HOUSE OF ASSEMBLY

Thursday 15 November 2012

The SPEAKER (Hon. L.R. Breuer) took the chair at 10:30 and read prayers.

STATUTES AMENDMENT (NATIONAL ENERGY RETAIL LAW IMPLEMENTATION) BILL

The Hon. C.C. FOX (Bright—Minister for Transport Services) (10:32): I move:

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

Motion carried.

STATUTES AMENDMENT AND REPEAL (TAFE SA CONSEQUENTIAL PROVISIONS) BILL

The Hon. C.C. FOX (Bright—Minister for Transport Services) (10:32): I move:

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

Motion carried.

GRAFFITI CONTROL (MISCELLANEOUS) AMENDMENT BILL

The Hon. C.C. FOX (Bright—Minister for Transport Services) (10:32): I move:

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

Motion carried.

LIQUOR LICENSING (SUPPLY TO MINORS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 20 September 2012.)

Mr SIBBONS (Mitchell) (10:33): On behalf of the government, I oppose the second reading of this bill. I acknowledge that the member for Morialta shares the government's and the community's concern about the level of underage drinking. However, the government does not believe the measure proposed in this bill is an appropriate response to what is a complicated problem within our community.

Firstly, the government does not believe that charging and prosecuting young people for underage drinking in private homes or for supplying their friends with alcohol with all the consequences that follow, including those that go beyond the penalty imposed upon conviction by the court—for example, the impact on a young person's employment opportunities or restrictions on overseas travel—is an appropriate way to deal with underage drinking if we have, as I suggest we must, the interests of young people as our primary concern.

It is hardly likely to assist the government to engage with young people about the social problems associated with underage drinking when we are threatening to prosecute them for doing it. If such laws were in place, we would find many of our young people in the community having their future prospects considerably affected because they made a small mistake as a minor.

Secondly, the government is also very concerned about the impact the new offences may have on a person's, particularly a minor's, willingness to take responsibility for or to call police or an ambulance to a party at which minors have consumed alcohol should that assistance be required. The risk of prosecution may well dissuade a person from doing so.

For years it has been emphasised through community education campaigns that if someone's life is at risk we should always call emergency services. I am sure that there would be many parents in this chamber who would have spoken to their children educating them about the importance of calling 000 in an emergency. Unfortunately, we know that there can sometimes be issues at parties and events attended by young people in our community. This may be as a result of violence, excessive alcohol consumption or even drugs. This bill would see many minors being dissuaded from calling emergency services when it is needed, and this is something of the utmost concern.

Thirdly, it is also not clear to the government quite how these offences will be enforced. The government notes that the effect of creating a general offence of supplying liquor to a minor or of possession or consumption by a minor of liquor, including on private premises, is to provide the

police with a power to enter any private premises without a warrant where they suspect, on reasonable grounds, that an offence of that nature is being committed or that there is evidence of an offence against the act, using whatever force is necessary for the purpose. However, what level of police resources will be required to enforce this legislation? Will it require a new police force division or taskforce? How many homes will the police need to visit on a typical Friday or Saturday night when most of these parties attended by minors occur?

Overall, the government does not believe that such a broad unconstrained power of entry onto private premises for such a minor offence is an appropriate or, indeed, a proportionate enforcement mechanism. Even with the power of entry, the lack of enforcement, and given the extent of underage drinking in private premises there will be a lack of enforcement, will quickly discredit the offence thereby undermining whatever deterrent effect it may have.

The government acknowledges that other jurisdictions have criminalised the unauthorised supply of liquor to minors in private premises, although none has, to the government's knowledge, gone so far as to criminalise the unauthorised consumption or possession by minors of liquor on private premises. In any event, the government is yet to see any evidence that the laws interstate have had any impact on the rate of underage drinking in those jurisdictions.

The government does not believe that arresting and prosecuting teenagers for underage drinking, effectively turning thousands of otherwise decent law-abiding young people into criminals, is the answer to the problem of underage drinking in our community. While I acknowledge the member's concerns about this important issue in our society, as a policy response it is likely to do more harm than good to the very people it is aimed at protecting.

Debate adjourned on motion of Mr Goldsworthy.

STATUTES AMENDMENT (SEX WORK REFORM) BILL

Adjourned debate on second reading.

(Continued from 18 October 2012.)

The Hon. S.W. KEY (Ashford) (10:39): I thought there were going to be some other contributions, but they are obviously not in the chamber at the moment so I will push on. Decriminalisation in the sex industry, we are told, will increase the number of sex workers. This is a myth, in my view. In looking at the New Zealand report that was done, the Prostitution Law Review Committee report of 2008, it was shown that there was little impact of decriminalisation on the number of sex workers.

We are also told that sex work will be seen as a legitimate job choice for the unemployed if decriminalisation occurs. This is not the case. The sex work industry will not be considered a legitimate field of employment for school leavers and jobseekers by the government; it will simply mean that if this bill is passed then sex work will not be illegal.

The other myth that comes up frequently is that sex workers have a higher rate of sexually transmitted diseases than the rest of the population and that this will put the population at risk if sex work is decriminalised. My understanding, certainly from the published and unpublished data I have seen, is that sex workers generally have better sexual health than the rest of the population. New Zealand's Prostitution Law Review Committee report from 2008 also states that sex workers have a very low rate of HIV and AIDS.

We are also told that sex work is an industry dominated by organised crime and that there will be an increase in trafficked women if sex work is decriminalised. Again, there is no evidence in South Australia to support the fact that there will be more trafficked women coming to South Australia and being forced to be sex workers. Although this is obviously of concern, there is no evidence to support this claim.

A common call is that most women are sex workers against their will. My understanding, certainly from the research and consultation that I have done with sex workers and their organisations, is that most sex workers have in fact chosen to be in that industry. One of the things this bill looks at is the quite difficult barriers should a worker want to leave the industry, and my bill hopes to rectify this.

Consultation has indicated that a criminal record in relation to being a sex worker or being employed in a brothel can and does inhibit future job opportunities in other industries, particularly full-time work. Quite often workers tell me they can get work as a casual or in a part-time capacity, but they find it very difficult to secure a career in another industry because they may have

convictions associated with sex work. In this regard, I am really pleased that the Attorney-General has followed up on the survey and research that he commissioned in January and February this year. As we know in this house, we have dealt with the issue of reforming the spent convictions legislation in this place.

The other myth is that young people are being exploited in the sex work industry and that decriminalisation will make this worse. South Australian legislation already protects minors. It is illegal for a minor to be engaged in sexual services. One of the other myths is that brothels and street workers will be everywhere. This is not the case. The bill does not decriminalise street work as such but it does put some limits on how a worker can operate from the street. The bill makes it an offence for a sex worker business to be established near schools, childcare centres, churches and so on, so we have put in some location provisions that I was asked to incorporate in my bill.

Who will ensure that sex work businesses do the right thing? I think this is an area that will really need to be discussed in regulation. There are some great models of how this works in New Zealand and New South Wales and also in the other states that do not have a decriminalisation model but a semi-legal model. There are a lot of areas we can look at to make sure that our industry in South Australia operates correctly and that workers in those industries have the same rights and responsibilities as other workers. I urge members in this chamber to support the second reading so that we can get on to talking about the legislation.

The house divided on the second reading:

AYES (19)

Bignell, L.W.	Caica, P.	Chapman, V.A.
Close, S.E.	Conlon, P.F.	Geraghty, R.K.
Hill, J.D.	Key, S.W. (teller)	McFetridge, D.
O'Brien, M.F.	Pegler, D.W.	Piccolo, T.
Portolesi, G.	Rankine, J.M.	Sanderson, R.
Sibbons, A.J.	Such, R.B.	Thompson, M.G.
Wright, M.J.		

NOES (20)

Atkinson, M.J.	Bettison. Z.L.	Evans, I.F.
Fox, C.C.	Goldsworthy, M.R.	Griffiths, S.P.
Hamilton-Smith, M.L.J.	Kenyon, T.R. (teller)	Koutsantonis, A.
Marshall, S.S.	Odenwalder, L.K.	Pederick, A.S.
Pengilly, M.	Pisoni, D.G.	Rau, J.R.
Treloar, P.A.	van Holst Pellekaan, D.C.	Vlahos, L.A.
Whetstone, T.J.	Williams, M.R.	

Majority of 1 for the noes.

Second reading thus negatived.

ANIMAL WELFARE (COMMERCIAL BREEDING OF COMPANION ANIMALS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 1 November 2012.)

Mr PEDERICK (Hammond) (10:52): I wish to speak to the Animal Welfare (Commercial Breeding of Companion Animals) Amendment Bill, which was introduced by Dr Bob Such. In my opening remarks, I want to say that the Liberal Party is very sympathetic to the intent of this bill, but we think it needs considerable improvement to make sure that we get the right outcomes so that we do not have so-called puppy farms in operation but also so that purpose-bred dogs and their breeders are protected from the potential impacts of the legislation in terms of how it was initially drafted.

There are complexities, as I have indicated, that surround the Animal Welfare (Commercial Breeding of Companion Animals) Amendment Bill 2012. Simply, the bill provides that 'a person

must not breed a dog or other prescribed companion animal for a commercial purpose except in accordance with an authorisation of the minister' and they 'must not sell a dog or other prescribed companion animal that has been bred' in contravention of the minister's authorisation.

The bill is designed to target people who are not legitimate breeders. However, as I indicated before, in its current form it does not account for any exemptions, in particular, for purpose-bred dogs and, for example, livestock working dogs, skilled guide dogs, Customs detector or border protection dogs, police dogs, dogs bred for competition or show purposes and, in some cases, pure-bred dogs.

The bill also does not make clear the following: how one would be deemed a puppy farmer; how many litters a year are acceptable not to be considered a puppy farmer; who will police the activities; how licences will be applied for, administered and maintained; how often authorisation is needed or the duration of those licences; the conditions in which companion animals are bred; and also the compliance necessary in order to sell a companion animal for commercial purposes.

I want to note what happens in Victoria, noting that all states are currently reviewing their legislation to control puppy farms. Victoria has in place the Domestic Animals Act 1994, which was recently amended in 2011, and it is a strict piece of legislation that has caused some angst with canine representative organisations, such as the Working Kelpie Council of Australia. The Victorian legislation states how many dogs per enterprise for a domestic animal business, how domestic animals should be bred for commercial purposes, and it currently applies to breeders of livestock working dogs.

I note that the Victorian legislation is complex and considerably strict and, for the house's information, it has 188 pages. We have consulted various groups and people on this including Mrs Barbara Cooper AM, the Vice President of the Working Kelpie Council of Australia. We are concerned that this bill is too broad, and it is having some effects in Victoria where they restrict the number of dogs you can have and, from memory, on some bigger properties I think you can have three working dogs, and they can get overworked, so they do not have enough dogs to do the job.

We think, on this side of the house, that there is a place for a bill like this. We think the intent is there and we think the intent is right. I want to read from clause 4 in the bill, which provides:

> After section 15A insert:
>
> 15B—Commercial breeding of dogs and certain companion animals to be authorised
>
> (1) A person must not breed a dog or other prescribed companion animal for a commercial purpose except in accordance with an authorisation of the Minister under this section.
>
> Maximum penalty: $20,000 or imprisonment for 4 years.

I guess you could go really broad and sort out what is a companion animal. Is it your budgerigar? Is it a pet pig? I do not know; I am just asking those questions. I think it is fairly broad and, from my farming background, the way in which this bill is worded at the moment it is my belief that anyone who breeds pups—for example, if one of their bitches has a litter, which might only happen once a year, they might want to sell one or some of those pups to the neighbours—could be hit with a $20,000 fine or four years' imprisonment. I certainly do not think that that is just and right, and I think this bill is too broad.

I note a document the Hon. Bob Such has just provided me with from the Law Society and, although I have not had a chance to go through it, I believe the Law Society is saying that the intent is there but that it certainly needs some more work so that we can come to the right outcome for purpose-bred dogs in this state, and also the right outcome in regard to these factory puppy farms, and so that we can get the intent of the legislation in place without affecting those legitimate processes.

We want to make sure that those people are protected who could get caught up in this quite innocently through not knowing that the legislation is even in place—for instance, people who may be breeding guide dogs and do not have an authorisation or, as I indicated, just breeding their farm dogs, kelpies or border collies, which are obviously bred as working dogs—and do not come under any wrongful intent from any legislation in regard to puppy farming that could come through this place. We certainly support the intent of the bill, and I would certainly support working with the Hon. Bob Such and any other members of this place in getting a better outcome for dog breeders throughout the state, but also with the intent of clamping down on puppy farmers in this state.

