital in South Australia, investing in new emergency rooms, wards, palliative care services and community mental health services. Labor committed to signing a treaty—a first in the country—with First Nations who have called South Australia home for 50,000 years, something that this government has now abandoned, while other states are now following the former Labor government's lead in this important public policy agenda.

The previous government reformed laws affecting LGBTIQ people, removing gender discrimination from the statute books and establishing gender equity targets across government. Now, all we see from this government is their abandoning the Safe Schools education program, which absolutely saved the lives of people in our schools.

It should be remembered that we have achieved gender parity on government boards, something that has been a long time coming, something that I hope will continue under this government, but it will take work and the initial signs have not been good. We need a government that will stand up for South Australia, not a government that will sack multiple women chief executives and continue to talk about merit-based selection while passing over talented women in place of the yes men of the Liberal Party.

We transformed public transport infrastructure, spending more on new services and upgrades than has any previous government in our state's history. Labor extended and electrified the Noarlunga train line to Seaford. We committed to the Port Adelaide rail spur, extending the Tonsley line to Flinders, and expanding our tram network—another thing that has stalled under this government.

We began upgrading the north-south corridor, with the Gallipoli Underpass, the South Road Superway, the Torrens to Torrens and Darlington upgrades. We have invested in new bike paths and walking trails and nature play spaces and, when it was appropriate, we stood up to the federal government, whether it was led by prime minister Howard, Rudd, Gillard, Abbott or Turnbull, and secured the infrastructure funding necessary to keep our state growing.

When the federal budget was released in May this year we saw just how important it was to have a state government that would stand up for South Australia. The state and federal Liberal governments spent days talking about a \$1.8 billion infrastructure investment, but when the budget came out what did South Australia get? It turns out that all that glitters in the media is not indeed gold. Only \$162 million—not even 10 per cent—of the much discussed \$1.8 billion was committed to South Australia over the forward estimates to 2021-22.

What this means is quite simple: a weak Liberal state government did not stand up to a bad federal government, so now none of these major projects, including the South Road-Regency Road intersection upgrade and the Joy Baluch Bridge, are scheduled to be completed by 2021-22.

The RAA, the Civil Contractors Federation, the South Australian Chamber of Mines and Energy and the Freight Council have all come out against the federal budget. The Freight Council executive officer said that this year's federal budget is all smoke and mirrors and delivers none of the promise of the pre-budget announcement. That is not the Labor Party—that is a respected industry player. Not good enough for our state!

Contrast this lack of leadership with what the previous government did: the Weatherill government's leadership, for example, on renewable energy—leadership that will be remembered for decades to come. We came to government in 2002 when renewable energy was a novel idea. Sixteen years later we left government with just shy of 50 per cent of South Australia's electricity generated from renewable sources.

This did not happen by accident. It happened because we set bold and ambitious policy targets for renewable energy, backed by science and economics—not common sense but actual evidence and modelling—and we developed a comprehensive economy-wide framework to support this emerging industry, which employs South Australians.

As a result, we saw an investment of over \$7 billion in the renewable energy industry, thousands of new high-tech and high-paying jobs for South Australians, and international publicity and recognition of our leadership on the global stage that you just cannot buy, because of our leadership in this area. From the world's largest grid-connected battery to delivering solar thermal in Port Augusta, South Australians can be incredibly proud of the big role we have played as a state in demonstrating that an electricity grid driven by renewable energy is not just viable, it is the way of the future and it will be cheaper.

So, Mr President, when you contrast the achievements of the previous Labor government, as I am sure you do in your mind from time to time, with the inaction and the indecision of the new government, you just cannot help but be embarrassed for them—certainly I cannot, sir, and I am sure you would not share those views with anyone in this chamber.

Unfortunately, it is the people of South Australia who will suffer from their incompetence, their lack of vision and their lack of leadership. For the sake of our state, for the sake of South Australia's jobs and our prosperity, I hope this changes. We will do our part to keep the government honest.

We will do our part to remind them that common sense is good but evidence is better, and economic modelling is a necessity if you are going to make major changes to this state, and you need to have those changes based on the best available evidence so that you can reflect on how

you might mitigate some of the negative impacts of these changes. We do not seem to have that yet from this government because I do not think they actually believe in governing.

The Marshall Liberal government has no plan, no vision and no agenda. I hope that changes soon. I hope that in the forthcoming budget we will see policy decisions taken to improve our state that are backed by evidence and not backed by wishful thinking.

**The Hon. T.T. NGO (15:55):** I rise to speak in support of the Supply Bill 2018. The passage of supply enables the provision of essential government services up until the next budget is delivered, which, of course, will be the first one from the incoming Liberal government. This bill once enacted will ensure in the interim that the government can access the necessary funds, around \$6.6 billion, to support its budget requirements in the immediate term and to pay the wages of our public servants in fundamental areas such as education, public health, transport and infrastructure.

It is now that the reality should surely be settling upon each minister in this government. How are they going to fund the services they have promised while delivering on their so-called 'minimalist government' agenda of tax cuts, yet still deliver a budget in the black? This government is baking the magic pudding. Time will tell how this pudding comes out of the oven and what taste it will leave in the mouths of South Australians!

We already know that the Treasurer will not deliver a budget surplus in his first budget, yet he will be the beneficiary of what was reported in May to be \$500 million in extra GST money from the commonwealth next financial year compared to this financial year. In any case, on budget day, 4 September, we will get a true indication of where this government's priorities lie and what path the Treasurer lays to ensure that the state does return to the black very quickly.

Aside from the financial position of the budget, I want to take this opportunity to share a few of the initiatives that Labor progressed right up until very recently, during our time in government, with much of the funding coming from the privatisation of the Motor Accident Commission and the Lands Titles Office. Of course, now that the Liberals are in government they will be attempting to take the credit for these initiatives, whilst having publicly opposed the sale of MAC and the LTO during their time in opposition. This is duplicity of the highest order.

The first area of public service I would like to focus on is education. Labor made record investments into schools over its 16 years in government. Labor more than doubled our state's investment in public schools since 2002, investing more than \$3.3 billion in schools and early years' infrastructure during that time. On this side of the chamber we believe in high-quality public education for all South Australian children and young people.

In more recent times, the then Weatherill government locked in \$692 million under its Building Better Schools program, directly funded through the sale of the LTO. Ninety-one schools and 67,000 students were the direct beneficiaries of this funding.

The investment aims to provide contemporary learning environments for students to learn the skills they will need in the jobs of tomorrow. This is particularly important as the need for skills in science, technology, engineering and mathematics (STEM) is growing. In practice, this means the establishment of modern and flexible spaces for learning, which encourage students to be curious, use their imagination, be innovative, develop leadership skills and work well in groups. These are all vital skills for the jobs of the future.

Work was already underway on this prior to the election. It is my understanding that broad scoping plans and drawings for schools to sign off on were to be finalised around this time in early 2018. Given that the program will be completed over six years and the start of construction at each school will be staged across the program, it will be interesting to see how the new government accounts for this in their first budget.

It has already been indicated by the now Minister for Education, the Hon. John Gardner, when speaking to InDaily for an article published on 20 April this year, that year 7 students will be shifted into public schools statewide within four years. In that article, the minister further outlined that:

Most of our secondary schools were in receipt of funds targeted by the previous government to critical needs... if there's opportunity to re-scope some of that work it could go to classroom space that people would be looking for in the Year 7-9 Middle Years program.

In short, those funds that the minister is talking about are the \$692 million from the Building Better Schools Program, funded by the LTO sale.

The minister wants to repurpose Labor's investment prior to the election to fund his commitments to roll year 7 out into South Australian high schools. I am very interested to know how this will be applied on the ground in our local communities because, whilst the Liberal Party always loved to claim that Labor pork-barrelled its infrastructure spending when in government, the reality is that these 91 schools are spread all across the state. I am sure there will be pressure from Liberal MPs in the other place, particularly the incoming ones, for the exact amount of money that has been allocated to their schools to continue to be maintained. I know our MPs in the other place will fight for their communities.

Continuing with education, there is also the new \$100 million Adelaide Botanic High School which, I understand, is due to be opened from term 1 next year. It will provide students from inner city suburbs with greater access to high-quality secondary learning. The school will start with year 8 and year 9 students initially, then growing to 1,250 students by 2021.

In government, Labor understood and will continue to recognise the importance of preparing our children and young people to work in the jobs of tomorrow by encouraging strong skills in science, technology, engineering and maths. That is why, in government, Labor invested \$200 million to build state-of-the-art science and maths facilities in public schools and \$200 million in low-interest loans for Catholic and independent school infrastructure.

The previous Labor government also invested the bulk of the \$2 billion in proceeds from the MAC sale into the Highways Fund to fund critical road infrastructure.

All those projects, amongst many others, contributed to the record amount Labor had spent in government on infrastructure, something that the now Premier once bagged Labor for. According to Mr Marshall, we were creating a false economy. Then in last year's budget, he claimed we were not spending enough, even though Labor was still spending record amounts on infrastructure.

This infrastructure spending included the biggest ever investment in public transport and upgrades to every major hospital, as well as the development of a state-of-the-art health and biomedical precinct with the iconic SAHMRI. There is also SAHMRI 2 well on the way. There is, of course, the new Royal Adelaide Hospital that the Liberal Party sought to tarnish at every step of the way.

Also in the CBD, we have seen the redevelopment of Adelaide Oval, the Riverbank precinct, the footbridge over the Torrens, the Adelaide Convention Centre and Festival Plaza, as well as the revitalisation of many of the city's laneways. It took Labor to duplicate the Southern Expressway, and complete the Goodwood Junction rail project, the train extensions, the Seaford railway electrification and extension, the Northern Expressway project and the extension of the O-Bahn into the Adelaide CBD.

It will be interesting to see how this Liberal government compares to Labor on infrastructure spending whilst in government. Early signals do not look that flash when you see them spruiking the completion of the north-south corridor even though little money has been set aside by the federal government.

One of the more interesting elements of the Supply Bill, in my mind, surrounds the ongoing funding of our health system, particularly our hospitals. I seek to address this issue further today, because there will be many supply bills after this one, and as a parliament we need to ensure that we can guarantee supply so that there is always the necessary funding available to keep our hospitals at world-class standards.

Because of Labor's time in government, South Australia has more nurses per capita than any other mainland state and the equal highest number of hospital beds per person in our public hospitals. In government, Labor committed more than \$4 billion to upgrade every metropolitan public hospital and every major country hospital in South Australia. In recent times, there was \$1.2 billion spent on all the major hospitals in our public health system to ensure they continued to be modern and cutting-edge.

This investment included \$385 million to improve and upgrade facilities at Flinders Medical Centre, including a new neonatal unit and rehabilitation centre; \$373.3 million to upgrade the Lyell McEwin Hospital, including a redeveloped and expanded emergency department; \$153 million to upgrade Modbury Hospital, including improved emergency, medical and surgical services and a new purpose-built palliative care hospice; \$36 million in Noarlunga hospital to improve services and infrastructure, including a new day surgery unit, new operating theatres and a new renal dialysis unit; and \$250 million at The Queen Elizabeth Hospital, which includes a new emergency department, operating theatre and day surgery suite, as well as a new multistorey car park with 500 extra car parks.

The state Labor government built new ambulance stations in Adelaide's north-east at Oakden, and at Noarlunga, Mount Gambier and Seaford. There are still two new stations at Morphettville and Parafield to be opened. Labor also built a \$12 million SA Ambulance Service rescue, retrieval and aviation base at Adelaide Airport to ensure quicker response times to people who are critically ill or injured.

In the last three years the Labor government refurbished our ambulance fleet, employed an additional 72 paramedics and support staff and implemented a \$22 million program to replace manual stretchers with high-tech powered stretchers.

I am amazed that the current health minister has signed on to a national health reform deal that effectively duds this state out of \$1 billion for our hospitals up until 2025. It is clear that this government was prepared to roll over backwards to keep their federal Liberal masters in Canberra happy. There should be no confusion on the recent history of hospital funding in Australia. In 2011, then Prime Minister Gillard locked in an agreement, which was supported by all states, which insured the federal government's share of hospital activity funding would rise to 50 per cent, with increases based on activity. At the time Ms Gillard stated:

...we will become an equal partner in the growth costs of hospitals, funding firstly 45 per cent of growth and ultimately moving to 50 per cent...What that means is that states and hospitals can reliably plan knowing that the Federal Government will be there and will be an equal partner in growth.

At the 2013 election Mr Abbott promised not to make a single cut to the existing hospital funding arrangement. We all know, of course, that he broke this promise, amongst many others, once he got into power. Then Prime Minister Abbott's horror 2014 budget locked in around \$50 billion worth of cuts to hospital funding across the country over the preceding decade. Around \$5.5 billion of those were attributed directly to South Australia.

Mr Abbott and the then treasurer Hockey were more than happy to lodge the \$50 billion as savings on their budget's bottom line. I would have thought it was a bit hypocritical for the Liberals to suggest that the \$50 billion were not cuts because they related to funding arrangements outside of the forward estimates; yet they were more than happy to reframe that very same money as savings in their budget. Mr Abbott's 2014 budget would prove to be his death knell; however, Mr Turnbull's offer has hardly gone close to re-establishing the funding agreed by every state with the commonwealth back in 2011.

This incoming state Liberal government has since signed off on this mediocre deal, which locks in only 45 per cent commonwealth funding of hospital activity, rather than the 50 per cent as stated by Labor, into the long term. This deal also caps growth in funding overall to 6.5 per cent—all of this is up until 2025. Ironically these are the exact same terms that Mr Turnbull offered in his interim deal up until 2020. Put simply, Mr Turnbull has found a South Australian health minister who will run to his every command.

When Mr Turnbull first outlined this compromise formula, back in 2016, which the then premier Mr Weatherill rightly refused to sign off on, it was attacked by the Australian Medical Association. Then South Australian president of the AMA, Dr Janice Fletcher, said the 2016 changes by Mr Turnbull were not enough and that:

The AMA remains concerned that restricting public hospital funding growth to CPI indexation and population growth would be inadequate in both the short and long term...

