HOUSE OF ASSEMBLY

Wednesday 16 October 2013

The SPEAKER (Hon. M.J. Atkinson) took the chair at 11:00 and read prayers.

VISITORS

The SPEAKER: I welcome to parliament students from Glossop High School, who are guests of the member for Chaffey.

SELECT COMMITTEE ON A REVIEW OF THE RETIREMENT VILLAGES ACT 1987

Mr SIBBONS (Mitchell) (11:02): I move:

That the committee have leave to sit during the sitting of the house today.

Motion carried.

NATURAL RESOURCES COMMITTEE: ALINYTJARA WILURARA NATURAL RESOURCES MANAGEMENT REGION

The Hon. S.W. KEY (Ashford) (11:02): I move:

That the 86th report of the committee, entitled Alinytjara Wilurara APY Ranges Sub-Region Fact-Finding Visit 'Camelot', be noted.

The Natural Resources Committee fact-finding visit to Alinytjara Wilurara Natural Resources Management Region (North) has been anticipated for a long time. After being forced to reschedule a number of times over the past five years, the Natural Resources Committee finally completed its visit to the AWNRM Region (North) in April 2013.

Our hosts were the staff of the Alinytjara Wilurara Natural Resources Management Board/DEWNR, including the Acting Regional Manager, Matthew Ward, together with Helen Donald, Doug Humann, Justine Graham and Bruce MacPherson. We also met with local Anangu members of the APY executive, the principal of the Indulkana school, Paula McGuire, the Chair of the Antakirinja Matu-Yankunytjatjara Aboriginal Corporation—sorry to the member for Giles for my pronunciation.

The Hon. L.R. Breuer: I'm impressed.

The Hon. S.W. KEY: Thank you, I am glad you are impressed—Ian Crombie, and the chief executive of the Coober Pedy council, Phil Cameron. Details of our meeting and the evidence gathered are included in our report.

There is much happening in the APY lands. Mining companies have recently discovered one of the world's largest nickel deposits, ancient water has been discovered in deep rocks of the Palaeozoic period, and there have also been ongoing discussions around developing pastoral projects in partnership with the Anangu, involving cattle, wild horses, camels and donkeys.

The thing I recall most vividly from our visit was the urgent call from members of the APY Executive for action. The Anangu, we heard, were tired of successive governments, state and federal, promising but not delivering. They were concerned for young people having little to do on the lands in the way of employment activities and so sometimes getting into trouble. The Anangu are concerned that without enough support the communities on their traditional lands might be doomed. A possible way forward that is widely supported is getting young people more actively involved in managing the environment and natural resources in their traditional country.

Members were quite shocked at the extent that buffel grass has spread in the APY Ranges. It is probably too late now to do anything but slow the spread of this pest south and east. This highly invasive plant forms a monoculture resulting in the loss of habitat for native animals. Buffel grass has not been declared a weed of national significance or even listed as a declared plant in South Australia, though efforts to make this happen are underway. To complicate matters, buffel grass is still being promoted as a pasture grass in Queensland.

The committee was enthusiastic about DEWNR and the Anangu working as partners on NRM activities and projects that are meaningful to the Anangu as well as meeting federal and state government objectives. Suitable NRM projects are manageable in a scale like the excellent Warru

(which is the black-footed rock wallaby) Recovery Plan. I have to say that I did not actually see any of these warru.

Mr Pengilly: Can you pronounce that again?

The Hon. S.W. KEY: The warru or rock wallaby. This may potentially include smaller pastoral or camel harvesting ventures to provide learning opportunities for people working on their traditional lands. Committee members intend to seek additional information and anticipate hearing from further witnesses on the potential for camel and other pastoral projects in the AW NRM region.

Success requires managing expectations, having realistic aims and ensuring room for flexibility around outcomes. It means providing challenges that are interesting and rewarding for the people without insisting on a full-time, nine to five work ethic. It means enabling communities to be self-sufficient, to generate income, produce food, care for families and look after people in a way that gives a sense of pride and wellbeing. Committee members are looking forward to undertaking part 2 of this fact-finding visit and are planning a visit to Yalata and Maralinga in the southern part of the AWNRM region in November this year.

I wish to thank all those who gave their time to assist the committee with this inquiry, and there are a number of NRM staff and Anangu and APY people who made that possible. I commend the members of the committee: the member for Frome, the member for Torrens, the member for Little Para, the member for Mount Gambier, the member for Stuart, the Hon. Robert Brokenshire, the Hon. John Dawkins, former member the Hon. Gerry Kandelaars, and the Hon. Russell Wortley for their contribution to this report. All members have worked cooperatively on this report. And finally I would like to thank the staff, Patrick Dupont and David Trebilcock, for their assistance. I commend this report to the house.

Mr BROCK (Frome) (11:09): I will be very brief but I would like to also comment on the 86th report of the Natural Resource Committee entitled Alinytjara Wilurara APY Ranges Sub-Region Fact Finding Visit, and that it be noted.

As the Presiding Member, the member for Ashford, has already indicated, the people up there were very appreciative of our visit. It had been promised many times over successive governments that people would visit that area and, even if they had visited the area, there were lots of promises but never anything coming out of it. I certainly would encourage this government to look very favourably and seriously at the recommendations in this report and to act on some of them.

One of the things that was very evident was the necessity for teaching young children in the APY lands and the surrounding areas the opportunities in the retail and hospitality industry, and that is something that is very precious to my heart, and we need to continue doing that. I congratulate the people up there who are giving opportunities to these young Aboriginal children who may not otherwise have employment opportunities.

Something else that struck me was the buffel grass. Over the border, it is very well contained and controlled, and there is a lot of cattle grazing on it. As soon as we came onto the South Australian border side, it is rampant and all over the place. I think that is an utter disgrace. It is an invasive weed and nothing can grow underneath it. I do not think even mice and things like that can live in it because it blocks out all sunlight. Certainly, I recommend very strongly that the government, through the NRM people, look at some sort of control for buffel grass.

As the member for Ashford has indicated, we also need to look at opportunities for controlling feral camels up there. They are very prevalent and it is a complete waste. They are doing a lot of damage and, again, we should be looking at controlling those animals with the opportunity for not only domestic use, through human consumption, but also the export trade.

I sincerely thank the parliament for the opportunity of being on this committee. It is a very hardworking committee and I have learnt a tremendous amount by visiting not only this region but also other regions across South Australia. I believe that, whoever you represent in this parliament here, it enhances you to have these sorts of opportunities to understand what happens all around South Australia, especially in the regional areas where there are lots of opportunities, but people do not seem to understand that and do not really take notice of the opportunities there.

To my fellow members of the committee and our staff, I thank them very sincerely and, again, I thank the parliament for the opportunity to be able to be part of the Natural Resources

Committee. I thoroughly enjoyed it and the work tremendously, and I commend the report to the parliament.

The Hon. R.B. SUCH (Fisher) (11:12): I commend this report. It is ironic, if you think about it, that Aboriginal people, who were custodians of this land for probably 50,000 years or more, are now experiencing some of the consequences of what Europeans have done to this land in approximately 200 years. The Aboriginal people, as we know, have a strong link to their land—to 'country', as they call it. Contrary to what a lot of people say, they did not have a sense of ownership but of custodianship. They believed the opposite to us and believed that the land owned them, rather than what we have in our philosophy. We believe we own the land and, often (not always), we have treated it with disrespect.

I heard the previous speaker, the member for Frome, talking about buffel grass. It raises a wider issue, and that is that I think there needs to be more effort put into using genetic research in dealing with weeds. Unfortunately, one of the things that has happened in Australia in recent years is that there has been a reduction in support for research into pest plants, pest animals and so on, and I believe the only long-term effective solution is to use genetic engineering.

Feral camels were mentioned. They are a problem elsewhere. I have had a constituent contact me who drives trucks between Adelaide and Perth. As a result of raising the issue, the minister and the department took appropriate action on the Nullarbor to cull some of the feral camels there. There is no way you will ever get rid of feral cats or wild dogs, whatever you want to list—pest plants—without, I believe, using genetic engineering.

I would like to see the federal government in particular put a lot of money into research because not only will it benefit areas that we are talking about here but it will also benefit the farming community and the wider community as a consequence. You can increase productivity dramatically as a result, I believe, of using genetic engineering to control pest plants and pest animals.

I commend this report; it is another example of one of our standing committees doing excellent work. As I have said on many occasions, I think the committee system of the parliament is probably one of the most—if not the most—productive aspect of our parliamentary activity. I commend this report to the house.

The Hon. L.R. BREUER (Giles) (11:15): I just want to be brief on this. I congratulate the committee on the report. I am really pleased to see some of the recommendations it has come out with, but I would particularly ask them about the issue of buffel grass. I spent some time not long ago at the top of South Australia, the Northern Territory and Western Australia, and I was appalled at the spread of the buffel grass around those areas. I know that it is really taking over the APY lands and is a major problem.

I welcome anything the committee can do to stress the need to get some controls in there to see what can be done, because not only is it taking over the area but it is also creating a major bushfire hazard, as I understand it. I actually saw a fire with buffel grass while I was there and I was quite appalled at what was happening. I think if the committee can keep working on that issue, it would be of great benefit to this state and particularly that part of the state.

I pick up on the point about employment or opportunities for young people, and I would suggest that perhaps the environment is a good area for them to work in. Certainly, they have a real kinship with it and would like to work in it, I know. In Alice Springs and Desert Park, I know they train a lot of young people. If we could get young people trained in areas as park rangers, etc., I think that would be of great benefit for the state. Unfortunately, funding has been cut over the years for park rangers. We have fewer and fewer in this state, but in those areas I think they are particularly needed.

If we could get them trained in things like bush tucker, there is a whole range of areas that they could get knowledge of and pass that on. You see so many tourists up in those areas who love to speak to our Indigenous people. If they could impart some of the knowledge that they have and pass that on to those people, I think that would be excellent. I think there are opportunities there which we have missed out on but which we could develop in the future.

Camel control is another area that I would like the committee to concentrate on because it is a major problem. There have been all sorts of schemes to try to get rid of them—some of them quite harebrained, I think, and unrealistic. There are camels there and they need to be got rid of. At

the moment, they cull them; they shoot them and they lie on the ground. There was a proposal for, and I think the development of, an abattoir. It does not seem to have got anywhere.

There are proposals to bring the camels out of the land and bring them down to abattoirs in South Australia. That also is a major hurdle because the freight costs are incredible. Also for example, there is an issue at the moment between the Western Australian border and Amata with bringing camels through; they cannot bring road trains through. There are all sorts of barriers to doing something about the camel industry, but we must do something soon. They are eating the vegetation around there, and they are a major problem, so maybe the Natural Resources Committee can keep looking at that issue and determine what is feasible and what can be done.

I am a bit anti the agistment of cattle in the APY lands because I have seen the damage that can cause to the environment as well. I do not really believe that that is an occupation for the future, so I think we need to be really careful about that. Perhaps the committee can look at that issue in the future, too, because there are areas where cattle have been agisted and there has been a lot of damage to the environment. So, good work, Natural Resources Committee—keep on it. Somebody has to keep an eye out on what is going on there, and I think you are doing a good job.

Dr McFETRIDGE (Morphett) (11:18): I congratulate the Natural Resources Committee on this report. Can I just say, for the information of the house, Alinytjara is Pitjantjatjara for north and Wilurara is Pitjantjatjara for west, so it is just the North-West NRM Board. The opportunity they had to go to the APY lands is something that everybody in this place should try to take up because it is some of the most beautiful country in this state. It contains Mount Woodroffe (Ngarutjaranya in Pitjantjatjara), which is the highest point in South Australia in the Musgrave Ranges; it is absolutely magnificent country.

Then, of course, further south you have Watarru or Mount Lindsay—a very isolated community. Mount Lindsay (or Watarru, its correct name) is a series of large granite outcrops across between Ayers Rock and the Olgas, Kata Tjuta and Uluru. It is just wonderful country and the tourism opportunities there are huge, but there are lots of problems.

A few years ago, on one of the Aboriginal lands committee trips up there, I bought a painting by a well-known Aboriginal artist, Ruby Williamson. It is called the *Eight Pussycats Story*. Being a vet, I saw this picture about these eight cats—and there were eight cats—but it is a bush tucker story. It is about 'We ate cats', because they estimate there are between 10 million and 20 million wild cats in northern Australia, depending on the seasons. They are doing a terrible job of destroying the natural fauna in the area.

Camels are another big issue we have heard about. There are variations between 600,000 and 1,000,000 camels wandering through that area up there. Bringing them out on road transport is very difficult. Road trains cannot travel through there, not only because of the condition of the roads but I understand there are regulations that will not allow them to travel there, yet across the border in Queensland they can. If you were able to get the camels out in road trains, it might be an economic proposition, but, at the moment, it is not an economical proposition to do that.

We heard about some abattoirs that were proposed up there. There were some even started in a very small way, but they collapsed. Taking camels out in boxes, not as live freight, is about the only way you are going to do it, because there are lots of legs and lots of hump that you do not get much money for.

I urge the committee to continue to look at the control of feral animals up there, not just cats and camels but donkeys and horses, and to make sure that that country is not only valued for its mineral wealth but also for its natural beauty. I have been told that the bottom half is floating on oil and the top half is an Aladdin's cave of minerals. I think there are about 27 mining tenements on the lands at the moment—everything from nickel through to uranium and all the other minerals you can possibly think of. However, we need to ensure that that country is valued for what it is because its natural beauty is just magnificent.

In a recent visit with the committee to Ayers Rock Resort, we met with Manfred Pieper, who is managing the resort on behalf of the Indigenous Land Council. They hope to employ 350 Anangu in their hospitality training. They can then go back onto the lands and do more remote tourism and hospitality work there. There is a $7.3 million trade training centre being built at Umuwa. However, the only problem is that, even though it has beautiful facilities for mechanics, woodworking and metalworking, as well as a huge industrial kitchen which you would see in any

hotel or restaurant in Australia, there is no ongoing funding for it. There is no recurrent funding. They are having to pinch money out of the education budget here and there to try to train kids in hospitality.

Between what they are doing at Ayers Rock Resort and what could happen on the lands, there are huge opportunities. In South Africa they have remote areas where you can go and stay in the wilderness and enjoy the countryside. People pay big dollars for this, so the opportunities there for tourism are immense, but we have to make sure we control the feral pests, both plants and animals, in that sort of country so that we really do make sure that the future generations, not only the Anangu but also all the visitors to the APY lands, can benefit from that wonderful place and experience as it is a very beautiful and very valuable part of South Australia. I congratulate the committee on the report.

Mr PEGLER (Mount Gambier) (11:23): I would just like to say what an honour it was to go to that subregion of the APY lands and to investigate what all the various environmental issues are there. The buffel grass is a complex one in that in many parts of Australia it is used as a pasture species. I remember being up around Goondiwindi about 35 years ago and they were planting buffel grass everywhere then, so it is going to be something extremely hard to control on those lands because elsewhere in Australia it is used as a pasture. As far as I am concerned, the only way that they will ever be able to control it is perhaps with grazing cattle. I know they will do some environmental damage but they may also be able to control the buffel grass with them.

Cats and foxes are pests right throughout Australia, particularly out in the arid lands where it is extremely hard to control them. I do not think we will ever appreciate the damage that they do to many of our small native species of both birds and lizards. On another trip we saw where a cat had eaten 30 small lizards, two birds and a mouse in one day, so you can imagine if there are millions of cats out there the great damage that they are doing and, of course, foxes along with them.

We also saw the damage that the camels and donkeys are doing. They particularly do damage to native plants but they also often fall into the rock holes that contain water, and those holes have been very much a part of the Aboriginal tradition. They have been the watering points for many of those people and are watering points for many small animals, etc., but once the camels fall into them and drown, they are no longer usable. The people in the APY lands are also doing some great work in re-establishing some of the more rare wallabies. I certainly appreciate the great work that the local Indigenous people are doing. It was a great pleasure to go there, and I think that as a committee we should be looking into ways that we can definitely control these camels and donkeys.

The Hon. S.W. KEY (Ashford) (11:26): I thank members for their contributions this morning and also the other members who have not made a contribution today. I think that this is a really important area. As I said earlier, we have been trying, as the Natural Resources Committee, to get to this region for quite a number of years—certainly on the past committee that I was on—and it was great that we finally at least made the first part of the AWNRM trip.

We are looking forward to going to the southern part shortly. As part of our role as the Natural Resources Committee we feel it is not only important to hear from natural resource management committees who give evidence at Parliament House—and they do all come to visit us and talk to us not only about levies but also about work they are doing—but that we also visit the regions and spend time with the local people and the workers who have responsibility for natural resources in the area. I commend the report.

Motion carried.

ECONOMIC AND FINANCE COMMITTEE: ANNUAL REPORT 2012-13

The Hon. L.R. BREUER (Giles) (11:28): I move:

That the 81st report of the committee, entitled Annual Report 2012-13, be noted.

I would like to present this report to the house. During the reporting period, the committee undertook a range of important oversight activities in line with the committee's obligations, and pursued a number of lines of inquiry pertinent to the functions of the committee. The committee also experienced a number of changes in membership during the period which provided an opportunity for a broad mix of insight and interest to each of the committee's activities.

Throughout the 2012-13 reporting period, the committee met on 20 occasions, of which 16 were public hearings. During the period, the committee tabled the 2011-12 Annual Report, the Emergency Services Levy 2013-14 Report and the Workforce and Education Participation Inquiry Report. The Workforce and Education Participation Report was tabled on 14 June 2013 and included a lengthy inquiry exploring terms of reference focusing on barriers to participation into education, training and employment opportunities.

The report made 14 recommendations, and to date the responses from the relevant ministers have been supportive of the findings. The report particularly highlighted the crucial role played by the Adult and Community Education (ACE) providers in connecting with some of the most marginalised people in the community.

It was evident to the committee that the ACE sector facilitated people's increased participation in education, training and employment. The committee noted that community centres helped to build confidence in people, even when facing numerous challenges, while offering a range of non-accredited and accredited training in welcoming environments. However, the committee heard that many organisations in the ACE sector were challenged by short-term funding contracts which created an environment of ambiguity.

The key recommendation made by the committee was to replace short-term contracts with contestable three-year funding contracts to ACE providers to strengthen and stabilise the sector. I was particularly pleased to see the Minister for Employment, Higher Education and Skills accepted the recommendation and plans within this calendar year to commence offering three-year funding contracts to a significant proportion of providers of both accredited and non-accredited training in the ACE sector.

The taxation inquiry commenced on 22 December 2012, and the committee resolved to inquire into and report on the state's taxation system. The comprehensive terms of reference included, among other issues, the consideration of the fairness of the tax system and the impact of tax on the cost of living and the cost of business in South Australia.

The committee received 36 submissions in response to the inquiry's terms of reference, and during the reporting period held the first of a number of public hearings. The hearings are continuing into the next reporting period and the inquiry is nearing completion.

The committee also undertook a range of activities in relation to its various statutory functions. In accordance with the requirements of the Gaming Machines Act 1992, the committee received a report from the Office of Sport and Recreation in December 2012 regarding the 2011-12 sport and recreation fund allocations. The committee invited representatives of the Office of Sport and Recreation to appear on 30 May 2013 to discuss matters relating to the allocation of financial assistance to sporting and recreation bodies.

With respect to the Health and Community Services Complaints Act 2004, the committee received the proposed budget for the Health and Community Services Complaints Commission, which the committee resolved to accept on 7 February 2013. Under the provisions of the Passenger Transport Act 1994, the committee noted one referral on 21 June 2013 regarding passenger transport services for the Victor Harbor area.

In accordance with the committee's statutory functions regarding reporting of the proposed Emergency Services Levy each financial year, the committee noted in its report that the total expenditure on emergency services for 2013-14 is projected to be $247.3 million. The committee also noted that cash balances in the community emergency services fund were expected to reach $0.7 million by 30 June 2013. Furthermore, it was noted that there would be no increase in levy rates either for owners of fixed property or for owners of motor vehicles and vessels in 2013-14.

In terms of the Auditor-General and ACPAC, continuing the committee's interest and responsibilities regarding public accountability the Auditor-General was invited to appear twice before the committee in February and April 2013 to discuss matters in relation to the Auditor-General's annual report. In addition, as presiding member of the committee I attended the Australian Council of Public Accounts Committees (ACPAC) biennial conference in April this year, along with the committee's research officer. This conference was held in Sydney and was hosted by the New South Wales parliament.

I presented a report to the conference on the recent activities and functions of the Economic and Finance Committee. The conference theme was 'Public Accounts Committees: Adapting to the Changing Environment'. It was well attended by our interstate counterparts as well

as a large international contingent, including Tonga (which is our parliamentary twinning partner), South Africa, Fiji, Vanuatu, United Kingdom, New Zealand, Bougainville, Indonesia, and more. South Australia will be hosting the next biennial conference in 2015.

Throughout the reporting period the committee was supported by our wonderful executive officer, Mrs Lisa Baxter, who is now currently on maternity leave, and we all congratulate her on the recent birth of her beautiful baby; research officer on the workforce participation inquiry, Susie Barber, who has now taken over the role of executive officer until Mrs Baxter comes back, and is doing an excellent job; and our research officer on the tax inquiry, Mr Simon Altus.

I understand he is very stressed at the moment—very tired and exhausted—and has done an absolutely incredible job in putting together our draft report on the taxation inquiry. I think he has worked about 25 hours a day for the last couple of weeks. I am looking forward to seeing him on Thursday; I will give him a Bex and a cup of tea, I think, to quieten him down. He has done an amazing job. I commend the Economic and Finance Committee's Annual Report 2012-13 to the house.

Mr GRIFFITHS (Goyder) (11:35): I wish to speak briefly from the opposition's perspective in support of the annual report tabled by the member for Giles, the leader of the committee. I have again had the opportunity to be reappointed for a bit less than half of the reporting period, but I know that all members who have been involved appreciate the spirit of cooperation that exists between all members of the committee.

On occasion, when proposals are made for investigations to be undertaken, further consultation is required, which does not result in matters being supported, but there is an opportunity for us to appreciate the issues raised by each of us. Indeed, I have been pleasantly surprised by the areas in which some reports have been undertaken.

The tax inquiry, to which the member for Giles has referred, is a very detailed one; there is absolutely no doubt about that. We have received submissions in which many people talk about the problems but not necessarily the solutions, so it will be a great challenge indeed for not just the committee in determining what its report will say—and I recognise Mr Altus and his efforts—but what the parliament and the government of the future decide to do about it.

One little frustration I have is the Industries Development Committee, to which I am lucky enough to have been returned as a member and on which I have been a member in the past, but which has not met since 2005. I believe that to be correct: that it has not met since 2005. I am rather frustrated by the member for West Torrens as a previous chair of the committee and from a comment he made here in the chamber about his hope that it will be convened in the future to discuss issues. Even though that was probably a good eight or nine months ago, it has not occurred.

I believe that it is very necessary for a wider level of knowledge to exist on the understanding that confidentiality is required to be preserved by all members of the committee about the support and negotiations that are occurring from a government perspective with some of the challenges that industry in South Australia is facing. I hope there will be an opportunity for the Industries Development Committee to meet in future because I believe that it can take on a particularly important role.

I also wish to note on behalf of the opposition the fine efforts made by staff in support of the Economic and Finance Committee. We were very pleased to have a small luncheon to recognise Mrs Lisa Baxter before she went on maternity leave and the subsequent delivery of her baby, and we congratulate her and her husband of the birth and hope that all is well.

I look forward to this report being adopted and, indeed, to future discussions about the Economic and Finance Committee. I might be a bit of a masochist in some people's eyes, but I actually do appreciate knowledge. I think the committee allows members in a really bipartisan way—

Mr Gardner: He likes estimates too.

Mr GRIFFITHS: I do—to understand the intricacies of issues and to sit down collectively and try to work out something for the better. So, the principle is very strong and I hope it is supported. I look forward to further appointments in future.

The Hon. R.B. SUCH (Fisher) (11:30): I commend the Economic and Finance Committee on its annual report. I was once a member of that committee. It was then referred to in the media as the powerful Economic and Finance Committee. I do not know whether—

The Hon. L.W.K. Bignell: All-powerful.

The Hon. R.B. SUCH: All-powerful. I do not know whether it has lost some of its mojo, but the committee has done some good work. I would like to just raise the issue that I believe the Economic and Finance Committee should be looking in detail at each government agency. Members might say that we have the estimates committees for that. That does not really do the job, nor does the follow-up to the Auditor-General's Report.

I believe the Economic and Finance Committee should put every government agency—obviously the larger ones are included: education, health and so on—through the hoop. They should be required to justify and explain what they have done and what they are doing and also to indicate, for example, how many of their staff are actually on the front line, how many are in the office. Those sorts of questions need to be pursued vigorously. The current arrangements and modus operandi of the committee do not do that, and I think it is time that they did.

At the moment, I do not think the people of South Australia, through the parliament, have the scrutiny they want in relation to government departments. I know that when I was on the committee we used to spend a lot of time worrying about whether what were then called water catchment boards were using too many biros or pencils. I think a committee like this should be looking at the expenditure and finances of all government agencies and departments. I think there would be not only incredible cost savings but also better accountability to the people of South Australia.

The Hon. L.R. BREUER (Giles) (11:40): I thank members for their comments. I omitted this before, but I particularly want to pay tribute to the other members of the committee: the members for Ramsay, Colton, Davenport, Torrens, Goyder and Flinders for their hard work in the time that I have been the Chair of the committee.

Motion carried.

ECONOMIC AND FINANCE COMMITTEE: COMPULSORY THIRD PARTY INSURANCE

The Hon. L.R. BREUER (Giles) (11:41): I move:

That the 82nd report of the committee, entitled Compulsory Third Party Insurance, be noted.

Mr GRIFFITHS (Goyder) (11:41): I will very briefly say that this is a relatively short report. There were valid reasons for this inquiry being commenced, and I think five or six submissions were received. No particular recommendations are contained in the report because the matter had moved on, a bill had been considered and a decision was reached by the parliament. So, the opposition supports the report.

Motion carried.

NATURAL RESOURCES COMMITTEE: ANNUAL REPORT 2012-13

The Hon. S.W. KEY (Ashford) (11:42): I move:

That the 88th report of the committee, entitled Annual Report 2012-13, be noted.

The 12 months to the end of June 2013 have again been a very busy time for the members of the Natural Resources Committee. The nine members appointed after the March 2010 state election continued to do their work on the committee with just one change: the January 2013 cabinet reshuffle saw the Hon. Russell Wortley replace the Hon. Gerry Kandelaars. There were no changes to the staff during that time.

I also acknowledge the ongoing input and interest of the members for Flinders, Giles, Davenport and the Hon. Gerry Kandelaars. Former minister Caica, ministers Hunter and O'Brien and their respective staffers have also been of great support. It may be unusual for me to comment about people who are not actually members of the committee, but we are very appreciative of the support we get from all members in both chambers and certainly those members in particular.

In the reporting period of the Natural Resources Committee, we undertook 27 formal meetings, a total of 70 hours, and took evidence from 85 witnesses. Thirteen reports were drafted and tabled in the reporting period. These were: the Annual Report 2011-12; seven reports into natural resources management levy proposals for 2013-14; a review of the NRM levy

arrangements; an interim Eyre Peninsula water supply inquiry report, Under the Lens; the Annual Report on the Upper South East Dryland Salinity and Flood Management Act for 2011-12; Water Resource Management in the Murray-Darling Basin, Volume 3, postscript report, The Return of the Water; and a report on foxes, Hunting for the Right Solution.

Five fact-finding visits were undertaken during 2012-13: three related to the Eyre Peninsula water supply inquiry, including visits to Ceduna, Streaky Bay/Robinson Basin, Port Lincoln and the southern basins, and the Musgrave Prescribed Wells Area, including Polda Basin. The committee was also fortunate to be able to finally undertake a tour of the northern part of the Alinytjara Wilurara NRM region, including Umuwa, Indulkana and Coober Pedy. A day trip to Black Hill and Cleland conservation parks to learn about DEWNR's prescribed burning program was also very informative. The committee's inquiry into the Eyre Peninsula water supply was ongoing to the end of the reporting period, although it has since been completed.

I would like to acknowledge the valuable contribution of the committee members: the member for Frome, the member for Torrens, the member for Little Para, the member for Mount Gambier, the Hon. Robert Brokenshire, the Hon. John Dawkins, the member for Stuart, the Hon. Russell Wortley and the Hon. Gerry Kandelaars. I thank them for the cooperative manner in which we have all worked together and I look forward to the continuation of this cooperation in the coming year. I would also like to thank in particular the parliamentary staff for their assistance: Mr Patrick Dupont and Mr David Trebilcock. I commend this report to the house.

Mr PEDERICK (Hammond) (11:46): I rise today to speak to the 88th report of the Natural Resources Committee, being the Annual Report 2012-13. I want to make general comments about some of the inquiries conducted by the committee. I must say that the committee does great work and, as the member for Ashford indicated, it interacts with local members. I have been very pleased with the interaction I have had with the member for Ashford and the committee members over time in my electorate at the lower end of the River Murray.

With regard to the Murray-Darling Basin Plan postscript report, The Return of the Water, I want to make some comments about whether the extra water returned to the system should be the 2,750-gigalitre amount or the 3,200-gigalitre amount. For people to get a picture of how much water that is, Sydney Harbour has about 500 gigalitres of water, so it is a lot of water to put back into the system, whichever way you look at it.

The report mentions constraints, and certainly there will be many constraint issues to be dealt with if the 3,200 gigalitres is the amount of water to be used in the future to get down through the River Murray system. I note that there will be some issues around that—there will be some flooding of shacks, and a lot of them will be in my electorate.

It is about how the water is managed. It is always good to have more water coming down through the system, but we need to have a whole-of-system approach. Having been involved with the Murray Darling Association's annual general meeting at Goolwa last week, it was pleasing to see a fair bit of love in the room; it was not total love, but when you are dealing with—

The Hon. R.B. SUCH: Was it free love?

Mr PEDERICK: No, it wasn't free either. However, it was good to see a reasonable amount and, in fact, quite a large amount of consensus amongst people involved with the Murray-Darling Basin, from Queensland right down through New South Wales and Victoria and the lower end. I note in particular that one resolution was put at the meeting about whether there should be more work done on raising the barrages at Goolwa and renewing them to Torrumbarry-style weir gates and automatic opening so that you can operate them with a mobile phone, basically, from anywhere. At the moment, they just use stock logs, which has been a great way to hold the river back, but this is technology developed 80 or 90 years ago, and we noticed during the drought how much they leaked when they were forced to do something they were not designed to do, that is, not having the back pressure of the fresh water coming up against them they were leaking sea water heavily.