Mr VAN HOLST PELLEKAAN (Stuart) (10:59): I will be very brief. The member for Hammond, the shadow minister for agriculture, covering many animal-related matters has already put some very clear points on record. I would just like to say quickly that I certainly do support very strongly the intent of the member for Fisher's bill. I do not think that there would be anyone in this house who has not walked past a pet shop window and seen cute, cuddly little animals in there and just thought to themselves, first, 'Aren't they cute and cuddly looking', but, secondly, 'Gee, what kind of life is ahead for those animals? Where are they going to go?'

The intent of his bill certainly is supported by me, but I say with respect that what is actually on paper for consideration at the moment I think is a long way short of what I could support and that is because of a lot of unintended consequences. I have certainly been approached by constituents very concerned about the unintended negative impact upon very responsible yet non-accredited, if you like, working dog breeders.

There is a very large number of people out there, right from someone who might have a good line, breed a litter once a year and sell or even give away their dogs to neighbours or family members, all the way through to people who do it in a far more structured way and even run working dog schools, and things like that, but who would be caught out by what is proposed for us here today.

I have also been approached by people representing other animal groups, and most recently birds, and the issue here is: what is a prescribed companion animal? Their concern is that an unintended negative consequence could flow all the way right through to making some of their activities illegal, inappropriate on paper, when in actual fact they are not.

I met with a man the other day in Port Augusta who told me that he actually had 82 or 83 aviaries in his backyard. I know that the member for Fisher does not intend to include a responsible person like that, who is actually retired, and really his full-time hobby is doing this in a responsible way and he holds a position on a state body. However, there is the scope for him and many others to get caught up accidentally by the broader description of 'prescribed companion animal' and what that might turn into or be adjusted and what that might become over time.

I say that, certainly, I support the intent of the member for Fisher. I am opposed to puppy farms per se, but I think that this legislation needs more work before it can have my support.

Debate adjourned on motion of Mrs Geraghty.

ELECTRICITY (EARLY TERMINATION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 1 November 2012.)

Mr GRIFFITHS (Goyder) (11:03): I wish to make a brief contribution on this bill which was introduced by the member for MacKillop recently. There is no doubt in my mind that cost of living pressures is one of the key issues facing South Australians. I know that when I am in my electorate office it is most unusual if I do not receive a telephone call from a constituent, often in very challenging economic situations, who tells me that they just cannot afford to pay their electricity bill, and it is for that reason that I want to stand up and support the member for MacKillop for introducing this bill.

There are a variety of providers out there. We are all bombarded, seemingly, by either people who knock on our door or ring and they want to discuss power and electricity supply options with us. They tell us an interesting range of stories about what sort of discounts they can offer and all that sort of thing and how their kilowatt per hour price compares to other providers. It is somewhat of a challenge to check who your current provider is, work out what your price is, look at what these other options are and consider whether you are in a position to pay the bill in full and therefore qualify for a greater level of discount; are you interested in the direct debit option which gives you a greater level of discount again.

There is no doubt in my mind that people want to have the flexibility to be able to come to an agreement that suits them, even if it is only for a short time and then be able to go to a different provider. This bill, as I understand it, provides those options and I think it is one that the house would support. I hope that it does and I hope that it is prepared to vote on it soon.

The member for MacKillop has consulted widely. I know in the briefing paper that he prepared for the Liberal opposition he has talked about what the exit fees currently are. For AGL it is $75 within the first 12 months of a contract and $50 within the second 12 months; TRUenergy is

$90 if it is within the first 12 months of a contract, $70 within the second 12 months and $50 in the third 12 months; for Origin it is $70 if you cancel at any time during the contract term after the cooling period; Simply Energy is $95 if you cancel within the first 12 months of a contract and $75 in the second 12 months; and Lumo Energy is $75 after the cooling-off period but before the expiry date of the contract. They are examples of how the fees vary, and while people with good intent sign up for contracts, they might then get a better offer, and because this bill is such a big part of their cost of living and their household expenses, they want to make sure they have got the best option available to them.

I think it is appropriate if the house looks at this with an open mind. It is important that where the parliament is in a position to provide some capacity to reduce the cost of living pressures on families, that it does so. Electricity is a human need for all of our homes and for all of our businesses and every day and in every way it is part of our lives, so if we can put this bill through and we give some flexibility to help the real people who are in need, that is a positive move.

From my own personal experience, in recent weeks, I have had some discussions with my energy supplier. I was on a 12-month contract. They told me that they sent me a letter in June advising that my discount period was going to expire in August. I had not activated an extension of the discount period, so the latest bill I received only had a very small discounted amount. I enquired with them but never got a response. After a week, I decided to ring them and spoke with an operator who was very good and who explained the situation to me and, indeed, it was my own fault because I had not activated the continuing discount. I am not sure why I had to—I would have thought they would have prompted it, at least as the fallback position—but I put into place a discount provision that I am happy with for the next 12 months.

If I can make that error, I am sure there are a lot of people out there who can make that error and who want to make sure they have some flexibility to change to the provider who they think best suits them, and if we put this bill through, that is going to give us a chance. I commend the member for MacKillop for bringing this matter to the house. I hope there are other members who speak in support of it and who can recount the stories and the concerns that have been put to them by their constituents, because this is a key issue facing South Australians.

Electricity price increases have been enormous in recent years. This bill is important because it gives some flexibility to home owners to try to reduce some costs and it is one that the chamber should support.

Debate adjourned on motion of Mrs Geraghty.

STATUTES AMENDMENT (ANTI-BULLYING) BILL

Adjourned debate on second reading.

(Continued from 5 April 2012.)

Ms CHAPMAN (Bragg) (11:09): I indicate that the sentiments and intention of this bill, whilst meritorious, will not have the support of the opposition. Put simply, because the opposition considers that the legislation really duplicates existing law. There is no question that the number of high profile bullying events in the last few years—last year, particularly—have culminated in public outrage and the expectation that there be some sanction against this behaviour. The legislative approach, though, when there is an existing law, does raise the question of whether that is an effective instrument to do so.

The bill proposes that the definition of bullying be 'some deliberate act that is designed to cause mental or physical harm'. Currently, under section 19AA of the Criminal Law Consolidation Act 'a person stalks another, if on at least two occasions', a person engages in a range of intimidating acts, or:

> (iv) acts in any other way that could be reasonably expected to arouse the other person's apprehension or fear; and
>
> (b) the person—
>
> (i) intends to cause serious physical or mental harm to the other person or a third person; or
>
> (ii) intends to cause serious apprehension or fear.

The bill adds to the list of intimidating acts to include:

> (ivc) uses abusive or offensive words to or in the presence of a person; or

(ivd) performs abusive or offensive acts in the presence of a person; or

(ive) directs abusive of offensive acts towards the person;

It is interesting to note that under the Intervention Orders (Prevention of Abuse) Act 2009 the same criteria are added to examples of emotional and psychological harm. Examples of this section are inclusive, that is, not limiting and not intended to be all-encompassing. In any case 'directing racial or...derogatory taunts at the person' is already included under 8(4)(l) of the act, as is 'an act of abuse against a person' or a threat to do so in section 8(6).

The sentiment is clear, the public condemnation of this behaviour is patently clear, and the expectation here of members of this house ought be that the government act on these matters to ensure that there is some consequence. It is fair to say that the current Attorney has introduced some legislation to attempt to deal with some other aspects of bullying arising out of the famous schoolyard bullying case, when an assault had taken place and was filmed, apparently with the intent of publishing it on social media outlets, and the rest is well known.

What is interesting about that example is that, obscene as the conduct was between the two children in the yard and the proposal to publish the filming of that event, it did serve one good thing in that instance, and that should not be forgotten—that is, that event had not been acted upon appropriately by the school or the education department; in fact, it had been kept concealed. There had been no reporting of this to the police, there had been no immediate advice to the parent of the victim concerned.

That is just another example of where children are in an environment in which the public have a reasonable expectation that they will be properly cared for and protected, and they were not and it was concealed. Albeit for that filming, as unacceptable as the conduct was, if it was not for that filming, if it was not for the publication of that, that incident would not have been identified. So, sometimes out of an evil act comes some good, so I do want to put that in context.

It is not uncommon for the government to react to a public outrage about something by coming in and effectively duplicating a law. The most extraordinary example of this is when I first came into the house and there had been bushfire problems. The government, in their wisdom, thought that they would deal with bushfire problems—in particular, arson attacks—by introducing a new offence of lighting a bushfire, and that would have a 20-year imprisonment penalty. They said that this was important, that it was going to be an important sanction in dealing with the arson events that resulted, often sadly, in shocking loss of life or property and that this was the way that the government was going to crack down on it.

The reality was, and remains, that there is already on the statute books an offence of arson which has up to life imprisonment, but it did not stop the then premier, Mike Rann, parading in front of the cameras to condemn the people who had lit fires resulting in bushfires and causing property damage, or threat to life, or death, and being able to present to the public as though he was going to be the great champion of protection in this area by introducing a new piece of legislation that was going to be the protector.

Of course, as is typical, there was an existing law on the statute books which required that there be a level of property damage which, I think, at that stage was $30,000 of property damage. It is hard to imagine when there is ever a bushfire that there isn't a threshold reached of $30,000 in property damage. Fencing alone, as many of the country members would know, is a piece of infrastructure that regularly goes. So even if sheds and houses and stock are saved, fences are destroyed and/or damaged to the extent that they need to be replaced. So, it is not uncommon for us to deal with events where, under this government, the government has come in and protested their action on a matter by introducing a duplicated law.

The other absurd thing about the bushfire legislation is to criminalise the lighting of a fire as a separate criminal offence as, of course, many bushfires are not started by people who deliberately light them. They are started by accidents. They are mostly started by lightning strikes, as we experienced recently in the state, where hundreds of lightning strikes occur which result in a spark and a fire is started. Fortunately, often rain follows and they are extinguished, but nevertheless, again, it is not past the government to try and pretend they are the great fighter against a particular evil by duplicating a law.

The merits of this bill, taken up by the member for Fisher, are to be applauded, but on the basis of duplication the opposition are opposing the same.

Debate adjourned on motion of Mrs Geraghty.

SUBORDINATE LEGISLATION (PROPOSALS TO VARY REGULATIONS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 5 April 2012.)

Ms CHAPMAN (Bragg) (11:19): I rise to speak on the Subordinate Legislation (Proposals to Vary Regulations) Amendment Bill 2012. The principal act regulating the making, printing and publishing of certain subordinate legislation is the Subordinate Legislation Act 1978. As members would be aware, we make new and amend old laws, statutes, in this place and if they have the support of another place, with or without amendment, then we have a process for legislation. But there is a considerable amount of subordinate legislation which is prepared, often by the departments, to support the operation of the principal laws that we pass.

It is a machinery process, which is necessary. It is fair to say that, from the opposition's perspective, we find disappointing that the current government regularly attempts to use subordinate legislation to identify what should be in the statutes. Frequently, I am in this place with other members of the opposition to say, 'No; that issue, that definition, the extent of application that is identified here should be in the principal act.'

Whilst we have a dispute frequently with the government about what aspects should be in the act, and what should be in the subordinate legislation in the regulations particularly, I think only once have I raised questions about whether the rules of court or other rules associated with the subordinate powers should be incorporated in legislation. In any event, it is a common concern of the opposition.

The process we have, though, to deal with subordinate legislation is one of accountability, which says that the regulation or subordinate aspect must be tabled in both houses within six sitting days of being made and can be disallowed by either house within 14 days of tabling. There have been attempts to vary this process because of, particularly, the difficulty in not being able to excise or challenge a small portion of the whole of the regulations.

In 2009, the then Liberal MLC, the Hon. Robert Lawson, introduced a private member's bill in the Legislative Council which proposed a number of changes, including allowing parliament to vary or substitute regulations; similarly, the Hon. Stephen Wade introduced an amended version on 15 February this year. Under this bill, tabled by the member for Fisher in April this year, the proposal is that processes introduced for the Legislative Review Committee of either house of parliament can propose variations to regulations and receive a response from the responsible minister.

Essentially, this is a process that would run parallel, rather than incorporate the disallowance process. From our consideration, we would be a little concerned that this process is likely to be confused with the disallowance process and, accordingly, we will not be supporting it. The proposed process we consider also to be too time-limited, whereas the disallowance motion only needs to be moved within 14 days of tabling.

Finally, there is no consequence for the minister failing to comply with the duty to respond. It is already, of course, within the capacity of either house to suggest a variation to regulation and to enforce it with a threat of disallowance. I can think of situations we have had in this place, before my time, when ministers have repeatedly introduced regulations, they have been disallowed, they have been voted down, and then ministers have come back and introduced the regulations again.

