HOUSE OF ASSEMBLY

Thursday 17 May 2012

The SPEAKER (Hon. L.R. Breuer) took the chair at 10:31 and read prayers.

SUMMARY OFFENCES (WEAPONS) AMENDMENT BILL

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (10:32): I move:

That the sitting of the house be continued during the conference with the Legislative Council on the bill.

Motion carried.

CORRECTIONAL SERVICES (MISCELLANEOUS) AMENDMENT BILL

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (10:32): I move:

That the sitting of the house be continued during the conference with the Legislative Council on the bill.

Motion carried.

CITY OF ADELAIDE (CAPITAL CITY COMMITTEE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 3 May 2012.)

Mrs VLAHOS (Taylor) (10:32): I speak today in opposition to the member for Adelaide's City of Adelaide (Capital City Committee) Amendment Bill. The City of Adelaide Act was passed in 1998, and from its inception the government established the Capital City Committee as a vehicle for the Adelaide City Council and the state government to come together for strategic city issues.

The clear intent of the act is to ensure a collaborative and strategic partnership between the state government and the Adelaide City Council. The intergovernmental partnership is reflected in the way in which the Capital City Committee functions, with equal representation and funding from both the Adelaide City Council and the state government—a just partnership of equal partners and equal stakeholders in our city's future. Adding another member external to either level of government could result in an imbalance in the Capital City Committee and constrain further enhancement of the relationship between the City Council and the state government.

The member for Adelaide suggested that, without the participation of the state member, the local community is not represented or included in the committee's work. This view does not acknowledge the fact that the Adelaide City Council has a mandate to engage with the local community. Indeed, under the current mayor, Stephen Yarwood, the council seems to be striving very hard to listen and represent all the people in the City of Adelaide precincts and the towns surrounding it. They represent not only the people who are residents in the member for Adelaide's area but also business owners, tourists, workers, students and the many other South Australians who love our city just as much as the member for Adelaide does.

The member for Adelaide is not the Queen of Adelaide; she is but one voice representing the people of Adelaide. I am sure that many of the city councillors on the Adelaide City Council feel they humbly represent the people of Adelaide very well, too. Many of us on both sides of the chamber are passionate about our city. Whether it is when we are going about doing our business here on a day-to-day basis or as a shopper, tourist or resident, we feel we are stakeholders in the future of our city, yet we do not presume that we should have a seat at the table, as the member for Adelaide does. The act states that membership of the committee consists of either the Premier or a minister nominated by the Premier and two other ministers nominated by the Premier. The member for Adelaide asserted in her speech that there had never been a time in which the member for Adelaide had not been a member of the committee. This is plainly wrong and deserves to be corrected in the chamber.

It is important to note that when the Capital City Committee was first established by the Liberal government of the day in 1998, the then member for Adelaide, the Hon. Michael Armitage, was not a member of the committee, between 1998 and 2002—roughly four years, four years and no member for Adelaide. As pointed out previously, when Dr Armitage did join the committee it was as a minister, not as the member for Adelaide. The former member for Adelaide, the Hon. Dr Jane

Lomax-Smith, was a member of the committee between 2002 and 2010. This was in her capacity as a minister, not as the member for Adelaide.

The city of Adelaide is the capital city of our state and is utilised on a daily basis, not only by those living in the electorate but by around 126,500 workers, 90,000 students and 86,500 visitors from across our state. There are also 29,000 overnight stays recorded in our city over each year, which includes guests from interstate and overseas. The city of Adelaide is for all South Australians, not just for the people who live within the electorate of Adelaide, something the member often forgets in this chamber.

The Capital City Committee has a pivotal role in revitalising the city and to make Adelaide not just one of the world's most liveable and innovative cities but one of the most vibrant cities also. The government has a priority to make this happen, rather than seek opportunities for political and media point scoring, as the member for Adelaide so often does, unsuccessfully, in this chamber.

Members interjecting:

Mrs VLAHOS: It's true, it's very true. I ask members to oppose the amendment for the sake of all South Australians.

The Hon. M.J. ATKINSON (Croydon) (10:37): It is remarkable that a member moves a bill in this house in private members time, of which she is the sole beneficiary. I think in times past such bills were referred to as private bills rather than public bills. I find it touching that the member for Adelaide thinks that the seat of Adelaide should always be a seat that is with the government. I do not know by what process of reasoning she reaches that conclusion.

Ms Chapman: You have a City of Adelaide minister in your own government.

The Hon. M.J. ATKINSON: The member for Bragg interjects again. Yes, we do have a city of Adelaide minister but that does not mean the member for Adelaide must always be part of the government. It is as if, if the people of Adelaide elect a Liberal there must be, ergo, a Liberal government.

Mr Venning: There should have been.

The Hon. M.J. ATKINSON: 'There should have been,' the member for Schubert interjects. We was robbed. 51 per cent of the vote. All through my childhood, Sir Thomas Playford polled in the low 40s in elections, but nevertheless formed the government with a comfortable majority. So, if, as an accident of the current electoral system, my party was elected with less than 50 per cent of the two-party preferred vote, I am neither embarrassed nor—

Ms CHAPMAN: I rise on a point of order. I bring Madam Speaker's attention to the content of what is now being presented, which it seems to me—

An honourable member interjecting:

Ms CHAPMAN: Sir Thomas Playford, yes, he is here in this very room, his picture is up there. The reality is that this is nothing to do with this bill.

The SPEAKER: The point of order is relevance, I presume, member for Bragg?

Ms CHAPMAN: Absolutely, and quite insulting, I think, to the member for Adelaide, reflecting on her bona fides of bringing this important bill.

The SPEAKER: Thank you. You will have the opportunity to speak, if you wish, but we do not need that in your point of order. Member for Croydon, I direct you back to the substance of the bill.

The Hon. M.J. ATKINSON: If we follow the member for Adelaide's reasoning, that the member for the state district of Adelaide should be on the Capital City Committee, presumably the member for the federal division of Adelaide should also be on the Capital City Committee. When the redistribution comes down later this month, who knows what will happen? Perhaps North Adelaide will become the easternmost point of the District of Croydon and then I shall have to be on the Capital City Committee. The bill is a nonsense.

Debate adjourned on motion of Mr Griffiths.

CORONERS (RECOMMENDATIONS) AMENDMENT BILL

Second reading.

Ms CHAPMAN (Bragg) (10:41): I move:

That this bill be now read a second time.

In speaking to support this bill I remind members that during 2010 the Hon. Stephen Wade had progressed this bill through the Legislative Council. The proroguing of parliament meant that it fell from consideration of this house. Accordingly, I gave notice that I would seek to have it restored to the *Notice Paper* a couple of weeks ago and, consistent with that, I now move that the bill be read a second time.

In essence, as members would be aware, we have a Coroner's Court in South Australia. The Coroner is vested with responsibility for making findings and determinations, sometimes as the result of an inquest in which evidence is taken and sometimes on documentary material that is presented in relation to the deaths of persons who die in South Australia within certain categories.

During my time in parliament—and I think the member for Croydon was attorney-general at the time—the act which covers this has come up for our consideration (and more particularly then) to expand the circumstances of death under which a coronial inquiry or inquest could be heard. Historically, murders, children's deaths and people who die in or near the time of admission into a hospital or public institution all come within the remit of the Coroner to make an assessment about what happened.

The object of this is, firstly, for it to be a place not only for identification of deaths and of some relief for relatives and those who are left behind but also for public entities, including those responsible for our roads and the many road deaths that we have in this state. Deaths in areas of public responsibility or institutions, deaths that occur at the hand of another (murder or manslaughter, a criminal act) and deaths relating to children have all come within that remit from time to time.

What has been recognised in other jurisdictions but not here is the importance of the Coroner being able to make findings not only about the cause of death and the circumstances—which recommendations, if taken up, would ensure that future deaths could be prevented—but at a broader level. That has happened in other jurisdictions.

In the ACT, the Coroner can make recommendations to the Attorney-General on any matter connected with an inquest or inquiry, including matters relating to public health and safety or the administration of justice, and similarly in New South Wales. They look with some significance at where there is a connection to a death or a suspected death, a fire or an explosion, also taking into account public health and safety.

In the Northern Territory, again, public health and safety and the administration of justice are at the forefront of making further comment or recommendations, and similarly in Queensland. Tasmania, again, public health and safety and the administration of justice are key areas in which it is recognised that the Coroner can make a contribution, especially after they have examined a death or a fire closely. Victoria particularly addresses, again, public health and safety and the administration of justice, and Western Australia is almost identical.

This is a bill which would remedy that for South Australia and enable coroners to make a decision under the proposed amendment. Under section 25(2) of the Coroners Act 2003, the Coroner is able to:

> ...add to its findings any recommendation that might, in the opinion of the court, prevent, or reduce the likelihood of, a recurrence of an event similar to the event that was the subject of the inquest.

That, unfortunately, has not been identified as being broad enough to cover what is available in other jurisdictions. In fact, the Supreme Court in 2008 held that the Coroner's power to make recommendations:

> ...extends only to such matters as might prevent or reduce the likelihood of recurrence of a death in like circumstances to those of the case in hand, or to prevent death from the same or like causes to those in the case at hand.

In his annual report of 2007-08, the Coroner said:

> In my opinion, it would be desirable to amend the Coroners Act 2003 to extend the power to make recommendations to include those relating to the administration of justice.

It is disappointing to note that the government and the current Attorney-General have not taken up this recommendation.

This bill would provide, we think, the opportunity to improve systems that would—if the recommendations were followed—help save lives, reduce injury and support and enhance parliamentary accountability, because the extra provision in this bill is to empower the Coroner to compel a minister to prepare a supplementary report addressing concerns raised in the Coroner's report. The supplementary report would be required to be tabled in both houses of parliament within three months. The compulsion is not for the government to act on the recommendations, but simply to respond to them.

To some degree I see this as analogous with the late Ted Mullighan's recommendation that, for children who are the victims of allegations of sexual abuse and who are under the guardianship of the minister, the minister is obliged now, in legislation that we have passed, unedited to report this to parliament specifically on those matters (they have no capacity to interfere with one of the appointed bodies for the protection of children). There is a precedent for this. The government must answer to the parliament how they propose to respond.

Members would know that all too often in the parliament we have an announcement by a minister in response to the recommendations of a coronial inquiry. The coronial investigation or inquest could be held years after the death or the tragedy which is being investigated. It can be so far removed, so remote, that some accountability on this is really quite shallow when it comes to offering some remedy to those who have been aggrieved, particularly the family of someone who has died.

Just this week we have had the publication of the coronial inquiry into the death of the 20-year old girl on Greenhill Road who was struck by a falling branch. Comment was made by the Coroner as to the responsibility of the Burnside council, in that instance, to ensure that they do properly monitor and deal with matters, especially in circumstances where it is known that a tree's health or age may place people or property at risk. In this instance, we had the tragedy of the death of a young woman.

Another one case, which is still pending, of course, is the inquiry into Shane Robinson's suicide. The member for Croydon would remember this occurring a number of years ago. We are awaiting the recommendations. We know now that, fortunately, the police do actually act on warrants that are issued by the parole board. They are now doing that, and they are very clear in telling us that, yes, they have learnt their lesson from that and that they will make sure that the warrants are followed up.

The Coroner has to deal with this death. We know that there are a number of circumstances surrounding the events leading up to Mr Robinson taking his own life, including the assault on a police officer and the detaining of and threats to an elderly person in outback South Australia. These are all events that come from the conduct of this person, and those circumstances all need to have recommendations available in the Coroner's jurisdiction for us to be able to hear about.

It may be that, having heard the evidence from the correctional services officer, there will need to be some refinement to ensure that, in future, Correctional Services report all incidents. In that instance, as I recall the published material on the evidence of the correctional services officer, advice was given—notification—that Mr Robinson had allegedly attempted to strangle his girlfriend. This is all information that needs to be taken into account to ensure that, in future, we do not precipitate a set of circumstances which would lead to, as in this instance, Mr Robinson's suicide.

Other jurisdictions have recognised the importance of that. One other short example that I will refer to, as members may recall, occurred a few years ago when there was something like 60 deaths of aged people in a very short period during the month of January or February, during the summer period. The question of safety of elderly people in areas which were not air conditioned or where they had no capacity to keep themselves cool was raised.

A number of questions were put to the Minister for Health on this and the requests were put in for the Coroner to consider not just the death of each of these persons but, if a pattern had been established, to conduct an inquiry into all of the circumstances as one and report to the minister (and to the parliament, ultimately) on what seemed to be a systemic failure—not in any particular institution, in this instance, as it was mostly elderly people who were presenting at emergency services with severe heat exhaustion and other inflammations of existing health conditions as a result of not being able to access or afford suitable cooling in their homes.

That is exactly the sort of thing that is important for the parliament to be aware of, to have the expert assessment of the Coroner's Court to examine and to provide advice so that we

minimise death or damage or injury or, indeed, a reduction in the value of property under this type of legislation. I look forward to members supporting this bill and hope that it will have the support of government members.

Debate adjourned on motion of Mrs Geraghty.

ASSISTED REPRODUCTIVE TREATMENT (EQUALITY OF ACCESS) AMENDMENT BILL

Second reading.

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (10:58): I move:

That this bill be now read a second time.

This is a relatively straightforward set of amendments to the reproductive legislation. The original legislation has been in place now for some years in South Australia. I amended it a little time ago to modernise it to create greater competition and do a variety of things to, essentially, take a lot of the regulatory burden off those who provide this service to the community.

One of the things that we left in the legislation was the principle that the service was only available to those who are clinically infertile. There was no discrimination in that. It did not discriminate against single people and it did not discriminate against lesbian women: it merely said you had to be clinically infertile. I did contemplate at the time, when I first moved that legislation, broadening the scope of the legislation to allow anybody, really, to access it who wanted to, but I felt at the time that that was perhaps one step too far and I was keen to get through the other arrangements which essentially modernised the legislation and created competition.

My friend and colleague in the other place, Ian Hunter, has been successful in having this set of amendments passed through the other place with a reasonable amount of bipartisan support. Now that that has occurred, I said to him that I would be happy to move these amendments in this place and provide my support for them. Essentially, it is a service that is available; those who access it for non-clinical reasons can do so for whatever reason they choose. As I understand it, they have to pay for it, so there is no burden on the taxpayers—these are private arrangements between clinicians in private practice and members of the public, generally that is the case.

It would mean that—and I suppose this is one of the reasons that the Hon. Ian Hunter wanted to move it—lesbian couples who wanted to access ART who were fertile but not with a male sexual partner could access this technology. There are other ways, of course, that lesbian women have produced children in the past using systems at home, but a number of them have put to Ian and to me the view that this is a safer, more reliable method to do it.

In addition to women in those categories, I believe there would be a number of women who are not lesbians but in fact heterosexual who do not have male partners, do not want to have male partners or are unable to attract male partners who may wish to avail themselves of this legislation. There may be women, for example, who are fearful of men, who have been abused or raped by a man, who want to have children but do not want to have any relationship at all with men, and this would allow them to access this technology even though they are fertile.

I can see a range of people who would be advantaged by this legislation. I do not think there is any place in here for the parliament to have a moral judgement about that. This simply allows a modern technological service to be made available to any woman who wants to take advantage of it. I commend the legislation to the house. I am not sure whether others wish to speak today or what the intention of the house might be, whether we want to adjourn it and have time to think about it—I am happy either way.

Mr HAMILTON-SMITH (Waite) (11:03): I wish to speak to the bill and to indicate that I propose that it be adjourned so that members can reflect on the bill and address it again at a later time. I think this is a very important bill for this house. I understand the thinking behind it. I note that it was introduced by a minister as a private member's motion on 15 February in the other place. I have had an opportunity to read some of the debate in the other place. It touches on some very emotive matters that would be deeply and genuinely felt by many members in this place on both sides of the argument.

However, to me, it is largely a bill about relationships. I say that because it is part of a cocktail of measures that have at its destination same-sex marriage, including adoptions, full IVF and all of the legislative supports that go into gay relationships having children, but it also virtually signals an end to any legislative requirement that a child have both a mother and a father.

It really signals, if we pass this bill, that the parliament supports the concept that a person, a woman, without having a male partner, without having even engaged in sexual intercourse to create the child, can go out and through an act of technology (funded by the taxpayer probably through the Medicare system) have a child out of wedlock without any father being involved at any time.

I will champion the right of women to determine what they do with their bodies and what happens to them with regard to their reproductive needs until time immemorial, but I am thinking about the child. I am thinking about children who are going to grow up without any idea who their father is. For a lot of members in this place, that will not trouble them, and I read the contributions in the other place and I see that for many it has not troubled them, but it troubles me. I believe that every child has a right to know who is their father, and I believe that every child would hope and would dream that they were the product of a loving relationship between a man and a woman. I respect that many people here do not agree with me, but I think that is where we should be aiming on their behalf.

This bill says to any woman, who for reasons mentioned by my honourable friend earlier, does not want or is not in a position to partner up with a male, that they can decide to just go off and have a baby using IVF—I do not need a father; I do not need a male partner; I do not need a successful relationship; I am just going to have this child; it is all about me; I want to have a child and I am going to have one. I think there is something wrong about that, and I will not be supporting the bill for that reason.

I am also disappointed that this bill has slipped through the legislative process. I sought briefings as the shadow minister for health, and they were not provided. I made multiple contacts with the proponent of the bill; I heard nothing back. It slipped through the upper house I think with indecent haste. As far as I am aware it has not been referred off to a committee, although I do note that an earlier committee dealt with some of these issues, which have been referred to in some of the contributions.

I think it requires careful reflection. I say nothing adverse with regard to same-sex relationships. Many of us in this place, including me, have lots of contact with same-sex couples and consider them to be close friends. It is not about that, in my opinion. I think those relationships deserve to be valued and accepted by the community, but I stop short of same-sex marriage, which I believe is between a man and a woman, and I stop short of legislation that puts the needs of individual adults ahead of the needs of a child, as I think there is something wrong about it.

I urge members to give this their full attention. I assume, because it has been brought to the house as a private member's bill by a minister, that this has been a matter of some disharmony within the government party room. I gather it is a conscience issue within the government party room and that there are members on the government side of the house who strongly oppose it. I encourage them to come down and have their say. I encourage members on this side and on the crossbenches to do likewise, because bit by bit, step by step, we are undermining the fabric of society. We are undermining marriage. We are undermining the family unit as it has traditionally been known. I readily accept that a lot of members do not care about that. They are not distressed or worried about that.

Mrs Geraghty interjecting:

Mr HAMILTON-SMITH: Some members aren't.

Mrs Geraghty interjecting:

Mr HAMILTON-SMITH: You can have your say in a moment. They have a different view that the family, as it has been known, takes on many forms, and they will argue that a mother who has had a child through IVF is part of that family diaspora and there is nothing wrong with that. I do not necessarily think there is anything wrong with that either; I just do not think it is the ideal outcome for the child.

I am very surprised and disappointed that this bill has not attracted more attention and comment from stakeholders in the community. I am very surprised that I have not heard from church groups on this, not just Christian church groups but I have not heard from Islamic church groups or from anyone on it. I can only assume that there is no interest in it. Similarly, I have heard from only one family association on this matter expressing concerns about it. I have had very little lobbying from the public on it. I can only assume from that that either people do not know that this measure is before us or they do not care, and that in itself is a comment. I would not be surprised if

this measure would enjoy majority support out in the community. I would not be surprised about that, but it will not enjoy mine, and the only reason for that is that I do not think it is fair on the children.

I say nothing in the way of criticism about a single mother who desperately seeks to be a parent and who may seek to access what this bill will enable. I understand perfectly why they would want to be a mother—the emotional strain they would have gone through and why they might want to take advantage of this, and I have compassion for that view. I also put my heart out to the many same-sex couples—particularly female same-sex couples—who in a genuine, loving relationship might desperately wish to be parents, and I understand how they would feel but I just do not think it is fair on the child.

To say to them, 'You will never have a father that you've known, you will never be able to speak to your father and that society and this parliament has even determined that you do not need to have one', I think that there is something fundamentally and ethically wrong about that; and for those reasons I struggle with this measure. I do not know whether other members are going to speak today. I would hope that, after a period, we adjourn and just reflect and come back to the house and express our different points of view on it.

However, I think that, at some point, you are confronted with the fundamental question: is this the best thing for children? I am not sure that it is, and for that reason I will struggle to support it.

Debate adjourned on motion of Mrs Vlahos.

ELIZABETH BEARE

Ms CHAPMAN (Bragg) (11:14): I move:

That this house acknowledges and recognises Elizabeth Beare as the first of the colonists who arrived on the *Duke of York* on 27 July 1836 to set foot on South Australian soil.

It is with pleasure that I move a motion today to recognise Elizabeth Beare. Members may be aware that Elizabeth Beare was a young child who was recorded as the first of the colonists who arrived on the *Duke of York* on 27 July 1836 to set foot on South Australian soil. Recently, I did a tour of the West Terrace Cemetery to acknowledge and recognise important women in South Australia. Her little gravesite was there, bearing the epitaph of her favoured position of being recognised as the first person to stand on South Australian soil.

I am not a descendant of the Beare family. There are many in South Australia, including Mr Neil Miller, who is a member of our Kangaroo Island Pioneers Association. In short, it should be noted that, although the Beare family came to Kangaroo Island initially, Mrs Beare later died and Mr Beare took his children to raise them in Adelaide. Sadly, at quite a young age, little Elizabeth Beare died as a result of severe burns to her body when her nightgown caught fire and, aged 12 years, she was laid to rest in West Terrace Cemetery. So, she never had the opportunity as an adult to record and speak in any public manner of her privileged and recognised position.

But in recent times, this acknowledgement has come under threat. Most particularly, I and others have observed that, in the excellent series, Bound for South Australia 1836, which has been sponsored by History SA (formerly the History Trust of South Australia) and which had been developed, I think, magnificently in the lead-up to the 175 years of the State of South Australia last year, there has been a published article, titled 'First landings—the story of Elizabeth Beare'.

I commend it to members to have a look at but, in essence, it challenges and presents to a level of fantasy the Elizabeth Beare story, I think unfairly, and suggests that the two contemporary accounts recorded in the diaries of Captain Robert Morgan, who was then master of the *Duke of York*, and the first colonial manager, Mr Samuel Stephens, should, on the reliability test, supersede other accounts of what had occurred, remembering that the *Duke of York* was one of three ships that had left England months before to come to South Australia to establish the colony (then known as 'white settlement') and that it was the first to arrive on Kangaroo Island.

It is accurate that there have been two written accounts by these gentlemen, neither of which actually refers to the taking onto the foreshore of little Elizabeth Beare, held by Robert Russell, who was then a crew member on the ship and who placed her little feet on the sand. Neither refers to that incident at all, but they are claimed to be consistent. I would urge members to read it. In essence, I do not think they are consistent; that is the first thing. Secondly, only in

Samuel Stephens' recorded account does he claim, 'I was the first who ever set foot on the shore as a settler in the Colony of South A.'

Samuel Stephens, I remind members, was someone who had a rather interesting history himself, but it is fair to say that his life culminated in many allegations of his reputation being tainted by drunkenness, news of which had been conveyed to governor Hindmarsh on his arrival in December 1836. Finally, after keeping poor accounts he was replaced by another manager. His appointment and services were suspended when he was charged with killing a sailor from one of the company's rival whaling fisheries. He later had an untimely death. However, if any account of his life was to reflect on the reliability of any statement that is self-promoting, it would have to be suspect. In any event, let me briefly explain to the house why those who have been recognised in history, not with contemporaneous notes but with significant notes and I think unchallenged history, ought to be given some credibility.

One, of course, is from the older brother, William Loose Beare, who, reminiscing in an article printed years later, tells how his sister, Elizabeth, was rowed ashore by crew members and placed on the shore, thus becoming the first of the colonists to set foot on South Australian soil. Then, of course, we have the crew member himself, Robert Russell, who also recalled in a printed article published in the local newspaper how he had been the first person from the ship to set foot on shore when he carried Elizabeth through the surf and placed her on the beach.

Israel Mazey wrote a letter to the editor of *The Advertiser* to correct an error in one of their articles which stated that Samuel Stephens was the first to land. Mazey was one of the crew who rowed the boat to shore and handed baby Elizabeth to Russell who then placed her gently on the shore. There are others, of course, such as the numerous memorials across the state recognising Elizabeth Beare in this capacity. I have referred to the headstone at her gravesite in West Terrace Cemetery which is inscribed 'First European settler to land in South Australia 27 July 1836.'

There is a memorial erected at Reeves Point on Kangaroo Island proclaiming it to be the spot that Elizabeth became the first to land from the ship. A plaque placed in the Pioneer Cemetery above Reeves Point states that Elizabeth was the first to land. Catherine Helen Spence (recognised in our parliament for her extraordinary work), the famous woman writer and journalist, wrote in her autobiography that Elizabeth Beare was the first white person to set foot on South Australian soil. These matters are not to be dismissed in history as some kind of fanciful story that has just developed and been kept as some kind of legend or myth through history. This practice is not unusual, as members would know, when a significant event occurs.

Recently, I was reading a story of the history of the development of the Northern Territory, which members would know came from the support of the government. This parliament allocated funds for ships, supplies, personnel, and people charted with magisterial roles, etc., who were dispatched to the Northern Territory to try to ensure that we had the first telegraph link with the rest of the world. In fact, history shows that there was a race between the Eastern States and us in order to achieve that. Much energy and money from this state and blood, sweat and tears from explorers and the like was invested to ensure that was achieved—and it was.

In the course of things like that, when significant events occurred, it was not unusual for a child of the head party—the person who was vested with the responsibility from the Governor (whether a judicial role or whatever)—to be the one who was placed on the soil, on the riverbank, recognised with the flying of the flags, etc., and be the first to do something. I think using children in this way is a rather quaint and lovely tradition that could be kept up today when new frontiers are broken. They would be perhaps the most likely to outlive history (sadly, not for Elizabeth Beare) and be able to recount it in the future.

Sadly, as I said, little Elizabeth Beare did not survive past the age of 12 to be able to be part of that. I think it is a very sad day when we trample on her memory in this way without clear, incontrovertible evidence that supports a contrary position. Captain Robert Morgan was silent—silent, I repeat—in his history of what occurred. Whether in fact this little child had been secreted off in a boat with her father, the captain and members of the crew, as described, to place her on soil first, because there can often be rivalry between those who want to be the first to do things, surely is consistent with other historical events when children have been the selected party to be recorded in history with that honour.

I am a little concerned that this, having been published on the website rather unfairly, I think, suggesting that this is just a romantic account of history that has in some way been fed by family members, is rather mischievous in that it fails to recognise very significant unchallenged

recordings of the event. Even in 1936, 100 years after landing—way before my time, I may say—there are photographic records now of the re-enactment of the first settlement in South Australia of a little child being placed on the beach. I think there was a little film made of it. The member for Finniss would probably recall that—he has probably seen it and might even be old enough to remember when it happened, but probably not.

Nevertheless, this is an important part of history. What turns on it? Not a lot in the sense of any entitlement, right, access to property, compensation or benefit—nothing. This little girl has long passed, but why should her memory be trampled without there being recognition in the proper manner? Members of the family and myself, on behalf of the KI Pioneers Association, have met with Ms Margaret Anderson of History SA, for whom I have high regard, and I applaud the work she does. Of course, we are in the middle of the history celebrations of the recognition of the state,.

We met with Ms Anderson some two months ago and asked that this be reviewed by History SA. Sadly, we have not had any response. I have advised her that I would be bringing this matter to the parliament, not as any challenge at all but simply to ensure that we do not allow this situation to prevail when there is an opportunity for it to be remedied. In this case, I think the article should be removed.

Professional historians might say, 'We will only rely when contemporary evidence is available, to discount others.' Of course, that has to be brought into the mix. As one who has looked at police notes many times in court cases, I understand the importance of contemporary notes and recognising that in the weight of evidence. However, in this case, I think we have failed, on the information that was contemporaneously recorded—other than a self-serving statement by a scoundrel like Samuel Stephens—if he should be able to overturn this historical record, which for so long has been revered, respected and properly acknowledged.

Ms BEDFORD (Florey) (11:29): On behalf of the government I have been asked to amend this motion to read:

> That this house acknowledges that some believe Elizabeth Beare was the first of the colonists who arrived on the *Duke of York* on 27 July 1836 to set foot on South Australian soil. However, this house also recognises that this matter has not been settled by historians and that therefore it is not appropriate for parliament to pre-empt proper historical process.

In moving this amendment, I am advised that we should actually hasten slowly in this particular matter. Like many events in the past, it is not possible to say with certainty who was the first settler to set foot on the beach at Nepean Bay after the arrival of the first of the South Australian Company's ships.

Since there were already European residents on the island in 1836, the question itself is somewhat academic, especially as most of these residents remained as settlers in the new province. There were also children in the settlement at this time, but their presence has been disregarded because they were cross-race children born to European men and their Aboriginal partners. Setting that aside, there are two competing claims about who landed first—the colonial manager, Samuel Stephens (who claimed in his diary to be the first) and the two-year-old child, Elizabeth Beare.

There are two contemporary accounts of activities on 27 July, both apparently written on the day itself. The first was by Captain Robert Morgan, captain of the *Duke of York*, and the second by Samuel Stephens, the colonial manager. The full diary extracts from the day in question agree in all essential details with each other. Robert Morgan's diary says that after anchoring in Nepean Bay:

> ...at 10 or half past...we landed the colonial manager...and Mr Beare and we went to gather [together] to look for the lagoon but had to return unsuccessful, night coming on.

This is exactly what anyone would expect a captain to do on first landing in a place that had no formal settlement. He took the two senior company officials and several sailors with him and went to look over the beach and its surrounds, looking in particular for the lagoon marked on the old charts that was a possible source of fresh water.

Samuel Stephens' diary records the same events, except that he adds the claim that, 'I was the first who ever set foot on the shore as a settler in the Colony of South A,' as the member for Bragg has said. He then adds, 'We rambled a little while in the bush then examined the shore for some distance and returned at dark well pleased and well tired.' Of course, it is highly likely that the first to land the boat was actually a sailor, which may explain why Stephens adds the words 'as a

settler' to his account, but it hardly matters. Although the two accounts differ a little in the detail they record, they are consistent in all essentials with each other.

The first time an account of an alternative version of events was recorded was in 1886, at the time of celebrations of the first 50 years of the colony. On 27 July 1886, the *Register* newspaper published an article by 'SS' who claimed to be the descendant of one of the pioneers. In researching this article, he spoke to Robert Russell, former second mate on the *Duke of York*, who 'spun him the yarn' he had earlier recounted as fact.

This story claims that, as the ship approached Kangaroo Island, the passengers began to bicker amongst themselves about who would be first to land. Captain Morgan decided to confound them by asking Russell and another sailor to take the two-year-old Elizabeth Beare ashore so that she could be the first. It is an appealing story and may actually have happened, but there is no hint in the 1836 sources that it did.

The main impediment to accepting this much more romantic tale is that the man who apparently was the instigator of the event, Captain Morgan, makes no mention of it either on the day or thereafter, although he records a great deal of other detail around the landings. He also records the day he took the children ashore himself some two weeks later. It seems very unlikely that he would have omitted this event from his diary if he had indeed organised it.

As might be expected from accounts 'remembered' after such a long period of time, there are many inaccuracies and inconsistencies in the newspaper accounts and in Robert Russell's 'yarn', but it is the story that is widely accepted as fact amongst pioneer families from Kangaroo Island. They have tried to convince History SA to change the story told in the Bound for South Australia website, but of course this site is based on the original sources, which include no reference to it.

Last month, History SA received a delegation from the Kangaroo Island Pioneers Association, which included the member for Bragg in her role as patron of the association, and at that meeting the member for Bragg and others disputed the account of Samuel Stephens. History SA has concluded—and said as much on the Bound for South Australia site—that while it is impossible to say with certainty that Elizabeth Beare was not the first settler to set foot on shore (although Russell actually claims this honour for himself since she was a mere baby and had to be carried), there is no convincing evidence that she was and, after weighing all the evidence, it is more likely that it was indeed the much disliked Samuel Stephens.

History SA has not yet advised the Kangaroo Island Pioneers Association that this may be their likely decision, as they wish to examine several other sources to be sure that there is no earlier reference to the incident than that of 1886. On behalf of the government I am advised the subject of this motion is one of those events that is disputed in history. Unfortunately, the records of the past are not always as clear or complete as we would like, and this is one such occasion, notwithstanding Catherine Helen Spence's entry—as she was not there herself, it would be very difficult for her to know certainly. Elizabeth Beare's place is still part of history, and I do not think anyone doubts that. In this case, I am told, while there are two contemporary accounts of the events, they are broadly consistent with each other and neither makes mention of the two-year-old child, Elizabeth Beare.

I am further advised that Elizabeth Beare's story did not appear until some 50 years later and that the public version of the story that appeared at this time contained many inaccuracies and inconsistencies. In cases such as this, where there is disputed evidence of past events, it is the government's view the decision should be left to historians and that it is not the place of parliament to make such judgements. Without irrefutable evidence, I therefore commend the amendment to the house and note the member for Bragg's connection, deep interest and continuing contribution to Kangaroo Island and its history, and the preservation of history more generally in South Australia.

Mr PENGILLY (Finniss) (11:35): I am absolutely amazed. I just find it absolutely, totally and completely ridiculous that the member for Florey should stand up and try to change the course of history. My children—

Ms Bedford interjecting:

Mr PENGILLY: On behalf of the government.

Ms Bedford interjecting:

Mr PENGILLY: You've had a go, Frances. My children happen to be seventh generation Kangaroo Islanders and there is absolutely no doubt on the island—and that includes the KI Pioneers Association and longstanding residents (whose history goes right back and who include the member for Bragg)—over what took place on Kangaroo Island on 27 July 1836.

On top of that, we had the former premier, Mike Rann, over there last year for the 175th anniversary, who was very strongly moved on that day. I took him down to the old cemetery and we discussed the history of the place. It just seems to me as though the government does not want to in any way, shape or form support what the member for Bragg's motion puts in the parliament. We do not want the course of history changed. I find it absolutely ridiculous that History SA did not even have the courtesy or the decency to go back to the KI Pioneers Association (of which I am also a patron), either chapter, the one in Adelaide or the one on Kangaroo Island. They did not have the decency to go back to the organisations.

Ms Bedford interjecting:

Mr PENGILLY: They did not have the decency, member for Florey. What they did was set you up to come in here to preach the party line to the parliament on this, and I find it outrageous. I can tell you what, it will not go down too well on the island. It will not go down very well at all with the KI Pioneers Association. I do not know why you want to try to twist the course of history around. Samuel Stephens, be in no doubt, was an absolutely useless drunken fool. It is well recognised. The member for Bragg adequately dictated to the house the history. She has done copious amounts of work on it, but oh no, History SA has to get up there and try to turn it round. They cannot bear to think that someone else might have more knowledge than them.

Why on earth you would not seek to support this motion defies comprehension. It is not going to go away. If you want to change the course of history over what is agreed, and has been agreed for 175 years, by coming in here and preaching from the current latter day brainstormers in History SA, I find it very disappointing. It will go down like a lead balloon. Many people in South Australia would not even know where the first settlement was. They would not know when it happened and as South Australia progresses they will know even less.

The fact is that the Kangaroo Island community, through the local council and through the Pioneers Association chapter there and the Pioneers Association chapter in Adelaide, keeps this thing going and keeps it alive. We get nothing each year. The former premier, Mike Rann, came over last year, but, by and large, it just escapes and disappears. It is singularly the most important day in South Australia's history, in my view. We have argued about Proclamation Day being 28 December for years. South Australia started when Elizabeth Beare set foot on Kangaroo Island on 27 July 1836. There is no question about that. Why you cannot accept it I do not know. I am very disappointed with the government's response to the member for Bragg's motion. We will keep battling away on it, I can tell you.

I cannot understand the logic. It seems to me that History SA has a bent towards the KI Pioneers Association; they do not offer much in the way of support, I might add. I just find it amazing. I support the member for Bragg's motion.

Ms CHAPMAN (Bragg) (11:40): I am actually astounded that a member of the parliament would be reporting to us today that she is speaking on behalf of the government, that a motion such as this would even capture the attention of the Australian Labor Party enough to have a government position on this. It seems to me, on the proposed amended motion, that the government, having said, 'Let's move slowly on this,' should suggest that this motion should be amended in this manner, when the very basis upon which they seek to remedy history and support History SA, that that organisation itself has not even come back with a response. It claims is that it is still investigating. They have not reported that to myself or any other members of the group that went to them, including, I can confirm, a descendant of the Beare family.