The critical point is what she says about the long term—what our state's health minister has locked South Australia into until 2025. Dr Fletcher continues:

This additional funding goes nowhere near meeting the long-term needs of the nation's public hospitals, however, and it falls dismally short of replacing the funding removed from the States in the 2014 Federal Budget.

The AMA was 100 per cent correct. While our Minister for Health is running around claiming he got an extra \$1.5 billion for South Australian hospitals for 2020-25, the reality is that the state had more than \$1 billion extra allocated during that period under the Gillard administration. That money has now been lost. In defending his decision to sign Prime Minister Turnbull's dud agreement, the Minister for Health, the Hon. Stephen Wade, stated:

We don't think the cap on growth is going impact on South Australia—in terms of hospital activity, we're a relatively low growth jurisdiction.

The 6.5 per cent the Minister for Health talks about is effectively a funding arrangement that only accounts for growth in commonwealth hospital funding through CPI and population growth. It is no surprise to me that Victoria and Queensland are still refusing to sign this agreement. This funding arrangement dismantles the former National Healthcare SPP growth factor, which was locked in by Ms Gillard in the 2011 budget.

This funding arrangement ensured that there was, firstly, a health-specific cost index: a five-year average of the Australian Institute of Health and Welfare health price index. This is a more accurate measure of the efficient costs associated with running a hospital, as opposed to pure CPI. The second measure used was the growth in population estimates, weighted for hospital utilisation. This measurement is important for South Australia because, whilst we do not have the same growth in population as the Eastern States, our hospital utilisation rates would comparatively be a lot higher because of our ageing population.

The final measurement used was a technology factor, namely, the Productivity Commission-derived index of technology growth. This last point is particularly pertinent because the federal Liberal's funding model does not appear to account for the increasing cost of delivering new technology to hospitals.

What happens if the cost of technology rises at a greater rate than the 6.5 per cent that Mr Turnbull and the Hon. Mr Wade have just locked us into? Likewise, how does the Liberal funding formula account for the extra costs associated with an ageing population? South Australia is the state with the oldest population in Australia. If the health minister complains that there is no money left for health in the next 3½ or four years, the fault will lie with him for signing off on a dud deal for South Australia.

I will be interested to see how the funding of health and hospitals is progressed by this government. It was easy for them to make a host of accusations about Labor's purported wasteful spending in the sector. From September's budget we will get an idea of what the Liberal Party's plans are to fund our hospitals for the next four years. I will be keeping a very close eye on these developments. With that, I commend this bill to the house.

Debate adjourned on motion of Hon. T.A. Franks.

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

*Second Reading*

Adjourned debate on second reading.

(Continued from 7 June 2018.)

**The Hon. R.I. LUCAS (Treasurer) (16:20):** I thank the honourable members who have contributed to the debate on the bill. I rise on behalf of the government to respond to issues that have been raised in this debate and also some unanswered issues raised in the debate in another place. On behalf of the government, I make some comments concerning amendments which have been filed by the opposition and will be debated during the committee stage of the debate.

The opposition have made it plainly clear that they do not want the Supreme Court to entertain the release of a person who has been indefinitely detained on licence unless the Parole Board recommends it. I can today make a commitment on behalf of the government that the government will work with the Parole Board and the court to consider how these types of decisions should best be made in the future and over the long term. But at this point in time, the government



just cannot support the discretion of the Supreme Court being removed in the way proposed by the opposition for one very important reason.

There is absolutely no doubt, in the advice given to the government, that the insertion of a Parole Board veto right over Supreme Court decision-making, as per the opposition amendments, is an open invitation for the defendants to launch a constitutional challenge.

If this bill is passed, including the opposition amendments, our advice is that any attempt to apply the new stronger test to cases currently before the courts and in the future may be derailed and delayed by such constitutional challenges. There is a clear danger that the court will construe the proposed text that the opposition wants to insert into sections 58(1) and 59(1) as the Parole Board dictating to the Supreme Court. This would render the provision invalid. I ask the opposition and the members of the crossbench, given the advice given to the government and my words today on behalf of the government, do they want to take this risk, this gamble, with the safety of the community at stake?

The government advises that everyone is now on notice that the opposition amendments could lead to challenges against the application of the new provisions to any matters before the court now and in the future. This bill, as drafted and including the amendments filed by the government, is specifically designed to address community concerns about certain matters currently before the courts, and these hastily drafted opposition amendments could completely derail this intent.

Leaving you to ponder these matters, I now turn to a number of questions that have been raised during debate and raised in the other house as well. Whilst answers to those questions were supplied between the houses, it is worthwhile placing them on the record. A query was raised about reports required under sections 57, 58 and 59 of the Sentencing Act. The reports are undertaken by psychiatrists employed by the Northern Adelaide Local Health Network, Forensic Mental Health Service, SA Health. The reports cost \$989 each. Forensic Mental Health Service is reimbursed for these reports through the Victims of Crime Fund via the Attorney-General's Department.

It is the responsibility of the clinical director of the Forensic Mental Health Service to nominate a practitioner, a forensic psychiatrist, to examine the respondent and provide a report. The report provided to the court outlines the offending history, triggers, risk factors and an opinion as to whether or not the person is incapable of controlling or unwilling to control his or her sexual instincts.

The psychiatrists are required to review considerable material as part of these assessments, which might include index of briefs/exhibits; affidavit, application and originating application; certificates of record; apprehension reports, complaints and informations; transcript of proceedings; DCS reports such as treatment report, intervention summary reports, brief treatment summaries and post-treatment assessment report; risk assessment reports; diagnostic assessment reports; pretreatment assessment summaries, including sex offender and violent offender screening risk assessments; offender risk need inventory reports; housing suitability reports; community corrections reports, including breach reports; warrants, offending history, apprehension reports and bail inquiry reports; applications for reconsideration of authorisation for release on licence; and management assessment panel meeting minutes.

I remind members that the introduction of that paragraph said that psychiatrists are required to review considerable material, and they might include all those issues that I have now placed on the public record.

Queries were also raised about consultation with victims. Under section 14 of the Sentencing Act, a victim of certain serious and prescribed offences may provide the sentencing court with a victim impact statement about the impact of the injury, loss or damage suffered as a result of a crime. If the victim wishes, they will be allowed an opportunity to read their statement aloud to the court. The Victims Services Unit in the Department for Correctional Services maintains a victim register. This is provided for in section 85D(1) of the Correctional Services Act 1982.

To register as a victim, a person must show that they are the victim of a criminal offence and the offender against whom they wish to register is either under the supervision of the Department for Correctional Services, on a community service order or bond, or in custody. Once registered, a victim will be entitled to information about the offender, including details of the sentences of imprisonment,

security classifications, the name and address of the prison where the prisoner is held, details of any transfer of the prisoner from one prison to another, date and circumstances in which the offender will or is likely to be released and details of any escape from custody by the prisoner.

It is a decision of the chief executive of the Department for Correctional Services as to whether a person can register and receive information. Registered victims are also invited to make submissions to the Parole Board when the prisoner is nearing release onto automatic parole or makes an application for parole. The Parole Board must take into account the impact the release of the prisoner may have on any registered victims (see Correctional Services Act 1987, section 67(4)(ca) and 68(2)(ca)).

The Victims of Crime Act 2001, part 2, division 2, provides a declaration of the principles that should govern the way victims are dealt with by public agencies and officials. The principles include a victim's right to be informed of a number of matters relating to the offender's charges, sentence and parole conditions. This information is provided to the victim upon their request. While they are contained in legislation, the principles are not enforceable in criminal or civil proceedings.

Questions were also asked about the number of prisoners on orders of indefinite detention. As of 5 May 2018, there were 20 prisoners on indefinite detention orders under section 23 of the Criminal Law (Sentencing) Act, which was replaced by the Sentencing Act. The Sentencing Act commenced on 30 April 2018. No orders have been made under section 57 of the Sentencing Act as yet.

I am advised that there are seven applications for release on licence currently on foot, including the matter of R v Humphrys, which was mentioned by the Hon. Mr Maher during debate. There are no applications for discharge on foot and there is one person currently on licence. The DPP has never made an application for release on licence or discharge of an indefinite detention order, and it would be a very rare occurrence if that was to happen.

The government was also asked in the other house how long it is until a person can make a further application for release on licence following a breach of a licence condition, resulting in a person being returned to custody. I can confirm that there is no time frame provided in the Sentencing Act in relation to these circumstances, meaning a person can apply at any time.

However, where the Supreme Court refuses a person's application for release on licence pursuant to section 59(9) of the Sentencing Act, a person may not further apply for release for a period of six months, or a lesser or greater period as the court directs upon refusing the application.

The government was also asked who approves the location of where an offender released on licence will live and what the process is if that has to change. While it is not a statutory requirement, I am advised that the address where the person is to reside is always specified as a condition of the licence. This is necessary to ensure the appropriate supervision is provided. The Supreme Court does not fix the conditions and so does not impose a condition about any specific address. The Supreme Court makes the order for release on licence, but does so mindful of the likely conditions of release, one of which will be the address.

If an order for release is made, the responsibility for fixing the actual conditions, which will include the address at which the person is to reside, rests with the Parole Board, in accordance with section 59(8) of the Sentencing Act. If an address changes after release, the Parole Board has the power to vary the address as it has the power to vary the conditions of the licence under section 59(10)(a). Where possible, the Office of the Director of Public Prosecutions, or SAPOL on their behalf, the (a) is with the victim if there is a change to a condition, including the address.

The Office of the Director of Public Prosecutions is advised of the possibility of a change as no change can be made unless they are given an opportunity to be heard under section 59(11). It is not always the case that the Office of the Director of Public Prosecutions will have the details of all past victims as some offending goes back many decades and, in some cases, some of the offending might have occurred interstate and the identity of that victim is suppressed.

I also note that during the debate the opposition spoke of its proposed amendments seeking to remove the provision that a person might be considered for release on licence where they no longer present an appreciable risk to the safety of the community on the basis of their advanced age

or infirmity. Should the opposition's amendments seeking to remove this provision fail, it has proposed to insert at section 59(10)(b) a clause providing that where a person is released on licence on the basis of their advanced age or infirmity the Parole Board must cancel the release on licence if satisfied that there is evidence suggesting that the person may now present an appreciable risk to the safety of the community.

The government also considered that there should be an opportunity for a person to be returned to custody where they were released on the basis of advanced age or infirmity and their circumstances changed so that the risk to the community is increased. For this reason, the government has proposed an amendment, amendment No. 3, which provides that, in cases where a person is released on licence due to advanced age or infirmity, the DPP or the appropriate board has the ability to apply for a cancellation of licence if there is evidence that the person may now pose an appreciable risk to the community.

The government amendment addresses concerns that a person's infirmity may change, their risk to the community may change and, as a result, their release needs to be reconsidered. That concludes the government's reply to the second reading and we look forward to the debate in the community stage.

Bill read a second time.

*Committee Stage*

In committee.

Clause 1.

**The Hon. K.J. MAHER:** I might, as we often do, use clause 1 to tease out a few issues that apply generally to the bill and the drafting of this bill. I wonder if the government is able to answer: when was this bill finalised before its introduction; that is, when was the draft completed prior to being introduced?

**The Hon. R.I. LUCAS:** The best advice I have got—and if there is any change we can bring it back on the record—is that it was just prior to the introduction to the house, which we understand was around 29 May.

**The Hon. K.J. MAHER:** I thank the minister for his answer. I think notice was given on 29 May, if I remember correctly, or standing orders were suspended immediately to allow debate on it the day it was introduced, if I remember correctly.

**The Hon. R.I. LUCAS:** On that basis it would have been the day before it was introduced, which would have been 28 May, it is likely, but, again, if on advice we find something different from that we are happy to come back and correct the record.

**The Hon. K.J. MAHER:** So the bill was finalised on Monday 28 May?

**The Hon. R.I. LUCAS:** I am not sure about the day, but the day before. The final i's were being dotted and the t's were being crossed, I am told, up until the day before it was introduced into the parliament. So if it was introduced into the parliament on 29 May, as I think the leader indicates, then it would have been 28 May. I am not sure whether that was a Monday or a Tuesday. I assume that the day it was introduced was a Tuesday, so then it is likely to have been a Monday.

**The Hon. K.J. MAHER:** One of the reasons I ask this is that I think it was the morning of Monday 28 May that the Attorney-General indicated that legislation would not be rushed, and that the government would be waiting until the Full Court had handed down their decision before legislation would be introduced. I am wondering whether, when those comments were made on the morning of 28 May, this bill was finalised?

**The Hon. R.I. LUCAS:** I would need to take advice from the Attorney-General in relation to the state—

**The Hon. K.J. MAHER:** What's your advice?

**The Hon. R.I. LUCAS:** My advice is: is it in the head of the Attorney-General in relation to statements that she may or may not have made on that time? My understanding is that, in the debate

in the House of Assembly, this issue about the government's position as to statements made prior to the introduction and then why the debate was being brought on were, at that stage, outlined by the Attorney-General to the house. I am not in a position to provide a direct response or to consult with the Attorney-General, who is away at the moment.

If this issue is an issue of importance to the leader, I am happy to take it on notice and get a response from the Attorney-General when she is in a position to give such. My advice is that she was asked questions about statements she had made prior to the debate in the house, and then statements, reasons and explanation as to why the bill was introduced.

She is in the best position to know the reason she made statements before on behalf of the government and then introduced it. My understanding is that she has put those on the public record, and I am not in a position to add to those at this particular point.

**The Hon. K.J. MAHER:** I am wondering whether your advisers are able to inform from their own knowledge of that Monday whether the Attorney-General gave them instructions or asked for further advice, and are they aware from discussions any of your advisers have had with the Attorney-General or the Attorney-General's office about why the change of heart came about to have the bill drafted and finalised?