There was a lot of consensus at that conference, from people right throughout the river, that those barrages not only need to stay in place but also need to be upgraded and appropriately dealt with. It is a bit of a different response to that of some other spokespeople in the Murray-Darling Basin further north, but there are certainly some issues that need to be addressed with the Murray—there always will be—but I congratulate the committee for its work with regard to the River Murray. Also, I want to talk about natural resource management levies. These are always a bone of contention in the community, and I note in one of the recommendations:

The Natural Resources Committee recommends that increases in NRM levies above the CPI should be the exception, not the rule. Due to the tendency over the past few years for increases to consistently exceed the CPI (in one case 15 times the CPI)—

and I note that the committee stood against that increase—

the Committee recommends that the Minister for Environment and Conservation direct DENR—

now DEWNR—

to ensure that in future increases remain within the CPI.

I certainly agree with that, and there should be a far more astute way of allocating any increases, because it is tough for all our ratepayers out there. We know that these levy rates go out with the local government notices and people get upset when they see anything that is unreasonable across the board.

Another thing that interests me is the recommendation to amend the NRM Act to require that business plans are reviewed no less than every three years instead of annually, together with a commitment to core funding under the state government NRM fund for the same period. I declare my interest. My wife had a bit to do with integrated natural resource management, which was the precursor to natural resource management as it is today. I have witnessed and seen over the years the number of business plans that have been produced, and I would hate to see how many trees have been cut down to produce these business plans.

It has been ongoing, and it has frustrated the heck out of the community that there is so much work going into all this paper and more planning and more planning, when the community just wants to see the outcome of more work done in the community and near their properties, and that kind of thing. Thankfully, in some of the dialogue I have had with my natural resources management board is the fact that they are suddenly recognising that farmers exist. That is a good thing, and they are realising that there needs to be a better dialogue.

I note there was an issue dealt with in regard to prescribed burns. They have always been a fascinating thing in South Australia. A lot of the time they turn into uncontrolled prescribed burns, and we have seen the Gawler Ranges, Messent park in the South-East, and other areas where these prescribed burns get out of control. I am not saying we should not have them, but we need to have far more control and more appropriate days when these burns take place so that they can be managed a lot better.

In closing, I want to comment on the recommendation about a joint select committee on foxes and the possibility that it could be expanded to include wild dogs. I think this is very apt. I have had conversations with the member for Stuart about wild dog attacks at Waikerie, and there was a rumoured attack at Coonalpyn—I have not verified that—by a wild dog. This is wild dogs that are breeding below the dog fence. It is not as though the dog fence has just collapsed. I think a select committee into the control of foxes and wild dogs would be very apt. I congratulate the committee on its work and commend the annual report.

The Hon. R.B. SUCH (Fisher) (11:54): I commend this report, also. I notice in the terms of reference for this committee that they are to look at a range of things. There is one area that I think has not had enough attention by this committee—and I guess that that is ultimately the responsibility of individual members for not putting something forward—but what has happened in recent times is that, partly because of the unpopularity of some of the policies advocated by the Greens, aspects of the natural environment have fallen into disfavour.

I do not want to be too critical of the Greens party, but they are pursuing a whole lot of issues, not just those related to conservation and preservation. They are on about asylum seekers and same-sex marriage which are important topics, but I think what has happened is that, in the community, there has been almost a breakaway from supporting what are traditionally conservation type projects—national parks, conservation parks and so on.

If you take the environment literally to cover everything, you get into a ridiculous sort of debate, but I think there needs to be some focus back on habitat, on preservation of native species—whether they be plants or animals—and on national parks and conservation parks, if they are properly managed, and all those issues. To some extent that aspect of the environment has fallen off the radar and it needs to be brought back on to counter what has been a negative political focus arising out of people's hostility toward the Greens as a political party. I just make that point.

This committee has done some good things. We seem to have an obsession in this place with the NRM boards which I think overall do a good job. There has been a bit of a tendency towards increasing bureaucracy in them, but I think we should focus on a lot of other issues as well as NRM boards. I notice that the committee looked at a whole range of issues—Upper South-East dryland salinity and so on. I just make the point that maybe in the next parliament it might be time to have a look at some of the aspects of managing what have been traditional areas in the environment—that is, conservation and preservation type issues.

Mr TRELOAR (Flinders) (11:57): I would like to make a contribution to the debate on the tabling of this report as well. I congratulate all the committee members and especially the Presiding Member (the member for Ashford). I would concur with a lot of the comments that the member for Hammond made on the committee's adaptability, their preparedness to travel, their preparedness to take on extraordinary tasks as far as inquiries go and also their understanding of local issues and their preparedness to engage the local members.

I appreciated that opportunity very recently when this committee undertook an inquiry into the Eyre Peninsula water supply. Since the tabling of this particular report, the final report on that inquiry has come out and, as recently as this morning, I was making comments on local radio with regard to that particular report on the Eyre Peninsula water resource. It will remain topical for some time. There are a number of recommendations—14, I think—as part of that report to ensure that Eyre Peninsula's water can be better managed both as a resource and as a supply for the commercial customers that exist on Eyre Peninsula.

I think one of the challenges with all these committee reports—and, ultimately, their recommendations—is to ensure that they are adopted. My understanding is that the relevant ministers need to respond in due course, but having said that, governments have no real responsibility to take on any of the recommendations or do anything in particular with regard to those. The challenge, I think, for me as a local member and for any member who is interested in some of these reports, is to ensure that the recommendations are undertaken. I congratulate the committee and commend the report and I look forward to the opportunity to work with them in the future.

Motion carried.

HEALTH CARE (ADMINISTRATION) AMENDMENT BILL

The Hon. J.J. SNELLING (Playford—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for Defence Industries, Minister for Veterans' Affairs) (12:03): Obtained leave and introduced a bill for an act to amend the Health Care Act 2008. Read a first time.

The Hon. J.J. SNELLING (Playford—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for Defence Industries, Minister for Veterans' Affairs) (12:04): I move:

That this bill be now read a second time.

The Health Care Act 2008 came into effect on 1 July 2008. The act changed the way hospitals and health services were administered in this state to ensure that the healthcare system was responsive to healthcare demands now and into the future. The acts brought together hospitals and health services to deliver services that meet the needs of their local community while at the same time providing for greater coordination and accountability of services, with the minister and chief executive ultimately responsible for the delivery of services in South Australia. The act has provided, and continues to provide, a solid governance basis for the system as it strives to reform health services and implement and deliver on South Australia's Health Care Plan.

The Health Care (Administration) Amendment Bill 2013 before the house seeks to make a number of amendments to the act, aimed at ensuring that the act continues to function effectively and meet the administration and governance needs of the South Australian public health system, and to clarify the intent of some of the act's provisions. The bill covers seven areas of amendment, which are outlined in detail in the remainder of the second reading explanation. I seek leave to have this inserted in *Hansard* without my reading it.

Leave granted.

Fees for services provided by the SA Ambulance Service that do not involve ambulance transport

Section 59 of the Act allows the Minister to set fees, by notice in the Gazette, to be charged for ambulance services. An ambulance service is defined in the Act as 'the service of transporting by the use of an ambulance a person to a hospital or other place to receive medical treatment, or from a hospital to other place at which the person has received treatment.'

The Act, however, does not currently provide a basis for the Minister to set fees for services provided by South Australian Ambulance Service paramedics that do not involve transportation in an ambulance. These type of services are those where a member of the South Australian Ambulance Service responds to a request for emergency medical assistance and attends a person's home or some other place to provide emergency assistance, and the person is then assessed and/or treated at that place and is not transported by an ambulance. These services are commonly referred to as 'treat no transport' services.

Fees are currently set and charged for these services, under the Fees Regulation (Incidental SAAS Services) Regulations 2009 under the Fees Regulations Act 1927. This is an anomaly for fees charged by SA Health for the provision of health services, as all other fees for services are provided for under the Health Care Act 2008. The Bill makes provisions to allow fees to be set for incidental services such as 'treat no transport' services to be set in the same way as all other fees for health services under the Health Care Act 2008.

Employment of clinicians in the Department for Health and Ageing (central office)

This amendment is technical in nature and seeks to provide an appropriate mechanism for the employment of doctors, nurses and midwives to work in the central office of the Department for Health and Ageing. There are a number of positions within central office that require the professional skills, qualifications and clinical knowledge that only medical practitioners, nurses and midwives possess. These are existing funded positions within the Department to provide independent professional advice to the Chief Executive, the Chief Public Health Officer and the Minister.

The Department employs the Chief Medical Officer, public health medical practitioners, the Chief Nurse and Midwifery Officer and other nursing staff to undertake key clinical advisory functions related to their professions. For example, as part of its public health role, the Department receives notifications of prescribed diseases and medical conditions. These notifications require clinical responses. Doctors and nurses are employed in the Department to provide a public health response to diseases such as meningococcal disease cases where advice needs to be given as to which of the people in contact with the cases need to receive antibiotics. The Department's clinicians also provide advice on immunisation to doctors, nurses and the community, receiving over 16,000 calls per year. Clinical expertise is essential within the Department both for policy advice and for linkage with professional clinical networks.

In South Australia, a medical practitioner, nurse or midwife working in a public hospital is employed pursuant to the Health Care Act 2008. The relevant industrial awards, that is, the Department of Health Salaried Medical Officers Enterprise Agreement 2008 or the Nursing/Midwifery (South Australia Public Sector) Enterprise Agreement 2010, not only outline the conditions of employment for these clinicians but also recognise specific career structures and continuing professional development requirements for these professions.

It was previously thought that clinicians could also be employed to work in the Department for Health and Ageing's central office under section 34 of the Act, if they performed functions in connection with the operations or activities of an incorporated hospital. However, the Act as currently drafted does not support this, and clinicians working in the Department would be required to be employed under the Public Sector Act 2009, pursuant to the South Australian Public Sector Wages Parity Enterprise Agreement: Salaried 2012, as the Department is defined within the Act as an administrative unit of the public sector.

It has become apparent to the Department that this is not an appropriate employment mechanism because the South Australian Public Sector Wages Parity Enterprise Agreement: Salaried 2012 does not recognise the qualifications, entitlements and continuing professional development requirements for these professions. The Government believes that clinicians who choose to work in the Department should be able to retain any entitlements in line with their professional award. Continuing these professional entitlements will also assist the Department to continue to attract and retain suitably qualified medical practitioners, nurses and midwives and ensure flexibility in the workforce across the Department and the public health system.

The South Australian Branch of the Australian Medical Association, South Australian Salaried Medical Officers Association, the South Australian Branch of the Australian Nursing and Midwifery Federation and those clinicians currently working in the Department have been notified about the Government's intention to correct the anomaly that exists in the employment of those clinicians working in the Department to ensure equity with those working in incorporated hospitals. The employment of clinicians currently engaged to work in the Department remains secure, and the Bill includes specific transitional provisions to ensure this and to provide certainty to these employees that their employment, conditions and entitlements are not in any way altered by the previous oversight and by the introduction of the new employment mechanism as set out in the Bill.

Proclamations to dissolve three now non-operational incorporated associations and transfer their assets to the appropriate incorporated Health Advisory Council (HAC)

The Bill includes specific transitional provisions to resolve some ongoing issues related to three non-operational incorporated associations namely, Lumeah Homes Inc (Lumeah), Miroma Place Hostel Inc (Miroma), and Peterborough Aged and Disabled Accommodation Inc (Peterborough) that attempted transfer of their assets and their undertakings to their local country hospital sites in the 1990s and early 2000s.

At the time of the attempted transfers, the associations, and hospitals involved, which were then incorporated under the former South Australian Health Commission Act 1976, determined that the assets, liabilities and undertakings of the associations should be transferred to the hospitals. However, these transfers were never legally effected and as such the assets legally remain with the non-operational incorporated associations, although they have in practice been managed by the country hospital sites since the time of the transfers.

Since then, the Health Care Act 2008 came into operation and Health Advisory Councils (HACs) have been established for specific geographical country communities. The functions of these HACs include holding assets on behalf of the country hospital sites to which they relate. The country hospital sites are all part of the Country Health SA Local Health Network Inc. If the assets of the non-operational incorporated associations had been legally transferred to the relevant country hospital sites at the time, they would now rightly be held by the relevant HAC. The transitional provisions included in the Bill will allow for these outstanding issues to be resolved and for the assets to be formally transferred to the appropriate local HACs, as is envisioned by the Act. The HACs that will formally receive these assets are the Lower North HAC, Lower Eyre HAC and the Mid North HAC. It will also enable the cancellation of the incorporation of the named associations whose functions were taken over under the South Australian Health Commission Act 1976.

Other minor amendments

The Bill includes a small number of other minor amendments that are necessary to improve the functioning of the Act, and to clarify the intent of certain provisions. These amendments include:

- a minor amendment to re-arrange the wording of section 29(1)(b) of the Act, to clarify that a body under the Act does not need to be providing services and facilities specifically to an incorporated hospital for the undertaking of that body (or part thereof) to be transferred to the incorporated hospital. That is, the body that will be transferred may not have been providing anything to an incorporated hospital, but it can still have its assets, liabilities and undertakings transferred to an incorporated hospital under this section.

- a new provision to be inserted into Part 5 of the Act to allow the Governor, on application from the Minister, to make proclamations to transfer functions, assets, rights and liabilities from one incorporated hospital to another, without the incorporated hospital to which these first belonged being dissolved. At present the Act only allows for these transfers to be made in the event that an incorporated hospital is dissolved. The new provision is sought to provide for flexibility in the establishment and management of incorporated hospitals over time.

- removing section 49(5) of the Act which allows the Minister to determine a constitution for the South Australian Ambulance Service (SAAS). This section is not required given that the functions and powers of SAAS are clearly set out in the Act. A constitution has not been determined for SAAS since the Act came into operation, and is not required for the effective functioning of SAAS.

- two minor amendments will be made to section 93(3) of the Act, to align the terminology used with other legislation. The first amendment is to limit the disclosures of information required to those that are 'required or authorised under law'. This will align the wording with that included in the draft Information Privacy Bill. The second amendment is to add the term 'substitute decision-maker' to the list of persons who may request, or provide consent, for information about a person to be released so that it aligns with the provisions of the Advance Care Directives Act 2013, once that Act comes into operation.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of Health Care Act 2008

4—Amendment of section 29—Incorporation

This clause amends section 29 of the principal Act by substituting subsection (1)(b) to allow all or part of the undertaking of a specified person or body to be transferred to an incorporated hospital.

5—Insertion of Part 5 Division 1A

This clause inserts new Division 1A into Part 5 of the principal Act. That new Division consists of section 32A, which enables the Governor to transfer functions, assets, rights and liabilities of one incorporated hospital to another and to make other related provisions.

6—Amendment of section 49—Continuation of SAAS

This clause deletes subsection (5) from section 49 of the principal Act.

7—Amendment of section 59—Fees

This clause substitutes section 59(1) of the principal Act, allowing the Minister to set fees for the provision of incidental services provided by SAAS and defines what such incidental services are.

8—Insertion of section 89

This clause inserts a new section 89 into the principal Act. The new section enables the employing authority to appoint certain skilled or experienced people to assist the CE or the Department in the performance of their respective functions. The new section also makes provision regarding the nature of such employment arrangements.

9—Amendment of section 92—Conflict of interest

This clause makes an amendment to section 92 of the principal Act that is consequent upon the insertion of new section 89.

10—Amendment of section 93—Confidentiality

This clause amends section 93 of the principal Act to clarify when confidential information may be disclosed, and who can consent to its disclosure.

Schedule 1—Transitional provisions

1—Employment

This clause makes transitional provisions that allow the CE to determine that certain employees of the Department will be taken to be employed under new section 89 as inserted by this measure.

2—Cancellation of incorporation etc of certain associations

This clause makes transitional provisions in respect of 3 incorporated associations. The functions of the associations were previously taken over under the South Australian Health Commission Act 1976, but the incorporation of the associations was not cancelled at the time and certain assets not transferred. The clause allows the Governor to correct the anomaly in each case.

Debate adjourned on motion of Dr McFetridge.

HEALTH PRACTITIONER REGULATION NATIONAL LAW (SOUTH AUSTRALIA) (PROTECTION OF TITLE—PARAMEDICS) AMENDMENT BILL

The Hon. J.J. SNELLING (Playford—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for Defence Industries, Minister for Veterans' Affairs) (12:06): Obtained leave and introduced a bill for an act to amend the Health Practitioner Regulation National Law (South Australia) Act 2010. Read a first time.

The Hon. J.J. SNELLING (Playford—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for Defence Industries, Minister for Veterans' Affairs) (12:06): I move:

That this bill be now read a second time.

Paramedics are those health practitioners that provide rapid response and emergency medical assessment, treatment or care in a pre-hospital or community environment. Paramedic practice has changed in its focus from a model of 'treat and transport' to a more contemporary healthcare model of 'assess, treat and appropriately refer'. This change in practice places a greater responsibility on the practitioner and poses an increased risk of harm to the public.

The relationship between people treated by a paramedic and the practitioner is one taken on trust. A patient may be unconscious or not competent to make an informed decision when being treated, so consent to treatment is not always possible. The patient may not understand the clinical interventions that the paramedic needs to undertake to treat them, and in many cases, save their life. These factors underscore the role of trust that the patient places in the paramedic—trust in the paramedic's competence to practise and trust in the paramedic's decision-making processes about the clinical interventions and their referral for care.

Paramedic practice is not currently regulated in Australia. This is despite a call for the profession to be included as part of the National Registration and Accreditation Scheme for health professions from reports in New South Wales, Victoria and Western Australia.

In February 2010 the Standing Council on Health sought advice on options for the regulation of paramedic practice, including the inclusion of the profession in the National Scheme. The Australian Health Ministers' Advisory Council (AHMAC) is still preparing advice on options for the consideration of Health Ministers. Should AHMAC recommend to the Standing Council on

Health that paramedics should be incorporated into the National Scheme, it is likely to be another two years from the time that the decision is made before regulation would begin.

This is based on the experience of those health professions that were incorporated into the National Scheme in 2012 and represents the time to establish accreditation authorities and develop registration standards for the profession. I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

In the absence of regulation any person may call themself a paramedic and undertake the duties and responsibilities generally associated with paramedic practice regardless of whether they hold the necessary education and training to provide the level of care expected.

This Bill takes a step towards the regulation of paramedic practice by protecting the title of paramedic. Under this Bill it will be an offence for any person to take or use the title of 'paramedic' unless they hold the appropriate qualifications to perform the role of the paramedic.

The Council of Ambulance Authorities has established an accreditation scheme for education courses in Australia to ensure that graduates meet the requisite education and training standards for employment as a paramedic in Australia and New Zealand. These qualifications will form the basis of the qualifications that will entitle a person to take the title of 'paramedic'. Most paramedics employed in Australia hold a tertiary qualification and have completed an internship program.

Paramedics Australasia, the national professional association of paramedics, has estimated that there are currently approximately 12,800 paramedics in Australia. The paramedic profession has almost doubled in size since 2006. Most paramedics are employed in government related ambulance services and the Australian Defence Forces. In general these employment sectors have strong employment and governance practices, which ensure that only those persons suitable to be paramedics are employed as such.

However, the employment picture for paramedics is changing, with paramedics increasingly being employed in the private sector in diverse areas such as private ambulance services, private industry (including mining) and the events sector. Paramedics Australasia estimates that the private sector employs 36 per cent of the total paramedic workforce.

In addition, there has been a large growth in the labour market for the casual employment of paramedics in a large range of employers including private first aid providers and private industrial and resource services.

Within this expanding private employment sector there is no assurance that these employers apply the same standards in the development of clinical protocols and guidelines to manage the practices of their paramedic employees. This highlights the potential risk that may occur to the public from persons that do not hold the appropriate qualifications and training.

Paramedics are often involved in care that is complex and highly invasive, such as the administration of intravenous fluids and drugs, and the management of severe trauma such as burns and spinal injuries. They may also be required to administer scheduled drugs. The situations faced by paramedics are often complex and challenging and require good judgement to minimise the substantial risk of causing harm to the public.

A survey undertaken by Paramedics Australasia in 2011 found that 56 per cent of respondents (1,721 paramedics) personally knew of an instance of actual harm or injury to a patient resulting from the practice of a paramedic. 17 per cent of these respondents (527 paramedics) indicated that this care had resulted in significant harm or death to the patient.

At this point it may assist Members to note the distinction between the role of the paramedic from an ambulance officer and volunteers. Ambulance officers and volunteers have completed a comprehensive program focused on the provision of pre-hospital emergency care. The fundamental difference between these levels of healthcare providers is the expansive and internationally accepted scope of practice of a paramedic.

Paramedics are required to respond to medical and trauma emergencies, assess and treat the patient and prepare them for transport to a hospital for ongoing care, if and as required. Paramedics are often required to make complex and critical clinical judgements without direct supervision, including, but not limited to, decisions to discharge at the scene or to refer the patient to alternative pathways of care.

The protection of the title 'paramedic' is commensurate with the degree of risk associated with paramedic practice due to the clinical interventions and the nature of the occupation in comparison to the practices of the ambulance officer or volunteer.

This Bill will ensure that the public in South Australia will be protected through the legislative protection of the title 'paramedic' and the regulation of minimum qualification requirements for employment as a paramedic. This will complement the current powers of the Health and Community Services Complaints Commissioner to investigate complaints against paramedics, and take action against them should their practice not be in accordance with generally accepted standards for the profession.

This Bill will provide protection for the public ahead of the work currently being undertaken at the national level for the regulation of the paramedic workforce. The decision of this Government to proceed with the protection of the title 'paramedic' will assist with the transition of South Australian paramedics into any future national regulatory scheme. It will not introduce a regulatory process that will be inconsistent with developments at the national level.

I note that the Tasmanian Government has also introduced a Bill into their Parliament to restrict the term 'paramedic' to the Tasmanian Ambulance Service. While the Tasmanian Bill does not protect the public in that State to the same level as that proposed in this Bill, it does highlight to Members that other jurisdictions are beginning to make their own decisions about the regulation of paramedic services now rather than waiting on any decision at the national level.

The inclusion of the paramedic profession in the National Registration and Accreditation Scheme has overwhelmingly been supported by industry groups at the national level. These industry groups identified the lack of protection of the 'paramedic' title and the lack of minimum education standards for paramedics as two of the biggest risks related to paramedic practice. This Bill seeks to address these two potential risks in this State ahead of any agreement that may occur at the national level for the regulation of the paramedic workforce.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Health Practitioner Regulation National Law (South Australia) Act 2010*

4—Amendment of Schedule 2—*Health Practitioner Regulation National Law*

This clause amends Schedule 2 by inserting a new section.

120A—Use of title 'paramedic'

The inserted section provides that the title 'paramedic', or any variation of 'paramedic' will be protected in South Australia. The section creates the offence of taking or using the title 'paramedic', where the person does not hold the qualifications prescribed by regulations made by the Governor for the purposes of this section. Similarly, a person who uses a title, name, word or description that, having regard to the circumstances in which it is taken or used, could be reasonably understood to indicate the person is a paramedic, where the person does not have the prescribed qualifications, will constitute an offence. The maximum penalty for either offence is a fine of $30,000. A definition of paramedic is inserted for the purposes of the section. The provision allows the Minister, by proclamation, to confer an exemption in relation to specified persons, classes of persons, specified circumstances or classes of circumstances. A person who contravenes or fails to comply with a condition of an exemption is guilty of an offence, the maximum penalty being a $30,000 fine.

Debate adjourned on motion of Dr McFetridge.

LAKE EYRE BASIN

The Hon. L.W.K. BIGNELL (Mawson—Minister for Tourism, Minister for Recreation and Sport) (12:09): I move:

That this house—

(a) recognises the significance of Lake Eyre to South Australia's Aboriginal, pastoral and tourism communities and its dependence on water flows from the Cooper Creek, Diamantina and Georgina rivers;

(b) expresses concern that the Queensland government has continued to refuse to consult with South Australia and other affected states regarding their plans to remove the legislative environmental protections of the Lake Eyre Basin rivers;

(c) calls on the Queensland government to maintain the current quantity and quality of water flows from the Lake Eyre Basin rivers into South Australia's rivers flood plains and wetlands in the Lake Eyre Basin; and

(d) calls on the Queensland government to formally consult with South Australia, as a co-signatory to the Lake Eyre Basin Intergovernmental Agreement, regarding any proposal which has the potential to impact flows into our state.

The Lake Eyre Basin is one of the world's last unregulated river systems and a place of true wilderness. To those who live and work in the region it is an area of beauty and mystery. Its waters sustain pastoral and mining industries, and it is of great importance to Central Australia's tourism industry and, most importantly, it is a crucial ecosystem for the whole of Australia. Its rapid change in periods of high rain, from arid and almost silent outback desert to flourishing waterholes and great lakes filled with a cacophony of different bird life, is one of our nation's most amazing natural phenomena.

In terms of governance, the Lake Eyre Basin is managed through the Lake Eyre Basin Intergovernmental Agreement, an agreement that promotes and recommends consultation amongst all states that draw upon and rely upon the basin as a natural resource. Many members will know that the former Queensland government initiated the wild rivers declarations to protect this unique area, a positive step in the protection of this asset. However, the current Queensland government does not support the existing wild rivers declarations for the Cooper Creek, Georgina and Diamantina basins and is developing an alternative framework for the protection of the western rivers.

It has also recently been reported that minister Cripps will introduce tradeability for two large existing water licences that have until this time been unable to be fully utilised in the Cooper Creek. Until the detail of all the proposals outlined by minister Cripps is released, it cannot be guaranteed that there will be no effect on South Australia. In South Australia, having experienced just what 'going it alone' by upstream states meant in the Murray-Darling Basin, all of us in this place and beyond should be concerned about what this proposal by Queensland will mean. This vast region has a range of natural, social and economic values which make it not only vital to the livelihoods of local communities but also of great national importance.

The Cooper Creek, Georgina and Diamantina basins feed directly into South Australia, and any proposal that could affect the water quality of environmental status of these basins will directly affect the water quality or environmental status of South Australia. Again, I urge all members to closely consider what this will actually mean. Lake Eyre has great significance to South Australia's Aboriginal, pastoral and tourist communities and, as I said earlier, the basin and these economies are dependent on water flows from the Cooper Creek, Diamantina and Georgina rivers.

It is an area rich in Aboriginal heritage, and the region has continuing significance for the culture and wellbeing of the descendants of the early Aboriginal groups. This was recognised by the agreements to use the ancient name of Kati Thanda in late 2012, and it has been reinforced by our state's approach with the traditional owners of the area, such as the Arabana, where we have promoted co-management of parks and/or Aboriginal-owned reserves.

I do not need to tell anyone here that tourism, mining, pastoralism and the service industries generate significant economic contributions to the regional, state and national economies. In terms of environmental significance, the South Australian portion of the Lake Eyre Basin includes the Ramsar-listed Coongie Lakes wetland system. This mosaic of lakes is one of Australia's most spectacular natural attractions, and in 2005 the South Australian government declared the Coongie Lakes National Park in recognition of the importance of the area.

The proposals outlined by the Queensland minister to remove the wild rivers protection, and to increase the credibility of existing irrigation licences, would potentially alter natural water flows, impacting on the landscapes, communities and economic activities in South Australia. The Lake Eyre Basin Intergovernmental Agreement is a joint undertaking of the Australian, Queensland, South Australian and Northern Territory governments, made in close consultation with the basin community together with the assistance of world-class scientific and technical advice.

The purpose of the agreement is to ensure the sustainability of the Lake Eyre Basin river systems and, in particular, to avoid or eliminate cross-border impacts. The Queensland government is yet to formally consult with South Australia and the other jurisdictions as cosignatories to the Lake Eyre Basin Intergovernmental Agreement regarding their proposal, and this is, quite simply, poor form.

My colleague in the other place, the Minister for Sustainability, Environment and Conservation, the Hon. Ian Hunter MLC, will no doubt address these topics and more but, as I understand it, the Queensland minister has said that he will introduce a mechanism to allow existing irrigation licences that have until this time been unable to be used for irrigation in the lower Cooper Creek to be broken up and traded upstream for irrigation.

Currently, 7,000 megalitres taken from Queensland Cooper Creek for town water supplies, stock and domestic and industrial irrigation each year. A mechanism to allow trading of the existing irrigation licences could allow a further 10,000 megalitres to be used from the Cooper Creek each year.

In intermittent rivers such as the Cooper Creek, deep waterholes in the river channel serve as refuges for life during the long intervals between flows. Small and medium flows are critical for the maintenance of the waterholes and the survival of life. The more water that is taken up higher

in the catchment, the less likely the small and medium flows will reach South Australia and Coongie Lakes.

My colleague in the other place has written to both the Hon. Andrew Powell MP (Queensland Minister for Environment and Protection Heritage) and the Hon. Andrew Cripps (Queensland Minister for Natural Resources and Mines) outlining South Australia's concerns around the proposed amendments and requesting further information. I am told the responses he has received to date have been unsatisfactory.

The Hon. Ian Hunter has also publicly called on the Queensland government to consult with South Australia, as a signatory to the Lake Eyre Basin Intergovernmental Agreement, on any proposal that would impact on South Australia.

Queensland has chosen not to consult South Australia and has not provided any information to show that there will not be cross-border impacts. In particular, no evidence has been provided that the small to medium flows will not be altered by this decision to allow the irrigation licences to be traded upstream. Therefore, until the detail on all the proposals outlined by the Queensland minister is released, no-one in this place can be certain that there would be no effect on South Australia and the environmental health of this catchment.

Debate adjourned on motion of Dr McFetridge.

HEALTH PRACTITIONER REGULATION NATIONAL LAW (SOUTH AUSTRALIA) (RESTRICTED BIRTHING PRACTICES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 25 September 2013.)

Dr McFETRIDGE (Morphett) (12:17): I indicate that I am the lead speaker for the opposition on this bill. We will not be amending it; we will be supporting it as is.

The DEPUTY SPEAKER: You have unlimited time.

Dr McFETRIDGE: I will not take the house's time as extensively as I did when I spoke about the first changes to national law in this place back on 25 May 2010 (I think it was the first week of this new parliament) having looked at some 38 pages and after 3½ hours of describing how the national law was consistently inconsistent.