The Beare family is apparently a very expansive group. They live in Adelaide and other parts of South Australia because, as I said, the widower and his children moved to Adelaide after the untimely death of Mrs Beare, and they have really taken up most of their history in South Australia on mainland Australia. So the people of Kangaroo Island are not vested with this particular responsibility to protect the interests of Elizabeth Beare. She is a daughter of South Australia, of all South Australia, and needs to be recognised.

I thank the member for Florey for making a contribution. I am quite astounded that the government would like to keep the limbo type of status of this when it could be remedied, even though others in the current state may take the view that there is a challenge to some of this

information. It could be simply remedied by removing this article from the website. Others will go on researching and looking at a number of issues in relation to the establishment of South Australia, and in this case the first colonists, but I am disappointed that the government should make some type of pre-emptive strike to remove this recognition in history, to relegate it to the unknown and to a status that it has not been the subject of until the article published by History SA.

If we are going to take it back to a level playing field, let us get rid of the article and let us support this motion. If and when comprehensive evidence to the contrary comes to the fore and dismisses it, then and only then should that be quelled. As the member for Finniss has indicated, the former premier came to Kangaroo Island last year and gave the State of the State address on Settlement Day, which was appreciated and which, of course, was in recognition of an important event.

There has never been a challenge to 28 December 1836 as Proclamation Day. That is and remains the recognised day, not only of the establishment of the colony but indeed of the proclamation of government. That is a very important day: it was a day in which, uniquely in the world of settlements, South Australia was going to become a colony which respected its Indigenous first residents in the area which was mapped out to be colony of South Australia.

South Australia was at the forefront of ensuring that there would be a protection of freedoms enshrined in the community that was going to be developed here. We have a very proud history in South Australia, including Proclamation Day. I am very disappointed that the government will attempt to strike down what has been the history for 174 years as a result of an article by one historian.

The house divided on the amendment:

AYES (25)

Atkinson, M.J.	Bedford, F.E. (teller)	Bettison. Z.L.
Bignell, L.W.	Caica, P.	Close, S.E.
Conlon, P.F.	Fox, C.C.	Geraghty, R.K.
Hill, J.D.	Kenyon, T.R.	Key, S.W.
Koutsantonis, A.	O'Brien, M.F.	Odenwalder, L.K.
Piccolo, T.	Portolesi, G.	Rankine, J.M.
Rau, J.R.	Sibbons, A.L.	Snelling, J.J.
Thompson, M.G.	Vlahos, L.A.	Weatherill, J.W.
Wright, M.J.		

NOES (18)

Brock, G.G.	Chapman, V.A. (teller)	Evans, I.F.
Goldsworthy, M.R.	Griffiths, S.P.	Marshall, S.S.
McFetridge, D.	Pederick, A.S.	Pegler, D.W.
Pengilly, M.	Pisoni, D.G.	Redmond, I.M.
Sanderson, R.	Treloar, P.A.	van Holst Pellekaan, D.C.
Venning, I.H.	Whetstone, T.J.	Williams, M.R.

Majority of 7 for the ayes.

Amendment thus carried; motion as amended carried.

QUEENSLAND ELECTION

Ms CHAPMAN (Bragg) (11:53): I move:

That this house congratulates Campbell Newman and the Liberal National Party for their successful election on 24 March 2012 as the new government for the state of Queensland.

Well, this is a great day, on this occasion, to congratulate Campbell Newman and the Liberal National Party for their successful election on 24 March 2012 as the new government for the state of Queensland, and what a stunning victory it was. Members would be aware that, after some nervous counting on 24 March, the Liberal National Party, which was clearly going to form government, finally tallied 78 seats in the parliament; with the ALP, seven seats; Katter's Australia Party—there are always a few of them, there are always a few extremists in every state of

course—two seats; and other Independents, two seats. Unquestionably, the biggest single win in the history of Australian politics for the Liberal and National parties, now an amalgamated party in the state of Queensland. Prior to that, I think the 1993 election in this state of the then Brown government, which had 37 seats out of the 47 seats, was the next most impressive majority in the history of Australia.

I do recognise that the member for Torrens very shortly thereafter came into the parliament, after a by-election as a result of Joe Tiernan's untimely death after his heart attack, and I am happy to say she has made a very significant contribution to the parliament since then. That, of course, took the then Liberal Party down to 36 seats out of 47. But even that majority has been overshadowed by this impressive win by Campbell Newman.

Campbell, of course, had already previously served Australia with distinction in the defence service and also as lord mayor of Brisbane, probably the biggest city council, both in budget and numbers, in Australia—a very significant council—where he excelled. Evidence of his support from the people of Queensland was that in the election he beat Kate Jones, a minister in the then Bligh government, in the seat of Ashgrove, where he enjoyed some 50 per cent or thereabouts of the primary vote—a stunning victory for which he should be properly recognised. I wrote to the Premier (as I am sure other members of this house did) congratulating him. In his response, he thanked me for that, but he also went on to say:

> The voters of Queensland have entrusted the management of the State to me and my team and I appreciate your support.
>
> As Premier, I will work every single day to deliver better government. My Government has a strong action plan to get Queensland back on track and we will work with all Queenslanders to ensure this is the best state in the country.

So, he is taking up that challenge. He has a new team. I had the opportunity to meet with Mr Scott Emerson, who is the new transport minister in the new 'can do' LNP government in Queensland. He, too, has served in the world of media and in other areas, which I am sure will be of benefit in his taking up his responsibilities as a cabinet minister. I wish him well. I also personally congratulate Fiona Simpson (the member for Maroochydore), who has been appointed as part of the government but, most importantly, as Speaker of the parliament. She joins our own Speaker as being one of the two female Speakers in the house of the people across the country. We extend our best wishes to her.

The challenges are huge. Having already discussed matters with Mr Emerson, as the Minister for Transport in Queensland, a very big state in area and in very high need as a result of extraordinary and very sad natural events, including flooding in Queensland, which has left that state bereft of its core infrastructure, which has resulted in the need for a very substantial rebuild.

Even within the metropolitan area of Brisbane, the public transport system has been under huge pressure. As I have no doubt all those who have read the newspapers and followed the election would be aware, it became a very significant issue in the election. The people of Queensland, particularly in metropolitan Brisbane, said, 'We've had enough. We want adequate services. The public transport is in a mess, and it needs to be remedied.' They sent a very clear message, on election day, that they expected a higher standard of governance and a higher standard of service. I say to the people of Queensland, 'You have an opportunity to get that now.'

I am sure that even those of other political persuasions will not be churlish in failing to support this motion and will join with us in recognising that this has been a sterling win and an historic win, and the Queensland government should have the congratulations of this parliament for the challenge it has to undertake.

Mr ODENWALDER (Little Para) (12:00): I move to amend the motion as follows:

> After 'state of Queensland' insert ', thanks Anna Bligh for her enormous contribution to Queensland and acknowledges the key reforms implemented by Labor that have transformed Queensland and built the foundations of a modern and progressive state.'

Anna Bligh was a hugely talented leader who worked hard each and every day to deliver Labor reforms for her state. As premier of Queensland, Anna Bligh secured record mining investments and, I am advised, has generated almost 100,000 jobs for the people of Queensland since the previous election. Just over 14 months ago, Anna Bligh showed her true strength as a leader when she led Queenslanders through the worst floods and cyclones the state has ever seen. Since then, she has committed herself to the reconstruction task to make sure Queensland got back on its feet again. A special mention must also go to former Queensland premier Peter Beattie, who also

played a vital role in transforming Queensland into the smart state, based on research and innovation.

Anna Bligh served in a number of leading roles throughout her political career, including, obviously, premier, but also deputy premier, treasurer, minister for education, minister for the arts and minister for families, community services, disability services and youth. Despite the global financial crisis and the most devastating natural disasters in the state's history, the Bligh government remained focused on keeping Queenslanders in work, protecting their precious lifestyle and implementing reforms that transformed Queensland into a stronger, better and fairer place to live and work.

Under both Peter Beattie and Anna Bligh, Labor diversified the Queensland economy, providing Queenslanders with a broader base than just three or four industries. Almost 30 per cent of Australia's aviation firms are now located in Queensland. In fact, Queensland is now at the centre of Australia's aerospace industry and helicopter industry, one of the key high skill, high tech industries of this century. I am told that Queensland's biotechnology industry grew from a $150 million industry in 2002 to over $1 billion in 2008. Between 2000 and 2011, the number of ongoing apprentice and trainee commencements in Queensland increased by over 28,000 per annum.

In government, Queensland Labor embarked upon the most extensive hospital modernisation program Queensland had ever experienced. Under Labor, Queenslanders will have a brand new $1.4 billion Queensland Children's Hospital, bringing together the history, skills and expertise of the staff of the Royal Children's Hospital and Mater Children's Hospital into one purpose-built facility. In addition, $45.6 million is being spent on a new children's emergency inpatient and outpatient service at the Prince Charles Hospital.

A defining difference between the Queensland Labor government and its conservative opponents was the protection of the Queensland environment. The Bligh Labor government led an agenda of extraordinary reform in the area of environmental protection and sustainability. In addition, Labor dragged Queensland's waste management system out of the Dark Ages. In moving this amendment I would also like, as the member for Bragg has done, to take this opportunity to congratulate the Queensland government and wish it well. I also recognise the outstanding contribution that Anna Bligh and Queensland Labor have made to that state and this nation.

Mr VENNING (Schubert) (12:04): I rise in support of the member for Bragg's motion. I congratulate Campbell Newman and the Liberal National Party on their historic win in Queensland. They do it differently in Queensland, and how unique for a non-member of the parliament to lead a coalition party to such a stunning victory. I also congratulate a previous leader, who is now a senior minister, Mr John-Paul Langbroek. I was part of his original election team when he first stood for parliament some years ago. Also in Queensland they use a different voting system, the optional preferential system. I think we need to have a very good look at that. Most people in Queensland vote without registering any other preference and it works. It cuts out some of the minor parties and it cuts out some of the silly deals that they do.

As we know, Queensland was a boom state under the previous Borbidge and Bjelke-Petersen governments. A lot of industry left South Australia and went to Queensland. I know that many of the commercial offices that used to be in Adelaide left and went to Brisbane. Companies like John Deere left because it was more attractive there. The Bjelke-Petersen government at the time did what Tom Playford did and made sure it was very attractive to do business in Queensland.

Anna Bligh, as the previous speaker said, was the leader and was on a trip to nowhere when she resumed office. I will say she did a great job during the disastrous Queensland floods. We all saw her on TV and she did a really good job. Also, Peter Beattie—I knew him quite well. I spent time with him at the constitutional thing in the year 2000 and he was very good at what he did; a very good and popular leader up-front. However, both of those leaders changed the economic direction of Queensland and now we can see the result: the largest political swing in Australia's history. The minister shakes his head; I believe it is.

The Hon. A. Koutsantonis: Swing, no; result, yes.

Mr VENNING: Result, yes; not swing. I stand corrected and I will check that later. Certainly I think we can all learn from what happened in Queensland because I believe that this was the result that should have happened at the last election but it did not so what we have ended up with now is this result.

To be honest, it is not the best result for the country to have swings like this and to have a parliament like this. It is not good. It was not good for us in 1993 to have a majority of all but 10 because the governing party has difficulty with such a large backbench. It is always best for a government to govern with a majority. In our instance, three or four votes; in their instance, of course, about 10. They do not have an upper house there, and I have an open mind about that, but certainly they have a very strong majority.

I think Campbell would be quite concerned about how he is going to look after a rather large backbench who all have ambitions. We know that a fair percentage of them, being realistic, are going to be one-term MPs. That happened to us in 1993. When you sneak in, you are going to sneak out again, too, because we know the pendulum always swings.

I think it is good for politics that we have had a change of government in Queensland. Congratulations to Campbell, John-Paul and all the members we know very well; they have worked hard and toiled through. One thing we can learn from this is that unity is strength, because when these parties decided to fight on their own they were never going to be successful. It was okay when Bjelke-Petersen was there because he was so strong and powerful and he creamed the Libs, but now you have the parties operating as 50 per cent parties. Under one banner, success, particularly under the optional preferential voting system. We should consider that here because, above anything else, I believe in the two-party system and that if you do not vote for us you can vote for them and forget the rest. Sorry, member for Mount Gambier, you are not one of us but we will work on that!

I believe the system has worked well. Only the other night we discussed that the system works well with two major parties. I think that we should look at optional preferential. Even though Ren DeGaris would never have agreed, I think it is time we looked at it again. Congratulations and thank you to the member for Bragg.

Ms CHAPMAN (Bragg) (12:08): I thank the other speakers for their contributions to this motion. If the member for Little Para had concluded his proposed amendment by acknowledging Anna Bligh for her commitment to public office as premier she is entitled to that and I would have accepted it, but to have presented to us as a parliament some kind of opportunity to give her an accolade for what she has done for the people of Queensland in infrastructure and the like defies comprehension given the absolute removal from office of the government which she led.

I think people who undertake leadership roles—in fact, all of us as members of parliament—need to be acknowledged from time to time for their contribution to public office. That is important. Premiers particularly have a large and very significant responsibility on behalf of their whole state. I have no axe to grind with Ms Bligh; I give her credit. However, I will not stand by to see a situation where a commission of inquiry in her own state—apart from the judgement of electors on election day—has found the most appalling, wanton abandonment of responsibility and neglect (reckless, in my view).

I think the commissioner also recognised the failure of her government to act to release water from dams. This has left her state ravaged, with a loss of infrastructure and, even worse, the loss of life. The teams of lawyers that are going to swarm around that past conduct and lack of attention to protecting their own state will not need me to add any words; however, I will say this: it will be very expensive for Queensland. It has already paid the highest price: people have lost their lives and families have lost their livelihoods, their homes and the like.

I simply could not support an amendment which in some way gives recognition to the perpetrators who so wantonly abandoned their responsibilities, which extended the damage caused by a natural disaster. In rejecting the amendment, I do thank Anna Bligh for her commitment and for the sacrifice that she (and her family) has made by presenting herself to public office. However, I simply cannot support the amendment that has been put today.

I will also say that it is the rest of Australia that has had to pick up the cost to support the rebuilding of Queensland. We have already heard the Gillard government's criticism of the Queensland government in failing to properly insure infrastructure, and we have heard of the actual cost that is now having to be met by people across the country in rebuilding this infrastructure. I am told that funding has been allocated, as is necessary whenever there is a rebuild of a state after a disaster like this, irrespective of whether or not they should have insured. However, it is Australian taxpayers who are picking up the bill to rebuild that state—rebuild the bridges, restore the roads, ensure that access is reintroduced, rebuild the hospitals, etc.—to enable those communities to start again. That is something that we have all joined in.

In some documents I read yesterday, I noted that the Rail, Tram and Bus Union was under a bit of fire this week over giving a donation to a football club; however, last year it gave a $5,000 donation to the flood victims in Queensland, apparently without the permission of its members. Leaving that aside, all sorts of institutions, organisations and individuals across the country have joined together in trying to make sure that Queensland has a fresh start.

The people of Queensland decided months ago that they wanted a fresh start at the governance level, and I think we should be acknowledging that today and not trying to introduce some political addendum, which is not only inconsistent with an amendment but inconsistent with the flavour of the motion, so I reject that.

The house divided on the amendment:

AYES (24)

Atkinson, M.J.	Bedford, F.E.	Bettison. Z.L.
Bignell, L.W.	Caica, P.	Close, S.E.
Conlon, P.F.	Fox, C.C.	Geraghty, R.K.
Hill, J.D.	Kenyon, T.R.	Key, S.W.
Koutsantonis, A.	O'Brien, M.F.	Odenwalder, L.K. (teller)
Piccolo, T.	Portolesi, G.	Rankine, J.M.
Rau, J.R.	Sibbons, A.L.	Snelling, J.J.
Thompson, M.G.	Vlahos, L.A.	Wright, M.J.

NOES (19)

Brock, G.G.	Chapman, V.A. (teller)	Evans, I.F.
Goldsworthy, M.R.	Griffiths, S.P.	Hamilton-Smith, M.L.J.
Marshall, S.S.	McFetridge, D.	Pederick, A.S.
Pegler, D.W.	Pengilly, M.	Pisoni, D.G.
Redmond, I.M.	Sanderson, R.	Treloar, P.A.
van Holst Pellekaan, D.C.	Venning, I.H.	Whetstone, T.J.
Williams, M.R.		

PAIRS (2)

Weatherill, J.W.	Gardner, J.A.W.

Majority of 5 for the ayes.

Amendment thus carried; motion as amended carried.

BLACK CAVIAR

Ms CHAPMAN (Bragg) (12:20): By leave, I move my motion in an amended form:

That this house extends its best wishes to Black Caviar, her trainer Peter Moody and team for their continued success and 21st consecutive win, at Morphettville.

It is a great day for mares and it is a great era for racing in this state.

Members interjecting:

Ms CHAPMAN: I am a very proud opposition representative and spokesperson for women in this state and I like to take every opportunity to recognise when famous fillies or mares, in this instance, come to the fore, and I will continue to do so. I have tried today to do the best I can with the salmon and black: this is the best my wardrobe could provide.

Can I say this: it was a great joy to be a guest of the SAJC last Saturday in the company of David Peacock, the current Chairman of the SAJC Board, and his Chief Executive Officer, Brenton Wilkinson, together with other members of the board (both current and former) and other leading luminaries of the racing world, including, of course, the patron of the SAJC, Mr Robert Gerard AO. It was a wonderful day, but it was unquestionably improved by the fact that we were all able to view this magnificent mare storm down the straight and, of course, notch up her 21st consecutive win.

It is quite an extraordinary thing to read in a race book the description of horses, which is a little bit like being in parliament. In here, all of us are equal and have the same vote and are recognised, for the purposes of this parliament, as being equal. Of course, in different ways outside of here, we have different responsibilities which tip that out a bit, but nevertheless, a bit like Black Caviar on the day at Morphettville, she had to line up with every other horse and be treated just the same.

An honourable member interjecting:

Ms CHAPMAN: Good. She is simply described in the published race book as being the number one. Nolen was to be the jockey with a 57 weight, not surprisingly the highest weight in the race. Mr Peter Moody of Caulfield was recognised as the trainer. Here is the description of her form for the day:

> Easily accounted for her opposition in the Sangster a fortnight ago. Fitter again. How far today?

It tells it all about the whole racing world. I am aware, as I am sure others are, that Black Caviar not only has had such a stellar history already but also will be attending Royal Ascot in just over a week to present to the world and no doubt delight the racegoers there and those who view her participating in their magnificent event and attend such a splendid racetrack and venue. Her life after that will involve being expected to produce offspring that are going to continue to maintain her place in history, but she has earned it already.

I have seen the great Phar Lap, as others probably have, stuffed in the Melbourne Museum. I am not old enough to remember when it ran. It was a male and it had a magnificently big heart. I remember going there with my mother to view the great Phar Lap in a glass box next to the exhibit with the heart. You cannot help but be impressed by the size of it. The stories about that magnificent horse are legendary. I mention it because I do not want on this occasion for the government to come in with an amendment to say that I have to add in Phar Lap to this motion. I want Black Caviar to have this glory today on her own, so I ask the government members not to come rushing in with an amendment to spoil it with some bloke (Phar Lap) and spoil my motion. Please exercise some generosity today and do not ruin this occasion for this magnificent mare.

I have to say that there are some chaps who should get some credit with this, not to mention the jockey and the trainer, Peter Moody. Peter Moody has been recognised publicly all around Australia, as he should be. The South Australian Jockey Club and particularly the board chairman, David Peacock, together with his chief executive, have worked tirelessly to bring this horse to South Australia so that we may enjoy her run and be a little tiny part of history in seeing her run last Saturday and a fortnight before that.

If members have not had the opportunity to see this horse live, you may not see her race again live. That is always a possibility. The Minister for Police and the member for Croydon were also in attendance, and I am sure they had a little bet on the great Black Caviar—and just for posterity just to keep the ticket. You are allowed to do that; you are able to collect your winnings but keep the ticket for a record, or the few cents that you might get back for the dollar that you put on it.

It was a great occasion and I, like so many, put a small wager a couple of times on Black Caviar so that I might retain a record for my granddaughters to know of the day that the great female stopped the nation.

The DEPUTY SPEAKER: Before I call the member for Florey, I draw members' attention to the fact that the motion requires the parliament to actually write to the horse. The motion as it stands requires us to write to the horse, the trainers, the owners, etc. That may be fine, and that may be your intention. You may make an ass of the parliament, though, by doing that. Can I suggest that perhaps it could be slightly amended so that we actually recognise the horse winning.

Mr van Holst Pellekaan: She received the keys to the City of Marion; why can't she get a letter?

The DEPUTY SPEAKER: If you are happy to do that, that is fine—as long as members are aware of it. If members are aware of it, that is fine.

Ms Chapman: Nay!

The DEPUTY SPEAKER: We may be saddled with this one for a long time.

Ms BEDFORD (Florey) (12:30): Well, I will whip myself into this next bit.

The DEPUTY SPEAKER: We may have to rein it in a bit.

Ms BEDFORD: I support the amended motion put forward by the member for Bragg, despite the fact that I could only listen to the race on radio. My only part in this piece of turf history took place in my own lounge room that Saturday. On 28 April this year, as we all know, South Australia had the opportunity to host an attempt at a part of history in the racing industry. One of the greatest racehorses to ever set hoof on a racetrack in Australia, if not the world, the great thoroughbred mare Black Caviar attempted to break the record of the most consecutive wins by a racehorse at the top level of racing.

The superstar mare did not disappoint, easily winning the Group One Sportingbet Classic (formerly known as the Robert Sangster Stakes) by 4.5 lengths, surpassing the previous records set by Australia's Gloaming and Desert Gold in the United States-based Zenyatta and Peppers Pride. Subsequent to that record-breaking performance, Black Caviar returned to Morphettville a fortnight later to contest and win what is considered South Australia's premier sprint race, the Group One Distinctive Homes Goodwood Handicap. She was guided over the line for a win that day, leaving us all wondering just how fast and far this mare could go.

The horse's record in the modern era at the top level of racing is unprecedented: she has won all of her 21 race starts, including 11 Group One races, which are the premier races for thoroughbreds during the racing season in Australia. The biggest crowd in decades was in attendance on both days at the Morphettville Racecourse. The South Australian Jockey Club decided to cap the number of people able to gain entrance to the racecourse at 30,000, and it was completely sold out.

It is now planned for Black Caviar to take on some of the world's best sprinters at Royal Ascot in England in June. Such is the interest in this horse, a commercial television station cut into its normal programming to show the last three races in which she has participated, something which would not normally have been done. This is totally unprecedented for the racing industry in recent times. The horse alone has brought the racing industry to the forefront of the media, with all forms covering the story through front page spreads, articles and news reports. There is even a dedicate website for Black Caviar, where people can purchase merchandise, including shirts, ties, cufflinks, caps, key rings and other memorabilia.

Such is the drawing power of this horse that the Australian Football League agreed to move forward the time of a match at AAMI Stadium so that those who wanted to attend both events had time to commute between the two venues. In conjunction, the SAJC successfully negotiated with broadcasters to delay the running of the event by half an hour from the time it would normally have been run. Given the number of people who now go out to watch Black Caviar race, it is considered a major event to conduct.

The two meetings were a resounding success and continue to show just how South Australians embrace major events. The state government assisted by supporting free public transport to Morphettville on all Adelaide Metro services for patrons attending the event. In addition, extra tram services and dedicated bus shuttles were also provided, which contributed to approximately 33 per cent of patrons using public transport to travel to Morphettville.

The Department of Planning, Transport and Infrastructure Chief Executive, Rod Hook, said the extra public transport services provided on 28 April were so successful that similar arrangements were used for Black Caviar's second visit on 12 May. On 28 April, a total of 82 tram services were operated, which utilised our entire available fleet and transported approximately 6,500 people to and from the racecourse. Shuttle buses operated from 10am to 6pm between the city and the racecourse, while a second dedicated bus shuttle service operated between Oaklands station and the racecourse.

Both these shuttles carried over 3,200 passengers, and it is a strong and resounding tick for our public transport system that so many people were moved successfully on the day. In addition, two taxi ranks operated, including the longest taxi rank ever established in Adelaide on Anzac Highway, allowing more than 80 taxis to queue for passengers at any one time. This, along with the other taxi rank on Morphett Road (which was 25 taxis in length), saw approximately 600 taxis dropping off and picking up in excess of 1,400 people, and we say 'thank you' to the taxi drivers who performed so well.

On 12 May a similar package of services was provided, however, additional tram services were operated with a 7.5 minute frequency extended by half an hour in the morning and evening. Similarly, the dedicated bus shuttle between the city and Morphettville also operated later into the

early evening to cater for the later race time. In addition, articulated buses also operated from AAMI Stadium, departing at 3pm and 3.10pm to enable people attending the Adelaide versus Geelong match to travel to Morphettville for the race. Both buses were utilised and carried good passenger numbers.

A special express taxi rank was also established at AAMI Stadium, with a total of 40 taxis travelling between AAMI and Morphettville. Compliance officers were on site at AAMI to facilitate shared journeys, resulting in each of these taxis carrying four passengers each. The Adelaide City Council, the Adelaide Showgrounds and the Adelaide Entertainment Centre also assisted in encouraging the use of public transport by providing additional car-parking space for a fee in the Adelaide CBD and the Entertainment Centre as park-and-ride facilities.

Sky Channel brought a helicopter and boutique camera equipment, such as a wireless mounting-yard camera and a telecast head on super slow motion, a first for South Australian racing. This enabled South Australia's racing to be showcased to viewers not only in Australia but also around the world. This was truly a time when all South Australia worked together to support an event that had captured the public's imagination and attention.

As a child, because of my family's association with racing, I have always had a keen interest in thoroughbreds and I watched the day with much pleasure. I would like to congratulate the SAJC on conducting such a wonderful and successful event (or both of them, rather), which will hopefully see more people attend the racetrack in the future for an enjoyable day of fun and excitement. Black Caviar's success has even extended to the breeding sector, with a half-sister being sold at a recent yearling sale for a record $2.6 million—a very sizeable amount given the unknown ability of the young horse, or, should we say, mare, or filly.

Of course, the horse does not do everything herself and simply present herself on the day. There are training staff and connections who have no doubt enjoyed this journey as much as anyone else, and they have brought Black Caviar to the public. Congratulations go to Black Caviar's trainer, Peter Moody, and his stable staff who ensure the animal's fitness and welfare and who, in conjunction with her owners, map out her racing program.

Just as we watched Takeover Target on its campaign in England, I know that we will be watching Black Caviar. Let us hope that the program continues to see her winning ways overseas, starting at Royal Ascot in England—perhaps in front of Queen Elizabeth II celebrating her Diamond Jubilee, a well-known lover of thoroughbreds and turf history—and then possibly back in Australia we hope to see her again—that is, Black Caviar, as well as the Queen.

I wish Black Caviar and all those involved in this history-making story all the success in the future. Black Caviar most certainly will be, if she is not already, part of Australian and turf folklore.

Mr PEGLER (Mount Gambier) (12:38): As a breeder and owner of racehorses, I must say that I have never seen a horse as good as Black Caviar. She is probably the most tremendous mare that I have ever seen race. I have had the pleasure of seeing her in most races either on TV or live. I will always have the memories of Emirates at Flemington where 92,000 people were there to watch that great horse. They were probably stretched over 500 or 600 metres along that straight, and it was like watching a Mexican wave as she went past.

I can assure you, Mr Deputy Speaker, that if we do write to Black Caviar I do not think that this parliament has the power to turn her from a great mare into an ass. I think that the greatest contribution that Black Caviar has made is that she has brought a lot of people—and new people—to racing right throughout Australia. She has certainly given the racing industry in Australia a great boost. At every race where she is running you see a lot of new, young people going to the races. They enjoy the day out and they then follow on and go to many more races. Certainly it is a new experience for those people and it is a great thing for the racing industry.

I am sure that, when she does go to Ascot, she will prove what a great queen she is and do well there. It is certainly going to put racing in Australia at the forefront of racing in Europe, and I certainly wish her well over there.

Mr PENGILLY (Finniss) (12:40): I, along with, I suspect, every member in this place has taken great pleasure in watching Black Caviar—the great rise to fame and where the horse is now, on its way to Ascot. I noted the comments of members earlier, but it has actually been remarkable for the state that the horse came here. It has given the state a buzz. Everywhere you went, people would talk about Black Caviar. It did not matter much where you were. Out in the back paddock, talking to your next-door neighbour, it came up.

In fact, one of my neighbours, a racehorse trainer called James Bates, has a son who works part-time in the stables where Black Caviar stayed. They had the opportunity to get up close and talked about what a marvellous horse it absolutely is. Being the grandson of a former Great Eastern winner at Oakbank, I have spent a fair bit of time watching racehorses and various goings-on for many, many years.

I must admit that I did not go. I was unable to go to either race at Morphettville, but I thoroughly enjoyed last Saturday. As luck would have it, I was actually home on the tractor, out in the paddock. I heard the Crows have a great win, and then I listened to Black Caviar's win, and I felt emotive even in the tractor, sitting in the cabin there on my own, miles from anywhere. I think it is great that we note it in the house.

Ms Bedford: I hope you didn't cry.

Mr PENGILLY: Nearly. It has been really good for the state and I congratulate the SAJC and all those involved in getting Black Caviar here. I sincerely hope that Black Caviar runs exceptionally well at Ascot. I am sure it will and I hope that it returns to Australia in due course and goes into the breeding program, which I am sure it will. It has just been really, really good for South Australia and I congratulate everybody connected to it.

Mr VAN HOLST PELLEKAAN (Stuart) (12:42): I certainly join with the member for Bragg and all others who have spoken here to congratulate Black Caviar, her trainer, Peter Moody, and the team for their continued success and 21st win, which was at Morphettville. Of course, in a team there is a wide range of people, from strappers all the way up to owners. They are quite a formidable team, as has been mentioned. They have got their own website, they have got their own merchandising branded, they are a very, very well oiled machine and so they should be, when they are there to lead and support such a wonderful, wonderful racehorse.

It is not often that we get to see in South Australia an athlete break his or her own world record. That is what we got to see on 12 May this year, following the record-breaking 20th win on 28 April. It was terrific to see some support throughout the state. It was terrific that the AFL and the Crows were able to adjust their match time so that people could enjoy both, whether they were going to try to attend both, listen to both on the radio or watch it on TV—whatever it happened to be.

I remember very fondly my wife Rebecca and I, over the last couple years, driving all over country South Australia on the weekends, hearing Black Caviar's next win and the next win and the next win and the excitement that builds through that. So, when the chance came to come and watch her at Morphettville, of course we could not resist. We were very, very grateful to be invited by the SAJC to a wonderful lunch on the 28th and we returned again on the 12th and just came in through the gates with the rest of the general admission crowd and thoroughly enjoyed ourselves that day as well.

I think it is very important for a minister or a shadow minister to do everything they can to enjoy these events from all different angles. We are very fortunate, as members of parliament, to get invited to a lot of things. I think it is also important to turn up when you are not invited to enjoy the sport and mingle with normal South Australians. We thoroughly enjoyed doing that.

Of course, in this motion it is important to congratulate the SAJC—both for bringing Black Caviar to South Australia but also for running the two events, the two race days, as professionally as they did. They are very, very different things. To get the horse, the owners, the trainer and everybody to agree to come is one thing, but to have run those events with 25,000 to 30,000 people was quite an achievement as well.

Great credit goes to Brenton Wilkinson, the CEO; David Peacock and Tony Newman, the Chairman and Deputy Chairman; the entire committee; and, very importantly, the staff. Running those two race meets meant big, busy days, and I thank them all for everything they did. I also thank the people who turned up. To have 25,000 to 30,000 people at a Saturday race meet a fortnight apart and behave, in the main, in they way they did I think speaks very well of the broader South Australian public, so thank you to them for turning up.

Of course, it was a marvellous event and it has done wonders for racing. Whether people came and watched, listened on the radio, watched on television, or listened in their cars, wherever they might have been, and whether they were seasoned racegoers or newcomers to the sport, the fact that these events were held and that Black Caviar raced at Morphettville has provided a gigantic opportunity for the promotion of the sport of racing and the industry more broadly.

I remember hearing Brenton Wilkinson say that at the first race they had 600 extra staff over and above those they would normally employ for a regular Saturday race meet at Morphettville. That speaks volumes for the SAJC but, probably more importantly, it speaks volumes for the industry. This is an industry with enormous growth potential, and it is one of the largest employers in the nation.

I cannot, for the life of me, figure out why this government does not have a minister for racing. We are the only state in Australia without a minister for racing. There is no federal minister for racing, so if we are not looking out for ourselves there is no-one with that broader umbrella who is looking out for us. The fact that Black Caviar has come here and we have had this gigantic opportunity to grow the sport really does ask the question: why do we not have a minister for racing?

I thank the government for providing public transport opportunities. That was a very good and positive thing to do, but the support for this industry cannot just be a one-off. When the SAJC takes the lead and the racing industry has such a day—or two, as we have been so lucky to have—it is good that the government supports it, but it should also provide support year in year out to help this very important industry to grow.

One of the most important ways it can do this is by supporting the racing industry to have the Adelaide Cup public holiday in May when the industry wants it. I think it is extremely arrogant for any government to tell them when they should hold their major event of the year. We in opposition certainly do have a focus on this industry as it is an important sport for tourism and creates very important events, and I encourage the government to join with us in that.

Of course, along with all members of this house, I wish Black Caviar the very best when she goes to Royal Ascot. I am sure all South Australians and all Australians will be listening very closely to see how well she does. I am confident that she will do extremely well. It was interesting to read in a newspaper a few months ago that famous South Australia athlete, Amber Halliday, had written that she was frustrated that the most famous South Australian female athlete was a horse—Black Caviar; nonetheless I think Black Caviar has proven that at the moment she deserves that attention.

I say again that I look forward to following Black Caviar's success. I wish her all the very best. I hope that she will return to Australia, whether as a racer or a breeder, and I hope that the Minister for Recreation and Sport will join with us and speak on this motion.

The Hon. J.M. RANKINE (Wright—Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety, Minister for Multicultural Affairs) (12:49): I would like to make a very quick contribution, having had the great pleasure of attending both race meetings where Black Caviar was running. In fact, the first time she ran here we enjoyed being out with the general membership and there was, as people have said, an enormous crowd standing shoulder to shoulder to watch that race at about 4.20pm. Black Caviar clearly had not even broken into a sweat; she raced magnificently. I think we should pay tribute to the SAJC in securing that great horse coming to South Australia for two race meetings. Clearly the South Australian public were very, very keen to get to the race meetings and enjoy those historic races.

The race meets were incredibly well organised as far as I could see. In saying that, I pay tribute to the people from Transport. Those people who organised the public transport literally had thousands and thousands of people using the trams to get to the race meeting. There were special buses provided for people. There were people monitoring the crossings, making sure no-one got themselves in any sort of danger. They really had the crowd moving very easily both in and out of the race meeting.

I also want to pay tribute to our South Australia Police who also did a magnificent job in managing the traffic both in and out of the race meeting. It was very gracious of the member for Stuart to acknowledge that those organisations within the state government did perform so well and provided a great deal of support to ensure that South Australians really did enjoy those two events.

I join with other members of the house in extending my congratulations to the owners, trainers and the jockey of Black Caviar and say what a delight it was to watch her race. I also congratulate all of those who were involved in ensuring that it was a successful race meeting that everyone could enjoy. I went to a meeting with minister Gago. She organised a meeting with all of the agencies to make sure that everything was spot on and as it should be. Again, I think South

Australia can be proud of the support that the South Australian government and its agencies provided to ensure that this was a very successful event.

Dr McFETRIDGE (Morphett) (12:52): I rise to support the motion. I was fortunate enough to be at Morphettville, which all members should know is part of my electorate, for both races of Black Caviar. This six-year-old mare, with 21 starts and 21 wins, is an absolutely outstanding athlete. I would love to see how her cardiovascular output compares with that of Phar Lap, because she is not a big mare. I was up close and—not personal, but I was up close to her on Saturday—had a very good look at her.

Members interjecting:

Dr McFETRIDGE: I have been up close and very personal with a lot of mares in my stud duties, but I have had a look at this mare and she is a very classy mare. She has a terrific back end. Her gluteals, quads and gastrocs are just fantastic; they really drive this mare along. You can see in her stride length that she—

An honourable member: Whatever they are.

Dr McFETRIDGE: Gastrocnemius muscles. They are big driving muscles. They will push her along at incredible speeds, and we have seen that. She has raced against some exceptionally good horses in Australia. One horse that she beat narrowly was a horse called Hay List. Hay List was ranked eighth in the world. I would have loved to see her race against Hay List again, but unfortunately he broke down.