**The Hon. R.I. LUCAS:** I am not in a position to be able to add to that. From the leader's viewpoint, I cannot add anything more than I have already added. Having had a quick discussion with my adviser here, we are not in a position to add anything more to what I have put on the record at the moment. Again, I can only say that my understanding is that this issue is to statements the Attorney had made prior to the actual debate in the house, and then the government's position, the Attorney's position on behalf of the government in the house, was explored by the leader's colleagues.

The Attorney-General then indicated the reasons why the government is deciding to proceed with the legislation. I cannot add to that. I am happy to have extracted from *Hansard* a copy of the Attorney-General's statements and forward them to the leader or, if this debate goes for longer than today, have it pulled out and provided to the shadow attorney-general tomorrow or Thursday when we continue the debate.

I am not in a position at the moment to add anything more to the stated knowledge of the Attorney-General prior to the introduction of the legislation and the reasons why the government then proceeded with the bill on that week commencing 29 May.

**The Hon. K.J. MAHER:** It might be easier to answer it in a slightly different way. Given the advice to the committee that the bill was still being finalised on that Monday—that is, the day before it was introduced—are your advisers aware whether prior to the 28<sup>th</sup> there had been an intention to introduce the bill in the sitting week in which it was introduced?

**The Hon. R.I. LUCAS:** I might just point out to the Leader of the Opposition—he has been in this house for quite some time—that the committee stage of this bill is not an opportunity for him to question my advisers. He has the opportunity to question me as the minister representing the Attorney, and I can take advice from the advisers. This is not an opportunity for the Leader of the Opposition or indeed any member, through me as minister, to direct questions to advisers. The questions are directed to me representing the Attorney-General in this house. I can take advice if I so choose and then answer the questions to the best of my ability, which I will seek to do.

I can only say I cannot add anything more in relation to these particular issues. I would assume—the Leader of the Opposition is a lawyer and I am not—that in terms of the issues of what is and is not covered by legal and professional privilege, lawyers advising attorneys-general, my recollection is the leader might have been a lawyer in the Crown in some dim, distant past. He probably has some understanding of the nature of advice that legal officers provide to attorneys-generals as to what they are and are not covered by.

I am at a disadvantage, not being a lawyer, but all I can say is I cannot add anything more to the leader's questions in relation to the statements made by the Attorney prior to the debate and statements she made in the house that were asked as part of the public record. She has indicated

her stated knowledge and the reasons why she, on behalf of the government, proceeded with the bill during the week commencing 29 May.

**The Hon. K.J. MAHER:** For the record, is the Treasurer saying that he will not ask the advisers he has in this chamber about their knowledge of whether the bill was intended to be introduced in the week before it was introduced? He will not ask the advisers if they have knowledge of that?

**The Hon. R.I. LUCAS:** Absolutely. As I said, I am surprised that the Leader of the Opposition would even contemplate that the committee stage of a bill is an opportunity for him to quiz staff members about the nature of their advice. The committee stage of a bill is for members of the chamber to ask questions of the minister representing the government in relation to the government's position on a bill. Ministers can take advice from their advisers, and if they share that advice with the committee that is a judgement call for the ministers.

A sensible minister would of course be guided by the advice from their advisers, but it is not always the case that a minister will agree with the advice of advisers, with the greatest respect to advisers. It is a judgement call for the ministers, ultimately, as to how he or she will answer questions in the chamber. I do not know that a long and erudite deposition on the intricacies of the committee stage of the bill is appropriate or not, but I thought, given this is the first committee stage, it is useful to indicate how I would be approaching, as a minister of the Crown, answering questions in the committee stage of the debate.

**The Hon. K.J. MAHER:** I thank the minister for his explanation on how he is intending to proceed in the committee stage of bills. Given that he has given quite a lengthy explanation about how he intends proceed, it might be worth asking if he intends, if he thinks one of his advisers might have an answer, to frequently refuse to ask the adviser the question so he does not have to answer questions in the committee stage?

**The CHAIR:** I think it is on the verge, but I am going to allow it because we are in the committee stage.

**The Hon. K.J. MAHER:** He went through in great detail how he is going to proceed.

**The CHAIR:** I am going to allow it. I am just warning the Leader of the Opposition.

**The Hon. R.I. LUCAS:** No, I think the Leader of the Opposition is extending the debate and the argument into areas which I certainly was not venturing into. I, and I am sure all of my ministers in the upper house, will take appropriate advice from advisers to this chamber.

As I said, ultimately a minister is responsible for putting an answer on the record which, in most cases, I imagine, would accord with the advice they have received from their advisers. Ultimately, a minister can make an independent assessment as to the way a particular answer will be provided to the committee stage of the debate. That is a judgement call for the minister. It is the way I approached it as a former minister and it is the way I intend to approach it for as long as I shall be a minister.

**The Hon. K.J. MAHER:** I thank the minister for his answer and I will move on from this. I will just say that I think it is quite extraordinary. I can just imagine if the roles were reversed and a minister in the former government stood up and said, 'I might be able to find an answer. I might have an adviser here who can give me the advice, but I don't want to ask them in case they give me an answer that I don't want to say.' I can just imagine what would happen if the roles were reversed. It might be easier if the minister can respond to things that are in his own realm of knowledge. Was a final bill for this presented to cabinet?

**The Hon. R.I. LUCAS:** Again, I am stunned that a former member of the cabinet would be asking questions about what did or did not occur with cabinet. All I can answer, in general, is that legislation which is introduced in parliament—I would have hoped under a former Labor government, but certainly under the Marshall Liberal government—will have the approval of cabinet. Read into that as the leader might wish, I am not going to debate what cabinet did or did not discuss and the details of that.

The long established principle, which I would have hoped was followed by the former Labor government, is that legislation would only be introduced after cabinet had approved it. That certainly will be the modus operandi of the Liberal government; that is, legislation which is introduced into parliament will have the approval of cabinet.

**The Hon. K.J. MAHER:** Just so we are clear: the advice that the minister provided near the start of this committee stage from his adviser was that the bill was still being finalised on Monday 28 May—the final dotting of i's and crossing of t's was, I think, the language used for the bill. I assume, then, from the minister's answer, that all legislation will go before cabinet. However, I am having trouble reconciling the fact that the advice earlier was that this bill was not finished until during the course of that Monday the 28<sup>th</sup>—unless there was a cabinet meeting on the Tuesday, which the honourable member might indicate—that this finalised bill was considered by cabinet, when the earlier evidence was that it had not been finalised on that day.

*There being a disturbance in the President's gallery:*

**The CHAIR:** Excuse me, that is not a pathway. Sorry, Leader of the Opposition. You can start again. My apologies.

**The Hon. K.J. MAHER:** I am wondering if the minister can reconcile the advice he gave earlier that the bill was not finalised until during the day on Monday the 28<sup>th</sup>, yet he indicated that it was approved by cabinet. I am presuming, unless the minister indicates that there was a special cabinet meeting on the evening of Monday the 28<sup>th</sup> or the morning of Tuesday the 29<sup>th</sup>, that it would have been impossible for the regular cabinet meeting on Monday the 28<sup>th</sup> to consider that finalised bill.

**The Hon. R.I. LUCAS:** Again, I am not going to go into the details of this particular issue. I can indicate to the Leader of the Opposition—I think he pursued this issue in part yesterday, or so I am advised, in a committee, which I cannot refer to—the cabinet now meets twice a week. It meets on a Monday and a Thursday. I think the former Labor government had moved away from Monday cabinet meetings. Read into that what the leader might wish, but I can indicate to the Leader of the Opposition that the new Liberal government has been meeting twice a week in terms of cabinet; substantively on the Monday and then it meets on the Thursday.

**The Hon. K.J. MAHER:** I thank the member. Albeit a very interesting disclosure of the dates that cabinet meets, it still has not come close to answering how he reconciles the advice he gave that this bill was not finalised until during the day on Monday the 28<sup>th</sup>, yet has indicated that cabinet considered the final bill?

**The Hon. R.I. LUCAS:** That is a challenge for the Leader of the Opposition to reconcile. I am not going to go into the debate as to what was discussed and when in relation to the cabinet. I just indicated that I would have thought it is a simple equation of two and two makes four. The cabinet meets on a Monday and on a Thursday, so the issues in relation to amendments that might have been still being accomplished 24 hours before are not inconsistent with the information I provided to the committee in relation to the timing.

**The Hon. K.J. MAHER:** I will not go on much more on this topic, but it seems an extraordinary admission that the bill was not finalised until that Monday the 28<sup>th</sup>, that cabinet only meets on Monday and Thursday and that there may have been a finalised bill presented to cabinet.

When you consider the other statements that have been made, that the Attorney-General made early on the morning of Monday the 28<sup>th</sup> in the media that in her view no legislation should go before parliament until after the Full Court of the Supreme Court had handed down its decision in the Humphrys case, how can it be reconciled that you go from in the morning saying there will be no legislation until the Full Court's decision, and then the advice during the day that the bill still was not finalised, to saying that it was considered in cabinet?

I think, without going into cabinet discussions, the minister can inform the chamber, because we are all interested in the process of making sure, as he said, that governments do give due consideration to very important pieces of legislation. I think the chamber is within its rights to know if the final bill went before cabinet on that Monday before being approved for introduction.

**The Hon. R.I. LUCAS:** I cannot add anything more to the position that I have outlined to the committee. I am not going to enter into discussions about what cabinet did or did not discuss, or indeed when it did or did not discuss it. It was a position the Leader of the Opposition adopted on occasions when he was a minister. It is consistent with the traditions of cabinet confidentiality, and I do not intend to breach those.

**The Hon. K.J. MAHER:** I thank the minister for his answer, leaving us to draw the conclusion that this bill, one of the first bills we are dealing with in this chamber on behalf of the Attorney-General in the other place, did in fact not get cabinet approval for the final bill. I think that is the only conclusion you can draw from the half answers the member has given. Moving on to a different topic, I am wondering what was the consultation with any groups before this bill was introduced to parliament?

**The Hon. R.I. LUCAS:** I am advised that, consistent with the advice that was given during the House of Assembly debate, the consultation was conducted with the DPP and the Solicitor-General prior to cabinet consideration.

**The Hon. K.J. MAHER:** In addition to public sector lawyers, what other consultation was undertaken about this bill?

**The Hon. R.I. LUCAS:** The plain interpretation of the answer was, 'Who was consulted?' I have indicated who was consulted. It does not take much to assume that the DPP and the Solicitor-General were consulted. It therefore means that persons or groups other than the DPP or the Solicitor-General were not consulted. I do not know whether I have to spell that out any more plainly for the leader.

**The Hon. K.J. MAHER:** For the sake of clarity then, was the Parole Board consulted prior to the introduction of this legislation?

**The Hon. R.I. LUCAS:** I am not sure how many times I can answer the question. The leader can list off a thousand other groups or individuals, but if they are not included in the DPP or the Solicitor-General, can he just take it as read that they were not consulted—so I am advised—prior to the introduction of the legislation?

Whether he lists the Parole Board, the Bowden Brompton Community Centre, the kindergarten school at Penola, or whatever it is—he can list all the names—if they are not on the list of DPP and the Solicitor-General, they were not consulted. If we could perhaps just agree on that, we do not need to go through a whole list of other groups that he might want to ask.

**The Hon. K.J. MAHER:** I thank the member for his response and the frivolous way in which he is treating the discussion about a bill to keep dangerous paedophiles in gaol. That reflects on him and his government's attitude, I think. We take it as read then that, for example, the Law Society was not consulted. Does the minister know if it is going to be his government's habit to not consult with the Law Society prior to introducing these sorts of bills?

**The Hon. R.I. LUCAS:** I am advised that, no, that would not be a reasonable assumption to make and that when there are matters that can be considered with much more time and there is not the pressing urgency that there clearly was evident in relation to this legislation, there would be much more the normal, standard or usual process. This government, I am sure, will be consultative to the maximum extent that is possible, and various groups, depending on what the nature of the legislation is, would be consulted in the normal course of events.

I would imagine that on occasions the former government may well have consulted with various groups, although there was often a criticism of the former government that it rushed to legislation without having properly consulted. I seem to recall that criticism being made of the former government. But no, it would not be fair to assume that that would be the normal modus operandi for the new government and the Attorney-General. There would generally be wider consultation.

**The Hon. K.J. MAHER:** Given that there was no wider consultation before this bill was introduced, can the member expand on his comments relating to the pressing urgency? What was the pressing urgency in this case that he has referred to?

**The Hon. R.I. LUCAS:** I am advised—and again I was not, and neither is my adviser, actively engaged in the sorts of judgements that governments necessarily make—the government

obviously made a decision, through the Attorney-General and others, that this was legislation that needed to be urgently considered by the government.

There has been a debate—and the leader was referred to that earlier—in relation to exactly when it might be introduced and exactly when it might need to be passed. Nevertheless, because of a court case, there was a view that this was something which was obviously going to come to a head relatively quickly in terms of needing to be resolved in terms of what the government's position would be.

That was a judgement where the government, through the Attorney-General and I imagine others with whom she consulted within the government, decided that there was some urgency in relation to this particular issue. I am surprised, given the position the leader's party adopted in relation to this, that he would not acknowledge that there was some urgency in relation to this particular issue, but that is a judgement call for the leader to adopt or to take. As I said, I cannot put on the record much more than that in relation to the Attorney's position and then ultimately the government's position.

**The Hon. K.J. MAHER:** The minister referred to a particular court case. I think, from what he said and from how he is interpreting the advice, that there was a particular court case that was the reason for the urgency in introducing the bill. Is that correct?

**The Hon. R.I. LUCAS:** I am advised—and we can double-check these exact dates—that the Solicitor-General was appearing in the Humphrys case on 23 May. So if the member's question is particularly about what case it is, it was the Humphrys case, and the Solicitor-General had appeared in that case on 23 May, so I am advised.

**The Hon. K.J. MAHER:** I am wondering if the minister can inform the committee of the relative merits of waiting until the Full Court hands down their decision and then introducing the legislation, taking into account the Full Court decision in the Humphrys case, rather than going ahead with legislation now.