What we are seeing here again is an amendment to a national law which I understand other states and territories have not yet supported. Like the bill with paramedics that was just introduced, I hope there is a national agreement because we do need to have national agreement on these very important issues. I see that there is a bill in the other place to introduce national registration of veterinary surgeons. Of course, that is of vital interest to me, being a registered veterinary surgeon.

This particular bill was brought about because of some extremely tragic circumstances, where there were a series of deaths of babies at birth, or shortly after birth. These births were at home and they were under circumstances which would normally be perfectly acceptable or normal but, like everything associated with human medical practice, there are variations and there are some risks. We need to make sure that everybody is aware of those risks.

We need to make sure that people are protected from themselves in some cases, from their own ignorance, but also from people who overestimate their own abilities. This bill is about restricting birthing practices and limiting the actual birthing process—the three stages of labour: the contractions, the birth and the delivery of the placenta afterwards—to registered medical practitioners and registered midwives.

I will say that I was born at home and my mother had a midwife attending her, and she had two doulas. Doula is a modern term for a birthing assistant, but back in the day when I was born the two doulas were my Aunt Dora and my Aunt Glenda. They were not so much assisting my mother as being out the back, because the doctor had apparently examined my mother and looked at the circumstances in which she was going to birth to me. He had said that the bed was too low, so the two doulas (the women slaves) were out the back digging up bricks to jack the bed up. It was January in England and it was snowing, so they were slaving away digging up bricks, not assisting my mother.

My father was off getting the doctor, and dad fell off his bike twice riding through the snow to get the doctor. By the time the doctor arrived, the midwife had done her job. I was the third son

to my mother and all the births were quite uncomplicated. My older brother Ian was 11 pounds, so mum obviously had good child-bearing hips. I was quite a bit smaller than that, so I popped out like shelling peas. So, I do recognise the value of midwives, and certainly having watched the programs on the ABC about midwives and the circumstances that they have worked under in times gone past.

Under the national law, with the recognition of nurses and midwives as being a particular section of the national law, midwives are a particular speciality of the nursing profession. Doctors do not just call themselves doctors: they are cardiologists, orthopaedic surgeons and general practitioners. It is the same with nurses: we have general practitioner nurses, but we also have specialist nurses and I would say without any doubt at all that the role of midwives is a specialist occupation within the nursing profession. I think that view is backed up by most people in the medical professions, whether it is nursing, medical or midwifery.

This law reinforces the need to make sure that we do recognise midwives as being the professionals that they are. It recognises the need to have restricted services being provided by people who know what they are doing, not well-meaning people—I would certainly never call them amateurs, but their training and expertise perhaps is not as broad as they think it is. When it comes to the crunch, when a serious issue arises or an emergency procedure is required, you do not want people who are clearly out of their depth or overestimate their own abilities. As we have seen in the Coroner's report, that results in completely tragic circumstances.

It is great to have the choice to have a midwife at home, but in the case of my two children—and there is nothing better than being at the birth of your own children—my son Lachlan was born at Glenelg Community Hospital. He was 10 pounds, six ounces. He was a big baby. I think he was the third biggest baby born at that hospital at that stage. He was a forceps delivery. He was what is known as a macrosomal baby or, in other words, a big baby. It took a lot of traction to get him out and Dr Richard Bowering did a great job on a cold, wet Saturday night.

He had to leave his family at home to come and deliver my son. That would not have happened at home with a midwife. My daughter Sahra was born at Attadale hospital in Perth. When she was being delivered by my wife, Dr Quek, the attending doctor, very quickly noticed that her umbilical cord was wrapped around her neck. Had he not intervened very quickly and cut that umbilical cord, she could have suffered a hypoxic episode and ended up with cerebral palsy.

I am very conscious of the fact that it is horses for courses. If women make the choice to stay at home and use the services of a midwife and of doulas, they need to be well educated. To that extent, since 2007, the South Australian government has produced a comprehensive booklet of some 25 pages. It is about policy for a planned birth at home. This is about people involved in our public health system but also there is very good information here for women who want to make that choice about having their baby at home and the things that you need to be aware of. In the first couple of pages of this document there is policy for a planned birth at home in South Australia. It was put out on 4 July 2007 and it states in the preamble:

> The woman's wishes for childbirth should be respected within the framework of safety and clinical guidelines. The autonomy of pregnant women is protected in both law and jurisprudence, and it is the duty of health professionals to accommodate that autonomy in as safe a manner as possible for both the woman and the baby.

This is also in the United Nations declarations and also in the National Health and Medical Research pronouncements in 1992 and 1995.

The qualification for a woman to have a birth at home, according to this document, is that the woman can be supported to give homebirth only if she fits the criteria of a low-risk singleton pregnancy—in other words, that is one baby and not twins—and the qualified practitioners are confident and competent to assist. I also understand that that extends to a cephalic presentation—in other words, the baby's head is coming first, as it would in most cases, not a breech birth, as it was in one of these tragic cases that the Coroner investigated.

The document also goes on to outline a long list of contraindications as to why a woman who is giving birth should consider not having that birth outside of a hospital facility. They are about the obstetric history, medical history and also the home environment, including not being more than 30 minutes from a support health unit. Unfortunately, it also lists in here any history of domestic violence or recreational drug use, which is becoming more and more of an issue in coping with those circumstances outside the actual medical or obstetric history of women who are giving birth.

It is a good document and I recommend that everybody should read it. It is absolutely vital that women who are giving birth—and not just the women but their families and partners—should

be well informed and well educated, and must understand that there are significant risks associated with what is, in most cases, a fairly straightforward procedure. However, there are significant risks associated with it and the resulting outcomes can be absolutely tragic, not only for the baby suffering disabilities and, in some cases, death but also for the parents in having to live for the rest of their lives with the memory of a child who died at birth, or living with a child who suffered through an episode resulting in lifelong disabilities. It is important to emphasise and re-emphasise that point because the people involved—the about-to-be parents or parents having their second or third child—must understand that risk; they really must.

I mentioned the word 'doula' before—doulas are also known as labour coaches. These women help pregnant women go through the processes of labour and help them to deliver their babies with some psychological support. What happens, though, is there are cases (as outlined in the Coroner's report) where an unregistered midwife who was acting as a doula or birth coach or labour coach, according to the Coroner's report, was undertaking actions, observations and I think interventions that would and should only be done by a registered midwife and/or a medical practitioner. This led to the tragic circumstances which brought about this bill today.

I cannot emphasise enough the need to make sure that parents know the background of the medical practitioners they are dealing with, the midwives they are dealing with and knowing that they have experience with homebirth, but also these other groups. We put through national law to regulate the registration of medical practitioners back in 2010 and we have since changed the Health Complaints Commission legislation to try to regulate unregistered health practitioners but we still see there are loopholes. Even with all our best attempts, we have to come back and introduce this sort of legislation. The Australian College of Midwives believes that this legislation is a step in the right direction. I will read sections of a letter sent to me on 20 September by the Australian College of Midwives, and they say:

> Firstly, we recognise the importance of this piece of legislation in its intent to safeguard the public, in particular birthing women...this legislation as too localised, limited and short-sighted in its view, particularly if other states and territories are not going to adopt similar legislation.

I would be interested to hear from the minister about what is happening with the other states and territories on this becoming national legislation. The letter then continues to say:

> ...midwifery practice needs to be clearly defined in its scope as care across the continuum of antenatal, labour and birth and postnatal care. The current proposed legislation only covers birth.

The letter then continues:

> ...to engage in the practice of midwifery, which should entail the whole scope of practice of midwifery. In its current form, the proposed legislation would allow for unregulated practitioners to provide maternity care in the ante- and post-natal periods.

They also point out that, in their opinion, 'the wording around the medical practitioner's specific qualifications needs greater clarity'. The college gives general support to the legislation, and certainly there may be some need to come back and amend and change it if we find there are loopholes. Looking at the wording of the legislation itself, in clause 4, section 123A—restricted birthing practices, it says:

> (1) A person must not carry out a restricted birthing practice unless the person—
>
> (a) is a medical practitioner; or
>
> (b) is a midwife;

I would have thought that that should have said 'registered medical practitioner' and 'registered midwife', unless there is something else I have missed in the legislation. I thought the whole point of the legislation was to ensure that these people are not only capable of doing what they are doing but are also registered to carry out the practice as well. The only exception to all of this, of course, is in subsection (f), which specifies when that person:

> (f) is rendering assistance to a woman who is in labour or giving birth to a child, or who has given birth to a child, where the assistance is provided in an emergency.

'Restricted birthing practice' means an act that involves undertaking the care of a woman by managing the three stages of labour. As I have said before, that is during the labour contractions, during the actual birth of the baby and afterwards when the contractions subside and the placenta is passed.

There is much more to paediatrics, neonatal care and obstetrics and gynaecology than just helping somebody relax. It is a lot more than that. I could not get my wife to relax when she was giving birth to our two kids, and I think it would take the wisdom of perhaps another woman to appreciate what women are going through when they are giving birth. It is an absolute miracle, and to ensure that is carried out in circumstances that are as safe as possible is what this legislation intends. I hope we do achieve that for everybody and we are able to avoid the tragic circumstances outlined in the Coroner's report. With that, I support the bill.

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (12:32): I rise to speak on the Health Practitioner Regulation National Law (South Australia) (Restricted Birthing Practices) Amendment Bill 2013, and I do so as a member of the house and as the shadow spokesperson for women.

I will disclose any potential conflicts of interest upfront. I have had two singleton births, both in the former Queen Victoria Hospital, which was, initially, a private hospital in this state and later became a public hospital. Now, sadly, a portion of it has been relocated and renamed Victoria House at the Women's and Children's Hospital. It provided not only an environment for the delivery of many thousands of happy and healthy babies but also a high standard of care for acute intervention that is required for some of the more complicated births. It has certainly had an outstanding history in the provision of high-standard services.

I thank the member for Morphett for outlining the opposition's position that we will be supporting this bill. There are several aspects, however, that I wish to indicate my disappointment with. Let us start on the positive. In his second reading, the minister had indicated that this legislation emanates from the very disturbing findings of the Deputy State Coroner in mid-2012, where three babies had died in preceding years. It is fair to say though that, in those circumstances, each of those deaths arose out of planned homebirths.

These are not circumstances where they were necessarily in an emergency or were without some forethought. What I thank the minister for is that, in introducing the response to these findings, he referred to SA Health's policy for planned birth at home in South Australia which sets out various definitions and circumstances in which it is not recommended, etc. He confirmed that the phrase 'precluded women giving birth at home' is not suggesting that the government is opposed to homebirths. I agree with him on that and I thank him for clarifying that.

I think it is important that we maintain in South Australia that women should have a choice as to where they deliver their children; I certainly do and I think I am supported by other members on this side of the house. It would not be beyond the knowledge of most of those in the house that, over the last 100 years, we have actually moved from a position where women deliberately decided in the early part of the 20th century not to have children in hospitals. In fact, they were seen as places of disease and infection and the last place that women would attend to have a baby was in hospital care. There was a preference for that to be in their home.

Secondly, we have members of the community who wish to have their children outside of a hospital environment and some of those are in our own Indigenous community. Some do attend hospitals, such as the unit in the Port Augusta Hospital. It is not uncommon for women who are members of our Indigenous community to deliver their baby and leave within hours of the delivery safely with their babies, because it is not an environment of choice for a number of women. We maintain the position that that is a decision that is with the parents—obviously, in many circumstances, particularly the mother. We would like to think that that is in consultation with the parents in the circumstances where that opportunity is there. That is a couple's decision or a mother's decision and we respect that.

We have gone through an era where a hospital is seen as a place of surgical intervention. The aspects of anaesthesia, the inventions and discoveries in respect of infection control and the like have all been instrumental in giving women the opportunity to give birth in a hospital environment or a birthing clinic or unit environment. I think it is fair to say that most of our premier birthing facilities in hospitals have developed a variety of services for women to have their births in the least intrusive and clinical environment as possible. Some of the birthing units we have in our public and private hospitals are excellent in making provision.

Dr McFetridge: Loxton.

Ms CHAPMAN: The member for Morphett mentions the facility at Loxton, and I agree: I have seen that facility and it is excellent. In my own area, the birthing facilities at Burnside Memorial Hospital are, again, excellent facilities, so it is not exclusive to the independent or public

sector. I think that those who are providing hospital services have learned the importance of recognising the need to be flexible and to provide a variety of services.

Just recently, my third granddaughter was born at Burnside and I had an opportunity to view the facilities there. It is always nice to know that your grandchildren will be born in your own electorate—that is great—but, nevertheless, what is important is that they—

The Hon. J.J. Snelling: Do they get automatic membership of the Liberal Party?

Ms CHAPMAN: In fact, almost every baby I know of who is born in my electorate gets a letter inviting them to understand that they will be voting in 18 years' time and urging them to be kind to their mother. So, yes, I do welcome the birth of all children, but it is especially precious when it is your own family, of course.

I think the Lyell McEwin facilities, similarly, have recognised the importance of having the mother's partner, other support person or member of family, or indeed other members of family, able to come into birthing clinics or facilities that are welcoming of that option. I cannot say it is something that I would rush to—having other children present during a birth—but one of the reasons I think that a number of women choose to have home births is to enable them to make this a celebration at a family level.

Whilst I do not do it, it does not mean that this is not something that other women and families want to have in that environment. But, to be able to have other members present, to be able to have an environment of calm, with or without water and all the other options that are provided, we think is important, and so I thank the minister for clarifying that.

One aspect that is of concern to me is why it is necessary to proceed with legislation of this sort in the absence of there being some national agreement about what is happening in this space. It may be that there are other jurisdictions that are not inclined to try to reach some consensus as to what rules should apply, and I would certainly like the minister to outline in his response what the state of play is there.

It is fair to say that, when health practitioners have been corralled into a national consensus, the progress of legislation in that area was without incident for many professions, difficult for some and almost impossible for others. If I put them in those categories, in the latter category we had a major problem with the advance of psychologists reaching some consensus on they would fit within a national framework.

On the other hand, we had goodwill and intent to have a national framework for opticians, for example, but even with that I recall that South Australia kept its own particular provisions for the prohibition of issuing of plano lenses (these are cat's eyes and coloured lenses that apparently young girls use and like to have) without having some prescription. So, sometimes jurisdictions have particular circumstances that have been identified that need specific provision and there is not national consensus. In this category, nursing and midwifery had a fairly tumultuous period of development, and I remember being involved in those debates.

One aspect that has been raised by Marijke Eastaugh, Vice President of the Australian College of Midwives (SA) Branch in her letter to members of parliament—and this correspondence has been referred to by my colleague the member for Morphett—is the reference to midwifery in the same breath as nursing. I think it is fair to say some offence is taken at that, so when we come to look at the whole of the provisions as we see the development of the national scheme, we hope that the government will take notice of the request for independent recognition.

The second aspect is that, as a result of the government deciding to proceed with this legislation, as a penalty is imposed for certain conduct as a kneejerk reaction to the decisions that were handed down by the Deputy Coroner, we are ending up with a bill that is somewhat confined to the at-birth period. The bill provides, in particular, for it to be an offence for any person to carry on a restricted birthing practice, which essentially is defined as involved in the undertaking of care of a woman by the managing of the three stages of labour or childbirth and not the antenatal or postnatal interventions.

The penalty process is one where there is a prohibition on a person doing this, with a penalty of a fine of up to $30,000 or imprisonment for 12 months if that person does so and they are not a medical practitioner, a midwife, a student carrying on the restricted birthing practice in certain circumstances, or in an approved program of study or clinical training. I am paraphrasing that but, in essence, that is the position, and with a specific provision to protect against a defence if, in fact, there is a rendering of assistance in an emergency.

So, if a child is being born in the back of a taxi, a taxi driver might come to the rescue and provide that assistance, and they may have no training or, indeed, probably much experience in the delivery of children, but they may well provide some assistance to the mother. We see that situation from time to time, and we usually see the happy stories of those occasions published in the paper but, inevitably, the nature of babies coming when they are ready, rather than when everyone else is ready, means that that will happen from time to time.

Having a process where we introduce a regime of an offence for persons rendering assistance without being qualified, or exempt in those circumstances, is fairly narrow. That has also attracted some criticism from the Australian College of Midwives, and I think that that is fair criticism.

One can only hope that if the minister is able to give us some update on the progress of the national scheme there might be some enhancement of how that would be attended to at the national level rather than us proceeding to deal with it in this rather narrow manner. Suffice to say, the Australian College of Midwives' correspondence confirms their position rather than just indicating an agreement to the legislation. They specifically say, and I quote:

> The proposed legislation has been hastily assembled as a direct response to the Deputy Coroner's Findings and Recommendations in June 2012. We would urge that it not be passed in haste, but that a full and considered response to wider maternity care issues is undertaken. Rather than simply targeting unregulated practitioners providing labour and birth care, these issues currently include; the need for increased midwifery continuity of care and services; the need for increased access for eligible midwives to collaborate with health care facilities; recognising the need for women to have individualised maternity care needs met with the safe practice guidelines; and the need for specific midwifery representation of the Departmental level.

Notwithstanding that, the opposition will support the progress of this bill, and we look forward to having some report as to the more comprehensive resolution of these matters by the minister.

The Hon. J.J. SNELLING (Playford—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for Defence Industries, Minister for Veterans' Affairs) (12:51): I thank members for their support of the legislation. The legislation before the house closes an anomaly in the Health Practitioner Regulation National Law that provides for the protection of title but not the practice. The national law only prevents a person from taking the title, or leaving others to believe they are a midwife: it does not prevent any person from performing the clinical duties of a midwife under a different job title.

The legislation will restrict birthing practices, defined as the management of the three stages of labour and childbirth, to a registered midwife or medical practitioner, or a student under supervision of these practitioners. It is these practitioners who have the clinical education and training to provide birthing services within the accepted safety and quality framework for their professions. Under this legislation it will be an offence for any other person to be designated as the primary caregiver during labour and childbirth. A penalty of up to $30,000, or 12 months' imprisonment, will apply. No penalty will be issued to the woman giving birth.

This legislation is in the interest of public safety to ensure that birthing services are restricted to a registered midwife or medical practitioner. While this restriction will only apply in South Australia, I am hopeful that work at the national level to provide for the greater regulation of midwifery and maternity services will result in nationally consistent laws being adopted across all states and territories. The government could wait for the outcome of this work, but it is concerned about the length of time that the process will take. In the meantime, unregistered health providers could continue to provide birthing services in the state.

The Australian College of Midwives has written to me and other members of parliament with some concerns about the legislation. I would like to take the opportunity to respond to these concerns for the benefit of members here and in the other place. The college has indicated the legislation is too localised and limited, particularly if other states and territories are going to adopt similar legislation, and that it does not fulfil the Deputy State Coroner's recommendation.

At its June 2013 meeting, the Standing Council on Health requested advice on options to provide for the greater regulation of midwifery and maternity services. I am pleased that the former commonwealth minister for health and medical research was able to get this matter on the national agenda after South Australia's earlier attempt in August 2012. The drafting of this legislation to only cover intrapartum care, or the birthing process, addresses the immediate risk to the South Australian public of unregistered health practitioners providing birthing services. It does not cover the antenatal or postnatal periods of the woman's pregnancy, which the Australian College of Midwives believes should also be protected.

The consultation process undertaken with industry groups and the public on the Deputy State Coroner's recommendation was supportive of legislation to protect the public from unregistered health practitioners. However, the submissions received identified there were a number of other health practitioners, not all of whom are registered, who may provide services to women during the antenatal and postnatal periods. Restricting services provided during the antenatal and postnatal periods to a registered midwife or a medical practitioner could potentially restrict the range of services available to women, particularly those living in rural areas.

The decision not to include antenatal and postnatal care under this legislation has not been taken lightly. It does not detract from the importance of women receiving information based on well-founded evidence and practice during the antenatal stage to help them make informed decisions about safe birthing options for their babies.

The Australian College of Midwives has also raised concerns with the references in legislation to the nursing and midwifery profession. The college believes that midwifery has a very clear and defined scope of practice that is distinct from the practice of nursing. I do not disagree with the college on this matter.

The reference to nursing and midwifery reflects the name of the profession as it is defined under the health practitioner regulation national law. The Nursing and Midwifery Board of Australia has been established to regulate the nursing and midwifery profession. The board does this by maintaining a register that includes two separate divisions—one for nurses and one for midwives—and issuing a series of registration standards, codes and guidelines that nurses and midwives must follow.

Some of these registration standards, codes and guidelines apply to both nurses and midwives, while others have been developed specifically for nurses only or midwives only. I understand the college's argument that midwifery should now be recognised as a distinct profession. However, the reference in the legislation before parliament reflects the terminology in the national law. For this bill to recognise midwifery as a separate profession, it would require a significant change to the governance arrangements established at the national level and the unanimous support of the Standing Council on Health.

The intergovernmental agreement that established the National Registration and Accreditation Scheme requires a review of the operation of the scheme after three years. This review will commence in the first quarter of 2014, and the terms of reference approved by the Standing Council on Health include an examination of the governance arrangements of the national scheme. I have suggested to the college that the recognition of midwifery as a separate profession is more appropriately considered as part of a national review rather than through this legislation.

The reference to the nursing and midwifery profession does not imply that nurses will be able to perform the duties of a midwife. The bill before parliament specifically refers to a registered midwife being able to provide a restricted birthing practice; there is no reference to a nurse providing these services.

As a registered practitioner, a nurse must adhere to any standards, codes or guidelines developed by the Nursing and Midwifery Board of Australia. The *Code of Professional Conduct for Nurses in Australia* states:

> Nurses are aware that undertaking activities not within their scopes of practice may compromise the safety of persons in their care. These scopes of practice are based on each nurse's education, knowledge, competency, extent of experience and lawful authority.

A breach of this code may constitute either professional misconduct or unprofessional conduct. Under this code you would not expect a nurse to provide birthing services, unless it was an emergency, as they do not have the necessary education and training. A similar code is in effect for medical practitioners, which is why this legislation does not restrict the birthing services to those medical practitioners with only qualifications in obstetrics. A medical practitioner with the necessary education and training will be able to provide birthing services; those without could only do so in an emergency.

The form of this legislation has been subject to careful consideration and consultation since the Deputy State Coroner handed down his recommendations. The legislation should not be considered in isolation from the work at the national level to consider increased regulation of midwifery services, the work that SA Health has commenced on credentialling nurses and midwives that would allow eligible privately practising midwives access to public hospitals, and the provision of information to the public to support them in making safe birthing choices.

I would like to thank all the officers who have assisted in the development of this legislation: parliamentary counsel, Richard Dennis, and from the department, Kathy Ahwan and Julie Brown, both of whom are in the chamber today to assist me. I commend the bill to the house.

Bill read a second time.

The Hon. J.J. SNELLING (Playford—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for Defence Industries, Minister for Veterans' Affairs) (12:59): I move:

That this bill be now read a third time.

Bill read a third time and passed.

[Sitting suspended from 13:00 to 14:00]

CHILD PROTECTION

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:01): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.M. RANKINE: On Sunday 29 September, the Premier was contacted by a former student regarding false allegations made against him of accessing a variety of inappropriate websites on a school computer in 2004. This matter was referred to my office the next day on 1 October. Since this matter was referred to my office by the Premier's office, my staff and the chief executive personally have been in regular contact with this young man. The department has been extremely receptive to this young man's concerns. The chief executive has been actively looking into these matters.

Given the historical nature of the events in question, time was needed to gather all relevant documents and to determine the facts of the matter. All aspects of the investigation and conclusions reached and all circumstances regarding the history of this matter are currently being compiled. Today, the Premier has also spoken personally with the young man, at his request. As the Premier noted this morning, and as was reiterated to the young man today, the government will not be seeking to enforce any confidentiality conditions he may feel bound by.

We will be ensuring, as we have been at every step of the way since being contacted by the young man, that these matters are fully investigated and properly resolved. The young man was also encouraged to raise any potential criminal matters with the police, which I understand he has done, and the teacher has been stood down. I want to reassure the house that the Premier and I, along with the chief executive, are doing all we can to address the issues raised by the young man and are committed to the full and complete resolution of this matter.

PAPERS

The following papers were laid on the table:

By the Minister for Police (Hon. M.F. O'Brien)—

Death of—Shane Andrew Robinson Coronial Recommendations

By the Minister for Correctional Services (Hon. M.F. O'Brien)—

Death of—Shane Andrew Robinson Report of actions taken by Correctional Services following Coronial Inquest

LEGISLATIVE REVIEW COMMITTEE

Mr ODENWALDER (Little Para) (14:04): I bring up the 34th report of the committee, entitled Subordinate Legislation.

Report received.

Mr ODENWALDER: I bring up the 35th report of the committee, entitled Subordinate Legislation.

Report received.

PUBLIC WORKS COMMITTEE

Mr SIBBONS (Mitchell) (14:05): I bring up the 487th report of the Public Works Committee entitled Ethelton Wastewater Pump Station Renewal Project.

Report received and ordered to be published.

QUESTION TIME

CHILD PROTECTION

Mr MARSHALL (Norwood—Leader of the Opposition) (14:06): My question is to the Minister for Education and Child Development. Was the minister informed about the case outlined in her ministerial statement just given to the parliament at any time prior to the referral from the Premier's office on 1 October this year?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:07): The information I have seen is that the first we were alerted to this was when the information came over to our office. No, I'm sorry, I will correct myself: there was a telephone conversation, I understand, between my chief of staff and this young man prior to the correspondence coming from the Premier's office.

CHILD PROTECTION

Mr MARSHALL (Norwood—Leader of the Opposition) (14:07): When was that, sorry?

The SPEAKER: Is this a supplementary?

Mr MARSHALL: That was the question, Mr Speaker.

The SPEAKER: When was the telephone conversation?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:07): The telephone conversation was on Monday 30 September, as I understand it.

CHILD PROTECTION

Mr MARSHALL (Norwood—Leader of the Opposition) (14:07): I have a further supplementary question. Is the minister aware that the Head of Schools, Mr Garry Costello, corresponded with the innocent student on 30 January 2012 advising that the department conducted an investigation into the teacher accused of accessing inappropriate websites at the school and that the investigation was concluded in 2005?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:08): I have seen a range of documents in relation to this issue, and correspondence and information have been provided to my office by this young man since he contacted us—so yes.

SOUTH AUSTRALIA POLICE

Mrs VLAHOS (Taylor) (14:08): My question is to the Premier: can he inform the house regarding the progress of increasing police numbers and any new technology provided to the police force?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:08): I thank the honourable member for her question. Today I was very pleased to attend the graduation of our latest group of police recruits. These fine men and women are the latest to join our police force. Since we came into office in 2002 over 800 extra officers have joined, with a further 50 additional officers to be recruited before the end of the year.

South Australia now has the highest number of operational police per capita of any state in the nation, and this government intends to keep it that way. This increase in numbers will allow the creation of additional expert positions involved in dealing with vulnerable victims and a dedicated internet child exploitation team. We know that public confidence is at its highest in areas where police are a constant and visible presence and where they make themselves easily accessible, telling people what they are doing to tackle crime in their local area and listening and responding to people's concerns. This is why we made the choice, despite challenging economic times and tight budgets, to continue to recruit record numbers of police.

I am also pleased to be able to inform the house that, by the end of next month, SAPOL will have the use of 20 high-tech automatic numberplate recognition cameras, delivering on the state government's election commitment. These cameras assist police in identifying vehicles of interest such as those being driven by recidivist, disqualified or dangerous drivers, known outlaw motorcycle gang members and associates. These additional cameras will also see a significant increase in the area that will be able to be patrolled by Operation Nomad patrols.

Operation Nomad, as members would be aware, is the surveillance exercise that is carried on to ensure that people who we believe may be at risk of starting fires, especially during high risk times, are tracked to ensure that they do not engage in that behaviour. We hope that the expanded use of this technology will increase the chances of police interrupting arson suspects and prevent them deliberately lighting fires and creating a massive risk to the South Australian community.

This government remains committed to providing police not only with the cutting edge technology such as tablet computers that we announced earlier this week and also the unmanned aerial vehicles, but also the most effective of all measures, and that is good old-fashioned police on the ground interacting with the community, making people feel safe, and also the exchange of information in ways that make a massive contribution to ensuring our community is safe.

CHILD PROTECTION

Mr MARSHALL (Norwood—Leader of the Opposition) (14:11): My question is to the Minister for Education and Child Development. How did the government arrive at the $30,000 settlement figure, and can the minister confirm that the initial offers to the wrongly accused student were, first, $10,000 and then $20,000?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:11): No, I cannot confirm that. I was not the minister at the time and, certainly, we have a new chief executive officer. As I have told the house, the new CE is gathering all the historical information around this case.

CHILD PROTECTION

Mr MARSHALL (Norwood—Leader of the Opposition) (14:12): I have a supplementary, sir. Can the minister confirm that the settlement would require ministerial approval?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:12): No, I cannot do that, either. I have asked that question. I would have expected that a chief executive would have those discussions with the minister, but I understand, from what we have been able to ascertain to date, that did not occur.

Mr Pisoni: Did you sign off, Grace?

The SPEAKER: The member for Unley is called to order. A supplementary from the leader.

CHILD PROTECTION

Mr MARSHALL (Norwood—Leader of the Opposition) (14:12): My supplementary is: when the department sought to settle the matters of the wrongly accused student at a regional state school, why did the department require that the student remain silent as part of a $30,000 settlement?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:13): Again, as I have told the house, the Premier has made public comments to the media today and also directly to this young man that the government does not hold him to any confidentiality agreements in that settlement. I understand there are circumstances where confidentiality agreements are put in place. That is often about the amount that is settled. But this is another issue that the chief executive will be looking into very carefully.

The SPEAKER: Before the next supplementary, I call the Minister for Finance, the member for Chaffey and the member for Heysen to order. Leader: supplementary.

CHILD PROTECTION

Mr MARSHALL (Norwood—Leader of the Opposition) (14:14): My supplementary is to the Premier. When the Premier stated on radio this morning, 'It is a standard feature of the settlement of many claims that there are elements of confidentiality,' was he aware that the wrongly

accused student asked for the confidentiality clause to be removed but the student's request was declined?

The Hon. J.J. SNELLING: Sir, point of order. Can a supplementary question be asked of a different minister?

Ms Chapman: Anyone we like.

The SPEAKER: I call the deputy leader to order, and thank her for her advice, and I respectfully adopt it. My view is that, just as any minister can answer a question, an opposition member can direct a question to any minister as a supplementary, but it may be that that minister doesn't answer it and that it is answered by another minister. Premier.