One of them I remember researching was the question of school fees: I think the then minister Buckby would introduce the fees, they would be disallowed, he would come back again the next year, do it again, etc. That is not an uncommon situation when there are sufficient numbers in the house to support a disallowance. So, as an opposition, we would like to evolve the practices of the parliament, rather than amend the laws at this stage. For example, if the house is considering a disallowance motion, the better practice may be to ask members to speak to a motion and indicate their position a sitting week prior to the disallowance vote being taken so that the government is aware of the likely outcome and has an opportunity to further provide advice before a final vote to disallow the motion is taken. For those reasons the opposition will not be supporting the bill—but, well done, member for Fisher.

Debate adjourned on motion of Mrs Geraghty.

ADVERTISING FOR PUBLICLY FUNDED EMPLOYEES BILL

Adjourned debate on second reading.

(Continued from 5 April 2012.)

The Hon. I.F. EVANS (Davenport) (11:26): This is a bill to do with advertising for publicly-funded employee positions brought in by the member for Fisher. The bill captures not only public sector employees but also local council employees, but also any employee whose remuneration is wholly or partly funded by state government or local councils. The Public Service Association was unaware of the bill but has indicated, under our consultation, that it has no concerns with the bill.

The Hon. R.B. Such interjecting:

The Hon. I.F. EVANS: If the bill reaches the committee stage we will be seeking indications from the member for Fisher about what the Local Government Association's view is on this particular matter. If the bill reaches the committee stage there are a number of questions which will need to be answered by the member for Fisher. This bill requires any non-government organisation which has an employee whose remuneration is partly or wholly funded by state or local government to comply with the bill. If the NGO receives any small grant from state or local government it will be required to comply in all circumstances with the bill.

It should be noted that, if an NGO commits an offence, the maximum penalty is $5,000 or there is an expiation fee of $315. It is unclear to the opposition whether the member for Fisher has had any consultation with any non-government organisation that is going to be captured by the bill. For instance, would this bill require the Stadium Management Authority to comply if the grants have been paid to the Stadium Management Authority? If the answer to that is yes, would both the SANFL and SACA be happy with that requirement?

The reality is that this bill appears to mean that all future chief executives and senior appointments in the public sector will, at the very least, have to have a remuneration range advertised. While the bill does not define what remuneration is (which may be a problem in itself), it probably should, as there will be an argument as to whether certain benefits should be costed and included in the remuneration package—for example, phones, computers, internet, car parking, newspapers, magazines, Qantas club membership and the like. Do they all get packaged up into remuneration?

Despite the Liberal Party's concerns regarding this particular matter, we are prepared to support it into the second reading stage only so that we can tease out with the member for Fisher some answers to those questions and then consider our position from there.

Debate adjourned on motion of Mrs Geraghty.

PASTORAL SECTOR

Mr VAN HOLST PELLEKAAN (Stuart) (11:30): I move:

That this house—

(a) calls on the Pastoral Board to re-form the rent review committee over its decision to increase pastoral rents by up to 230 per cent;

(b) condemns the Weatherill Labor government for once again failing to consult with those affected; and

(c) notes the important contribution of South Australia's pastoral sector to primary production.

This is a very important motion that I bring to this house. The 230 per cent example that I alluded to is from a Stuart constituent, whom I directly represent, but, of course, through this motion I represent many people in the pastoral sector of our state, including yours, Madam Speaker, and other electorates as well.

This is critical for many reasons, but let me concentrate on the first part about re-forming the pastoral rent review board. The reason it is so necessary is because of the exorbitant rent increases we have seen in the last few years. My office has acquired these rent changes over the last few years. From 2008 to 2009, on average pastoral rents went up 1.92 per cent. From 2009-10, on average pastoral rents went up 17.5 per cent. From 2010 to 2011 pastoral rents went up on average 26.4 per cent. Over those three years that is a whopping 51.4 per cent increase in rents on average—some higher some lower—but the whole industry had to bear in excess of a 50 per cent rent increase in those years, which by any standard is exorbitant.

I will turn briefly to how pastoral rents are calculated. They are calculated as a percentage of unimproved capital value. That is very important, because the improvements on the land, the land that belongs to all South Australians, are actually owned by the leaseholder and include things

like roads, fences, pipelines, watering points, shearing sheds, other sheds, yards, homes and so on. They actually belong to the lessee and not to the taxpayer. It is fair to charge the rent on the unimproved capital value, which essentially is the land value.

The rates are 2.7 per cent for pastoral industry use, 2 per cent for unstocked or destocked pastoral industry use (and that happens during drought or when set aside for conservation use), 5 per cent for tourism use and zero per cent for heritage use, for pastoral leases set aside for heritage or conservation use. People would, of course, like to pay less rent, but broadly speaking they do not object to those percentages. It is the land valuation that causes the problem. This is publicly-owned land—it is owned by all South Australian taxpayers—so it is fair to charge the rent which, just like council rates, land tax and many other levies, is based on a percentage of the valuation, but the valuation is key.

The way the land has been valued has actually changed very much from a commercial and stocking capacity basis in previous years to a vegetation-type and land system basis, and that has changed things enormously. I think that is one of the single biggest factors that has created high values and so higher rents. What these higher rents can do is completely exclude market and business realities which are, of course, what give people a capacity to actually pay their rent.

There is an argument to say that rents were kept low during the drought. That may or may not be the case, but the reality is that they cannot be increased by in excess of 50 per cent in three years because the drought has finished. It takes many years in pastoral country for people to recover. By its very nature, it is pastoral country, not cropping country, and that is why it is so hard for people to recover. It takes a long time to rebuild your stock and for your feed to regenerate, so reinstating this pastoral rent review board is very important from an equity position.

Let me also advise that the most recent Pastoral Board annual report says that they have received 36 objections to rent increases in the last year. I believe there were only two in the year before and, in fact, it is something they have not even reported on in previous years so, clearly, this is a very important issue for this industry. Let me just read from the Pastoral Land Management and Conservation Act 1989. Section 23—Rent, subsection 2(a)(v), provides:

> (2) The annual rent for a pastoral lease is to be determined as follows...
>
> (v) the views of any consultative committee established by the Minister for the purpose of assisting in the determination of pastoral lease rents.

This capacity is very well within the minister's grasp to set up this rent review committee so that this very important issue can be addressed. No industry in our state can absorb 26 per cent rent increases across the board in one year and 51 per cent rent increases across the board over three years. There is absolutely no basis upon which these rent increases should not be reconsidered.

I now turn to paragraph (b) of my motion, that is, to condemn the Weatherill government for once again failing to consult with those affected. Let me say at the outset that I predict a government amendment to try to completely reverse the intent of my motion in this area. I know the government will stay within the rules and not do a 100 per cent reversal, but I suspect that it will change the words in a way which I think is very sneaky and inappropriate. I think every member of parliament and every person aware of this issue will understand exactly what the government is trying to do here.

In regard to consultation, these rent increases have come as a complete surprise to the industry. There was no consultation with pastoralists. This is very much in the old style of the Rann 'announce and defend' government that Premier Weatherill said he would step away from. Clearly, there has been no change. Just like it did with the Cadell ferry, the government is now trying to rip off pastoralists all over our state. The Cadell community stood up, as did all the communities up and down the river to support them, and I hope that other communities will support our pastoral areas on this very important issue.

The government clearly has no appreciation for the long-term nature of the pastoral industry. You just cannot increase rents in this way. It is true to say that every now and again a pastoralist gets extremely lucky, purchases a station with debt, has a couple of great seasons and is really up and running and financially well off quite quickly. But let me tell you that far more people get very unlucky. Overall, the long-term difficulties that apply to this industry far outweigh the short-term benefits, so for the government to try to accrue a short-term benefit for itself on this issue is completely inappropriate and has the capacity to really demolish this industry.

Pastoralists have millions of dollars invested in this industry; it is not easy to get into. There is not only the purchase price of acquiring a pastoral lease or of holding a pastoral lease, but the cost of earthworks for dams, pipelines, fencing—it goes on and on. There is the cost of providing electricity and, Mr Deputy Speaker, you may or may not be aware that it costs at least tens of thousands of dollars a year to supply electricity to a pastoral lease off the grid. There is the cost of diesel for electricity provision and also for all the work that is required running vehicles and machinery and, with the cost of building fences, materials, roads, this is all an exceptionally expensive business.

Many hundreds of thousands of dollars can be earned and lost in just a few years. It is not fair to try to overcharge rents in the good times because pastoralists are not paid back quickly after the bad times. Price cycles associated with selling and buying of stock in line with climate are very important. Pastoralists are at the whim of international markets when it comes to the prices of stock they sell. They are also at the whim of climates, and it is very rare for pastoralists to get both lined up in a positive way at once; but it is not rare at all for them to get bad prices and bad climate come and hit them at the same time. They are also subject to devastating droughts and a myriad other issues, including the scourge of dingoes, which I have talked about many times in this house.

Pastoral business incomes to do fluctuate significantly and, of course, as I hope members here would know, wool, beef and sheep meat are the three key incomes for pastoralists; they fluctuate. They go up and down, but their operating costs only ever go up. It is not only the rent: it is the labour, it is the diesel, it is the materials, and it is the ever-increasing red tape and compliance costs that affect pastoralists and the whole primary producing industry at the moment. I believe the government really has no understanding or no desire to include what they do know in this area in their discussions, I think that they are really just trying to tax pastoralists by these very significant rent increases.

Now, let me turn to the third part of my motion. I note the very important contribution of South Australia's pastoral sector to primary production, and this is undisputed—undisputed at many different levels. Let me start, first of all, with history. The first stock (which were sheep) brought into South Australia came from Tasmania in 1838; so, this has been an exceptionally important industry for us for a long time.

The Pastoral Board in South Australia was established in 1894, which is well in excess of 100 years. The importance of the sheep and pastoral industries stems right back to the beginning of our settlement. It really is one of the foundations of our economy, along with many other sectors which are vital to South Australia. This is one of our longest serving sectors, and also has a very positive future for us.

The pastoral zone covers approximately 410,000 square kilometres in South Australia: 230,000 square kilometres running cattle outside the Dog Fence and 180,000 square kilometres running sheep and cattle inside the Dog Fence. The Dog Fence runs for 2,250 kilometres, and that is just within South Australia. There are 328 individual pastoral leases, operated by 220 station runs or management units. South Australia has the largest sheep and cattle stations in the world: Commonwealth Hill, run by the MacLachlan family, and Anna Creek Station, run by S. Kidman & Co.

These are very important for our culture. Our culture in South Australia has grown up with sheep and cattle stations, and that is something that should not be underestimated. We should be incredibly proud, in South Australia, of our part in this national industry, in our past, present and future. There are many future opportunities: food and fibre; increased recognition of heritage, both Aboriginal and settler; tourism; mining; petroleum; environment; and communities that exist in our pastoral regions.

A wonderful example of all of these combined together is Innamincka Station, which encapsulates the history of Burke and Wills on Cooper Creek, and is held by the famous S. Kidman & Co pastoral company. It includes the Cooper Basin petroleum and gas reserves in the same area. And the Innamincka Regional Reserve and the Coongie Lakes Ramsar site are a very important environmentally in that part of the state. The Innamincka township in an important tourist location.

In closing, let me say that pastoralism is absolutely vital to South Australia for so many things. All these other industries that I have mentioned rely on pastoralism for their success. Pastoralism and pastoralists are actually the glue that holds together all of these very important elements, including mining, tourism, petroleum, community, and environmental perspectives.

Pastoralists are the people who live there. Nobody knows more, and nobody puts more work into our environment in outback South Australia than pastoralists themselves.

We actually do it better in South Australia than in any other state, but pastoralists, working with NRM boards, DEWNR, PIRSA and other government departments, are the ones who hold it all together. None of those departments could achieve a thing without pastoralists doing it for them, so it is incredibly important that our government supports our pastoral industry because, if the government keeps jacking up the rents, the pastoral industry will suffer.

If the pastoral industry suffers, all these other incredibly important industry, environmental and community areas will suffer. Pastoralists should be supported in our pastoral zone. They should not be throttled by vicious rent increases, and I call on the government to take this issue very seriously. I call on the government to reinstate the pastoral rent committee to look at this very important industry. Pastoralists are just looking for a fair go. They are looking to be fairly represented.

Time expired.

Mr ODENWALDER (Little Para) (11:45): I appreciate the member's obvious passion for this but, on this occasion, we do oppose this motion. Of course we do note the important contribution of South Australia's pastoral sector, but I am advised that the annual rent for a pastoral lease is determined by the Valuer-General, not the Pastoral Board, in accordance with section 23 of the Pastoral Land Management and Conservation Act 1989.

It is the role of the Valuer-General to determine and provide to the board the unimproved value, rate of return and the rent for each pastoral lease, of which there are approximately 225. Seven properties had rents increased by an amount greater than 100 per cent. The increase in rent between 2005 and 2009 of approximately 12.5 per cent represented the Valuer-General's reluctance to increase costs to pastoralists at a time when extreme drought conditions and poor commodity prices were impacting on the viability of the pastoral industry, despite a rising market for pastoral properties.