**The Hon. R.I. LUCAS:** I thank the member for his kind invitation, but, no, I could not. I am happy, if it is an issue of importance to the member, to seek advice from the Attorney-General when she returns. However, I am not in a position to indicate the judgement call that, ultimately, the Attorney-General had to take after consultation with others, including those within government, in relation to the timing issues.

**The Hon. K.J. MAHER:** I thank the minister for his answer. I am not asking the minister to look inside the head and the decision-making process of the Attorney-General about whether to wait for the decision of the Full Court or to go ahead with this legislation before the decision. I am merely asking—given that, on the morning of Monday the 28<sup>th</sup> of last month, the Attorney-General indicated that the government would be waiting until the Full Court decision before introducing legislation—what are the reasons you would wait for the Full Court decision? I am not asking why you are weighing up whether you should not, but what are the reasons that you might wait for a Full Court decision, rather than going ahead with legislation now?

**The Hon. R.I. LUCAS:** I cannot offer anything more than that. As I said in response to the first questions that the honourable member raised, the issue is regarding statements the Attorney-General made in relation to the timing of legislation and the court case, prior to the bill actually being introduced and commencing debate on 29 May.

The Attorney-General is on the public record indicating her reasoning, both in the house, I think, and also by way of media interview, either on that day or around that day. She was quizzed both inside and outside the house in relation to the statement she had made on behalf of the government prior to the debate in the house, and then the debate in the house. I really cannot add anything more to it than that.

**The Hon. K.J. MAHER:** I thank the honourable member for his answer, and I do not think that he cannot; I think the member chooses not to. I think the member talked earlier about receiving the views of advisers and then choosing, as a minister, whether to present those in parliament. I think he is now very deliberately choosing not to receive that advice, so that he does not have to make that decision and answer. Be that as it may, and considering that as an indication of how he is



choosing to treat this chamber, can I ask what consultation was undertaken, since the bill was introduced, with anyone outside the DPP or the Solicitor-General?

**The Hon. R.I. LUCAS:** Once the bill is public, of course, consultation can take two forms; that is, consultation initiated by the Attorney-General and the government, or consultation in relation to responses that various groups or individuals might make to legislation, which is then part of the public record. Without actually categorising, I am told there have been discussions with, for example, the Parole Board, the Law Society and, I think, the Bar Association and SAPOL, but we do not have a comprehensive list.

Clearly, once the bill is public, if a particular group or individual has a view that they wish to express, they may send a letter to the Attorney-General or the government, indicating their views about the legislation. There might have been local community groups and associations, or schools or others, who may have expressed a view to the Attorney-General's office, or something. I am not in a position to answer that, but I am advised that of those four or five groups that I have listed, we are aware there has been some discussion in relation to the legislation since its introduction.

**The Hon. K.J. MAHER:** Of the groups that were named by the minister, what was their view on the legislation during this consultation, and what form did the consultation take? Was it a briefing with an ability to interact and discuss the legislation, or was it a telephone conversation? Are there any written submissions that were made by any of the groups referred to or any other groups?

**The Hon. R.I. LUCAS:** I am advised that the advice we have is that the Attorney-General, after its introduction, wrote to the Department for Correctional Services, the Department of Human Services, SAPOL, the Legal Services Commission, Victims' Rights Commissioner, the Aboriginal Legal Rights Movement, the Law Society and the three separate heads of courts, and also spoke to the chair of the Parole Board.

**The Hon. K.J. MAHER:** What was the reason for no formal communication, like a letter, to the Parole Board?

**The Hon. R.I. LUCAS:** My advice is that I am not aware of why the difference, that the Attorney-General spoke to the chair of the Parole Board as opposed to writing, evidently, to the other groups.

**The Hon. K.J. MAHER:** What was the view as a result of the consultation with the Victims' Rights Commissioner? I might also ask on the record, while advice is being sought, to save time, did the Victims' Rights Commissioner have any views on the opposition amendments?

**The Hon. R.I. LUCAS:** My advice is that, evidently consistent with previous approaches by former governments, the government generally does not outline the position of other groups about the legislation. We leave it to them to do so, but in general terms I am advised the Victims' Rights Commissioner was supportive of the legislation. Ultimately, in terms of the detail of his submission, it is a discretion for him, I guess, to make as to what detail he might indicate. In relation to whether he was consulted on the opposition amendments, our understanding is that that was not the case.

**The Hon. K.J. MAHER:** In relation to the telephone-only consultation with the Parole Board, can the minister indicate what the view—with the telephone consultation with the Parole Board—was in relation to the government bill? Also, was there any view of the Parole Board about whether the government bill was sufficient?

**The Hon. R.I. LUCAS:** Again, based on advice, I will give a general indication as I understand it of the Parole Board chair's position, but the Parole Board chair is a very forthright person. I am sure, if the Leader of the Opposition wanted to consult with her and get her view, she would be very happy to speak with him. However, in general terms—and I say it advisedly—I am advised that she was generally supportive of the legislation.

It is my advice that it is the government's view that the government's legislation did not place significant additional burden upon the Parole Board. Therefore, it is the government's view that the telephone discussion with the chair of the Parole Board was sufficient in terms of the discussion with the Parole Board on the government's legislation. However, I am very cautious and I would never

hesitate to want to speak on behalf of the chair of the Parole Board. I can just say that I am advised that she was generally supportive of the legislation.

**The Hon. K.J. MAHER:** To the second part of that question, is the minister or his advisers aware of whether the head of the Parole Board had concerns about aspects of the bill that were in the bill or that the head of the Parole Board thought should have been included when changing this legislation?

**The Hon. R.I. LUCAS:** Again, my advice is that, no, we are not aware that there was anything raised of that particular nature in the discussion with the Attorney. But, again, to be fair to the chair of the Parole Board, I am not sure at what stage the discussion was and whether or not the chair of the Parole Board had a detailed copy of the legislation. I am just not in a position to be able to comment on the nature of the discussion that the Attorney-General had with the chair of the Parole Board, so I hesitate to say anything beyond what I have been advised in relation to the nature of the chair of the Parole Board's response.

Clause passed.

Clause 2 passed.

Clause 3.

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

Amendment No 1 [Maher-1]—

Page 2, after line 9—Insert:

- (a1) Section 58(1)—after 'person' second occurring insert:  
and on the recommendation of the appropriate board

I think this is the appropriate time to have a discussion. There is a whole suite of amendments that apply to both the sections for discharge of such an order or release on licence from an order of indefinite detention that are very similar to this. Probably this amendment is the time to have the discussion on basically the proposal that someone cannot be discharged or released on licence from indefinite detention unless the Parole Board thinks that that is what should happen.

I think the honourable member referred to legal advice about this and as we go through debating this clause it will be useful to tease out that advice, its nature and the impact it would have. In effect, the series of amendments the Labor Party is moving is to require the Supreme Court to look at the recommendations of the Parole Board and very simply, in effect, if the Parole Board does not recommend that a sex offender who has been detained under the indefinite detention provisions for release, then it does not go any further. So it is a condition precedent on the Supreme Court making its decision for release.

Of course, if the Parole Board recommends that that person ought to be released, then it is up to the discretion of the Supreme Court, taking into account all the other things that the sections of the original act provide to see if they should be released. However, under the suite of Labor amendments it is a condition precedent, before the court applies all the other conditions and turns its mind to all the other things to take into account, that the Parole Board agrees with their release. I think that is a very sensible amendment.

The Parole Board, in many of these cases—in fact, probably all of these cases—will have a much greater understanding and appreciation of the risk that an offender poses and is the sort of matters that they deal with constantly, rather than a Supreme Court judge, who is a very learned person but only turns their mind to these matters at one point in time very occasionally. We would suggest that it is a sensible amendment to allow the Parole Board to turn its mind to whether someone should be released.

If the Parole Board is satisfied that someone should be released then the Supreme Court takes into account all of the factors that they would ordinarily take into account and it is up to the Supreme Court as to whether that indefinite detained sex offender is released or not.

The case which I think has prompted, as the honourable member described, the haste of this legislation, is a good case in point. I think Justice Kelly, in the decision that is under appeal to release

Colin Humphrys, stated that the response of the Parole Board to the application has been fairly consistent throughout to the effect that the applicant remains at high risk of reoffending and is not suitable for release on any terms or conditions.

In this case, the Parole Board's view was that Colin Humphrys remains at high risk of reoffending and it is their view that Colin Humphrys is not suitable for release on any terms or conditions. With that being the view of the Parole Board, we think it is entirely reasonable then that the court needs to take that into account and, in fact, if the Parole Board thinks someone is not suitable for release, that the court should then not order that release. If the Parole Board thinks someone is suitable for release, then the court would apply all of the other factors that the court ordinarily applies.

However, to have this quite peculiar contrast between the Parole Board—in this case believing that an applicant remains at high risk of reoffending and is not suitable for release on any terms and conditions—to then have a judge order the release of that person under indefinite detention, we think needs to be resolved.

As I said, this is what the Parole Board does in terms of looking at offenders and understanding the likelihood of an offender's reoffending. It is the Parole Board that sets the terms and conditions of release when an offender under this section is released on licence. So the Parole Board has to turn its attention to the terms and conditions under which an offender should be released, and they are the terms and conditions of that licence under which a judge would make those orders.

It is exceptionally peculiar that the Parole Board could be of the view, as it was in this case, that Colin Humphrys is not suitable for release under terms and conditions, and yet to have to come up with terms and conditions while they believe there are none suitable for release. That is the nature of the opposition's amendments: to make sure that it is, in effect, a condition precedent before a person is released that it is the Parole Board's view that they should be released.

It is not taking away the court's discretion. If the Parole Board deems someone suitable for release, then the Supreme Court would turn its mind to all the other aspects to which it would usually turn its mind, but if the Parole Board deems them not suitable for release, then it goes no further.

**The Hon. R.I. LUCAS:** This is a critical part of the committee stage debate. I have referred, on advice, in the second reading reply obliquely to the significance of potential impact of some of the opposition amendments, and this is one of the key amendments, I am advised, in relation to that second reading reply. Let me place on record the advice I have received.

To be clear from the outset, the government is opposed strongly to this particular amendment and related or consequential amendments to which the honourable member has referred. Section 58(1) currently states that:

Subject to this Act, a person subject to an order for detention under section 57 will not be released from detention...until the Supreme Court, on application by the DPP or the person, discharges the order for detention.

This opposition amendment changes section 58(1) to add in a requirement that a person's order of indefinite detention will not be discharged unless the appropriate board recommends it. This is a theme of a number of amendments filed by the opposition, so I will speak to this issue just the once, noting that amendments Nos 3, 5, 6 and 8 of Mr Maher's first set of filed amendments relate to the same policy.

Under these amendments, an order for release on licence or discharge of an order cannot be made without a recommendation for such by either the Parole Board or the Training Centre Review Board, which is the parole board for children. This means that the discretion of the Supreme Court to either release a person on licence or to discharge a person's order of indefinite detention is fettered. The government cannot support the discretion of the Supreme Court being removed in this way.

This was made clear during committee by the honourable the Attorney-General speaking in the other house. First, the insertion of a Parole Board veto right over Supreme Court decision-making, as per these amendments, is, in no doubt, inviting a constitutional challenge. There is a clear danger that the court will construe the text inserted into sections 58(1) and 59(1), requiring a

recommendation of the board for release or discharge, as the board dictating to the Supreme Court. This would render the provision invalid.

Interposing on my official advice here, it is clear that, if that interpretation is correct and if that is what is held to be the case, then it is a very significant issue should this end up being the nature and the form of the legislation that passes this chamber.

There is a high risk that this provision could lead to challenges against the application of the new provisions to any matters before the court now and in the future. This bill is specifically designed to address community concerns about certain matters currently before the courts. This amendment could completely derail this intent. However, the government can state that we have committed to working with the Parole Board and the court to consider how these decisions should be best made in the future and over the long term.

Secondly, the Sentencing Act already requires the Supreme Court, when making a decision to either discharge an order or release a person on licence, to take into consideration a report by the Parole Board or the Training Centre Review Board, which includes: any opinion the relevant board may have about the effect the discharge order or release on licence would have on the safety of the community; the probable circumstances of the person, if the order was discharged or the person were released on licence; and, the recommendation of the board as to whether the person should be released on licence or the order discharged.

The Supreme Court must also take into account the mandatory two medical reports, any evidence the person themselves puts forward, reports of the periodic review that is required to be undertaken about the person while indefinitely detained, as well as any other reports the court has ordered, using their broad discretion to do so under the act, together with any other matter the court thinks relevant. Inserting a requirement that the appropriate board recommends the discharge or release on licence is, in the government's view, unnecessary at this point in time.

In this bill, the government has created a strong test that must be met before a person is released on licence or their order discharged. Whilst the views of the appropriate board are relevant, in the government's view the Supreme Court should remain the arbiter, the final decision-maker, in the circumstances until such time as further discussions can be had about the issue over the long term.

The burden now rests with the person seeking to be released from detention to prove that they are indeed capable and willing to control their sexual instincts or that they do not pose an appreciable risk to the community due to advanced age and infirmity—noting we will come to a government amendment to make this permanent infirmity—before the Supreme Court can then consider whether to release the person, with the safety of the community being paramount. This strong test is the appropriate means by which to ask the Supreme Court not to release people who are not capable or willing to control their sexual instincts.

**The Hon. K.J. MAHER:** I thank the minister for his response and reference to advice. Because I know that this is something many of us are very interested in and because there is a desire to support this, should there be no consequences that would adversely impact the safety of the community, for the benefit of the chamber can the minister tease out what he means by possible constitutional issues with the wording as it currently stands in the opposition's amendment?

**The Hon. R.I. LUCAS:** I think that was outlined in the reply to the second reading. My advice is that what these amendments seek to do and would do if they are passed is fetter the final decision-making power of the Supreme Court. In essence, it takes away the power from the Supreme Court, ultimately to be the final decision-maker, and potentially places the Parole Board in the position of being the final arbiter or decision-maker in relation to these questions.

The advice that we share with the chamber, and as the second reading indicated, is that if members vote for this particular set of amendments they need to do so in the full knowledge that the advice available to the government is that this leaves open the legislation to constitutional challenge.