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:15): I thank the honourable member for his question. The first thing I want to say about this matter is that I have had a conversation with the young man in question, and he is obviously very distressed about the circumstances that he believes that he has been subjected to over an extended period of time. He is very angry and upset, and on the face of the material that I have seen I think he is entitled to feel that way.

The previous chief executive of the Department for Education had actually issued an unreserved apology to him concerning the events that occurred back in 2004 and 2005. He is now seeking to raise issues with the government, and he did so recently (a few weeks ago). They have been referred to the Minister for Education. The chief executive of the agency is assiduously working his way through those matters and has taken some steps today.

I have no specific knowledge of this matter. I was asked some questions on radio, generally, about confidentiality matters, and I made two broad remarks: that is, the confidentiality clauses within agreements of settlement of disputes between citizens and governments are commonplace; sometimes they are there to protect both sides of the equation.

I also expressed the view that I believe that they should be used sparingly, and in circumstances where there is somebody that has been the victim of an alleged wrongdoing, if they are insisting that there are matters that they want to speak about publicly, I do not think there is any role for government in seeking to censor that material.

So, I made that general remark in relation to the matter without knowing about the specific circumstances of this case. I have since had the opportunity to speak to the gentleman in question, and I have told him that it will certainly not be the position of this government that he should feel bound by any confidentiality agreement from saying what he needs to say about his case publicly.

Mr MARSHALL: A further supplementary, sir.

The SPEAKER: Well, that would be a fourth supplementary, and—

Mr MARSHALL: Fourth and final.

The SPEAKER: No, I think that is sufficient. The member for Mount Gambier.

SOUTH EAST FOREST INDUSTRY ROUNDTABLE

Mr PEGLER (Mount Gambier) (14:17): Thank you, Mr Speaker. My question is to the Treasurer. As the Treasurer would be aware, the South East Forest Industry Roundtable was established to provide, among other things, advice to the Treasurer on the conditions of sale of the forward rotations of the South-East forests. My questions to the Treasurer are:

1. During their deliberations, were they made aware that the Glencoe nursery was to be included in the sale and, if so, what were the conditions that they suggested?

2. Were the prospective purchasers made aware that the sale would include the nursery?

3. What conditions were put in place for the future management of the nursery?

4. How much was it sold for?

The SPEAKER: The member for Kavel is called to order for imputing that this was not a question without notice—as I understand it is. Premier.

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:18): I have had the brief opportunity to confer with the former treasurer about this matter, who had carriage of the sale process—

Mrs Redmond interjecting:

The Hon. J.W. WEATHERILL: —and, while we have some preliminary views about it, I would prefer to take the matter on notice and bring back a considered response.

The SPEAKER: The member for Heysen is warned a first time.

CHILD PROTECTION

Mr MARSHALL (Norwood—Leader of the Opposition) (14:18): My question follows on from the Premier's previous answer, and so I direct it to the Premier again: why did it take the media scrutiny for the government to come to the view that the confidentiality clause wasn't required?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:19): Mr Speaker, the matter that was raised by the gentleman in question was referred to the chief executive of the Department for Education. He has been working through each of those issues. He has had to retrieve a considerable amount of material, because it is a historical matter dating back to 2004-05, and he has reached the conclusion that he has about those matters after considering all that material. I was asked about the matter in a radio interview, and without knowing about the specific details of this case expressed a general view; I did not express a view at all about the specific case until we had an opportunity to speak directly with the young man in question.

The SPEAKER: A supplementary.

CHILD PROTECTION

Mr MARSHALL (Norwood—Leader of the Opposition) (14:19): Who was it, then, that decided that the terms of the settlement should include a requirement that the student remain silent?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:19): Again, this is the subject of investigation by the chief executive officer. There was obviously documentation prepared by the department put to this young man and signed off but, as the Premier said, there was a very full and unreserved apology provided to him by the chief executive at the time.

Mrs Redmond: Who you no longer have.

The SPEAKER: The member for Heysen is warned for the second and final time. The member for Fisher.

APOLOGIES AND LEGAL LIABILITY

The Hon. R.B. SUCH (Fisher) (14:20): My question is to the Attorney, and it follows on from the earlier questions relating to that apology and compensation. I ask if the Attorney will look at this general area in law, because there are many people who seek an apology but cannot get one because of the risk of admission of legal liability by the person giving the apology. I know it is a wider aspect than just that involving that lad, but I ask if the Attorney will look at this area, because people have approached me, saying that all they want is an apology but cannot get one because of the legal liability.

The Hon. I.F. Evans interjecting:

The SPEAKER: The member for Davenport makes a good point by way of interjection. The Attorney.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (14:21): I do thank the honourable member for his question. The issue about apologies generally is one that has actually been of concern to me ever since I have been in this place. As a matter of fact—I know the member for Fisher would recall this, and other members here might—a while ago I think then judge of the New South Wales Supreme Court, one David Ipp, decided that he was going to make an inquiry into the law of torts around Australia.

He made a number of recommendations which were then promulgated through, unfortunately, the treasurers of the day, not the attorneys of the day. Those recommendations included a number of what might be euphemistically described as 'improvements' to the law of torts. When that went through this parliament, I actually spoke to the then treasurer about the very point the member for Fisher is raising.

There is a provision in the Wrongs Act, or the Civil Liability Act as it now is, which was designed to facilitate that occurring. That has been there for some time. The exact scope of that particular provision, if I can paraphrase, is something to the effect of, 'The mere fact of an apology having been offered by an individual does not in and of itself constitute an admission of liability.' That is the gist of it. The wording may not be perfect. I am happy to have a look at the Civil Liability Act and consider whether or not the matter that has been raised by the honourable member is adequately covered by the existing provisions of the act.

SOUTH ROAD UPGRADES

Mr ODENWALDER (Little Para) (14:23): My question is to the Minister for Transport and Infrastructure. Can the minister update the house about the government's intention to continue with the Torrens to Torrens South Road upgrade and how alternative plans might impact on this?

The SPEAKER: The Speaker is intensely interested in this answer and will frown upon any interruption.

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (14:23): I might cry. The state government is committed—absolutely committed—to delivering the Torrens Road to River Torrens South Road upgrade project and has absolutely no intention to stop or abandon this vital piece of infrastructure. By early next year, the stretch of road will be well underway, community consultation well advanced, homes will have been acquired and houses will have been demolished, and services are beginning to be relocated.

We cannot and will not stop. It is too important to South Australians who face continually increased congestion on South Road. The ultimate benefit will be for users of South Road—the many freight operators, the tradies and motorists who will benefit from an upgrade of the road between the River Torrens and Torrens Road. Independent analysis shows a cost benefit for this project of 2.4:1. This means for every dollar invested, there is a benefit of $2.40 to this state.

I can inform the house that I have written to the federal infrastructure minister, Mr Truss, congratulating him on his election and explaining the merits of the Torrens to Torrens project. Furthermore, dialogue continues between the state and federal governments regarding this project. I have also written to the new federal member for Hindmarsh, Mr Matt Williams, asking him not to advocate for ripping nearly $1 billion worth of investment out of the western suburbs.

It has been done to ensure that the commonwealth government has certainty and a clear explanation as to why the Torrens to Torrens project is the next logical step for South Road. Unfortunately, the opposition has only delivered inconsistency and confusion to the commonwealth. Six months ago, they pledged $250 million to support the $750 million Darlington project—

Mr PISONI: Point of order, sir. This is clearly debate. The minister is not responsible for anything the opposition does, thank God.

The SPEAKER: I will listen carefully to what the minister has to say.

The Hon. A. KOUTSANTONIS: —the creation of a new independent body called Infrastructure SA to end ad hoc political infrastructure announcements by politicians on the side of the road and a desire to—

Mr PISONI: Point of order, sir. This is clearly debate.

The SPEAKER: The member for Unley will be seated, and if he makes another bogus point of order he will be on his way. The Minister for Transport.

The Hon. A. KOUTSANTONIS: —and a desire, I understand, to release and—I can only presume—to follow the advice of independent cost-benefit analysis. Now, of course, the Leader of the Opposition believes in making ad hoc political decisions on the side of the road. He supports Darlington—

Mr PENGILLY: Point of order—standing order 98.

The SPEAKER: No; I will listen to what the minister has to say.

The Hon. A. KOUTSANTONIS: —a blowout of $270 million. Perhaps he should stop taking costings from the Hon. Rob Lucas. He abandons his Infrastructure SA policy before he is even elected, ignores the views of the people who have written to him on his own Facebook page and committed to a project regardless of what independent analysis by Infrastructure Australia says. Of course, he wants to put a handbrake on the economy, sacking workers already involved in the Torrens to Torrens project, delaying the work on South Road by 18 months, depriving the construction sector of a much-needed stimulus.

There is only one South Road project that is ready—a project that the majority of South Australians support and intuitively know should be next. That is the Torrens to Torrens project. This government will work rationally and constructively with the commonwealth to ensure the best outcome for the people of the western suburbs and South Australia.

SOUTH ROAD UPGRADES

The Hon. I.F. EVANS (Davenport) (14:27): Supplementary, sir. Could the Minister for Transport advise whether it is the government's intention to proceed with the Torrens to Torrens project without federal funding?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (14:27): The only person who has committed to continuing a project without federal funding is the Leader of the Opposition. He made an announcement that he would commit to Darlington. Thus far, the new commonwealth government hasn't committed a cent to the new Darlington project. The only people in this chamber who have committed to a project on South Road without any commonwealth funding are members opposite.

The SPEAKER: A further supplementary, the member for Davenport.

SOUTH ROAD UPGRADES

The Hon. I.F. EVANS (Davenport) (14:28): As the government promised an upgrade to the Sturt Road/South Road intersection in the 2006 election and again in the 2010 election, including an upgrade of South Road between the Southern Expressway and Ayliffes Road, can the minister advise whether any properties have been acquired for the project?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (14:28): The Department of Planning, Transport and Infrastructure regularly acquires properties along South Road.

Members interjecting:

The Hon. A. KOUTSANTONIS: We do regularly—if properties are available—

Mr Marshall: How humiliating!

The Hon. A. KOUTSANTONIS: The only thing that is humiliating is your question.

The SPEAKER: The Leader of the Opposition is called to order.

The Hon. A. KOUTSANTONIS: We regularly acquire properties on the entire north-south corridor in preparation. What we don't do is build one-way expressways. What we do is futureproof infrastructure. What we do is futureproof our infrastructure spends. We make sure—

Mr Pisoni interjecting:

The SPEAKER: The member for Unley is warned for the first time.

The Hon. A. KOUTSANTONIS: We prepare for the future. We always prepare for the future. Only members opposite build one-way expressways so, yes, when there are properties available on South Road, we regularly purchase them.

CHILD PROTECTION

Mr MARSHALL (Norwood—Leader of the Opposition) (14:29): My question is to the Minister for Education and Child Development. Did the education department legal unit head, Don Mackie, ever advise a student that the department would be better equipped than the wrongly accused student if the student's case was to be settled in court?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:30): Can I say that I understand that this young man has been incredibly upset by the accusations that were made against him in 2004, and it would appear that the department accepted that it had erred in making that conclusion and accusation against him. Since receiving correspondence from this young man, we have acted swiftly and appropriately to look into the circumstances and concerns that he has raised.

However, for the Leader of the Opposition to ask me questions based on conversations where I wasn't present, I have absolutely no knowledge of, are historical and are currently being investigated, is really quite inappropriate, and I think impossible for me to answer. So, it is fine to put those assertions on the record, but we have an investigation that is underway currently—

Ms Chapman interjecting:

The Hon. J.M. RANKINE: I beg your pardon? Again, you don't know what you are talking about.

Members interjecting:

The SPEAKER: Before the next supplementary, I call the member for Hammond to order; with a heavy heart I call the member for Finniss to order; I warn the deputy leader for the first time; and I call the member for Morialta to order. Supplementary: leader.

CHILD PROTECTION

Mr MARSHALL (Norwood—Leader of the Opposition) (14:31): If the minister does not know the answer to that I am wondering whether she knows whether the education department legal unit head, Don Mackie, ever advised the student not to engage lawyers to assist with the student's claim and, if not, will the minister commit to finding out and coming back to the house with an answer to both questions?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:32): I have already advised the house on numerous occasions that an investigation into the background of this situation is underway. Can I say that I would be incredibly disappointed, and I think it would be entirely inappropriate, if someone made a threat to a young person who had been wronged that they would essentially be deep-pocketed by the department.

The SPEAKER: Supplementary from the Leader of the Opposition.

CHILD PROTECTION

Mr MARSHALL (Norwood—Leader of the Opposition) (14:32): Given the fact that the minister has advised the house that there is a new investigation underway, can the minister please give us the details of the results of the original 2005 investigation into the same matters?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:32): The chief executive is having all of those documents and old files collated, so I don't have access to all of that information, and I can't give the house a confident response to that.

CHILD PROTECTION

Mr MARSHALL (Norwood—Leader of the Opposition) (14:33): Is the minister suggesting to the house that, even though this matter was raised with her on 30 September or 1 October, you have had no chance between then and now to review the original 2005 investigation into this absolutely appalling situation?

The SPEAKER: If the Leader of the Opposition asks questions that are leading and loaded like that he can expect the kind of response from ministers to which the opposition was objecting just a few minutes ago. The Minister for Education.

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:33): The focus of the correspondence that was originally received was that the young man was very concerned that the confidentiality agreement was in place and that he had some issues that he wanted to raise. He wanted an assurance that he would not be breaching that confidentiality agreement or in some way getting himself into trouble. So, having received that request, my chief of staff immediately actioned requests to the department to

source information and get some legal advice for this young man. That work has been underway over the last two weeks.

GOVERNMENT CONTRACTS

Ms BETTISON (Ramsay) (14:35): My question is to the Minister for Small Business. Can the minister update the house on how the government is reforming its tender and procurement processes by cutting more red tape and making it easier for local businesses to win government contracts?

The Hon. T.R. KENYON (Newland—Minister for Manufacturing, Innovation and Trade, Minister for Small Business) (14:35): I thank the member for Ramsay for her question. I am glad to see she is recovering somewhat, certainly enough to finish the question. I am pleased to advise the house that through the work of the Industry Participation Advocate the government is making it easier for local businesses to win government contracts.

The government has implemented a set of widespread procurement reforms that are now being delivered. These reforms include lowering the threshold at which the industry participation policy applies for projects valued at $10 million down to $4 million in metropolitan areas, and from $3 million down to $1 million in regional areas. This means that significantly more government contracts will in future be covered by policy plans, providing greater opportunities for local businesses to compete, and making it easier for South Australian businesses to win smaller government contracts by requiring that at least one local quota is sought on contracts up to $220,000 where possible.

Local participation has been made more critical to the award criteria of these contracts, with the minimum rating increasing from 2 per cent to 5 per cent. Businesses winning government contracts valued up to $1 million in future will have their liability capped at five times the contract value instead of the uncapped amount at present. Insurance requirements will be reduced to the level of the cap. We are establishing a single prequalifying process across all government agencies so that companies are required to pay only a single fee for similar contracts over a set period.

Within government, the Industry Participation Advocate can request meetings with government buyers on behalf of local companies; review acquisition plans and tender documentation in key contracts to assess any unnecessary impediments to local companies' bidding; review tender awards to evaluate if assessment criteria have been applied; review contracts and assess if IP plans are being applied well by the prime contractor; and review tenders post-award and when necessary make recommendations to the relevant agency chief executive or minister for improving industry participation into the future.

The government considers that value for money includes the economic contributions of the state for procurement decisions. Accordingly, the Office of the Industry Advocate has engaged Deloitte Access Economics to conduct an economic contribution analysis of the government's entire procurement spending, and this work will be used in future tender evaluations. Based on three years of data, Deloitte Access Economics will be modelling the areas of public contracting that deliver the greatest economic contribution. The review will consider how public contracts can deliver even more economic contribution to the state. The economic contribution review is expected to report to the government in December.

Mr Whetstone interjecting:

The SPEAKER: The member for Chaffey is warned for the first time. If he wants to ask a supplementary he can, of course, get to his feet.

Mr Whetstone interjecting:

The SPEAKER: No? The Leader of the Opposition.

CHILD PROTECTION

Mr MARSHALL (Norwood—Leader of the Opposition) (14:38): My question is to the Minister for Education and Child Development. In relation to the teacher who was accessing pornography at a regional public school, can the minister advise what disciplinary action this teacher faced?

The SPEAKER: I thought I heard that earlier. The Minister for Education.

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:38): The teacher that is the subject of this young man's complaint was stood down by the chief executive today, as I advised in my ministerial statement.

The Hon. R.B. SUCH: Supplementary, sir.

Mr Marshall interjecting:

The SPEAKER: The leader will be seated.

Mr Goldsworthy interjecting:

The SPEAKER: The member for Kavel is warned for the first time. A supplementary from the member for Fisher.

CHILD PROTECTION

The Hon. R.B. SUCH (Fisher) (14:38): Can the Minister for Education outline what measures are in place to protect children in our schools to ensure that our children and grandchildren are safe? With the recent coverage in the media one would get the impression that our children and grandchildren are at risk in our schools. I would like the minister to outline the various measures and mechanisms that are in place to ensure that our children can learn in a safe, caring environment.

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:39): Sir, I do not know that I have got enough time in the four minutes that are allocated to outline all of the measures that are in place to protect our children and/or initiatives that we have put in place since we have been in government. I think one of the very important measures that we put in place was, of course, the regular criminal history checks of teachers.

When we came into government new teachers were receiving criminal history checks but there were something like, I think, 30,000 teachers in the system who had never had a criminal history check. That is now a requirement every three years and, as I have announced, we hope to have in place by the start of the new school year background screening checks through the Department for Communities and Social Inclusion. So, not only will we have an assurance that teachers have not been convicted of a criminal offence but they will have had a background screening to ensure that there have not been other inappropriate activities that have not resulted in a criminal conviction with teachers in our schools.

Of course, we also put our children through training in keeping themselves safe, and that is a requirement that schools provide for our students so that they understand how they can keep themselves safe. One of the great problems and dilemmas that I think we all face in our community and in the education department—in public education I think there are about 166,000 students in our system over 500 schools—is, on any given day, how do you guarantee that any child in our community, whether it is in school or in any other aspect of community life, remains safe?

We have put many things in place. We have introduced mechanisms where parents are visited at home when they have newborn babies. We have introduced new legislation—the child protection legislation—which requires people who are working with children to have criminal history and background screening checks and that volunteers who are involved with our children are checked so that they are not unnecessarily exposed.

We have many sporting groups, and I know there was a great deal of concern when the legislation was introduced that there would be unnecessary imposts on volunteers in ensuring that we had confidence that they were proper and appropriate people to be involved with our children. We have more than doubled the number of social workers working in the Department for Families and Communities. There are many things that we have done. We have increased by hundreds of millions of dollars the budget for the Department for Families and Communities, our teachers have training in mandatory reporting, and the list goes on.

Unfortunately, however, there are circumstances where people have evil intent and will try to undermine the very best systems that you can have in place. By the start of next year, hopefully we will have even stronger measures in place to ensure that those with evil intent against our children are weeded out of any system.

The SPEAKER: A further supplementary from the Leader of the Opposition.

CHILD PROTECTION

Mr MARSHALL (Norwood—Leader of the Opposition) (14:43): I think it is my first supplementary to this question, sir, although the member for Fisher had a supplementary. Has the teacher been stood down temporarily or permanently pending the investigation?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:43): If he had been stood down permanently I would have perhaps expressed it as his employment was terminated.

The SPEAKER: Any further supplementaries on that line?

CHILD PROTECTION

Mr MARSHALL (Norwood—Leader of the Opposition) (14:43): Yes, sir. Were any disciplinary actions taken originally after the 2005 investigation and, if so, can the minister outline those to the house?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:43): I think that is a repeat of the question that I had previously. Information is being collated and assessed by the chief executive officer as part of this process, and I am not confident that I can give an accurate answer to the house about that level of detail at this point in time.

The SPEAKER: Could we have a supplementary question in order rather than an expression of anguish?

CHILD PROTECTION

Mr MARSHALL (Norwood—Leader of the Opposition) (14:44): Yes, sir. Why, minister, has it taken nine years and this matter coming to the media's attention for the teacher to be stood down? Why has it taken so long and the requirement for media attention for your department to take action?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:44): Action has not been taken as a result of media attention. This matter was actioned by the Premier's office, referred to our office and we actioned it immediately. There have been many contacts with this young man over the last two weeks, getting additional information from him, passing it on and getting advice. The chief executive actioned investigation into this matter last week.

Mr Pederick interjecting:

Ms Chapman: Why didn't you give a ministerial statement then a week ago, or before?

The SPEAKER: The deputy leader is warned for the second time, and there will be no further warnings, and the member for Hammond is warned for the first time. The leader.

CHILD PROTECTION

Mr MARSHALL (Norwood—Leader of the Opposition) (14:45): My question is to the Minister for Education and Child Development. In relation to the case of the teacher who was accessing pornography at a regional public school, can the minister advise if the regional school community was made aware of this teacher's conduct?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:45): I am sorry, sir, I just have to give the same answer: the chief executive is collating all of the information around this particular case.

FIREARMS PROHIBITION ORDERS

Mr SIBBONS (Mitchell) (14:46): My question is to the Minister for Police. Can the minister update the house on the success of firearms prohibition orders and say why they are such a valuable tool in policing firearms-related crime?

The SPEAKER: That would assume that they were a success—and, therefore, I rule that question out of order. The deputy leader.

Mr SIBBONS: Or otherwise, sir.

The SPEAKER: We will come back to it. The deputy leader.

CHILD PROTECTION INQUIRY

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:46): My question is to the Premier. Did the Premier request that Simon Blewett investigate how representations could be made to the Parole Board in relation to the sexual assault case at the western suburbs school at the centre of the Debelle inquiry?

The SPEAKER: Could the deputy leader repeat the question?

Ms CHAPMAN: Did the Premier request that Simon Blewett investigate how representations could be made to the Parole Board in relation to the sexual assault case at the western suburbs school at the centre of the Debelle inquiry?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:47): I think we dealt with this last time. If you recall, this was the preparation of material for cabinet deliberations so that, when we were considering the Debelle report, all of cabinet was capable of being appraised of all of the relevant issues associated with that particular matter. I recall giving no particular direction, but this is the sort of information that one would expect should be gathered for ministers and for cabinet so that they can be ready to answer questions that we anticipated would occur.

Because this was a notorious matter and because there was a conviction concerning it, it was natural that there may be questions about what the fate of the parole of any person associated with it would be, and so it was proper that ministerial advisers and chiefs of staff were gathering information. This was just one of the inputs into the cabinet process that dealt with the response to the Debelle inquiry.

The SPEAKER: Supplementary, if it be a supplementary.

CHILD PROTECTION INQUIRY

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:48): When then did the Premier become aware that his office asked to make representations to the Parole Board in relation to the sexual assault case?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:48): You see, this is what the member for Bragg does: she asks a question that presumes the answer in a particular way. There was never any intention for myself or the government to make a representation to the Parole Board. What was sought from the Attorney-General's Department was some advice about how one might make a representation to the Parole Board, because it was anticipated that that would be a question that may be asked of ministers, and so—

Mr Marshall: Did you ask Simon Blewett to make an inquiry?

The Hon. J.W. WEATHERILL: I have just answered that question. This is the ordinary process of advisers gathering material so that ministers and cabinet can then be in a position to answer questions that they anticipate may be asked about a notorious matter.

Members interjecting:

The SPEAKER: Look, I'm a bit weary of the Tim and Debbie dialogue on my left, and I warn the member for Hammond for the second time. The member for Mitchell.

FIREARMS PROHIBITION ORDERS

Mr SIBBONS (Mitchell) (14:50): Thank you, sir: take two. My question is to the Minister for Police. Can the minister please update the house on the success or otherwise of firearms prohibition orders and say why they are such a valuable tool in policing firearms-related crime—if, indeed, they are?

Members interjecting:

The SPEAKER: Why they are such a valuable tool or otherwise!

An honourable member: If indeed they are.

The SPEAKER: If indeed they are! Minister for Police.

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:50): I thank the member for Mitchell for his most probing of questions. I think I'm going to have to reformat the response in light of the reconfiguration of the question. Essentially, SAPOL considers the firearms prohibition orders to be a valuable tool in dealing with serious and organised crime, particularly that involving outlaw motorcycle gangs. I meet with the commissioner on a fortnightly basis and he has reinforced this impression upon me on numerous occasions.

The orders are a highly effective legislative tool which this government has given to the police to assist in combating crime. FPOs give the police the power to curb motorcycle gang violence and organised crime to combat firearms-related violence and serious crime, to restrict access to firearms and also to combat the illegal firearms trade.

Individuals who are served with these orders are on notice that their person, premises or vehicles can be searched by police for firearms, mechanisms, fittings or ammunition. They are also required to surrender any firearms or related items as well as having their licence disqualified. In essence, this device focuses on the individual's behaviour rather than on the firearms themselves. They are a pre-emptive and proactive legislative response rather than one which deals with the offence after the fact.

At the last count there were 113 individuals listed on the register and this number is on the rise. I have also been informed by the police commissioner that this particular device is serving to interrupt the activities of outlaw motorcycle gangs and associates by disrupting their activities. Interestingly, this proposition has been introduced into the New South Wales parliament. It has been considered by COAG and is considered a model for rollout around Western Australia. My understanding is that it is currently under debate within the New South Wales parliament. It is a fine piece of legislation and one of which this state can be truly proud in terms of leading the nation in disrupting the activities particularly of outlaw motorcycle gangs.

FIREARMS PROHIBITION ORDERS

Mr VAN HOLST PELLEKAAN (Stuart) (14:53): I have a supplementary question. Given the minister telling us about the success of this program, does that mean that the in excess of 1,000 firearms per year on average that are reported stolen or missing are ending up in the hands of people without firearms prohibition orders placed upon them?

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:54): In response to that question we can surely assume that a large number of these weapons are finding their way into the possession of individuals who have these prohibitions orders served upon them or, at some time in the future, will have these orders served upon them. The intent of the legislation is to make it well nigh impossible for these individuals to receive these weapons into their possession through the illegal firearms trade, which is well developed in Australia. Those individuals who have not been yet captured may, in the fullness of time, be brought into the net.

We do have an issue and, in large part, the issue is the importation of firearms into this country. We have had discussions with the commonwealth government to see whether we can get a higher degree of activity on our borders to prevent these weapons coming into Australia. At the state level, as I said, South Australia is leading the nation with this particular approach to closing down the opportunity for a particular group of criminals to have possession of these weapons, but we are seeking commonwealth assistance in closing our borders.

CHILD PROTECTION INQUIRY

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:55): My question again is to the Premier. Given the Premier's answer in respect of the investigation being initiated by the Attorney-General's Department, did the Premier ask the Attorney-General, or his department, to provide the briefing on that investigation?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:56): There is no investigation that was being undertaken by the Attorney-General's Department, and I don't know which part of my answer allowed the member for Bragg to reach that conclusion. This is the ordinary task of gathering information to put ministers and the cabinet in a position where it is anticipated they may receive questions about a topic, and briefings are prepared about a matter

and put forward. This was just one of a series of inputs into a series of matters that we anticipated may be asked in the circumstances of the release of the findings of the Debelle inquiry.

CHILD PROTECTION INQUIRY

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:56): Supplementary. Premier: why, then, did cabinet get a briefing at all, given your statement that cabinet plays no role in parole submissions except for life sentences?

The SPEAKER: That is not a supplementary. We will just treat it as another question.

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:57): Perhaps I will just go back and do this the long way. It was anticipated that, because this was a notorious matter—an awful assault with somebody being convicted and at some point a person would potentially have the capacity to be paroled—and, given that this was related to the matters that were the subject of the Debelle inquiry, it was anticipated by people assisting us to prepare to respond to the Debelle inquiry that somebody may ask the question, 'How does one make a representation in respect of parole?' A request was made to the Attorney-General's Department to provide advice so that we would be in a position to know the answer to that question.

As it happens, in the ordinary course, government does make representations—through the police and through Corrections—and then, on other occasions, if requested to by the Parole Board, other people can make representations but, ordinarily, it is a matter that is instigated by the Parole Board. We were then equipped to answer questions should somebody ask us about that. There was never any consideration for the cabinet or the government to be making its own representations in respect of a parole matter, or this parole matter.

INTERNATIONAL HOSPICE AND PALLIATIVE CARE DAY

The Hon. P. CAICA (Colton) (14:58): My question is to the Minister for Health and Ageing. Can the minister inform the house about International Hospice and Palliative Care Day and the new End of Life Ministerial Advisory Committee?

The Hon. J.J. SNELLING (Playford—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for Defence Industries, Minister for Veterans' Affairs) (14:59): On Monday, I was pleased to host an afternoon tea here at Parliament House for 50 workers and volunteers in the aged and palliative care areas to celebrate International Hospice and Palliative Care Day.

Palliative and end-of-life medical staff provide support that often crosses the boundaries between the medical and social, practical and emotional, and between the scientific and intuitive. It was a wonderful opportunity to thank the staff and volunteers for the hard work that they provide in our community, as well as to listen to their stories and feedback about the services that are currently being provided.

On Monday, I also attended the 2013 Palliative Care Awards at Government House. I would like to put on the record my congratulations to all of those who won awards: in particular, the Umoona Aged Care Aboriginal Corporation, in Coober Pedy (in the electorate of the member for Giles) which received both the Aboriginal Palliative Care Award as well as the award for Teamwork; and Martin and Michelle Roberts, who received the award for Outstanding Philanthropy, as well as the overall award for their contribution to paediatric palliative care.

Michelle and Martin's son, Sam, passed away in 2004, and since then they have turned their experience into a positive for our community, raising over half a million dollars to subsidise the delivery of paediatric palliative care across South Australia. On Monday, I was also pleased to catch up with members of the newly-established End of Life Ministerial Advisory Committee, which has been created to provide advice on:

- current matters about end-of-life care, palliative care and advance care planning;
- aspects of end-of-life care, advance care planning and palliative care relevant to other areas, including aged care, primary care and acute care; and
- reforms to improve end-of-life care, palliative care and advance care planning for South Australians at or approaching the end of their lives.