Given the statutory independence of the Valuer-General, the minister has no discretion to direct him in relation to any of his valuation decisions. Increases in rents for the current financial year are a result of both positive market movement over an extended period in land value and a realignment of rents with the market.

I am advised that the act also contains a provision for lessees to appeal against the Valuer-General's rental determination should they disagree with the rental amount. In these instances, where lessees object to their rental amount and remain dissatisfied with the Valuer-General's decision, they can exercise a further right to have an independent valuation review or appeal to the land and valuation court. In addition to this process, the act also provides a remedy for lessees suffering financial hardship, by enabling them to apply to the Pastoral Board for their rental amount to be deferred or waived.

I am advised that extensive consultation has been undertaken by representatives of the Valuer-General in the determination of the annual rent. That included on-site meetings with several pastoralists, distribution of information articles including frequently asked question sheets with rent notices, a meeting held with the South Australian Farmers Federation and the Pastoral Board, and courtesy letters sent to pastoralists affected by valuing increases greater than 40 per cent, including an invitation to meet with the valuers who determined the rentals, by providing direct contact details. The government does acknowledge the important contribution of the South Australian pastoral sector to primary production, but opposes this motion.

Mr TRELOAR (Flinders) (11:48): I rise to support the motion by the member for Stuart that this house calls on the Pastoral Board to re-form the rent review committee, condemns the Weatherill government for once again failing to consult those affected and notes the importance of South Australia's pastoral sector to primary production.

I would congratulate the member for Stuart on the eloquent way in which he backgrounded his motion and I concur entirely with his thoughts and sentiments. To see rents increase in the pastoral community by an average of 51 per cent over three years is untenable. It would appear that the land valuation does not necessarily reflect the productive capacity of this land, but seems to take some other considerations into account, which of course is of very little value to the business of the pastoralists.

I can only imagine the surprise within the pastoralist community, when they opened their rates notices each time over the last three years, to see such increases with no real consultation at all. Once again, the Weatherill government seems to have raised these taxes and rents without any consultation or consideration for the businesses that are meant to be operating in that part of the world.

I took the opportunity to visit the north-east pastoral country just recently, and I note that the member for Stuart is held in very high regard in that part of the world. I have also had occasion in the past to visit the north-west pastoral country. They are wonderful people and it is wonderful country, and of course they contribute so significantly to the economy of South Australia.

It is very important to consider pastoralism, as it is one of the very oldest of human endeavours, and we undertake it so well in the arid and semi-arid areas of this state. I believe it is most important that we take the opportunity as a community and as an economy to make the most of what can be a productive landscape. We have an obligation to have a productive and managed landscape on this planet. There is no value whatsoever in shutting up land or countryside and gaining no productivity out of it and at the same time not managing it.

I note with despair some of the feelings of the pastoralists when they see neighbouring properties purchased by this state government and the gate effectively shut on those properties, never to be used again for production and never to gain any economic value out of them: they simply shut the gate and walk away, and they are not managed in any way. This sort of activity must be discouraged.

Pastoralism must continue and at the same time not be burdened with significant rent and rate increases because these businesses must be competitive. Like it or not, we are operating in a global economy and all our businesses—all our agricultural and primary production industries right across the state, not just in the pastoral country—must be competitive on a global scale. They must be able to achieve return on capital and return on investment, which is going to continue to be difficult for the pastoral sector in this state.

I support the motion from the member for Stuart. I also support the pastoral industry generally and hope very much that their good season continues and that prices continue to hold well for them.

Mr GRIFFITHS (Goyder) (11:52): I also rise to support this motion. I do not do so from an overly informed position, other than that I had the great opportunity from 1993 to 1999 to live in Orroroo in the Flinders Ranges area and have many friends who were either cropping on that fringe cropping country or were pastoralists through that northern area.

The DEPUTY SPEAKER: You were CEO, if I remember correctly.

Mr GRIFFITHS: I was, yes, of the local government authority there. I can tell you that they are great people who live a very hard life in circumstances that would challenge all of us, and I have no doubt about that. The member for Stuart has shown me the figures of the rent increases on the pastoral leases. I can understand that the Crown owns the land and therefore the Crown has to get some form of return that goes through to public funds. I can appreciate that, but I am sure that the public at large wants to ensure that they do not put a payment scheme in place that makes it near impossible for profits to be derived, and that is what it comes down to.

These are multigenerational people who are connected with the land. They are custodians of the land, and they want it to be there for their successors. They try to do the right thing. They put up with the absolute extremes that the weather throws at them. They put up with grasshopper and locust plagues, droughts, blinding dust storms—all these sorts of things—on the basis that they provide a lifestyle for their families, have an opportunity to make revenue, and provide a food source both for South Australians and for export.

Not only is it important that we put in place a process that recognises that, where there is a fair and equitable level of return and where the difficulties before them are recognised, but also that they have the opportunity to be profitable. In putting this motion, the member for Stuart is not trying to score political points, but I truly believe that it is just about putting a reality check into the argument to ensure that we have the opportunity to give these people the greatest chance to be profitable.

As much as God is in charge of so many other things that impact upon them, if they have a chance to have a fair and equitable rent situation in place on their pastoral lease to give them a

chance to prove to their bank manager that they are worthy of ongoing financial support after the hard times and when they are trying to recover from drought—

Mr Goldsworthy interjecting:

Mr GRIFFITHS: The member for Kavel talks about tough bank managers. It is important that we get this right. I hope that some reality comes into it. It is unfortunate that the government has indicated that it is not prepared to support the motion but, when you look at the cumulative effect over a three-year period of a 53 per cent increase in pastoral leases, you have to shake your head in wonderment and think that, okay, there might have been a recognition before that of difficult times and that is why there were no changes then, but you still have to give people some hope and, when you make such a significant increase, you take away that hope.

I hope that there is a change of attitude and some common sense prevails, and we allow an industry that has been so important to South Australia in the past and will be very important to us in the future every chance of success.

Mr PENGILLY (Finniss) (11:55): I rise to also support this motion. It is an attempt to get some level of common sense and balance back into a dismally failing Labor government and a government that completely does not understand the primary producers in the country. Sooner or later in this country, people are going to have to wake up to the fact that they need to eat. This is just a further impost on those who live and work in the pastoral lands and are seen by bureaucrats in the city as a soft touch.

Ninety-four per cent of Australians live in cities or urban areas. Only 6 per cent of Australians produce food to feed the world. They produce food that feeds 20 million Australians and, in addition to that, they produce food that feeds a further 50 million people overseas. So, 6 per cent of Australia's population are feeding 70 million people. If that 6 per cent decided to withhold everything, if could be a case of 'look out', and you might get a bit hungry in your leafy suburbs, because I can tell members that Australian producers, by and large, are fed up with having imposts continually thrown at them by government. They are fed up with putting up with the imposts, whether they be of the federal government, state government or local government (which, in this particular area, is pretty much nonexistent, of course). However, food producers need all the encouragement in the world.

We have just over two billion people living to our north, many of whom want to eat from time to time. We have a decaying economy in China where the middle class are finding out suddenly that they do not have the money they did have. We have millions of people in Africa who are starving. The people in the pastoral country produce a wonderful food source for Australia and it is criminal what this government is attempting to do to them by jacking up these rents and making life difficult for them. They want to stop everything, and they want to put imposts on them.

The best thing that could possibly happen is get government right out of the faces of primary producers. Governments do not induce prosperity: business (small business, particularly) produces prosperity in this country, and they need to be given a fair go. It is outrageous that these bureaucrats, who probably sit over the road here from us 500 or 1,000 metres away, make decisions which just make it harder and harder for people who live way outside the city boundaries to get on with their lives and make a living and produce food sources.

I am not impressed. It is appropriate that the member for Stuart raises the issue. There is also another member in this place with a large amount of pastoral country in their electorate and I suspect that they probably have similar views. However, we need for the government to get a jolt on this. I do not know whether or not they will—I think they are beyond being jolted on a lot of things after the affairs of the last week or so that have come to the fore in this place. On this particular issue I say to the government that you need to strongly consider supporting this motion. You won't, of course. However, we will get up and talk about it. I know there are other members who want to speak on it and I look forward to hearing what they have to say. But, for heaven's sake, get the government out of primary producers' faces.

Mr PEDERICK (Hammond) (11:59): As the member for Hammond and the spokesman for agriculture on this side of the house, I certainly support the member for Stuart's motion that this house calls on the Pastoral Board to reform the rent review committee over its decision to increase pastoral rents by up to 230 per cent; condemns the Weatherill Labor government for once again failing to consult with those affected; and notes the important contribution of South Australia's pastoral sector to primary production.

I think members on this side of the house have made very good contributions in regard to this motion. I commend the member for Stuart for bringing it forward. I note that the Hon. Michelle Lensink has made a contribution in the other place.

It is interesting that just when you see areas like the pastoral areas of this state have a couple of good seasons, they suddenly get belted with rent rises of up to 230 per cent. What I would compare that to is, say, if members on the other side in this place had their council rates come in and they had suddenly gone up 230 per cent. I reckon you would be making a noise. I reckon you would be making a lot of noise.

Mr Griffiths: You'd get lots of telephone calls.

Mr PEDERICK: Yes, and I think there would be quite a bit of correspondence into your electorate office if a rate rise of 230 per cent was placed on people's homes. It would be outrageous, as this is outrageous, so it is exactly the same process that has happened here. We have had these people in the pastoral areas who live through droughts and flooding rains, and they do a great job. They live in isolated conditions but they enjoy what they do. However, the thing is they always seem to get taxed out of existence. It is interesting when you go through these areas and these are the outer areas where a lot of these people are, so out of council areas, and the services that these people get are quite limited at times. You only have to drive out of South Australia and drive into Queensland and you see straight away the improvements of having money spent right up to the boundary.

There is a real issue here. Where is the fairness and equity? These people are up there producing wool and meat, whether it is lamb or beef, and doing a great job for this state's production. We have a Premier who indicates that agriculture is going to be the great saviour now that Olympic Dam has fallen over for another 46 months. We certainly hope that Olympic Dam gets going in the future, but suddenly that has fallen over and the Premier and the Labor government had banked everything on that mine cranking up now, yet it has not. So, suddenly, there is a big economic hole in the budget and a big flaw in the credibility of the government of this state.

You also see the sixth point—of the seven points the Premier said are the main themes of how they are going to govern this state—is about promoting clean green food. How does increasing pastoral rents by up to 230 per cent promote clean green food? This is some of the greenest food you can get from some of these stations. I know that a lot of them are branded as organic lamb or organic beef and they are in just the right environment to do that. They obviously can farm without using some of the chemicals or drenches or whatever that are needed in some of the wetter areas of the state so that you can keep your stock in good health.

I can fully understand why our pastoral people, who make such a valuable contribution to this state and who cover the largest percentage of land mass in this state, would be upset. Certainly I acknowledge their contribution. It should be acknowledged by the government as well but, no, they see it as an easy tax grab. I note that once again people were not consulted about the rent, so they just got the notices in the mail and away you go, that is what you have to pay if you want to be involved in the industry, and away you go. It is just like another place in the member for Stuart's electorate with the Cadell ferry—a short-sighted affair where the government thought they would save $400,000, which barely did up minister Conlon's office and I do not think that amount did, by shutting down a ferry. The community got on board and said, 'No, we're not going to live with that', and the member for Stuart and other members from this place campaigned long and loud and got a great result for Cadell, the people of this state and tourists from interstate and overseas, who can still have access to that ferry, as well as the primary producers of that area.

One day, Premier Weatherill will realise that there is a place north of Gepps Cross and realise the economic boom that these people give to this state. They suffer during the droughts but they survive. They pull through. They know what it is like to have tough times and get on with the job, and they do not need the imposition of having to pay these great rent increases. They put up with not only the floods and droughts, but the fluctuations in primary industry production and prices. Obviously, they can have great differences in their wool or meat production, but they still have to be up there with sometimes only themselves and sometimes a limited amount of staff to run these vast properties.

As I indicated earlier, they do a very good job, they contribute tens of millions of dollars, hundreds of millions of dollars, to the state's economy and they should be helped along and promoted, instead of having this high impost of tax in the case of a pastoral rent imposed on them. Otherwise, what we may see, down the track, are vast tracts of this country just being left. I note

that some of these properties are being bought out by green groups and locked away from production, when we are concerned about food production in the future. I know members on this side of the house are, and members on the other side of the house should also be concerned, because we all want to eat, as the member for Finniss rightly said. If we do not promote production, we will not get on with it.