The government would have to consider its position, and that is not, obviously, a decision for me to make. If this chamber decided to enforce amendments which the government's advice was would potentially lead to a constitutional challenge, the government would have to decide whether

or not it would proceed with the legislation. If the clear legal advice available to the government is that the amendments, which might have been moved successfully in the Legislative Council, would open up the whole issue of potential successful constitutional challenge, that would be a decision the government would have to make.

As I said, I am not the Attorney-General. That would be a decision the Attorney would have to make in consultation with the government. That is the clear advice. The Leader of the Opposition and other members will need to make a judgement and maturely reflect upon whether they want to take that risk. We say: do not take the risk; take the sensible cautious position at this stage based on the advice provided, with the understanding that there will be further work done on how this may or may not be improved in the future.

At this stage, the government's advice, which I share with the chamber and with particular crossbench members, is to urge them to not take the risk because to support these particular amendments may well create even more significant problems than I am sure I members would be contemplating.

**The Hon. M.C. PARNELL:** A new player enters the field. I rise briefly to put the Greens' position on these amendments on the record. I am conscious that I did not make a second reading contribution or a contribution at clause 1. This is a difficult piece of legislation. It is one in which we have been very grateful for the advice that we have received from the Attorney-General's advisers and also very appreciative of the discussions that I have had with the shadow attorney-general. It is, in many ways, a wicked dilemma. What we are looking at are the most appropriate measures to keep society safe from some of the most dangerous criminals out there. I say that in terms of the abhorrent nature of the crimes that some people in society have committed. The overwhelming priority must be to keep society safe.

I also make an observation that other people have made before, that hard individual cases often do make for bad law. I am not saying that this is bad law. I am just saying that I am always very nervous when individual cases are put forward and we are invited to change legislation on the basis of that. We did that last year, and I think it was a bad outcome.

In terms of this legislation and the Greens' position generally, it would be no surprise to people that we have supported judicial discretion with as few fetters as possible in just about all of the criminal law bills and amendments that have come before us. We are big fans of allowing the arbiter of law and fact to determine appropriate penalties. We have opposed mandatory minimum sentencing, and, whilst we fully accept the role of parliament in providing some guidance to the judiciary as to what they should take into account when they are making decisions, we do like to keep as much judicial discretion as possible.

In relation to the specific amendments before us, a range of labels have been thrown around, some of which are more egregious than others. For example, it could be said that under this opposition amendment the Parole Board is being given a veto. Another set of words that has been used is that the Parole Board can fetter the discretion of the court.

My favourite, and I think the most generous interpretation, which the shadow attorney-general put forward, is that it is really just a condition precedent. It is not really fettering the judiciary; it is just that something has to happen before they can make a certain decision.

Regardless of which of those it is—condition precedent, fettered discretion or a right of veto—what seems clear from the legislation and from what the Leader of the Government said, is that the Parole Board's voice will be heard. What the Parole Board has to say is something that the court must take into account. They cannot ignore what the Parole Board says. My understanding is that the Parole Board invariably writes a report and that that is something that the court will take into account.

Regarding the question of constitutional validity and whether a challenge is likely, I do not know whether it does infringe the constitution. My understanding of the cases that involved bikies that were heard by the High Court some time ago is that generally the High Court comes down pretty hard against laws that try to force courts to make certain decisions, in other words tell the court what to do. The High Court does not like that. I think in this case that the Leader of the Government is

right, in that regardless of the merits of a legal challenge, a challenge is very likely. Why? You have nothing to lose. If you are in gaol and you are likely to stay there for a very long time, you have absolutely nothing to lose.

The fact that someone might want to exercise their legal right to challenge the validity of a law is no reason for us to make a decision in a particular direction, because that is a sacrosanct right that people have, to challenge the validity of law, but I think there is very likely to be a challenge.

I come back to what I said at the start, which is that if we were looking at a situation where the Parole Board could easily be ignored, I think that would be a serious problem, but that is not the current situation, and it is not the situation under the government's bill. So the Greens' position is not to support the Labor Party amendment for those reasons. I do note that a submission that arrived I guess late in the piece from the Law Society does also consider at some length the opposition amendments, and I note that the Law Society also opposes those amendments.

I will just take the opportunity now for the benefit of the chamber to at least foreshadow our position on amendments. We are not going to be supporting the vast bulk of the Labor amendments. There are a couple of others where my extensive notations read, 'Convince me'. There are a couple of those, but generally we are not convinced in relation to most of them. We will be opposing them, and we will be supporting the government's amendments.

**The Hon. K.J. MAHER:** I wanted to tease out a little bit the consequences of the foreshadowed possible unconstitutionality of the Labor amendments. The honourable member said there was legal advice to the effect. I am wondering if he is either able to share that legal advice for the benefit of the chamber, given the gravity of what has been outlined, or, if he cannot share the legal advice, to go into more detail about what is the nature of the constitutional concerns that have been raised in the legal advice?

**The Hon. R.I. LUCAS:** It will not surprise the honourable member; I heard the words come out of his mouth on so many occasions when he was handling bills in this particular chamber. I thank him for his kind invitation to share the nature of the legal advice provided to the government, but I am not in a position to do that other than to say no more than I have stated in the second reading explanation, which I repeated in the opening response to this particular amendment; that is, that the general nature of the advice that we have got is that in fettering the discretion of the court there is this chance of constitutional challenge, and there is a chance that it might be overthrown.

As to any more detail than that, no, I am not in a position to be able to provide any more detail other than the general nature of the advice that the government has received on this particular issue.

**The Hon. K.J. MAHER:** I think the minister would understand it makes it extraordinarily difficult for the opposition and for crossbenchers if all the detail that the government is willing to go into is that there is a chance that it might be bad and that there is a chance that it might be overthrown. In my experience lawyers often give an indication as to the relative merits or the chances—not just that there is a chance.

There is always a chance anything will be challenged, and there is obviously always a chance that anything will be overthrown. I think you could say that about every single piece of legislation that comes up before this chamber or every amendment. I think it is an insult to members of this chamber not to go into more detail about what the relative merits or the possibilities of those happening are.

**The Hon. R.I. LUCAS:** I cannot offer any more advice than that. As I said, it is consistent with the position the leader adopted when he was a minister in relation to it. We are not talking about a one in a billion chance—and I am not going to put odds on the advice, but the leader alluded to the situation that there are lawyers, evidently, that will say there is always a chance of something. Well, the leader is a lawyer and he is in a better position to be able to opine on that particular position of lawyers and legal advice.

As a non-lawyer, I can say that, whilst I have not been privy to the discussions in relation to this, I know from past history that you get legal advice and in some cases it is a million to one shot and in other cases they say, 'Hey, this is a genuine issue, a genuine concern, and past practice or past precedent or past court cases would indicate that there is a higher prospect that there is going

to be a problem with what you're attempting to do.' That is generally the nature of the advice ministers and others would get.

I have not been privy to the discussions in relation to this but, on the basis of my understanding, we are in the realms of there being enough precedents and cases, and in the mature judgement of the legal advice that has been provided to the Attorney-General and the government, which I have shared with the honourable member and other members, this is a genuine concern, and members need to be on notice that if they support these amendments there is a genuine risk of a constitutional challenge.

I think the Hon. Mr Parnell, someone with whom I often agree in relation to legal issues now that I am in government, has conceded the fact that there have clearly been issues. He indicates, probably quite rightly, that if you have nothing to lose and if there is any prospect at all you will probably give it a whirl in terms of trying to overturn the legislation.

**The Hon. K.J. MAHER:** I am interested in briefly exploring the consequences of how such a constitutional challenge would play out, should this amendment become part of the bill. I am presuming that, if this amendment became part of the bill and the legislation, the concern would be that someone who is serving an indefinite sentence might apply for release on licence, for instance, and the Parole Board might say, 'No, I don't think you should be released,' and they then take a constitutional challenge that it should be the Supreme Court that makes that decision, not the Parole Board. The Supreme Court did not get to turn their mind as to whether they should be released under the constitutional challenge. Would that be the basis for a challenge? Is that, in a nutshell, the concern?

**The Hon. R.I. LUCAS:** I am advised, in broad terms, that what the leader has outlined are the concerns. I am further advised that the constitutional challenge might be brought in relation to both the Humphrys case and future cases—I forget the names now, but there are others that are evidently before the courts, or soon to be before the courts. So it would potentially apply to the Humphrys case but also to future cases that are before the courts at the moment.

**The Hon. K.J. MAHER:** Let's say that it passed and this amendment became part of the legislation eventually and, whether it is the Humphrys case or a future case, there is someone who is locked away in indefinite detention.

The Parole Board does not recommend release and they commence proceedings for a constitutional challenge to that release. What happens to that offender, whether it is Colin Humphrys or someone in the future, while they are lodging that challenge? Are they free to be let out, or, if the Parole Board has ruled that it should not go further and the Supreme Court should not take the application, do they stay under indefinite detention, or are they somehow magically released into the community?

**The Hon. R.I. LUCAS:** I am very cautious in terms of providing legal advice in this area—

**The Hon. K.J. MAHER:** When you are representing the Attorney that is unfortunately what you have to do.

**The Hon. R.I. LUCAS:** Indeed. I am advised that, ultimately, the safest response is to say that it is up to the court, but the court has the power to make all sorts of decisions, one of which might be to release the offender whilst the challenge was being conducted.

There may well be other opportunities that the state and the government might have in terms of delaying that, or—and I am sure it is not the correct legal term—take other forms of legal action that might prevent that. However, the general nature of the advice I am given is that it would ultimately be a decision for the court and that one of its options might be the release of the offender.

Clearly, in those circumstances, the government would want to take advice as to what else it might be able to do to prevent that whilst there is a constitutional challenge. I am not saying that is definitely the case; I do not want the leader to indicate that that is what I am putting on the record. I am just saying, in answer to his question, that that is a possibility, if it is in those circumstances.

We can prevent all of that by defeating these amendments. I think all this is adding to the debate where we say to members in this chamber that, if there is any doubt, do not risk it. If there is

any doubt, take the safe way and the cautious way. Do not risk the fact that there might be a constitutional challenge. Do not leave yourselves and the community in the hands where ultimately we are not in a position to say to you that it is a court decision and the court might decide to release a particular offender into the community.

It might have been a very interesting debate about the constitutionality of the laws that we pass by way of an amendment that the Hon. Mr Maher is moving. But the advice I give to crossbenchers is to take a deep breath and have a long think about it because I am sure you do not want to be in a position where an offender was released because you happen to have supported an amendment from the Leader of the Opposition when there had been clear advice given that you were risking, potentially, the set of circumstances that we are all trying to prevent.

So that is the position, and I think members need to take a deep breath. Let's be cautious in relation to all of this. It ain't worth the risk to take a punt that the amendments that the Leader of the Opposition is moving will prove to be legally sound and beyond constitutional challenge.

**The Hon. K.J. MAHER:** In the example given, while a constitutional challenge was underway, it is possible that a court could release a Colin Humphrys or an offender like that in the future. Is that right? Is that what we are saying, that it is possible while it is underway that they could be released?

**The Hon. R.I. LUCAS:** I cannot really add much more. The circumstances are that we have the Humphrys case, but there are other cases as well and new applications, for example. The best advice I have is that it is ultimately a decision for the court. We are not just talking about Humphrys here. We are talking about other cases which are currently before the courts, as I understand it, which are at varying stages in terms of their processing and their hearing.

**The Hon. K.J. MAHER:** If there was some sort of constitutional challenge, I think the advice is that a court may well release someone while that challenge is underway. Can I just get that confirmed? I am not sure if that is the advice we are getting. While there is a constitutional challenge underway, a court could release the person and, if that is the case, how would the court make that decision? Would a court then look back to the provisions of the Sentencing Act and apply the provisions of the Sentencing Act in making that decision to release while it is underway?

**The Hon. R.I. LUCAS:** I cannot offer anything more than I have put on the record, and that is that, as I said earlier, ultimately my advice is that it will be a decision for the court. We are not saying it is highly likely, we are not saying it is likely. We are just saying that ultimately it is a decision for the court. I am not in a position, based on the advice that I have been given, to say that it is impossible, that the court would not or could not do it. I cannot put odds on it and I am not going to put odds on what the chances are.

Clearly, if there was any prospect the government would be looking at whatever devices were at its disposal to prevent that occurring, and I do not know what those options are. We would obviously have to take advice as to if there was a chance of that occurring. We would do whatever it is that we could to prevent that occurring because everyone is wanting to achieve that. What we are getting into is that I am not in a position to offer any guarantees or likelihood or odds as to what might or might not happen. All I can say is that, based on the advice, there is a risk, and I am saying to the Leader of the Opposition and to other members: do not take the risk.

We all share a common view that we do not want some of these people to be released into the community, as might happen. That is what the legislation is intended to do. Why take the risk by way of a series of amendments? Why not all, in a bipartisan way, take responsibility for having passed legislation which we are all as comfortable as we can be in terms of achieving what we want to achieve?

Why is there this never-ending goal of one-upmanship to try to move a series of further amendments that could potentially create a problem, which I do not think anyone wants to create but they may well create because they happen to have their legal hat on rather than—let me rephrase that. There are obviously differing legal views in relation to this. The Leader of the Opposition is a lawyer and he has a different view, perhaps, to the legal advice that the government is receiving; let's leave it at that. Our view is that it is not worth the risk and we urge members not to support this particular amendment.



**The Hon. K.J. MAHER:** In the situation where the risk that is being agitated here is that a court decides to release someone while there is a constitutional challenge underway, how would the court come to that decision to release that person? Would they just look at that person and weigh up whether they think he should be released or would the court rely on the provisions of the Sentencing Act?

I can tell you where we are going with this. If a court, in making that decision, would rely on the provisions of the Sentencing Act in making that decision then we are no worse off. That court, when releasing that person, would be considering every other provision in the Sentencing Act, so in effect this risk that we are talking about would mean that we are no worse off whether or not this amendment passes, if it is the case that the court would fall back onto the rest of the provisions of the Sentencing Act.