The stresses and strains on horses' bodies when they are galloping are incredible. A gallop is what is called a four-time rhythm: at every stage there is one leg on the ground, so you have 1,100 pounds (450 kilograms) of horse on that one leg, travelling at about 60 kilometres an hour. The biodynamics and biophysics of that is just incredible. Occasionally, unfortunately, things do go wrong, and Hay List, unfortunately, broke down. Black Caviar has not raced a lot, but she has raced phenomenally and she is just amazing.

I suspect that her fast twitch, slow twitch muscle fibre ratio is something for the anatomists and physiologists to have a good look at. I would love to see her blood picture. I reckon her packed cell volume (PCV) or hematocrit—in other words, the number of red blood cells that are in her blood—would be right up there; it would be way above other horses. You cannot blood dope horses like you can humans. You cannot top them up like that. There are other things that people do, but I know for a fact that nowadays in horse racing that is very rare, and there is no way that a horse like Black Caviar would be in any way associated with that. This horse is just phenomenal. She is absolutely one out of the box.

For me to be able to see her run not once but twice—once with my daughter, Sahra, who is a vet and then with my wife again on Saturday—was just great. It was fantastic. I will remember that forever because it is unlikely we will see a horse like this for a long time. As members know, I was a vet. I worked in racehorse practice for many years. I worked in stud practice. I have flown horses all over the world and I know the stresses and strains associated with them.

I think in one planeload, I had $12 million worth of horses. I actually flew the horse that was in the Phar Lap film all around Australia for the publicity shots. I just hope that Black Caviar travels as well to Ascot as she does on the road, because it is a long time for a horse to be in an aircraft. The big issue that you do have—and I notice Peter Moody talked about this—if you get delayed in a place, particularly if it is hot and humid, is that you have to open up all the doors on the aircraft and get the auxiliary air conditioning units on. You have to make sure you get those horses as comfortable as possible because they will dehydrate very quickly.

Travelling on the road as well is very difficult because, if you think about what it is like standing up on a train or a tram or a bus, you are wobbling all the time. Horses do stand up for hours and hours when they are travelling and, for her to travel from Melbourne to Adelaide, have a relatively short break and then perform the way she does, is yet another example of how good this mare really is.

I will say, though, if she was my mare, I would not be taking her to Ascot. I would be putting her out to stud here. If she was a stallion, she would be out to stud tomorrow, because they would be making seriously big money out of her, but as a mare, one foal a year is all she is going to get, assuming she is fertile. I hope she is, because we would love to see more Black Caviars. It is a fact of life. I have worked in horse studs and if you got 75 per cent of the mares pregnant in a season, you were very happy. Can I say, I was acting as a consultant.

Members interjecting:

Dr McFETRIDGE: I will continue on, Mr Deputy Speaker. I know people in this place get a bit excited when you talk about horseflesh.

Members interjecting:

Dr McFETRIDGE: I will just finish off. I wish the connections with Black Caviar all the best. I know there is a big team behind the horse. I congratulate the owners of the horse. I congratulate Stephen Silk who is the vet who is managing her marketing. He has done an exceptionally good job. I was talking to a good colleague of mine, Peter Horridge, at the races and I said, 'Pete, are you here by yourself making decisions about this horse?' He said, 'No way, José.' He has Brian Agnew, another vet, and they agree between them that any decision will be a joint decision, so that they can share the blame, but nothing went wrong. It all went right.

We are so proud of this horse; as Australians, we can be. Racing in South Australia is a massive industry. At Morphettville, which is part of my electorate, it is a terrific centre down there. A lot of money has been spent. Brenton Wilkinson has done a terrific job. David Peacock and the others down there are doing a great job and that is why we are seeing the racing the way we are. In the bookies' ring, I heard the comment, 'I haven't seen a bookies' ring like this for 35 years.' It is just incredible. I congratulate the connections, I congratulate the industry and I congratulate the breeders of Black Caviar and her connections.

Ms CHAPMAN (Bragg) (12:58): I thank other members for their contribution to this and I think I have every confidence in saying that, from those valued contributions, there will be no dissent from this motion. I certainly hope so. Black Caviar goes to Royal Ascot with our best wishes. I am sure that all those in the parliament will stand proud and watch her. Whether she wins or not, she is a great export for Australia and we will be very proud to watch her participate in the future.

Thank you, members, for your contribution, and I will certainly ensure, notwithstanding this correspondence being directed to the mare herself, Black Caviar, that other members of the SAJC will receive all members' contributions to recognise their great contribution in facilitating her runs here in South Australia.

Motion carried.

VISITORS

The SPEAKER: Before we ring the bells, I would just like to acknowledge that, in the Gallery, we have students from Thomas More College, who are the guests of the member for Ramsay. Hello to the students of Thomas More College. Just by the way, that is the school my younger sister went to. Welcome.

[Sitting suspended from 12:59 to 14:00]

KEITH AND DISTRICT HOSPITAL

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (14:01): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.D. HILL: As part of savings measures for the 2010-11 budget, some funding was withdrawn from three non-government country hospitals at Ardrossan, Moonta and Keith. The state subsidy was a small part of the budgets for these hospitals, which receive most of their funding from private health insurers for services to private patients and from the commonwealth for aged-care services. At the time of this decision, I met with representatives of each of these hospitals and made the commitment that the government would support them while they restructured their services.

For Ardrossan hospital, the transition was straightforward, with the hospital acting on advice to access the commonwealth funding for aged-care beds for which it was eligible, and now it is in a better off position. The Moonta transition required more detailed work, including support to help the hospital to develop a sustainable model. However, on 1 March 2011, the *Yorke Peninsula Country Times* reported that Graeme Sare had been appointed as the new chairperson. He stated:

This is an opportunity to implement real change in our organisation to ensure the hospital remains a viable and valuable resource for the community. The Board and I have been working closely with Country Health SA to formulate a suitable approach that will see the hospital move forward in a sustainable way.

For the Keith and District Hospital, the government has continued to support the hospital so that it can develop a sustainable model. A director of nursing was made available to assist the hospital to maximise its aged-care revenue and improve nurse rostering. The hospital has continued to receive a state subsidy of $300,000 per annum, indexed to $308,250 in 2011-12, for its emergency department, and it received a one-off grant of $29,750 in recognition of the emergency public inpatient services the hospital provides in the region.

The government also gave a further undertaking to fund the hospital's bank overdraft finance costs incurred in 2011-12 while implementing the hospital's strategic direction plan. It was clear that, with or without state funding, the Keith and District Hospital still faced considerable challenges, including difficulty in attracting permanent general practitioners. This has led to the hospital spending considerable resources on locum doctors.

In recent months, I have held discussions with the new chief executive officer of the hospital board, Bill Hender, and the chairperson, James De Barro, about how we can best help them to build a sustainable future for the hospital. At a meeting just this week with Bill Hender and James De Barro, I put two options on the table. The first was that the state government take over the running of the Keith and District Hospital from July 2012. The second option was that the state government provide a one-off grant of $350,000 for the 2012-13 financial year to help the hospital achieve a fully functioning and profitable GP practice, with two doctors supported by a practice nurse.

Mr De Barro and Mr Hender took these options to the Keith and District Hospital board last night, and I am pleased to report that the board agreed to the second option. At the end of 12 months the outcomes will be reviewed. The offer for the state government to take over the Keith and District Hospital remains on the table throughout the term of this government, and part of the reason for that is so that the hospital can go to the marketplace to find GPs with the assurance that the government is standing behind them. One of the risks that the hospital has is that GPs are reluctant to go there because they are uncertain about the hospital's future. Knowing that the government is there to support them, I think, will help them do that.

Mr Hamilton-Smith interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: I would have thought he would be happy, Madam Speaker; I fixed a problem for him.

Ms Chapman: We are.

The Hon. J.D. HILL: Well, that's a funny way of showing happiness, that's all I can say. I thank Mr De Barro, Mr Hender and other board members for their work on reaching this resolution. I also thank Country Health SA—I must say they have been working on this for some time. I look forward to continuing to work together in good faith to achieve a sustainable health service for the Keith community.

PAPERS

The following paper was laid on the table:

By the Minister for Sustainability, Environment and Conservation (Hon. P. Caica)—

Maralinga Lands Unnamed Conservation Board—Annual Report 2010-11

PAST ADOPTION PRACTICES

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (14:05): I seek leave to make a ministerial statement.

Leave granted.

The Hon. G. PORTOLESI: Members will be aware that on 28 March 2012, the Premier announced the government's intention to make a formal apology on behalf of the South Australian government and our community to the many families and individuals who were affected by past practices that involved forced adoption. As the Premier indicated at the time, families need

recognition of the fact that, in cases where mothers felt pressured to adopt their children, they have spent decades dealing with the impact, as have their children. The Premier asked me to engage with the community, particularly those members of our community who may have been affected by these past adoption practices to ensure their views were heard in shaping an apology. I wish to advise the house that there has already been significant discussion and engagement with individuals and families.

It is clearly important to those who have already engaged in this sensitive discussion, that the apology is sincere for mothers, fathers, children and extended families, while also assisting in the healing required for the community to move forward. What is also clear from the contribution so far is that this is a highly emotive and sensitive issue for both parents and for the people who were adopted as children. To ensure we respect the wishes of the people affected by these past practices, I have consulted with the Premier and advise the house that the period of consultation for the apology will be extended. This is in response to contact my officers have received requesting that the consultation period for the apology be extended, and will also ensure that the Premier is available to deliver the apology.

I therefore wish to advise the house that the Premier will now make a formal apology in the parliament on Wednesday 18 July 2012. Meanwhile I will continue to discuss these important and deeply emotive matters with mothers, fathers, those people adopted as children and their families to ensure that this apology accurately reflects their wishes and assists in their healing.

Members interjecting:

The SPEAKER: Order!

VISITORS

The SPEAKER: Members, I draw your attention to the presence in the gallery today of a group of years 11 and 12 students from Thomas More College who, I believe, are guests of the member for Ramsay. Welcome, I hope you enjoy your time here today.

I call the Chair of the Public Works Committee, who, I am sure, will make a wonderful report today as I understand that his parents are in the gallery, and he will be very well behaved today also.

PUBLIC WORKS COMMITTEE

Mr ODENWALDER (Little Para) (14:08): I bring up the 442nd report of the committee on the Ashford Special School Relocation.

Report received and ordered to be published

Mr ODENWALDER: I bring up the 443rd report of the committee on the Kensington Special School Relocation.

Report received and ordered to be published.

Mr ODENWALDER: I bring up the 444th report of the committee on the Glenunga International High School Redevelopment.

Report received and ordered to be published.

Mr ODENWALDER: I bring up the 445th report of the committee on the Marryatville High School Redevelopment.

Report received and ordered to be published.

Mr ODENWALDER: I bring up the 446th report of the committee on the Mount Gambier Prison Expansion.

Report received and ordered to be published.

Mr ODENWALDER: I bring up the 447th report of the committee on the Tonsley Park Master Plan Redevelopment.

Report received and ordered to be published.

QUESTION TIME

OLYMPIC DAM EXPANSION

Mrs REDMOND (Heysen—Leader of the Opposition) (14:10): My question is to the Premier. Will the Premier rule out extending the time frame for the Olympic Dam expansion if BHP Billiton does not approve the expansion within the 12-month term of the agreement? The Premier told the media on 17 April—that is one month ago today—in relation to approving a time frame extension:

> There is no intention to approve that...We need to know the go-button has been pressed within the 12-month term of the agreement.

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (14:10): I stand by those remarks.

EDUCATIONAL LEADERSHIP

The Hon. M.J. WRIGHT (Lee) (14:10): My question is to the Minister for Education and Child Development. Can the minister inform the house about what is being done to help and attract school principals and preschool leaders to support high quality education in our public schools and preschools?

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (14:10): I thank the honourable member for this question. I was pleased, just a few weeks ago, to advise the house about a partnership with the federal government to support local school leaders in making local decisions. We are doing that through the Empowering Local Schools national partnership agreement, which is worth about $4 million and which will assist about 61 schools in our community. We take this approach of working together with school principals and preschool directors because they are the leaders in the frontline, and they know their young people and school communities best.

Of course, educational leadership is also critical, and programs such as the PALL program I talked about yesterday, the Principals as Literacy Leaders program, are helping leaders work directly with classroom teachers to help students improve these essential skills. There have been a number of other steps we have taken with principals and teachers to strengthen local decision-making, including reforms to schools to assist principals create the teams around them that best suit their local circumstances. Of course, as David Gonski has highlighted, South Australia already has one of the most decentralised education systems in the country.

However, both here in South Australia and in other states there is a growing challenge to be faced in attracting and keeping our outstanding school leaders. The baby boomer years mean that more of our experienced principals and preschool directors will retire over the next few years; and combine that with the fact that research shows that educational leadership and quality teaching are what makes a real difference to children and their future.

I am pleased to advise the house that we are inviting our school and preschool leaders to contribute their advice and experience on how we can better support their leadership, their capacity to be innovative, and their professional development. I have today provided schools and preschools with a new discussion paper which outlines proposals and ideas to support leadership in public education. That includes a proposal for a new South Australian Institute for Educational Leadership to support their professional development. There are also proposals to support the people who help school leaders to make a difference: of course, our teachers and school support staff.

School principals and preschool directors today work in an environment where technology, social media and community scrutiny is increasingly significant. I am also inviting school communities to contribute their ideas on these and other issues, while also flagging the development of a new social media policy for our schools.

Educational leadership is also critically important, of course, because our future leaders will increasingly be leading the connections between our school child development and child protection services at a local level. All this means that we do need to attract and retain the best and brightest leaders to inspire and support staff, and I encourage communities, and I encourage everyone in this place, to contribute their ideas on how we best do this.

I would also like to take this opportunity to congratulate Toni Cocchiaro who was last night awarded the Alby Jones Award for educational leadership. I was very pleased to be at an event last

night where she was honoured, and I congratulate all the other recipients who were also honoured last night.

CARBON TAX

Mrs REDMOND (Heysen—Leader of the Opposition) (14:14): Does the Premier agree with BHP Billiton Chairman Jacques Nasser that the carbon tax 'makes business more difficult'? On his first sitting day as the Premier, on 8 November 2011, the Premier told the house that he supports the carbon tax.

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (14:15): I do support putting a price on carbon, and indeed I think it is a—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: On this side of the house, we believe that climate change is real. We believe in the economic assessments that are made in the various reports that were the precursors for both the Carbon Pollution Reduction Scheme and the new price on carbon that, in fact, the economic costs of adjustment for those countries that move first and put a price on carbon will be much lower than those countries that delay the inevitable response—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: —to the need to place—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: —a price on carbon. It has been generally accepted by almost every living and breathing economist that the best way of adjusting your economy in relation to the effects of climate change is in fact to use a price on carbon, because it is the—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: —best possible way of ensuring that your economy and the businesses in your economy can adjust to those changes. So, we take a broader view—

Members interjecting:

The Hon. J.W. WEATHERILL: Look, individual companies will express—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: Individual companies will express—

Members interjecting:

The SPEAKER: Order, the member for Norwood and the member for Davenport!

The Hon. J.W. WEATHERILL: Individual companies will express their points of view about how a particular measure may affect them at a particular point in time. We take a broader view about what is in the national and the state interest and, on that basis, we support a price on carbon.

Members interjecting:

The SPEAKER: Order! Member for Port Adelaide.

NATIONAL WALK SAFELY TO SCHOOL DAY

Dr CLOSE (Port Adelaide) (14:17): My question is to the Premier. How is the state government supporting the National Walk Safely to School Day?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (14:17): I thank the honourable member for her question. Tomorrow is National Walk Safely to School Day. It is an annual national event—

Ms Chapman interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: —for primary schoolchildren, who are encouraged to walk safely to school. The message, of course, is that walking to school is great for encouraging our children to be active and therefore healthy. It is also an important part of learning. We know that learning only occurs when two things are present: one is wellbeing and the other is engagement. It is crucial that children are actually well, or they can't learn. Part of being well is being active, and so walking to school is such an important part of that.

It is a great community event that raises awareness about road safety, as well as promoting another of the very important messages that we are seeking to promote, and that is safe communities and healthy neighbourhoods. This is a key priority for our government, and walking is one of the best and easiest forms of participating in public life. Getting exercise and walking to school obviously encourages regular physical activity. It also cuts down on our dependency on cars, which is great for the environment.

It is also important to know that another benefit that is probably not as well recognised is that for a child to actually know exactly where their house is in relation to school can be a real comfort for them. Being able to physically imagine where their home is in relation to their school is a very important way of comforting a child in a classroom environment. So, walking to school has lots of other benefits.

I am pleased to inform the house that the South Australian government provides $15,000 this year to support this important event. This is in addition to the support that the Department for Education and Child Development provides through promoting the event through the Premier's Be Active website, and through the InfoConnect website and the electronic newsletters we send to schools. I encourage all parents to get involved in National Walk Safely to School Day tomorrow, and to do it as often as they can throughout the year.

Tomorrow, hundreds and thousands of primary school students around Australia will be walking safely to school. This includes 17,500 South Australian students, and there will be many more because every school is informed about the event and any school can take part. Now in its 13th year the theme for Walk Safely to School Day this year is, 'It's cool to walk to school', which is a natty phrase that somebody has come up with. More information about Walk Safely to School Day can be found at www.walk.com.au. We are happy to support the event and we call on all members of the house to support it as well.

MARGARET TOBIN CENTRE

Mrs REDMOND (Heysen—Leader of the Opposition) (14:20): My question is to the Minister for Health and Ageing. Why is the government planning to close 10 acute mental health beds at the Margaret Tobin Centre at Flinders Medical Centre? The South Australian Salaried Medical Officers Association wrote to SA Health on 30 April expressing concern about the closure of 10 mental health beds at Flinders Medical Centre. The Australian Nursing and Midwifery Federation have now joined with SASMOA before the Industrial Relations Commission to oppose the mental health bed closure.

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (14:20): I was getting to feel a bit neglected so I thank the member for the question.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: I feel—

Members interjecting:

The SPEAKER: Order! Deprivation syndrome!

The Hon. J.D. HILL: With the member for Waite and the Leader of the Opposition asking me all these questions I feel like a child whose parents have got divorced and the parents are

squabbling over them. I love the attention but I just wish they weren't so angry all the time! Anyway, getting to this issue—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: —a serious issue—the bed closures were announced as part of the Stepping Up report in 2007. Consultation over them started in 2010. I made a ministerial statement in September last year and I made another statement yesterday, I think, in question time. The stepping up and down approach is designed to provide bed-based support to people who are discharged from the acute unit or directed from the emergency department. This approach minimises admissions to an acute unit or an emergency department by—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: This approach minimises admissions to an acute unit or an emergency department by being admitted to an ICC from the community before a crisis develops. The whole stepping up approach was based on closing down a number of acute beds and opening up a number of subacute beds—more, in fact—and I will go through the figures.

I will go through the bed closures. There will be 17 bed closures in the south altogether including the 10 that the member mentioned at Margaret Tobin. The advantage of this is that we now have those 10 beds available for flex capacity at times of high need. In the past we did not have that. So if things do become busy in the emergency department and there are a lot of patients who need—

Mr Marshall interjecting:

The SPEAKER: Member for Norwood!

The Hon. J.D. HILL: What is this about, Madam Speaker, this inane interjection from the member for Norwood (who is in danger of replacing the member for Bragg as the know-all of this parliament) who just continually interrupts with these silly comments when serious matters are being addressed—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: —and then they object when I respond.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: They object when I respond, Madam Speaker.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! Point of order, member for MacKillop.

Mr WILLIAMS: Point of order. The minister got up with a diatribe against the opposition before he proceeded to answer the question and now takes great offence to one interjection.

The SPEAKER: Order! There is no point of order.

Mr Williams: Get over it, minister.

The SPEAKER: He was responding to interjections.

Members interjecting:

The SPEAKER: Order! We will go back to some order in this question time. Minister.

The Hon. J.D. HILL: Maybe the deputy leader can tell me how many interjections I should put up with before I become annoyed. In relation to bed closures—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: In relation to bed closures, there will be 17 including 10 at the Margaret Tobin but those 10 will be available to be flexed up when there is greater demand, so that is a good thing to have in our system. Let me go through the beds that have already opened in the south. We have opened up 15 intermediate care beds at Noarlunga in 2011, 22 supported accommodation houses have been built in the south with packages of care allocated, there have been 48 social houses built in the south with people supported again with packages of care, about 20—

Members interjecting:

The SPEAKER: Order! Leader of the Opposition, order!

The Hon. J.D. HILL: I know what I am closing and I can tell you what we are opening which was part of the Stepping Up report of 2007.

Ms Chapman interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: Also 20-bed community recovery centres at Noarlunga to reduce admissions to acute units. Overall in the south, in June 2012 there will be 64 open acute beds comprising 20 at Noarlunga, 24 at RGH and 20 at the Margaret Tobin Centre. In addition to the ones that we have opened, we will be opening an eight-bed crisis respite centre in 2013 and this will assist with reducing presentations to ED, and we also have acute crisis intervention services in the south which will soon be expanded to 24 hours, seven days a week.

So, we have opened up more places to help people with mental illness and we have closed down a number of acute beds. That was the entire strategy of the Stepping Up report. I am very surprised if those on the other side have just understood that. That has been out there for five years, supported by organisations like the Mental Health Coalition and others who care about people with mental illness. It is easy to make political points—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: —but you have to get the entire story, Madam Speaker.

Mr Williams interjecting:

The SPEAKER: Order! Member for MacKillop, you can take a walk again if you are not careful.

Members interjecting:

The SPEAKER: Order! And walk to school early. The member for Mitchell.

SUSTAINABLE INDUSTRIES EDUCATION CENTRE

Mr SIBBONS (Mitchell) (14:26): Straight into detention, I would think, madam. My question is to the Minister for Employment, Higher Education and Skills. Can the minister inform the house about the appointment of the new Sustainable Industries Education Centre director?

The Hon. T.R. KENYON (Newland—Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for Recreation and Sport) (14:26): I thank the member for Mitchell for his question. I am very, very pleased to be able to tell the house that the newly appointed director of the Sustainable Industries Education Centre is Mr Peter Nolan, who will take up this key post next month.

Many members will know Mr Nolan from his time at the Civil Contractors Federation. If you have been down to the training facility, it is a fantastic training facility, and if he can apply the same rigour, thinking and planning to this seat, then that will be an excellent thing for the state. Mr Nolan's appointment is another major step in the development of the $125 million Sustainable Industries Education Centre building and construction training hub at Tonsley Park.

Mr Nolan brings a wealth of experience to the new position from his previous roles as CEO of a private registered training organisation, a manager of an industry-based training group, a lecturer and program manager at TAFE Western Australia, and an apprentice manager with the Western Australian Chamber of Commerce and Industry.

Mr Nolan is a highly skilled leader and has demonstrated exceptional skills and innovation, apprenticeship training management, developing industry relationships and delivering on strategic goals and change management. He is a former TAFE SA student, having started his working career as an apprentice electrical fitter in Adelaide.

Mr Nolan's appointment brings TAFE SA closer to the official establishment of the centre, due to open in January 2014. In the lead-up period, Mr Nolan will be involved in infrastructure design implementation, industry engagement and workforce development activities. The new $125 million centre will specialise in training more than 8,000 students a year in new green technologies associated with the state's $4.5 billion building and construction industry and will be a central focus of the new Tonsley Park precinct.

TAFE SA is the major tenant of the site, with other industry and training organisations expected to take up the opportunity to co-locate in the state-of-the-art facility. When built, the new education centre will provide 40,000 square metres of world-class, energy-efficient trade training infrastructure; that is four hectares, I think. It will transform training in the building, construction and water industries and open the way to incorporating cleaner green technology into future building projects.

TAFE SA's building and construction programs will be located in the new centre, while an innovative education partnership between TAFE SA and our universities will give students increased flexibility to move between the different tertiary sectors. The Sustainable Industries Education Centre complements the state government's Skill for All reforms, aimed at revitalising our training system, with more people in training, greater training options for students and better skills, resulting in a stronger economy for South Australia.

Certificate I and II training courses will be fee free for the first time from July this year, while hundreds of certificate III and IV courses will continue to attract funding support. Students at diploma and advanced diploma levels will be able to apply for VET FEE-HELP for the first time, meaning that they will be able to defer their payments until they get a job and start earning.

MARGARET TOBIN CENTRE

Mrs REDMOND (Heysen—Leader of the Opposition) (14:29): I would not want the Minister for Health to feel unwanted, so my question is to him. Does the minister accept that there will be increased pressure from mental health presentations at the Flinders hospital emergency department as a result of the government's plan to close 10 acute mental health beds in the Margaret Tobin Centre at Flinders?

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (14:29): I think I indicated in the answer to the previous question that I do not expect that because of the range of things that we are putting in place.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: Various people will mount arguments to support a particular position. It does not mean they are accurate. These positions, these arguments, need to be contested. The whole basis of the Stepping Up report, which was a very serious report produced by this state, which I hoped enjoyed bipartisan support—I thought it had—

Ms Chapman: It did. It didn't mention selling Glenside.

The SPEAKER: Order! Member for Bragg, order!

The Hon. J.D. HILL: The whole of the Stepping Up report was based on the fact that the analysis showed we had far too much of our resource in acute beds and far too little in other parts of the system. In order to get help in South Australia from a mental health service, you really needed to be acutely unwell and then could be put away in a bed in a hospital. People who are a bit unwell or on the way to becoming really unwell really had nowhere else to go, so we needed a number of steps to be put in place so there were places for those people to go. Equally, when people are coming out of an acute setting and are in their recovery, there is often nowhere for those people to go and they would go back home into circumstances which may have produced the illness in the first place. So, a range of steps were to be put in place.

We put in extra resources to support that—I think $300 million, from memory—but part of the plan was to reduce the number of acute beds, and that was part of the budgeting arrangements, but also because we do not want to have all of our services supporting acute beds. We want to have a range of services. This is what the Stepping Up plan is about.

It should come as no surprise to the unions (which have been consulted on that since, as I said, 2010) or to the mental health sector (which supports this, as I have said) or to the opposition, that this is what we were doing. I know you can come in here and make it sound as if something dramatic has suddenly been done, but it is not something that is sudden: this is a five-year strategy that we have been working on which, hitherto, has had bipartisan support.

BRAVEST OF THE BRAVE TRAVELLING EXHIBITION

Mrs VLAHOS (Taylor) (14:31): My question is to the Minister for Veterans' Affairs. Can the Treasurer tell the house about the Bravest of the Brave Travelling Exhibition?

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (14:31): I can, and I thank the member for Taylor for the question and acknowledge her presence at the launch of the Bravest of the Brave Travelling Exhibition. It commemorates the eight South Australians who were awarded the Victoria Cross in World War I. The eight men were: Arthur Blackburn, Phillip Davey, Roy Inwood, Jorgen Jensen, John Leak, Arthur Sullivan, Lawrence Weathers and James Woods. Some were born or educated in South Australia, some enlisted here, while others lived here either before or after the war.

Prominent members of the veterans community were joined at the launch by, as I said, the member for Taylor, Mayor Brenton Vanstone from the City of Port Pirie, Mayor Lachlan Clyne from the City of Unley, and family members representing the South Australian recipients of the Victoria Cross. The exhibition tells the story of eight ordinary men who, under extraordinary circumstances, demonstrated extraordinary heroism in the service of their comrades and country. They were truly the bravest of the brave.

The Victoria Cross for Australia was created in 1991 but, prior to that, Australians were eligible for the Imperial Victoria Cross. Ninety-six Imperial Victoria Cross medals were awarded to Australians, most for acts of extreme courage during the First World War. The launch of this exhibition was the first ANZAC centenary commemorative event of its type to be launched in the nation. There is no doubt that the centenary of ANZAC, as part of the centenary of World War I between 2014 and 2018, will be memorable for Australia.

I would like to thank Margaret Anderson and her team at History SA for their hard work in putting this exhibition together. I also acknowledge the ANZAC Day Commemoration Council, where the idea for this exhibition originated, and the Veterans' Advisory Council for providing their valuable support. Bravest of the Brave will be available for libraries, museums, historical societies, ex-service organisations and schools throughout South Australia to borrow for periods of between one and two months. The travelling program will commence next month and be coordinated by History SA.

It is expected that in the first year the display will focus on areas associated with the VC recipients. It will then be made more widely available for other regions. I am honoured to have been able to launch this exhibition, which will educate the community about the heroism and sacrifices made in the service of our great country.

ROYAL ADELAIDE HOSPITAL

Mr HAMILTON-SMITH (Waite) (14:34): My question is to the feeling unloved Minister for Health and Ageing. Will patients moved from the Royal Adelaide Hospital emergency department to his proposed hot floor continue to be counted as emergency department patients for the purpose of federal government records, or will they be deemed to have been admitted to a hospital bed?

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (14:35): I thank the member for his question. We are doing this in all our hospitals. Royal Adelaide is doing it in the most extensive way, I guess. It brought together as a local board a range of hot areas. The whole thinking behind this is based on the experience in Britain which did move towards—the current government is moving away from it now—a target of 90 per cent of patients being seen, treated, admitted or discharged within four hours.

One of the ways they achieved that was to determine very early on which patients are likely to be admitted and then stream those into a ward, such as an AMU—or as we call it an acute medical unit, or a hot ward, as we have used in popular language—where they can be managed outside the emergency department. They are not in emergency departments in terms of the statistical analysis: they have been moved out —

Mr Hamilton-Smith interjecting:

The Hon. J.D. HILL: I have never pretended otherwise.

Mr Hamilton-Smith interjecting:

The Hon. J.D. HILL: Madam Speaker, this synchronic approach is very interesting, but the member asked a question and I am seriously giving him an answer.

Members interjecting:

The SPEAKER: Order!

Mr Hamilton-Smith interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: The—

Ms Chapman interjecting:

The SPEAKER: Order! You will listen to the minister or move on to the next question.

The Hon. J.D. HILL: The intention is to take the patient—

Mr Pisoni interjecting:

The Hon. J.D. HILL: They have an answer for everything except a policy position. They just do not have any policy positions at all. They know how to be negative but they do not know how to be positive. Madam Speaker, the intention is—

The Hon. I.F. Evans interjecting:

The SPEAKER: Order! The member for Davenport, order!

The Hon. J.D. HILL: —to have the patients who do not need to be in the emergency department taken out of the emergency department and looked after in another part of the hospital. That I would have thought is a very sensible way of managing a group of patients. We are also looking to make sure that some patients who otherwise would go into the emergency department, who only really need GP help, can have somewhere else to go; that is why we are very strongly supporting GP Plus Health Care Centres and GP Super Clinics. They are getting attention outside the emergency department.

If we can build up both those services then we will have fewer people in the emergency department, which means that the emergency department will be able to operate in a more effective way. There are other things that we need to do as well, but all these things fit together. One of the things we want to do is to make sure that senior doctors are on duty over the full cycle of the hospital's operations, because at the moment we tend to have senior doctors operating only during the middle of the day—the normal working hours, rather—and not during the night; so, we want to have senior doctors registered, and that is part of the EB agreements.

That matter is being contested, I have to say, but we want to break through that so that we can have senior doctors on duty who are more able to make quicker and more effective decisions rather than having to have a whole lot of tests done because they are not sure about what is going on. There are a whole lot of measures we are putting in place to make the emergency departments work, but having hot floors, having acute medical units, is one of those ways.

ROYAL ADELAIDE HOSPITAL

Mr HAMILTON-SMITH (Waite) (14:38): Supplementary, Madam Speaker: if patients admitted to his hot floor are deemed to have been discharged from the emergency department but they have not been admitted to an acute inpatient bed in the hospital, how will they be accounted for?

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (14:38): I will get a technical explanation

for the member, but, as I understand it, they are admitted into that hot floor, that is a ward. It is a hospital ward. It is like any other hospital ward; it has a particular purpose. What is expected is that those patients would spend up to—

Mr Hamilton-Smith interjecting:

The Hon. J.D. HILL: You say that it is a fix, but it is fixing a problem by having patients removed from the emergency department and put into a hospital bed in a ward, which is like every other ward in the hospital. They are being admitted into a hospital ward. This is what everyone says they want us to do and we are doing it, and somehow it is some sort of fix. This is putting a patient in a—

Mr Hamilton-Smith: It's an extension of the emergency department?

The SPEAKER: Order!

The Hon. J.D. HILL: No, it is not an extension of the emergency department. That would be making a bigger emergency department. It is being used by doctors in the emergency department to find patients who are likely to need hospitalisation for a period time. So there will be up to—

Mr Hamilton-Smith: A halfway house.

The Hon. J.D. HILL: A halfway house might a good explanation for it. Up to 48 hours they will spend in there. That gives the doctors time to do the assessments and the review. They will have their own staff. It will be more like an intensive care unit than an emergency department. All the tests and observations will be done in an appropriate way. This is a breakthrough in the way we manage patients, and I commend Dr Villis Marshall, the general manager of the Royal Adelaide Hospital, for initiating this. If you want to mock him, that is fine.

Members interjecting:

The SPEAKER: Order! Member for MacKillop, order! If the member for MacKillop and the member for Waite want to have a conversation they can go outside and do it. Member for Light.

NEIGHBOURHOOD POLICING

Mr PICCOLO (Light) (14:40): My question is to the Minister for Police. Can the minister inform the house about SAPOL's focus on local communities in an effort to improve community safety?

The Hon. J.M. RANKINE (Wright—Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety, Minister for Multicultural Affairs) (14:40): I thank the member for Light for his question. The government has committed to recruiting an additional 313 police officers, 129 of whom are expected to be on duty by 30 June this year. This is on top of the 170 to 180 officers recruited each year to maintain existing numbers and builds on the 1,000 extra staff added to SAPOL since Labor was elected. The new officers joining SAPOL this year will boost patrols and CIB branches in local service areas, add specialist family violence staff to support new intervention orders, increase the organised crime and electronic crime branches, take the transit branch to more than 100 officers for the first time and more than double the number of officers in the neighbourhood policing teams.

SAPOL currently operates neighbourhood policing teams in vulnerable communities within the northern and southern suburbs, including Davoren Park, Smithfield, Munno Para, Hackham West, Huntfield Heights, Seaford and Seaford Rise. The new officers will be allocated to a new team in the northern suburbs and the first ever neighbourhood policing team in Adelaide's western region. As we have seen with more than 20,000 crimes being solved through Crime Stoppers, the community plays a major role in the detection and reporting of offences.

Local people are often the key witnesses that lead to successful prosecutions and providing a local officer who is known and trusted can be vital in giving people the confidence to speak up. Being attached to a specific suburb, the neighbourhood policing team officers are not patrol staff who get called to each corner of the LSA, or beyond. These officers are given the opportunity to develop relationships with residents, businesses and service providers.

One of the most important outcomes from the neighbourhood policing team model is that it helps police to solve problems rather than just solving crimes. In the north, the neighbourhood policing team worked in partnership with local residents, builders and developers to address a cluster of thefts from building sites and newly finished homes. They conducted surveillance and

provided advice on security and site management that resulted in a significant reduction in thefts. In the south, the neighbourhood policing team worked with the local council and Housing SA to establish contact with, and arrange assistance for, a resident who had previously refused to engage with services and was experiencing difficulties managing their home.

This cooperative approach has multiple benefits. For the community, they see issues that are costing them money or causing disturbance being fixed; for the police and other government agencies, it helps to create bonds of trust and collaboration between operational staff. One officer made the point that the government had set up MOUs and processes to help information flow between agencies; however, these agreements developed a whole new meaning after you met, worked with and achieved outcomes with staff from other organisations. It was no longer just about sharing the information, but it had become more about sharing the responsibility, sharing the successes and sharing the lessons about how things can be improved.

This government has boosted the funding and staffing for SAPOL to record levels so that it can initiate new and innovative programs like this without affecting existing services, and I look forward to updating the house on the work of the new neighbourhood policing teams in the future.

The SPEAKER: Perfect timing, minister. Four minutes exactly. The member for Norwood.

NYRSTAR

Mr MARSHALL (Norwood) (14:44): My question is also to the Minister for Health and Ageing. Will the minister inform the house if he is aware of any potential legal action considered by the government against Nyrstar. If so, when did he become aware?

The Hon. J.D. Hill: Sorry, I can't hear you.

Members interjecting:

The SPEAKER: Order!

Mr MARSHALL: Will the minister inform the house if he is aware of any potential legal action considered by the government against Nyrstar and, if so, when did he become aware?

The SPEAKER: Who was that directed to?

Mr MARSHALL: To the Minister for Health.

The Hon. P. CAICA (Colton—Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:45): I just want to reinforce the points the other day—

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: I know a couple of things. One is that the member for Norwood is green, he is loud and he blusters a lot, but the point—

Mr WILLIAMS: Point of order: I really am struggling to understand the relevance of this answer to the question. The question was whether the minister was briefed and when was he briefed?