I note that a lot of people from the pastoral areas, certainly in the Far North, Northern Territory and from our pastoral areas, support the live cattle and live sheep trade. I note someone wrote in the *Stock Journal* today asking Lyn White from Animals Australia whether they want us all eating lentils. I certainly do not want to. These people make a vital contribution to the state and they need to be supported. As we saw with the debate over the live cattle trade for our landowners in the north, there were hasty decisions made which have upset the trade, upset the income, lost hundreds of jobs, and the turnaround was that slow that we have upset our Indonesian neighbours, and it is going to take a long time to get that trade back on track appropriately.

In closing, I indicate that I firmly support the pastoral producers in this state. They do a great job under very hard and difficult conditions, at times. I fully commend the motion of the member for Stuart.

Ms CHAPMAN (Bragg) (12:08): I support the motion of the member for Stuart and thank him for bringing this to the attention of the house. The former member for Stuart, the Hon. Graham Gunn, would be proud of this motion because he had nearly 40 years of fighting for this district, under previous boundaries and other significant parts of the pastoral part of the state. Our own Speaker represents some of this area and she too ought to be outraged by the government's decision—yet another announce and defend—not only to increase the pastoral rents by up to 230 per cent but to do so without consultation. The call on the rent review committee to be introduced back into the process is a good one. We on this side of the house welcome it and condemn the government for not adhering to that.

I will not cover the issues raised about the significant sacrifice that people make in these areas of the state, both in lifestyle and cost of living, particularly for the education of children and the like, the extraordinary distances that they travel and that their stock travel, and the hardships that they endure. Certainly, at present, the productivity from these regions is largely enjoying a good commodity price, and that is to be welcomed, of course. However, what this government does not and never seems to understand is that these are cyclical and there are circumstances where productivity is down or the commodity price is reduced, and there are difficulties in staying alive. There are also drought conditions added to that.

I am sure that the member for Stuart and other members will be familiar with the very difficult times that some of the pastoralists needed to endure. Shooting sheep when they get caught in mud is not a pretty sight and it is emotionally destructive. It is a very difficult circumstance when pastoralists have to sell up their lease to be able to relocate and salvage their lives together. These people live in harsh conditions.

I just wish to place on record that of the recently published Department of Foreign Affairs and Trade figures for South Australia's contribution to trade, of the top 20 merchandise export commodities in this state No. 6 is meat (excluding beef), which totals some $505 million a year (in the 2010-11 year); No. 10 is beef which, on its own, produced $196 million in that year; and wool and other animal hair is No. 13, $135 million. These are not exclusive products of the pastoral area and, of course, I am sure that if the member for MacKillop was listening intently here, he would be saying that he has the best cows and the best sheep in the state—and they are pretty good; I am not here to argue that.

However, a very significant area of production in this state for these commodities is in the pastoral regions, and that should not be ignored. It is quite unconscionable for the government that, during a brief period of really good times, it might want to come in and try to harvest it out by introducing an unfair system. We have processes and they are good ones. We have had the rent review committee in the past and it ought to be restored to its proper position, let the local people make a contribution to this debate and have a decision which is fair and equitable. Thank you, member for Stuart, for bringing it to our attention.

Mr GOLDSWORTHY (Kavel) (12:12): I am pleased to make a brief contribution to the motion brought to the house by the member for Stuart. I particularly look at paragraph (b) in the motion from the member for Stuart which states:

> condemns the Weatherill Labor government for once again failing to consult with those affected;

This is another glaring example of the Labor government's inability or failure—whatever you want to call it—to consult with the community. It is another example of an 'announce and defend' decision where we have seen pastoral rents hiked up by up to 230 per cent. We have heard all the platitudes and statements made by the current Premier but the rhetoric does not match the reality. The member for Stuart highlights the fact that the pastoral rents have increased by a staggering 230 per cent.

This is another example of the extremely poor state that this government has put our finances in. The government is scratching around, clawing around in every little corner of the state to try to raise some money. What we see is that they are looking at the pastoral industry—a very important industry here in South Australia—to claw some money from that sector. We know on this side of the house, from shadow ministers looking through budget papers and so on, that the government is looking to scratch out, claw out every last cent that they can from the community. That is why South Australia is the highest taxed state in the country. South Australia is the highest taxed state in the country, and one of the reasons for that is that this Labor government has mismanaged the state's finances.

Other speakers, on this side of the house particularly, are people who know about these types of things, people who have had real-life experience. The member for Flinders is a primary producer. The member for Stuart has lived and operated a business in that particular part of the state, and now he represents that part of the state. The member for Bragg was brought up in a family of primary producers. The member for Finniss is a primary producer as well. There is a number of members on this side of the house who are primary producers and have come from that background or have a direct relationship.

My family are farmers. Part of my family is from a farming background, but if I look across at the other side of the house, the Minister for Finance, the Hon. Michael O'Brien, is the only member—I stand to be corrected—on the other side of the house who has had any involvement in the primary production sector. His involvement was when he was an executive working for Elders. There is a glaring contrast between the people on this side of the house who understand the issues that the pastoral industry faces and those members on the government benches.

I highlight the Minister for Mineral Resources, the Hon. Tom Koutsantonis. The minister may have some understanding of that country, but he may not have driven through it. He may have flown over it and into it when he goes to visit the mines up in the northern parts of the state, when he goes up and visits Olympic Dam, Prominent Hill and places like that. I think he probably has not driven through it. He may have; if he has, I would like him to communicate that to the house. The Minister for Mineral Resources has flown over the top of it and landed in it, but that may be the extent of the minister's involvement in that country.

As has been pointed out in the house previously, the agricultural sector, the primary production sector, is critically important. I cannot emphasise this enough. It is critically important to the economic wellbeing of this state. It contributes $4 billion to the state's economy. The government must be aware and realise the importance of the primary production sector to the state's economy and therefore to the state budget, and needs to have policy direction so that it supports the primary production sector in South Australia.

I have travelled through the country, I have holidayed up there in the pastoral country in the Far North of the state. It is absolutely magnificent country. It is tough country; we know that. The people who live there and earn a living know the ravages of the seasons—the hot, dry summers, the extended drought periods but then also the flooding rains. They understand that it is tough country but it is great country; it is a magnificent part of our landscape. I think that open pastoral country—that open station country—really is part of what defines South Australia and Australia. With those few brief comments, I have real pleasure in supporting the motion the member of Stuart brings to the house.

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Manufacturing, Innovation and Trade, Minister for Mineral Resources and Energy, Minister for Small Business) (12:20): Well, after that speech, it is no wonder he was demoted. I note with interest that the motion moved by the new shadow minister for mineral resources calls on the establishment of a pastoral board and then condemns the government but will not announce Liberal Party policy to reverse the decision.

Perhaps this could be a moment when he can announce a policy decision. Perhaps the Liberal Party can announce how it will be dropping pastoral leases. Perhaps the Liberal Party could

announce a whole range of policies. Perhaps he could talk about what royalties he will cut. Perhaps the member for Kavel—the recently demoted member for Kavel—could talk about which taxes he will cut. When he makes the claim that we are the highest-taxed state in the country, perhaps they could offer to us a solution rather than just whingeing from the sidelines.

Look, no policy! They have had only a decade to come up with policy. They have had only 10 years in opposition to come up with up with a plan. They have plenty of complaints, but no road map. They have nothing! They just sit down there and complain—they are professionals at it. This government is getting on with governing. We have an agenda for this state, we are setting out our path, we are building this state.

When oppositions claim the mandate that they should be the government, rather than just cheap shots in the parliament talking about how they understand the country better than everyone else because of their birthright, perhaps they could tell us their policies. I have no doubt that members opposite have a deep connection to the country and a deep connection to the land and to those who work the land. No doubt, they have deep concerns about their constituents. But do not come in here and lecture us that we do not. Do not come in here and tell us that we do not understand the plight of farmers simply because we are not farmers.

Quite frankly, member for Kavel, you are a politician, not a farmer. The member for Flinders is not a farmer: he is a politician. The member for Stuart is not a farmer: he is a politician. It is about time they woke up to their profession and worked out that they are legislators full time and not part-time employees of this parliament and that they work here full time. Perhaps then, within a decade, they would actually have a policy—just one would be nice—rather than the moaning we get from people who have been demoted to the backbench.

Perhaps then the member would understand why he has been demoted—because he came up with not a single policy in his time as a shadow minister—rather than criticising me for sitting down listening to him quietly. Is that the best you have? Sitting here quietly, and he attacks me! Why? Because I am in the building? Got nothing else to say? Got a policy? Ten years, and he has done nothing—nothing. How do you draw a salary with a straight face?

Mr VAN HOLST PELLEKAAN (Stuart) (12:23): Let me start by saying thank you to the government for not amending the motion. I did actually think that they would do that in a very sneaky, underhanded way, as they have on previous occasions when they had no other way of dealing with a motion I have put forward. So, I do thank them for not doing it this time and for putting their position clearly on the table and just opposing it. But, of course, I am incredibly disappointed with the government's position. I am incredibly disappointed that it has chosen to oppose this motion.

Let me just highlight the fact that, when the member for Little Para talked about the Valuer-General, he was quite correct, but my motion deliberately did not include any reference to the Valuer-General. There is a process there. What I am asking the government to do is to reinstate the pastoral rent review committee; that is what I want the government to do. The Valuer-General will do the Valuer-General's job, but the Pastoral Land Management Conservation Act 1989, section 23, clearly gives the minister the authority to establish a rent review committee that can look into this work. So it is nothing about giving the Valuer-General a hard time, and it is actually nothing about giving any section of the government a hard time, other than the minister for not doing exactly what the act gives him the power to do. He has that responsibility and he should do that.

Let me turn very quickly to the provocative comments from the Minister for Mineral Resources and Energy, and I do take exception to his comments that any one of us is not a very serious full-time politician. I have no birthright in this capacity. I am not a farmer or a pastoralist. I have lived and worked and run businesses in the outback and I have been exceptionally passionate about it, but what I am doing right now is very much a part of my serious, genuinely applied, full-time application as a member for parliament representing the people of pastoral areas and other parts of this state, and I take very genuine exception to the minister's assertion that there is anything else going on here except for that.

I would also like to say thank you to the Small Business Commissioner and the Deputy Small Business Commissioner who have taken a great deal of interest in this. I will not put words in their mouth; they have the capacity to make statements on their own behalf, but I do thank them for coming to Port Augusta and meeting with representatives of the pastoral industry in my office at Port Augusta. They have taken this issue on board very seriously. The vast majority of pastoral

lessees are small business operators. That is often forgotten because they operate with thousands of square kilometres of land and they run tens of thousands of sheep or cattle, but, broadly speaking, they fit into the definition of a small business. So I thank the Small Business Commissioner and his office for looking into this issue.

Let me wind up by saying that the government and the minister have the opportunity to reinstate the rent review committee. It is in the act for a reason, and the reason is, at times like this, to look into these rents. When the number of objections to the rents—as in the Pastoral Board's most recent annual report—jump up to 36 in one year, from two objections in the previous year, clearly there is a problem that the minister needs to look at. There is no industry in our state or anywhere else in Australia that could take in excess of a 50 per cent increase in their rents across the board, across their industry, in two years. If it were retail, manufacturing, education, hospitality, tourism, transport, trades, or any other industry, I know that the government would take this issue much more seriously. I know that they would go straight to the act and say, 'Actually, it is in the act; the minister has the right to establish a rent review committee and we'll do it straightaway.'

I call on the government to do exactly the same thing for the pastoral industry. It is exactly what the act is there for, and it is exactly what the minister should do. Let me just finish by saying that the people who work on pastoral leases, whether they are the lessee or the staff working there, are some of the hardest working people in our state. They work, without doubt, in the harshest climate anywhere in Australia and they deserve exactly the same support from this government as if they worked in the Adelaide CBD.

The laws are here for everybody, the government is here for everybody, and the legislation and the acts are here for everybody. These people deserve exactly the same support from any minister as anybody else, and the fact that they are remote and out of the way is no excuse. The minister should take the authority he has under the act and support them when clearly there is a very serious issue to be dealt with. The increase in rents would not be accepted by this government if it was applied to any other industry, so the government should support the pastoral industry just as much as it supports any other.

Motion negatived.

WOMEN'S ELECTORAL LOBBY

The Hon. S.W. KEY (Ashford) (12:28): I move:

That this house—

(a) notes the contribution of the Women's Electoral Lobby (WEL) to the enrichment of Australia's political agenda over the past 40 years; and in particular

(b) acknowledges and thanks the South Australian members of WEL for their excellent research, lobbying, work and campaigns for women since 1972.

It gives me great pleasure to speak to this motion because, at a very early age (I think that I was barely 17), my mother took me along to a Women's Electoral Lobby meeting at Bloor Court in the city, and from there I was caught up in the campaigning that was happening at the time.