The members of the committee are: The Hon. Martyn Evans, former minister for health, and Advance Directives Review Committee Chairperson; Margaret Brown, Research Fellow of the Hawke Research Institute; Craig Whitehead, Chair of the SA Health Older Persons Clinical Network, Associate Professor Rehabilitation and Aged Care, and Director of Orthogeriatrics at the Repat; Mary Brooksbank, who of course is the Chair of the SA Palliative Care Council; Chris Boundy, from the Legal Services Commission of South Australia; and Jeremy Moore, President of the Guardianship Board of South Australia. I understand that the committee met for the first time yesterday, and I am looking forward to working with them to develop better ways to provide the crucial end-of-life care for all members of our community.

Finally, I would like to take this opportunity to thank all the doctors, nurses, medical staff and volunteers who work tirelessly in the areas of aged, end-of-life and palliative care. These people provide some of the most important care in our health system, making sure patients who require care in their final stages of life are comfortable and can die with the dignity that they deserve.

BAROSSA VALLEY MARKETING CAMPAIGN

The Hon. S.W. KEY (Ashford) (15:02): My question is directed to the Minister for Tourism. Minister, can you inform the house about the impact of the South Australian Tourism Commission's new Barossa marketing campaign and what effect it is having in that region?

The Hon. L.W.K. BIGNELL (Mawson—Minister for Tourism, Minister for Recreation and Sport) (15:02): I thank the member for Ashford for the question and note the keen interest from the member for Shubert as well. The people in the Barossa and the people of South Australia in general are receiving fantastic feedback about the ad, not just from locals here in South Australia but from people around Australia. The proof is in the bookings that they are experiencing out in the Barossa as well.

The ad was launched towards the end of May and started going to air in June. July and August were the best July and August bookings the Barossa had ever had, and it has been a huge increase on previous years. We knew that when we designed that ad for the Barossa, the Barossa was the second most talked about wine region in Australia, but the fifth most visited wine region in Australia. We wanted to change that and put the hook out there for people in the Eastern States to actually take a different look at the Barossa.

Anyone who has seen the ad, with the Nick Cave soundtrack, will know that there is not a lot of wine in the ad; there is only one sort of very short shot of the wine. It is actually about the earth and the great things that are produced in the Barossa Valley and in the wider South Australian community. By putting the hook out there for the Barossa, we are attracting people to South Australia, not just to visit the Barossa but to go up to the member for Chaffey's electorate just up the road, the Riverland, down to McLaren Vale and the Adelaide Hills, up to Clare—

Mr Williams interjecting:

The Hon. L.W.K. BIGNELL: —and of course, the Coonawarra—we don't want to miss you out there, member for MacKillop. We saw the same thing when we did the ad the previous year, with Eddie Vedder doing the soundtrack: we saw people turning up in the Barossa, McLaren Vale and the Hills saying, 'We've come here because we saw that great ad for Kangaroo Island.' So, Kangaroo Island was a hook to get people to come here, and of course the same thing is happening with the Barossa. I had an email from Chris Pfeiffer, who is the regional chair of the Barossa tourism region, who said:

> ...the *Barossa Be Consumed* ad is working very well with consumer interest well beyond that which has been experienced in the last 10 years. Accommodation bookings through the [visitor information centres] during July & August have been the busiest months on record and up nearly 100% on 2012. That, together with hugely increased visitations to barossa.com and southaustralia.com augur well for the coming months.

He then goes on to say that local operators are recording record bookings, as well. He said:

> I want to thank you all for your contribution to increasing tourism in the Barossa and South Australia and for having the foresight to select our region for promotion through barossa.com.

So, while it is attracting people to come to South Australia and come to the Barossa, it is also attracting the interest of critics around Australia and around the world, as well. Viewers of *Gruen Planet* would have seen just a couple of weeks ago that it got the four thumbs up and rave reviews. That doesn't always happen.

It obviously has that cut-through, and we see when anyone produces cheap ads that you have to play them over and over again, but a quality ad like the Barossa ad—we spent $6 million on this ad, on developing it and then buying the TV slots in the Eastern States to put it to air. It is not a cheap process, but we have a $5 billion industry that we want to grow to an $8 billion industry by 2020, and we need to invest money to make money.

I think everyone will agree that, for the good of South Australia, we need to put that word out. James Rickard, the creative director of KWP!, a local company, is on his way to Europe. The ad has been entered in the Cannes Corporate Media and Television Awards, as well. They were actually invited to put the ad in; they didn't nominate to.

The SPEAKER: A point of order?

Ms CHAPMAN: As interesting as this is, I think the four minutes has now expired.

The SPEAKER: No, the four minutes is not up, and accordingly I ask the deputy leader to absent herself from the chamber for the next hour.

The honourable member for Bragg having withdrawn from the chamber:

The Hon. L.W.K. BIGNELL: So, this is a tremendous ad that is winning critical acclaim around the world. It is in for a number of other international awards, as well, but more importantly, it is driving people interstate to actually take a fresh look at South Australia and get them to get in their cars, get on planes and come and visit our great state, because we have 11 great tourism regions.

The SPEAKER: That's a pity, because there could have been another opposition question if it hadn't been for that bogus point of order.

GRIEVANCE DEBATE

GOVERNMENT LEAKS

The Hon. I.F. EVANS (Davenport) (15:05): Another week, another leak against the Premier and against the cabinet. Today's leak of the Premier's campaign diary between now and Christmas was a leak designed to damage the Premier, a leak designed to damage the cabinet, a leak designed to undermine this Premier and a leak designed to undermine this cabinet. It was a leak designed to send a message to the media, a message to the opposition and a message to the public that this government is divided to the core. It is divided to the core.

This leak came from an enemy within the Premier's office or the cabinet itself. It came from an enemy close to the Premier. Who else gets access to the Premier's diary for the next two months leading up to Christmas? This government is divided, this government is tired, this government has become dysfunctional, and the Premier has no-one to blame but himself. It is this Premier that set out to sow the seeds of division right from the 2010 election and before.

We all remember the great battle between the former treasurer, Mr Foley, and now this Premier. We all remember the battle straight after the election: this Premier, then minister, decided he was going to challenge the then deputy premier for the position. It was this Premier that openly sowed the seeds of division within the Labor Party. It was this Premier that openly went out and attacked the then deputy premier to try to take him out straight after the election. It was this Premier that, before the election, went out and undermined the cabinet decisions on WorkCover.

We all remember leak after leak after leak out of the government from the left wing of the government about how bad the government's own WorkCover changes are. They were not designed to help the then treasurer Foley: they were designed to damage, and we all know who they were designed to help. They were designed to help the left wing poster boy, the now Premier, Mr Weatherill. Mr Weatherill, the Premier, sowed the seeds of division that are now coming home to roost.

We all remember the day when treasurer Foley stood up in the parliament and told the whole parliament that his good friend, the member for Cheltenham, had helped him make all the unpopular decisions in the budget—all of them. He could not understand where all this criticism was coming from. This battle is going on forever. Remember all the cabinet leaks leading up to this budget? We remember now of course today this absolutely treacherous leak of the Premier's diary.

This government is divided. How can you have a Premier write to members of his own staff a six-page letter saying, 'You won't be allowed to go to the upper house inquiry in regard to the

education matter' and a week later, the Deputy Premier comes out and says, 'Well, actually, they are going to go; otherwise it will look like we're trying to hide something.' What is going on? I will tell you what is going on. We have three contestants lining up for the leadership—the Minister for Transport, the Minister for Health and the Deputy Premier.

I can advise the members of the caucus: don't worry, the numbers have been done. I have never seen the right wing so happy. We have the Minister for Transport with a spring in his step. Yesterday we had the Minister for Health—Humphrey B Bear on steroids. Unbelievable, but don't worry, caucus. I'll let you know the numbers have been done. The silver fox, the Deputy Premier, is the man. He is the man. The decision has been made. It only comes down to this question: does the Deputy Premier have the courage to flick the switch? The numbers are there; the numbers are done and I say to the Premier, if you hear a knock on the door, if it is Jack Snelling and Peter Malinauskas, we all know what is going to happen.

Members interjecting:

The ACTING SPEAKER (Hon. P Caica): Order! Please show a bit of respect to the member for Taylor.

CAMBODIAN ASSOCIATION OF SOUTH AUSTRALIA

Mrs VLAHOS (Taylor) (15:12): Thank you, Mr Acting Speaker. I would like to speak today about the Cambodian Association of South Australia and the good work they do within the community in my electorate. Their mission is to provide services and support to the local Cambodian-Australian community and the association currently has a membership base of around 300 people.

CASA was founded by Son Chhay and Bunchhong Mann in the early 1980s. I think it is interesting to note that Son Chhay was a pioneer in bridging the business relationship between South Australia and Cambodia. He returned to Cambodia after his university studies at Flinders University in Adelaide and was elected to the Cambodian parliament in 1993. I recently met him and he is a remarkable person.

I would also like to acknowledge the hard work and dedication of the current committee: President, Dany Yon; Vice President, Sarou Theav; Secretary, Sunlay Ly; and Treasurer, Sophin Kheav. Committee members include Dara Kiev, Bunrath Mann, Chharida Mann, Vinda-Kong, and public relations officer and long-time supporter of the community, Frank Althuzien.

According to the 2011 census, 893 people claim Cambodian ancestry in the electorate of Taylor, which is the largest out of all South Australian electorates. In fact, Taylor is home to 26 per cent of all people with Cambodian heritage in South Australia. Given these statistics, it should come as no surprise that there is a great need for services and information for new Cambodian migrants. Many of the CASA projects and activities address these needs and contribute to the preservation of Khmer culture in our state.

My office has attended the two previous AGMs since I became the member, the most recent being held last week on Saturday 12 October. CASA has been very keen to provide links between elderly Cambodian community members and mainstream respite care services. CASA also has a regular Khmer program broadcast with the local ethnic radio station, 5EBI fm. These radio broadcasts share local news in the Khmer language and are a valuable source of information for listeners.

A network of Cambodian international students has also recently joined the radio subcommittee, and I acknowledge the services of Sokchea 'Ray' Saing who also volunteers in my office and is a personal friend. Ray has brought a wealth of experience to my office and is a remarkable person in Cambodia himself. CASA is an example of the outstanding work volunteers do in our community through so many activities in Taylor. Their willing help for the community is heartfelt by other Cambodians as well. I commend their services and wish them every success in the future and will be alongside them to help as they improve their reach and depth of services.

The ACTING SPEAKER (Hon. P. Caica): My favourite member, the member for Schubert.

LYELL MCEWIN RENAL DIALYSIS UNIT

Mr VENNING (Schubert) (15:14): Thank you, Mr Acting Speaker. You might not say that when I have finished. I congratulate the member for Davenport on a fine speech today in the

house. Our state really is crawling to a halt and the government, as he said, is tired and totally dysfunctional.

I have raised the matter of dialysis in this place before and I wanted to have that service available in the Barossa Valley and/or even Gawler (and the member for Gawler is sitting here) but to no avail. Most of these unfortunate people have to go to the Lyell McEwin Hospital for treatment. The patients receiving dialysis treatment at the Lyell McEwin Renal Dialysis Unit have been without any entertainment for six months following the removal of analogue TVs on 2 April this year. This matter was raised with me in June, by a constituent, Mrs Christine Diotti, whose husband receives dialysis treatment three times a week at the unit.

A lot of my constituents, particularly the Barossa ones, access dialysis treatment at the Lyell McEwin as it is the closest service available, despite my lobbying for dialysis to be available in the Barossa, or even Gawler as I said, but no action has been forthcoming. I see this situation as being totally unacceptable, and as soon as I became aware of the lack of TV entertainment for patients, I contacted the Minister for Health urging him to have the situation rectified as soon as possible. Surely a basic digital TV costing between $500 and $900, with a basic antenna, or a set-top box that could be put on top of the old TV, costing $29 to $30, would have been easy. I ask the question, sir, should I donate one or should I donate even two myself? It is ridiculous.

In correspondence dated 19 August, I was informed by the minister that the necessary works would be finished and the patient's bedside monitors working within the next month, but to date no action has occurred. On average, the patients attending the dialysis unit are there for about four or five hours to receive their treatment, just looking at a wall. The unit services approximately 25 patients a day. It is ridiculous that there have been no televisions available to the patients since early April to keep them entertained while they receive the dialysis treatment needed to keep them alive.

I ask the minister what he suggests they do? Some of them sleep, some sit there totally bored, and tensions have arisen between patients because there is nothing to do. My constituent Mrs Diotti has said she was discouraged from bringing in a small TV set, 'because of all the electronics that are within the ceiling and within all the dialysis machines.' They cannot even sit there twiddling their thumbs. Each patient is mildly immobilised and connected to the dialysis machine; they should not move, they have needles and lines in their arms and they need to stay still throughout their treatment.

I contacted the minister again on 19 September requesting that the process to install the new digital television sets be fast tracked to ensure that this unacceptable situation is rectified as a matter of urgency but, to date, I have not received a response. I then read in today's edition of *The Bunyip* newspaper—and the minister is here—the following:

> Northern Adelaide Local Health Network chief executive Margot Mains said new entertainment systems in the renal dialysis unit are expected to be available within three weeks.

She is reported in the paper. She goes on to say:

> The delayed installation of the new patient bedside monitors was due to engineering issues in the unit.

Not good enough. *Yes Minister* stuff. Ridiculous. As I have previously stated, the minister in his correspondence to me dated 19 August stated that:

> It is expected that the works will be finished and the patient bedside monitors working within the next month.

This has not happened and now we are told it will still be another three weeks. We are now in mid-October, the analogues were removed in April, and it has taken six months and still the TV units have not been installed. It is totally unacceptable that people who are receiving life-maintaining treatment are unable to keep themselves entertained by a television. Every waiting room in Adelaide has a TV set. Why not the people who have nothing to do but have treatment and look at the wall?

As the minister's silence on this issue shows, Labor lacks the basic integrity to remedy even relatively straightforward matters such as this. South Australians deserve better and, as the member for Davenport has just said, this really indicates how this government is totally uncaring, and is tired and dysfunctional.

NETBALL AUSTRALIA

Ms BEDFORD (Florey) (15:20): I am excited, sir, to be able to report to the house that netball enthusiasts around the nation have recently been treated to a close-fought test series between the Australian Diamonds and the New Zealand Silver Ferns, traditional rivals since their first meeting 75 years ago when Becky Douglas's team, for Australia, won 40 to 11. In this fast, and becoming even faster, team sport skills at the highest level were on display over the five match contest for the Constellation Cup, which was sponsored by Coles, ANZ, San Remo, the Australian Sports Commission, the Australian National Preventative Health Agency, along with Foxtel, Telstra, Honda, New Idea, Asics, and Kukri and Gilbert.

Netball Australia is to be congratulated on the smooth presentation I witnessed in Adelaide for game 3 at the Adelaide Entertainment Centre, which I was privileged to attend, representing the Premier and the Minister for Sport and Recreation. I was very happy to be able to take along, as my guest, Mrs Kaye Hood, an icon in my local area for her lifelong commitment to the Tango Netball Club. Tango will be featured on the Florey electorate calendar for the year 2014, which will be distributed throughout the electorate shortly.

Noeleen Dix, president of Netball Australia, in her welcome in the program reminds us that this year is a celebration for the greats, with the 50th anniversary of the 1963 team and the 30th anniversary for the 1983 team, both of whom won World Cup championships. Joyce Brown captained Australia to the first-ever title after a long sea voyage to England, while Julie Francou was captain in 1983. The entire 1983 team were celebrated when they appeared pre-match in Adelaide, and the 1963 team appeared at the Melbourne match, which was number 4, a few days later.

This year's activities lead up to the Commonwealth Games in Scotland and in 2015 the World Cup in Sydney. In Adelaide, with the Governor and Mrs Scarce in attendance, we saluted Sharelle McMahon and bid farewell to South Australia's own Natalie von Bertouch, both outstanding athletes with brilliant careers at the elite level.

Netball Australia is definitely on the front foot in arranging exciting entertainment before, during and after the matches. The crowd really enjoyed the night, particularly so as the series was level; it was 1-all at the start of the night. We first saw the New Zealand Silver Ferns win 55-51 in New Zealand, and Australia evened the series at another New Zealand match 48-45, which was a hard-fought win. During the thrilling two halves here in Adelaide, Australia maintained the momentum, with the lead being pegged back a couple of times, but eventually we prevailed 58-50. Captain Laura Geitz was the most valuable player. Game 4 in Melbourne saw Australia win 52-47.

I am able to report that the Diamonds held a 10 goal lead at one point going in to the final quarter, but they were thrust into survival mode after the Silver Ferns came out firing to cut the margin to 3 goals late in the quarter. The steady heads of our captain Laura Geitz and vice captain Bianca Chatfield, coupled with the finishing work of goal shooter Caitlin Bassett under the ring, were able to give our Diamonds an unbeatable 3-1 lead in the series. Natalie Medhurst was the most valuable player that night.

The fifth game in the series saw a very close nail biter, with Australia prevailing 50-49, so when you see the 4-1 series win it does belie how close the whole thing was. Defence obviously was a key to the strong Silver Fern shooters: the amazing now 41 year old Irene van Dyk, a former South African, was assisted by Maria Tutaia, a long-range goal specialist. We congratulate all the Silver Fern players and their support teams and in particular coach Waimarama Taumaunu, who is a former Silver Fern player and only their ninth coach in their lifetime. Among the South Australian support staff is Michelle den Dekker, a South Australian icon who is now assisting the Tango netball team. Our coach, Lisa Alexander, has around 20 tests under her belt now and is the 14th person to coach the Diamonds, with wins over England and New Zealand already to her credit.

It takes a great team effort to present netball at any level, but especially so at the elite level. We certainly wish the girls good luck as they face off with the Malawi Queens who, I am told, are a very skilful athletic side. Matches are scheduled for tonight in Wollongong, and then on Saturday the 19th on the Gold Coast. This will be well worth watching as we see how the Diamonds handle themselves with the home advantage. We welcome the Malawi Queens to Australia for the first-ever test series, and their coach Griffin Saenda.

We wish them well, but I guess not too well, as we hope Australia does prevail. In this friendly series it is good to see Malawi coming to Australia. I also commend Netball Australia on the marvellous program they have produced. There is so much going on in netball in Australia. I think it

is one of the best sports we have, and it would be great to see people support women's sport much more than they do. Netball is a huge drawcard for women in Australia.

GRAIN HARVEST

Mr TRELOAR (Flinders) (15:24): I would just like to report to the house in my time today that the South Australian harvest for 2013 has begun, and it looks like being a good crop. It may not quite reach the record levels of the 2010 harvest, but we will wait and see; it is early days yet. I understand that they are reaping at the moment on the West Coast, west of Ceduna, down the eastern coastline of Eyre Peninsula and also in the upper north, so good luck to all the farmers in the task that lies ahead in the next six or eight weeks. Harvest spreads slowly across the state, from west, north, south and east.

It is a gigantic freight task to shift the annual harvest in this state. First of all, the grain needs to be shifted from the paddock to the receival depot or silo, as it is commonly called, and ultimately from that silo depot to the port to be exported to other parts of the world. Most of this freight task is done by road. If you care to drive around the state's roads at the moment, you will see any number of large vehicles, heavy vehicle mass, road trains, B-doubles, singles semis and truck and trailer combinations handling the task.

It is also at this time of the year that many of my colleagues and I begin to receive an incredible number of complaints from those involved in the trucking industry, those involved in the harvest process. Generally those complaints relate to pedantic policing and, more importantly, to the amount of regulation and the number of regulations that the trucking industry has to abide by.

I know for certain that the vast majority—way above the vast majority—of people who drive or operate trucks or operate heavy vehicles try to do the right thing. We are about to have in place the heavy vehicle regulator, which will be a national body charged with regulating the heavy vehicle industry. However, the problem is that it is not yet in place. This parliament passed the legislation back in July for implementation in October. October is here and we have no sign of it yet. The latest I have heard is that it should be implemented in January next year. Well, of course, we have completely missed the boat for this harvest, and one of the upshots of that is that there are no national diaries available.

I have in front of me a letter that I received from someone involved with the trucking industry who indicates how incredulous he was when he discovered that he could not get a new diary on the completion of his previous diary because the national regulator was not yet in place. That is one example of how our trucking industry has been left in a vacuum, with the impending implementation of this regulator about to happen but not quite. So you have to wonder about the tardiness of the bureaucracy relating to this.

It does not bear well for the future, I have to say, because even though the opposition supported this legislation at the time, in my contribution to the debate I warned against the amount of regulation we were imposing on this industry, and I still feel the same. It is a very serious consideration that we as legislators need to make. There is only so much that any particular sector can withstand, and I really feel that the heavy vehicle and transport industry are feeling somewhat browbeaten at this stage.

As I have said many times in this place, we are competing in a global marketplace. We need to be competitive, and anything that undermines that competitiveness does not stand us in good stead. The amount of compliance, regulation and red tape across many industries, and particularly today and at this time with the trucking industry, needs to be seen to be believed. I think what has happened is that departments are simply not keeping pace with the development of the industry sectors in this state.

In closing, I will just touch on the old chestnut of road gazettal. On Eyre Peninsula, in particular, and right across the state, roads need to be gazetted for road trains to drive on them. Road trains have become the almost universal form of grain transport and, at this time of the year, we are finding that road trains are allowed on some roads and not on others. This is a problem.

PHILIP KENNEDY CENTRE

Dr CLOSE (Port Adelaide) (15:30): I rise to speak about the Philip Kennedy Centre in my community—not in my electorate, but in my community due to the vagaries of the boundary that divides the Lefevre Peninsula in half. The Philip Kennedy is an aged-care institution of some 170 beds located in Largs Bay, with a hospice service for 12 beds at present. For many years, people in my community have farewelled loved ones in the centre. It is a place of peace and care

that enables people to die with dignity and in as much comfort as possible. It is a dearly loved place for that reason.

At any given time there will be people with connections across the community who are receiving care in the centre. I have a friend with a mother who is receiving support in the centre at present and another friend who is, with clear-eyed courage, planning to avail himself of services there should receiving care in his home no longer be possible.

Recently, there was a proposal to transfer the funding provided to the Philip Kennedy Centre to a centralised palliative care team, and that became the source of much concern in my community. While well intentioned, in my view the proposal underestimated the importance of the service to the western suburbs and its irreplaceability for many families facing the most difficult of times. I am very grateful to the Minister for Health for his intercession in this matter and for recognising that the community support for the Philip Kennedy and the merit of the services provided there were worthy of consideration. His commitment to continuing the service has been very well received.

I thank the community for being clear about what it wants and for doing so in a respectful but consistent way. Crystal Millikan established an online petition that had at least 5,000 signatures within a few days, and locals like Hanna Grant and many others made sure that no-one was in any doubt about what the community felt about the proposal. Stephen Mulligan, who is the preselected ALP candidate for Lee, and I worked together, meeting with the management of Southern Cross Care, the owners of the Philip Kennedy, having multiple meetings with the health department and discussions with the minister.

We made sure that the concerns of our community were heard within the health department and that the Minister for Health was in a position to make a decision about the proposal that adequately assessed the importance of the service to the community. I thank him for the decision he made, and I pay tribute to the community for working with me and with Stephen to make it clear just how special the Philip Kennedy Centre is to us.

STATUTES AMENDMENT (ELECTRONIC MONITORING) BILL

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:34): Obtained leave and introduced a bill for an act to amend the Correctional Services Act 1982; the Criminal Law Consolidation Act 1935; and the Criminal Law (Sentencing) Act 1988. Read a first time.

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:34): I move:

That this bill be now read a second time.

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

Leave granted.

The Statutes (Amendment) Electronic Monitoring Bill 2013 seeks to amend three pieces of legislation to empower the relevant authorities to impose electronic monitoring of offenders and other persons released to the community that are assessed as posing a risk to the community and requiring additional monitoring.

Electronic monitoring is a valuable tool currently used by the Department for Correctional Services for rigorously supervising offenders in the community.

Electronic monitoring is mostly used for prisoners on post-prison Home Detention and Intensive Bail Supervision.

Post-prison Home Detention is for prisoners that satisfy the strict criteria to serve the last part of their period of imprisonment on Home Detention, at times largely or entirely subject to electronic monitoring as a condition. Intensive Bail Supervision is court ordered Home Detention Bail, of which the vast majority have electronic monitoring as a condition.

Put simply, the Bill proposes to extend electronic monitoring to empower relevant authorities to impose electronic monitoring on:

- prisoners undertaking approved activities outside of the prisons; and
- offenders who are released to the community by the Courts on licence.

The Bill also provides that the Parole Board must consider imposing an electronic monitoring condition for prisoners convicted of child sex offences being released on parole.

These proposed changes will complement amendments recently passed to the Child Sex Offenders Registration (Miscellaneous) Amendment Bill 2013 in which the Police Commissioner will have the power to issue a requirement to a serious registrable child sex offender that he or she wear or carry a tracking device for the purpose of monitoring whereabouts.

The Bill, in addition to child sex offenders would include offenders who have committed sex offences against adults or persons deemed to present a risk to family safety.

The Bill refers to 'electronic monitoring' rather than a particular device type as all types of technologies can then be considered for use now and into the future.

This is to capture all existing devices and enable remote monitoring (for example drug or alcohol testing) and include GPS technology.

The Department for Correctional Services is exploring the use of GPS technology for the monitoring of offenders and is currently conducting a trial.

Public safety and reducing reoffending is paramount and having the right technology in place under an appropriate legislative framework with appropriate supervision arrangements is critical.

The Government takes this opportunity to thank the Member of Parliament who introduced a Private Member's Bill that sought to provide GPS tracking of child sex offenders in the community and on approved release from prison.

This Bill goes much further; it provides for current and future technologies; it provides for a risk-based approach rather than limited to offence type; and will capture the prisoner to whom the Member referred in the Member's speech on her Bill. That Bill would have missed the very person she sought to monitor in this way.

This Bill will make sure we have the legislation in place to electronically monitor that person and others who require this extra monitoring tool to provide greater public safety.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Correctional Services Act 1982*

4—Amendment of section 4—Interpretation

This clause inserts a definition of electronic device for the purposes of the measure.

5—Amendment of section 27—Leave of absence from prison

This clause amends section 27 to specify that conditions under which leave of absence may be granted under the section include a condition concerning matters relating to the custody and supervision of, and directions to be given to, prisoners granted leave and a condition requiring a prisoner granted leave to be monitored by use of an electronic device.

6—Amendment of section 67—Release on parole by application to Board

This clause amends section 67 to expressly refer to the fact that the CE may include in his or her report to the Parole Board recommendations as to the conditions that should, in the opinion of the CE, be imposed by the Board on the prisoner's release on parole.

7—Amendment of section 68—Conditions of release on parole

This clause amends section 68 to specify that the conditions of release on parole may include a condition requiring a prisoner to be monitored by use of an electronic device.

Part 3—Amendment of *Criminal Law Consolidation Act 1935*

8—Amendment of section 269O—Supervision

This clause amends section 269O to provide that the conditions of a supervision order under the section may include a condition requiring a defendant to be monitored by use of an electronic device.

Part 4—Amendment of *Criminal Law (Sentencing) Act 1988*

9—Amendment of section 24—Release on licence

This clause amends section 24 to provide that the conditions of release on licence under the section may include a condition requiring a person to be monitored by use of an electronic device.

Debate adjourned on motion of Mr Treloar.

STATUTES AMENDMENT (HEALTH INFORMATION) BILL

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (15:36): Obtained leave and introduced a bill for an act to amend the Health Care Act 2008 and the Mental Health Act 2009. Read a first time.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (15:36): I move:

That this bill be now read a second time.

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

Leave granted.

This Bill seeks to ensure the confidentiality of medical information and privacy in medical appointments is upheld for adult South Australians, regardless of whether or not their injury or illness is related to their employment. Existing protections are not clear, resulting in some confusion and anomalies among employers, workers and health professionals.

The problems caused by the lack of clarity leave South Australian employers vulnerable to claims of coercive, intrusive, inappropriate and discriminatory behaviours and employees being vulnerable to inappropriate directions from employers. Some of the areas of contention include:

- Employers attending workers' medical examinations;
- Employers seeking inappropriate levels of detail about workers' medical conditions;
- Workers being directed to attend company nominated doctors;
- Workers' medical information being passed on to third parties including superannuation funds, and insurers (other than workers compensation insurers) without consent;

None of the proposed amendments affect an employer's obligations under the *Work Health and Safety Act 2012*.

This Bill introduces amendments to ensure that a person's personal information obtained by someone engaged in connection with the operation of either the *Health Care Act 2008* or the *Mental Health Act 2009*, is not disclosed to a person's employer unless authorised under that Act.

This change will complement and reinforce the current confidentiality regime contained in the *Commonwealth Privacy Act 1988* and the *Health Practitioner Regulation National Law (South Australia) Act 2010*.

Under common law, whether a direction to attend a medical examination is a lawful and reasonable direction, depends on the circumstances of each case. This has led to a position of uncertainty where both employers and workers are left to make their own assumptions about the lawfulness and reasonableness of any such direction.

Moreover, the inherent power imbalance between an employer and a worker can result in workers considering themselves obliged to allow actions directed by an employer, even when they appear to contravene their privacy or autonomy. This includes allowing an employer to direct them to a medical practitioner of the employer's choice or providing the employer access to their medical records when this is not appropriate, warranted or authorised.

By inserting section 94 into the *Health Care Act 2008*, this Bill will provide assurance to all parties and ensure that workers are only required to attend medical examinations where there is adequate justification. This reflects accepted community standards that a person is entitled to attend for treatment a medical practitioner of their own choice.

In addition, this amendment will ensure that an employer will not be able to request from a worker, that worker's medical information unless there is a sound basis for a belief that the worker is not fit to perform their normal duties or modified duties.

Finally, workers will sometimes feel obliged to allow their employer to accompany them when they attend a medical examination and the medical practitioner may assume (because of the employer's presence) that the worker has consented to the employer being present. By inserting section 94A into the *Health Care Act 2008*, this Bill will prevent this situation occurring unless there is freely given consent on the part of the worker.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Health Care Act 2008*

4—Amendment of section 93—Confidentiality and disclosure of information

This clause amends section 93 to make it clear, for the avoidance of doubt, that a person is prohibited from disclosing to a person's employer personal information relating to the person obtained while engaged in connection with the operation of the Act except to the extent that the disclosure is authorised or required under section 93.

5—Insertion of sections 94 and 94A

This clause inserts two new sections.