The SPEAKER: Order! Thank you, the member will sit down. Minister, I direct you back to the question.

The Hon. P. CAICA: This is for the benefit of the member for Norwood as well as the house. With respect to any potential legal action or otherwise, it is not a matter for the government to determine. Parts 6 and 7 of the act—

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: —quite rightly keep at arm's length from the government and the minister any matters that deal with supplies enforcement and/or licensing.

PUBLIC TRANSPORT

Mrs GERAGHTY (Torrens) (14:46): My question is to the Minister for Transport Services.

Members interjecting:

The SPEAKER: Order! Sorry, member for Torrens, I am sure nobody heard that question. I will have some order. Can you repeat the question?

Mrs GERAGHTY: My question is to the Minister for Transport Services. Can the minister inform the house about the bus trial at Klemzig Interchange?

Members interjecting:

The SPEAKER: Order!

The Hon. C.C. FOX (Bright—Minister for Transport Services) (14:46): I thank the member for Torrens and acknowledge her keen interest in this area. I had the privilege of going out with her very recently on an extensive tour of the roads of her electorate. It was very useful and I thank her for that opportunity. As Minister for Transport Services, I, along with my department, take very seriously the feedback of commuters on the bus, train and tram network, and we are continually looking at ways of further improving the experience for customers.

An example of this is a trial we began late last month in response to customer feedback at the Klemzig Interchange. All 503 and 556 bus services have now begun stopping at the interchange as part of a trial to provide extra services for passengers travelling from the interchange to the city on weekday mornings. These operational changes have resulted in an additional 12 services stopping at Klemzig station between 7.21am and 8.51am, in addition to the 67 stopping services that currently service Klemzig between 7am and 9am.

This is a very busy area, and many passengers are taking advantage of the additional Klemzig Interchange stop and boarding these services on their way to work. When planning public transport, it is important to provide commuters with options, and this Klemzig Interchange initiative does just that. The Department of Planning, Transport and Infrastructure is monitoring patronage on these services during the trial and will use the results in the development of future timetables.

I would like to thank the member for Torrens, the member for Hartley and a number of other members from those areas who have been extremely helpful in putting in their opinions and their views about how we can change some of these things.

Members interjecting:

The SPEAKER: Order!

The Hon. C.C. FOX: One of the changes that we made that I am discussing today is actually as a direct result of that input. So thank you, Madam Speaker.

NYRSTAR

Mr MARSHALL (Norwood) (14:48): My question is to the Premier. Will the Premier confirm whether or not he is aware of potential legal action by the EPA against Nyrstar and, if so, whether or not this potential legal action was discussed with Nyrstar executives on his recent visit to London?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (14:49): I have nothing to add to the remarks that were made by the minister for the environment about the question of legal action. It is a matter for the EPA. Can I say that in relation to the discussions with Nyrstar, there were no discussions of potential legal action against them in my discussions with the chief executive in London.

ABORIGINAL COMMUNITY HOUSING

Ms BEDFORD (Florey) (14:49): My question is to the Minister for Mineral Resources and Energy. Can the minister inform the house how the government is improving living conditions in Aboriginal community housing?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Manufacturing, Innovation and Trade, Minister for Mineral Resources and Energy, Minister for Small Business) (14:49): I thank the honourable member for her question and her keen interest in improving the lives of South Australian Indigenous communities. This government is committed to improving living conditions in remote Aboriginal communities, and I am pleased to advise the house that the Department for Manufacturing, Innovation, Trade, Resources and Energy has recently contributed to the installation of 89 solar hot water systems in Aboriginal community housing at Marree, Coober Pedy and the APY lands.

These new systems, installed and co-funded by Housing SA at no cost to residents, will benefit residents by reducing energy use, greenhouse gas emissions and, importantly, cost of living and running costs. The remaining funding for this project was provided by the commonwealth government through the Renewable Remote Power Generation program which is administered in South Australia by DMITRE.

The Renewable Remote Power Generation Program dedicates $900,000 in funding to energy efficiency initiatives in South Australian outback communities, with over $284,000 allocated to this project. This project demonstrates how a collaboration between this state government and the commonwealth government can deliver significant benefits to remote communities. I am pleased that DMITRE could play a role in assisting residents in outback communities to reduce their carbon footprints and, most importantly, their power costs.

The remaining funds will be spent over the coming months. Over half a million dollars has been allocated to subsidise energy audits for large commercial enterprises and for procurement of energy efficient technologies recommended out of these audits. Madam Speaker, it will be of interest to you that residents of Coober Pedy will also benefit from subsidies to replace inefficient appliances with modern, efficient equivalents.

This government believes that climate change has contributed to damaging our environment and we are committed to helping South Australian residents and businesses to implement initiatives to transition to a low emissions economy. Our federal Labor government ought to be commended for making funds available for this important cause, and I also commend Housing SA and DMITRE staff for their work in administering the Renewable Remote Power Generation Program and delivering this solar hot water project. Having an efficient and reliable source of hot water will no doubt benefit the tenants in these houses as we enter the cooler months.

BUS CONTRACTS

Ms CHAPMAN (Bragg) (14:52): My question is to the Minister for Transport Services. Why is it that when the minister calls the bonus payments to a bus contractor a 'bonus', they are a bonus, but when the opposition calls the bonus payments to bus contractors a 'bonus', they are not a bonus? Yesterday in the house when I referred to the 8 per cent ticket validation bonus that is paid to bus contractors, the minister said, 'It is not a bonus.' However, the minister stated on talkback radio on 16 April, '...when the operator correctly sells tickets to people then they receive...an 8 per cent bonus'.

Members interjecting:

The SPEAKER: Order!

The Hon. C.C. FOX (Bright—Minister for Transport Services) (14:53): I am glad that we are going back in time in this way. Yesterday in the house, and this is part of my response to your question, the member for Bragg said to me:

> The Chief Executive of the Department of Transport, Mr Rod Hook—and I think the minister understands who he is [yes]—has provided a letter to the opposition, which the minister is aware of, which confirms that there is an 8 per cent bonus payment.

I have this letter in front of me, and I have read the letter. It is true that I wear spectacles but I cannot see the word 'bonus'. In fact, if you like, I will read that little bit—

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order!

The Hon. C.C. FOX: Madam Speaker, do I have permission to quote from a letter? Can I do that?

The SPEAKER: Yes.

The Hon. C.C. FOX: Thank you. 'Patronage Incentives'—this is a letter to the member for Bragg from the chief executive:

> The level of patronage adjustments paid during contract 2005-2011 per year and per contract comprises two components. The first is the payment which represents 8 per cent of validations. This arrangement is reflected in

the contract bid price from each contractor and, as explained, is consistent with the arrangements in the current contract.

Bear with me, Madam Speaker; it gets more interesting:

> The second is the patronage adjustment which is based on increases in the number of validations above the base year of 2005. These are shown in the tables below. These patronage adjustments have been discontinued in the new contract.

At no time in this letter did the chief executive refer to bonuses—

Members interjecting:

The SPEAKER: Order!

The Hon. C.C. FOX: —as the member for Bragg asserted in her question yesterday. What that tells me is that quite frequently the premise of these questions is questionable.

Members interjecting:

The SPEAKER: Order!

The Hon. C.C. FOX: The member for Bragg repeatedly refers to bonuses in an attempt to make the public believe that the government is throwing money at public contractors.

Ms Chapman interjecting:

The SPEAKER: Member for Bragg, order!

The Hon. C.C. FOX: Madam Speaker, I have tried time and time again to arm the member for Bragg with the correct information. I have arranged briefings for the member for Bragg. I have sat here and I have told the truth, I have told it how it is and still the information does not seem to go in.

I will say it again, for the record. The 8 per cent validation payment forms part of the larger contract, and it essentially means that the government holds back 8 per cent of the contractor's expected payments and pays them separately to ensure the contractor does the right thing.

Members interjecting:

The SPEAKER: Order!

The Hon. C.C. FOX: Carrying on, that is 8 per cent of each fare. So that is the average fare of how many people a particular company has carried; 8 per cent. A percentage is a proportion in relation to the whole. I hope that makes the percentage concept quite clear to the member for Bragg.

BUS CONTRACTS

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (14:57): I have a supplementary. Is the Minister for Transport Services suggesting that the bus operators get a 16 per cent payment? Do they get an 8 per cent validation payment as per the letter from Mr Hook and do they then get an 8 per cent bonus as per what the minister said on public radio on 16 April, when she said, 'When the operator correctly sells tickets to people then they receive an 8 per cent bonus'? Are there two 8 per cent payments or one?

The SPEAKER: Order! That was a very provocative question, member for MacKillop.

The Hon. C.C. FOX (Bright—Minister for Transport Services) (14:57): Eight per cent is 8 per cent and 16 per cent is 16 per cent. I was talking about eight.

Members interjecting:

The SPEAKER: Order!

The Hon. C.C. FOX: For the purposes of the member for MacKillop, if he requires clarification, 16 is eight times two. I am just talking about—

An honourable member: Come on, Chloe. You can do better than that. You are an embarrassment.

The SPEAKER: Order!

BIODIVERSITY FUND

Mr ODENWALDER (Little Para) (14:58): My question is to the Minister for Sustainability, Environment and Conservation. How many South Australian projects will receive funding under the commonwealth government's Biodiversity Fund?

Mr Pisoni: See if you can answer this one.

The Hon. P. CAICA (Colton—Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:58): I have answered all the others.

Mr Pisoni: Not like the others.

The SPEAKER: Order! The member for Unley will behave.

The Hon. P. CAICA: You have a lot to answer for. I thank the honourable member for his question. On Friday 4 May 2012 the commonwealth government announced the successful funding bids for round 1 of the Biodiversity Fund. The Biodiversity Fund is an important component of the commonwealth government's Clean Energy Future plan, the projects that will support and will—

Ms Chapman interjecting:

The Hon. P. CAICA: Beg your pardon?

Ms Chapman interjecting:

The Hon. P. CAICA: I apologise, Madam Speaker, that was out of order for me to respond or seek clarification. The projects that it will support will increase resilience to climate change, enhance and manage carbon storage, connect landscapes and help to reverse biodiversity decline. The fund will also provide new economic opportunities for farmers, forest growers and land managers, while also reducing carbon pollution. A total of 317 Biodiversity Fund bids were successful across Australia, totalling $271 million. Of these successful bids, 49 were South Australian and will result in a total of around $47 million in funding over the next six years.

South Australia was the second highest of all Australian jurisdictions, only behind New South Wales, in terms of the total value of successful bids. The successful South Australian bids encompass a wide geographic distribution across the state, with a strong regional focus. The bids range in value from around $5.2 million over six years for the Adelaide Mount Lofty Natural Resources Management Board to create resilient landscapes through large-scale replanting and restoration, through to $7,000 for a family trust to enhance and restore existing native vegetation corridors.

In summary, the successful South Australian bids are comprised of: 17 projects across seven natural resources management boards that total $27 million; 24 projects across 21 private organisations that total around $12 million; three projects across three local governments and local government associations that total around $6 million; and five projects across three South Australian government organisations that total $2 million.

Biodiversity Fund projects will help to revegetate, rehabilitate and restore landscapes in South Australia. They will complement existing programs such as our NatureLinks biodiversity corridors and will facilitate preservation of biodiversity in light of the anticipated effects of climate change. The relative success of South Australian organisations in achieving funding in round 1 of the Biodiversity Fund is a reflection of the quality of funding submissions made by these organisations, which in turn reflects the professionalism and dedication of the people involved. I commend all those involved in the development of these bids.

REGIONAL EDUCATION OFFICES

Mr PISONI (Unley) (15:01): My question is to the Minister for Education and Child Development. Is the government considering downsizing or closing any of their 11 regional education offices, staffing 545 full-time equivalent staff?

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (15:01): I thank the member for this question. The member would be very well aware that, when the new agency was created on 21 October, I was very pleased to have this responsibility. We announced that we were bringing together child protection services, education and a number of very significant health services. What that means is that we are in the middle of constructing a new agency, and that will be based on what we think is important for delivering services that will give

every chance to every child in our community. We have a number of structures that we have inherited, and it is fair to say that—

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: No, I am talking about the period before 21 October and the period after. The period before 21 October was one department of education, department for families and communities—

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: —and a number of services in Health. They now—

Members interjecting:

The Hon. G. PORTOLESI: Madam Speaker—

Mr Pisoni interjecting:

The SPEAKER: Order! Member for Unley, behave.

The Hon. G. PORTOLESI: They have now been brought together in the new Department for Education and Child Development. I will be very clear: I have made it very clear to my own executive leadership group that the present structures are on the table; they are absolutely on the table.

Ms Chapman: Not for long.

The Hon. G. PORTOLESI: No, they are on the table, and that includes regional offices, for instance. That includes regional offices. We are serious about—

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: We are serious about doing what we need to do to make sure that we appropriately support children and their families. If we want our kids to do well at school then all of the research shows that we need to be engaged with them before they actually get to school, because we know that by the time they are three, 90 per cent of their brain has been wired.

I presently have no plans about what a potential structure might look like, but I have certainly been very clear to my agency that structures as they presently stand are absolutely up for grabs as we create the new agency. I have said to them that I want them to be a part of creating the agency that they think is important. I hope soon, as we prepare legislation, to go out to the community and engage with the community, and engage with the opposition about what their vision is and how they see that we might deliver this.

For instance, I hope and I anticipate that our schools will become hubs in our community. Our schools sit on billions of dollars worth of infrastructure. I have to say the great schools that I go to are the schools that open themselves up to the community; we want more of that. I think that is particularly important in our low SES communities. So, yes, I have to say, everything is up for grabs in this new portfolio.

VIDEO COMMUNICATION CENTRES

The Hon. S.W. KEY (Ashford) (15:05): My question is directed to the Minister for the Public Sector. Can the minister inform the house on initiatives the government is implementing to reduce the need for public sector employees to travel?

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for the Public Sector) (15:05): I thank the member for Ashford for the question. Travel is an important part of everyday government business and has contributed to establishing and maintaining interstate and global networks in the domains of politics, the public sector and commerce. Interestingly, technology is increasing our ability to reduce the expense of travel to maintain these networks without removing the face-to-face element of important meetings.

To that end videoconferencing infrastructure is being rolled out by the South Australian government to improve communications, especially among geographically-dispersed staff within

specific agencies. It is also proving to be effective in reducing travel costs and staff travel times, including accommodation costs, as well as reducing the occupational health and safety risks associated with long-distance travel from the regions.

At present, videoconferencing technology is being utilised within agencies for remote education in TAFE, for long-distance medical consultations from regional areas and for conducting remote court appearances. Videoconferencing is also being used between agencies for vocational education and training for school students, and externally with other governments and external service providers such as non-government organisations.

In the current tight budgetary climate and in recognition of the importance of face-to-face communications for staff regionally dispersed across agencies, the Office of the Chief Information Officer has established a number of video communication centres. This will help to reduce the cost of travel through a centrally-managed service.

The government is currently in the process of enabling multiparty video connections; that is, more than two agencies. We have an arrangement with the commonwealth and a purpose-built facility within the State Administration Centre where the commonwealth and all state ministers can communicate without having to travel interstate, and this is a further evolution of this concept. This is particularly useful for agencies with multiple regional sites that need to communicate either together or across agency boundaries. Videoconferencing between external third parties and government will also be possible with this feature.

To make videoconferencing more appealing to government agencies, which is something that we want to encourage, the quality of video is being enhanced through a major upgrade of the government's data network at a cost of approximately $2.5 million. This upgrade positions the government well to handle the traffic loads resulting from increased use of videoconferencing. In addition, Service SA has recently installed room-based videoconferencing systems in Port Augusta, Mount Gambier and Gawler for use by government agencies. The Office of the Chief Information Officer is undertaking a number of across-government communications to increase awareness of these facilities and to support agencies interested in acquiring a service suitable for their needs.

Mr Pisoni interjecting:

The Hon. M.F. O'BRIEN: Still living behind the shop, mate? You must have lost everything!

Members interjecting:

The SPEAKER: Order! Member for Davenport.

HENLEY SURF LIFE SAVING CLUB

The Hon. I.F. EVANS (Davenport) (15:08): My question is to the Minister for Emergency Services. Was the work associated with the new Henley lifesaving clubrooms scheduled to start in December 2011 and why has it been delayed? Is the already-contracted builder receiving or entitled to receive payments for any delay in the commencement of the project and, if so, how much? The Henley Surf Life Saving Club is being demolished and replaced with new clubrooms. The work was scheduled to start in December 2011 and the council approved a new lease in January. Romaldi Constructions has already been contracted for the work and they were meant to have access to the site on 17 April.

The Hon. J.M. RANKINE (Wright—Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety, Minister for Multicultural Affairs) (15:10): I thank the member for Davenport for his question. I do not recall all of the detail in relation to that particular project, but I am happy to get a full answer and return it to the house for the member.

HISTORY FESTIVAL

Mr BIGNELL (Mawson) (15:10): My question is for the Minister for the Arts. Can the minister inform the house about the government's involvement in History Week?

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (15:10): Yes, I can, Madam Speaker. I thank the member for his question. I am very pleased to announce that the History Festival opened on 30 April and will run right through the entire month of May. About Time, South Australia's History

Festival, was developed from the very successful SA History Week, which began in 2004 and has grown since that time. It is backed, obviously, with government funding. The program was extended over a month in 2011 to mark our 175th anniversary, and it is being supported again this year.

This year's program is extensive and includes 513 individual events offered in every region of the state, and an exciting new element, Open House Adelaide, will be held on 19 and 20 May. That involves 48-plus buildings in the city opening up to the public, including Parliament House itself. These open buildings include both heritage places and cutting-edge modern architecture.

The festival will make an important contribution to our government's strategic priority of creating a vibrant city. Members might like to keep an eye out in the city for some of the wonderful historic images that are appearing on buildings, created by urban artist Peter Drew. History SA has also created a photographic exhibition from a fantastic collection of glass plate negatives, and they are being projected onto the rear of the Target building in Rundle Street.

It is encouraging to see the participation in Open House Adelaide from Adelaide businesses and from all tiers of government, including state government instrumentalities such as Housing SA, SA Water and Arts SA, the Film Corporation, the Festival Centre, as well as cultural institutions along North Terrace and, once again, our own parliament. The Adelaide City Council is both a participant and a supporter. The Commonwealth Law Courts building will also be offering tours.

I am particularly pleased to see that some other government housing initiatives, like Common Ground and Ifould Apartments, are included in the program. About Time is supported by several strategic partners, including the Adelaide City Council, the University of Adelaide, the University of South Australia and 891 ABC Adelaide. I would like to thank all of them. I commend the program to the house and encourage members to investigate what's on in Adelaide.

GRIEVANCE DEBATE

FLINDERS MEDICAL CENTRE

Mr HAMILTON-SMITH (Waite) (15:13): It has been an unfortunate week in health, but I want to do one thing: I want to congratulate the Minister for Health and Ageing for admitting today that he and his government got it miserably wrong on the Keith hospital. I think he has come in here today and made the right announcement, which is that the government is going to reinstate funding to the Keith hospital to the tune of $350,000 in a one-off grant. We know why—because they made an ill-considered, sad decision to cut funding to this hospital, and it blew up in their face. To use a Labor analogy, they had a hand grenade in their face, they let their finger go off, and it blew up right between their eyes.

You cannot take funding away from a district hospital like Keith and expect people to survive, and we have seen a tragic example of that in recent weeks. What they must now do is provide some long-term certainty to the Keith hospital. The minister has told the house today what I knew quite clearly when I went down there when I first became the shadow and spoke to the board, doctors and nurses, and that is that they cannot attract a GP service or GPs to Keith because there is no long-term future at the hospital. They will need something beyond a 12-month promise of one-off funding. That is his challenge leading into the next election.

However, it does not end there, because we have had tragic news this week of the failure of the emergency department at Flinders hospital. Of course, today's news is that doctors, through the SA Salaried Medical Officers Association, and nurses, through the Australian Nursing and Midwifery Federation, are in the Industrial Commission taking industrial action against the minister to get a delay on the closure of 10 mental health beds at the Tobin centre at Flinders, partly because of the pressure it will put upon the emergency department at Flinders.

The minister tells us everything is fine: he just failed to mention that the doctors and the nurses who run our health system do not agree with him. I am sorry, minister: the opposition does not agree with you, the doctors and nurses do not agree with you, and the patients that use our hospitals do not agree with you. You have got it wrong on closing these 10 acute beds and you have got it wrong on the way the emergency department is failing to function at Flinders. I am calling today for the minister not to close those 10 beds, at least until he has completed his own inquiry into the emergency department at Flinders. It may very well recommend that we need these 10 beds to remain open.

Of course, we then have the very sad circumstances of the resignation of Dr Di King at Flinders as a consequence of ramping, the cabbing up of ambulances at the Flinders emergency department. Dr King, as the house has heard, has had to pronounce people dead where the Coroner has found that they were left unattended in her emergency department on barouches in corridors and triage areas, without proper records being kept and without the right support. She has clearly said, 'Never again on my watch,' and she has maintained a standard in her emergency department that has made sure that people's lives are not put at risk.

That is not good enough for the minister for health. Clearly, Dr King, presumably at his instigation or that of an official somewhere within SA Health, was told, 'Guarantee there would be no ramping.' It was immoral, in her words, for her to give that guarantee and she has refused to do so. She has gone. What are the standards, or the lack of standards, now? There is no guarantee that patients will be admitted into the hospital and no guarantee that EDs will be appropriately resourced, but EDs are being told, 'Accept the patients, no matter what.' This is the scapegoating and the pressure that is being put on doctors and nurses by this government as we speak. It has been a week of shame.

I could talk about the fact that the minister is trying to sell car parks at the Women's and Children's Hospital that he does not own and I could talk about the many other problems in the health system, but I think this week alone has given us a demonstration that the minister, in the words of the doctors and nurses, is not consulting with them, he is not talking to the ambulance officers, he is blaming doctors when things go wrong, not himself, and he has championed a culture of denying responsibility. It is everybody else's fault but his.

The ACTING SPEAKER (Hon. M.J. Wright): The member's time has expired.

Mr HAMILTON-SMITH: I am here to tell members that it is his fault. It is his fault, and he must fix it.

The ACTING SPEAKER (Hon. M.J. Wright): Order! The member for Mitchell.

MARION CITY BAND

Mr SIBBONS (Mitchell) (15:18): I rise today to congratulate the members of the Marion City Band's three musical bands for their outstanding success at the 2012 National Band Championships held in Melbourne last month. The premier outfit, the Marion City Band, outplayed 11 other bands to be named Brass C Grade Champion, as well as finishing third in the Open C Grade marching.

The Warriparinga Brass Band took first place in D Grade Street Marching and third place in the Open D Grade Brass; and the under-19 Warriparinga youth outfit was national champion in B Grade Junior Brass, having moved up a grade after previously winning C Grade. Emily Legg was named Junior High Tuba National Champion, while Ed Koltun took out second place in the Open Tenor Trombone.

With the crucial backing of the City of Marion, the support and talents of local musicians and their friends and families, the Marion City Band has grown to be a popular and proud ambassador for the City of Marion, whether it plays down the road, across the state or around the nation. The band has a history dating back to its humble beginnings in 1969, with Mitchell Park Boys Tech being its original feeder school. These record member numbers and a consistently busy calendar make it one of the busiest city brass bands in Australia.

When Veronica Boulton took up her role eight years ago, 14 players came to the first rehearsal for a single band. In 2012 the Marion City Band encompasses three bands with around 80 members aged from seven to 70. With an average age of 22, there is strength in the young numbers, but the band welcomes new members of any age. Its training group caters for beginner adults as well as youth and children.

The Marion City Band provides a wonderful opportunity and environment for learning a musical instrument and fostering that talent, with many players going on to study music at a higher level. I have to declare some personal interest here, too. My 15-year-old son, Bradley, plays trombone in the band. Indeed, family support and participation is a key part of Marion City Band's success in recruiting and retaining members and performing to a high standard. In some cases entire families become part of the band, with up to three generations all playing.

This is all part of the friendly, social atmosphere in and around the band, which Veronica believes is an important element of its success. Many of the players become really good friends

and socialise outside the band's rehearsals and performances. The recent results in Melbourne further consolidate competition success that has been building for a number of years.

Six months ago at the Blue Lake Band Festival in Mount Gambier, the band won the titles of 2011 SA Champion C Grade Band, the 2011 South Australian Band Association Band of the Year and the Festival C Grade Champion Band, while Veronica was named Musical Director of the Year. While band members do not just get involved to play in competition, Veronica says that the challenges provided by such events as national championships have been the main reason the players have been improving so much. They look forward to competing and stretching their abilities.

An interesting and varied repertoire also provides plenty of challenges. Just at last week's rehearsal you would have heard a range of tunes, including the *Mission Impossible* movie theme and, from the 1970s, *Crocodile Rock*, *Crazy Little Thing Called Love* and *Smoke on the Water*. In highlighting their success, I would like to thank Veronica Boulton, the Marion City Band executive, Bernice (who has been feeding members for years—and the supporters) and, of course, I must thank the players for their dedication and commitment and the wonderful contribution they make to our local community.

HERITAGE FESTIVAL

Mr TRELOAR (Flinders) (15:22): I, too, would like to talk today about a community event, one that is actually going on from the middle of April right through to 31 May. The National Trust of South Australia is currently holding its Heritage Festival. That festival fortunately coincides with the South Australian History Festival, and there are events right across the state going on at this very moment. The Heritage Festival is celebrating the places and stories that make Australia and Australians special.

Today I would particularly like to talk about those regional South Australians who feature as part of this festival. I noted that there are a number of festival entries from Eyre Peninsula, and a couple in particular caught my eye. The first one to jump out at me was the recognition given to Birdseye's Bus Service, which began linking the Adelaide metropolitan area to the Eyre Peninsula—those far flung regions of the state on Eyre Peninsula, on the West Coast—way back in 1926. It was owned and operated for many years by Mrs Sylvia Birdseye.

I know the member for Stuart has said in this place that he drives many thousands of kilometres a year. I can tell members that Sylvia Birdseye drove 3,000 kilometres a week for 50 years—it might have been 40, but it was a long time, anyway. In fact, 'send it by Birdseye' was the catchcry if you wanted anything to get to Adelaide or back from Adelaide reliably and on time. It was a bus service that transported passengers and goods. In fact, I am old enough to remember travelling home by bus from Adelaide to Cummins, and even though by that stage (in the 1970s) it was owned and operated by Stateliner it was still known colloquially as 'the Birdseye'. Mrs Birdseye has been honoured by having the Cowell to Elliston road named after her.

The Brattenising plough is also recognised. Robert Bratten was the district clerk at Tumby Bay and he developed—in the throes of building roads in some very difficult terrain—a plough that would pull out large rocks and manage those rocks in the road building process. He too has had a road named after him, the Tumby Bay to Mount Hope road is named after Mr Robert Bratten.

Kelsh's Pug and Pine Cottage at Streaky Bay, sometimes known as 'Wattle and Daub'. One of the first things the early settlers had to do, of course, was build shelter and accommodation and they used whatever timber (often light timber) they could cut locally and pug it up with a mixture of hay, straw and mud. That cottage was built way back in 1886. The Kelsh family were one of the very early settlers in the Streaky Bay district, and the family continues on in that district. The cottage itself was relocated to Streaky Bay in 1982.

Bob Dobbin's barbed wire collection gets a mention. Bob began collecting barbed wire from all over Australia and all around the world in 1984. In fact, his collection is so famous that he has been inducted into the USA Barbed Wire Hall of Fame—can you imagine that? Congratulations to Mr Dobbins. That collection and exhibition is now held in the Koppio Museum, which is my local branch of the National Trust, of which I am a very proud member. Unfortunately, I am not able to get there to volunteer my time very often, but I look forward to doing that at some time in the future. It is an excellent museum, which is always looking for volunteers as are all museums around the state and on the Eyre Peninsula.

I have mentioned the Koppio Museum, which celebrates and commemorates our farming heritage. There is the Railway Preservation Society in Port Lincoln, which also does a marvellous job, the Axel Stenross Museum in Port Lincoln, which celebrates the maritime history of the Eyre Peninsula and West Coast, and one I visited recently was the Excell Blacksmith Shop in Tumby Bay, which is undertaking some negotiations at the moment about their demonstrations, they need to address some occupational health and safety issues but hopefully they will be able to work their way through that. In fact, Robert Bratten, who developed the Brattenising plough, had his prototypes built by the Excell Blacksmith Shop in Tumby Bay.

Other South Australian members of that hall of fame were the Smith brothers from Yorke Peninsula, who developed the stump jump plough, and one time treasurer and premier of this state, Richard Torrens, who developed a centralised system of land title that is used around the world. So, congratulations to all those who have been recognised and the National Trust itself and its good work.

ANGLICARE BEYOND GAMBLING CAMBODIAN ART EXHIBITION

Mrs VLAHOS (Taylor) (15:28): Today, I would like to speak about the Anglicare Beyond Gambling Cambodian Art Exhibition that I attended on Monday night. It was wonderful, once again, to visit the Wat Khmer Santipheap Temple in Paralowie for the launch of the Anglicare Beyond Gambling Cambodian Art Exhibition, which is in the middle of National Responsible Gambling Awareness Week. Problem gambling is an important issue for many people in my electorate. With me at the temple were, minister the Hon. Ian Hunter, who opened the exhibition, Mr Savonn Ly, the Wat Khmer Santipheap Temple president, the venerable Mom Sochenda, the venerable Nou Soung, the venerable Prom Saluon, the venerable Sieng Vuthol, Ms Zoe Bettison, the member for Ramsay, and the first member for Taylor, Dr Lynn Arnold, who is the current CEO of Anglicare South Australia.

About 1.6 per cent of our population in South Australia can be said to be classified as having a serious gambling problem. This is around 30,000 South Australians. As we all know, problem gambling has a severe effect on families, relationships, workplaces and communities. We also know that people from all backgrounds and cultures can develop problems with gambling. It is a problem that knows no social boundaries and it is a problem that is widespread across the community regardless of economic or educational outcomes.

Problem gambling can have a devastating effect on families and people often require professional help to overcome their problems and restore their lives and wellbeing. The message to be responsible when it comes to gambling is one that we all have a duty to communicate. In truth, the government cannot do this alone. I was heartened to see that this is exactly what the Cambodian community and Anglicare South Australia are doing—getting this message out.

Anglicare has been at the forefront of assisting problem gamblers and their families for many years and it should come as no surprise that they are greatly respected within the community and by other community organisations for the work they do to help individuals and families across cultural and religious boundaries. Anglicare understands that problems with gambling are usually accompanied by difficulties in other areas of relationships, such as finance, mental health, alcohol, drugs, violence and crime. This is why their Gambling Help Service line really works in a holistic way, supporting community members in a range of ways they can overcome these problems.

Today, the Beyond Gambling art exhibition is a testament to the relationship between the Cambodian community in my area of Paralowie and Anglicare. It was a wonderful partnership that developed an early intervention program targeted at young people. The aim was to engage and raise awareness within the community, focusing on life beyond gambling through a series of art workshops. The project uses art as a therapy technique and encourages people to discuss and build their resilience while developing skills and interests that are an alternative to gambling.

Participants were empowered, with the support of their family, friends and the wider community, to have opportunities to share and express their artistic experiences and life journeys. The exhibition is a result of community engagement and facilitation through the Anglicare SA Cambodian Gambling Help Service and through funding of the state government's Gamblers Rehabilitation Fund.

Projects like these are the result of the hard work of very many dedicated people, and I would also like to particularly congratulate all those who helped and brought the projects to fruition: Vira Thach of Anglicare, Ming Seng Suon, Phea Chhem, Christine Bell and all my friends at the

Wat Khmer Santipheap Temple at Paralowie for the continuing work that they do in this area within the community in the north.

WIND FARMS

Mr VAN HOLST PELLEKAAN (Stuart) (15:31): I rise today to speak about a very important issue and a few different aspects of it; that is, wind farms and their impact on the Port Augusta power stations. I support the development of wind farms, primarily for two reasons. Obviously, we should all be pursuing any opportunities to create cleaner, greener, more environmentally responsible electricity sources, but I also support them because of the very positive commercial and economic benefits that they have for regional communities. Communities in Stuart and other parts of the state have certainly benefited in recent years, and I hope that these benefits will continue.

It is also important to put on the record that, within communities around South Australia, there are differing and often conflicting views about wind farms. The Liberal opposition has put out policy that makes our position very clear, so I will not go through all of that, but, suffice to say, planning, in my opinion, is probably the single most important factor that would help allay concerns. Things are fairly haphazard at the moment. Developers waving chequebooks approach landowners and local and state governments for permission to develop wind farms, and if we were to turn that around and do some statewide zoning about where they may or may not be placed, then that would take care of a lot of the issues.

In terms of the statewide impacts, one of the things we must do is to make sure that we get our balance right across the state, keeping in mind that we need to fit into a national grid which, essentially, is a south-east Australian grid. We need to get the balance right on how much electricity will be generated from wind farms and how much from coal and gas. Every member of this house would agree that that is a very important balance to get right.

I put on record my opinion that, at the moment, that balance is a little out of whack. We have a national target for renewable energy of 20 per cent. We have a state target of 35 per cent. It is interesting to note that Denmark, which is one of the countries at the forefront of this issue worldwide, has settled on approximately 19 per cent of their electricity being generated from wind farms. I think that is probably a pretty good example. They have been leading the world in that area. Fortunately, that is not far, of course, from the 20 per cent national target, and I think our state target is too high.

We are starting to see some impacts from that balance getting out of whack, and this is where I come to talk about the two coal burning power stations at Port Augusta, and say again that no sensible South Australian, no sensible member of parliament, would want to do anything other than reduce pollution. We can all enter into the debate about how far do you go, and where the specific priorities are, but reducing pollution is a critical issue that we must all address.

The other thing that is important, of course, is that we all want electricity, and I fully support any renewable proposals that can be proven to be reliable, that can be proven to be affordable, and that support our regional economies in other ways. The two power stations operating currently, Playford and Northern at Port Augusta, employ approximately 500 people in the north of the state: approximately 250 at Port Augusta and approximately 250 at Leigh Creek, and protecting those jobs is incredibly important to me, and always at the forefront of my mind when considering these issues.

Because it cannot compete with wind farms on windy days, Alinta had to announce recently that it is not going to produce electricity in Port Augusta for the six months of the year when it is not profitable. It is going to essentially mothball Playford—which should happen anyway because it is a very polluting power station—but its Northern Power Station is going to be closed for six months of the year and they plan to only operate from October to March. They have guaranteed the workers, they have guaranteed the community, they have guaranteed me and others that, for a few years at least, that will not impact in any negative way on existing full-time employees, and I will do everything I possibly can to hold them to those guarantees.

I want to alert the government to the fact that I think that in the six months when Alinta at Port Augusta is not producing electricity, the government is going to run into strife with its obligation to the people of South Australia to provide electricity, and I forewarn the minister for energy that I think that it is very likely that in the six months of downtime, the government and the energy regulator may well have to go back to Alinta.

ONKAPARINGA CLINICAL EDUCATION PROGRAM

Ms THOMPSON (Reynell) (15:37): I want to speak today about the Onkaparinga Clinical Education Program, commonly known as OCEP. This is run by the Flinders University School of Medicine, and I express my thanks to Dr Sarah Mahoney, Academic Coordinator of the program; Linnea Boileau, Project Officer for the program; and especially to Professor Paul Worley, the Dean of the School of Medicine at Flinders University, for initiating this very innovative program. Through this program, third-year medical students at Flinders participate in what is described as:

> ...an exciting, hands-on learning experience where they are able to work closely with senior clinicians in a wide variety of settings. OCEP combines a half-year longitudinal, community-based program with a half-year program of specialty rotations.

From attending a function at which students and some of the GPs and specialists who host them were present, I learnt of the value from the perspective of the host practitioner as well as the student. The host really had to reflect on why they do what they have done for years, almost automatically, and the practitioners also said that the patients welcomed the involvement of a student in the room setting—the GP area—rather than just in the hospital.

OCEP is currently embarked on an excellent project with Christies Beach High School called The Cube, a collaboration to provide school students with a situation where medical students will provide advice, counselling, mentorship and guidance. The school students will thus acquire a much needed health service in safe and familiar settings, and the medical students will obtain valuable teaching and learning roles in adolescent health and wellbeing, which, in other documents, is described as a very testing area for a number of medical practitioners.

The project coordinators have approached The Second Story, SHINE SA, Headspace, the AMA, the local Department for Education and Child Development, and the Inspire Mentor Program at Flinders University, and have received overwhelming support for the project.