My first entree into Parliament House with Pam DiLorenzo was looking at the issue of rape in marriage and the bill that was being pushed to recognise that rape does happen and should not happen in marriage. Interestingly, Mr Acting Speaker, it was your father, the Hon. Jack Wright, who Ms DiLorenzo and I came to visit to talk about this bill. I was deeply impressed by the response that we got from Jack Wright, so much so that, separate to that meeting, Jack Wright found out that I was actually a constituent and signed me up to the Australian Labor Party.

I was very pleased all those years ago to actually get the opportunity as a trade union official to work with the Hon. Jack Wright; so, he has always been someone who has been a bit of a mentor and a role model to me. That all happened, really, through the Women's Electoral Lobby, so it is a very unusual story but one that I hold very dear to my heart.

Many of us were very fortunate on 2 November to be invited, on the initiation of our Speaker, Lynn Breuer, to be guests at Government House. His Excellency Rear Admiral Kevin Scarce and Mrs Scarce invited a number of us to celebrate 40 years of the Women's Electoral Lobby not only in Australia but certainly in South Australia. I will just talk about some of the members who were there. They included, obviously, our Speaker, Lynn Breuer; the Minister for the Status of Women, the Hon. Gail Gago; the member for Bragg, Vickie Chapman; the Hon. Tammy Franks from the Legislative Council; and me.

There were a number of people who had also served in this parliament and who had been great supporters of the Women's Electoral Lobby. There was Mrs Heather Southcott AM, the Hon. Diana Laidlaw AM, the Hon. Anne Levy AO, the Hon. Sandra Kanck, The Hon. Jennifer Cashmore and the Hon. Dr Rosemary Crowley. They were some of the people, I know from my own experience, who have been very active in the Women's Electoral Lobby and who certainly supported the Women's Electoral Lobby.

I guess that the highlight for me of this particular occasion was having an opportunity not only to be welcomed by the Governor and his recognition—along with Mrs Scarce's recognition—of the contribution of the Women's Electoral Lobby, but also to hear a speech that was invited from the wonderful Ms Betty Fisher. Betty is someone who is now in her late 80s and who has been a campaigner all her life. Not only is she one of the early members of the Women's Electoral Lobby but also she was in the land army. She was unusually the Sister of the Chapel for the Printing and Kindred Industries Union in the government printing area. She has been involved with many different things, but the one we were celebrating on 2 November was to do with the Women's Electoral Lobby.

What I would like to do is actually recount some of the comments that were made by Ms Fisher, and I know that the member for Bragg is going to supplement my contribution with her recognition of the Women's Electoral Lobby. First of all she started off, of course, acknowledging Kaurna people, and, as she said:

> ...the First Nation of Kaurna people who lived, laughed and endured the rule of the invading white people. In the 1920s and 1930s a French woman called Simone de Beauvoir, had a book published entitled *The Second Sex*. It outlines the social, educational and employment situation of women. Together with other declarations in support of women's status being improved, this book was circulated throughout the world. The establishment of Women's Liberation in many countries spread like a storm and enthusiasm for this cause was very high amongst women and girls.

As Betty Fisher said:

> Men were puzzled, flabbergasted, outraged and many still are very opposed and still don't understand.

But there were six demands that were drawn up by Women's Liberation, which I think many of us would appreciate:

1. The right to work to earn a living
2. Equal pay—one rate for the job
3. Equal opportunities for work and education
4. Free child care and pre-school facilities
5. Free safe contraceptives
6. Safe, legal abortion on request

Women's Electoral Lobby has also worked in agreement with these aims. In a book (1969-70) *Sisterhood is Powerful* published in the USA, all the events leading up to the spread of Women's Liberation was clearly explained.

In Melbourne, Beatrice Faust watched all this and noted that Gloria Steinem was questioning politicians. 'We can do that', she said, and called together ten like-minded women to discuss the idea of an electoral lobby.

So the electoral lobby was born—WEL.

In Adelaide, Deborah McCulloch did the same. It made headlines. The media hadn't a clue, and headlines attracted everyone's attention and gave cartoonists great material.

Something which, I might add, has continued. Betty Fisher continued:

> The beginning was in February, 1972. A questionnaire was drawn up and interviews were sought with politicians in every State and Territory about what candidates knew of the needs of 51 per cent of their electorate. Many, even most of them, knew nothing at all about the opinions of women.
>
> The first two years were frantic. Interviews with politicians had to be collated and the media contacted to good effect. WEL groups formed in country towns and in the suburbs. Meetings were held every day, then every week and a newsletter was published, the editor run off her feet!

I might say that Betty Fisher, in her printing capacity—I think Raven Publishing was the name of the printing firm—was significant in South Australia in assisting that. Betty Fisher tells us:

> Organisations, both non-government and every other group wanted guest speakers and a Speakers List was formed. WEL groups and individuals did some extraordinary things, one was a WEL member of a small group who managed to establish the right for women to gain employment in the abattoirs regarded as an all-male workplace.

One of the first things tackled was a submission to government, formulating wording for a Sex Discrimination Bill, which eventually became an act and law. Other submissions and legislation followed. It is an admirable list.

Among early submissions made to government was one based on a letter from a Mrs B. Gollan urging action for protection of Aboriginal women and children. Over 148 submissions from WEL were made to the government in South Australia alone. An early brief history was made and published followed by several other publications.

Who were these early women who worked so hard in those early years? Some had children, some had careers, some had employment. This did not prevent them from hurling themselves into the battle for a cause that is still unresolved.

Many of them, as Betty said, were present at the function, but there is also a huge list of women Betty recognised on the day. I am not sure in six minutes whether I have time to read all their names, but I will certainly have a try:

• Elva Abrahams	• Kay Alexiou	• Shirley Allen	• Yvonne Allen
• Liz Alper	• Liz Ahern	• Koula Aslanidis	• Penny Attwood
• Sue Averay	• Carol Bacchi	• Margaret Banerji	• Sylvia Barber
• Heather Beckman	• Gita Begle	• Irene Bell	• Pam Best
• Wyn Best	• Anne Bickley	• Kath Bilney	• Ursula Bin Ka
• Connie Blavens	• Linda Brabham	• Pauline Brabham	• Mary Beasley
• Denise Bradley	• Gwen Brookes	• Molly Brannigan	• Janet Browning
• Hilary Bruer	• Barbara Bruer	• Bridget Bruer	• Gwen Busnahan
• Chris Bull	• Yvonne Caddy	• Helen Caldicott	• Jane Caldicott
• Jennifer Cashmore	• Coral Coleman	• Maurine Chatterton	• Tina Chin
• Jacqui Cook	• Pat Corbett	• Maria Cricelli	• Trish Cronin
• Heather Crosby	• Rosemary Crowley	• Roseanne De Bats	• Evelyn Dent
• Pat Digance	• Mary Duhne	• Jenny Deslandes	• Rene Doust
• Judith Davies	• Pam Di Lorenzo	• Micki Dimitropolis	• Margaret Doley
• Gertrude Duck	• Pauline Dundas	• Anne Dunn	• Julie Ellis
• Gladys Elphick	• Wendy Ey	• Ruth Farrant	• Barbara Fern
• Helen Finch	• Grace Finlayson	• Alesta French	• Betty Fisher
• Alison Gent	• Judy Gillett	• Prue Goward	• Di Gayler
• Janine Haines	• Bev Hall	• Linda Halliday	• Joyce Harse
• Liz Harvey	• Liz Heath	• Sue Higgins	• Di Hart
• Heather l'Anson	• Anne Isaacs	• Iris Iwanicki	• Liz Hooper
• Brenda Jarrad	• Ros Johnson	• Susi Jones	• Sally Jackson
• Cath Kerry	• Steph Key	• Steve (Sheila) Key	• Sandra Kanck
• Inaam Kirzam	• Nancy Koh	• Di Laidlaw	• Paula Kaiser
• Irene Leighton	• Anne Levy	• Fliss Lord	• Helen Launer
• Alison Mackinnon	• Melissa Madsen	• Sue Magarey	• Necia Macatta
• Jill Mathews	• Esther McCrea	• Deborah McCulloch	• Barbara Magee
• Dawn McMahon	• Coralie Miles	• Heather Mobbs	• Cathy McMahon
• Bess Morton	• Allison Murchie	• Jenni Neary	• Di Morisini
• Joy O'Hazy	• Carmel O'Reilly	• Jan Owens	• Maureen O'Connor
• Lesley Palmer	• Carolyn Pickles	• Margaret Platten	• Helen Oxenham
• Thea Rainbow	• Ruth Raintree	• Noel Rait	• Barbara Polkinghorne
• Anne Reeves	• Yve Repin	• Judith Roberts	• Brenda Rayner
• Val Roche	• Marilyn Rolls	• Molly Rowan	• Penny Robertson
• Joan Russell	• Lyndall Ryan	• Wendy Sarkissian	• Noeline Rudland
• Liz Sloniec	• Heather Southcott	• Shirley Stott Despoja	• Fay Shepherd
• Anne Summers	• Viv Szekeres	• Karla Tan	• Natasha Stott Despoja
• Maureen Taylor	• Jayne Taylor	• Gay Thompson	• Gwen Tapp
• Vera Tomkinson	• Merle Tonkin	• Carol Treloar	• Jo Tiddy
• Amanda Vanstone	• Elinor Walker	• Jenny Walker	• Denise Tzumli
• Shirley Watson	• Doreen Wargent	• Chris Westwood	• Bridget Wamsley
• Brenda Wilson	• Rosemary Wighton	• Judith Worrall	• Barbara Wiese
			• Rosalie Zarest
			• Imogen Zethoven

They are some of the people who had a significant role to play, as Betty told us, in the Women's Electoral Lobby. I must say that, having also had the opportunity to work for different women's

organisations and community organisations, the Women's Electoral Lobby certainly was a great support, as were a number of those women. I particularly remember Jennifer Cashmore and also Barbara Wiese being helpful to the Working Women's Centre, as was Anne Levy and Carolyn Pickles. In those days it was very interesting for me to have the opportunity to work with women who were politicians, who were leaders of women, but who were across the political divide. I commend the motion to the house.

Ms CHAPMAN (Bragg) (12:43): I rise to support the motion moved by the member for Ashford and thank her for both moving this motion and also for her work in ensuring that the 40th anniversary of this important body was recognised with an afternoon tea at Government House recently. It is no small feat to bring together a group of women to celebrate this and to traverse the historical records. To ensure that as many can be invited to enjoy the celebration is no small feat and I thank her for that.

There was an interesting group who did assemble with the Governor and his wife, and I should also acknowledge their contribution in hosting the occasion. As indicated, Betty Fisher provided the snapshot of history of the Women's Electoral Lobby, and the occasion was of great merriment with that contribution.

What I would like to record from my perspective is that I was in the younger group. I had missed all that flower power, smoke-hazed sixties and was more of a child of the seventies. However, the significance of the reform that took place during the 1970s should not be underestimated.

Prior to the establishment of the Women's Electoral Lobby, the era of the beginning of the 1970s is one which should be remembered. It was a time when women had no lawful access to—and in fact were often given very considerable condemnation if they were to access birth control or abortion. The establishment of any child care facility other than by family and friends in any formalised way was non-existent. If you were a woman in the Public Service, you were obliged legally to retire upon marriage.

There was no protection of women within marriage against what was an entitlement of men to conjugal rights under the law that existed. So, this was a very different era in my case from my mother's era, which they endured. So, this was an era in which women had given up their lifestyle, undertaken men's jobs during periods of war, particularly, and had then been expected to go back into the corner at the end of that conflict. 'Equal opportunity' were two words that were really just something that was pie in the sky.

So, for the Women's Electoral Lobby to establish and take up issues that were very controversial is something which should not be forgotten. Advocacy today amongst both women's groups and, indeed, many representative organisations still requires some courage. It still requires an enormous amount of energy, but, remember, for the Women's Electoral Lobby this was way before social media, and certainly mobile phones. The accessibility to communicate a message, and to be able to galvanise and inspire the effort that is required to bring about change, is enormous, and these women did it without much support and without the electronic communications that we have today.

So, they had a very clear understanding that, if there was an issue worth fighting for, they would take it up, they would fight for it. They understood that you could not just write one letter to the editor. You could not just have one public meeting—that if they were going to take up the fight, it went for a long time.

The two issues that I particularly remember through the latter part of the 1970s was the work that was done (and which is still very important today) to develop the rape within marriage legislation. It culminated in the criminal law being changed and women being entitled to protection within marriage, to be able to say no to unwanted sexual advances. This was very controversial at the time. I was a law student in those days and can remember the controversy surrounding that.

Dame Roma Mitchell, who was a justice in the Supreme Court, had written some reports on law reform which culminated in this law changing. But, the protest against that amongst the community at the time should not be underestimated. Well done to those women who were very strong advocates on that issue.