94—Requirement to attend medical examination or provide medical information

This section prohibits an employer from directing an employee to attend a medical examination. This prohibition is subject to the qualification that the employer may direct an employee to attend a medical examination if the employer believes on reasonable grounds that, because of an injury or illness—

- the employee is not fit to perform the inherent requirements of his or her position or the requirements of any applicable modified duties; or
- there will be a risk to the employee's health or safety if he or she continues to perform the inherent requirements of his or her position or the requirements of any modified duties.

An employer who directs an employee to attend a medical examination must give the employee written notice of the direction. The notice must set out the grounds on which the employer believes the examination is necessary. The direction cannot include a requirement for the employee to attend a particular medical practitioner.

The section also prohibits an employer from requesting an employee to provide medical information to the employer unless the employer has reasonable grounds for believing that, because of injury or illness—

- the employee is not fit to perform the inherent requirements of his or her position or the requirements of any applicable modified duties; or
- there will be a risk to employee's health or safety if he or she continues to perform the inherent requirements of his or her position or the requirements of any modified duties.

An employer does not have reasonable grounds for believing that an employee is not fit to perform the inherent requirements of his or her position, or the requirements of modified duties, or that there is a risk to the employee's health or safety, because of an injury or illness unless—

- the employee has stated to the employer that an injury or illness is affecting his or her ability to perform the inherent requirements of his or her position or any modified duties; or
- the employee appears to the employer to be unable to perform the inherent requirements of his or her position, or any modified duties, because of an injury or illness; or
- the belief is supported by medical information lawfully obtained from the employee; or
- the belief is otherwise supported by evidence.

The section does not derogate from a provision of or under any other Act authorising the issue of a direction of a kind to which the section applies.

For the purposes of the section, *employer* includes a person who engages another to perform work as an independent contractor and *employee* includes a person who is engaged to perform work as an independent contractor.

94A—Employer not to be present at examination

Section 94A prohibits an employer, or an employer's representative, from being present at a medical examination of an employee unless the employee consents to the presence of the employer or representative at the examination.

Part 3—Amendment of *Mental Health Act 2009*

6—Amendment of section 106—Confidentiality and disclosure of information

This clause amends section 106 to make it clear, for the avoidance of doubt, that a person is prohibited from disclosing to a person's employer personal information relating to the person obtained in the course of administration of the Act except to the extent that the disclosure is authorised or required under section 106.

Debate adjourned on motion of Hon. I.F. Evans.

NOT-FOR-PROFIT SECTOR FREEDOM TO ADVOCATE BILL

Second reading.

The Hon. A. PICCOLO (Light—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:38): I move:

That this bill be now read a second time.

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

Leave granted.

The proposed Not-for-Profit Sector Freedom to Advocate Bill 2013 will promote the already strong partnership between the South Australian Government and the not-profit sector. The Bill, if enacted, would prohibit State agreements restricting or preventing not-for-profit entities from commenting on, advocating support for or opposing changes to State law, policy, or practice.

This Bill is based on a Commonwealth Act for the same purpose that received bi-partisan support when it was considered by the Commonwealth Parliament earlier this year.

The South Australian Government recognises that a strong, independent and innovative not-for-profit sector is essential to building an inclusive community. The not-for-profit sector in South Australia provides services to some of our most marginalised and disadvantaged individuals, families and communities. The Government's partnership with the sector is essential to the achievement of its social policy objectives.

The not-for-profit sector has a critical role in developing and commenting on public policy. The provision of funding to not-for-profit entities should not prohibit such comment. South Australian Government policy already prohibits the use of gag clauses in grant agreements. However, the Government is committed to ensuring that the not-for-profit sector's freedom to advocate is protected in law.

The Bill, if enacted, will apply to all State agreements with the not-for-profit sector, regardless of whether they were entered into before or after the commencement of the legislation. It will render void and of no effect any clauses in State agreements, that is, agreements between a State government agency and a not-for-profit entity, that purport to 'gag' the not-for-profit entity.

The Bill should be supported as it protects the rights of the not-for-profit sector to engage in honest and frank public discourse on matters of government policy.

I commend the Bill to Members.

Explanation of Clauses

1—Short title

2—Commencement

These clauses are formal.

3—Interpretation

This clause contains definitions of terms to be used in the Bill. Two key terms are *prohibited content* and *State agreement*. These terms are defined as follows:

prohibited content, in relation to a State agreement, means a requirement of the agreement that restricts or prevents, or purports to restrict or prevent, a not-for-profit entity or staff of a not-for-profit entity from commenting on, advocating support for, or opposing a change to, any matter established by law, policy or practice of the State government or a government agency, but does not include a requirement that restricts or prevents the disclosure of confidential information or personal information;

State agreement means a legally binding agreement between a government agency (on behalf of the State) and a not-for-profit entity.

4—State agreements not to include prohibited content

This clause provides that a State agreement must not include prohibited content. An agreement that contains prohibited content will be void and of no effect to the extent of the prohibited content. The clause applies to agreements entered into before or after the commencement of the Act but subclause (3) clarifies that, in respect of agreements that included prohibited content before the commencement of the Act, no right, privilege, obligation or liability will be affected by reason of the prohibited content becoming void or of no effect. Subclause (3) represents a safeguarding of rights existing before the commencement of the Act.

The Hon. I.F. EVANS (Davenport) (15:39): On reflection, I think I am more prepared than I thought; I am just waiting for a copy to come my way. If ever a government looks like it is starting to plan for opposition, it is this bill. Here is a government that has sat there for nigh on 12 years and beaten up every lobby group that dared to criticise it and put pressure on every group it funded that dared tried to criticise it. We all remember the Cora Barclay performance by a former treasurer. Here we are with three sitting weeks left, 10 sitting days to go, and the government has decided it

is going to change the rules so that if a government funds a not-for-profit organisation, then the not-for-profit organisation has the capacity to still criticise the government, even though it is getting government funding.

I will let the government in on a secret. You do not need a piece of legislation to do that. All you have to do is adopt it as policy. That is all you had to do: write to all the chief executives saying that cabinet has adopted a policy that no longer are we going to require in our funding clauses a clause that says you cannot criticise the government. That is all you had to do but, after 12 years of putting pressure on organisations to not comment about their funding arrangements, the government has decided to see the ill of its ways and adopt this particular measure.

The opposition is going to support it. It is our policy, anyway. We do not think you need legislation. The government could simply say it will adopt it by policy today and we will adopt it and that will save yet another piece of regulation going onto the statute books because the government thinks it needs to be in law rather than adopt it at the cabinet table as a policy.

The hypocrisy of the government is that, after 12 years of pressuring the lobbying groups, after 12 years of telling the lobby groups and the not-for-profits that they can have the funding as long as they shut up, with three weeks left to sit and a matter of months before the state election, suddenly, the government says, 'Well, we might change the rules.' A cynic might suggest that the government would be saying there is an outside chance they might lose the next election. The next election is going to be 50-50. Just in case they lose the election, let us make sure all these lobby groups can criticise whoever the next government is. I think the cynic would have a reasonable case to put that particular view, because what other reason would there be?

This is not the first time this issue has come up. I think it was at the end of the 2002 and 2006 periods of the Rann government that there was a very ugly incident that became public about the Cora Barclay Centre. There was no change on the road to Damascus then by the government. There was no hand on the heart then saying, 'Of course, the not-for-profits should be able to criticise the government.' In the heat of the battle, even when it was at its most public, the government did not say, 'Yes, we think they are right.' So, what is driving this? At the end of the day, the minister is going to write to all of these groups and say isn't he a big fella?

The Hon. A. Piccolo: Five foot seven.

The Hon. I.F. EVANS: Five foot seven—there you go. A big-hearted five foot seven. At the end of the day, the minister can write to all these groups saying that he has made this magnificent change, but I just make the point that you do not need legislation to do this because you could have simply adopted it as policy any day during the last 12 years. The way this bill is drafted, it talks about a proposed not-for-profit sector freedom to advocate bill. Of course, that comes down to a whole range of definitions.

A not-for-profit organisation has to be registered or be entitled to be registered under the Australian Charities and Not-for-profits Commission Act. The way I read this, if they give money to the SANFL and the SACA, they can still be required to be quiet, because they are not a charity. They are a not-for-profit sporting organisation but I am not convinced they are registered as a charity. For instance, none of the sporting groups who receive the Active Club grants (Sport SA, Hockey SA and all the local cricket and football clubs) are registered charities. So, it will be interesting to see what the actual definition means.

If it is to be as broad as 'every not-for-profit', we do not have a problem with that. We are quite open and quite relaxed if not-for-profits think they should be able to criticise the government or comment on the government's lack of support for their particular industry. We just find it curious, I guess, that in the dying days of this divided and tired government, the government has decided to bring in this piece of legislation.

As I said, it is our policy; we are not going to hold the house and have a committee stage of this bill. If the government thinks the bill is in the right form, then the government can have the bill in the form it is in. We do not intend to move amendments to the bill. We wish all the not-for-profits luck under this particular piece of legislation. As I said, it is the opposition's policy; we do not think you need the legislation. All we needed was a decent government that could have listened any time in the last 12 years to the not-for-profits' argument, and they could have actually achieved this.

Any minister that has a grant line under this particular provision (for example, the Minister for Sport or the Minister for Education) could have put their hand up and said, 'I don't want you to remain confidential.' The government did not. I think anyone observing politics would make the fair

assessment that there is an argument to be mounted to say that the government is half preparing for opposition, and that is why it is changing its policy in its dying days.

When will this come into operation? It will come into operation on a date to be proclaimed, I would assume—yes: fixed by proclamation. Let me guess; what do you reckon? It is the day before the caretaker period. It will probably come into operation in the last week of January, on the day before the caretaker period. Or, I think the government could actually decide, under caretaker conventions, that it come into play on 14 March. In other words, the government is setting up a system for the not-for-profits to criticise the government, and it is going to delay the proclamation of this bill as late as possible in its electoral cycle so they cannot criticise the government: they can criticise the next one.

Well, I think the not-for-profits are not stupid. I think the not-for-profits realise they have been dudded by this government. The slashing of the sports funding by this government has been extraordinary. The reality is that not-for-profits are not going to fall for this, and we are glad that the government has been embarrassed, through the pressure of the not-for-profits, to change their policy, because ultimately it was our policy. We welcome the government running to our corner on this issue; it is just a pity it has taken you 12 long years.

The Hon. A. PICCOLO (Light—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:48): I would like to thank the member for Davenport for indicating the opposition's support of this bill. I do not thank him for his comments, because they are not correct, but I do thank him for his indication of support. The member has indicated that other groups he mentioned are covered by an existing Treasury instruction regarding the grant funding in the terms he has already indicated, and it is also currently government policy. But, importantly—

The Hon. I.F. Evans: You don't need a bill!

The Hon. A. PICCOLO: If you let me finish, I will answer your question. The reason this has been brought to parliament—and this has been brought to parliament with the support of not-for-profit sector. I have had discussions with SACOSS and other organisations, and I would like to put on record my thanks to SACOSS for assisting with the consultation process of this bill. It is certainly a bill which is seen to be important and necessary by that sector, so in that regard, the Liberal Party is at variance and has clearly not consulted, because they do support this bill.

This bill does a couple of things. Firstly, it prohibits and invalidates the so-called 'gag clauses' in agreements between the state of South Australia and any not-for-profit organisations as defined. It specifies that restrictions on the disclosure of confidential information or personal information still remain in force, though, so obviously there are still bits of information which should not be released. However, it applies to all state agreements, regardless of whether they were entered into prior to the commencement of this legislation, so any existing agreement that for whatever reason has that clause, after the bill is enacted, those will not be valid or cannot be enforced.

The not-for-profit sector works to assist South Australians and particularly those amongst us who are disadvantaged and vulnerable. They actually speak on behalf of the most vulnerable, so it is those people who this bill seeks to support. By enabling them to speak out, we actually protect and support the most vulnerable in our community. We have a range of these organisations. In my own Town of Gawler, for example, there is a whole range of organisations involved in health care, environment, helping people who are homeless, etc.

It goes without saying, though, that having an independent not-for-profit sector is essential to building an inclusive and stronger community, and the Premier has made that quite clear on a number of occasions, saying that with a strong government working with a strong, independent not-for-profit sector and also the business sector, we have a stronger community. So, this is part of the philosophy that this government has.

But why do we need it as a bill? Because a policy can be changed any time, as the member for Davenport's brothers and sisters in Queensland have done. That is why we need a bill, because if they behave like their brothers and sisters after an election, should they win the next one or the one after that, that is what we are going to see. So, as their brothers and sisters did in Queensland, where they gagged organisations from actually speaking out, that is why we need this bill.

This bill will remove from any future government the ability to do that without the consent of this parliament. What the Queensland Liberal National Party government did was they actually have stifled debate in that community by insisting that those people who get funds from the government cannot speak out. So, the decision by the Queensland Liberal National Party government to restrict advocacy on funding agreements demonstrates not only the closing down of debate but also a lack of respect for the not-for-profit sector and ultimately the broader community.

This bill before this chamber will protect the rights, as I said, of the not-for-profit sector to engage in honest and frank public discourse, which is important for any healthy democracy. For those reasons, I again commend this bill to the house.

Bill read a second time.

In committee.

Clauses 1 and 2 passed.

Clause 3.

The Hon. I.F. EVANS: I just wish to check: 'confidential information'—that can be either confidential to the government or confidential to the recipient of the funds, am I right in asserting that?

The Hon. A. PICCOLO: What that means is that this act does not actually override privacy provisions, so they cannot disclose information that would actually go against that act.

The Hon. I.F. EVANS: So, if a government deems something to be commercial-in-confidence, it cannot be revealed. The agreement can say that that matter cannot be revealed. Can the recipient of the grant advocate a matter that is related to the commercial-in-confidence matter without raising the commercial-in-confidence matter? So, if there is a commercial-in-confidence matter that might be a policy issue, for instance, can the advocate criticise the policy even though it is subject to being commercial-in-confidence?

The Hon. A. PICCOLO: Just to clarify, what that has to be read in conjunction with is 'prohibited content'. It actually defines what things are prohibited content, so in relation to the state government, it means a requirement of the agreement that restricts or prevents, or purports to restrict, a not-for-profit or staff 'advocating support for, or opposing a change to, any matter established by law, policy or practice of the state government'. So a policy matter is quite clearly one that we could not prohibit. That actually defines the scope of it.

The Hon. I.F. EVANS: For instance, if the government gives $50 million to an industry or to a body, is a not-for-profit allowed to advocate that that amount is not enough even though the amount is confidential?

The Hon. A. PICCOLO: In relation to this matter, the words 'there may be an occasion at some point' have been included in there, but it will be case by case. I can assure the member that grants, especially ones that go through my agency, are all won generally by tender process, and those processes are made public and they are publicly available. While I have to acknowledge that a circumstance of that description may arise, I cannot think of one, certainly in the charities area, it would arise in.

The Hon. I.F. EVANS: This is the problem, minister. This bill does not relate just to charities. According to your second reading contribution, and according to clause 3, under the definition of not-for-profit entity, it applies to any other entity that is not carried on for the purposes of profit.

The Hon. A. PICCOLO: But even sporting grants are in the same category: they are won by tender.

The Hon. I.F. EVANS: Sporting grants are not won by tender, minister, I am sorry. If you think the Adelaide Oval and the $535 million was won by the South Australian Cricket Association and the South Australian National Football League by tender, you are sadly mistaken. They are not-for-profits. The issue becomes: can a not-for-profit criticise the government for not giving them enough money if the amount of money is commercial-in-confidence? Or, if what they are using the money for is a trade secret or commercially sensitive—a particular style of technology or particular style of training they do not want to be made public to the market—can they still criticise without revealing what the funding is for?

The Hon. A. PICCOLO: From my reading of that clause I would say yes. They would not, perhaps, release the specific information, but they certainly could still criticise because that would be a matter of policy as distinct from the confidential content.

The Hon. I.F. EVANS: So, you could have a circumstance where someone advocates for more money and be in a position where they say, 'I can't tell you what the money is being used for because it's a trade secret or prohibited by the agreement.' That would still be legal under this law.

The Hon. A. PICCOLO: Potentially, that is correct.

The Hon. I.F. EVANS: How is that different from the problem you are trying to fix?

The Hon. A. PICCOLO: I would have thought it was quite clear. I could find any bill that would have an exceptional and extreme case, but this would cover, certainly in my area and other areas I can think of, where, as a matter of practice, most grants would be made public.

Clause passed.

Clause 4.

The Hon. I.F. EVANS: Can the minister confirm for the committee what he told us in his response to my second reading contribution, that is, that the matters contained in this bill are already state government policy?

The Hon. A. PICCOLO: The comments were in relation to your mentioning other organisations like sporting organisations, and I drew to his attention Treasurer's Instruction 15.19:

> A grant agreement should not contain any provision which seeks to constrain the entity receiving funding from engaging in political or policy advocacy.

That is existing policy.

The Hon. I.F. EVANS: Can the minister confirm that if a not-for-profit has such an existing agreement with what is known as a gag clause in it, that that would be contrary to government policy and contrary to the Treasurer's Instructions?

The Hon. A. PICCOLO: For any ones made after this one, yes, but not any prior ones. This instruction is dated and effective from 28 March 2013.

The Hon. I.F. EVANS: So from 28 March this year an agreement was made. What is the position for those agreements that are made prior to 28 March? Does this legislation override existing agreements with gag orders in them?

The Hon. A. PICCOLO: Yes.

The Hon. I.F. EVANS: If that is the case, why do the Treasurer's Instructions not override it?

The Hon. A. PICCOLO: The bill seeks to make sure it is not a matter of policy, it is a matter of law, irrespective of which government is in place. I have already mentioned that.

The Hon. I.F. EVANS: Just come back one second. Treasurer's Instructions go to cabinet. When the Treasurer's Instructions went to cabinet, why did cabinet not decide to override all existing agreements at that point? Why have they waited a further nine months to bring in an overriding provision in this bill? The Treasurer's Instructions, as I understand your answer, do not override existing written agreements.

The Hon. A. PICCOLO: I think I have already mentioned that. It has been the experience in Queensland and also the experience of the commonwealth government. The commonwealth brought in similar legislation which supports the not-for-profit sector. Also, the experience in Queensland has prompted us to remove any doubt.

The Hon. I.F. EVANS: You are either misunderstanding my question or deliberately not answering it; so I am assuming you are misunderstanding it, so I will ask it again. When your government—not the Queensland government or the commonwealth—when Her Majesty's South Australian government decided in March, through a change to Treasurer's Instructions, to adopt a no gag clause provision in agreements post the date of the Treasurer's Instruction, why, at the time of making that instruction, did they not bring in an override provision for all existing agreements that had a gag provision in them at that time?

The Hon. A. PICCOLO: The short answer is that in terms of moving to a bill, or a more encompassing approach, it happened after that occasion.

The Hon. I.F. EVANS: And what is the expected date of proclamation? On what date is the government going to start this particular bill?

The Hon. A. PICCOLO: I need to seek cabinet's and the Governor's consent to that, but my view would be as soon as practicable.

The Hon. I.F. EVANS: If that is the intent, minister, you will be glad to know that I will have an amendment moved in the upper house to bring it in at the earliest possible convenience to the government, so I look forward to the government's support.

Clause passed.

Title passed.

Bill reported without amendment.

The Hon. A. PICCOLO (Light—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (16:07): I move:

That this bill be now read a third time.

Bill read a third time and passed.

HOUSING AND URBAN DEVELOPMENT (ADMINISTRATIVE ARRANGEMENTS) (URBAN RENEWAL) AMENDMENT BILL

The Legislative Council agreed to the bill with the amendments indicated by the following schedule, to which amendments the Legislative Council desires the concurrence of the House of Assembly:

No. 1. Clause 8, page 5, after line 42 [clause 8, inserted section 7C]—After subsection (1) insert:

(1a) The URA must, in carrying out functions related to urban renewal, take into account relevant existing or proposed development by private sector bodies and consider involving such bodies in urban renewal projects the URA proposes to undertake.

No. 2. Clause 8, page 6, lines 33 and 34 [clause 8, inserted section 7G, definition of *precinct authority*]—

Delete 'precinct authority appointed by the Minister' and substitute:

URA, another statutory corporation constituted under this Act, a council or a subsidiary of a council appointed by the Minister as the precinct authority for the precinct

No. 3. Clause 8, page 7, line 2 [clause 8, inserted section 7H(1)]—Delete 'on his or her own initiative or'

No. 4. Clause 8, page 7, after line 13 [clause 8, inserted section 7H]—Insert:

(1a) A request under subsection (1) must—

(a) be in a form determined by the Minister that complies with any requirements prescribed by the regulations; and

(b) be accompanied by—

(i) a business case in a form determined by the Minister that—

(A) proposes a name and identifies the area for the proposed precinct; and

(B) proposes the objectives of the precinct that are to apply for the purposes of subsection (4)(b)(i); and

(C) proposes the body that is to constitute the precinct authority; and

(D) proposes the manner in which consultation with the community relating to the precinct should be conducted; and

(E) identifies any assets or infrastructure that might be expected to be transferred to another entity in connection with the establishment or development of the precinct, or if or when the precinct plan is revoked under this Part; and

(F) sets out proposed arrangements for the provision of services provided (as at the time of the request) within the proposed precinct by the relevant council (including any agreement with that council); and

(G) addresses any other matter, or complies with any other requirement, prescribed by the regulations; and

(ii) the fee (if any) prescribed by the regulations.

No. 5. Clause 8, page 7, line 15 [clause 8, inserted section 7H(2)]—

Delete 'specified by the Minister' and substitute 'prescribed by the regulations'

No. 6. Clause 8, page 7, after line 21 [clause 8, inserted section 7H]—Insert:

(2a) The Minister must not publish a notice under subsection (1) that relates to land that forms part of the Adelaide Park Lands within the meaning of the *Adelaide Park Lands Act 2005* unless the Adelaide Park Lands Authority has consented to the publication of the notice.

No. 7. Clause 8, page 7, after line 24 [clause 8, inserted section 7H]—Insert:

(3a) Subject to subsection (3b), the Minister must, when publishing a notice under subsection (1), also publish (in the case of the establishment of a precinct pursuant to a request under subsection (1)) a copy of the business case that accompanied the request to which the notice relates.

(3b) Subsection (3a) does not require the Minister to publish any part of the business case that, in the opinion of the Minister, contains commercial information of a confidential nature.

No. 8. Clause 8, page 7, lines 32 and 33 [clause 8, inserted section 7H(4)(c)]—

Delete 'the URA, another statutory corporation constituted under this Act, or a council to be the' and substitute 'a'

No. 9. Clause 8, page 7, after line 34 [clause 8, inserted section 7H]—Insert:

(4a) The Minister must, within 28 days of the publication of a notice under subsection (1)—

(a) provide a report setting out the location, extent and reasons for the establishment of the precinct to the Environment, Resources and Development Committee of the Parliament; and

(b) publish a copy of the report on a website determined by the Minister.

No. 10. Clause 8, page 8, line 26 [clause 8, inserted section 7H(9)]—

Delete 'may, and must at the direction of the Minister' and substitute:

must, other than in circumstances prescribed by the regulations

No. 11. Clause 8, page 8, line 27 [clause 8, inserted section 7H(9)]—Delete '1 or more of'

No. 12. Clause 8, page 9, lines 5 to 8 [clause 8, inserted section 7H(9)]—Delete paragraph (c)

No. 13. Clause 8, page 9, after line 8 [clause 8, inserted section 7H]—Insert:

(9a) The precinct authority may establish any other panel considered appropriate to provide advice relating to planning and development within the precinct.

No. 14. Clause 8, page 9, after line 35 [clause 8, inserted section 7H]—Insert:

(15) The Minister must, before acting under subsection (13)(b), be satisfied that the precinct authority has consulted with any council within the area of the precinct about—

(a) the transfer of any assets or infrastructure to the council on the revocation of the notice (including, if relevant, in connection with the operation of section 23); and

(b) other matters that appear to be relevant to the council in connection with the provisions of this Part no longer applying in relation to the precinct.

No. 15. Clause 8, page 10, after line 13 [clause 8, inserted section 7I(2)]—Insert:

(da) specify design guidelines for development, which may include specific design criteria relating to buildings or classes of buildings; and

(db) make provision in relation to any matter which a Development Plan under the *Development Act 1993* may provide for, including specifying classes of development within the area that will be taken to be *complying* development for the purposes of the *Development Act 1993*; and

(dc) provide for the provision of open space or the making of payments (insofar as it is relevant to development within the precinct) in connection with the requirements imposed under section 50 of the *Development Act 1993*; and

No. 16. Clause 8, page 10, lines 23 to 25 [clause 8, inserted section 7I(4)(a)(i)]—Delete subparagraph (i)

No. 17. Clause 8, page 10, line 33 to page 11, line 4 [clause 8, inserted section 7I(4)(b) and (c)]—Delete paragraphs (b) and (c)

No. 18. Clause 8, page 11, lines 8 and 9 [clause 8, inserted section 7I(5)]—

Delete 'relevant provisions of any Development Plan applying in the area to which the precinct plan relates.' and substitute:

—

(a) relevant provisions of any Development Plan applying; and

(b) the Strategic Directions Report of any council,

in the area to which the precinct plan relates.

No. 19. Clause 8, page 11, line 36 to page 12, line 4 [clause 8, inserted section 7I(8)(c) and (d)]—

Delete paragraphs (c) and (d) and substitute:

(c) —

(i) in the case of a precinct master plan—

(A) by public advertisement, give notice of the place or places at which copies of the draft are available for inspection (without charge) and purchase and invite interested persons to make written representations on the proposal within a period specified by the precinct authority; and

(B) hold a meeting where members of the public may attend and make representations in relation to the proposal, if the Minister considers it necessary or desirable for such a meeting to be held; or

(ii) in the case of a precinct implementation plan—undertake such public consultation on the proposal as is determined by the Minister to be appropriate.

No. 20. Clause 8, page 12, after line 38 [clause 8, inserted section 7I]—Insert:

(13a) Section 27 of the *Development Act 1993* (other than section 27(2)) applies to the adoption or amendment of a precinct master plan as if references in that section to an amendment to a Development Plan under Part 3 Subdivision 2 of the *Development Act 1993* were references to the adoption or amendment of a precinct master plan under this section.

No. 21. Clause 8, page 13, after line 7 [clause 8, inserted section 7I]—Insert:

(14a) The Minister must, as soon as is reasonably practicable after the adoption of a precinct plan, publish on a website determined by the Minister—

(a) a copy of a report provided to the Minister under subsection (10); and

(b) any advice received from the Development Assessment Commission under subsection (12) on the report.

No. 22. Clause 8, page 13, after line 12 [clause 8, inserted section 7I]—Insert:

(17) The Minister must, within 28 days of the adoption of, or an amendment to, a precinct implementation plan, or the revocation of a precinct plan—

(a) provide a report on the matter to the Environment, Resources and Development Committee of the Parliament; and

(b) publish a copy of the report on a website determined by the Minister.

No. 23. Clause 8, page 13, line 21 [clause 8, inserted section 7J(1)(a)]—

Delete 'section 7I(4)(b)' and substitute 'section 7I(2)(db)'

No. 24. Clause 8, page 13, line 33 [clause 8, inserted section 7J(3)]—

Delete 'section 7I(4)(c)' and substitute 'section 7I(2)(dc)'

No. 25. Clause 8, page 14, after line 1 [clause 8, inserted section 7K(1)]—Insert:

(ca) to make by-laws under the *Local Government Act 1999* or the *Local Government Act 1934*; or

No. 26. Clause 8, page 14, after line 30 [clause 8, inserted section 7K]—Insert:

(2a) If a precinct authority makes a by-law under the *Local Government Act 1999* or the *Local Government Act 1934* under subsection (1)(ca), the by-law—

(a) cannot be altered without the consent of the precinct authority; and

(b) is revoked if—

(i) the regulation under this section giving the authorisation to make by-laws is revoked; or

(ii) the relevant precinct is dissolved.

(2b) Without limiting subsection (1), a precinct authority may, if authorised by the Governor to do so by regulation, in relation to raising revenue for the purposes of the management, development or enhancement of a precinct established under this Part—

(a) impose a rate under the *Local Government Act 1999* (as if it were a council); and

(b) require a council to collect the rate on behalf of the precinct authority.

(2c) If a rate is imposed under subsection (2b)—

(a) Chapter 10 of the *Local Government Act 1999* will apply subject to any modifications prescribed by the regulations; and

(b) the council must comply with the requirement made by the precinct authority (and make a payment to the precinct authority of the amount recovered on account of the imposition of the rate); and

(c) the precinct authority is liable to pay to the council an amount determined in accordance with the regulations on account of the costs of the council in complying with the requirements imposed by the precinct authority (which may be set off against the amount payable by the council to the precinct authority); and

(d) if the precinct to which the rate relates is dissolved—the council may, for a period of 5 years, or such longer period as the Minister may allow, continue to impose any rate imposed by the precinct authority under subsection (2b)(a) and applying at the time of the dissolution (and, to avoid doubt, a rate continued under this paragraph is to be treated as if it were a rate imposed under subsection (2b)(a)).

No. 27. Clause 8, page 14, line 33 [clause 8, inserted section 7K(3)]—After 'matter' insert:

(which must include details of any submissions made by a council in consultation under subsection (5))

No. 28. Clause 8, page 14, after line 37 [clause 8, inserted section 7K]—Insert:

(5) A regulation cannot be made under—

(a) subsection (1)(c) authorising the exercise of a power under the *Local Government Act 1999* in relation to the imposition or recovery of a rate, levy or charge; or

(b) subsection (2b),

except after consultation with the relevant council.

(6) The *Subordinate Legislation Act 1978* applies to a regulation made under this section as if references in that Act to the Legislative Review Committee of the Parliament were references to the Environment, Resources and Development Committee of the Parliament.

No. 29. Clause 8, page 15, after line 8 [clause 8, inserted section 7L]—

After the present contents of section 7L (now to be designated as subsection (1)) insert:

(2) A regulation cannot be made under subsection (1) in relation to rates or charges imposed under the *Local Government Act 1999* except after consultation with the relevant council.

No. 30. Clause 8, page 15, after line 33 [clause 8, new section 7N]—Insert:

7N—Consultation with LGA on prescribed classes of regulations

(1) A regulation of a prescribed class cannot be made for the purposes of this Part unless the Minister has given the LGA notice of the proposal to make the regulation and given consideration to any submission made by the LGA within a period (of between 3 and 6 weeks) specified by the Minister.