At the moment the OCEP students are working with the Christies Beach High School students to ask what are the expectations of the wellbeing centre and what does Christies Beach High School, including students, see as important issues. So the OCEP students are building the path for future students to take on the practical service. At the moment the idea is that the OCEP students could provide pre-doctor advice, provide referral information, offer mentoring and near-peer support, and be part of a larger student support network. The OCEP students would in turn be supported by their own clinical educators and the Christies counsellors.

At a recent seminar to discuss further with community agencies just how this project could work, the point was made by all the agencies that the orientation of the OCEP students was very important. They needed to be aware of the complexities of dealing with adolescents and with a socioeconomically disadvantaged school, and have a good understanding of the services that are available in the community, referral processes, and the issues faced by the various agencies in dealing with adolescents.

The Christies students have suggested that a good way to start is by the OCEP students holding a number of seminars in presentation model. The Christies students asked that the first seminar topic be 'Going to uni' and that the next seminar topic be 'A day in the life of...'. So it was interesting that the students did not start off wanting to know any medical things; the first question was 'What does it mean to go to uni?'

I am very pleased that Professor Worley has indicated to me his willingness to work on ways of finding pathways for Christies and Wirreanda students and other disadvantaged students to go to the prestigious medical school at Flinders University.

HEALTH PRACTITIONER REGULATION NATIONAL LAW (SOUTH AUSTRALIA) (MISCELLANEOUS) AMENDMENT BILL

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (15:44): 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.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (15:44): 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.

On 1 July 2010 the *Health Practitioner Regulation National Law (South Australia) Act 2010* came into effect. The Act sets out the legislative provisions for the operation of the National Registration and Accreditation Scheme, whereby practitioners in ten health professions across Australia are registered under a profession-specific national board and subject to nationally consistent registration standards and codes for their profession. The Act established the South Australian Health Practitioners Tribunal to hear disciplinary matters against health practitioners and appeals against decisions of the national boards.

The Act also covers the regulation of related matters in South Australia that are not part of the National Scheme. These matters include the registration of pharmacy premises and pharmacy depots.

The Amendment Bill before the House today makes changes to the legislation to give effect to:

- a standardised timeframe within which appeals against decisions of a national board may be made to a tribunal;
- revising the legislative provisions that relate to the ownership of pharmacy premises and pharmacy depots in South Australia; and
- provisions relating to the transition of the occupational therapy profession into the National Registration and Accreditation Scheme.

I will now outline these changes in detail for the benefit of Members.

Timeframe for the lodging of appeals against decisions of a national board

Under the National Registration and Accreditation Scheme practitioners and other persons may appeal a decision made by a national board. This appeal is made to a tribunal, which in the case of South Australia is the South Australian Health Practitioners Tribunal. Section 199 of the National Law outlines those decisions of a national board that are appellable and include decisions by the national board to:

- refuse to register a person;
- refuse to endorse or renew a person's registration;
- impose a condition on a person's registration;
- refuse to change or remove a condition or undertaking on a person's registration;
- reprimand or suspend a person's registration.

These actions may be undertaken by a national board to protect the health and safety of the public by ensuring that only those persons that are appropriately qualified can practise within the profession, and that these persons maintain high standards of competence and conduct when practising.

When the National Law was introduced in July 2010 there was no timeframe outlined within which a person must lodge an appeal against a decision made by a national board. It is important that any timeframe established is consistent across all jurisdictions to maintain the integrity of the National Scheme. Many jurisdictions have already set a timeframe of 28 days for appeals against a decision made by a national board. I have been advised that legislation is currently before the Northern Territory Parliament to introduce a similar timeframe, and the intent of the clause before the House will ensure that the National Law as it applies in South Australia is brought in line with all other jurisdictions.

The clause requires a person to appeal a decision of a national board within 28 days after which the decision of the board is made, or reasons for the decision by the board are given to the person, whichever is the later. The tribunal may consider an appeal outside of this timeframe if it is of the view that there are extenuating circumstances for why the person was unable to appeal within the 28 days. These circumstances will be provided for within the rules determined by the South Australian Health Practitioners Tribunal.

Ownership of pharmacy premises and pharmacy depots in South Australia

The *Health Practitioner Regulation National Law (South Australia) Act 2010* provides for the regulation of pharmacy premises and pharmacy depots in South Australia. These provisions are the same as those that previously existed in the now repealed *Pharmacy Practice Act 2007*, with the exception that the current provisions introduced a new category of pharmacy ownership, trustee pharmacy services providers. The identification of trusts as a means of pharmacy ownership was at the request of the former Pharmacy Board of South Australia which became aware that some pharmacists were using trusts to increase the number of pharmacies that they may own. I understand that the use of trusts as a form of pharmacy ownership has grown markedly in recent years to the extent that it is now more common than the use of companies (or corporate pharmacy services providers).

Until 1 July 2010 these trusts did not have to be registered with a regulatory body, and so no details were recorded about them. From 1 July 2010, these trusts have been required to be registered with the regulatory body to ensure that they are subject to the same requirements as other pharmacy services providers under the Act. This was considered to be important to ensure that the persons providing pharmacy services in South Australia are 'fit and proper' and that these providers can be subject to disciplinary proceedings for improper or unethical conduct or negligence.

Pharmacy stakeholders were consulted on the provisions relating to trusts, or trustee pharmacy services providers as they are referred to in the Act, when an exposure draft of the legislation was released. No objections

were raised to the identification and regulation of this group. However, during the first year of operation of the legislation, the South Australian Branch of The Pharmacy Guild of Australia brought to the attention of the Government that the definition of a trustee pharmacy services provider in the Act was having an unforeseen impact on the ability of trustee pharmacy services providers to conform to the legislative requirements by only allowing trusts to distribute income to individuals and not to companies or other trusts.

The Guild advised that the exclusion of companies and trusts from the legislation would have a significant negative financial impact as institutions made loans to pharmacy businesses on the basis that tax rates would be set at corporate rates, and without this being the case, pharmacists would be at risk of breaching their loan governance arrangements. The Guild also advised that corporate pharmacy services providers (or companies) also distributed income to other companies and trusts, and definitions under the legislation also precluded this.

It was not the Government's intention in regulating pharmacy premises to impede the business practices and models that pharmacists have established. The policy position underpinning the regulation of pharmacy premises is to protect the public by ensuring that:

- pharmacy premises and depots are registered and, as a result, are suitable to provide pharmacy services; and
- persons who are in 'positions of authority' are held accountable should they not meet their responsibilities under the Act.

It was not the policy intent that the legislation refer to the various pharmacy ownership models and business practices which are of course a matter for pharmacists to determine in conjunction with their financial or legal advisers.

The amendments before the House, which have been developed in conjunction with the Guild and the Pharmacy Regulation Authority SA, the body responsible for the regulation of pharmacy premises in this State, brings the legislation back to the basic policy principle for statutory regulation which is to protect the public.

The Bill also includes amendments to the rules on who may own a pharmacy in South Australia. As background, pharmacy premises may only be owned by a pharmacist (or a prescribed relative of a pharmacist). This restriction is endorsed by the Commonwealth Government and is applied across all jurisdictions on the basis that the public is protected by ensuring that only qualified persons can provide restricted pharmacy services (i.e. dispensing drugs or medicines on prescription).

However, in South Australia the pharmacy ownership requirements were not restricted to practising pharmacists; non-practising pharmacists (for example, retired pharmacists) could own a pharmacy but any restricted pharmacy services were to be provided only by a practising pharmacist. With the commencement of the National Registration and Accreditation Scheme in July 2010 the Pharmacy Board of Australia assumed responsibility for the regulation of pharmacists, but pharmacy premises continued to be regulated by States and Territories.

This split in regulation has caused some policy overlap resulting in confusion for pharmacists. The Pharmacy Board of Australia, whilst recognising that pharmacy ownership is the responsibility of separate legislation in States and Territories, has formed the view that it is in the public interest for proprietor pharmacists to hold general registration. The Board has issued *Guidelines on responsibilities of pharmacists when practising as proprietors* that include requirements that non-practising pharmacists are unable to comply with, for example, in relation to recency of practice and continuing professional development. The Board expects all registrants to comply with the requirements of the National Law, including all relevant registration standards and guidelines.

The Pharmacy Regulation Authority SA has advised that it now supports the Pharmacy Board of Australia's position that pharmacy service proprietors should hold general registration under the National Law. The Pharmacy Guild of Australia has also supported the national board's position.

The requirement that only practising pharmacists may own a pharmacy will bring South Australia in line with all other jurisdictions except Victoria. However, I am advised that there are a small number of non-practising pharmacists in South Australia that still own pharmacy premises. The legislation includes a transitional provision that will allow these non-practising pharmacists to continue their ownership until these holdings are sold. Should the pharmacist wish to increase their holdings after the commencement of this provision, then they will need to take out general registration with the Pharmacy Board of Australia.

Two other changes have been made to the legislative provisions as they relate to the regulation of pharmacy premises in South Australia. These two changes relate to administrative matters only. The first of these changes concerns the granting of exemptions that will allow an unqualified person to provide restricted pharmacy services. The intent of this clause allows public and private hospitals to operate their own pharmacies and provide services to their patients. Currently only the Little Company of Mary Health Care Limited at the Calvary Hospital has been granted an exemption with the condition that any services must be provided by a pharmacist who holds a current practising certificate. Previously, any exemptions were granted by the Governor by way of proclamation. It is now proposed that any such exemptions are granted by the Minister for Health and published in the Government Gazette.

The second change relates to the setting of fees for the registration of pharmacy premises and depots and other related matters such as register extracts and issuing of duplicate registration certificates. The fees are set at a level to ensure that the activities of the Pharmacy Regulation Authority SA are fully-funded. The legislation currently requires the Minister for Health to fix these fees, but the amendment transfers this power to the Pharmacy Regulation Authority SA. This follows a similar process to that which State health registration boards previously operated under.

Transition of the occupational therapy profession into the National Registration and Accreditation Scheme

On 1 July 2012 four additional health professions will be incorporated into the National Registration and Accreditation Scheme being:

- Aboriginal and Torres Strait Islander health practice;
- Chinese medicine;
- medical radiation practice; and
- occupational therapy.

National boards were appointed for each of these professions in June 2011, and over the last ten months, these boards have developed registration standards, codes and guidelines that will apply to their profession. Of these four professions, only occupational therapy is currently regulated in South Australia. Occupational therapists registered with the Occupational Therapy Board of South Australia will transition into the National Scheme and be deemed to be registered with the Occupational Therapy Board of Australia on 1 July 2012. South Australian practitioners in the other three professions have been encouraged to apply for registration now to ensure that their applications are processed in time to enable them to continue to practise upon commencement of the National Scheme on 1 July 2012.

Whilst the National Law provides for the inclusion of the occupational therapy profession in the National Scheme from 1 July 2012, saving and transitional provisions need to be established to repeal the current *Occupational Therapy Practice Act 2005* and dissolve the Occupational Therapy Board of South Australia. The transitional provisions that will apply are the same that pertained to the nine South Australian registration boards for those health professions that were included in the National Registration and Accreditation Scheme on 1 July 2010.

Assets and liabilities from the Occupational Therapy Board of South Australia will transfer to the Australian Health Practitioner Regulation Agency for distribution to the Occupational Therapy Board of Australia. The amount to transfer into the National Scheme has been determined by an agreed formula covering the operating costs, liabilities and revenue derived from registration fees. Any balance of funds after the transfer to the National Scheme will be distributed to the Minister for Health for distribution to external agencies to administer for purposes agreed between the Minister and the State board (for example: research or scholarships). No funds from the State board will be used by the Government for other purposes; this is money derived from registrants and it will be used for the development of the occupational therapy profession in this State.

I would like to take this opportunity to thank those staff and members, both past and present, of the Occupational Therapy Board of South Australia for the service that they have provided in ensuring the regulation of the occupational therapy profession in this State since 1974. It has been a difficult time for the Board over the last two years knowing that the health profession was to be included in the National Scheme from 1 July 2012. But the Board has continued under the leadership of Dr Mary Russell to ensure that it meets its statutory responsibilities and continues to support the occupational therapy profession in this State. I am pleased to advise the House that Dr Russell was appointed the inaugural Chair of the Occupational Therapy Board of Australia in June 2011 and has ably led the Board in the enormous challenge to prepare the profession for national registration. Members will appreciate the amount of lead-in work that has been involved and the challenges that the national board has faced when I advise that an estimated 5,800 occupational therapists across Victoria, New South Wales, Tasmania and the Australian Capital Territory have not previously been subjected to statutory registration.

The incorporation of the occupational therapy profession into the National Scheme will result in the closure of the last health registration board in this State as regulation transfers to the National Scheme. This does not imply that regulation of health practitioners in this State has failed. In fact, unlike other jurisdictions, South Australia has been fortunate not to have cases of practitioners who have been found not to be fit and proper persons to practise, or to have engaged in unprofessional conduct. However, the move to national registration means that all practitioners in those health professions that are part of the scheme are subject to nationally consistent registration standards and codes and are able to work across jurisdictions. Additional health professions will be incorporated into the National Scheme where it is demonstrated that there is a need for regulation to ensure the health and safety of the public.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

The measure will be brought into operation by proclamation.

3—Amendment provisions

This clause is formal.

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

4—Insertion of section 6A

It is intended to specify that an appeal to the Tribunal for the purposes of the National Law must be instituted within 28 days after the person making the appeal was given notice of the relevant decision or was given reasons for the relevant decision, whichever is the later. The Tribunal will also be given a discretion to extend the time for instituting an appeal.

5—Amendment of section 26—Interpretation

It is intended to revise some of the provisions and definitions associated with the persons or bodies that are entitled to be involved in a pharmacy business.

6—Amendment of section 34—Functions of Authority

These are consequential amendments.

7—Amendment of section 41—Registration of premises as pharmacy

This amendment will require that a person does not own, or hold a proprietary interest, in a pharmacy business unless the business is carried on at premises registered as a pharmacy under the Act.

8—Amendment of section 43—Supervision of pharmacies by pharmacists

It is proposed that the pharmacist who must be in attendance at a pharmacy must be a person who holds a general registration under the National Law to practise in the pharmacy profession.

9—Amendment of section 49—Registers

These are consequential amendments.

10—Amendment of section 50—Registration of pharmacy services providers

This is a consequential amendment.

11—Amendment of section 51—Restrictions relating to provision of pharmacy services

It is intended to provide that a person must not own, or hold a proprietary interest, in a pharmacy business unless the person satisfies a requirement as to being a pharmacist, a prescribed relative of a pharmacist, or a specified entity. Another set of amendments will provide that exemptions under the section will be conferred by the Minister by notice in the *Gazette* rather than by proclamation.

12—Amendment of section 53—Cause for disciplinary action

13—Amendment of section 54—Inquiries as to matters constituting grounds for disciplinary action

14—Amendment of section 55—Contravention of prohibition order

15—Amendment of section 68—Providers of pharmacy services to be indemnified against loss

16—Amendment of section 69—Information relating to claims

17—Amendment of section 71—Evidentiary provision

These are consequential amendments.

18—Amendment of section 82—Regulations

It is proposed to allow (by regulation) Pharmacy Regulation Authority SA to fix fees or charges in relation to Part 4 of the Act.

19—Amendment of Schedule 1—Repeals and transitional provisions

These amendments provide for the repeal of the *Occupational Therapy Practice Act 2005* and the winding up of the activities of the Occupational Therapy Board of South Australia.

Schedule 1—Transitional provision

The amendments effected to Part 4 of the Act will not affect an existing interest while the interest continues to be held by the same person.

Debate adjourned on motion of Mr Pederick.

NATIONAL HEALTH FUNDING POOL ADMINISTRATION (SOUTH AUSTRALIA) BILL

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (15:45): Obtained leave and introduced a bill for an act to give effect to requirements under the National Health Reform Agreement in relation to the establishment and management of accounts, the receipt and payment of funds, and the provision of information; to provide for financial management and reporting in relation to commonwealth/state health funding; and for other purposes. Read a first time.

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (15:46): 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 Bill before the House forms part of a national reform process to improve the transparency and accountability in how our public hospitals are funded and managed. In August 2011 the Council of Australian Governments signed the National Health Reform Agreement committing all Commonwealth, State and Territory Governments to work in partnership to improve the health outcomes for all Australians and to ensure the sustainability of the public health system going forward.

The national reforms will result in changes to the organisation, funding and delivery of our health care system. Under the National Health Reform Agreement the Commonwealth and States and Territories have joint responsibility for funding hospital services. Activity based funding will be used as the primary basis for funding the majority of public hospital services, although some services that are not appropriately funded through this method will continue to be block (or grant) funded.

The National Health Reform Agreement provides for the establishment of four independent national bodies to focus on increased accountability, transparency and performance of the health system:

- Independent Hospital Pricing Authority
- National Health Funding Authority
- National Health Performance Authority
- Australian Commission for Safety and Quality in Health Care.

These bodies have been, or are in the process of being, established under the Commonwealth Government's *National Health Reform Act 2011*. I will briefly outline the role of each of these bodies in the health reform process.

The *Independent Hospital Pricing Authority*, or IHPA, is responsible for determining the national efficient price for public hospital services for use in activity based funding, and the efficient cost of block funded services and teaching, training and research. IHPA will also determine what public hospital services will be eligible for Commonwealth Government funding contribution and formulate the data requirements and standards relating to public hospital services for States and Territories to achieve national consistency.

The *National Health Funding Body* will support the Administrator of the National Health Funding Pool to provide activity based funding and block funding to local hospital networks. All Commonwealth Government public hospital funding and the State Government's activity based funding will flow through the National Health Funding Pool to local hospital networks. This funding arrangement is the subject of the Bill before the House and I will outline the role of the Administrator and the National Health Funding Pool in more detail later.

The *National Health Performance Authority* is responsible for monitoring and publicly reporting on the performance of local hospital networks in addition to public and private hospitals, Medicare Locals and other health bodies. This will allow communities to compare the performance of their health service in a way that is nationally consistent.

The *Australian Commission for Safety and Quality in Health Care* which is an existing body, has had its powers extended as an independent statutory authority to lead, coordinate and monitor improvements in safety and quality in health care, including nationally agreed clinical standards and standards for safety and quality improvement. The Commission is responsible for publicly reporting on the safety and quality performance of health services against national standards.

All costs associated with the establishment and ongoing operation of these national bodies are the responsibility of the Commonwealth Government.

The organisation and delivery of health care services is through local hospital networks, or local health networks as they are known in South Australia, and Medicare Locals. The South Australian Government established five local health networks that came into operation from 1 July 2011:

- Central Adelaide Local Health Network
- Northern Adelaide Local Health Network
- Southern Adelaide Local Health Network
- Country Health SA Local Health Network
- Women's and Children's Health Network.

Each of these networks is responsible for managing the delivery of hospital and health services to improve the health of their local communities. These services will be agreed by the State Government through annual Service Agreements. Each network is responsible for the management of their budget.

The Commonwealth Government is responsible for the establishment of five Medicare Locals in South Australia. Four Medicare Locals have already been established in South Australia:

- Central Adelaide and Hills Medicare Local
- Country North SA Medicare Local

- Northern Adelaide Medicare Local
- Southern Adelaide—Fleurieu Medicare Local.

I understand that the fifth Medicare Local, Country South SA Medicare Local, will commence on 1 July 2012.

Medicare Locals consist of general practitioner and primary health care organisations working together to coordinate the delivery of services to meet local health care needs. Medicare Locals are responsible for assessing the health care needs of their local communities, identifying gaps in general practitioner and primary health care services and putting strategies in place to address these gaps. Medicare Locals will need to work closely with the local health networks to make sure that the primary health care services complement the public hospital services to meet local health care needs.

These initiatives are about the governance of the public health system in making it more accountable to local communities.

A key part of the health reform process, and the purpose of the Bill before the House, is to ensure the ongoing sustainability of the public hospital system, and that there is complete transparency and accountability in the manner which public hospital funding is allocated.

I will address each of these points in more detail later but from 1 July 2012:

- all monies received from the Commonwealth Government for public hospital services will go direct into an account established for each State and Territory to be allocated to each local health network in accordance with their Service Agreement
- funding from the Commonwealth and State Governments will increasingly be allocated on an activity basis rather than the current method of special purpose payments. This will better reflect the cost of providing public hospital services
- the Commonwealth Government has agreed to provide funding towards the growing costs of the public hospital system.

The move to activity based funding will ensure that public hospitals will be funded for each and every service that they provide, based on a national efficient price determined by the Independent Hospital Pricing Authority. From 1 July 2012, acute inpatient services, emergency department services and eligible non-admitted patient services will be the subject of activity based funding. From 1 July 2013, activity based funding will be extended to include mental health services and those remaining inpatient and non-admitted patient services not previously picked up.

As part of the transition to activity based funding the Commonwealth Government has guaranteed that until 1 July 2014 no State or Territory Government will be worse off. Until this time the Commonwealth Government will continue to provide funding to the amount that would have been otherwise payable through South Australia's special purpose payments for public hospital services.

The Bill before the House provides that there will be complete accountability and transparency on the funding provided by the Commonwealth and State Governments to local health networks and the consequent accounting and reporting of these funds. All Australians will be able to clearly see how much funding is allocated to public hospital services and how this funding is spent. These arrangements will commence on 1 July 2012, subject to this Bill being passed by both Houses of Parliament.

Under the National Health Reform Agreement each State and Territory Government has agreed to pass legislation to give effect to the establishment of a State Pool Account with the Reserve Bank of Australia to receive all Commonwealth Government monies for the public hospital system and all activity based funding from the jurisdiction. These State Pool Accounts will be collectively known as the National Health Funding Pool. All monies from the State Pool Account will flow to a local health network in accordance with their Service Agreement.

The Commonwealth and States and Territories will also pass legislation to establish the position of Administrator who will be responsible for all payments into and out of the National Health Funding Pool. There will be a single person appointed as the Administrator, and this person will administer the State Pool Accounts of the National Health Funding Pool for all jurisdictions. The person appointed as Administrator will be an independent statutory office holder, separate from any Commonwealth and State and Territory department.

Each Health Minister, as part of their membership on the Standing Council on Health, will be entitled to nominate a person to be appointed as the Administrator. The Administrator will be appointed by each Health Minister once agreed by all members of the Standing Council on Health.

The Administrator will perform discrete functions which include:

- the calculation and provision of advice to the Commonwealth Treasurer of the amount to be paid by the Commonwealth Government into each State Pool Account
- ensuring that payments are made into each State Pool Account
- making payments from each State Pool Account in accordance with the directions of the jurisdiction
- reporting publicly on the payments made into and from each State Pool Account.

The Administrator may be suspended by the Chair of the Standing Council on Health if requested by at least three jurisdictional Health Ministers or the Commonwealth Health Minister if the Administrator:

- is unable to perform the functions of the office satisfactorily because of physical or mental incapacity
- has failed to comply with their obligations or duties
- has been accused or convicted of an offence that carries a penalty of imprisonment
- has or may become bankrupt.

The Administrator may be removed from office if the majority of members of the Standing Council on Health so request.

The Administrator will be entitled to remuneration determined by the Commonwealth Remuneration Tribunal and will be supported by staff and facilities provided by the National Health Funding Body. The remuneration of the Administrator and all costs associated with the operation of the National Health Funding Body will be met by the Commonwealth Government.

In order to ensure consistency in the performance of the Administrator, the Commonwealth and State and Territory Governments have agreed a set of common provisions detailing the financial management and accountability arrangements pertaining to the functions of the Administrator. In order to simplify governance arrangements Commonwealth legislation will apply to the functions of the Administrator rather than individual State and Territory legislation. For example, the relevant Commonwealth legislation will apply to the functions of the Administrator rather than this State's *Acts Interpretation Act 1915*, *Freedom of Information Act 1991*, *Ombudsman Act 1972*, and *State Records Act 1997*.

The Administrator will make payments out of the State Pool Account in accordance with directions from the responsible Minister for the State. These directions include the amount to be paid and when the amount is to be paid to a local health network.

In addition to the State Pool Account there will be a State Managed Fund which will receive funds from the Commonwealth and State Government for block grants and teaching, training and research. These funds are for those non-patient hospital services or for patient services that are not appropriately funded through activity based funding. These services, including smaller country hospitals, will continue to receive a set contribution ('block funding') rather than funding based on individual services provided. Payments from the State Managed Fund will be made in accordance with directions from the responsible Minister for the State.

It is important to stress that funds held in both the State Pool Account and the State Managed Fund will be under State control and both will be subject to the requirements of this State's *Public Finance and Audit Act 1987*. Payments from these accounts will be at the direction of the responsible Minister for the State.

The Administrator will provide monthly reports and an annual report on the amounts paid into, and from, both the State Pool Account and the State Managed Fund and the number of public hospital services funded. The South Australian Auditor-General will continue to be responsible for auditing the State Pool Account and the State Managed Fund for this jurisdiction. The Auditor-General is also able to undertake a performance audit of the Administrator to determine whether they are acting effectively, economically, efficiently and are complying with the legislation.

The Bill also provides for the provision of information between a Minister for the State and the Administrator. For example, under the Bill the Health Minister is to provide the Administrator with a copy of the Service Agreement, and any variations, for a local health network. This Service Agreement is to also be made available in such a manner that it is accessible to members of the public. The responsible Minister for the State is also to provide the Administrator with information on the State Managed Fund for incorporation into the monthly and annual reports. The Administrator is to provide a Minister for the State with information for the State that may be requested as well as a copy of the advice provided to the Commonwealth Treasurer on the amounts to be paid by the Commonwealth Government into each State Pool Account.

The National Health Reform Agreement builds on changes the South Australian Government has been putting in place through *South Australia's Health Care Plan 2007-2016*, to make sure that the public hospital system is more efficient so it can continue to deliver quality services to all in our community.

The National Health Reform Agreement ensures transparency and accountability in the manner in which our public hospital services are funded and the way that the health care system is managed. It also ensures that the Commonwealth Government works in partnership with the State and Territory Governments to make the public hospital system more sustainable.

As Members are aware the cost of health care to South Australia has been growing steadily, as is the case across Australia. This has been exacerbated by a steady decline in the Commonwealth Government's share of funding which has fallen from around 50 per cent to below 40 per cent over the last decade. This decline has been halted with the signing of the National Health Reform Agreement and we now have a commitment from the Commonwealth Government to restore its funding to a reasonable balance with the State's contribution. From 2014-15 the Commonwealth Government will meet up to 45 per cent of the efficient growth in public hospital costs and by 2017-18 will meet up to 50 per cent of efficient growth. So every year, the funding will contribute to the growth of public hospital services and increasing cost of public hospital services.

The funding arrangements outlined in this Bill provide more certainty and more money for South Australia's public hospital system which will lead to a more effective health system that meets the health needs of the South Australian community. South Australia will receive an estimated total of $1.1 billion in growth funding over the period 1 July 2014 to 1 July 2020.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

The measure will be brought into operation by proclamation.

3—Interpretation

This clause sets out the definitions required for the purposes of the legislation. Under this measure, 2 accounts are to be established, namely a *State Managed Fund*, being a bank account or fund established as a State Managed Fund for the purposes of the National Health Reform Agreement (see clause 17), and a *State Pool Account*, being the bank account established under Part 3.

In order to provide for consistency across a series of provisions that will form part of the common scheme to be established by the Commonwealth, States and Territories, the interpretation provisions applying under the *Health Practitioner Regulation National Law* (as enacted as a law of South Australia) will apply in relation to Parts 2 to 5 (inclusive) of this measure and the *Acts Interpretation Act 1915* will not apply in relation to those Parts (see subclauses (5) and (6)).

Subclause (7) expressly provides that any incorporated hospital under the *Health Care Act 2008* is a local hospital network for the purposes of this measure.

4—Extraterritorial operation of Act

This clause makes express provision for the operation of the legislation in relation to the following:

(a) things situated in or outside the territorial limits of this jurisdiction; and

(b) acts, transactions and matters done, entered into or occurring in or outside the territorial limits of this jurisdiction; and

(c) things, acts, transactions and matters that would, apart from this measure, be governed or otherwise affected by the law of another jurisdiction.

5—Act binds the Crown

This measure will bind the Crown.

Part 2—Administrator of the National Health Funding Pool

6—The office of Administrator

This clause provides for the establishment of the office of Administrator of the National Health Funding Pool for the purposes of the law of the State. It is intended that the same individual will hold the same office under the corresponding law of the Commonwealth and the other States.

7—Appointment of Administrator

This clause sets out a scheme for the appointment of the Administrator under an agreement established by all members of the Standing Council on Health.

8—Suspension of Administrator

It will be possible to suspend the Administrator from office on specified grounds.

9—Removal or resignation of Administrator

An Administrator will be removed from office on the decision of a majority of the members of the Council. The Administrator may resign by notice in writing to the Chair of the Standing Council on Health.

10—Acting Administrator

The Chair of the Standing Council on Health will be able to appoint a person to act as the Administrator during any period when the office is vacant or the holder of the relevant office is suspended or absent from duty.

11—Provision of staff and facilities for Administrator

The National Health Funding Body will provide staff and facilities to assist the Administrator in the performance of his or her functions.

12—Functions of Administrator

This clause sets out the functions of the Administrator, which will include—

(a) to calculate and advise the Treasurer of the Commonwealth of the amounts required to be paid by the Commonwealth into each State Pool Account of the National Health Funding Pool under the

National Health Reform Agreement (including advice on any reconciliation of those amounts based on subsequent actual service delivery); and

(b) to monitor State payments into each State Pool Account; and

(c) to make payments from each State Pool Account in accordance with the directions of the State concerned; and

(d) to report publicly on the payments made into and from each State Pool Account.

The Administrator will not be subject to the control or direction of a Commonwealth Minister but the Administrator is required to comply with any direction given by COAG.

Part 3—State Pool Accounts—the National Health Funding Pool

13—Establishment of State Pool Accounts with Reserve Bank

The Chief Executive of the Department will open and maintain a bank account at the Reserve Bank of Australia as the State Pool Account for the State.

14—Payments into State Pool Account

The following will be payable into the State Pool Account:

(a) money paid to the State by the Commonwealth for payment into the State Pool Account under the National Health Reform Agreement; and

(b) money made available by the State for the purposes of funding in the State through the State Pool Account under the National Health Reform Agreement; and

(c) money paid to the State by another State for payment into the State Pool Account under the National Health Reform Agreement; and

(d) interest paid on money deposited in the State Pool Account, unless directed to be paid into another bank account by the responsible Minister for the State.

15—Payments from State Pool Account

There will be payable from the State Pool Account amounts to fund the following in the State under the National Health Reform Agreement:

(a) the services provided by the local hospital networks;

(b) health teaching, training and research provided by local hospital networks or other organisations;

(c) any other matter that under that Agreement is to be funded through the National Health Funding Pool.

Payments from the State Pool Account are to be made by the Administrator strictly in accordance with the directions of the responsible Minister for the State.

16—Distribution of Commonwealth funding

This clause provides that directions given by the responsible Minister for the State for payments from the State Pool Account are to be consistent with the advice provided by the Administrator to the Treasurer of the Commonwealth about the basis on which the Administrator has calculated payments to be made into that Account by the Commonwealth.

Part 4—State Managed Fund

17—Establishment of State Managed Fund

The Chief Executive of the Department will open and maintain with a financial institution a separate account as the State Managed Fund for the State for the purposes of health funding under the National Health Reform Agreement.

18—Payments into State Managed Fund

The following will be payable into the State Managed Fund:

(a) block funding allocated to the State, or paid from the State Pool Account, for the provision of hospital and other health services under the National Health Reform Agreement; and

(b) funding for teaching, training and research related to the provision of health services allocated by the State, or paid from the State Pool Account, under the National Health Reform Agreement; and

(c) interest paid on money deposited into the fund, unless directed to be paid into another bank account by the responsible Minister for the State.

19—Payments from State Managed Fund

Payments from the State Managed Fund will be decided by the responsible Minister for the State.

Payments from the State Managed Fund will be made to—

(a) local hospital networks and other providers of hospital and other health services; and

(b) universities and other providers of teaching, training and research related to the provision of health services.

Part 5—Financial management and reporting

20—Financial management obligations of Administrator

The Administrator will develop and apply financial management policies and procedures with respect to the State Pool Accounts, keep proper records in relation to the administration of the State Pool Accounts, and prepare financial statements in relation to the State Pool Accounts.

21—Monthly reports by Administrator

The Administrator will provide monthly reports to the Commonwealth and each State containing information about payments into and out of each account, the number of public hospital services funded for each local hospital network in accordance with the system of activity based funding, and the number of other public hospital services and functions funded from each account.

22—Annual report by Administrator

The Administrator will prepare an annual report, which will include relevant financial information. The annual report will include audited financial statements in relation to the State Pool Accounts.

23—Administrator to prepare financial statements for State Pool Accounts

The Administrator will prepare the relevant financial statements in respect of each financial year.

24—Audit of financial statements

The financial statements for the State Pool Account of the State will be audited by the Auditor-General.

25—Performance audits

It will be possible for the Auditor-General to conduct a performance audit to determine whether the Administrator is acting effectively, economically, efficiently and in compliance with all relevant laws.

26—States to provide Administrator with information about State Managed Funds

The responsible Minister for the State will provide information required by the Administrator for the preparation of relevant reports and financial statements.

27—Provision of information generally

The Administrator will provide relevant information requested by the responsible Minister for the State. The Administrator will also provide a copy of any advice provided by the Administrator to the Treasurer of the Commonwealth about the basis on which the Administrator has calculated the payments to be made into the State Pool Accounts by the Commonwealth.

Part 6—Miscellaneous

28—Exclusion of legislation of this jurisdiction

29—Application of Commonwealth Acts

These clauses set out a scheme for the application of certain common "oversight" laws to the activities of the Administrator. The relevant enactments will apply as laws of the State.

30—Public finance and audit

The Administrator will not be regarded as a public authority under the *Public Finance and Audit Act 1987*, other than for the purposes of the performance audit to be conducted under Part 5.

The State Pool Account and the State Managed Fund will be taken to be special deposit accounts under the *Public Finance and Audit Act 1987* and will be required to be maintained in accordance with the requirements of the *Public Finance and Audit Act 1987*.

31—Service agreements

The Minister will establish a Service Agreement with each local hospital network.

32—Provision of information

A Minister acting under this legislation is specifically authorised to provide any information to be provided to the Administrator under the National Health Reform Agreement.

33—Delegation

A Minister will be able to delegate a function of the Minister under the Act.

34—Regulations

The Governor will be able to make regulations for the purposes of the Act.

Schedule 1—Transitional and validation provisions

1—Transitional and validation provisions

This schedule sets out a provision that will assist if all jurisdictions are unable to commence their legislation on the same day.

Debate adjourned on motion of Mr Pederick.

LIVESTOCK (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 3 May 2012.)

Mr PEDERICK (Hammond) (15:47): I rise to indicate today that the Liberal Party will be supporting the Livestock (Miscellaneous) Amendment Bill 2012 in its amended form, as received from the Legislative Council. I will indicate that we will not be supporting the government's first amendment. I have mentioned my farming history many times in this place, but I think I need to at the start of this speech as well. From 1840 to 2005, when I leased out my property, we managed stock for all those years on different properties.

In my lifetime, my father ran a commercial Hereford herd. He had up to 100 breeders at one stage, and was very successful at selling commercial bulls into the local area and beyond. Apart from that, we have had merinos on board, as well as breeding with Polwarth sheep, so we have had a little bit to do with stock over time. Apart from having the odd horse on the property—thankfully, I have boys, and they like motorbikes; you do not have to feed them when they are not being used. Certainly, I would think we have had a reasonable amount of experience.

Livestock contributes to the South Australian economy somewhere between $4 billion and $5 billion annually, so it is significant. I note that there are certainly clauses in this bill that will improve the operation of the Livestock Act 1997. This bill lines up under the act. Under national agreements, the act already ensures South Australia is in line with livestock legislation enacted in other states and territories in Australia by supporting a number of important national agreements, including the National Livestock Identification Scheme (commonly known as NLIS) and the national agreements for funding of emergency responses to exotic disease incursions. Certainly registration requirements are part of this plan.

Obviously disease is a major concern amongst the state's livestock industries and it does not just reflect on Bovine Johne's disease or Ovine Johne's disease. The act does provide for registration requirements that ensure that the minimum necessary standards are adhered to for the protection and benefit of our livestock industries in this state.

With registration these requirements allow for fast and effective tracing of livestock in the event of detecting an animal disease emergency, certainly in relation to artificial breeding centres and veterinarian diagnostic laboratories. The current act provides the government with the ability to investigate and control any animal disease or contaminant that may impact on the health of livestock, people, and native or feral animals. It also provides the government with the opportunity to explore the marketability of livestock or livestock products.