The second issue was for the deductible expense of child care being recognised in the income tax laws. Two attempts went to the High Court with the very vocal support of the Women's Electoral Lobby. Both failed, and still today treasurers will not recognise that child care is an

expense necessary for the purposes of employment, and therefore they are not accepted as a deductible expense against income for the purpose of assessing income tax.

I for one, and probably many others in this house, have spent a lot of time with successive treasurers over the years of both political persuasions, I can say, and all of it has fallen on deaf ears. This reform, as a result of these two High Court decisions, does require an amendment to the income tax law, and that rests with federal parliament. I would urge Wayne Swan (he is the current incumbent) to consider it. That needs to be, in my view, remedied. Until that time we will not have women with equal opportunity of outcome if they do not have that. I have been a passionate supporter of it, and I will remain committed to telling our shadow Liberal treasurers from this side of the house, who represent us in the federal parliament, and I hope that that will not fade away.

Baby bonuses, childcare rebates are all different policies that have been introduced by federal governments to deal with this, I think, in an inadequate and cheap way, and they do not recognise the importance for women on this. The Women's Electoral Lobby has never given up on this issue, and I applaud them for it. This is one of the many enormous challenges they have undertaken. We have not been successful on that. If there is one thing I can say about the Women's Electoral Lobby, while there is breath in me, it is that this issue will continue to be fought.

The Hon. R.B. SUCH (Fisher) (12:51): I will just make a brief—

The Hon. J.M. Rankine interjecting:

The Hon. R.B. SUCH: Men are allowed to speak in here, aren't they? I support this motion. The Women's Electoral Lobby has been a very important avenue not just for greater participation by women but for ensuring as far as possible that some of the particularly discriminatory provisions against women have been changed, and that is a good thing. I always welcome groups in the community that are trying to participate in our democratic system, and that is exactly what the Women's Electoral Lobby has done.

As the member for Bragg and the member for Ashford pointed out, there was historically a lot of entrenched discrimination against women in the areas of employment, superannuation, and even laws, particularly in relation to sexuality. Many of those have been dealt with, but I guess you could argue that elements of discrimination still exist.

I want to quickly touch on the question that is often raised, that is: are women as MPs different from men? Well, we know physiologically they are, but after giving this a lot of thought over time I do not believe there is such a thing as an woman's issue or a man's issue. I would like someone to tell me an issue that I as a male MP am not interested in; I am interested in every issue. If it is women's health, I am interested in it.

It is something that female MPs have to be careful about because I think they do adopt a collaborative approach, and that is fine, but they have to refrain from falling into the trap of forming the equivalent of a boys' club, whether it is in parliament or elsewhere, because we are moving away from boys' clubs. Hopefully, we have moved away from the boys' club mentality but not completely, but I see from time to time worrying signs that women might be trying to imitate some of the worst behaviour of men, and we do not want that. In my experience, which is nearly 23 years in here, I have not seen any great difference in the behaviour between men and women. I have seen a lot of excellent female MPs, and I have seen some who are not in that category, but I will refrain from naming them.

We have seen the challenges faced by the current Prime Minister, and I think much of the hostility directed against her is simply because she is female. People can argue otherwise, but I believe a lot of it is to do with the fact that she is a woman. I do not believe she has been any better or any worse than most other members of parliament, and certainly not other people who have been prime minister.

As to the argument that a female MP is naturally going to be more caring, or whatever, if you look at the record of some of the most famous or infamous women—such as Margaret Thatcher, Golda Meir and Indira Gandhi and others—I do not see that they have expressed any values of humanity or compassion that have not been shared or held by individual men at different times. I conclude by commending the motion. I know most of the women who have been involved with the Women's Electoral Lobby, and I pay tribute to what they have accomplished over the past 40 years.

The Hon. S.W. KEY (Ashford) (12:55): The reason I would like to close the debate is that I think it would be great if we could vote on this motion today and get that message back to the

Women's Electoral Lobby. A number of the activists are in their 80s and 90s, so I think the quicker we vote on this, the better.

Motion carried.

SECOND-HAND GOODS BILL

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) (12:56): Obtained leave and introduced a bill for an act to regulate second-hand dealers and pawnbrokers; to repeal the Second-Hand Dealers and Pawnbrokers Act 1996; and for other purposes. Read a first time.

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) (12:57): 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.

Purpose

The purpose of the *Second-hand Goods Bill 2012* is the reduction of property related crime through improved regulation of the second-hand dealer and pawnbroker industry. This will be achieved by the establishment of a new regulatory regime together with enhanced record keeping requirements and a requirement to electronically transfer transaction information to police.

A further objective is the introduction of legislative controls to address a current market imbalance which exists between pawnbroker service providers and consumers by requiring pawnbrokers to provide consumers with accurate information to enable the public to make informed choices when seeking these services.

The intended focus of the Bill is at the time a business acquires prescribed second-hand goods for resale or enters into a contract of pawn. It is not proposed to regulate the subsequent re-sale of the acquired goods other than a period of retention prior to resale.

The licensing and registration regime will be administered by Consumer and Business Services (CBS) and is targeted at businesses dealing in 'high risk of theft' second-hand goods. Licensees and registrants will be required to electronically transfer prescribed records via a web-based transaction management system to be administered and managed by Police.

A dual enforcement model will enable officers from both agencies to enforce and ensure compliance with the legislation. CBS will be responsible for licensing and registrations. South Australia Police (SAPOL) will be responsible for administration and compliance of the web-based transaction management system and resultant matching and investigation of stolen property.

Background

Second-hand dealing and pawnbroking involves acquiring pre-owned goods for re-sale. Research throughout Australia, New Zealand, USA and Canada has identified property criminals frequently exchange stolen property for money, using second-hand dealers and pawnbrokers. Anecdotal evidence of Police further supports the proposition the second-hand industry often knowingly or unknowingly provides a convenient means for offenders to convert stolen assets into cash, thereby facilitating the use of the industry as a conduit for stolen property.

In order to reduce the number of crimes, Police in these jurisdictions have or are taking steps to electronically monitor property pawned or sold to dealers, in order to identify property crime offenders and recover stolen property.

Interstate and overseas experience suggests licensing together with electronic transmission of transaction information reduces the opportunity and ability of property crime offenders to convert stolen property into cash, thereby reducing the number of theft and associated offences.

Over the last decade, several Australian and overseas jurisdictions have enacted legislation requiring dealers to be licensed and provide details of their transactions electronically to Police. Governments are also equipping Police with the technology to be able to automatically search transferred dealer's transaction information against Police databases.

Australian jurisdictions that have enacted legislation requiring second-hand dealers and pawnbrokers to be licensed include New South Wales (NSW), Western Australia (WA) and Queensland (Qld). In NSW and Qld the relevant Act and Regulations are administered by the respective State Office of Fair Trading (OFT) which has a licensing, compliance and investigation section.

Regulation of the industries in these three States occurs via a licensing regime and electronic transaction reporting system, similar to the scheme proposed by these reforms. To facilitate the recording and identification of stolen property, police in the aforementioned jurisdictions have developed 'web-based' second-hand dealer databases capable of receiving transaction records electronically directly from dealers.

Like any other economic market, the stolen goods market is largely driven by supply and demand. Property crime is affected by the ease of theft and the availability of a pool of willing buyers.

The reforms focus on shrinking the stolen goods market by preventing supply and reducing the demand for stolen goods. Without an active market disposal becomes difficult, risky and unrewarding and significantly impacts an offender's willingness to engage in property crime.

A central tenet of the proposal is the introduction of a web-based electronic transaction management system (TMS). Licensed and registered dealers will be required to transfer to Police, transaction information relating to a reportable list of 'prescribed goods'. These include those goods commonly stolen and traded.

Current Environment

Currently, the laws relating to second-hand dealing and pawn broking are contained in the *Second-hand Dealers and Pawnbrokers Act 1996*, and Regulations, which have been in place since 1998. The Act provides for a dealer to operate a second-hand business simply by registering their intent in writing with the Commissioner of Police.

Since the Act's introduction, there has been continued community concern over second-hand dealers and pawnbrokers and their possible role in the receipt, distribution and disposal of stolen goods.

Although regulating the sale of prescribed second-hand goods, the current legislation does not require dealers to be licensed or electronically transfer to police transaction information. This makes it difficult for Police to effectively monitor and investigate illegal dealings in an efficient and timely manner.

Furthermore, the current business registration system provides only limited screening processes to preclude unsuitable persons from entering and remaining in the SHDP industry making it difficult to ascertain who is participating in the industry.

Research as well as anecdotal evidence of Police suggests recidivist property offenders exploit opportunities to dispose of stolen property via the second-hand dealer and pawnbroker industry. Despite existing regulation and the efforts of police, operational intelligence indicates a significant proportion of stolen goods are disposed of through the second-hand industry.

Police estimate that between 10–15 per cent of stolen property may be sold to pawnbrokers and second-hand dealers either directly by property offenders themselves, or indirectly by recipients such as drug dealers and fences (a fence is an individual who knowingly buys stolen property for later resale in a legitimate market at a higher price).

As a result, Police are concerned the role second-hand dealers and pawnbrokers play in the receipt and distribution of stolen property. Research and anecdotal evidence of police further suggests recidivist property offenders exploit opportunities to dispose of stolen property via the second-hand dealer and pawnbroker industry.

SAPOL advises a data base enabling the electronic recording of dealer transactions has been in use in this State since the mid 1990's. Police estimate 5–10% of dealer transaction records are currently received and activities monitored for stolen property or persons of interest. Previous reviews have concluded the current system is resource intensive and if not replaced, will cease to function in any productive form.

In response, on 3 June 2007, the Government announced $2.1 million had been allocated from the State Budget to introduce an online transaction reporting system for second-hand dealers and pawnbrokers to combat the stolen property market.

On 17 June 2009 the Government introduced the *Second-Hand Goods Bill 2009* to Parliament. The Bill sat during the winter Parliamentary break whilst formal industry and public consultation took place. The Bill was not debated and lapsed when Parliament was prorogued in December 2009.

As a result of the 2009 consultation process, a number of changes were made to the original proposal including the removal of scrap metal recyclers and auctioneers from the regulatory regime, the classification of prescribed goods into Class 1 and Class 2, enabling the creation of a tiered regulatory approach and the introduction of a registration regime for businesses acquiring class 2 prescribed goods.

On 21 March 2011, Cabinet approved a further submission to draft legislation and the release of a revised draft Bill for public consultation. During the four week consultation period, the SAPOL project team received 97 contacts regarding the proposed Bill with 17 formal submissions being received in both email and hard copy format.

As a result of the consultation process together with further scrutiny of the Bill by the Second-hand Dealers and Pawnbrokers Legislative working group, a number of policy changes and general amendments to the draft Bill have occurred.

Features of the Bill

The proposal is to repeal the *Second-hand Dealers and Pawnbrokers Act 1996* and replace it with legislation targeted to prevent and remedy current and possible future issues associated with the second-hand goods and pawnbroker industries.

The Bill introduces a new tiered regulatory regime and associated regulatory costs commensurate with the level of risk associated with the particular goods and activities of the industry groups. The objective of this market reduction approach is to alter property crime offenders' attitude, ability and opportunity to dispose of stolen goods via the second-hand and pawnbroker industry.

At risk goods will be prescribed by way of Regulation and will be similar to current Regulations in so far as they will include commonly stolen items frequently traded by second-hand dealers and pawnbrokers. Prescribed goods will be nominated as class 1 or class 2.

Class 1 prescribed goods are those portable items of property frequently stolen and traded by property crime offenders. Licences will be required by those second-hand dealers who deal in class 1 prescribed goods.

Class 2 prescribed goods are those goods which are commonly stolen but not to the same extent as class 1 prescribed goods. Second-hand dealers who only deal in class 2 prescribed goods will be required to register.

The Bill makes reference to the term 'approved persons' which refers to persons who are approved by the licensing authority to conduct or supervise transactions of class 1 prescribed goods and in the case of pawnbrokers, all pawns. An approved person must undergo probity checking to ensure he or she is fit and proper to carry out this role.

The Bill will retain a number of features contained in the current legislation including:

- prescribed goods will be similar to the current Regulations;
- the requirement to record details of a person from whom prescribed second-hand goods are bought or received, and all pawned goods;
- the requirement to record an accurate description of the prescribed goods including serial numbers and any identifying features;
- a retention period for prescribed goods acquired by a second-hand dealer;
- labelling of prescribed goods with a unique identifying code;
- the power for Police to enter business premises of all second-hand dealers, pawnbrokers, auctioneers and market operators to inspect and examine goods and records;
- the ability for Police to place 'holds' on goods suspected of being stolen;
- a requirement for any second-hand dealer or pawnbroker to advise Police of any goods acquired which he or she suspects are stolen;
- second-hand dealers and pawnbrokers are not to acquire goods from a child (a person under the age of 16 years);
- operators of second-hand markets are required to keep certain records of people selling goods at their market;
- charities, school fetes and the like where goods are donated are excluded from the provisions of the Act.