Or is the advice that the court would just start afresh and disregard the rest of the provisions in the Sentencing Act and come up with a whole lot of other reasons that they would release them? In effect, I am asking: are we going to be no worse off in passing this amendment because, in any event, the court would have to fall back on everything that remains here, or not?

**The Hon. R.I. LUCAS:** I can only add what I said at the conclusion of the second reading and what I have said in response, based on advice, to the opposition's amendment. Our advice is that we are definitely worse off if the opposition amendments are passed. The Leader of the Opposition is trying to manoeuvre the debate back to a situation where the government says, 'We're no worse off if his amendments pass.' That is not the advice that I have. I can only share the advice that I have, and that is that we will be worse off if we are in a position where the opposition amendments have passed.

**The Hon. K.J. MAHER:** It must be the case then that a court considering a challenge would not rely upon the provisions that remain in the act, because if they would rely on the provisions that remain in the act then we cannot be worse off. So it must be the case that a court would somehow come up with a new test about whether a person should be released and not rely on the provisions that remain in the act; is that the case?

**The Hon. R.I. LUCAS:** I cannot offer anything more than I have shared with the member. I am advised that constitutional challenges are very complicated beings, to use a most inappropriate word to describe them—or processes. They can take their own course in terms of where they start, where they end up and the final decision that the court might take in relation to a constitutional challenge. I cannot share any more information other than the information that I have.

I know the leader is searching desperately for something to save the amendments that he has before the chamber and to justify them, but I cannot give him that guarantee or solace. He will have to rely on his own legal judgement that he has obviously made that his advice is superior to the advice the government has in relation to the risk involved in his amendments. He is entitled, as a lawyer, to make that judgement but we are just saying to other members: do not take the risk of relying on the advice of the Leader of the Opposition in relation to the potential risks should his amendments pass.

**The Hon. K.J. MAHER:** I note the minister's advice to the chamber. I note that he is prepared to discuss legal advice and legal opinion when it suits the arguments he is putting forward, but a very simple question that he may be able to take on notice about what a court would take into account in deciding to release someone while a constitutional challenge is ongoing, he is not prepared to share it or seek legal opinion about it. Is that the statement?

**The Hon. R.I. LUCAS:** It is not a simple question, so I am advised, and I am not in a position to provide any greater clarity to the member in relation to the particular issue that he has asked, other than what I have already placed on the record a half a dozen times already.

**The Hon. K.J. MAHER:** It may be the case that we are no worse off if this passes but the honourable member is not prepared to share that legal position.

**The Hon. R.I. LUCAS:** Mr Chairman, it might be an opportunity for other members to be able to participate in the committee stage debate. The Hon. Mr Pangallo has been anxious for the last half an hour to get in.

**The Hon. F. Pangallo:** I've been taking deep breaths.

**The Hon. R.I. LUCAS:** Yes, taking deep breaths, and so I will be very quick and say no, it is not the case that we will be no worse off with the Hon. Mr Maher's amendments, but I would be very interested to hear the wisdom of the Hon. Mr Pangallo, and indeed others in relation to this particular amendment.

**The Hon. F. PANGALLO:** This is a very important piece of legislation that has come before the chamber. I have been taking deep breaths and I have also been wavering between what the government has proposed with its amendments and, of course, what the opposition has proposed.

Our position is that I will be supporting the amendments of the opposition. The reason for that is because I am not a lawyer, unlike other members in this chamber, but I am putting on my hat as a former journalist and also as a member of the community.

Over the years, I have seen instances where the courts have released serious offenders—paedophiles and criminals—and it has caused public outrage, and that is probably the reason that we are here today and why we are actually debating this bill. It is because the public is outraged that there is a possibility that a serious offender could come out and reoffend.

I am torn between what has been proposed by the opposition and the government because I really want to see this bill expedited and that we get a result and that we see that these offenders are actually locked away. In doing so, I sought advice from senior legal sources about this and the message that I got was that courts and judicial officers, when it comes to risk assessments, it really is not a part of their expertise and that is why we have a Parole Board.

The Parole Board meets on a regular basis and it makes these risk assessments about offenders. That is what they are there for and that is why we put them in that position. We expect that, when they make a recommendation to the courts, the courts in fact take heed of that and follow that. We can see that over a period of history in this state that has not happened and sometimes these people are actually released.

As I mentioned, the Parole Board spends a great deal of time assessing these prisoners and it really is part of their brief to ensure that there is no risk to the community when they are released. The dilemma we now have is that we need to ensure that the court takes notice of the Parole Board's recommendations—and do they follow it? How do we ensure that the courts do that?

The opposition, in its amendment, is essentially asking the court to rubberstamp the Parole Board's decision, and I can see from the legal advice that comes from the government that there could be an opportunity for somebody to challenge that through a higher court—and probably that will happen.

I am of the view that, if that is what they want to do, let's put it to the test, let's allow them to try to challenge that aspect of it. What I do not want is to have on my conscience that a paedophile or a serious offender is released and is able to reoffend because our parliament did not make a watertight law, a law that put the onus not just on the court but also on the Parole Board, and that that decision protects the community.

I am putting on my hat as a member of the community. My view is that I think we need to make it as difficult as possible for these people to get out. There are other provisions in some of the amendments, and what the government has proposed in terms of infirmity and inserting clauses about permanent infirmity—will that keep somebody in there? I doubt it very much, because I have had experience and seen where offenders can feign an illness or even feign probably terminal illness, and have been released and have reoffended. That is something we need to take into account.

I think we need to ensure that these offenders are not released back into the community if a Parole Board assesses them as being a risk to the community, and the court needs to take that into account.

In closing, from our point of view I am going to be supporting what the opposition has put up and hoping that we can get some clarity over what the Parole Board and the courts can do in this matter. I think that is the most important thing. This is what we are here arguing about: do we give

authority over the courts to the Parole Board, and I am sure that a lot of people are wrestling and grappling with that.

Some of the legal people I have spoken to have also had the same view that, is this what we are doing? Are we really putting the Parole Board ahead of the courts? That is a difficult prospect that some are unable to grapple with, but if it is going to result in a constitutional challenge, perhaps we need to be able to put it to the test.

In closing, our position is that we will support the opposition's amendments, hoping that it gives us a law that will keep people like Humphrys (and I understand there are also others who are up for release shortly) from coming back into the community, and protecting our community, which is vital and important.

**The Hon. R.I. LUCAS:** As I advised members that we would not be proceeding beyond 6 o'clock, I move:

That progress be reported.

Motion carried; committee to sit again.

#### *Resolutions*

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

The House of Assembly informed the Legislative Council that it had appointed Ms Bedford, Ms Habib, Ms Hildyard and Ms Leuthen as its representatives on the Joint Committee on the 125<sup>th</sup> Anniversary of Women's Suffrage.

#### *Bills*

### **LIMITATION OF ACTIONS (CHILD ABUSE) AMENDMENT BILL**

#### *Introduction and First Reading*

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

At 18:05 the council adjourned until Wednesday 20 June 2018 at 14:15.

*Answers to Questions***MODBURY HOSPITAL****3 The Hon. K.J. MAHER (Leader of the Opposition) (15 May 2018).**

1. Did SA Health provide any advice whatsoever indicating that a stand-alone high dependency unit (HDU) at Modbury Hospital could lead to unsafe patient outcomes? If so, what was the nature of the advice?
2. Will a stand-alone HDU at Modbury Hospital receive accreditation from the College of Intensive Care Medicine of Australia and New Zealand?
3. Has the minister received any advice whatsoever regarding a stand-alone HDU receiving accreditation from the College of Intensive Care Medicine of Australia and New Zealand?
4. Will the minister guarantee that 24/7 cardiac emergency services will be restored at The QEH within 100 days, as outlined in the Liberal Party's election commitment?
5. Can the minister guarantee that no clinical services will be removed from The QEH?
6. Did the minister receive any advice whatsoever showing that signing up to the Federal National Health Agreement would deliver a worse outcome for South Australia than the previously signed Federal Hospital Funding Agreement?
7. What are the projections for funding to be received by SA under the new Federal National Hospital Agreement compared to the original agreement?
8. Can the minister guarantee that no services will be removed from any country hospitals?
9. Which elective surgery procedures will be performed at the reopened Repat as per the Liberal Party election commitment?
10. How many additional hospital beds will be opened as part of the winter demand management for 2018, and at which hospitals?

**The Hon. S.G. WADE (Minister for Health and Wellbeing):** I have been advised:

1. I can confirm I received advice from SA Health indicating in the absence of establishing a new intensive care unit at Modbury Hospital, appropriate levels of clinical safety may not be achieved with the establishment of a stand-alone high dependency unit.
2. That is a matter for the College of Intensive Care Medicine of Australia and New Zealand if and when accreditation is sought.
3. I can confirm that I have received advice from SA Health indicating accreditation from the College of Intensive Care Medicine of Australia and New Zealand would be unlikely with the establishment of a high dependency unit without appropriate intensive care unit support.
4. Work is on track to meet the government's commitment to ensure TQEH has the capacity to deal with cardiac emergencies 24 hours a day, seven days a week within the government's first 100 days.
5. All decisions relating to clinical services are made on the basis on patient safety and clinical need.
6. South Australia has not yet signed up to a new national health agreement. What the Premier signed in April this year was the heads of agreement between the commonwealth and the states and territories on public hospital funding and health reform (the heads of agreement). What the heads of agreement does not do is outline specific funding allocations to any jurisdiction.
7. As the new national health agreement is still in the process of being negotiated, the government is not yet in a position to make any direct comparisons between the existing and new funding arrangements and levels.
8. The Marshall government has a longstanding commitment to country hospitals and health services. There is a large focus by this government on country South Australia as we move to local level decision-making and the establishment of boards and separate regional health networks.

Other key commitments regarding country health include:

- investing in country hospitals by addressing the backlog of capital works, as well as several specific commitments to regional and country hospitals;
  - increasing the level of chemotherapy being delivered in country South Australia;
  - developing and implementing a rural health workforce plan.
9. SA Health is currently in the process of identifying opportunities for public health services at the Repat site based on asset functionality, with the use of elective facilities a key component of this planning.

10. The Department for Health and Wellbeing does not commission or fund beds. Acute activity is funded based on separations and a target length of stay. Hospitals have the ability to increase the bed base to cater for increased demand.

#### SA HEALTH

#### 4 The Hon. K.J. MAHER (Leader of the Opposition) (16 May 2018).

1. What open application and assessment process occurred prior to the hiring of the new SA Health chief executive officer?
2. Did the minister have any discussions with Mr Chris McGowan about hiring him as the new chief executive of SA Health before the state election?
3. Did the minister have any discussions with the Premier about hiring Mr Chris McGowan as the new chief executive of SA Health before the state election?
4. Did the minister have any discussions with any public servants about hiring Mr Chris McGowan as the new chief executive of SA Health before the state election?
5. Did the minister have any discussions with anyone at all about hiring Mr Chris McGowan as the new chief executive of SA Health before the state election?
6. Has the minister or the Premier given requests to SA Health about the hiring or dismissal of any employees except for the chief executive?

#### The Hon. S.G. WADE (Minister for Health and Wellbeing):

1. Dr McGowan was one of several candidates interviewed for the position in a process that has been used by previous governments for such an appointment. He was recommended based on his skills and extensive experience in the health sector.
2. The government was not in a position to offer anyone the position until after it was sworn in on 22 March
3. I am not accountable to the house for any private discussions I may have had with any of my parliamentary colleagues prior to the swearing in of the government on 22 March.
4. I am not accountable to the house for any private discussions I may have had with any public servants prior to the swearing in of the government on 22 March.
5. I am not accountable to the house for any private discussions I may have had with any person prior to being sworn in as minister on 22 March
6. Neither the Premier nor I have given any requests to SA Health about the hiring or dismissal of any employee by SA Health except for discussions focused on the staffing of, and support for, my ministerial office.

#### MINISTERIAL STAFF

#### 5 The Hon. C.M. SCRIVEN (29 May 2018).

1. What are the names, titles and salaries of ministerial staff working for the minister at any stage between 18 March 2018 and 15 May 2018?
2. What are the names, titles and salaries of departmental staff working in the minister's office at any stage between 18 March 2018 and 15 May 2018?

**The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment):** Details of ministerial staff located in the minister's office at any stage between 18 March 2018 and 15 May 2018 as follows.

Name	Title	FTE	2018-19 Salary
Ms Cecilia Schutz	Ministerial Adviser	1.0	\$109,000
Mr Rowan Thomas	Ministerial Adviser	1.0	\$109,000

The following information outlines the titles, classification and salaries of departmental staff working in my office at any stage between 18 March 2018 and 15 May 2018.

Title	FTE	Classification	2018-19 Salary
Office Manager	1.0	ASO8	\$116,163
PA to Minister	1.0	ASO6	\$95,893
Policy/Liaison Officer	1.0	ASO7	\$106,507
Policy/Liaison Officer	1.0	ASO6	\$95,893
Parliamentary/Cabinet Officer	1.0	ASO5	\$87,647

Title	FTE	Classification	2018-19 Salary
Senior Business Officer	1.0	ASO4	\$73,741
Business Support Officer	1.0	ASO3	\$65,993
Receptionist/Administrative Officer	1.0	ASO2	\$57,628
Trainee	1.0	TRA124	\$33,856
Total	8.0		\$733,321

I have released the names of the departmental staff that fall under the Public-Sector Management Act through freedom of information to the Leader of Opposition in the Legislative Council, Honourable Kyam Maher MLC.

#### MINISTERIAL STAFF

##### 6 The Hon. C.M. SCRIVEN (29 May 2018).

1. What are the names, titles and salaries of ministerial staff working for the minister at any stage between 18 March 2018 and 15 May 2018?
2. What are the names, titles and salaries of departmental staff working in the minister's office at any stage between 18 March 2018 and 15 May 2018?