The current act from 1997 provides for the establishment of livestock advisory groups. We have seven advisory groups at the moment: sheep, cattle, pigs, goat, deer, alpacas and horses. These groups are there to give advice to the government with regard to policy in their particular industries. Funds for these advisory groups are established under the Primary Industry Funding Schemes Act 1998.

Obviously this bill is to upgrade the act to include provisions that will give the owners of livestock and industry communities a greater voice in how animal health-related diseases and issues are handled and ultimately dealt with. There is an important amendment to the act, which is in the bill, to enable recovery of costs from individuals who refuse or fail to take required control actions in the event of animal disease detection. This is aimed not solely at the apiary sector, but certainly it does have a lot of issues, where in the past a large amount of taxpayer and industry funds have been used to clean up neglected and abandoned hives and hive material.

With the introduction of property identification codes (not without a little bit of controversy throughout the countryside) the PIC fee has been introduced as a component of the NLIS and provides information about livestock properties for use in disease emergencies and natural disasters. Specific provisions for all properties with livestock have been developed to provide more equitable penalties. Hopefully this will improve the current property identification code system. If

this bill goes through and becomes an act I understand it will bring the PIC fee from being under regulation to becoming part of this legislation.

I note that when this bill was introduced there was a lot more controversy about biosecurity fees that were going to be put in with this bill, because this is the act that has to be opened if more biosecurity fees are going to be placed on our state's producers and horse owners. The government has decided to pull those biosecurity fees. This side of the house has successfully asked for an investigation within the Environment, Resources and Development Committee and we hope that will achieve the appropriate outcome.

One thing that is always voiced to me from farmers is, 'How much more are we going to be hit up for?' Cost recovery, biosecurity fees—these people supply billions and billions of dollars to this state's economy and the government is pretty keen to salute what our grain growers and property owners grow but then they go and talk about more fees and more imposts. It will be interesting to see where the proposal for more biosecurity fees gets to in the future.

I want to talk about the amendment moved in the other place by the Hon. Robert Brokenshire, and it relates to bringing in cases of animal welfare on a commercial livestock scale, and involving horses as well, under Primary Industries. On this side of the house we think that is a good move. We cannot see why you should expect a charity that gets $650,000 annual government funding to run the operation in regard to the inspectorate for animal welfare cases for commercial livestock or horses.

We think the RSPCA is better off looking after wild animals and pets as their inspectorate job, and that will create a better outcome for our producers. We think it is too much of a load, and we think the government should take more of a hand in it. I know that Primary Industries do support agriculture, they do promote it, but I cannot see any reason why their animal welfare officers, their inspectors, through their chief inspectors and the chief veterinary surgeon, cannot use the amendment of the Hon. Robert Brokenshire in the other place to look after the welfare of stock. These inspectors are already in place around the state at saleyards and other locations, so I believe they will give the best outcome for animal welfare on a commercial scale, involving horses, in this state.

I want to mention a case that had quite a lot of notoriety, the case that did not happen, against Tom and Patricia Brinkworth, who have properties in the South-East. I will tell the house that my father, although not a close friend, has known the Brinkworths for many years. When my father and his father had land in the Gawler region, he knew Tom Brinkworth when he was ran a pig property in that region; so, I just put that out there for the house's information. There were certainly different points of view. Some people were saying that the Brinkworths had huge animal welfare issues. Fellow farmers made that case and others—

Mrs Geraghty interjecting:

Mr PEDERICK: I can talk about who I like. The other side of this argument is that, when this all fell apart because of a botched investigation by the RSPCA, costing the operations manager his job because of a flawed application process for a warrant, Tom and Pat Brinkworth were unable to put their case. I just want to put that out there. It is pretty easy for people to make allegations about anything, and I am talking about any issue at all. It is pretty easy—

Mrs Geraghty interjecting:

Mr PEDERICK: No, no; everyone over there can have their go. It is pretty easy for people to make allegations. The Brinkworths could not even defend themselves in court; so they have never been able to make their case. I am just making the point. There are always at least two sides to an argument, and sometimes there are more than two. The operations manager by his own volition (and I will give him credit for that) decided that he needed to confess that he had altered the paperwork in regards to the application for search warrants. If he had not done that this may have gone through, or it may have been found by legal means, who knows.

Certainly, it was a bad outcome for everyone. The RSPCA was badly smeared and they got a bad reputation out of it. It cost their operations manager his job and it also smeared Tom and Patricia Brinkworth. In line with the RSPCA campaign in recent days, campaigning for members of parliament to vote against the Brokenshire amendment, I want to quote from some correspondence to our party, the response I gave and then a further response I got from a constituent. This person lives in the electorate of Waite so he was writing to the member for Waite, Martin Hamilton-Smith. I quote:

Dear Martin,

As a constituent of Waite I am contacting you about a proposal by Robert Brokenshire MLC to amend the Livestock Act, which would transfer the RSPCA's power to protect livestock and horses to the department of primary industries and resources (PIRSA)—

it is actually the Department of Primary Industries and Regions now, but I digress. It continues:

I am concerned that asking any organisation to both promote and police the same industry would create an untenable conflict of interest. I believe the power to investigate and prosecute alleged cruelty must be held by a completely independent body. I am convinced the best option is to allow the RSPCA to continue its great work in this area. Therefore, I am calling on you to oppose Mr Brokenshire's amendment. I trust you will consider these concerns most seriously and I look forward to your reply.

Yours sincerely, Tony Box.

On behalf of my office, my trainee, Kaitlin, responded to Mr Box in this way:

Dear Mr Tony Box,

On behalf of Mr Adrian Pederick MP JP, I would like to thank you for your email concerning the Livestock (Miscellaneous) Amendment Bill 2012. As Mr Pederick is the shadow minister for agriculture and a farmer, this is an issue he has watched for its entirety.

The South Australian Liberal Party believes the Department of Primary Industries and Regions [South Australia] (PIRSA) is in the best position to manage animal welfare issues with regards to commercial livestock and horses, but we are also of the belief the RSPCA are best suited to dealing with pets and native animal welfare issues.

The Livestock (Miscellaneous) Amendment Bill 2012 will improve the current operation of the Livestock Act 1997 and will bring the current act up-to-date to manage the health of commercial livestock in South Australia.

Once again thank you for your email. If you have any further queries please do not hesitate to contact Mr Pederick or the Hammond electoral office.

Kind regards, Kaitlin.

We get a further email reply from Mr Box. It says:

Dear Miss Kaitlin...,

Thank you for your vacuous reply.

(1) 'Pederick is the shadow minister for agriculture and a farmer, this is an issue he has watched for its entirety'. So what! BFD.

I think members can all work out what that is. It continues:

If Pederick is a farmer then knowing that creates immediate distrust of his motives. Farmers rank the same as politicians on the totem pole of integrity, etc—

and I will come back to that. You might be surprised, member for Torrens, that I will come back to that. It continues:

(2) 'best position to manage animal welfare issues with regards to commercial livestock and horses'. If you can convince me that PIRSA would have gained a successful prosecution leading to jail time for farmers, Thomas and Patricia Brinkworth (a notable failure by the RSPCA, but I suspect bribery), then I'll accept your assertion which is otherwise meaningless.

(3) 'Livestock (Miscellaneous) Amendment Bill 2012 will improve the current operation of the Livestock Act 1997'. How will it improve the current operation of the Livestock Act? Just an assertion and yet Pederick has watched this for its entirety yet can't succinctly and cogently explain why it's an improvement.

(4) 'to manage the health of commercial livestock in South Australia'. This is a concern. Livestock health is important economically but you've forgotten welfare.

I think you need more training before you respond to your boss' emails.

Regards, Tony Box.

I find that not so much an interesting reply but quite a disgraceful response. I rang my trainee and I said, 'Look, don't worry about it. No more response to that constituent.' However, I do take offence to where it says:

If Pederick is a farmer then knowing that creates immediate distrust of his motives. Farmers rank the same as politicians on the totem pole of integrity etc.

As a farmer and now as a politician in this place I can accept—

The DEPUTY SPEAKER: You've got two strikes.

Mr PEDERICK: Yes, two strikes. Thank you, Mr Deputy Speaker. As a politician, I will take all the grenades. Throw the bombs, throw whatever, because we get it on all sides—whether you are Liberal, Labor, Green or an Independent, politicians are easy targets, and so it is. I do not think that we should be such easy targets because I think that there are many people in this place on all sides who do work hard. You have to work hard to retain your seat.

I do struggle with people always knocking the integrity of politicians. I really take great offence to someone who, because they believe politicians are in such a low place (and I am using their words), believe that farmers have got that same level of integrity, according to them, and I think that is absolutely disgusting and disgraceful. In relation to some of these people who write in, what I can say to the RSPCA is that if you have got friends like this you do not need enemies.

This is absolutely disgraceful, not just to comment on politicians but to comment on the food producers of this state. People then wonder why the food producers of this state start to arc up, get angry and stand up for themselves because they are sick of all this carry-on. You have people who do not want food produced: they want to reduce populations with some archaic policies. Farmers are working with the best, most modern, up-to-date equipment—and I note that out in my area they are seeding at the moment in very dry soil—so they can feed people not just in this state but feed people around the world, and to cop this abuse, well, I just treat it with the absolute disdain that it deserves.

People need to understand that their meat does not turn up in a cryovac pack in any of the supermarkets or in the local butcher, or milk just does not turn up in a carton. It is produced by the many thousands of hard-working farmers and their staff and families across this state so that we can feed everyone. If there are people out there who reckon they can live on thin air, well, good luck, because you are not going to last long, and if you want to bag farmers, you go out and live on thin air for a while and we will not need to worry about feeding you, anyway.

An honourable member interjecting:

Mr PEDERICK: No, I read from the letter; it is right there. People need to understand—

Members interjecting:

Mr PEDERICK: No, I am going to defend our profession. I am going to defend it.

The Hon. P. CAICA: You don't need to do it here.

Mr PEDERICK: No; that is fine. People need to be aware on all counts about the contribution that people involved in primary industries make to this state. I notice one clause—and we will get to it during committee—fixes the issue about artificial insemination. I think that it was only supposed to be operated by a veterinarian, but I can tell members—and this was something that was brought up in the briefing—that this is something that needs to be fixed, and it certainly does. People have been doing their own artificial insemination probably since the act came in and probably before.

Quite often I go to my local store at Coomandook and one of my local farmers has a box of pig semen that has turned up in the mail. The farmer and his wife happily go out to do their pig mating. Technically they are contravening the act, so I am glad that is getting tidied up if this goes through this house and then gets back through the other place.

With those few words, I want to indicate that we are supporting the bill in its amended form from the upper house, and certainly supporting the amendment put by the Hon. Robert Brokenshire in regard to bringing animal welfare issues in under PIRSA from the RSPCA. I commend the bill.

Mr VAN HOLST PELLEKAAN (Stuart) (16:09): I rise, with my colleagues, to support the Livestock (Miscellaneous) Amendment Bill 2012 in the form that it has come to us from the other place. Our shadow minister, the member for Hammond, has made a strong case on a lot of points. I will limit my remarks to the amendment that has come from the upper house, which essentially brings the role of administration back to PIRSA for the welfare of commercial livestock, leaving the RSPCA to deal with pets and wildlife.

Let me say at the outset that the RSPCA does good work. I put on the record my personal view that I do not agree with absolutely everything it does, but it does good work. This has absolutely nothing to do with trying to water down the protection of animals. This has nothing to do with trying to make rules slack or loopholes or gaps for people to slip through. Every single person in this house wants animals to be protected and cared for properly. So, let nobody say that this is a

way of letting farmers get away with things they should not be allowed to get away with, because that is not the case and it is certainly not my position or the position of the opposition.

The RSPCA is not equipped, skilled, or experienced and does not have the resources to do absolutely everything it would like to do. That is a fact. It is essentially a charitable organisation which receives government support. I have had representations from my own electorate of Stuart, and I will not go into the sources, but people involved with the RSPCA, essentially saying, 'We can't do everything we need to do. It's just not possible.' My view is that if you spread yourself too thinly you are not going to be able to do everything properly.

What we should do, and what we are trying to do, through supporting this amendment, is allow the RSPCA to concentrate its resources, expertise, skills and ability on a narrower range and allow PIRSA to concentrate on another area, and that will actually get more done, it will be a smarter way to protect animals, because the RSPCA is not in a position to do all of the work it would like to do.

The example the member for Hammond raised about the recent flawed case involving the Brinkworths is a good example of that. There may or may not have been an issue to answer. None of us will ever know. People have personal opinions but we will never get a final outcome on that, essentially because it was stuffed up by the RSPCA. That is the reality of it. I would like to do whatever is necessary to make sure that the RSPCA has the resources to do what it needs to do in a certain area and PIRSA can take care of another area.

It makes great sense to me to ask the RSPCA to deal with pets and wildlife and to ask PIRSA to deal with commercial livestock, because it is doing that anyway, it is already involved. By the way, that does not exclude any member of the public, and it could be a member of the RSPCA as well, from bringing issues forward. It does not exclude anybody, in a private capacity, from going to a saleyard or going to visit a property, with permission, and highlighting problems that exist. It is just about the regulatory authority. So, I fully support PIRSA dealing with commercial livestock and the RSPCA concentrating on pets and wildlife.

Mr WHETSTONE (Chaffey) (16:13): I too rise to support the Livestock (Miscellaneous) Amendment Bill. I had an upbringing on a farm property. I grew up with livestock for almost all of my life. My father was not only a farmer but a very well known and well regarded stock agent for many years, and then moved on to be a live shipping sheep buyer, which took him all over the world and gave both myself and my family a very in-depth perspective on the livestock trade and what livestock means to food production in this country, and all over the world.

In doing that, he was also a breeder of livestock and a feedlot farmer, but to complement that we had family butcher shops in the South-East at Keith and Tintinara, and our own slaughterhouse. That is something that I have some very fond memories of, working in the slaughterhouse. One of my scariest memories is one day cleaning the slaughterhouse, squeegeeing the floors, walking backwards into the blood pit and falling down about 15 feet into about five feet of blood and guts. It is something that I do not recommend to anyone here in this house.

In saying that, Primary Industries and Regions in South Australia should be the responsible authority for managing animal welfare in this state. The amendment will improve the operation of the Livestock Act and bring it up to date in order to better manage the health of commercial livestock in South Australia.

The livestock industry is obviously crucial to the state's economy. The contribution in 2010-11 was over $4.5 billion. That has been a huge economic driver, but also it has been a huge economic earner for this state. With the seasons that we have had over the last couple of years, a lot of properties that had been de-stocked, and in some cases decommissioned, gained confidence; they are now restocking and putting vast amounts of country back into livestock production.

Again in the 2011 year, beef production was worth over $1 billion. Pork was $669 million. As for sheep, it is great to see the wool sector showing some buoyancy once again. Before my days, or in my earlier days, wool was a pound for a pound. We have seen economic decline in the wool industry over a number of years, but it is starting to get a sniff of fresh air, which is really good to see, really good for the agriculture sector, and it gives more diversity, or some hope for that diversity, on many farming properties.

Of course, the dairy industry generates some $850 million. It is with concern that I say that, because obviously with drought, with issues with the River Murray, particularly the lower end of the Murray, we have seen many dairies wind up through lack of finances, having to lease water and having to deal with high salinity water. As a result, those industries have either relocated or moved interstate. I am hoping some confidence will be put back into that industry and that those industries will again assess whether the lower end of the River Murray is still a viable area in which to own a dairy.

The poultry industry generated $557 million last financial year. That is just a snapshot of how the economy is driven by parts of the livestock industry. There are millions of livestock animals here in South Australia. Some 12 million sheep were shorn in this state in the 2010-11 year, and we have about 543,000 beef cattle and more than 90,000 dairy cows. It is a very robust industry that has to move along with the times through drought and flood, but overall it is a very resilient industry. We have seen hiccups with exports into Indonesia, but I think that we have moved on from there now, thankfully. I can say that the livestock industry here in South Australia has been quite a reliable industry and quite a reliable economic driver.

Policing the welfare of all these animals is an enormous task for which I believe PIRSA is the best suited. At this point, I would like to commend the superb record of South Australian farmers and breeders on animal welfare. Australia, with few exceptions, sets among the highest standards in animal welfare anywhere in the world, and I am proud to say that. My support for this bill should not be seen as a comment on the competence of the Royal Society for the Prevention of Cruelty to Animals. The RSPCA has been actively involved in the South Australian community since the 1870s and has exercised government powers with regard to animal welfare for more than a century. The RSPCA is still the best-placed organisation with regard to native animal and pet welfare matters, and I believe that they should do what they were designed to do, that is, to look after those areas.

We do need to move on, and I still believe that the government in this instance can be the only objective authority on livestock welfare considering the well known positions of the RSPCA, particularly with live exports, etc. However, the government must ensure that PIRSA has sufficient resources, funding and expertise to meet the needs of livestock industries, and the expectations of the South Australian community and, of course, the export markets, in particular, regarding animal welfare.

One of the issues that has concerned me over my time in this place is the continual budget cuts to PIRSA. We saw in the 2010-11 year, $34 million ripped out of PIRSA's heart and moving on 180 employees. That really has had a huge impact on primary industry in this state, and it has also had a detrimental effect on the confidence of primary industry in South Australia. Again, we look at the biosecurity levy that is under review through the Environment, Resources and Development Committee, of which I am a member, and I am sure that the findings and the evidence will underpin the decision that the government must be responsible for the biosecurity of the livestock industry.

The attempts at cost recovery really did fly in the face—particularly in the electorate of Chaffey—when we looked at the fruit fly program, particularly up at Yamba, where they were looking at taking away the 24/7 surveillance at the border, and the issues that that might have brought upon the industry, particularly the fruit growing industry. It is not just the fruit growing industry that it protects; it protects all industries in South Australia. In particular, we look at weeds and pests; and we look at livestock diseases that are coming in. They are all pulled up at Yamba and anything that is brought across the border is viewed and assessed. Thankfully, the government (I think under pressure from this side of the house) saw sense and decided to reinstate the full 24/7 surveillance.

How can these industries, markets and the South Australian community have confidence in PIRSA's ability to take on this important task? Well, it is funding. It is the government supporting PIRSA. It is the government supporting an institution that has been around for many years and has the responsibility of looking after the biosecurity of this state and looking after the welfare of agriculture, and taking it a step forward rather than having its funding reduced and taking it a step backwards. It really does pain me to see that, every time a budget comes out, every time we have funding cuts, primarily in the regions, funding is taken away from PIRSA. It has an effect on how we can move forward and how we can underpin the viability of an industry that is continually seeing less and less funding and support.

Yes, I do support the fact that industry has to look after itself, but the government has a responsibility to the people of the state, to the people of the country, to instil confidence, and I think

the cuts to PIRSA have really jolted the confidence. I am very worried about this upcoming budget—we have all been told that it is going to be a tough budget—and, again, I do not want to see this government continue to cut funding from primary industries, in particular PIRSA. Again, if the government it going to slash resources and personnel in PIRSA, it is another hit for the food growing sector.

I would like to put on the record that listening to the Premier with his seven platforms for food production in this state, food security was one of them. To see this budget take another cut out of primary industries, out of the rural sectors, makes a mockery of one of the Premier's seven platforms, food production. In saying that, I commend the bill to the house.

Ms CHAPMAN (Bragg) (16:25): I rise to speak on the Livestock (Miscellaneous) Amendment Bill, which was introduced by the Hon. Gail Gago in another place and obviously passed, with some amendment. Our opposition spokesperson on primary industries, agriculture and other associated industries, the member for Hammond, has admirably presented the opposition's case for support of this bill and, in particular, the updating of the Livestock Act 1997, as we face challenges, which would have been particularly evidenced by the live cattle export exposé.

I do not want to traverse into the detail of it, but that, along with contamination by exotic diseases, in each decade produces new challenges. We do need to update, and it is reasonable for government look at these things and consider how the management of, in this case, livestock and in particular the effective tracing of livestock in the event of detection of emergency animal diseases, is so important.

I acknowledge that I have a family history, and remain today, in primary industry—particularly with cattle. There are a couple of hundred sheep, but I suppose they do not count when they are so few in number. Nevertheless, there are various operations with livestock, including pigs, which I have been a proprietor of myself. So I acknowledge that.

I remind members that when the Livestock Act 1997 came into effect under the then Olsen government it repealed the Apiaries Act 1931, the Branding of Pigs Act 1964, the Brands Act 1933, the Cattle Compensation Act 1939, the Deer Keepers Act 1987, the Foot and Mouth Disease Eradication Fund Act 1958, the Stock Act 1980 and the Swine Compensation Act 1936. So I suppose that gives a taste, those acts, of what responsibility the Livestock Act undertook. It was quite comprehensive.

At the time it included in it a secretariat of enforcement, which remains. In fact, very significant powers are given to inspectors who are appointed, and who have powers of seizure, powers of entry, powers to ensure that the health of livestock is maintained, and not just in notifiable conditions and diseases and the control and eradication of contaminations and the like, but also to protect brands. Bees are still high up there in being looked after, especially Kangaroo Island Ligurian bees, which are the purest in the world. In any event, there is a whole structure that goes with that act and with the powers to appoint those who ensure that occurs.

In more recent decades artificial breeding has, of course, attracted a considerable amount of regulation—as it should—and that comes under that jurisdiction. The Animal Welfare Act is well over a century old in the sense of animal welfare law and the recognition of the protection of animals but currently, under the Animal Welfare Act 1985, it is specifically for the promotion of animal welfare. It is to traverse all things living except humans and fish, which are excluded by definition, and it is to ensure that there is no ill treatment of animals. Things such as organised animal fights are prohibited. The use of electrical devices for the control of animals is extremely limited and, in some cases, outlawed.

I think the protection generally of animals has expanded over a number years; not just from prevention and making it an offence to inflict any act on an animal or animals that will cause death, harm or injury but also to ensure that they are not neglected or face ill-treatment as a result of the neglect or reckless conduct of humans. All of that is important.

That, too, provides for a number of other responsibilities that have come to pass: one is, of course, the ethics committees that relate to the extensive research on animals. We now have a very complex licensing procedure, as I think we should, to protect animals against abuse for the use of drug research and the like. These are all important obligations.

What I find interesting is the debate that has developed over the amendment from a member of the Legislative Council to transfer the prosecutorial role for cruelty of animals when they

are in a commercial environment from the RSPCA to the Department of Primary Industries and Regions. It is curious because, of the five letters that I have received (most of which have been from constituents), there has been an alarming theme of a claim that there is a conflict of interest in the Department of Primary Industries and Regions undertaking this role.

If I could summarise the well-meaning concerns that have been expressed in the correspondence, it is to suggest that the Department of Primary Industries and Regions has a principal role of promotion of primary industry, and therefore, it would have a conflict of interest if it were to undertake the role as prosecutors for those who breach animal welfare laws. That is the gist of the correspondence, and those people have put forward this view very articulately and passionately.

I am a little concerned, in reading the correspondence, what those people might have been told. The reason is this: we have a number of different prosecuting bodies to protect against acts that are unacceptable, unconscionable and certainly unlawful. To protect humans and property, we have the very high-level Office of the Director of Public Prosecutions, which sits with statutory independence outside of the Attorney-General's Department and has the principal role of prosecuting crime.

The inspectors in those circumstances are usually members of the police force, and the level of seriousness of the crime is the threshold upon which it attracts the attention of the DPP. At lower levels of property damage and assault (for example, shoplifting or minor assaults), there is a prosecuting arm within the police department which competently undertakes that role. Both these agencies have responsibility to ministers, whether it be the Minister for Police (Attorney-General) or directly to the Attorney-General, and ultimately, to this parliament.

We then have the Department of Environment and Natural Resources, which undertakes a prosecutorial role in the detection of the behaviour of humans when they do the wrong thing in relation to land and soil degradation and pollution—some of that is via the Environment Protection Authority—plants, weeds, and all the rules that relate to very serious offences and penalties, in some circumstances, including breaches of the Native Vegetation Act. In that circumstance the Department of Environment and Natural Resources has a very significant role in not only policing but prosecution. They have a set of inspectors as well, and they have rights of seizure, entry and the like.

The Department of Primary Industries and Regions in this instance has been identified as a body that is not fit to be a prosecutor because of an apparent conflict of interest. I mention it particularly for the reason that it already has a prosecutorial role. The Fisheries Act which it is responsible for does not come under animal cruelty. By definition you cannot be cruel to a fish, but you can make it more vulnerable to be eaten and you can have rules that give it another chance to live. We have lots of rules about the size of fish, where you can catch them, and all the things under the Fisheries Act which are under the remit of responsibility of the Department of Primary Industries and Regions, so they currently already have a role.

They are also responsible for the general management of fishing licences, and that is an interesting thing. If this extension of the conflict of interest were to prevail, then one would have to argue that they are in charge of licensing and permits and therefore they should not be responsible, all the fishing inspectors should be sacked and we should hand that over to some other agency. I just want to make the point that a number of different areas have had this responsibility.

The RSPCA itself has had a policing and prosecutorial role for over 100 years and there is clearly significant overlap now in relation to the work it does. I do not raise the Brinkworth case, as others have, as a demonstrable failure of effective prosecution by the RSPCA. I raise it because, whatever the negligent behaviour or misconduct—I will put it as high as that—of falsely completing a form in the prosecution process which led to a nolle prosequi being entered and the whole case failing, the very protection of the animals (if they were ill-treated) may not have been addressed and because the reputations of other people who are responsible for livestock come under the umbrella of diminution of their reputations as a result of that kind of publicity.

The very first people who rang me after the publication of the Brinkworth case and its fatal direction were farmers who were outraged that this was a case that was left undealt with, whether Mr and Mrs Brinkworth wanted to have an opportunity to put their case or whether in fact they should have been punished. Who will ever know? Other farmers asked, 'Why should we live under the shadow cast by the incompetence of an agency that conducted it?'

At that time I was shadow attorney for the opposition and I wrote to the Law Society. They have an animal welfare subcommittee and I wrote to it suggesting that we should consider the transfer of prosecution of commercial cases (which would cover livestock in this instance) and/or multiple animal cruelty cases to the DPP's office; that there should be independent but competent, qualified and experienced prosecutors for serious offences. These are serious offences. In my view the death or severe injury to an animal or multiple animals, particularly in a commercial situation, needs to be treated at that level.

I also wrote to the former attorney-general, the member for Croydon, asking him to review this situation because of the importance of ensuring that this situation did not happen again. I got some responses from the Law Society who seemed favourable to introducing a system that would be more effective and more independent. I do not think I have heard from the new Attorney-General on this matter, but it has been going on for some years. What I do say is this: I do not think that the Brokenshire proposal, which is to transfer the RSPCA prosecutorial role to the department, is offensive. I do not think it is the best model. Personally, I think that it should be transferred, in commercial cases, to the DPP's office; that is my personal view. It is not as though this alternative should fail because it is not the best model, just because I think that, but it is an improvement on what we have.

The Department of Primary Industries and Regions already undertakes a significant prosecutorial role and policing, and they have got a whole inspectorate, apart from the fact that they might be asked in the near future to sort out the marine parks fiasco and any management or inspection that is required for that, because there will not be any money, obviously, for the Department for Environment to do anything with it. Nevertheless, they are vested with the responsibility. They have an army of experienced people and they are capable of dealing with it.

There is one more thing I would like to comment on in terms of prosecution and the question of independence and conflicts of interest. Under the Animal Welfare Act we have an Animal Welfare Advisory Committee. Personally, I do not know who is on it, but the act provides that there has to be nominees from the minister, nominees from the South Australian Farmers Federation, a nomination from the RSPCA, other people that the minister feels are suitable to represent animal welfare organisations, and the Australian Veterinary Association.

So, the three groups in that category, who I think have a vested interest in the promotion and advocacy role in their particular field—namely, the RSPCA, the Farmers Federation and the Veterinary Association, particularly in areas of research, for which I am sure they most helpful as a committee—in my view are potentially in a situation where they could be accused of having a conflict of interest—all three.

So, if in fact Mr Brokenshire's idea was to come to us and say, 'Look, I don't think the RSPCA should handle this, I think that it should rest with the SA Farmers Federation,' then I would be standing here and voting against that amendment, because I think they too, in that in a situation, could be blemished and vulnerable to the accusation that they would be in a conflict of interest if they were to undertake that role.

But in this instance we are asking the officers of the department, who have a role consistent with that already and who are obviously experienced and able to undertake it—perhaps not the best in my personal view, but then I have not always been right. This may be a halfway measure that will at least bring about some improvement. I will certainly write to those who have raised this concern with me. I am always alert to potential conflict of interests, and I think that they are something to be carefully investigated when the allegation is made. However, in the circumstances I think the bill, as presented to us, with this amendment is a significant improvement to the act, and it has my support.

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (16:44): I want to make a couple of comments about the bill. As the member for Hammond, the lead speaker, has indicated, the opposition is supportive of the bill as it came out of the other place. I want to talk about the Brokenshire amendment, which I do not believe the government is of a mind to support, and I want to talk about why it should be supported. I also want to talk about another issue that the bill encompasses, and it is about the National Livestock Identification System. As members know I am by trade a farmer and have been practising farmer for most of my working life—

The Hon. P. Caica interjecting:

Mr WILLIAMS: Well, I regard it as a trade, Paul. I'm not too proud to suggest that I work it as a trade, Paul. As a practising farmer and somebody who knows what it is like to be working with

animals on a constant basis, some of the ideas that come forward never cease to astound me. I am a prime lamb producer and most of the lambs I sell are sold directly to the abattoir, what we call over-the-hook selling. A truckload of lambs—it might be a B-double, 650 lambs—will go in the truck on my property, go directly to the abattoir, and within 24 hours they are slaughtered. That is a practice that has been happening for many years.

With the National Livestock Identification Scheme, I am obliged to have an eartag in each one of those lambs. By practice, I can put the eartag in the lambs as I am loading them onto the truck, they get to the abattoir and within 24 hours they are on the chain in the abattoir and their head is cut off and within a few minutes the eartag I have inserted in the ear of the lamb is separated from the carcass.

I am told, as a producer, that that is absolutely essential to provide traceback. I want the house to understand that for years I have been delivering livestock to an abattoir and been paid for those livestock on the carcass weight, after they have been slaughtered. I have always acted under the assumption that the abattoir had in place practices to ensure that the animals that I delivered were the ones I actually got paid for and I was not being paid for somebody else's livestock that was delivered on another truck or they were not being paid for my livestock. I have had my suspicions, from time to time, mind you.

The reality is, I would suggest, that it costs probably in the order of 50¢ per lamb to put in an eartag, by the time you purchase the tag and go to the trouble of putting it in the animal's ear. Tatiara Meat Corporation (TMC) at Bordertown processes 8,000 lambs a day. That is about $4,000 worth of eartags and applications of eartags a day. If they have problems and do not have enough people in the larridge (that is where the lambs are offloaded, and these are all covered yards, shedded yards) before they go into the works to make sure there is adequate separation and the gates are shut to keep animals apart, I suggest it would probably be a lot cheaper to employ a couple more stockmen in the yards than to waste probably $4,000 a day of producers' money.

That has always annoyed me. It is going to annoy me even more, because I learnt only a week or two back that the ministerial council on agriculture has pretty well signed off to say that we have to use electronic tags. Currently, I use a little plastic tag which has my PIC (property identification) number stamped on it. My understanding is that within a very short space of time I will be obliged to have a tag which can be read electronically. As a producer, it is concerning me and people say to me, 'It's only a small cost, it's not costing a hell of a lot.' It is the adding up of all the small costs that have to be borne by the producer that makes farming a really incredibly difficult enterprise. It is incredibly difficult by the time we pay NRM fees, biosecurity fees—all these fees—and then put in the eartags. They all add up. If you add them all up, it is a significant amount of money.

I own and farm a piece of land that has been in my family for well over 100 years, so I have a little bit of experience in livestock production and handling and moving around livestock. I am yet to be convinced about the necessity for the NLIS scheme to be utilised in the way that it is. I put that on the record. We have been using electronic eartags under the same scheme for cattle for some time. To save the expense of every farmer having a cattle eartag reader to read the electronic eartag, generally stock agents have a reader, the saleyards will have a reader, and there are different points during transactions where the eartag is read and the records where livestock are moved from one property to another should be updated.

My son purchased a mob of cattle about 12 months ago. They had the tag in them. They came off another property. They were scanned and they landed on our property. His agent rang him up a while later and said, 'We've got a problem. There was something wrong with the reader and we haven't been able to properly change the information with regard to those cattle.' He said to my son, 'Can you yard the cattle and I'll come out with a scanner and we'll read them again?' My son, I think correctly, said to him, 'Well, next time I've got them in the yards or near the yards I'll give you a ring', which was a couple of months, probably. That happened.

He put them in the yards, the agent came out, went over them again with the scanner and took the information, the data, and supposedly uploaded it into the computer. Many months later the cattle were sold. My son got a letter only about a fortnight ago saying that the records had not been updated and a couple of the animals that had been through the abattoir and subsequently killed, on his account, had not been correctly listed against the property identification number, and that if it happened again he would be fined $300.

That is the sort of nonsense that farmers are being burdened with through this scheme. It is costing us a lot of money. It is the farming community, the livestock producers, who are paying for this, and it is just not damn well working and it is annoying. It annoys me and it annoys every farmer out there in the community. Can I suggest to the minister that he has a very serious discussion with the bureaucrats. If they want to enforce these sorts of schemes upon the farming community and expect us to pay for them, for Godsakes make them work otherwise it is just a mess, it is just a nuisance. I am pleased I have got that off my chest, Mr Acting Speaker, because it does annoy the hell out of me, I can tell you.

The other thing I do want to talk about is the Brokenshire amendment in the other place. I am sure that most members would probably realise that the names of Tom and Pat Brinkworth have been used probably a number of times in this debate. A lot of Tom Brinkworth's properties are within my electorate. The property on which the alleged offence occurred which he was charged with and summonsed to appear in court under happened within my electorate.

When that case failed to proceed Tom Brinkworth rang me immediately, and I can tell the house that he was very angry. I can also tell the house that he had my full sympathy because I think he had every right to be angry. Tom Brinkworth's name has been besmirched via an allegation. The prosecution case was destroyed because the RSPCA was not capable of carrying out that prosecution, and Tom Brinkworth never had his day in court. He believes that he was no more guilty of any offence than any other livestock producer in severe drought conditions, and I suspect that his contention was right.

What he did not get was his opportunity to have that tested by the court, and I am sure that a lot of evidence would have been tendered to the court if that opportunity was not denied him. In the meantime, Tom, his wife (who is his business partner) and, as I understand it, some of their managers have suffered the indignity of having their names associated with an offence which was never proved. In fact, it was never even progressed.

Under the circumstances I have always believed that the RSPCA is not the correct body to be carrying out even the investigations, least of all the prosecutions, under the Livestock Act, particularly in the case of commercial livestock or commercial animal keeping. Just as a simple principle, I think it is totally wrong that a body which is not accountable to anyone—there is no chain of accountability—is charged with those responsibilities. It is simply wrong.

As a consequence of that fundamental and of having some knowledge of the case that the Brinkworth family found themselves involved with, I think the amendment of the Hon. Robert Brokenshire in the other place is a very good amendment. It would ensure that the prosecution would be done by a professional body, a body which is, hopefully, going to get it right, a body which has a chain of accountability. I think that would be a much better system than what we have now. I am in no way suggesting that the RSPCA does not have a very important role in our society, but I do not think it is this role. The role of monitoring, investigating and prosecuting offences under the Livestock Act is a very important role and needs to be handled properly and seriously, and I do not think the RSPCA is the organisation to do that.

I fully support the amendment brought by the Hon. Robert Brokenshire. Tom Brinkworth himself just wanted the case to proceed so that he could put his side of the story. I think that is only fair and reasonable. It is totally untenable for, basically, the state (even though it was the RSPCA) to make an allegation against a citizen of the state and not give that citizen an opportunity to tell their side of the story. That is what occurred in that particular case. I believe that if the case had been run by the department, if the prosecution had been carried out by police prosecutors or the DPP, an organisation which was well versed in prosecuting the laws of the state, then the outcome may have been quite different.

I heard the comments of my colleague the member for Bragg and I concur with them. Not only has it been unfair on the Brinkworth family it has also been unfair on the rest of the farming community because it has left a cloud hanging over them. I will not hold the house any longer, but I do have concerns about some of the practices that are happening in the livestock industry at the moment. I think some of them are a little bit impractical, and that is why I told a couple of stories about the NLIS scheme. It is certainly not a perfect scheme in the way it is administered in practice. I also have concerns about the prosecution of offences under the Livestock Act. I think we can do it a lot better. I urge the house and the government to fully consider the proposal put by the Hon. Mr Brokenshire in the other place and, at the end of the day, support that proposal because I think it will give us a better outcome.

