



TRS21D0810

Treasurer

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Hon Stephen Mullighan MP
Member for Lee
Unit 1, 62 Semaphore Road
SEMAPHORE SA 5019

lee@parliament.sa.gov.au


Dear Mr Mullighan

APPLICATION UNDER THE *FREEDOM OF INFORMATION ACT 1991*

I refer to your application made under the *Freedom of Information Act 1991* (the Act), dated 9 April, 2021.

Your application seeks access to:

"All minutes, briefings and correspondence titled 'Baby Deaths at Women's and Children's Hospital' as described on the Objective document management system." From 26 October 2020 to 9 April 2021.

The purpose of this letter is to advise you of my determination. An extensive search was conducted within this office. A total of 1 document was identified as answering the terms of your application.

I grant you access in part to this document; a copy of which is enclosed.

Document Released in Part

This document is released in part as it contains information of a personal nature which if released, would be an unreasonable disclosure of personal affairs. I have determined to exempt this information pursuant to clause 6(1).

Exemptions

Clause 6 – Documents affecting personal affairs

- (1) *A document is an exempt document if it contains matter the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person.*

Please note, in compliance with Premier and Cabinet Circular PC045 - *Disclosure Logs for Non-Personal Information Released through Freedom of Information* (PC045), the Department of Treasury and Finance is now required to publish a log of all non-personal information released under the Act.

In accordance with this Circular, any non-personal information determined for release as part of this application, may be published on the DTF website. A copy of PC045 can be found at the following address: <https://dpc.sa.gov.au/resources-and-publications/premier-and-cabinet-circulars>. Please visit the website for further information.

As I am determining this application as Principal Officer, section 29(6) of the Act does not provide for an internal review. If you are dissatisfied with my determination you are entitled to exercise your rights of external review with the Ombudsman.

Alternatively, you can apply to the South Australian Civil and Administrative Tribunal. If you wish to seek a review, section 39(3) of the Act states you must do so within 30 calendar days of receiving the determination.

If you require any further information, please contact Vicky Cathro on (08) 8226 9769.

Yours sincerely



Hon Rob Lucas MLC
Principal Officer

24 April 2021

Att.

Schedule of Documents

TRS21D0810 - Baby Deaths at Women's and Children's Hospital

Doc. No.	Date	Description of Document	# of pages	Determination Recommendation	Exemption Clause	Reason
1	26/10/2020	Briefing to Treasurer from General Manager, SAFA	2	Released in part	6(1) - Unreasonable disclosure of personal affairs	

RELEASE IN PART

MINUTE



Government
of South Australia
Department of Treasury
and Finance

20/10/2020
T20/042
TR20P3371

MINUTES forming ENCLOSURE

File CLM0065/1559

Doc No A1579374

To The Treasurer

BABY DEATHS AT WOMEN'S AND CHILDREN'S HOSPITAL – POSSIBLE CLAIMS

Timing: ROUTINE — For information only

Recommendations/Issues: It is recommended that you:

- note SAFA's involvement in relation to possible claims that may arise from four baby deaths at the Women' and Children's Hospital (WCH) due to concerns that no specialist cardiac unit or an Extracorporeal Membrane Oxygenation (ECMO) machine is available at WCH for cardiac care in infants.

Noted

Hon Rob Lucas MLC
Treasurer

31/10/20

Key Points:

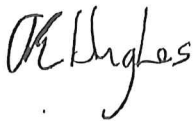
- Following evidence given by Dr John Svigos at the Select Committee on Health Services, significant media attention has been given to four baby deaths at the Women's and Children's Hospital (WCH).
- The media attention has centred on concerns that no specialist cardiac unit or Extracorporeal Membrane Oxygenation (ECMO) machine is available at WCH for cardiac care in infants.
- An ECMO machine replaces the function of the heart and lungs. It can be used to help when the lungs cannot provide enough oxygen to the body, to remove carbon dioxide from the lungs, or to assist when the heart cannot pump enough blood to the body. ECMO is essentially life support while a patient waits for surgery or transplant, but it does not treat the disease or injury that led to the heart or lung injury or failure.
- SAFA has received notifications in relation to the four baby deaths as they may give rise to compensation claims against WCH.



OFFICIAL: Sensitive//Legal privilege

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- From information known to date, the deceased babies had [REDACTED] and there is no current information to suggest there was any negligence by treating clinicians.
- SAFA has appointed the Crown Solicitor's Office to provide advice to SAFA in the event claims are formally made.
- The Department of Health and Wellbeing retain a \$1 million deductible in relation to medical malpractice claims made under the SAicorp Agency Agreement. Whilst SAFA manage all claims, both under and over the deductible, SAFA will only be liable for settlements exceeding the deductible.
- The parents may make claims in the form of a psychological illness (nervous shock) arising from the subject incident. Quantum of these types of claims is usually limited to the extent the psychological illness has affected the claimant's ability to work or perform general activities of daily living.
- Until claims are made it is not yet clear (should any claims be made) if they will exceed the \$1 million deductible.
- Given the significant media and public interest, SAFA will keep you updated on any significant developments in this matter as they arise.



Anna Hughes
GENERAL MANAGER, SAFA

26 October 2020

Contact Officer:	Jenny White
Telephone:	72274
Email address:	jenny.white@sa.gov.au

Supported / Not Supported



David Reynolds
CHIEF EXECUTIVE

Department of Treasury and Finance

Date 26/10/20