**The Hon. J.M.A. LENSINK (Minister for Human Services):** The Department for Human Services has advised that:

1. Between 18 March and 15 May I have had 1 ministerial adviser employed in my office, Selena Maddeford, salary of \$109,000.
2. Public sector staff employed between 18 March and 15 May are listed in table below:

Title	FTE	ASO Level	Salary
Office Manager	1	ASO7	\$96,459
Parliament & Cabinet Officer	1	ASO5	\$75,430
MLO	1	ASO7	\$96,459
MLO	1	ASO7	\$96,459
MLO	1	ASO6	\$87,384
Briefing Officer	1	ASO4	\$67,635
Executive Assistant	1	ASO5	\$75,430
Administration Assistant	1	ASO2	\$50,815
Administration Assistant	1	ASO2	\$50,815

#### MINISTERIAL STAFF

##### 7 The Hon. C.M. SCRIVEN (29 May 2018). Can the Minister for Industry and Skills advise:

1. What are the names, titles and salaries of ministerial staff working for the minister at any stage between 18 March 2018 and 15 May 2018?
2. What are the names, titles and salaries of departmental staff working in the minister's office at any stage between 18 March 2018 and 15 May 2018?

**The Hon. S.G. WADE (Minister for Health and Wellbeing):** I have been advised by the Minister for Industry and Skills that:

1. Details of ministerial staff located in the office of the Minister for Industry and Skills between 18 March 2018 and 15 May 2018 are as follows:

Name	Title	FTE	Salary
Garry Goddard	Chief of Staff	1.0	\$160,000
Grant Ker	Ministerial Adviser	1.0	\$109,000
Kim Meier	Ministerial Adviser	1.0	\$109,000

2. Details of departmental staff located in the office of the Minister for Industry Skills between 18 March 2018 and 15 May 2018 are as follows:

Title	FTE	Classification	Salary
Office Manager	1.0	ASO7	\$106,507
EA to Minister	1.0	ASO5	\$94,543
Ministerial Liaison Officer	1.0	ASO8	\$114,813
Ministerial Liaison Officer	1.0	ASO7	\$106,507
Parliamentary and Cabinet Officer	1.0	ASO5	\$86,297
Senior Business Support Officer	0.9	ASO5	\$85,088
Senior Business Support Officer	1.0	ASO4	\$72,616

#### MINISTERIAL STAFF

**8 The Hon. C.M. SCRIVEN** (29 May 2018). Can the Minister for Primary Industries and Regional Development advise:

1. What are the names, titles and salaries of ministerial staff working for the minister at any stage between 18 March 2018 and 15 May 2018?
2. What are the names, titles and salaries of departmental staff working in the minister's office at any stage between 18 March 2018 and 15 May 2018?

**The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment):** Details of ministerial staff located in the Office of the Minister for Primary Industries and Regional Development at any stage between 18 March 2018 and 15 May 2018 as follows:

Name	Position	Budgeted Salaries (\$)
Bradley Perry	Adviser	\$109,000

The following information outlines the titles, classification and salaries of departmental staff working in the Office of the Minister for Primary Industries and Regional Development at any stage between 18 March 2018 and 15 May 2018.

Position	Budgeted Salaries (\$)
A/Chief of Staff	\$189,110
Office Manager	\$98,259
Personal Assistant to Minister	\$77,230
Parliament and Cabinet Liaison Officer/Personal Assistant to Chief of Staff	\$80,115
Ministerial Liaison Officer	\$77,230
Ministerial Liaison Officer	\$77,230
Senior Business Support Officer	\$80,115
Business Support Officer	\$60,681
Business Support Officer	\$64,868

#### MODBURY HOSPITAL

**9 The Hon. K.J. MAHER (Leader of the Opposition)** (29 May 2018).

1. Will the minister provide the names of the 107 people who signed a petition regarding the establishment of a stand-alone high dependency unit (HDU) at Modbury Hospital?
2. Will the minister advise which of the 107 people signatories were the 103 who supported the establishment of a stand-alone HDU at Modbury Hospital?
3. Will the minister advise who the remaining four signatories were and why they do not support establishment of a stand-alone HDU at Modbury Hospital?
4. Will the minister explain who the signatories are and where about in Adelaide they practise medicine?

**The Hon. S.G. WADE (Minister for Health and Wellbeing):**

A petition relating to a Modbury HDU was reported in a Salaried Medical Officers Association letter addressed to then minister for health Peter Malinauskas and dated 30 October 2017. It stated:

"A questionnaire was circulated amongst some Modbury Hospital staff seeking a response to the following question; (sic) "Do you think a High Dependency Unit at Modbury Hospital will improve patient care and outcomes?"...There were 103 'Yes', 4 'unsure', there were 0 'No'."

I do not have the names of the signatories.

#### SA HEALTH

**14 The Hon. K.J. MAHER (Leader of the Opposition)** (29 May 2018).

1. Which health stakeholders has the minister personally met with between 18 March 2018 and 15 May 2018?
2. Which SA Health sites has the minister personally visited between 18 March 2018 and 15 May 2018?

**The Hon. S.G. WADE (Minister for Health and Wellbeing):**

1. I have met with a large number of health stakeholders in this period, too many to specifically identify.
2. I have visited:
  - (a) Child and Adolescent Mental Health Service
  - (b) Flinders Medical Centre
  - (c) Former Repatriation General Hospital site
  - (d) Modbury Hospital
  - (e) Northgate Aged Care
  - (f) Queen Elizabeth Hospital
  - (g) Royal Adelaide Hospital
  - (h) South Australian Health and Medical Research Institute
  - (i) University of South Australia Cancer Research Institute
  - (j) Wallaroo Hospital and Health Service
  - (k) Women's and Children's Hospital.

#### INFLUENZA VACCINATIONS

**16 The Hon. K.J. MAHER (Leader of the Opposition)** (29 May 2018). On what date did the minister request that the Chief Medical Officer purchase flu vaccine supplies to provide to 0-5-year-old South Australians? In what form was this request?

**The Hon. S.G. WADE (Minister for Health and Wellbeing):** As I informed the council on 8 May 2018, I did not request that the Chief Medical Officer purchase flu vaccine supplies. My response at that time was:

"The fact of the matter is I have had discussions with the Chief Medical Officer. The Chief Medical Officer has said that he has been able to secure supplies. I didn't order him to put the order in; I am very glad he did." (p.53)

I am advised that the first order for flu vaccine stock for the South Australian influenza program for all children aged 6 months to less than five years of age was placed with the manufacturer on 23 April 2018.

There had been inquiries and correspondence prior to the change in government about the possibility of such a program and at that time the advice from vaccine manufacturers was that there was insufficient supply to support such a program.

#### SA HEALTH

**17 The Hon. K.J. MAHER (Leader of the Opposition)** (29 May 2018). Over the years 2018-19, 2019-20, 2020-21 and 2021-22:

1. What would be the projected income from the commonwealth to the state government if the original Health Reform Funding Agreement from 2012 had been honoured by the commonwealth government?
2. What would be the projected income from the commonwealth to the state government under the new health funding agreement agreed by the government this year?

**The Hon. S.G. WADE (Minister for Health and Wellbeing):** I have been advised:

The heads of agreement between the commonwealth and the states and territories on public hospital funding and health reform (the heads of agreement), which the Premier signed in April this year, commits all jurisdictions to a set of principles and future directions for Australia's health system, and will guide the broader negotiation of the new national health agreement.



The heads of agreement does not outline any specific funding allocations to any jurisdiction.

It is difficult to determine precise figures regarding the quantum of funding South Australia would have received across the years 2018-19, 2019-20, 2020-21 and 2021-22 under the National Health Reform Agreement (the agreement).

The agreement does not include or estimate specific funding amounts for any jurisdiction. Rather, it sets out the Australian government's total funding contribution for public hospital funding and the parameters and conditions for its distribution to the states and territories.

#### QUEEN ELIZABETH HOSPITAL

**18 The Hon. K.J. MAHER (Leader of the Opposition)** (29 May 2018). Is the government committed to the existing capital works scope and budget for the redevelopment underway at The Queen Elizabeth Hospital and if not, what changes have been made?

**The Hon. S.G. WADE (Minister for Health and Wellbeing):** I have been advised:

The government remains committed to the capital works at The Queen Elizabeth Hospital.

TQEH Stage 3 redevelopment has a total capital budget of \$276,982 million and the government has continued to progress the delivery of this redevelopment with a contract awarded to Ahrens Pty Ltd to provide a new 500 space multilevel car park and a contract awarded to Carromar Pty Ltd to provide health service planning works.

The new multi-level car park is anticipated to be completed by mid-2019.

#### LYELL MCEWIN HOSPITAL

**19 The Hon. K.J. MAHER (Leader of the Opposition)** (29 May 2018). Is the government committed to the existing capital works scope and budget for the redevelopment underway at Lyell McEwin Hospital and if not, what changes have been made?

**The Hon. S.G. WADE (Minister for Health and Wellbeing):** I have been advised:

The Lyell McEwin Hospital emergency department redevelopment has a total capital budget of \$58.0 million and the government has continued to progress the delivery of this redevelopment.

Concept design works for the remaining emergency department redevelopment (including new short stay mental health unit) has recently commenced in line with original scope.

#### FLINDERS MEDICAL CENTRE

**20 The Hon. K.J. MAHER (Leader of the Opposition)** (29 May 2018). Is the government committed to the existing capital works scope and budget for the redevelopment underway at Flinders Medical Centre and if not, what changes have been made?

**The Hon. S.G. WADE (Minister for Health and Wellbeing):** I have been advised:

The government remains committed to the capital works at the Flinders Medical Centre (FMC).

The recent \$185.5 million FMC redevelopment project provided a new multilevel car park, a new rehabilitation and palliative care building and a new older persons mental health facility. These facilities are fully completed and operational and are now within a defects liability period.

The \$17.5 million FMC neonatal unit redevelopment project which will provide an upgraded and expanded neo natal unit remains in construction. This project is forecast for completion in September 2018.

During late 2017, the two existing cold shell operating theatre spaces at FMC were fully fitted out including the installation of specialist medical equipment within the approved capital budget of \$3.5 million. These works are fully completed and operational and are now within a defects liability period.

#### SA AMBULANCE SERVICE

**21 The Hon. K.J. MAHER (Leader of the Opposition)** (29 May 2018). Is the government committed to the existing capital works scope and budget for redevelopment plans for SA Ambulance stations and if not, what changes have been made?

**The Hon. S.G. WADE (Minister for Health and Wellbeing):** I have been advised:

The government remains committed to the capital works for the South Australian Ambulance Services (SAAS).

#### SA AMBULANCE SERVICE

**22 The Hon. K.J. MAHER (Leader of the Opposition)** (29 May 2018). Is the government committed to the existing plans for purchasing new SA Ambulance fleet and if not, what changes have been made?

**The Hon. S.G. WADE (Minister for Health and Wellbeing):** I have been advised:

I have been advised by SA Ambulance Service (SAAS) that it is currently funded for and operates with 250 ambulances. SAAS has a current contract with Mercedes-Benz, and places regular orders each year. I understand SAAS is currently in the process of procuring a replacement contract which is at the evaluation stage.

#### MENINGOCOCCAL B DISEASE

**23 The Hon. K.J. MAHER (Leader of the Opposition)** (29 May 2018). Over the years 2015, 2016, 2017 and 2018 (year to date) how many South Australians have contracted meningococcal B, what were their ages and what were the outcomes of their condition?

**The Hon. S.G. WADE (Minister for Health and Wellbeing):** I have been advised:

Between 1 January 2015 and 24 May 2018, there have been 83 people who have been diagnosed with invasive meningococcal B infection in South Australia. Fifty-five percent of these cases have occurred in two age groups: those 0 to 4 years, and those 15 to 19 years.

There have been five deaths during this period. The deaths have been in persons who were aged 6 months, 16 months, 18 months, 52 years and 53 years.

Information on other outcomes of their condition for each ill person in South Australia is not routinely collected.

#### GRANT PROGRAMS

**24 The Hon. K.J. MAHER (Leader of the Opposition)** (29 May 2018).

1. Has there been any changes to any grant programs in SA Health since 17 March 2018 and what are the details of the changes?
2. Has the awarding of any grants been rescinded or cancelled since 17 March 2018 and if so, what were they?

**The Hon. S.G. WADE (Minister for Health and Wellbeing):** I have been advised:

That to the best of my knowledge, there have been no changes to grant programs in SA Health since 17 March 2018 nor have any grants been rescinded or cancelled since that date.

#### REPATRIATION GENERAL HOSPITAL

**25 The Hon. K.J. MAHER (Leader of the Opposition)** (29 May 2018).

1. What advice has the minister been provided regarding when elective surgery operations will be able to start at the Repatriation General Hospital?
2. What advice has the minister been provided regarding how many elective surgery operations will be able to be performed in 2018-19 at the Repatriation General Hospital?
3. What advice has the minister been provided of the costs (both recurrent and capital) of opening elective surgery operations at the Repatriation General Hospital?
4. Has the government received any advice as to safety and quality risks of elective surgery operations at the Repatriation General Hospital and if so, what did it say?

**The Hon. S.G. WADE (Minister for Health and Wellbeing):** I have been advised:

1. The Marshall government is committed to reducing the elective surgery waiting lists and making the best use of health assets on the site of the former Repatriation General Hospital. The future utilization of both operating theatres and procedure rooms on the site is being considered as part of planning and consultation processes underway.

2. SA Health is currently planning for elective surgery and colonoscopy procedures. These plans will link to the planning for the future use of the former Repatriation General Hospital site.

3. The cost of redevelopment will be determined once the planned use is finalised.

4. Any new or reactivated services at the Repat will undergo appropriate safety and quality checks, as well as consultation with clinicians and key stakeholders about what can be safely provided in a health precinct.

#### COUNTRY HEALTH SA

**26 The Hon. K.J. MAHER (Leader of the Opposition)** (29 May 2018).

1. Is it the government's intention to split the Country Health SA functions of workforce, training, safety and quality, service planning, budgeting between the government's proposed six country health region boards?
2. Will the South Coast, Gawler and Mount Barker hospitals be incorporated in metropolitan regions or country regions under the governments new proposals?
3. What will the public selection process be for selection of proposed new health board chairs and members?