Mr VENNING (Schubert) (16:58): As a fourth generation farmer on the same property, the welfare of animals and livestock has always been most important. I was never renowned to be a great livestock person, I was more of a revhead, a diesel head, as my wife would call me, but it has been a critical part of the farming enterprise.

Dr McFetridge interjecting:

Mr VENNING: Different sort of horsepower, you are right. I am old enough to remember the neighbours with horse teams. We have certainly come a long way. Animals have played a huge part in the welfare of farmers in South Australia. It is great to see a working team, and there are still a few around for us to look at. As has been said: when you have livestock, you will have dead stock. There is no doubt about that. The member for Morphett would certainly know that, being a vet. So, you make sure that your husbandry is such that you minimise it or you call up the vet—and the member for Morphett offers a very reasonable service at a reasonable price, I am told.

When you have livestock you are charged with the responsibility of looking after them. It can be very difficult in tough times when it does not rain, there is drought and feed is short. I just note that in the old days, when I was young, we kept a lot of hay on the property. We always conserved hay in times of good, as they did in the biblical times, and when droughts came along we had the hay there to feed our animals. I am sorry I have to say that today, because the farmers are so cash strapped, that does not happen to anywhere near the degree it used to, and so the livestock can suffer. They are turfed out to forage the best they can, and it can be pretty tough on them. We really do need to keep an eye on it, and there has to be some sort of Inspectorate. As we have heard today, it can become very unreasonable

Can I say, we have made huge progress in the wellbeing of our animals, our sheep, our cattle, our pigs, our horses, and a lot more. We support this bill as it is returned here from the other place, with that amendment that the member for MacKillop just very capably explained. I certainly support the NLI (National Livestock Identification) scheme, but I am always curious about this. As the member for MacKillop just highlighted, we used to put all our meat over hooks and we were always curious to know that we were going to get paid for what we sent, so we ended up putting them on our own electronic scale and weighing them. It was always difficult, of course, because you weigh them live and then of course you can do the calculation what they were going to hang up at.

We always found that when the user knew that you had weighed them—in fact, even in some cases wrote the weights on them—certainly it took that doubt away. But there is always that doubt, particularly when they remove the head with the ear tag in it. The body goes down the line without the head on; if there is a problem further down the line, how do they know? I know the first thing they do when they are able to strip brand these animals, so you know, lamb is branded as lamb and hogget is branded as hogget, so you the consumer (and I see the minister listening) know that you are getting what you are paying for.

That was a political issue when I first got here—strip branding, particularly of lambs. A lamb is a lamb and a hogget is a hogget. If it has one too many teeth, it is a hogget, and you put the relevant strip down the back. When you go to the butcher's shop, there is no doubt. The person putting the brand down observes the head and then strips it down. If the head has been branded—the head has to be there to count the teeth—why then cannot they remove the eartag and put it on the carcass? Then, you see, it goes with the carcass, because the head, apart from removing a couple of parts, goes out to the offal pile.

I just wondered why the eartag cannot be removed, particularly if we are getting electronic eartags, and put with the carcass. As it goes down the line it has the strip on it; why can't it too have the tag? Often the imperfections are not found right then. When they hang them up and chill them, that is when they see the imperfections: marks, boils, bruises, all those things could come out later and if you have lost the ID, what is the sense?

Can I just say how pleased I am that we have actually got the strip branding through, because there was a lot of shonky business going through in the industry many years ago: people selling old sheep as lambs. You did not have to be a very smart butcher with a budding knife to fold the flaps around and make it look like lamb, just by removing some of the meat and cutting the bones shorter. You would not have known; but when it is strip branded, every cut you take off that sheep has a piece of that strip branding on it. So if you have a chop, you will see a small piece of the colour that denotes whether it is lamb or hogget, or even ewe, or even worse than that, old

ewe. I have seen some smart butchers camouflage meat very carefully with a flick of the knife, but nowadays they cannot because of that.

We support the bill as returned here, but in relation to this scheme I am very concerned about the escalating costs of this. Farmers have a pretty skinny profit margin in livestock, and I do not want to see a capacity for fees and charges here that any government in the future can just mount them up and say, 'Look we are just putting these fees up and every time you sell a sheep or a cow you are up for this extra fee.' I want to resist that.

These eartags do enable traceback. Nobody can argue about that—nobody at all. Things can go wrong, particularly if, for example, somebody overuses dogs in rounding up their sheep, as dogs have a habit of nipping. You do not want stained or scarred meat because it does not take much of a nip to leave a mark on the meat, and you do not want to be buying chops with bruises on them so, most responsible farmers muzzle those dogs, whether they bite or not, they use muzzles. This sort of thing can be stamped out purely on the traceback system.

There are so many things that can be found with the meat, so I have no problem with that. I agree with the member for MacKillop, that you have to know whose stock it is; when you get to the freezer you have to know where your stock is. As I said, strip branding happens on the line so why not put the tag there? I have not kept up with the very latest because I have been in this place for so long and I have never been a real stockman but I used to love to get the horse out (when we had the horse), and put on the moleskins and the boots and ride around the property. It is still good rest and recreation. The Marlboro Man, we used it call it.

An honourable member interjecting:

Mr VENNING: I've got a whip, for sure, and I knew how to use it, because I was the opposition whip, did you know that? It is one of those heritage things that I have enjoyed. As I said, I have not kept up with the latest, so I do not quite understand why we want to go to electronic eartags because they can be removed quite easily, and disfigured, and rejigged with an electronic device, so I am concerned about why we would go down that path because eartags have been with us for years, with the brand name of the farm on it and a number, so it is pretty foolproof, apart from the fact that they can be stolen or lost. They have a habit of getting caught in the fences or in the gates in the yard and you will find dozens of them there.

I used to rear pigs many years ago. The Labor Party cracked jokes about it when I first came here, but I will not repeat the story. I used to rear pigs but that was a long time ago. When we were yarding up the pigs for sale you always branded the pigs in the back of the ute. It was just a handle with a number on the bottom, dip it in the black tar and, bang, 'squeal', a great noise! It was a real squeal, and that was it, on both sides, and then if you wanted to go and have a look, you went into the butcher shop and there they were hanging up, and there was your mark, clear as clear. They rub the bristles off a pig, they do not take the skin off because there is almost no skin there. I always thought it was a good idea and I had a couple of tracebacks at the time—just a few things, over-fat pigs, and things like that. In those days when we used to castrate the boars often things went wrong. It used to work with the pigs, quick and easy and very effective. You will read it in *Hansard.* So, I do support the traceback system.

I think the amendment that transfers responsibility under the act from the RSPCA to PIRSA is a common-sense thing. I know that there has been a lot of comment about this, but I believe that the RSPCA has been far too political in relation to its efforts, and it has no responsibility. It is an organisation with a strong agenda, almost bias, and I use that word advisedly because it used to contain many animal liberationists, and some of the things they used to say were totally unreasonable, particularly when it came to things like mulesing. I used to do a lot of mulesing myself, and it is pretty rugged when you first start, you have to shut your eyes sometimes, but when you see a sheep with flies, there is nothing worse than that. With a mulesing operation, we used to do all we could to ease the pain but it is only half a day and the lamb recovers pretty well, and ends up with a nice shiny backside and has a life that is practically guaranteed of not being harmed by flies. It is a terrible, very painful thing for a sheep that has had flies for five or six days. In many cases they die.

If, when you are driving down the road, you look over the fence and you see a sheep on its own, sure as eggs, it has a black backside, and you know it has flies. Body strikes can even be worse, up on the brisket at the front, and in wet weather it happens a lot. So, do not tell me that flies are not a concern. When animal liberationists really got stuck into mulesing, it gave us little choice because you really could not breed the wool off the tail of the animal. As soon as you did,

you bred it off the legs and the belly too, so it became a very difficult thing. Advances are being made in that area. Some of the stuff that has been coming out, I have found pretty damning and almost impossible to respond to, because it becomes very emotional in the public arena. When they take these graphic photographs, usually taken illegally from over the fence with a telephoto lens, of farmers stripping skin off the backside of a lamb, it is a bit graphic, that is for sure—but it worked. I must have done thousands of them and we had very few losses, so they seemed to recover well.

In relation to live sheep exports, it is the same thing again. The RSPCA has been far too active. I know we were involved with an inspection of sheep on there when they said they had foot rot, and they unloaded the whole ship. Well, it was not foot rot. They were all fed in troughs with pellets which of course get spilt; they are all jammed in pretty tight and there is water on the floor. They walk in it and guess what? On their hooves they get this little mushy-looking stuff which makes it look a bit soft—but it is not foot rot.

Anyway, they did work out that it was not, but of course when you get overseas and you are selling into those countries you only need a mention of a thing like that and they will black ban the whole ship. That is what happened on several occasions, purely because some radical person here threw the magic word. When it gets there, bang! They will find any reason to condemn it, hoping to get the shipload for a fraction of the price.

I think giving it to PIRSA is a common-sense move. We have had very good service over the years from PIRSA, particularly when they had an active animal livestock section, the veterinary section, which I do not believe they have any more. I can recall many years ago when we were rearing calves, I used to go around the South-East and around Victor Harbor and those places and pick up all the day-old calves, 30 or 40 at a time, wet calves, and take them home and rear them on Denkavit. We had a fair few problems with diseases because it was fairly intensive, and young calves can scour. What I mean by scour is what we do to some people in here, give you the runs. When you get it it can be pretty dramatic.

There is another disease called leptospirosis; if you get it once it goes through the lot very quickly, and it is a deadly thing. Again, I give huge credit to the department back in those days because they were onto it quickly and we saved most of our calves. No-one likes to see their animals suffering like that.

I think it is common sense that in this instance we should take the politics out of it. I do not think the department has a political axe to grind, and I think we have got fair service from them. The RSPCA can do what they do; they can be the animal liberationists if they wish, but we want these inspections done by Primary Industries. With that, we are supporting the rest of the bill, with qualification. I commend the bill to the house.

Dr McFETRIDGE (Morphett) (17:12): I speak in support of these amendments. I think they make common sense, and a lot of sense not only for those on the receiving end but also all those who have an interest in livestock and animal welfare.

Everyone knows that before I came into this place I had 22 years in veterinary practice. I started out in racehorse practice in Western Australia working on track work as well as stud work. Then I worked for an airline flying horses and cattle, and occasionally small animals, around Australia, New Zealand and South-East Asia. With my family I moved back from Western Australia in 1984 to set up practice here, and we set up a practice south of Adelaide at Happy Valley. We lived at Kangarilla.

I had seven dairies that I was dealing with then. It has changed significantly now. Max Thorpe is still milking Friesians at Kangarilla, there are a couple of dairies at Meadows and I think there might be one towards Chapel Hill, but the area has changed significantly. There are lots of hobby farmers. I was doing some racehorse work, a lot of hack work, a lot of large animal work as in cattle, alpacas, sheep, some donkeys (that is another story). At the start of the practice there were not a lot of small animals because Aberfoyle Park/Happy Valley was still only semi-urban then.

The range of cases I saw was amazing. I have scars to prove that I had some close encounters with some unhappy patients, but the majority of my patients were well looked after by their owners. I can say that the vast majority of animal owners, whether they are farmers in the industry or just individual horse owners or small animal owners, they love their animals, love them dearly. In fact, I once said to my daughter, when one of our cats was run over, 'If you cry that much at my funeral I will be happy.'

It is a well-known fact that animal owners will grieve more for their pets; I do not just mean dogs and cats, I mean all sorts of pets, whether they are rats, mice, guinea pigs, rabbits, snakes or lizards, and horses. I remember I cried when my horse died when I was a kid. I have a lot of empathy for animal owners. At the same time, anybody who says that farmers are just in it for the money does not understand farming or farmers.

I have to put on the record that my wife owns a property at Meadows, and we farm that in a partnership. We have PIC numbers, and we have National Livestock Identification System numbers. We do not have any cattle on there other than one small heifer that has a deformed leg, and she is going off to the vet school as a specimen fairly shortly. We have had cattle on agistment there, but they have gone now.

The first amendment, Part 9A—Administration of Animal Welfare Act in relation to livestock, will be under the Minister for Agriculture, and PIRSA will be handling that. That is something that I strongly support. The RSPCA's motto is, 'See the other side', and trust me when I say I have seen the other side. I have seen both sides of animal welfare. I have seen animal owners with small and large animals who are just so over the top, and are besotted with their animals.

I remember having to de-horn some pet steers that a lady had up in Cherry Gardens. The horns had overgrown and were coming around into their heads. Fortunately, her daughter was a vet nurse and was able to help me, but the lady who owned these two steers—they would do anything for her; they would just about sit like a dog for her—went inside, turned on the radio and the vacuum cleaner and started vacuuming. She did not want to hear these two steers bellowing when I was just cutting the tips off their horns. I did it with a wire saw and it did not hurt at all, but they were just unhappy at being restrained.

At the other end of it, I have been to cases where there is just absolutely unbelievable cruelty. I have seen horses that were so emaciated that, in most cases, I have had to shoot the horse and put them down, but I would really like to understand how the owner could even allow this to happen. I have been to cattle properties where I have seen cattle that could hardly stand. I know of cases within my practice, around the back of Kangarilla, Meadows, Scott Creek and through there, where these people—and they were not clients—have had cattle and were reported to the RSPCA. The RSPCA failed to do anything significant to improve the welfare of those cattle.

In one particular case that really hits close to home for me, there was a chap who was just unbelievable. He claimed to love his animals, and he had a lot of hay in the shed, but his cattle were like skin and bone; particularly in winter, they were as poor as church mice. The RSPCA kept being fobbed off by this fellow. You did not need to be a vet—even an RSPCA inspector, who, I understand, are trained by PIRSA, should have known that what this guy was telling them and what they were seeing were two different stories. You learn that as a vet very, very quickly.

My daughter said to me, before she became a vet, 'Dad, it would be nice if animals could speak.' I said, 'They can; you just have to speak their language.' You can look at an animal and know whether that animal is just poor, ill, malnourished, or whether it has been really maltreated; you know that. Even first-year vets know that. As you get the experience, you become more acutely aware of how long or how extensive that condition has been; I have seen that.

The worst case of cruelty I saw was in some calves. We never found out who the perpetrators were, but these calves had been absolutely mutilated. I will not go into detail, but it was just so cruel. That certainly was not ever done by the owners; we know that. It was done by some people out there, and I have no idea how they could do this to animals.

I assisted the RSPCA in the investigation of that case and prepared post-mortem reports and forensic details. I wanted to do the right thing by the RSPCA and, in relation to that case, the RSPCA wanted to do the right thing too. But, there are many, many areas within large animal production, particularly in commercial animal production, which is what we are talking about here, where the RSPCA—God bless them—are out of their depth. I think this amendment is one that we really should be strongly supporting.

We have the stock squad, which investigates stock theft and similar infringements. Overseas, there are police forces that take on the role of investigating and prosecuting people who are cruel to animals, both small and large animals. Personally, I am going to look at that because we do need to bring down the full force of the law, whether through the Minister for Agriculture or the Minister for Police and the justice system, to make sure that people who are cruel realise that their actions and their negligence are completely unacceptable.

In the case of commercial animals, I do not think this is the RSPCA's role; I do not think it is adequate for that. They do an absolutely wonderful job housing and homing neglected and stray animals and assisting people with education, nutrition and welfare. Friends of mine who are vets work at the RSPCA doing desexing. I know many people who have worked there for years, but I think large commercial animal production is not their area of responsibility. There is too much anecdotal evidence, and some court evidence, that they have failed to achieve what they want to achieve. Let's put that where the resources, the expertise, the vets and the forensic pathologists are—that is, with PIRSA. Let's make sure we do that. Let's do this and do it properly.

I strongly support the RSPCA's role with small animals; they do a fantastic job. On Friday night, a lady who said she was from Animals Australia was haranguing me about live animal export. The first thing I try to do is not be anthropomorphic about animal welfare. We, as humans, have an absolute, inalienable obligation to ensure the best welfare for the animals in our charge, and those we see around the place that in our opinion are being neglected, and do something about it.

At the same time, I am not one who believes that animals have rights per se. I remind everybody who reads this *Hansard* that we as human beings have an inalienable obligation to ensure their welfare is at the highest standard possible. This amendment will make sure that those who do not adhere to that inalienable obligation are detected, prosecuted and punished to the full extent of the law with the resources that government has to do that.

The second amendment is the non-recovery cost of biosecurity measures. The veterinary school at Roseworthy has a new multimillion-dollar facility; it is a fabulous facility and I have had a number of tours of it. I was with minister Michael O'Brien when he officially opened the facility, and it is one that I think we can all be very proud of. I went to Murdoch University in Western Australia, and my daughter, Sahra, studied at Massey University in New Zealand. We have a number of friends who are vets and whose kids go to Roseworthy, and there are many other young people who go to Roseworthy. The double degree at Roseworthy—Bachelor of Science (Animal Science) and Master of Veterinary Science—will equip them with the highest level of knowledge possible, not only in the animal sciences but also in animal welfare and in biosecurity.

Vets in the country are more and more in demand to be at the front end of biosecurity. My daughter is working at Port Pirie. She is mainly a small animal vet, but she goes out to some properties—not a lot—and is well aware of her role as a vet in detecting the incidence of any reportable diseases or any outbreaks of conditions that could be a threat to our biosecurity.

An exercise is being held today through PIRSA with over 100 individuals at the Wayville Showgrounds; it is a desktop exercise on a blue-tongue outbreak in South Australia. In relation to controlling communicable diseases in South Australia or Australia, we saw how horse flu (equine influenza) started to shut down Australia, with its effects being felt nationwide and costing millions of dollars. Foot-and-mouth is a disease we hear about all the time, and if we were to get it in Australia it would have a multibillion-dollar effect.

Whether it is somebody importing eggs, feathers, chooks, or birds with Newcastle disease, or whether it is somebody trying to slip through some fruit with bugs in it, or something like that, or whether it is some bats that have flown down from Irian Jaya into northern Queensland, transmitting the rabies virus into the wild cattle, the bantengs up there (most of which have gone now through biosecurity), there are so many ways we can get disease into this country, and we cannot ever, ever let down our guard. Having said that, I do not think it is up to each and every farmer to be dipping their hand into their pocket again to help pay for this biosecurity. There are vets out there being well trained at Roseworthy and other vet schools and through in-service and professional development exercises, and a few years ago I attended a few.

We are well aware of it, but who pays for it? Farmers are paying over and over again. They are paying taxes, levies and fees. They are paying and paying. Every time they send cattle and sheep off to the abattoirs, they are paying a fee. A proportion of that fee should be going to paying for biosecurity measures. A proportion of the taxes they pay should be used for funding biosecurity measures. It should not come down to the fact that if you have a horse or some chooks in the backyard you are possibly going to be paying a biosecurity fee. That is not what is happening in this particular legislation, but who knows where it could stop.

I want to see our alertness and levels of biosecurity at the highest level that they can possibly be, but that is not going be achieved by yet another fee. It is going to be achieved by educating farmers and by encouraging farmers to use modern technology, modern livestock,

traceback techniques. We have heard about the NLIS tags (National Livestock Identification Scheme Tags), a little electronic tag that goes in the ear of the cattle. Once it is in it stays in there for life. We know about the old plastic eartags we have been using for many years. We have had tail tags. We have had tail tags for pregnant cattle, non-pregnant cattle and all sorts of tags.

We have had hot branding and we have had freeze branding. If you have not ever branded a horse, it is an interesting exercise. You would be surprised how far a horse can kick with its back leg when you are trying to put a brand on its shoulder. I have done mulesing. I have mulesed sheep and lambs, and it is horrific to look at. If there is any other way we can get around that I would be more than happy, and they are working on ways to get around it. If there is any other way to get around that, then I would be more than happy to see governments fostering research in the area, and I think it is happening.

However, you do need to identify livestock. Hot branding and freeze branding are not used as much now, but it is certainly used more on horses. I did not get all of Black Caviar's brand, but I think it was 46/6. That means she was the 46th foal born on the stud in six years, so six is 2006. The freeze branding of standard bred horses on the top of their neck just under their mane uses the corner of two squares and various angles, and you can read the numbers from that.

Whether it is a NLIS tag, an eartag, a tail tag, a microchip or a brand, we do need to keep track of our livestock. We need to keep track of the properties as well, so we have property identification codes (PICs). We have those on our property at Meadows, and I do not think there is any particular farmer who would have an issue with that.

We have horses on agistment on commonwealth land at the airport. Who is the property owner there? Is it Adelaide Airport Limited, is it the commonwealth, is it the person who leases that bit of land from the Adelaide Airport, or is it the person who then pays the rent to that person for their horse? The property identification traceback is very important. There are issues like that which we need to keep our eye on. We cannot argue with the fact that we need to have the highest levels of biosecurity in Australia and in South Australia. How you pay for that is why I support this amendment. We all pay taxes and if you are paying taxes you are making money, and everybody out there does not mind paying for all the necessary things we need in this wonderful country.

Anyone who says that farmers do not care about the welfare of their livestock and are prepared to make their livestock endure cruel and inhumane conditions, or farmers do not care about disease, it is a no-brainer. You want to send the best quality livestock off to market, to the abattoirs, as you possibly can, because that is how you get paid. You want to breed the best sheep you can with the best wool with the highest wool clip you can possibly get. You want to have your dairy cattle producing the best milk with the best protein and fat levels and lowest cell levels you can possibly get. You want that, and that is what farmers are all about.

People who do not know this should go out and talk to farmers. Phone me and talk to me. I am happy to talk at any time about what I have seen, where I have been, what I have done and what I know, because I have been there, seen it and done it. I have seen the other side, as the RSPCA says, and I have been involved in livestock enterprises. I know what is required. What this government's bill is aimed at is good, but the amendments improve it.

With that, I conclude my remarks and I hope the government does listen to sense and look at what we are trying to achieve with these amendments.

The Hon. P. CAICA (Colton—Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (17:31): I thank opposition members for their contributions to this bill.

Bill read a second time.

In committee.

Clauses 1 to 4 passed.

Clause 5.

Mr PEDERICK: Clause 5 is: Interpretation—notifiable condition and exotic disease, and details where the minister may, by the same or a subsequent notice in the gazette, designate a specified notifiable disease as either a notifiable (report only) disease or an exotic disease. I am interested in what diseases would be included in the clause as notifiable, which is report only, and what examples there are of exotic diseases.

The Hon. P. CAICA: The shadow spokesperson was right to identify that the act requires the reporting of declared notifiable diseases. It also imposes requirements or restrictions on livestock affected or suspected of being infected with a notifiable disease. Of course, countries importing livestock or produce require certification of certain diseases which jurisdictions in the industry have no interest in regulating. I am advised that there are examples and, of course, this will improve disease reporting to support exports, something that we all agree with and support.

The example I have is that leptospirosis is a disease of interest to some importing countries but it is currently not notifiable in South Australia. Information on the disease will assist government to issue certificates to help exporters access those markets.

Mr PEDERICK: Just as clarification, that is one you are classing as an exotic disease? That one is just notifiable, is it?

The Hon. P. CAICA: A notifiable disease. My understanding is that it will become notifiable, and it is for the purposes of ensuring that we can report accordingly to those countries that require certification for certain diseases for which jurisdictions and industry are responsible for regulating.

Mr PEDERICK: Thank you, minister. Have you got any examples of what you will determine as an exotic disease under this clause?

The Hon. P. CAICA: I am told that there will not be any exotic diseases notifiable. That will be a 'report only', because what this is doing is looking at a 'report only'. That means that it is reportable, but a certain level of action will be taken than that which will be taken in other areas.

Dr McFETRIDGE: On that same clause, minister, is there going to be any obligation on behalf of the animal owners or the property owners to take any action once they notify of a particular disease other than the actual notification?

The Hon. P. CAICA: I am advised that there are already certain conditions and criteria for the reporting of declared notifiable diseases. The former installs some obligations on the owner. With respect to 'report only' the only obligation will be to report.

Clause passed.

Clause 6 passed.

Clause 7.

Mr PEDERICK: This clause deals with categories of offences determining maximum penalties and expiation fees. Proposed subsection (2) provides:

> If a regulation prescribing the categories of offences against a provision of this Act is not in force, any offence against the provision will be taken to be a category 1 offence.

I am just interested in what offences are likely to be listed as category 1 offences in this clause?

The Hon. P. CAICA: As you have described there: regulations with prescribed scaled penalties that recognise the relative severity and consequences of offending, which seems to be appropriate. What I am told is that, as you would expect, there will be ongoing consultation with industry as to the penalties and the criteria with respect to category 1. I am told that most of the serious ones will be retained as a category 1.

Mr PEDERICK: Have you got any specific examples at this stage as to what may be offences under that category, or does this still have to go back to the advisory groups and to the minister?

The Hon. P. CAICA: As I said, it will be going back for further discussion. As an example, apiarists are required to be registered under the act. The purpose of registration is to ensure that all owners of beehives are known so that, in the event of an emergency of an animal (in this case a bee disease) being detected in the state, effective disease control measures can be established. This would not be possible, of course, without the knowledge of who was a part of the industry and where the hives were located.

I am told that apiary operations range from one or two hives owned by a pensioner to in excess of 1,000 hives owned by a commercial operator. It is appropriate that the penalty for failing to register recognises the size of the operation, and that is an example of an activity that would have that level of scale. That is an example that I have put forward, but even that will still be subject to a level of discussion and consultation with the relevant industry groups.

Dr McFETRIDGE: Is there a chain of responsibility as to who is going to be ultimately responsible for the notification of these diseases? I will use the example of Adelaide Airport. Adelaide Airport leases the land from the commonwealth, which owns the land, it then subleases it to an individual, who then rents parts of that property to individuals where they agist their horses. If one of those horses was to be showing signs of equine influenza, an encephalitis or some other notifiable disease, who is ultimately responsible? Is it the horse owner? Is it the fellow who rents them the stables? Is it Adelaide Airport? Is it the commonwealth?

The Hon. P. CAICA: I thank the honourable member for his question. Under this section there is an obligation to report a notifiable situation, disease or illness. It is the person who owns the horse who has the responsibility. Given your example, presumably a horse might be away from the owner from time to time, and I will probably get into trouble here, but I would think that common sense would prevail. If a vet was at the Adelaide Airport to pick up a horse and noticed a difference in condition and, as you said, was easily able to identify a notifiable disease then I am sure action would be put in place to ensure that notification was made. Ultimately, I am advised it is the owner of the horse, but in the situation you raise the owner of the horse might be a long way away and not even aware that the horse might have a notifiable condition. That is what you are essentially saying, are you not, in your example?

Dr McFETRIDGE: Just to clarify that, in this particular example it is an agistment, and it is mainly kids who agist their horses, just along the airport, by the showjumping club. I do not want them to be thinking, 'Well, it's not an issue, somebody else will report it.' I want to know if there is a chain of responsibility. Animal owners do not call vets as often as they should, in my opinion, they think we charge too much, which is a furphy. I think it is important that it is not the property owner or the subletter, but the actual animal owner who has the ultimate responsibility.

The Hon. P. CAICA: That is exactly who it is. That is the person who is responsible. Having said that, I guess there will be other measures or expectations in place that when a detection occurs the responsibility would be discharged by the owner.

Dr McFETRIDGE: On that same clause, if there was an outbreak of equine flu at that particular property, whose responsibility is it to quarantine the property? Is it the commonwealth, Adelaide Airport Limited or the fellow who subleases the land from Adelaide Airport? Obviously, it is not the individual horse owner, they are just renting a stable, and I think there are 20 horses there at the moment. It will be interesting to see where the chains of responsibility start and stop with this because we want it to work.

The Hon. P. CAICA: There is a role and responsibility to notify, but once it is notified it would be the responsibility of the department to undertake the processes that are required for that, and whatever the scale of quarantining will be.

Clause passed.

Clause 8 passed.

Clause 9.

Mr PEDERICK: Clause 9 talks about terms and conditions of membership and procedures and what it will delete is that a livestock advisory group may determine its own procedures, but the new provision will indicate that subject to any direction of the minister a livestock advisory group may determine its own procedures. I think this is a fairly fundamental change, and I just wonder if there have been any issues with livestock groups determining their own procedures, because obviously there is a reason that this clause is being amended.

The Hon. P. CAICA: I had some dealings with the livestock advisory groups when I was the minister for agriculture, food and fisheries, and I had no problems at all. I cannot speak about what has happened now, but in essence, the proposed amendment provides an opportunity for the minister to direct an advisory group in relation to determining their administrative procedures. As the shadow spokesperson knows, currently livestock advisory groups may determine their own procedures.

However, what we do know to be the case is that seven or more advisory groups can result, in essence, in seven or more different sets of procedures, which can create inefficiencies and complications with administration. The overall aim, of course, would be to have the same administrative system for all the groups to minimise costs, and naturally where variations are needed this could be discussed between the minister and the advisory group.

I do understand that this could mean that the minister could end up imposing administrative arrangements on a group that they strongly oppose, but I would say that when I was the minister I would do that at my peril, and I am sure that any minister of the day would do that. It is very unlikely to occur in practice. In my experience, if any relationship between a minister and the advisory group reached this level, it would mean the relationship and value of the related advice had been lost and potential resolution would involve issues greater than administrative arrangements. Really, it is about making sure there is some consistency across the advisory groups purely from an administrative perspective.

Clause passed.

Clause 10.

Mr PEDERICK: This is about the requirement for registration to keep certain livestock, and it is a similar question to what I asked before about the different categories. What I will say is that these amendments bringing in expiation fees are a great improvement to the act, when we do not have to go straight to prosecution with the risk of $10,000 fines. I think it does allow a greater variance on how to deal with any problems under this act.

We have now the case of the category 3 offence, where $1,250 will be the fee; in the case of a category 2 offence it will be $5,000; in the case of a category 1 offence it is $10,000, which is the penalty provision in the act as it stands. Then expiation fees for alleged offences are bracketed as well through the three categories. How are those categories determined under the clause?

The Hon. P. CAICA: This is going to be part of the consultation process as well, and my understanding is that the feedback from industry, just as you have described there, is that it is a very sensible thing to have graduated penalties and expiation fees for failing to register instead of the prosecution of one penalty of $10,000. It does relate back to the question you asked in relation to a previous clause.

As I mentioned, it still is to be a subject of some discussion. Livestock owners, as you know, can own from just a few animals; for example, a hobby farmer like our good friend, the member for Morphett. He might be a bit beyond that, but I am sure that the real farmers might consider him to be a hobby farmer. For a farming enterprise with in excess of hundreds of thousands of head of livestock it is appropriate that the penalty for failing to register recognises the size of the operation and the potential gravity of a breach of the requirement to register. The penalties are set out in the clause.

Mr PEDERICK: I am happy with that clause, Mr Chairman.

Clause passed.

Clause 11.

Mr PEDERICK: This is a clause that I mentioned in my speech. I reckon the clause would have been out of date as soon as it went in the old act. Under the requirement of registration to perform an artificial breeding procedure (and I am reading from the act now), the section provides:

(1) A person must not carry out an artificial breeding procedure on or in connection with livestock of a prescribed class unless the person is registered under this part.

Maximum penalty: $10,000.

(2) Subsection (1) does not apply to a veterinary surgeon.

I note that in the new clause in the bill—and an expiation fee comes in, which I applaud as well; I think that is very sensible—subclause (2) will be deleted, and subclause (1) will not apply to:

(a) a veterinary surgeon; or

(b) a person who carries out an artificial breeding procedure on or in connection with livestock owned by the person; or

(c) an artificial breeding procedure carried out on or in connection with livestock by an employee of the owner of the livestock in the course of that employment.

This is a long overdue amendment. As I said, the initial section was probably long out of date when the act was printed, because I suggest that there would be many people, as I indicated in my speech, like my locals down at Coomandook, that have been conducting AI for many years as property owners, and their staff assisting them. I guess what I am asking is: because of the way the act was printed, was anyone charged or convicted of an offence under the old section?

The Hon. P. CAICA: I thank the honourable member for acknowledging that this is a sensible amendment, and of course he is right to point out that it is to correct an oversight that currently makes it an offence for that person to carry out artificial breeding procedures. Earlier legislation allowed farmers to perform artificial insemination on their own animals. It was an oversight that this was not continued. I am told that no compliance action has ever occurred with respect to this oversight.

Dr McFETRIDGE: I declare that I am a veterinary surgeon, so obviously we would like to see the vets doing all the work, but we recognise the fact that it is not practical. I do not want to go out there and AI 10,000 sheep, thanks very much. I think the farmers can do that with sufficient training. However, I am aware of a particular case over on the West Coast where a chap from Victoria, who has a licence from PIRSA and who has actually done work for PIRSA, is being investigated by the Veterinary Surgeons Board because he has been doing laparoscopic AI. That is a couple of small cuts in the belly of the sheep, and you can go in and do the AI that way.

It is a very accurate way of doing it; you can do hundreds of sheep a day if you are accurate and well trained. He has been training other vets, because he does not want to do it; he has too much as it is. He seems to have slipped between the cracks of the previous legislation and this current legislation.

I do not expect the minister to have an answer now—if he has that would be good—but perhaps he might just want to have a look at any cases that are going on at the moment where people are being investigated. I do not know whether he has been prosecuted yet; I do not think he has actually been charged with an act of veterinary science, because that does not fit in under this act, but he has been investigated for undertaking laparoscopic AI, and I understand a couple of vets have questioned whether he should be able to do it. I just bring that to the minister's attention. I think this is a sensible move here, and I ask that the minister see whether anyone is currently being investigated who would otherwise be excluded under this legislation.

The Hon. P. CAICA: I do not have that information before me, but if is being investigated, I would leave it at that. I am not aware of that particular situation, but I would hope, just as a rule of thumb—or a rule of hand; whatever it is artificial inseminators do—that registration procedures are in place to protect owners who may use a registered inseminator.

Clause passed.

Progress reported; committee to sit again.

[Sitting extended beyond 18:00 on motion of Hon. P. Caica]

LOCAL GOVERNMENT (SUPERANNUATION SCHEME) (MERGER) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

SUMMARY OFFENCES (WEAPONS) AMENDMENT BILL

The Legislative Council, having considered the recommendations of the conference, agreed to the same.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (18:00): I have to report that the managers for the two houses conferred together and it was agreed that we should recommend to our respective houses:

As to Amendment No 1—That the Legislative Council no longer insist on its amendment

As to Amendment No 2—That the Legislative Council no longer insist on its amendment

As to Amendment No 3—That the Legislative Council no longer insist on its amendment

As to Amendment No 4—That the Legislative Council no longer insist on its amendment

As to Amendment No 5—That the Legislative Council no longer insist on its amendment

As to Amendment No 6—That the Legislative Council no longer insist on its amendment

As to Amendment No 7—That the Legislative Council no longer insist on its amendment

As to Amendment No 8—That the Legislative Council no longer insist on its amendment but makes the following amendment in lieu thereof:

Clause 5, page 5, lines 13 to 26 [clause 5, inserted section 21C(3) and (4)]—Delete subsections (3) and (4) and substitute:

(3) A person who, without lawful excuse, carries an offensive weapon or dangerous article at night while in, or while apparently attempting to enter or leave—

(a) licensed premises; or

(b) a carparking area specifically or primarily provided for the use of patrons of the licensed premises,

is guilty of an offence.

Maximum penalty: $10,000 or imprisonment for 2 years.

(4) It is a defence to prosecution for an offence against subsection (3) to prove that—

(a) if the charge relates to the defendant's being in, or apparently attempting to enter or leave, licensed premises—the defendant did not know and had no reason to believe that the premises were premises of a kind where liquor was sold or supplied; or

(b) if the charge relates to the defendant's being in, or apparently attempting to enter or leave, a carparking area specifically or primarily provided for the use of patrons of the licensed premises—the defendant did not know and had no reason to believe that the area was such a carparking area.

and that the House of Assembly agrees thereto.

As to Amendment No 9—That the Legislative Council no longer insist on its amendment but makes the following amendment in lieu thereof:

Clause 5, page 5, after line 35 [clause 5, inserted section 21C]—After subsection (6) insert:

(7) A person who, without lawful excuse—

(a) uses an offensive weapon; or

(b) carries an offensive weapon that is visible,

in the presence of any person in a school or public place in a manner that would be likely to cause a person of reasonable firmness present at the scene to fear for his or her personal safety, is guilty of an offence.

Maximum penalty: $10,000 or imprisonment for 2 years.

(8) For the purposes of an offence against subsection (7), no person of reasonable firmness need actually be, or be likely to be, present at the scene.

(9) If on the trial of a person for an offence against subsection (7), the court is not satisfied that the person is guilty of the offence charged, but is satisfied that the person is guilty of an offence against subsection (1)(a), the court may find the person guilty of the offence against subsection (1)(a).

and that the House of Assembly agrees thereto.