(2) In this section—

LGA means the Local Government Association of South Australia.

No. 31. New clause, page 15, after line 20—Insert:

10—Review

(1) The Minister must cause a review of the operation and impact of this Act to be conducted and a report on the results of the review to be submitted to him or her within 2 years after the commencement of this Act.

(2) The Minister must, within 6 sitting days after receiving the report, cause copies of the report to be laid before both Houses of Parliament.

No. 32. Schedule 1, page 15, line 28 [Schedule 1, clause 1, inserted paragraph (d)]—

After 'precinct' insert 'master'

No. 33. Schedule 1, page 15, after line 30 [Schedule 1, clause 1]—After the present contents of clause 1 (now to be designated as subclause (1)) insert:

(2) Section 29—after subsection (3) insert:

(3a) The Minister must, within 1 month of the adoption of, or an amendment to, a precinct implementation plan under the *Urban Renewal Act 1995*, give effect to the adoption or amendment (as the case requires) by amending the relevant Development Plan by notice in the Gazette.

Consideration in committee.

The Hon. J.R. RAU: I move:

That the Legislative Council's amendments be agreed to.

Motion carried.

ELECTORAL (MISCELLANEOUS) AMENDMENT BILL

The Legislative Council insisted on its amendment No. 12 and agreed not to insist on its amendments Nos. 5, 6 and 11 and agreed not to insist on its amendments Nos 1 and 15 to which the House of Assembly has disagreed, and agreed to the alternative amendments made by the House of Assembly; agreed not to insist on its amendments Nos 4 and 14 but made alternative amendments as indicated in the following schedule to which it desires the concurrence of the House of Assembly. The Legislative Council agreed not to insist on its amendment No. 7, disagreed to the alternative amendments made by the House of Assembly, but made an alternative amendment in lieu of the alternative amendments of the House of Assembly as indicated in the following schedule, to which it desires the concurrence of the House of Assembly.

Legislative Council's Alternative Amendment to Amendment No. 4

New clauses, page 6, after line 29—Insert:

13A—Amendment of section 47—Issue of writ

Section 47—after subsection (2) insert:

(2a) In the case of a general election for the House of Assembly, the writ or writs for the elections in all House of Assembly districts must be issued 28 days before the date fixed for the polling in each district under section 48.

13B—Amendment of section 48—Contents of writ

(1) Section 48(3)(a)—delete '—the date falling 10 days after the date of the issue of the writ;' and substitute:

—

(i) in the case of a general election for the House of Assembly—the date falling 6 days after the date of the issue of the writ; or

(ii) in any other case—the date falling 10 days after the date of the issue of the writ;

(2) Section 48(4)—delete 'a date falling not less than 3 days nor more than 14 days after the date fixed for the close of the rolls.' and substitute:

—

(i) in the case of a general election for the House of Assembly—the date falling 3 days after the date fixed for the close of the rolls; or

(ii) in any other case—a date falling not less than 3 days nor more than 14 days after the date fixed for the close of the rolls.

Legislative Council's Alternative Amendment to Amendment No. 14

Clause 22, page 9, lines 21 to 27 [clause 22, inserted section 112A(1)(c)]—Delete paragraph (c) and substitute:

(c) the card—

(i) has substantially the same appearance as a how-to-vote card that—

(A) has been submitted for inclusion in posters under section 66; or

(B) has been lodged with the Electoral Commissioner no later than 12 noon on the day falling 8 days before polling day; or

(ii) is a compilation of more than 1 how-to-vote card of a kind referred to in subparagraph (i) (provided that those how-to-vote cards relate to different electoral districts).

Clause 22, page 9, after line 33 [clause 22, inserted section 112A]—After subsection (2) insert:

(2a) If a how-to-vote card is lodged with the Electoral Commissioner under subsection (1)(c)(i)(B) by or on behalf of a candidate, no further how-to-vote card may be lodged in relation to the same election by or on behalf of that candidate.

Clause 22, page 10, after line 18 [clause 22, inserted section 112A]—After subsection (5) insert:

(5a) Despite subsection (5), a how-to-vote card distributed by or on behalf of a candidate (the *relevant candidate*) will be taken not to have substantially the same appearance as—

(a) the relevant candidate's initial submitted how-to-vote card (if any); or

(b) a how-to-vote card lodged under subsection (1)(c)(i)(B) by or on behalf of the relevant candidate,

if—

(c) the distributed how-to-vote card indicates that the first preference vote should be given to a different candidate from the relevant candidate or any other candidate indicated as a candidate to whom a first preference vote should be given on a how-to-vote card referred to in paragraph (a) or (b); and

(d) the relevant candidate has not given written notice at least 8 days before the card is distributed and in accordance with any other requirements of the regulations to the candidate to whom the distributed how-to-vote card indicates that the first preference vote should be given.

Legislative Council's Alternative Amendment to its Amendment No. 7

Clause 17, page 8, line 15 [clause 17, inserted section 74A(1)]—After '(an *application form*)' insert:

unless—

(a) the application form is in the prescribed form; and

(b) it is stated on the form that it must be returned directly to the Electoral Commissioner; and

(c) no additional information or matter appears on the form or on the reverse side of the form

Consideration in committee.

Mr GARDNER: I just want to thank the government for its sensible approach, eventually, to all the amendments that have been put in relation to this bill, and I congratulate the Hon. Stephen Wade and the Hon. Rob Lucas for the excellent manner in which they have been persuasive in the case of so many of these amendments. I think they have done a very good job and I want to record that for the house.

Amendment No. 12:

The Hon. J.R. RAU: I move:

That the House of Assembly no longer insist on its disagreement.

Motion carried.

Amendment Nos 4 and 14:

The Hon. J.R. RAU: I move:

That the House of Assembly no longer insist on its disagreement and agrees to the alternative amendments.

Can I say in response that it is not so much a matter of persuasion, it is a matter of being able to count.

Motion carried.

Amendment No. 7:

The Hon. J.R. RAU: I move:

That the House of Assembly no longer insists on its alternative amendment and agrees with the Legislative Council's alternative amendments.

Motion carried.

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) (NO. 3) BILL

The Legislative Council agreed to the bill with the amendments indicated by the following schedule, to which amendments the Legislative Council desires the concurrence of the House of Assembly:

No. 1. Clause 5, page 3, after line 6—After line 6 insert:

(1) Section 44(2)—delete 'If' and substitute:

Subject to subsection (2a), if

No. 2. Clause 5, page 3, lines 8 to 15 [clause 5, inserted subsection (2a)]—

Delete inserted subsection (2a) and substitute:

(2a) The Minister for Correctional Services must, before deciding whether to waive the obligation of a probationer to comply any further with a condition requiring supervision, take into account the likely impact on a victim to which this subsection applies if the probationer is no longer required to remain under supervision.

No. 3. New Part, page 4, after line 14—Insert:

Part 6A—Amendment of *Magistrates Court Act 1991*

9A—Amendment of section 42—Appeals

(1) Section 42(5)(c)—after 'including' insert:

, subject to subsection (5a),

(2) Section 42—after subsection (5) insert:

(5a) The Full Court may not make an order for costs in relation to an appeal to the Full Court of a kind referred to in subsection (2)(ab).

No. 4. Part 7, new clause, page 4, after line 15—

Part 7—before clause 10 insert:

9AB—Amendment of section 5—Interpretation

Section 5(1), definition of *Full Court*, (b)(ii)—delete subparagraph (ii) and substitute:

(ii) the Chief Justice has made a determination under—

(A) section 357(3) of the *Criminal Law Consolidation Act 1935*; or

(B) section 42(2a) of the *Magistrates Court Act 1991*; or

(C) section 22(2a) of the *Youth Court Act 1993*;

No. 5. New Part, page 4, after line 31—Insert:

Part 9—Amendment of *Youth Court Act 1993*

13—Amendment of section 22—Appeals

Section 22—after subsection (2) insert:

(2a) The Chief Justice may determine that the Full Court is to be constituted of only 2 judges for the purposes of hearing and determining an appeal to the Full Court of a kind referred to in subsection (2)(ba).

(2b) The decision of the Full Court when constituted by 2 judges is to be in accordance with the opinion of those judges or, if the judges are divided in opinion, the proceedings are to be reheard and determined by the Full Court

constituted by such 3 judges as the Chief Justice directs (including, if practicable, the 2 judges who first heard the proceedings on appeal).

Consideration in committee.

The Hon. J.R. RAU: I move:

That the Legislative Council's amendments be agreed to.

Motion carried.

STATUTES AMENDMENT (POLICE) BILL

The Legislative Council agreed to the bill with the amendment indicated by the following schedule, to which amendment the Legislative Council desires the concurrence of the House of Assembly:

No. 1. New clause, page 9, after line 33—Insert:

14A—Substitution of section 65

Section 65—delete the section and substitute:

65—Protection from liability for members of SA Police

(1) A member of SA Police does not incur any civil or criminal liability for an honest act or omission in the exercise or discharge, or the purported exercise or discharge, of a power, function or duty conferred or imposed by or under this Act or any other Act or law.

(2) A liability that would, but for subsection (1), lie against a member of SA Police lies instead against the Crown.

(3) A person (the *injured person*) who suffers injury, loss or damage as a result of the act or omission of a member of SA Police may not sue the member personally unless—

(a) it is clear from the circumstances of the case that the immunity conferred by subsection (1) does not extend to the case; or

(b) the injured person brings an action in the first instance against the Crown but the Crown then disputes, in a defence filed to the action, that it is liable for the act or omission of the member.

(4) Where a question arises as to whether the immunity conferred by subsection (1) extends to the case and the member of SA Police claims to come within the immunity so conferred, the burden of proving that the act or omission was dishonest lies on the party seeking to establish the personal liability of the member.

(5) If a member of SA Police is sued personally for an act or omission in the exercise or discharge, or purported exercise or discharge, of a power, function or duty conferred or imposed by or under this Act or any other Act or law—

(a) unless the Crown is alleging that the member is personally liable for the act or omission—the Crown must represent the member; or

(b) if the Crown does not represent the member and the member is found by the court not to have acted dishonestly—the Crown must indemnify the member for legal costs properly incurred by the member (but not exceeding 80% of the Supreme Court scale of costs applying at the time the case is determined).

Consideration in committee.

The Hon. M.F. O'BRIEN: I move:

That the Legislative Council's amendment be agreed to.

Motion carried.

CRIMINAL LAW CONSOLIDATION (PROTECTION FOR WORKING ANIMALS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 11 September 2013.)

Mr VAN HOLST PELLEKAAN (Stuart) (16:18): We are here today to debate the Criminal Law Consolidation (Protection for Working Animals) Amendment Bill 2013. I indicate that I am the

lead speaker for the opposition and I know that there will be some other speakers. I will have some questions, primarily for clarification, in the committee stage. I also have one amendment filed, which I will formally move during the committee stage.

The opposition is supporting this bill from the government. I have to say that it was not an easy decision to come to, because there are a lot of pros and cons that I think any one of us or any man or woman on the street can see go with this piece of legislation. I say from the outset that I think everybody here very sensibly understands that animals deserve protection. Animals are not people and they do not deserve the same protection as people, but animals do deserve protection, even if you are not particularly an animal lover. It is pretty plain common sense that any animal working on behalf of people probably deserves a bit more protection.

I know that the member for Torrens is a very keen animal lover and she tells us about her dogs at home quite regularly, and she says that they actually think they are people. I grew up with dogs at home and I absolutely love them. I have had three dogs myself in my adult life at home. We have a cat as well—that came with my wife—and we have chickens and it is pretty straightforward commonsense stuff that you have to look after animals, particularly if they are working hard on behalf of people.

What is this bill does, though, is to give some very particular protection for working animals to the point where, potentially, there is a maximum of five years' imprisonment plus compensation. This bill would create a new serious criminal offence of causing death or serious harm to a working animal by an intentional act punishable by up to 5 years' imprisonment. As I understand it, serious harm could attract a maximum of four years and serious bodily harm could attract a maximum of five years—plus compensation, as I said before. I will have some questions at the committee stage which will relate particularly to that compensation issue.

These working animals are put in danger essentially by people. The working animals that we are talking about are not jumping into harm's way. They really are put into harm's way by people, by the people for whom they are working and that, I think, needs to be very clearly understood. The bill essentially covers police dogs and horses. I understand that right now we have 25 dogs and 36 horses working for the South Australia Police.

In Correctional Services I am told that we usually have six dogs working but there are three at present. Certainly as shadow minister for corrections and the member for Stuart, with two correctional institutions in my electorate, I would certainly encourage the government to get back up to the six, because they are a very important part of Correctional Services and play a very important role in the detection of contraband in prison.

The bill also includes guide dogs. Guide dogs are trained and provided in South Australia by Guide Dogs SA/NT and also the Royal Society for the Blind. There are also other animals as per the regulations. We will ask Attorney-General, when we get to it, if he can share with us what other animals he thinks he will have in the regulations. One of the most difficult aspects of this issue, of course, is what do you leave in and what do you leave out?

We would all agree that any serious, deliberate harm to an animal is serious. Is it more serious for these working animals or is it more serious for somebody's dog or horse perhaps—as very sadly does happen occasionally when it is just sitting in a paddock minding its own business, half asleep in the middle of the night and somebody comes along and does the wrong thing. Where do you draw the line? That is an important issue for us to consider.

Another thing that is important to consider is the fact that this bill essentially came about and was brought to us by the government in response to the very unfortunate stabbing of a police working dog named Koda. We all agree that that incident was completely inappropriate and very sad. Fortunately, Koda has seemingly made a full recovery and went from one day having potentially life-threatening injuries to very quickly being back on duty. That is very positive and we are all glad to know that, but is this just a response by the government to the fact that there was a public outcry when Koda was stabbed and harmed?

We have had working animals in the South Australian police force for 175 years, right from day one when we started with mounted police as the foundation of our South Australian police force, but it is not until 175 years later, in 2013, that the government has decided to bring this forward, and that decision coincides with the public outcry against the harm done to police working dog Koda.

It would not be too great a stretch of the imagination to think that perhaps the government is bringing this forward more as a populist political move than purely to protect these animals because, very unfortunately, working animals have been getting harmed for 175 years, at least in the police force, and potentially longer than that in other forms of work, although, of course, not in the categories that are being provided here for us today. There is a fair degree of politics in this but, nonetheless, the opposition has decided that, given the opportunity to support the government in its desire to protect these working animals, we will also show our hand and do our best to support these working animals as well.

There is also another very important aspect that comes out of this, and this is the removal of the opportunity to claim self-defence if a person happens to seriously harm a working animal. That is something I know the member for Bragg, our deputy leader, will investigate. She will put her keen, thorough legal mind to that issue. Let me just say that it is a very important issue. If you think about the practicalities of it, the reason you use a working dog, in a trained situation, is basically to attack somebody—bring them to the ground by force. It is not unreasonable that the person upon whom that force is being used might feel obliged to defend themselves, and it may be conscious or subconscious.

I have never been attacked by a dog in that way but it is not hard to imagine that, if it was happening, you would do whatever you thought you needed to do to protect yourself, even if that meant harming that animal. While it might be okay for the handler to say, 'The person was never in any danger because I could call the dog off at any point in time,' if you are the person getting dragged to the ground at that time you may, quite understandably, not be thinking clearly about all of that. You may not know that the handler is just waiting for the right command, the right call or the right whistle to call the dog off. There are some very serious issues that need to be investigated about the fact that a defence of self-defence has been taken out of this legislation for a person who thinks they might actually need to use it.

The other thing that is interesting is that animals working for the South Australian government are given greater protection under this legislation than other animals, and that is something I will delve into in a little bit more detail in the committee stage of this bill. As I said before, I do have quite a few questions but, really, just for clarification, the opposition does support the government in this. I have an amendment which has been filed which I hope the government will agree to. When it gets to the appropriate time in committee, I will provide my logic for moving that amendment.

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (16:28): I rise to speak on the Criminal Law Consolidation (Protection for Working Animals) Amendment Bill 2013 and confirm that I, as indicated by our lead speaker, will not be opposing this bill. I cannot say I can rush with enthusiasm to say the word 'support', but it certainly will pass without any objection from me as a member of the house.

Put simply, the position of this bill is that the incident occurred a couple of months ago when a dog named Koda sustained injuries whilst undertaking his duties as a working animal. As the member for Stuart has outlined, he is now recovering after he had to have emergency veterinary treatment and surgery, I think, to survive. There was the predictable public outrage to this, to the extent that there was a major media story, followed by sympathetic expressions of disgust and distress about what had happened to this dog.

It is not unusual in any way that that would be the reaction of humans to animals (in particular dogs, who are companion animals) which are obviously much loved in the community. In fact, I represent an area which I often say has out of 20 million trees about 18 million trees, and probably more Shih Tzus per square metre than anywhere else in the world. They are not usually working dogs; they are not farm animals, nor are they security animals, but they are very important companion animals in my area. John, the person who runs the local pet shop, probably has one of the best and strongest small businesses in South Australia, in selling pet food and all the things that go with it.

We have, as humans, a natural affection and love for our animals, and when they are under threat, or unreasonably injured or neglected, we feel some considerable concern for them. The government's reaction to this, though, was entirely political. It was to announce, as it frequently does, 'We will introduce legislation which is going to remove this disgraceful ill by imposing a new offence and/or penalty.' That is their common response.

Some members will recall when the former premier came into the house after hearing somebody ring talkback radio to say that she was concerned because she had heard that there had been a case, possibly in Victoria, where someone had eaten some cat meat in a restaurant. That was the basis upon which the then premier introduced to this legislative chamber a new law which prohibited people from eating cats.

That was notwithstanding that we already had legislation—the former attorney-general would remember; I think he was probably the ultimate mover of this legislation—and a myriad of laws to provide that you could not sell cat meat, you could not kill cats in abattoirs, and you could not offer cat meat on the menu in restaurants. There was a myriad of legislation which made it extremely difficult for any human to be able to eat cat meat. But, no, on the basis that somebody had telephoned a talkback radio station about a problem they might have had in Victoria, we needed to immediately act in haste and rush to the protection of cats, leaving people with the illusion that they were on abattoir runs in a rush for provision of service in certain restaurants.

The Hon. J.R. Rau: That has been the most successful piece of legislation this parliament has ever put forward.

Ms CHAPMAN: I am yet to hear from the Attorney as to the number of prosecutions we have had under that legislation, and how effective it has been as a deterrent to this scurrilous activity. It is in the theme of that type of approach that the government jump onto something, that they want the public to think would bless them with a response of sympathy, and for which they would receive some accolade for removing the scourge of this ill in the public arena.

I was unsurprised to receive the notice from the Law Society on this bill. Generally, I think it is pretty fair that they say, 'Look, the government has got a good idea, we generally agree with the sentiment, although they might not have got it all as best we think that it should be implemented,' but on this occasion they leave no doubt. They say that this piece of legislation is quite unnecessary. They do not support it. They set out, as the Attorney had in a much more narrow identification, the legislation which currently applies.

They obviously refer to section 13(1) of the Animal Welfare Act 1985, which the Attorney had referred to in his second reading contribution, pointing out that we clearly already have offences which identify that if a person ill-treats an animal, causing its death or serious harm, or intends to do so (the usual reckless provisions, etc.), they can attract penalties of up to two years' imprisonment and four years for aggravated offences. So, on anyone's assessment, that is a fairly serious provision, with fines of up to $20,000 in the first instance and $40,000 for aggravated offences. As you can see from this bill, we are asked to toughen that up, to be tough on law and order against cruelty to dogs—working dogs in particular—with up to five years' imprisonment.

I will be listening with interest to the Attorney's response in committee, unless he wishes to outline this in response, as to what charges have been laid to date in respect of cruelty to animals (dogs and horses in particular, the subject of these proceedings) since at least his time in office and why that has not been exercised or, if it has been, if there has been some level of leniency that justifies it—a judgement, for example, from a member of the judiciary who says, 'I was bound by the limitations of this legislation. It only allowed me up to four years. I think this crime towards this animal was so heinous that I want the legislature to consider an expansion of the penalty and an increase in the imprisonment term for cruelty to animals, particularly those that are undertaking work on behalf of their human owners.' I will be listening with interest to whether that has any origin.

In addition, I do not think the Attorney has shared this with the house, but I think it is important to identify that there is already an existing Criminal Law Consolidation Act 1935 in which there are three different offences in respect of harm to animals; one is section 84, which defines inter alia 'to damage in relation to property' to include 'to injure, wound or kill' an animal. It also provides for damage to have a corresponding meaning.

Under section 85(3) of that act, it is also an offence, without lawful excuse, to damage another's property (which includes an animal), intending to damage the property (animal) or being recklessly indifferent as to whether the conduct so damages the animal. This has a maximum penalty of imprisonment for 10 years. Section 85(4) provides that it is an offence, without lawful excuse, to threaten or damage another's property, etc., with a maximum penalty of either five or seven years. By section 85A, it is an offence to do an act knowing that the act creates a substantial risk of serious damage to another's property (animal)—maximum penalty six years.

There would be some argument that the presentation that has been submitted to us to accept—that is, an increase to a five-year penalty—is actually being a bit light. Why are they not prosecuting under these other provisions, which would give access to an even higher penalty? It reminds me of the time that, again, the former premier (I think with you as his Attorney-General at the time, Mr Speaker) rushed into the parliament with action as to how they were going to deal with these dreadful people who lit bushfires and caused damage and threat to life and damage to property, etc.

We had this debate at that time, when the proposal was that we were going to get tough on these people who lit these fires, either deliberately or recklessly, and that there would be a special new offence—to cause a bushfire to start as a result of either intention or recklessness—and that that alone, without any property damage, which was a feature of the commonly known and still prevailing arson legislation, would attract a penalty of up to 15 years. I think it was then changed to 20 years; after the debates, it went to 20 years.

But arson already attracted a penalty of life imprisonment. So much for rushing out with these ideas—blood to the head, fantastic that we are going to crack down on this heinous activity and we are going to show that the leadership of the government is serious about these matters. The law already covers a number of these, and I think it is fair to say that the assessment by the Law Society is pretty obvious.

The other aspect of concern is the expansion by regulation. This seems to be the conduct of a government that is intent on ruling by regulation rather than legislation. The government well knows that we think that is full of problems, and it is particularly unattractive when we are dealing with criminal offences where we start with the premise that people need to understand exactly what they are being accused of and what the law is, and that regulatory provision, which is not as immediately identifiable to the average person, is something that should remain the exception rather than the rule. Unsurprisingly, the Law Society shares our view on that and that working animals as a special category of attracting protection, which is the subject of this bill, should be clear.

I am not entirely sure why it is confined to horses and dogs. I do not know what happened to the canary in the coalfield or anything else, but we have a whole lot of other animals that carry out tasks for us as humans. I do not mean those that are sacrificed for medical research; I mean those that we are indebted to for the service they provide to us. The question of intent is also raised. Section 83I(1) provides:

> A person who, by an intentional act, causes the death of, or serious harm to, a working animal is guilty of an offence.

The Law Society's comment here is:

> We understand the intent of Parliament is to make it an offence intentionally to cause serious harm to, or death of, a working animal. However, the words of section 83I(1) link intent to the act, not to the harm. Thus, literally, an intentional action which is not intended to cause harm etc, but which does in fact cause serious harm or death, would seemingly be an offence. If so section 83I(1) comes close to creating an offence of strict liability for acts which may not, in themselves, be wrongful. The obvious example would be pushing away a dog without intent to injure, but unintentionally causing injury. We do not understand this to be Parliament's intent—

I interrupt myself to say that this would be the government's intent—

> and it is inconsistent with the defence in section 83I(3), which appears to be drafted on the premise that the offending conduct was directed to the injured animal. It is inappropriate that there be liability without actual intent to harm.

Then there is the matter of defence and self-defence. These issues have also been raised. Self-defence is an obvious one, particularly I think in relation to police dogs sent in to undertake their lawful role which they are trained to do but which the hapless victim of the dog's approach may well see as an unfair threat to themselves and therefore act for their own self-preservation. There are questions there to which the Law Society says, if you are going to allow it, it is referred to, and the general provisions of section 15 are arguably applicable, but it ought to be clear in this new offence that is going to be there.

There is, under our parks and wildlife legislation—if the government wants to have a look at it—a special provision which states that you are not allowed to kill a magpie or a snake unless it is in self-defence. I am not sure what happened to crows. I often tell this story, of course, when I am in the football arena, but crows do not have any special provisions; it is only magpies which have a

provision under our parks and wildlife legislation. So, there are circumstances in other laws where we give special protection to, in this case, wildlife.

I have never been in a situation of putting to the test whether it is reasonable to kill a snake when you see it slithering along outside the toilet, or whether you wait until you are in a state where you might be able to prove that it is causing you some threat. I think I would be so frozen in terror, as most would, that I would act to protect myself, but who knows? I do not know the legislation that covers that.

These are serious matters that are being raised by the Law Society, and we think that they need to have some serious consideration. For the sake of completeness, the opposition has looked at this legislation. Whilst we are doubtful of its necessity, if it is going to be here, then all of the levels of government dogs and horses need consideration. The member for Stuart has identified this deficiency in the bill, and I will be looking forward to supporting his amendment in that regard.

Finally, there is only one case that the Law Society was able to find that would be relevant to these matters, after giving a comprehensive assessment of the interstate operation of this protection. There is a case of Curtis v R [2007] NSWSCCA page 11 and they tell us it:

> ...is the only case that we have been able to find that relates to the intentional act of harm on a police animal. In Curtis, the defendant pleaded guilty, inter alia, to an offence against section 33B of the Crimes Act 1900 (Vic) namely that he used a knife to prevent his apprehension. The maximum penalty for this offence is 12 years.
>
> The facts were that a police dog, Titan, was released to apprehend the defendant. Titan pursued the defendant and lunged at this left wrist, thus preventing him from using a knife held in that hand. Titan took the defendant's wrist in his mouth but did not bite. The defendant used a knife he held in his right hand to stab the dog. The stab wound proved to be fatal.
>
> Simpson J (with whom McClellan CJ and Rotham J agreed) held that 'the fact that a police dog was stabbed and killed does take the offence into the higher levels of objective seriousness of offences of using weapons to resist lawful apprehension. I am, however, satisfied that it could not be at the very top: the use of firearms would have to occupy that position.'
>
> On appeal, the defendant was sentenced in respect to this offence to 9 years imprisonment with a non-parole period of 6 years.

So it seems that we have laws, both here and interstate, which can properly address and assuage the public's expected outcry when working animals are at risk and at the mercy of threat and harm by humans. They are more than adequate and we are disappointed to have to be dealing with legislation such as this. We will not interrupt its passage but if you are going to have it at all, I hope the government receives with support the amendment that we have foreshadowed.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (16:48): I thank the contributors to this important debate. In particular I acknowledge and thank the opposition for indicating that they will be supporting the legislation. That is good and I very much welcome that. I gather we will go into committee because the honourable member for Stuart has an amendment, and I will obviously be more than happy to address any questions that any member has in the committee stage.

I want to say a few words by way of an overview. The first comment is that, because the opposition is supporting the bill, I will not traverse all of the matters read into *Hansard* by the member for Bragg which came from the Law Society. The Law Society, of recent times, has really come into its own in the context of writing lengthy and critical pieces of correspondence about matters in the parliament. I think it is fair to say they are difficult people to please. Anyway, as it turns out, I am not going to stay in that space because we have already got the indication the opposition is supporting the legislation.

Can I also just say, because it was the subject of some comment, Mr Speaker—and this might be a matter of some interest to you—that I have in front of me here a copy of the Summary Offences Act 1953, as amended. On working my way through this splendid document I have come upon section 10, which makes it an offence to consume, etc., dogs or cats, which was referred to, I think, by the member for Bragg. It is important that we understand this. This provides that:

> A person who knowingly—
>
> (a) kills or otherwise processes—

So we are covering killing and processing here; I think it is significant—

a dog or a cat for the purpose of human consumption; or

(b) supplies—

So, we are not just dealing with the process or the killer of them; we talking about people who—

supplies to another person a dog or a cat (whether alive or not), or meat from a dog or cat, for the purpose of human consumption; or

(c) consumes meat from a dog or a cat,

is guilty of an offence.

This has been lampooned viciously on occasions, particularly by the member for Bragg, who frequently regales this chamber with this as an example of an unhelpful or unnecessary piece of legislation. Can I just say, Mr Speaker, that I have done a brief search of the newspaper clippings since the passage of this piece of legislation, and it appears this practice has ceased completely—completely.

The SPEAKER: Other than in North Vietnam.

The Hon. J.R. RAU: Yes, in Australia, Mr Speaker. So, for a piece of legislation such as this, which has a strong educative flavour and achieves such a profound total impact in the community, the mere fact that there is not a phalanx of people being prosecuted for this is testimony to how effective it is. I hope that puts paid to all of those arguments about section 10 of the Summary Offences Act. Back to the matter at hand. The member for Stuart, I believe, is concerned about a particular group of dogs which are used to guard council property, as I understand it, in Port Augusta.

Mr van Holst Pellekaan: And Ceduna.

The Hon. J.R. RAU: And Ceduna.

Mr van Holst Pellekaan: But potentially anywhere.

The Hon. J.R. RAU: But potentially anywhere. My attitude to the amendment is basically this: if you look on page 3 of the bill, under the definition of 'working animal'—and this helps with one of the member for Bragg's questions as well—and if you go down to (e) it provides:

any other animal, or animal of a class, declared by the regulations to be included in the ambit of this definition.

So the answer to the member for Bragg is yes—if we were minded to look after the coalminers by dealing with the canaries it would be possible by regulation to achieve that outcome. Can I say to the member for Stuart, because I do not believe the member for Stuart necessarily wishes to unintentionally capture dogs which may be all over the state and may or may not necessarily be performing the same function as the ones that we have been hearing about, that it might even get more complicated than that, because there might be some dogs which are, if you like, the property of a council, and other dogs which are, if you like, independent contractors, or the property of an independent contractor to the council, performing the same role somewhere.

My suggestion to the honourable member would be that the most effective and targeted way of achieving exactly what he wants without inadvertently capturing something else would be for us to look at regulations. I can indicate that, if the honourable member is happy to give me enough particularisation of exactly how we can describe these animals, I would be happy to provide or work on some draft regulations between the houses or afterwards. I will make that offer on the record.

Having spoken to the honourable member and listened to his contribution, I do not have any fundamental objection to the specific thing that the member for Stuart wants to achieve. I just think that we can achieve it in a targeted way with no potential for unintended capture of other things if we use the regulation-making power that is in the bill. I think it is probably appropriate that we now move into committee.