4. Has any offer been made for appointment as a chair of a regional health board, and if so, to whom?

**The Hon. S.G. WADE (Minister for Health and Wellbeing):** I have been advised:

1. There will be six country local health networks established to replace the current Country Health SA Local Health Network. Detailed planning will occur over the coming months on the range of functions and responsibilities to be devolved to these local health networks.

2. The six country local health networks that will be established are based on the current Country Health SA regional boundaries. As such the South Coast (Victor Harbor), Gawler and Mount Barker Hospitals will continue to remain part of a country region.

3. There will be extensive public advertising across South Australia and nationally commencing early June 2018, inviting people to submit an expression of interest for local health network board chair positions. The selection process will be merit and skill based with announcements to be made by 31 July 2018. A similar and separate selection process for board members will be undertaken later in 2018.

4. I have made no offers to persons to be appointed as chair of a governing board.

#### BAROSSA HOSPITAL

**27 The Hon. K.J. MAHER (Leader of the Opposition) (29 May 2018).** When will the government build a new Barossa hospital and what advice does the minister have on the cost?

**The Hon. S.G. WADE (Minister for Health and Wellbeing):** I have been advised:

In a pre-election commitment, the government indicated it would allocate \$200,000—\$300,000 to develop a more detailed business case on a new Barossa hospital.

The business case process will be undertaken in the 2018-19 period.

#### SA HEALTH

**28 The Hon. K.J. MAHER (Leader of the Opposition) (29 May 2018).** Was the minister involved in the decision to end Ms Kaminski's contract as chief executive?

**The Hon. S.G. WADE (Minister for Health and Wellbeing):**

The Premier did discuss the leadership of SA Health with me following the election.

#### WOMEN'S AND CHILDREN'S HOSPITAL

**29 The Hon. K.J. MAHER (Leader of the Opposition) (29 May 2018).**

1. What are the names of all members of the government's task force for the new Women's and Children's Hospital?

2. What is the remuneration for members of the government's task force for the new Women's and Children's Hospital?

**The Hon. S.G. WADE (Minister for Health and Wellbeing):** I have been advised:

1. The task force will be comprised of the following members:

Mr Jim Birch	Chair—representing Minister for Health and Wellbeing
Dr Cindy Molloy	Clinical—Paediatric Neurosurgeon, Medical and Surgical, Women's and Children's Health Network
Dr Steve Scroggs	Clinical—Obstetrics and Gynaecology, Women's and Children's Health Network
Dr James Rice	Clinical—Paediatric Rehabilitation, Women's and Children's Health Network
Ms Tracy Carroll	Clinical—Nursing & Midwifery, Women's and Children's Health Network
Dr Martin Ritossa	Clinical—Divisional Director, Women's and Children's Division, Northern Adelaide Local Health Network
Dr Tina Jones	Clinical—Co-Director Critical Care, Nursing RAH, Central Adelaide Local Health Network
Dr Di Lawrence	Clinical—Paediatrics FMC, Southern Adelaide Local Health Network
Ms Verity Paterson	Clinical—Executive Director Allied Health & Community, Country Health SA Local Health Network
Ms Lynne Cowan	Deputy Chief Executive, SA Health
Ms Lindsey Gough	Chief Executive Officer, Women's and Children's Health Network
Mr Brendan Hewitt	Executive Director Infrastructure, SA Health
Mr Simon Morony	Department of Planning, Transport and Infrastructure
Mr Matthew Hunt	Renewal SA
Mr Sandy Burness	Department of Treasury and Finance

2. The chair of the task force will receive financial remuneration for his working time on the task force. All other members of the task force are state government employees and will not receive remuneration for their services to the task force beyond their existing employment conditions.

#### WOMEN'S AND CHILDREN'S HOSPITAL

**30 The Hon. K.J. MAHER (Leader of the Opposition)** (29 May 2018).

1. What is the advice regarding cost that the department has provided for a new Women's and Children's Hospital adjacent to the new Royal Adelaide Hospital?

2. What consultants or advisors have been appointed to provide advice regarding the new Women's and Children's Hospital and what is their cost?

**The Hon. S.G. WADE (Minister for Health and Wellbeing):** I have been advised:

1. The former government previously identified a cost of \$528 million to construct a new (Adelaide) Women's Hospital adjacent to the Royal Adelaide Hospital. The Marshall government has committed to the construction of a new Women's and Children's Hospital. This represents a significant change in the scope and the scale of the project over that planned by the previous government.

The government has committed to establish a task force for the new Women's and Children's Hospital. The task force will consult with clinicians, health professional and industrial organisations in determining the service models and inpatient bed numbers for new Women's and Children's Hospital. The task force will undertake this work over the second half of 2018. A cost for the new Women's and Children's Hospital is expected to be known in the first half of 2019.

2. The government will engage consultants to support the work of the new Women's and Children's Hospital task force as required.

#### SA HEALTH

**31 The Hon. K.J. MAHER (Leader of the Opposition)** (29 May 2018). By when will the government have established a Commission on Excellence and Innovation in Health and what will be the powers and terms of reference for the commission?

**The Hon. S.G. WADE (Minister for Health and Wellbeing):** I have been advised:

The government is committed to establishing a Commission on Excellence and Innovation in Health. No time frame has been laid down at this time.

#### ENTERPRISE PATIENT ADMINISTRATION SYSTEM

**32 The Hon. K.J. MAHER (Leader of the Opposition)** (29 May 2018). Who has been appointed to conduct the review into the EPAS system, what is the time frame for and the cost of the review?

**The Hon. S.G. WADE (Minister for Health and Wellbeing):** I have been advised:

No one has been appointed yet to conduct the EPAS review. The duration and cost of the review are yet to be finalised.

#### GAMBLING REFORM

In reply to **the Hon. C. BONAROS** (3 May 2018).

**The Hon. R.I. LUCAS (Treasurer):** I am advised:

In September 2016, the former government appointed the Honourable Timothy Anderson QC to undertake an independent review of the current administrative arrangements for the regulation of commercial gambling in South Australia. The review considered what improvements could be made to the existing gambling regulatory framework, to meet contemporary needs and community expectations. Links between the liquor and gambling regulatory regimes were also considered.

A report outlining the findings of Mr Anderson's review was provided to the former government in December 2016, however, the report was never published and a formal response to Mr Anderson's recommendations was never provided.

The Marshall government has now been provided with a copy of Mr Anderson's report and following proper consideration of the findings, the government will form a view as to what, if anything should be taken from Mr Anderson's report to reform South Australia's current gambling regulatory environment.

#### FAMILY COURT OF AUSTRALIA

In reply to **the Hon. C. BONAROS** (8 May 2018).

**The Hon. R.I. LUCAS (Treasurer):** I have been provided the following advice:

The appointment of Federal Circuit Court and Family Court judges, and the management of Federal and Family Court resources, are matters entirely for the federal Attorney-General.

The federal Attorney-General, as the first law officer of the commonwealth, is responsible to the Australian government for the recommendation of all judicial appointments to the Family Court of Australia, Federal Circuit Court of Australia, Federal Court of Australia and the High Court of Australia.

Section 22(1)(a) of the *Family Law Act 1975* (Cth), section 6(1)(a) of the *Federal Court of Australia Act 1976* (Cth), and Schedule 1 of the *Federal Circuit Court of Australia Act 1999* (Cth) all state simply that a judge of any of those courts shall be appointed by the Governor-General. There is no requirement, nor allowance, for the state Attorneys-General to be involved in the process.

This is quite distinct from the *High Court of Australia Act 1979* (Cth), section 6 of which requires that the federal Attorney-General must consult with the Attorneys-General of the states before an appointment to the High Court can be made.

Therefore, in my view, the state and territory Attorneys-General do not merely have no role to play in the appointment process to the Family and Federal Courts but, from a constitutional perspective, arguably should not involve themselves at all in any such appointment.

At most, a state Attorney-General may bring it to the attention of the federal Attorney-General that a state registry of a Federal, Federal Circuit or Family Court are under-resourced or understaffed. The federal Attorney-General in this case is already apprised of the issue.

#### FREEDOM OF INFORMATION LAWS

In reply to **the Hon. F. PANGALLO** (8 May 2018).

**The Hon. R.I. LUCAS (Treasurer):** I have been provided the following advice:

As stated in the House of Assembly on 16 May 2018, the AGD are reviewing relevant reports into freedom of information, including the Ombudsman's 2014 Report, a report of State Records and also parts of reports from the Independent Commissioner Against Corruption.

With this, the AGD are also tasked with identifying whether freedom of information law reform requires any further changes, especially given the amount of time that has passed since the Ombudsman and State Records reviews of the same.

Regarding the release of documents at the request of the Ombudsman, Coroner and ICAC, this is a matter to be determined by the Premier. As provided in the Marshall Liberal team's 'Open and Accountable Government' policy document, the Weatherill government denied ICAC access to cabinet documents during the commissioner's Oakden investigation.

If requested by ICAC to provide cabinet documents in similar circumstances, a Marshall Liberal government will do so.

#### QUEEN ELIZABETH HOSPITAL

In reply to **the Hon. J.E. HANSON** (8 May 2018).

**The Hon. S.G. WADE (Minister for Health and Wellbeing):** I have been advised:

Work is on track to meet the government's commitment to ensure TQEH has the capacity to deal with cardiac emergencies 24 hours a day, seven days a week within the government's first 100 days. All decisions relating to clinical services are made on the basis of patient safety and clinical need.

#### LYELL MCEWIN HOSPITAL SHORT STAY MENTAL HEALTH UNIT

In reply to **the Hon. C. BONAROS** (9 May 2018).

**The Hon. S.G. WADE (Minister for Health and Wellbeing):** I have been advised:

Following a lengthy admission to the Lyell McEwin Hospital, a long stay patient was transferred to independent accommodation, consisting of a multiroom portable building on the Lyell McEwin Hospital site.

Prior to making the decision to accommodate the long stay patient in the portable building, there was extensive consultation with the family, and the granting of their approval.

#### STROKE SERVICE

In reply to **the Hon. F. PANGALLO** (9 May 2018).

**The Hon. S.G. WADE (Minister for Health and Wellbeing):** I have been advised:

The need for the locum arose as a result of upcoming prearranged leave and the need to provide 24/7 cover for this service.

Due to the highly specialised and immediate nature of the service, it is not practical for a locum to only 'fly in fly out' for specific procedures. An immediate responsiveness is required; therefore the locum will be based in Adelaide for the period of their contract.

The locum was engaged from interstate as there was no qualified specialist in South Australia with the capacity to provide full-time cover for the duration of the leave.

The total cost for the locum which is expected to be for about a fortnight, will be around \$50,000.

This is an inclusive payment and no additional payment is made for episodes of care and covers accommodation and economy air fares.

The rate for this service is in line with standard rates provided to specialists performing this procedure.

#### JUSTICENET

In reply to **the Hon. C. BONAROS** (10 May 2018).

**The Hon. R.I. LUCAS (Treasurer):** I have been provided the following advice:

This government committed to reviewing JusticeNet's funding formula with other agencies if elected. The Attorney-General is currently undertaking this work and will make a decision on funding in due course.

#### SOUTH AUSTRALIAN VIRTUAL EMERGENCY SERVICE

In reply to **the Hon. T.T. NGO** (10 May 2018).

**The Hon. S.G. WADE (Minister for Health and Wellbeing):** I have been advised:

SAVES commenced in February 2017 with 16 sites initially able to connect to the service (Cleve, Cowell, Cummins, Elliston, Kimba, Streaky Bay, Wudinna, Karoonda, Lamerook, Meningie, Pinnaroo, Tailem Bend, Laura, Hawker, Quorn and Strathalbyn).

An additional 13 sites have now been announced with the required videoconferencing equipment installed in the towns of Booleroo Centre, Burra, Orroroo, Peterborough, Riverton, Snowtown, Kingston, Millicent, Penola, Eudunda, Kingscote, Coober Pedy and Yorketown, throughout March and April 2018, with final testing and modifications made in May 2018.

It is expected that the additional 13 sites will become operational on 18 June 2018.

The equipment and installation costs will be around \$470,000. The Rural Doctors Workforce Agency has advised they will be able to take on the additional call volume within their existing staffing model.

#### NUCLEAR WASTE

In reply to **the Hon. M.C. PARNELL** (15 May 2018).

**The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment):** I have been advised:

1. No.
2. No. In considering this matter the government has been guided by the Nuclear Fuel Cycle Royal Commission Report which considered the potential impact on tourism from the establishment of an international radioactive waste management facility and advised the impact on tourism would be inconsequential.

#### HOSPITAL ACCREDITATION

In reply to **the Hon. T.T. NGO** (15 May 2018).

**The Hon. S.G. WADE (Minister for Health and Wellbeing):** I have been advised:

Since 17 March 2018 there have been two accreditation assessments, Country Health SA Local Health Network—South East Region and Northgate House, against the National Safety and Quality Health Service Standards within the public system.

Country Health SA Local Health Network—South East Region is accredited until 23 May 2020 and underwent routine mid-cycle assessment between 20 and 23 March 2018. All the required elements were met at this assessment.

Northgate House was assessed against the National Safety and Quality Health Service Standard, for the first time on 12 April 2018 and a report is awaited.

#### MUSIC FESTIVAL PILL TESTING

In reply to **the Hon. F. PANGALLO** (15 May 2018).

**The Hon. S.G. WADE (Minister for Health and Wellbeing):** I have been advised:

The organisation that provided pill testing at the Groovin the Moo Festival in the ACT was Safety and Testing and Advisory Service at Festivals and Events. This is a consortium of non-government organisations led by Harm Reduction Australia. SA Health has not been approached by Safety and Testing and Advisory Service at Festivals and Events to undertake pill testing in South Australia.

I have referred to my colleague, the Minister for Police, Emergency Services and Correctional Services, the question of whether SAPOL has provided advice to the government about pill testing.