As to Amendment No 10—That the Legislative Council no longer insist on its amendment

As to Amendment No 11—That the Legislative Council no longer insist on its amendment

As to Amendment No 12—That the Legislative Council no longer insist on its amendment but makes the following amendment in lieu thereof:

Clause 5, page 7, lines 1 to 11 [clause 5, inserted section 21E(2) and (3)]—Delete subsections (2) and (3)

and that the House of Assembly agrees thereto.

As to Amendment No 13—That the Legislative Council no longer insist on its amendment but makes the following amendment in lieu thereof:

Clause 5, page 7, line 21 [clause 5, inserted section 21F(2)(a)]—Delete paragraph (a) and substitute:

(a) Schedule 2; or

and that the House of Assembly agrees thereto.

As to Amendment No 14—That the House of Assembly no longer insist on its disagreement to the amendment

As to Amendment No 15—That the House of Assembly no longer insist on its disagreement to the amendment

As to Amendment No 16—That the House of Assembly no longer insist on its disagreement to the amendment

As to Amendment No 17—That the House of Assembly no longer insist on its disagreement to the amendment

As to Amendment No 18—That the House of Assembly no longer insist on its disagreement to the amendment

As to Amendment No 19—That the House of Assembly no longer insist on its disagreement to the amendment

As to Amendment No 20—That the House of Assembly no longer insist on its disagreement to the amendment

As to Amendment No 21—That the House of Assembly no longer insist on its disagreement to the amendment

As to Amendment No 22—That the House of Assembly no longer insist on its disagreement to the amendment

As to Amendment No 23—That the House of Assembly no longer insist on its disagreement to the amendment

As to Amendment No 24—That the House of Assembly no longer insist on its disagreement to the amendment

As to Amendment No 25—That the Legislative Council no longer insist on its amendment

As to Amendment No 26—That the Legislative Council no longer insist on its amendment but makes the following amendment in lieu thereof:

Clause 5, page 8, after line 30—After section 21F insert:

21FA—Information relating to knife related injuries

(1) If a medical practitioner or a registered or enrolled nurse has reasonable cause to suspect in relation to a person who he or she has seen in his or her professional capacity that the person is suffering from a wound inflicted by a knife, the medical practitioner or nurse must, as soon as practicable after forming the suspicion, make a report to the prescribed person or body containing—

(a) details of the wound; and

(b) any information provided to the practitioner or nurse about the circumstances leading to the infliction of the wound (other than information tending to identify the person).

(2) Subsection (1) does not apply if, in the opinion of the medical practitioner or the nurse, the injuries are not serious and the medical practitioner or nurse believes on reasonable grounds that the injuries were accidental.

(3) A person incurs no civil or criminal liability in taking action in good faith in compliance, or purported compliance, with this section.

(4) In this section—

enrolled nurse means a person registered under the *Health Practitioner Regulation National Law*—

(a) to practise in the nursing and midwifery profession as a nurse (other than as a student); and

(b) in the enrolled nurses division of that profession;

medical practitioner means a person registered under the *Health Practitioner Regulation National Law* to practise in the medical profession (other than as a student);

registered nurse means a person registered under the *Health Practitioner Regulation National Law*—

(a) to practise in the nursing and midwifery profession as a nurse (other than as a student); and

(b) in the registered nurses division of that profession.

and that the House of Assembly agrees thereto.

As to Amendment No 27—That the House of Assembly no longer insist on its disagreement to the amendment

As to Amendment No 28—That the House of Assembly no longer insist on its disagreement to the amendment

As to Amendment No 29—That the House of Assembly no longer insist on its disagreement to the amendment

As to Amendment No 30—That the Legislative Council no longer insist on its amendment but makes the following amendment in lieu thereof:

Clause 5, page 10, lines 29 to 41 [clause 5, inserted section 21H(6) to (8)]—Delete subsections (6) to (8) inclusive and substitute:

(6) A person to whom a weapons prohibition order applies must—

(a) as soon as reasonably practicable after becoming aware of the presence of a prohibited weapon on premises at which the person resides, notify the Commissioner of that fact in the manner (if any) prescribed by the regulations; and

(b) comply with—

(i) a direction of the Commissioner, given in response to that notification, that the person must not reside at the premises; or

(ii) any other direction of the Commissioner, given in response to that notification, in relation to the weapon.

Maximum penalty: $10,000 or imprisonment for 2 years.

and that the House of Assembly agrees thereto.

As to Amendment No 31—That the House of Assembly no longer insist on its disagreement to the amendment

As to Amendment No 32—That the House of Assembly no longer insist on its disagreement to the amendment

As to Amendment No 33—That the House of Assembly no longer insist on its disagreement to the amendment

As to Amendment No 34—That the Legislative Council no longer insist on its amendment

As to Amendment No 35—That the House of Assembly no longer insist on its disagreement to the amendment

As to Amendment No 36—That the House of Assembly no longer insist on its disagreement to the amendment

As to Amendment No 37—That the House of Assembly no longer insist on its disagreement to the amendment

As to Amendment No 38—That the Legislative Council no longer insist on its amendment but makes the following amendment in lieu thereof:

Clause 5, page 13, lines 28 to 30 [clause 5, inserted section 21M(a)]—Delete paragraph (a) and substitute:

(a) prescribe circumstances in which a person will be taken to have a lawful excuse in relation to an act or omission referred to in section 21C or 21E; and

(ab) provide that this Part or specified provisions of this Part do not apply to a specified class of persons; and

and that the House of Assembly agrees thereto.

As to Amendment No 39—That the House of Assembly no longer insist on its disagreement to the amendment

As to Amendment No 40—That the House of Assembly no longer insist on its disagreement to the amendment

As to Amendment No 41—That the Legislative Council no longer insist on its amendment but makes the following amendment in lieu thereof:

Clause 7, page 14, after line 9 [clause 7, inserted section 72A]—After subsection (1) insert:

(1a) The following provisions apply to a search carried out in accordance with this section:

(a) the search must, in the first instance, be a metal detector search;

(b) if the metal detector search indicates the presence or likely presence of metal, a police officer may require the person to produce items detected by the metal detector (and, for the purpose of determining whether or not the person has produced such items, may conduct further metal detector searches);

(c) if the person refuses or fails to produce any such item, a police officer may, for the purpose of identifying the item, conduct a search in relation to the person or property (which need not be a metal detector search but may be conducted as if it were a search of a person who is reasonably suspected of having, on or about his or her person an object, possession of which constitutes an offence).

and that the House of Assembly agrees thereto.

As to Amendment No 42—That the House of Assembly no longer insist on its disagreement to the amendment

As to Amendment No 43—That the House of Assembly no longer insist on its disagreement to the amendment

As to Amendment No 44—That the House of Assembly no longer insist on its disagreement to the amendment

As to Amendment No 45—That the House of Assembly no longer insist on its disagreement to the amendment

As to Amendment No 46—That the Legislative Council no longer insist on its amendment but makes the following amendment in lieu thereof:

Clause 7, page 14, lines 36 to 41 and page 15, lines 1 to 12 [clause 7, inserted section 72A(7) and (8)]—Section 72A(7) and (8)—delete the subsections and substitute:

(7) The following information must be included in the annual report of the Commissioner under section 75 of the *Police Act 1998* (other than in the year in which this section comes into operation) in respect of the period to which the report relates (the *relevant period*):

(a) the number of declarations made under subsection (3) during the relevant period;

(b) the number of metal detector searches carried out under this section during the relevant period;

(c) the number of occasions on which a metal detector search carried out during the relevant period indicated the presence, or likely presence, of any metal;

(d) the number of occasions on which weapons or articles of a kind referred to in Part 3A were detected in the course of such searches and the types of weapons or articles so detected;

(e) any other information requested by the Minister.

and that the House of Assembly agrees thereto.

As to Amendment No 47—That the Legislative Council no longer insist on its amendment

As to Amendment No 48—That the Legislative Council no longer insist on its amendment

As to Amendment No 49—That the Legislative Council no longer insist on its amendment

As to Amendment No 50—That the Legislative Council no longer insist on its amendment but makes the following amendment in lieu thereof:

Clause 7, page 16, line 8 [clause 7, inserted section 72B(3)]—Section 72B(3)—delete 'involving serious violence' and substitute:

of serious violence involving a group or groups of people

and that the House of Assembly agrees thereto.

As to Amendment No 51—That the House of Assembly no longer insist on its disagreement to the amendment

As to Amendment No 52—That the House of Assembly no longer insist on its disagreement to the amendment

As to Amendment No 53—That the Legislative Council no longer insist on its amendment but makes the following amendment in lieu thereof:

Clause 7, page 17, lines 4 to 23 [clause 7, inserted section 72B(10) and (11)]—Section 72B(10) and (11)—delete the subsections and substitute:

(10) The following information must be included in the annual report of the Commissioner under section 75 of the *Police Act 1998* (other than in the year in which this section comes into operation) in respect of the period to which the report relates (the *relevant period*):

(a) the number of authorisations granted under subsection (3) during the relevant period; and

(b) in relation to each authorisation granted during the relevant period (identified by location and date)—

(i) the nature of the incident in relation to which the authorisation was granted; and

(ii) the number of people searched in the exercise of powers under this section; and

(iii) whether weapons or articles of a kind referred to in Part 3A were detected in the course of the exercise of powers under this section; and

(iv) the types of weapons or articles so detected;

(c) the number of occasions on which the Commissioner gave consent under subsection (9) during the relevant period;

(d) any other information requested by the Minister.

and that the House of Assembly agrees thereto.

As to Amendment No 54—That the Legislative Council no longer insist on its amendment

As to Amendment No 55—That the Legislative Council no longer insist on its amendment

As to Amendment No 56—That the House of Assembly no longer insist on its disagreement to the amendment

As to Amendment No 57—That the Legislative Council no longer insist on its amendment but makes the following amendment in lieu thereof:

Clause 7, page 17, line 35 [clause 7, inserted section 72C(3)]—After 'circumstances' insert:

(provided that a person who is not a police officer may only provide assistance at the direction of, and in the presence of, a police officer)

and that the House of Assembly agrees thereto.

As to Amendment No 58—That the Legislative Council no longer insist on its amendment

As to Amendment No 59—That the Legislative Council no longer insist on its amendment but makes the following amendment in lieu thereof:

Clause 9, page 18, line 36 [clause 9(1)]—Delete subclause (1) and substitute:

(1) Section 85(2)(a) and (b)—delete paragraphs (a) and (b) and substitute:

(a) vary the provisions of Schedule 2 (other than clauses 3 to 11 inclusive) by including provisions in, or deleting provisions from, the Schedule;

and that the House of Assembly agrees thereto.

As to Amendment No 60—That the Legislative Council no longer insist on its amendment but makes the following amendment in lieu thereof:

New clause, page 19, after line 3—After clause 9 insert:

10—Insertion of Schedule 2

After Schedule 1 insert:

Schedule 2—Exempt persons—prohibited weapons

Part 1—Preliminary

1—Interpretation

In this Schedule, unless the contrary intention appears—

number, in relation to the identification of a weapon, means an identifying mark comprised of either numbers or letters or a combination of both numbers and letters;

official ceremony means a ceremony conducted—

(a) by the Crown in right of the State or the Commonwealth; or

(b) by or under the auspices of—

(i) the Government of the State or the Commonwealth; or

(ii) South Australia Police; or

(iii) the armed forces;

prescribed masonic organisation means—

(a) the Antient, Free And Accepted Masons Of South Australia and the Northern Territory Incorporated; or

(b) a Lodge or Order of Freemasons warranted and recognised by the association referred to in paragraph (a); or

(c) the Lodge of Freemasons named 'The Duke of Leinster Lodge';

prescribed services organisation means—

(a) The Returned and Services League of Australia (S.A. Branch) Incorporated or any of its sub-branches; or

(b) an association or other body (whether or not incorporated) that is a member of the Consultative Council of Ex-Service Organisations (S.A.).

2—Application of Schedule

(1) If—

(a) in Part 2, a person is expressed to be an exempt person for the purposes of 1 or more offences against section 21F(1) of this Act in relation to a particular class of prohibited weapon; and

(b) the weapon is, in accordance with the regulations, included in 1 or more of the other classes of prohibited weapon,

the person is an exempt person in relation to that weapon for the purposes of the offences even though he or she is not an exempt person in relation to a prohibited weapon of the other class or classes referred to in paragraph (b).

(2) The exemptions in Part 2 (other than under clauses 3, 4, 5 and 12) do not apply to a person who has, whether before or after the commencement of this Schedule, been found guilty by a court of—

(a) an offence involving violence for which the maximum term of imprisonment is 5 years or more; or

(b) an equivalent offence involving violence under the law of another State or Territory of the Commonwealth or of another country.

(3) If a person is an exempt person in relation to a weapon under a clause in Part 2 (other than under clauses 3, 4, 5 or 12) and a court finds the person guilty of using the weapon to threaten or injure another person, he or she ceases to be an exempt person in relation to that or any other weapon under that clause and can never again become an exempt person under that clause.

(4) A person who, prior to the commencement of this Schedule, ceased, in accordance with regulation 7(4) of the *Summary Offences (Dangerous Articles and Prohibited Weapons) Regulations 2000*, to be an exempt person under a particular regulation is taken not to be exempt under any corresponding provision of Part 2.

Part 2—Exemptions

3—Police officers

A police officer is an exempt person for the purposes of an offence of use or possession of a prohibited weapon under section 21F(1)(b) of this Act if the officer uses or has possession of a prohibited weapon for the purpose or in the course of his or her duties as a police officer.

4—Delivery to police

A person is an exempt person for the purposes of an offence of possession of a prohibited weapon under section 21F(1)(b) of this Act if the person has possession of a prohibited weapon for the purpose of delivering it as soon as reasonably practicable to a police officer.

5—Emergencies

A person is an exempt person for the purposes of an offence of use or possession of a prohibited weapon under section 21F(1)(b) of this Act if the person uses or has possession of a prohibited weapon for the purpose, and in the course, of dealing with an emergency (whether as a volunteer or in the course of paid employment), provided that the person does not use the weapon to threaten or injure another person.

6—Business purposes

A person is an exempt person for the purposes of an offence of use or possession of a prohibited weapon under section 21F(1)(b) of this Act if the person uses or has possession of a prohibited weapon in the course of

conducting his or her business or in the course of his or her employment, provided that—

(a) the use or possession of the weapon is reasonably required for that purpose; and

(b) the use or possession of the weapon is not in the course or for the purpose of manufacturing, selling, distributing, supplying or otherwise dealing in the weapon.

7—Religious purposes

A person is an exempt person for the purposes of an offence of possession of a prohibited weapon under section 21F(1)(b) of this Act in relation to the possession of a knife (other than a butterfly knife, flick knife, push knife or trench knife) or dagger if—

(a) the person is a member of a religious group; and

(b) the person possesses, wears or carries the knife or dagger for the purpose of complying with the requirements of that religion.

8—Entertainment

A person is an exempt person for the purposes of an offence of use or possession of a prohibited weapon under section 21F(1)(b) of this Act if the person uses or has possession of a prohibited weapon in the course of providing a lawful and recognised form of entertainment of other persons that reasonably requires the use or possession of the weapon.

9—Sport and recreation

A person is an exempt person for the purposes of an offence of use or possession of a prohibited weapon under section 21F(1)(b) of this Act if the person uses or has possession of a prohibited weapon in the course of participating in a lawful and recognised form of recreation or sport that reasonably requires the use or possession of the weapon.

10—Ceremonies

A person is an exempt person for the purposes of an offence of use or possession of a prohibited weapon under section 21F(1)(b) of this Act if the person uses or has possession of a prohibited weapon in the course of an official ceremony that reasonably requires the use or possession of the weapon.

11—Museums and art galleries

A person is an exempt person for the purposes of an offence of possession of a prohibited weapon under section 21F(1)(b) of this Act if the person has possession of a prohibited weapon for the purposes of a museum or art gallery.

12—Executors etc

(1) A person is an exempt person for the purposes of an offence of possession of a prohibited weapon under section 21F(1)(b) of this Act if the person has possession of a prohibited weapon in the course of his or her duties—

(a) as the executor, administrator or other representative of—

(i) the estate of a deceased person or a bankrupt; or

(ii) a person who is legally incompetent; or

(b) as receiver or liquidator of a body corporate.

(2) A person is an exempt person for the purposes of an offence of sale or supply of a prohibited weapon under section 21F(1)(a) of this Act, if the person sells or supplies a prohibited weapon in the course of his or her duties—

(a) as the executor, administrator or other representative of—

(i) the estate of a deceased person or a bankrupt; or

(ii) a person who is legally incompetent; or

(b) as receiver or liquidator of a body corporate,

provided that the sale or supply is to a person who is entitled to possession of the weapon under section 21F of this Act.

13—Heirlooms

A person is an exempt person for the purposes of an offence of possession of a prohibited weapon under section 21F(1)(b) of this Act if the person has possession of a prohibited weapon that is of sentimental value to him or her as an heirloom and that was previously in the possession of 1 or more of his or her relatives provided that the person keeps the weapon in a safe and secure manner at his or her place of residence and does not remove it except for the purpose of—

(a) display by a person who is entitled under section 21F of this Act to have possession of it for that purpose; or

(b) repair or restoration by a person who carries on a business that includes the repair or restoration of articles of that kind; or

(c) valuation by a person who carries on a business that includes the valuing of articles of that kind; or

(d) secure storage by a person who carries on the business of storing valuable property on behalf of other persons; or

(e) permanently transferring possession of the weapon to another person (being a person who is entitled under section 21F of this Act to have possession of it).

14—Collectors

(1) A person is an exempt person for the purposes of an offence of possession of a prohibited weapon under section 21F(1)(b) of this Act if the person has possession of a prohibited weapon as part of a collection of weapons or other artefacts or memorabilia (comprised of at least 3 weapons, whether or not prohibited weapons) that has a particular theme, or that the person maintains for its historical interest or as an investment, provided that—

(a) the person keeps the following records in a legible manner in a bound book at his or her place of residence for a period that expires at the end of 5 years after he or she ceases to be in possession of the collection:

(i) a record describing and identifying the weapon;

(ii) a record of the date of each occasion on which he or she obtains or re-obtains possession of the weapon and the identity and address of the person from whom he or she obtains or re-obtains possession;

(iii) the date of each occasion on which he or she parts with possession of the weapon to another person and the identity and address of that person; and

(b) the person keeps the weapon in a safe and secure manner at his or her place of residence and does not remove it except for the purpose of—

(i) display by a person who is entitled under section 21F of this Act to have possession of it for that purpose; or

(ii) repair or restoration by a person who carries on a business that includes the repair or restoration of articles of that kind; or

(iii) valuation by a person who carries on a business that includes the valuing of articles of that kind; or

(iv) repair, restoration or valuation—

(A) by another collector who is, under this clause, an exempt person in relation to a prohibited weapon; or

(B) by a person who is, under clause 17, an exempt person in relation to a prohibited weapon; or

(v) secure storage by a person who carries on the business of storing valuable property on behalf of other persons; or

(vi) storage by another collector who is, under this clause, an exempt person in relation to a prohibited weapon; or

(vii) returning it to—

(A) another collector who is, under this clause, an exempt person in relation to a prohibited weapon; or

(B) a prescribed services organisation that is, under clause 15, an exempt person in relation to a prohibited weapon,

on whose behalf he or she has repaired, restored, valued or stored the weapon; or

(viii) taking it to a meeting but only if the majority of persons at the meeting are collectors who are, under this clause, exempt persons in relation to prohibited weapons; or

(ix) its sale or supply to another person in accordance with subclause (2); and

(c) the person permits a police officer at any reasonable time to enter his or her residential premises to inspect the collection and the records kept under paragraph (a).

(2) A person who is an exempt person under subclause (1) will also be an exempt person for the purposes of an offence of sale or supply of such a weapon under section 21F(1)(a) of this Act if the person sells or supplies the weapon in the normal course of maintaining the collection, to a person who is entitled to possession of a prohibited weapon under section 21F of this Act.

(3) A reference in subclause (1) to the place of residence of a person will be taken, in the case of a body corporate, to be a reference to the registered office of the body corporate.

15—Prescribed services organisations (RSL etc)

(1) A prescribed services organisation is an exempt person for the purposes of an offence of possession of a prohibited weapon under section 21F(1)(b) of this Act if it has possession of a prohibited weapon of a kind acquired or used by one of its members (or by a person that it represents) while on active war service as a member of Australia's armed forces, provided that—

(a) the organisation keeps the following records in a legible manner in a bound book at its premises for a period that expires at the end of 5 years after it last ceased to be in possession of the weapon:

(i) a record describing and identifying the weapon;

(ii) a record of the date of each occasion on which the organisation obtains or re-obtains possession of the weapon and the identity and address of the person from whom the organisation obtains or re-obtains possession;

(iii) the date of each occasion on which the organisation parts with possession of the weapon to another person and the identity and address of that person; and

(b) the organisation keeps the weapon in a safe and secure manner at its premises and does not remove the weapon except for the purpose of—

(i) display by a person who is entitled under section 21F of this Act to have possession of it for that purpose; or

(ii) repair or restoration by a person who carries on a business that includes the repair or restoration of articles of that kind; or

(iii) valuation by a person who carries on a business that includes the valuing of articles of that kind; or

(iv) repair, restoration or valuation—

(A) by a collector who is, under clause 14, an exempt person in relation to a prohibited weapon; or

(B) by a person who is, under clause 17, an exempt person in relation to a prohibited weapon; or

(v) secure storage by a person who carries on the business of storing valuable property on behalf of other persons; or

(vi) its sale or supply to another person in accordance with subclause (2); and

(c) the organisation permits a police officer at any reasonable time to enter the premises of the organisation to inspect the weapon and the records kept under paragraph (a).

(2) A person who is an exempt person in relation to a prohibited weapon under subclause (1) will also be an exempt person for the purposes of an offence of sale or supply of such a weapon under section 21F(1)(a) of this Act if the person sells or supplies the weapon in the normal course of maintaining the collection, to a person who is entitled to possession of a prohibited weapon under section 21F of this Act.

16—Possession by collector on behalf of prescribed services organisation or another collector

A person who is, under clause 14, an exempt person for the purposes of an offence of possession of a prohibited weapon under section 21F(1)(b) of this Act (the *first collector*) will also be an exempt person for the purposes of such an offence in relation to a prohibited weapon that is owned by another collector or a prescribed services organisation if—

(a) possession of the weapon by the first collector is solely for the purpose of repairing, restoring, valuing or storing it on behalf of the prescribed services organisation or the other collector; and

(b) the other collector is, under clause 14, or the prescribed services organisation is, under clause 15, an exempt person in relation to the weapon; and

(c) while the weapon is in the possession of the first collector, the first collector complies with the conditions in clause 14(1)(a) to (c) in relation to the weapon as though it were part of the first collector's collection.

17—Manufacturers etc

A person is an exempt person for the purposes of an offence of manufacture, sale, distribution, supply of, or other dealing in, possession or use of a prohibited weapon under section 21F(1) of this Act if—

(a) the person—

(i) has not been found guilty by a court of an offence involving the use, or the threat of using, a weapon; and

(ii) has notified the Commissioner in writing that he or she is, or intends, manufacturing, selling, distributing, supplying or otherwise dealing in prohibited weapons and of—

(A) the person's full name; and

(B) the address of the place or places at which the person is, or intends, conducting those activities; and

(C) the person's residential address; and

(D) in the case of a body corporate—the full name and residential address of each of its directors; and

(iii) the possession and use is, or is to be, only to the extent reasonably necessary for the purpose of manufacturing, selling, distributing, supplying or otherwise dealing in the weapons (as the case requires); and

(b) the weapons are kept in a safe and secure manner; and

(c) in the case of the sale, distribution or supply of, or other dealing in, a prohibited weapon—the weapon is not sold, distributed or supplied to, or dealt in with, a person who is under the age of 18 years; and

(d) a prohibited weapon is not marketed (within the meaning of section 21D of this Act) by the person in a way that—

(i) indicates, or suggests, that the weapon is suitable for combat; or

(ii) is otherwise likely to stimulate or encourage violent behaviour involving the use of the knife as a weapon; and

(e) in the case of the manufacture of prohibited weapons, each weapon manufactured is marked with an identifying brand and number in a manner that ensures that the brand and number cannot be removed easily and will not wear off in the normal course of use of the weapon; and

(f) the person keeps the following records in a legible manner (and in a form that is reasonably accessible to a police officer inspecting the records under paragraph (i)) at his or her business premises for a period of at least 5 years:

(i) a description of each prohibited weapon that is, or has been, in his or her possession;

(ii) the identifying brand and number (if any) that is marked on each of those weapons;

(iii) the name and address of the person to whom he or she sells, distributes, supplies, or with whom he or she otherwise deals in, each of those weapons;

(iv) the date of each transaction; and

(g) the person permits a police officer at any reasonable time to enter his or her premises or a vehicle in which prohibited weapons are carried to inspect the premises or vehicle, the weapons on the premises or in the vehicle or records kept by the exempt person under paragraph (f); and

(h) the person notifies the Commissioner in writing of a change in any of the information referred to in paragraph (a)(i) and (ii) within 7 days after the change occurs.

18—Possession by manufacturer etc on behalf of prescribed services organisation or another collector

A person who is, under clause 17, an exempt person for the purposes of an offence of possession of a prohibited weapon under section 21F(1)(b) of this Act (the *manufacturer*) will also be an exempt person for the purposes of such an offence in relation to a prohibited weapon that is owned by a collector or a prescribed services organisation if—

(a) possession of the weapon by the manufacturer is solely for the purpose of repairing or restoring the weapon or valuing or storing it on behalf of the collector or prescribed services organisation; and

(b) the collector is, under clause 14, or the prescribed services organisation is, under clause 15, an exempt person in relation to the weapon.

19—Prescribed weapons—security agents

(1) A person is an exempt person for the purposes of an offence of use or possession of a prohibited weapon under section 21F(1)(b) of this Act in relation to the use or possession of a weapon of a kind prescribed for the purposes of this clause if—

(a) the person is—

(i) authorised by a licence granted under the *Security and Investigation Agents Act 1995* to carry on the business of protecting or guarding property as a security agent; and

(ii) the holder of a firearms licence under the *Firearms Act 1977* authorising the possession and use of a handgun in the course of carrying on the business of guarding property; and

(b) the weapon is kept in a safe and secure manner at the person's business premises when not being used; and

(c) the weapon is marked with a number for identification and with the name of the person in a manner that ensures that the number and name cannot be removed easily and will not wear off in the normal course of use of the weapon; and

(d) the weapon is not issued to another person unless the other person is—

(i) an employee in the business; and

(ii) an exempt person under subclause (2); and

(e) the person keeps the following records in a legible manner (and in a form that is reasonably accessible to a police officer inspecting the records under paragraph (f)) at his or her business premises for a period of at least 5 years:

(i) the make and model of the weapon and the identifying number marked on the weapon under paragraph (c);

(ii) the date and time of every issue of the weapon to an employee, the identification number of the weapon, the identity of the employee to whom the weapon is issued and the date and time when the weapon is returned by the employee;

(iii) the date or dates (if any) on which a person to whom the weapon has been issued uses the weapon (as opposed to carrying the weapon) in the course of his or her duties and the reason for that use of the weapon; and

(f) the person permits a police officer at any reasonable time to enter his or her business premises to inspect the weapon, the manner in which the weapon is kept and the records kept under paragraph (e); and

(g) in the case of a natural person—

(i) the person has completed a course of instruction approved by the Commissioner in the proper use of such weapons and has been awarded a certificate of competency by the person conducting the course; and

(ii) the person does not carry the weapon while engaged in crowd control.

(2) A person is an exempt person for the purposes of an offence of use or possession of a prohibited weapon under section 21F(1)(b) of this Act in relation to the use or possession of a weapon of a kind prescribed for the purposes of this clause if the person—

(a) is employed to protect or guard property by a person who carries on the business of protecting or guarding property; and

(b) is authorised by a licence granted under the *Security and Investigation Agents Act 1995* to protect or guard property as a security agent; and

(c) is the holder of a firearms licence under the *Firearms Act 1977* authorising the possession and use of a handgun in the course of employment by a person who carries on the business of guarding property; and

(d) reasonably requires the possession of the weapon for the purposes of carrying out the duties of his or her employment; and

(e) has completed a course of instruction approved by the Commissioner of Police in the proper use of such weapons and has been awarded a certificate of competency by the person conducting the course; and

(f) has not been found guilty by a court of an offence involving the illegal possession or use of such a weapon, a firearm or any other weapon; and

(g) does not carry the weapon while engaged in crowd control; and

(h) as soon as reasonably practicable after using the weapon in the course of his or her duties, provides his or her employer with a written report setting out the date on which, and the circumstances in which, he or she used the weapon.

20—Prescribed weapons—members of Scottish associations

A person is an exempt person for the purposes of an offence of possession of a prohibited weapon under section 21F(1)(b) of this Act in relation to the possession of a weapon of a kind prescribed for the purposes of this clause if—

(a) —

(i) the person is a member of an incorporated association that has as its sole or a principal purpose the fostering and preservation of Scottish culture or the playing or singing of Scottish music; or

(ii) the person is a member of a society, body or other group (whether or not incorporated) that is affiliated with an incorporated association and both the society, body or group and the incorporated association with which it is affiliated have as their sole or a principal purpose the fostering and preservation of Scottish culture or the playing or singing of Scottish music; and

(b) the person has possession of all of the clothes and other accoutrements traditionally worn with the weapon (or, if the weapon is traditionally worn with different clothes on different occasions, he or she has possession of the clothes and accoutrements for at least 1 of those occasions); and

(c) the person has possession of the weapon solely for the purpose of—

(i) wearing it with that clothing; and

(ii) if the weapon is of a kind prescribed for the purposes of this subparagraph—using it in traditional Scottish ceremonies; and

(d) if the weapon is of a kind prescribed for the purposes of paragraph (c)(ii)—the person only uses the weapon for the purposes of traditional Scottish ceremonies; and

(e) the person keeps the weapon in a safe and secure manner at his or her place of residence and does not remove it except—

(i) for the purpose of wearing it with that clothing; or

(ii) for the purpose of lending it to a person who is entitled under section 21F of this Act to have possession of it; or

(iii) for the purpose of permanently transferring possession of the weapon to another person (being a person who is entitled under section 21F of this Act to have possession of it).

21—Prescribed weapons—lodges of Freemasons etc

A prescribed masonic organisation is an exempt person for the purposes of an offence of use or possession of a prohibited weapon under section 21F(1)(b) of this Act in relation to the use or possession of a weapon of a kind prescribed for the purposes of this clause if the weapon—

(a) is only used at the premises of the organisation for traditional ceremonial purposes; and

(b) when not in use, is kept at the premises of the organisation, in a safe and secure manner; and

(c) is not removed from the premises except for the purpose of—

(i) repair or restoration by a person who carries on a business that includes the repair or restoration of articles of that kind; or

(ii) valuation by a person who carries on a business that includes valuing articles of that kind; or

(iii) permanently transferring possession of the weapon to another person (being a person who is entitled under section 21F of this Act to have possession of it).

22—Prescribed weapons—astronomical purposes

A person is an exempt person for the purposes of an offence of use or possession of a prohibited weapon under section 21F(1)(b) of this Act in relation to the use or possession of a weapon of a kind prescribed for the purposes of this clause if—

(a) the person is using or has possession of the weapon for the purpose or in the course of participating in astronomy; and

(b) the person—

(i) is a member of—

(A) the Astronomical Society of South Australia Incorporated; or

(B) the Mars Society Australia Incorporated; or

(ii) participates in astronomy under the supervision of a member of a body referred to in subparagraph (i); or

(iii) participates in astronomy at an observatory; or

(iv) participates in astronomy as part of a course of study conducted by an educational institution.

23—Prescribed weapons—food preparation

A person is an exempt person for the purposes of an offence of use or possession of a prohibited weapon under section 21F(1)(b) of this Act in relation to the use or possession of a weapon of a kind prescribed for the purposes of this clause if the use or possession is solely for the preparation of food or drink for human consumption.

and that the House of Assembly agrees thereto.

As to Amendment No 61—That the House of Assembly no longer insist on its disagreement to the amendment

Consequential amendments

That the Legislative Council makes the following consequential amendments to the Bill:

Schedule 1, page 19, line 16 [Schedule 1, clause 2]

Delete 'Section 14(5)(b)(ii)' and substitute:

Section 22(5)(b)(ii)

Schedule 1, page 19, line 29 [Schedule 1, clause 4]

Delete 'Commissioner of Police' and substitute:

Minister

and that the House of Assembly agrees thereto.

Consideration in committee of the recommendations of the conference.

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

That the recommendations of the conference be agreed to.

Ms CHAPMAN: I would just like to place on the record my appreciation to members of the deadlock conference. Of course, these are designed to try and resolve differences between the houses. On this occasion it has been a long and arduous process, but a successful one, which is important given that the whole genesis of this bill was the government's identification of a tragic event that occurred in Grenfell Street, when a young boy was stabbed and died.

The government, with the assistance of the opposition, I think has worked as well as it can to try and ensure that we produce a model of protection in the future against the unlawful and dangerous use of weapons. It is a difficult one because, of course, so many objects are used in our normal domestic and working environments, so one does wonder how the protection can be against all objects that could be used as a weapon to cause the death or injury of another; but, we will attempt it.

I thank the committee for working hard to ensure that we have a resolution in the hope that we can achieve some protection and an outcome that is going to ensure the safety of children, in particular, but also adults in environments in which there is a higher risk of being assaulted. I thank the members, and indicate the opposition's support.

Motion carried.

STATUTES AMENDMENT (CRIMINAL INTELLIGENCE) BILL

The Legislative Council agreed not to insist on its amendments to which the House of Assembly had disagreed, and made the alternative amendments in lieu thereof as indicated by the following schedule, to which amendments the Legislative Council desires the concurrence of the House of Assembly.

New Part, page 4, after line 23—After clause 9 insert:

Part 5A—Amendment of Police Act 1998

9A—Insertion of section 74A

After section 74 insert:

74A—Special provisions relating to criminal intelligence

(1) The Commissioner must establish guidelines in relation to the assessment of information that is being considered for classification as criminal intelligence and the management of criminal intelligence.

(2) The Commissioner must ensure that records are kept in relation to the use of criminal intelligence.

(3) The Commissioner must ensure that records referred to in subsection (2) would enable the following information to be determined for each period in relation to which a review is conducted under this section:

(a) the number of matters in relation to which criminal intelligence was used during the period;

(b) the number of individual pieces of criminal intelligence used in relation to each such matter;

(c) the relevant statutory provision for each such matter.

(4) The Attorney General must, before 1 July in each year (other than the calendar year in which this section comes into operation), appoint a retired judicial officer to conduct a review on—

(a) the effectiveness of the guidelines established under subsection (1); and

(b) the use of criminal intelligence,

during the period of 12 months preceding that 1 July.

(5) The Commissioner must ensure that a person appointed to conduct a review is provided with such information as he or she may require for the purpose of conducting the review.

(6) A person conducting a review has, in so doing, the powers of a commission of inquiry under the Royal Commissions Act 1917 (and any obligations under an Act to maintain the confidentiality of information do not apply with respect to the provision of such information to the person conducting the review).

(7) A person conducting a review must maintain the confidentiality of criminal intelligence provided to the person.

(8) A report on a review must be presented to the Attorney General on or before 30 September in each year.

(9) The Attorney General must, within 12 sitting days after receipt of a report under this section, cause copies of the report to be laid before each House of Parliament.

(10) In this section—

criminal intelligence means information classified by the Commissioner, in accordance with the provisions of any other Act, as criminal intelligence;

judicial officer means a person appointed as a judge of the Supreme Court or the District Court or a person appointed as judge of another State or Territory or of the Commonwealth.

Long title—After *'Liquor Licensing Act 1997*;' insert:

the *Police Act 1998*;

Consideration in committee.

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

That the Legislative Council's alternative amendments be agreed to.

Ms CHAPMAN: I indicate that is the case. We did go into a deadlock conference on this issue and, I think after careful consideration and wise deliberation, there has been an agreement reached. I am certainly pleased, and I think members of the Legislative Council also are pleased that this is resolved.

In a nutshell, from the opposition's perspective, the use of criminal intelligence is acknowledged as necessary. The abuse of it needs to be protected against and the resolution of this matter I think is a sensible compromise.

The Hon. J.R. RAU: I endorse the gracious words of the member for Bragg, and she stands in stark contrast to others who find gracious remarks more complex.

Motion carried.

At 18:11 the house adjourned until Tuesday 29 May 2012 at 11:00.