Bill read a second time.

In committee.

Clauses 1 to 3 passed.

Clause 4.

The ACTING CHAIR (Mr Sibbons): Member for Stuart, you have an amendment at clause 4?

Mr VAN HOLST PELLEKAAN: Yes, but I would like to move it a bit later. I just want to consider some questions and answers. I understand that I can move the amendment at any stage during this clause. Minister, going to the bottom of page 3, where you were before, the definition of working animals, under the line marked 'a police dog', is that South Australian police dogs or would that cover AFP police dogs working in South Australia?

The Hon. J.R. RAU: I think one would have to say that it is presently drafted in a way that leads me to believe it would be a SAPOL dog. If you look further up, it states:

police dog means a dog (including a drug detection dog within the meaning of the Controlled Substances Act 1984) that—

although that does not necessarily cover it all—

(a) has completed training of a kind approved by the Commissioner of Police.

I would have thought that, given it is an act of the South Australian parliament, the Commissioner of Police, to whom this refers, is our Commissioner of Police, not the AFP commissioner. If it were the case that there were AFP dogs—or now that you mention it, customs dogs, for example—we can deal with that under (e). Again, that definition I showed you—the capability of using regs.

Mr VAN HOLST PELLEKAAN: Thank you. I did think about that and, of course, controlled substances dogs could potentially be customs dogs or Australian Federal Police dogs. I just want to know whether in terms of the definitions of specific working dogs that is only SAPOL dogs, and if you were minded to, you would put customs dogs and AFP dogs in the regulations and, if you do not put them in the regulations, they are not covered.

The Hon. J.R. RAU: That is how I read it, yes.

Mr VAN HOLST PELLEKAAN: Attorney-General, does the animal have to be on duty at the time when the offence occurs for the legislation to apply? I understand that it says it applies to a dog that does not only work, essentially, because we all understand that working dogs also are companions at other times. Police dogs go home with their handlers and they are not necessarily working 24 hours a day. So, the fact that a dog is not working 24 hours a day does not exclude it from this, but does the dog have to be at work to be covered?

The Hon. J.R. RAU: That is a good question. While I am ad libbing this, I will have those who advise me perhaps think about it as well. The offence is actually causing the death of or serious injury to a working animal, which is clause 83I. That does not confine 'working animal' to part of its working day, it applies to the animal full stop. So, we go back to the definition of 'working animal' and that takes us to (a) 'a police dog'. We then go up to 'police dog' and it says, 'means a dog that has completed certain training and is used by or to assist'. I do not read that as 'used by' in the sense of 'must be at the time of the event used by', it means 'whose duties are'. That is the way I read it.

I think the situation would be that the only danger that police dogs would be confronted with would be in the course of their policing duties, whereas potentially with a guide dog you are looking at quite a different scenario where some idiot comes out of nowhere and attacks a person and their dog.

Mr VAN HOLST PELLEKAAN: Or probably, most likely, a police horse that is just standing around in a paddock not at work. Thank you for that. Minister, I understand what you are saying about the amendment and I appreciate what you have said. I do still want to move the amendment, but I will not divide on it. I move:

Amendment No 1 [vanHolstPellekaan–1]—

Page 3, after line 35 [clause 4, inserted section 83H, definition of *working animal*]—After inserted paragraph (c) insert:

(ca) a dog used by, or on behalf of, a council (within the meaning of the *Local Government Act 1999*) for the purpose of enforcing council by-laws, conducting security patrols or protecting or guarding property in the council area; or

I will explain why I have moved the amendment. I understand that there is an opportunity for the government to include or exclude any other animals that it sees fit. I think it is very appropriate because, essentially, the working dogs that I am trying to include in my Amendment No. 1 are

actually there for law enforcement. I think we would all recognise that federal, state and local government all have the right to use working animals to enforce their laws if they want to. This is a very real issue in the electorate of Stuart that I represent, in Port Augusta, and also currently in the member for Flinders' electorate, in Ceduna, where dogs are used and referred to as 'the canine patrol'.

For the benefit of the house, in reality, the canine patrol in each place consists of an officer working on behalf of the council who does an absolutely outstanding job, based on their relationships with local people. The dog almost never leaves the back of the vehicle. The dog is almost just a bit of an insurance. In fact, I have only a few times in Port Augusta seen the dog out of the vehicle at work. I have seen it playing catch or fetch with a ball in the park many times. It is a highly trained and highly skilled animal, but it is really just an insurance or a deterrent.

Nonetheless, I think if that dog were harmed or injured in any serious way, as this legislation is there to protect it, it would deserve the same protection. I assume that I will lose the amendment and, if that happens, I will take the Attorney-General up on his genuine offer to find a good way to include these dogs in the regulations, because they provide an exceptionally important service to us in Port Augusta and I know in Ceduna as well, and potentially in other places down the track as well, and I think they deserve exactly the same protection.

The Hon. J.R. RAU: I will oppose the amendment. It may be that the honourable member for Stuart does not succeed in having the amendment included but, if he does not, he may have lost the amendment but he will not have lost the battle for the regulations, because the regulations are something I am very happy to talk about. If that accommodates his particular concerns and he is able to go back to his constituents and demonstrate that there is a particular provision which assists the people that he represents, then I am very happy to accommodate that.

Amendment negatived.

Ms CHAPMAN: I have another question on clause 4. Can we start with the process of regulatory consideration. Unsurprisingly, when this type of legislation comes up—and the member for Stuart has raised a particular area of security dogs and what they do—there are perhaps three or four other areas of concern, and they have been raised with me. One of those areas is obviously farm animals. They are at risk both as a result of baiting by others, and sometimes they are at risk because they might be a professional sheepdog and therefore will be used in shows and have some significant value. I would just like to ask whether, in those categories, those people should write and apply.

Mr Griffiths interjecting:

Ms CHAPMAN: Indeed, as the member for Goyder reminds me, obviously they have a higher breeding value as well. There are companion dogs, and I think there has been some discussion about those already. However, I think it is fair to say that there is a general feeling that, apart from guide dogs for the blind or deaf or whatever, there are other animals that provide other health services.

Finally, for working dogs who are protecting other animals like poultry—Kangaroo Island is a common circumstance where that is used. We do not have a fox problem over there but I have learnt that there are also dogs to help keep foxes out of henhouses in the Adelaide Hills. I have learnt a bit about foxes since I have been the member for Bragg but I am nowhere near as expert as other members of this house, including the member for Stuart. Certainly eagles are a problem for free-range hens, largely for eggs, and dogs are used in those circumstances. Again, if somebody wants to raid the patch and take the stock then, in those circumstances, the dog is a working dog that is vulnerable.

I am not presenting to you, Attorney, as to whether any of these are worthy of being included but I just ask, in these sort of circumstances, if people want to add in rescue dogs or guard dogs or any of the categories that I have given you examples of, is the process to simply write in to you after the passage of this legislation to seek their inclusion?

The Hon. J.R. RAU: Yes, that is basically the way to go forward, although I am reminded of an old story I was told once, that if you go to the football and you stand up you get a better view but if everyone stands up everyone has the same view they had in the first place. The extent to which we broaden this category out reduces the significance of the category to those within it.

There is a natural reluctance on my part to go around endlessly expanding it but I am not ruling out any particular person or group who might have a particular proposal they want to

advance. As the honourable member for Bragg mentioned in her original contribution, there are already a number of things that any of those people might be able to avail themselves of anyway.

Ms CHAPMAN: During the course of briefings that were kindly provided by representatives from the Attorney-General's office and Mr Matthew Goode—I cannot remember whether he gave us a briefing on this or if it was someone else at the time but we were given some information about this. What is the situation with the person who is currently charged with the offences against the dog Koda? Has that concluded yet? Has there been any penalty imposed? What is the update on that?

The Hon. J.R. RAU: I can provide some information about that, and this is the advice given to me. There are 11 charges: three counts of serious criminal trespass, four counts of theft, one count of failing to pay a taxi, one count of attempted robbery, one count of assaulting police, and one count of ill-treating an animal. A count of property damage—in particular, the dog—was withdrawn. The charges are next before the Magistrates Court on 13 November.

Ms CHAPMAN: Thank you, Attorney. There is no more information than what we had previously but, obviously, it has not come to a conclusion. In any event, have there been any other cases where people have been convicted for cruelty to working dogs that are currently covered under these definitions under the current Animal Welfare Act or Criminal Law Consolidation Act in the time you have been Attorney-General? I am happy for it to be taken on notice, but we are looking at the number of cases and the charges.

The Hon. J.R. RAU: I will have to take it on notice, but I am advised in the statistical record there is no record under the heading of 'working animals', or anything, but we will pursue that.

Ms CHAPMAN: On compensation, which is proposed section 83J, as you are aware, Attorney, there is already provision for some payment to be made for damages and the magistrate who is hearing the criminal case can make some order for reparation. This is a special regime, I think it is fair to say, for animals that are to be covered in this category which includes some rehabilitation, retraining, etc.

If the definition is kept fairly confined—and we are only talking about 25 dogs and 36 horses, or something—one would hope that this will not be called upon very often. Is it proposed that the magistrate who hears this matter will be dealing with these? This, in itself, is going to be more than just the cost that the prosecutor might ask for, which is usually a fairly simple application, sometimes with some documentation presented for evidence of damage but it is dealt with summarily. This looks rather a lengthy exercise, given that it is to include rehabilitation and retraining. Presumably, there would be valuation evidence about what a replacement dog would cost. We are talking tens of thousands of dollars here.

I think of one dog that was bitten by a snake in our household. It ended up costing $5,000, which I did not pay for. I felt there were some other options for how it might be dealt with at the time but, nevertheless, the plea for mercy from the rest of the family who wanted to keep it alive meant that it was fairly expensive, and that was just a snake bite. I wonder how, in practical terms, this is going to be carried out.

The Hon. J.R. RAU: As I understand it, it is going to be a matter for the assessment of the magistrate or the judicial officer. Just to give you some idea, these are very approximate costs but, in the case of a police dog, they are saying you are looking at $25,000, including the handler's wages; for a police horse, you are talking about $70,000, including the wages; and, for a guide dog, $30,000, and that is without any wages.

The point is that these animals have an enormous amount of time and effort invested in training them and you cannot just simply conjure up that training and instil it in another animal. I think what is intended here is to direct the magistrate's attention to the fact that they are not just compensating for 'poor old Spot. We loved him very much', it is also the fact that there is an expense sunk into the training of the animal.

Mr VAN HOLST PELLEKAAN: Minister, I am now at the top of page 5 where it talks about self-defence, and it may well be my lack of legal training that means I do not quite understand this. I am looking at subsections (4)(a) and (4)(b) right at the top of the page, and it seems to me what this is saying is that you cannot use a defence of self-defence if it is a police dog, a police horse or a Correctional Services dog. Does that mean that they are getting greater

protection and you could use that defence if it was a guide dog or one of the other animals in the regulations?

The Hon. J.R. RAU: The reason for that is apparently that is almost a reproduction of the part of the Criminal Law Consolidation Act that deals with people being arrested. What it is basically saying is that if you are resisting arrest and you hurt the police officer, you cannot say, 'Well, hang on, I was only defending myself.'

What we are saying here, in an analogous sort of situation, is that if you are being arrested by a police officer and a police dog or a police officer and a police horse and you say, 'I only acted that way in self-defence,' that would be a perverse sort of defence for you to be able to have. That is consistent with what would exist if it was just the police officer by themselves. This just says that the police officer in concert with their animal is as protected as the police officer by themselves.

Mr VAN HOLST PELLEKAAN: Understanding all of that, what I am really getting at is that it seems to say that you cannot use that defence if it is a police dog, a police horse or a Correctional Services dog, but you could use that defence if it was an AFP dog or a South Australia Special Operations Group dog (which is the organisation that provides the canine patrol in Port Augusta and Ceduna) because they are in the regulations, not specifically here in the bill that says 'police dog, police horse or Correctional Services dog'. I understand the logic of having self-defence, but it seems to say you could use that self-defence for an AFP dog or a council dog.

The Hon. J.R. RAU: I think that is my reading of it as well, and I think that was probably done on the basis that we were trying to target the police function for that particular defence, but we can have a look at that in the next few days, if you want.

Mr VAN HOLST PELLEKAAN: One of the reasons I thought it was a good idea to put dogs working on behalf of councils into the bill rather than the regulations was so that they would get exactly the same protection. My next question is in regard to compensation and really about who receives the compensation. No doubt, if it was a SAPOL dog or a SAPOL horse it would be SAPOL, but who would receive the compensation if it was a guide dog? I am sure that if it was a SAPOL horse, a SAPOL dog, or a Department for Correctional Services dog, then SAPOL or DCS would get the compensation. If it was a guide dog, who would get the compensation?

The Hon. J.R. RAU: It would be the owner, I am advised.

Mr VAN HOLST PELLEKAAN: As it currently stands, that would be the Royal Society for the Blind or Guide Dogs SA/NT, but under the new NDIS, which is coming in soon, there would be the possibility for a blind person to apply for a grant to access a dog, and it is very likely then that they would actually be purchasing the dog. This is hypothetical, but I believe it would probably go that way.

The Hon. J.R. RAU: It would be the owner.

Mr VAN HOLST PELLEKAAN: So it would be the owner regardless? If the dog was still owned by RSB, they would get the compensation, and if it happens to be the blind person they would get the compensation?

The Hon. J.R. RAU: Yes, that is my understanding.

Clause passed.

Title passed.

Bill reported without amendment.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (17:19): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (OCCUPATIONAL LICENSING) BILL

Adjourned debate on second reading.

(Continued from 12 September 2013.)

Mr GRIFFITHS (Goyder) (17:20): It was on Thursday 12 September that this bill was introduced on behalf of the Minister for Business Services and Consumers by the member for West Torrens. The bill seeks to amend the Building Work Contractors Act 1995; the Conveyancers Act 1994; the Fair Trading Act 1987; the Land Agents Act 1994; the Plumbers, Gas Fitters and Electricians Act 1995; the Second-hand Vehicle Dealers Act 1995; and the Security and Investigation Industry Act 1995 also.

In South Australia, Consumer and Business Services is responsible for the administration of occupational licensing. In 2012, CBS undertook a process improvement review relevant to the occupational licensing legislation that it oversees. As part of the review, discussions with peak construction industry representatives were held to identify areas requiring regulatory reform. Feedback was also sought from CBS employees on options to improve the administration and regulation of occupational licensing legislation.

I do commend them on this, actually. There has been a level of frustration for some time, and the member for Kavel in a previous role has reported on apprenticeship issues about licensing opportunities, so it is appropriate that this review was undertaken, and I am pleased that the bill has come before the house. The intention of the bill is to, one, reduce regulatory costs for businesses by removing unnecessary red tape and, two, to improve administrative efficiencies for CBS.

Reforms within the bill include the following: removing the requirement that building work contractors may only nominate their directors or employers to be building work supervisors. I am certainly advised that this will enable contract workers to be nominated for this role. Currently, over 6,400 building work contractors require a nominated building work supervisor, but this reform will significantly reduce staffing costs for industry, as it will give people maximum flexibility in the way they can structure their businesses. Again, this is a good move forward.

It will enable builders, plumbers, gas fitters and electricians who are the subject of a bankruptcy order to work as subcontractors. The current situation is that a person is not entitled to hold a licence under the act if they become bankrupt, and CBS is required to take them to court to cancel their licence. This reform will enable many tradespeople to continue to work in their field and make a living. Restricting their licence to that of a subcontractor only will ensure that consumers remain protected—a very important area—as they will not be entering into contracts with bankrupt persons. The main contractor will be responsible for the subcontract.

The reform will also assist in reducing skill shortages across the state. It is a very sad case that businesses—predominantly small businesses in South Australia—are failing. It was only last week that Marshall Thompson Homes announced the financial pressures that they have been under. I am pleased to see that the introduction of this bill and its passage will allow the skills that exist within workers to still be used even when they are involved in these small businesses where bankruptcy is unfortunately occurring to them.

Point No. 3 is that the bill will increase the powers of the Commissioner for Consumer Affairs on the basis of improving administrative efficiencies and increasing consumer protection. I am advised that, currently, the commissioner has the power to suspend a licence in urgent circumstances for a period of no longer than six months under the relevant acts to prevent significant harm. Only the court has the power to cancel, suspend or impose a condition on an occupational licence. I think it is actually in clause 12 of the bill that it details this.

Initiating court proceedings is a lengthy and often costly process for CBS. Enabling the commissioner to take disciplinary action against licensees will reduce costs for the government, reduce the burden on courts and enhance consumer protection, as the speed at which action may be taken against licensees will be increased. In circumstances where it is identified as part of an investigation that inappropriate activities are taking place by people who are licensed and consumers are being impacted very negatively, I think this is a reasonable move, but there are questions I just want to pose on that.

The right of a licensee to appeal a decision of the commissioner to the District Court will remain—and that is very important for due process to be allowed—as will the usual process of the CBS investigation team following up consumer complaints before the commissioner takes any disciplinary action. I will talk about this during the committee stage at clause 12, but indeed the question was posed to me in the joint party discussion of how often the commissioner has had to take the court action process in the past.

I noted, I think, from the 2011-12 financial year annual report of CBS that there were 46 actions; 18 of those involved assurances and 28 of those went to court action. Again there was a level of concern expressed about where actions requiring courts to make determinations were being provided via a change to legislation to an appointed person, as in the role of the commissioner. There might just be some questions posed on that one.

Another point of the bill is indeed to provide the commissioner with increased power under the Fair Trading Act 1987 to oblige a trader to personally attend a compulsory conciliation conference arranged to resolve a consumer dispute. A party will be able to seek approval from the commissioner to participate in a conference by telephone in certain circumstances.

This reform aims to increase the resolution of disputes between traders and consumers through conciliation rather than going to court, and you can see that this is an extension of the role of the Small Business Commissioner and the panel that they have appointed, where there is an opportunity to sit down and conciliate, hopefully, in a dispute between a prime trader and a consumer, and try to get a resolution. I can understand the reason for that one.

The bill also simplifies the audit requirements for land agents and conveyancers in circumstances where no trust money is held in an agent's trust account during an audit period. The feedback that came back to me from the Real Estate Industry of South Australia is that they are fully supportive of that, so there is no requirement for any change or for questions to be posed.

Another area of the bill is clarifying and expanding the definition of building work. In the details provided to me, it includes tasks considered to constitute building work such as the installation of solar panels—and we do have subsequent amendment from the government on this area—or an air-conditioning system and painting. When the area of painting was flagged in the joint party discussion on this, there was a query about what the impact will be upon not just the licensing requirements.

I would like some clarification from the minister on not just whether there is an additional responsibility on people who undertake painting to have a different level of licence but also whether there is a fee structure in place for that. I do respect that, in the discussion I had with the minister's adviser, it was confirmed that there are some licensing issues attached to it but no fee structure is intended to come from that. I would just like some clarification from the minister on that, also.

The bill also increases the maximum penalties that may be imposed on a person for trading unlicensed in accordance with the penalties regime proposed under the National Occupational Licence Scheme (NOLS). The current maximum penalty is $20,000 which is not considered to be adequate to deter rogue licensees. The exception is the Second-hand Vehicle Dealers Act 1995, where the maximum penalty is $100,000. It is proposed that this penalty regime will be amended, as it will not be included under the National Occupational Licensing Scheme.

A commencement date for NOLS has not yet been set, nor has the legislation been brought to the chamber. However, the plan is to pre-emptively introduce a penalty regime proposed under NOLS as follows: $50,000 for a first or second offence for an individual; $50,000 and/or 12 months' imprisonment for a third or subsequent offence for an individual; or a $250,000 fine for a corporate body.

I have referred to the fact that the Consumer and Business Services Annual Report 2011-12 outlines that the CBS licensing register contains approximately 67,000 licences and registrations for builders, plumbers, gas fitters, electricians, security and investigation agents, travel agents, second-hand vehicle dealers, conveyancers and land agents. These licences and registrations are administered under seven separate pieces of legislation, and that is why we are considering this bill which amends those seven. I again confirm that in 2011-12, a total of 46 actions were taken against traders who breached the conditions of their licence with 18 being assurances and 26 being court action.

In relation to the National Occupational Licensing System, initially it was anticipated to commence in 2013 for selected occupations. The national system will allow licence holders to work anywhere in Australia without the need to pay and apply for an additional licence in another state or territory. It is anticipated that the system will reduce overlapping and inconsistent licensing and bring consistency to licence eligibility requirements and licensing procedures. The issue raised with me about that is the level of consistency on the skill-set required for a licence to be held, so that will be an interesting debate when it occurs across the different skill set areas.

The opposition and I have consulted with industry groups on this. As I said earlier, the real estate industry was quite firm in their support for it. Feedback from the other groups has been rather slow, it is fair to say, and I noted in the second reading speech that there has been extensive consultation with industry on that, so I take via the fact that there has been very slow response, that there is a level of support for it. I have also noted that an amendment was formally tabled yesterday I think. I am grateful that I was provided with a copy of that several weeks ago by Mr Green, advising on behalf of the minister. I am not sure if anyone else is going to stand up and speak to this one but we will need to go into committee to further consider the issues.

The DEPUTY SPEAKER: If the minister speaks, he closes the debate.

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (17:32): I do not have carriage of the bill so I might wait for the Attorney to come in, otherwise I might make a series of comments that might undermine me in terms of the legislation.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (17:32): I thank in particular the honourable member for Goyder for his contribution. I apologise. I had a matter that distracted me partly, but that was not intended to be in any way a reflection on the honourable member's contribution and, indeed, the first thing I will do tomorrow is dig out the *Hansard* and have a look.

Bill read a second time.

In committee.

Clauses 1 to 11 passed.

Clause 12.

Mr GRIFFITHS: Minister, I respect that you were not here before so I might outline some areas again. This is where, as I understand it, the intention is to provide an opportunity for the Commissioner of Consumer and Business Services' powers to be extended so that instead of having to make application to the courts for a suspension—even though in an urgent situation an action can be taken—it allows, after an investigation is undertaken, for the commissioner to authorise the suspension of a licence and then there is a subsequent appeal opportunity. I can appreciate all that, but there is some level of concern raised again where the decision is being taken away from the courts process and put in the hands of an appointed person.

That is not to say that there is a level of disrespect for the commissioner or concern about the level of investigation that would be undertaken. There is a level of concern that exists within our membership of where another role from the judiciary or the parliament has been taken away from the hands of a person. I am just wondering if you could outline some particular reasons as to why this course has been undertaken.

The Hon. J.R. RAU: Yes; as I understand it, if you have a look at clause 12(19A), it is fairly clear that the intention is that we are talking here about the urgent circumstance; we are not talking about anything that is routine—that is point number 1. Secondly, if you look at (19A)(1) it requires the commissioner to form certain opinions before the commissioner can then take forward this particular form of remedy. They have to have reasonable grounds to believe the contractor, or whatever, is engaged in disciplinary matters, in effect.

Also, it has to be assumed that they are going to continue to be misbehaving and, thirdly and on top of all of that, there is a danger that a person or persons might suffer significant harm or damage as result of that conduct unless the urgent action is taken; so it is a pretty high bar actually. My expectation is that this would not be used very frequently, but there would be some particular circumstances, infrequently, where it was in the public interest for the commissioner to be able to move in quickly and deal with the matter, and that is what this is intending to deal with.

Mr GRIFFITHS: If, as I understand it, the commissioner has the power in urgent circumstances to take action already—and you at the start of your explanation referred to urgent circumstances—and if that is already covered, it seems as though there is a transfer occurring here where an authority already exists in an urgent circumstance.

The Hon. J.R. RAU: I am advised that at the moment it can be done with respect to people who have contractors' licences in fairly quick order but not for people in this category. This

expands it to work as registration, such as electrical workers, or whatever the case might be. That is what I am advised. It also enables conditions to be imposed as well, not just a blanket shutdown.

Mr GRIFFITHS: I just need some clarification on the conditions. A licensed operator is still available in that skill set that that person possesses, and some form of restricted licence, but is there a condition attached to the value of work that they can undertake, for example, or where the work might be applicable?

The Hon. J.R. RAU: I think we are talking here about something like, for example, you can only work but you must work within certain parameters, or you can only work to finish this particular job without going further, or something of that nature; so, in a sense, a supervision order, I guess, of the individual.

Mr GRIFFITHS: So has this been a particular issue that the commissioner and the CBS staff have held some frustration over for some time? I am interested in the history of this one, if I am able.

The Hon. J.R. RAU: I am told that there have been frustrations with people—not many people—for example, performing electrical work in an incompetent fashion, and because they were not a contractor this speedy remedy was not available. Another example I was given was that you may have somebody who is doing a range of work and they are more or less satisfactory at one bit of what they are doing but not satisfactory at other bits they are doing. So these conditions might be used to say, 'Well, you can do job A but you can't do job B until some predetermined event.'

Mr GRIFFITHS: I accept those answers, minister. I do have one further area. If I have read your second reading contribution correctly, you say that some reform is proposed to be included in the regulations aimed at improving clarity; for example, the definition of building work. It is in the regulations. As I understand it, there is no particular spot in the bill where I can ask the question, so can we do that now?

The Hon. J.R. RAU: Yes.

Mr GRIFFITHS: Unfortunately you might have been absent from the chamber briefly, but that is when I posed the question of where there seems to be an extension. The question was posed to me about what is identified as building work, and painting was an example quoted to me, or the installation of a security screen door, for example. If this is an extension of building work, does it require some form of licensing to allow it? And if that is in place, will there be a fee structure, which will be an additional impost upon small business?

The Hon. J.R. RAU: I am advised that there is no intention that there be additional licensing required. It is just management of the existing classes to create some legislative certainty. People like painters, for example, are in. I am told that it would include people installing solar panels, for example, people installing air conditioning units and installers of security doors. It is relying on a fairly common sense definition of what constitutes building work. I guess the ultimate question is: are we going to introduce new fee structures? The answer is no.

Mr GRIFFITHS: Not being very good with my hands on occasions, I am jealous that my son is magnificent at it. What about garden building work, for example, because it is associated with the home and that is where the majority of consumers will come from? It can be quite expensive on occasions. Is that in the regulations proposal? Is the construction of a wall or a watering system or a $30,000 complete refit of a garden considered to be building work also?

The Hon. J.R. RAU: I am advised that constructing a wall, for example, is clearly building work. However, in the event that you or I felt the motivation or the inclination to do it for ourselves, this does not stop us. What it does do is interfere with us going out and selling that service to other people. So the home handyman who is building his own things in the backyard, or whatever he might be doing, is not captured by this; the person who is offering it for reward is.

Mr GRIFFITHS: I understood that to be the case. It is only where those of us who admit defeat and are unable to actually undertake the work who engage someone else to do it. The question is whether those skills in the examples I gave are considered to be building work and therefore need to be registered in some way.

The Hon. J.R. RAU: Yes, and they already are, or already should be. This is not intending to capture new people.

Clause passed.

Clauses 13 to 28 passed.

Clause 29.

The Hon. J.R. RAU: I move:

Amendment No 1 [DepPrem–1]—

Page 17, after line 12—After inserted section 33A insert:

33B—Requirements for contracts for domestic plumbing, gas fitting or electrical work that contain a charging clause

(1) If a contract entered into to perform plumbing, gas fitting or electrical work on domestic property contains a charging clause, the following requirements must be complied with:

(a) the contract must be in writing;

(b) the contract must set out in full all the contractual terms;

(c) the contract must set out the name in which the contractor carries on business under the contractor's licence, the contractor's licence number and the names and licence numbers of any other persons with whom the contractor carries on business as a contractor in partnership;

(d) the contract must comply with any requirements of the regulations as to the contents of such contracts;

(e) the contract must be signed by the contractor and the property owner personally or through an agent authorised to act on behalf of the contractor or property owner;

(f) the property owner must be given a copy of the signed contract as soon as reasonably practicable after it has been signed by both parties together with a notice in the prescribed form containing the prescribed information;

(g) the copy of the contract and the notice given to the property owner must (apart from signatures or initials) be readily legible.

(2) If any of the requirements of subsection (1) is not complied with, the contractor is guilty of an offence.

Maximum penalty: $5,000.

(3) In this section—

charging clause means a clause in a contract for the performance of plumbing, gas fitting or electrical work that gives the contractor the party to the contract a legal right to lodge a caveat over the property on which the contractor is performing work under the contract;

domestic property means a house or other building intended for occupation as a place of residence but does not include property of a class prescribed by regulation.

Mr GRIFFITHS: I appreciate the fact that the minister's staff ensured that I had this amendment available to me several weeks ago, so thank you for that. Why was it necessary to move an amendment to your own bill? Was this something that was discovered late in the process, or was there an issue that arose that necessitated it?

The Hon. J.R. RAU: First of all, can I say that, unfortunately, these things are not rare, in my experience. There is a whole bunch of reasons why the bills we get and introduce here wind up being modified subsequently by the mover of the bill. In this case, that reason, I am advised, is that there was other work being done which might have constituted a separate piece of work all by itself. It was decided that, since this bill was here and open, we might as well take advantage of the bill being available. That is what I am told.

A more general answer to that question is that there are umpteen reasons why one might be doing it. For example, in relation to the Civil and Administrative Tribunal legislation we had here, I think I moved 97 amendments to my own bill. That is because the bill had been sitting here and there had been comment made on the draft bill over the winter break and so on. Sometimes it is because parliamentary counsel have a eureka moment and realise they could do something better. Sometimes it is an industry group, or somebody who says, 'Look, we have seen the bill but we wouldn't mind a change.' There can be any number of reasons, but in this case the bill was open, it was available, it was something that was sitting there in the 'to do' basket, so it has simply been moved in.

Mr GRIFFITHS: I note towards the bottom of the page that it talks about the lodgement of a caveat over the title, too, so I worked on the basis that it was to do with the solar systems and some publicity that was given to that and concern about people signing away an issue associated with the property. I confirm that the opposition has considered the amendment and offers its support to it.

Amendment carried; clause as amended passed.

Remaining clauses (30 to 38) and title passed.

Bill reported with amendment.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (17:48): I move:

That this bill be now read a third time.

Bill read a third time and passed.

FOOD (LABELLING OF FREE-RANGE EGGS) AMENDMENT BILL

Received from the Legislative Council and read a first time.

At 17:50 the house adjourned until Thursday 17 October 2013 at 10:30.