The Bill will further strengthen current provisions by requiring regulated dealers to comply with a number of features not contained in the present legislation including:

- Businesses which acquire class 1 prescribed second-hand goods for the purpose of resale (and all pawnbrokers) will be required to be licensed.
- In deciding whether or not to grant a licence or approval, the Commissioner for Consumer Affairs will take into account whether the applicant is a fit and proper person to hold a licence or approval.
- When acquiring class 1 prescribed goods, a licensee or approved person will be required to be present on the premises to conduct or supervise the transaction.
- Documents produced to verify a seller's identity will have to meet a '100 point system' regime. The scheme will not be as stringent as required in the banking environment and will use recognised and easily produced documents outlined in Regulations.
- When buying or receiving reportable prescribed goods, details of the transaction including the person's identity details and description of the goods must be electronically transferred to Police in a manner and timeframe prescribed by Regulations.
- Goods received by a licensed or registered second-hand dealer are required to be retained and not offered for sale for a period of 14 days from the date of transferring the transaction details to Police.
- Employee records are required to be kept and produced upon request to an authorised officer.
- The Commissioner of Police may prohibit the employment of a person in a licensed business if the person is found guilty of an offence or offences as prescribed by Regulations.
- Police have the ability to apply to the Magistrates Court for a barring order for a person identified as being a prolific property crime offender.
- Businesses who acquire prescribed goods only by way of trade-in are excluded from certain provisions of the Bill.

The Bill also contains a number of consumer protection mechanisms specific to pawn transactions and the redemption of pawned goods including:

- the issuing of 'pawn tickets' to persons pawning property outlining interest rates, fees and charges and the rights and obligations of both parties;
- provisions applicable to the redemption of the pawned goods, extending the redemption period and the sale of unredeemed goods;
- provisions applicable to 'surplus' funds following the sale of unredeemed goods.

Licensing, registration and approvals

As the licensing authority, Consumer and Business Services will have administrative responsibility for the processing of licence, registration and approval applications as well as issuing, disqualifying and suspending of licenses and approvals. Jurisdiction to hear disciplinary proceedings in relation to licensees and approved persons will be vested in the Administrative and Disciplinary Division of the District Court.

Electronic transfer of records

The requirement to electronically transfer transaction information is seen as an important tool to combat and restrict offenders disposing of stolen goods. The availability to police of accurate and timely transaction information will support the identifying of property crime offenders and cross-matching of stolen goods. With current technologies the transfer of information in close to real time will be expected in many instances. However it is recognised on occasions dealers may find it problematic to transfer information as soon as practicable, as such regulations will allow for a period of time to ensure details are transferred to police.

Transfer will be done via a web based interface or the uploading of computer files in a manner and form set out in Regulations.

Barring Orders

Research, together with Police observations, has identified a nexus between property crime offenders and the second-hand industry. Anecdotal evidence suggests that a small number of offenders are responsible for selling or pawning a disproportionate amount of stolen or unlawfully obtained property such as DVDs and small electrical appliances, often in new or near new condition.

In order to address this issue, the Bill provides Police, in circumstances where a person is charged with, or found guilty of a property related offence, to make application to the Court to bar the person from disposing of goods via a second-hand dealer, pawnbroker, auctioneer or second-hand market.

Consumer protection

As indicated in my introduction, a further objective of this legislation is to redress the current imbalance of information provided by pawnbrokers to consumers. This initiative will enable users to make more informed choices when seeking these services and as well as bringing greater consistency and transparency to the pawnbroker industry, which the Government believes is warranted in the current economic climate.

Market Operators

The Bill also acknowledges the level of risk in the trade of stolen goods associated with second-hand markets is significantly less than second-hand dealers and pawnbrokers. As a consequence, the legislation will not subject market operators to the same requirements. Instead, market operators where second-hand prescribed goods are offered for sale, will be required to be registered. These markets will also be required to ensure a supervisor is present during the trading hours of the market to supervise and comply with legislative requirements. A market operator will also be required to electronically transfer details of traders offering for sale prescribed goods.

It is understood this Bill encompasses a wide variety of goods and disparate industry groups. As such, Regulations will allow for variations such as retention periods for scrapped and dismantled vehicles and the age of certain prescribed goods such as old cameras or electrical and electronic items.

It is not the intention of this Bill to place unnecessary regulatory requirements upon certain areas of the second-hand goods industry such dealers of costume jewellery or those who acquire second-hand goods via clearance sales, deceased estates and unclaimed goods. This legislation also does not unnecessarily prevent individuals from holding legitimate garage sales or selling their goods at second-hand markets.

Conclusion

Although positive licensing imposes costs on industries, government and the community, the benefits to the community as a whole, outweigh these costs. Furthermore, the objectives of Government to limit trade in stolen property can only be achieved by through improved regulation and positive licensing.

The Bill, in large, builds upon existing provisions. It addresses current community concerns and expectations by equipping Police with the necessary legislation and technology to assist in the prevention and detection of property related crime. It represents, in the view of the Government, a sensible balance between the needs of those who conduct business and the needs of the law enforcement to have an increased ability to combat the trading of stolen goods.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

3—Interpretation

This clause defines terms and concepts used in this Bill.

4—Application of Act

This clause ensures that people will not require 2 statutory licences in respect of any activity by providing that nothing in this measure applies in relation to an activity undertaken in accordance with a licence issued under another Act. The regulations may also modify or exclude the application of this measure in relation to persons, goods or transactions of a specified class.

In addition to the above, the Minister may, by notice in writing, exempt a person from the application of this measure.

5—Non-derogation

This clause provides that the provisions of this measure are in addition to, and do not derogate from, the provisions of any other Act, nor do they limit, or derogate from, any civil remedy at law or in equity.

6—Commissioner to be responsible for administration of Act

The Commissioner for Consumer Affairs is responsible for the administration of this measure. In so doing, the Commissioner is subject to the control and directions of the Minister.

7—Criminal intelligence

This clause provides for how information that has been classified as criminal intelligence by the Commissioner of Police may be used or disclosed etc in respect of the measure.

Part 2—Licences and approvals

8—Requirement to be licensed

This clause provides that a person cannot act as, or advertise or otherwise hold himself or herself out as, a second-hand dealer or pawnbroker unless licensed under proposed Part 2. The maximum penalty for a contravention of proposed subsection (1) is a fine of $20,000.

Proposed subsection (2) provides that certain specified second-hand dealers are exempt from this requirement.

9—Requirement to be approved

This clause makes it an offence for a person to act as, or advertise or otherwise hold himself or herself out as, an approved person unless approved under proposed Part 2. The maximum penalty for a contravention of the proposed section is a fine of $20,000. Temporary authorisations are provided for.

10—Application for licence or approval

This clause sets out procedural matters in respect of how a licence or approval can be obtained.

11—Applications to be furnished to Commissioner of Police

This clause provides that an application for a licence or approval must be communicated to the Commissioner of Police, who in turn must provide the Commissioner with certain information relevant to the application.

The clause also provides that the Commissioner of Police may object to an application by notice in writing provided to the Commissioner within the prescribed period, and sets out associated procedural matters.

12—Applicant for approval taken to be approved

This clause provides that applicants for approval are taken to be approved until the day on which the Commissioner determines the application.

13—Entitlement to be licensed or approved

This clause provides that a natural person who satisfies the eligibility requirements set out in proposed subsection (1) is entitled to be licensed or approved. Proposed subsection (2) makes similar provision in respect of the right of bodies corporate to be licensed.

14—Factors to be taken into account in deciding whether to grant licence or approval

This clause sets out factors the Commissioner must take into account in deciding when assessing an application for a license or approval. These include the reputation, honesty and integrity of the applicant, or people associated with the applicant. The Commissioner must also take into consideration the grounds for any objection made by the Commissioner of Police in respect of the application.

An application for a licence or approval can only be granted if the Commissioner is satisfied that to grant the application would not be contrary to the public interest

15—Conditions

This clause provides that the grant of a licence or approval may be conditional or unconditional, and that the holder of a licence or approval must not contravene, or fail to comply with, a condition of the licence or approval. The maximum penalty for a contravention of proposed subsection (2) is a fine of $20,000.

16—Appeals

An applicant for a licence or approval, or a licensee or approved person, may appeal to the Administrative and Disciplinary Division of the District Court against certain decisions of the Commissioner, and the provision sets out related procedural matters.

17—Power of Commissioner to require photograph and information

This clause provides the Commissioner may require photographs and other information from a licensee or an approved person.

18—Identification to be carried

This clause provides that the Commissioner must issue each licensee who is a natural person and each approved person with an identity card in a form approved by the Commissioner. The person must carry the identity card when performing functions as a licensee or approved person, and produce it if requested to do so by an authorised officer or a person with whom the licensee or approved person has dealings as a licensee or approved person. The maximum penalty for a contravention of proposed subsection (2) is a fine of $1,250. The clause does not apply to a person who is taken to be approved under Part 2.

19—Duration of licence or approval

A licence or approval granted by the Commissioner Part 2 remains in force until it is surrendered or cancelled, or the licensee dies or (if the licensee is a body corporate) is dissolved.

20—Annual fee and return

This clause sets out procedural matters in relation to the payment of fees and the lodging of returns. A failure to do either may result in the Commissioner requiring the licensee or approved person to make good the default, and, if that does not happen in accordance with the proposed section, the relevant licence or approval is cancelled.

21—Change of particulars relating to licence or approval

This clause requires a licensee or approved person to notify the Commissioner in writing of any changes to any prescribed particular within 14 days after the change.

22—Commissioner may require surrender of licence or approval etc

This clause provides that (if a person's licence or approval is suspended or cancelled) the Commissioner may require a licensee or approved person to surrender their licence or approval and any identity card issued to the person under this measure. The maximum penalty for a contravention of proposed subsection (1) is a fine of $1,250.

Part 3—Registration—class 2 goods

23—Requirement to be registered

This clause provides that a person cannot act as, or advertise or otherwise hold himself or herself out as, a second-hand dealer unless registered under proposed Part 2. The maximum penalty for a contravention of proposed subsection (1) is a fine of $10,000.

Proposed subsection (2) provides that certain specified second hand dealers are exempt from this requirement.

This clause also sets out procedural matters in respect of how registration can be obtained.

24—Annual returns etc.

This clause provides that a registered second-hand dealer must lodge an annual return with the Commissioner.

25—Change of particulars relating to registration

This clause requires a registered second-hand dealer to notify the Commissioner in writing of any changes to any prescribed particular within 14 days after the change.

Part 4—Regulation of licensees and registered second-hand dealers

Division 1—Provisions applicable to licensees and registered second-hand dealers generally

26—Class 1 and 2 transactions

This clause requires a licensee to ensure that each class 1 transaction that occurs in the course of, or for the purposes of, the licensee's business is conducted or supervised by the licensee or an approved person. The maximum penalty for a contravention of proposed subsection (1) is a fine of $10,000.

The clause also requires a licensee to ensure that each class 2 transaction that occurs in the course of, or for the purposes of, the licensee's business is conducted or supervised by a natural person. The maximum penalty for a contravention of proposed subsection (2) is a fine of $5,000.

The clause also requires the licensee to make and keep certain records and verify the identity of sellers in accordance with the regulations. The maximum penalty for a contravention of proposed subsection (3) or (4) is a fine of $5,000.

The licensee must transfer to the Commissioner of Police, in accordance with any requirements that may be set out in the regulations, prescribed particulars of such records. The maximum penalty for a contravention of proposed subsection (5) is a fine of $5,000.

The regulations may also require the transfer of the prescribed particulars to be done electronically.

27—Labelling of goods

This clause requires a licensee or registered second-hand dealer to ensure that any class 1 or class 2 goods that he or she takes possession of in the course of, or for the purposes of, his or her business are marked or labelled in accordance with the regulations. The maximum penalty for a contravention of proposed subsection (1) is a fine of $2,500.

28—Retention of goods before sale

This clause provides that a licensee, in respect of class 1 goods that the licensee has taken possession of, and a registered second-hand dealer, in respect of class 2 goods that the dealer has taken possession of, must not alter the form, or part with possession, of the goods until at least 14 days after the prescribed day (which is defined in the proposed subsection (3)).

The clause also provides that the licensee and dealer must keep the class 1 or 2 goods (as the case may be) at the premises at which the goods were received, or premises notified to the Commissioner for the purposes of the proposed section, and must ensure that the goods are not moved to any other place.

The maximum penalty for a contravention of proposed subsection (1) is a fine of $2,500, and the clause also provides that the section does apply to goods in the circumstances listed in proposed subsection (2).

29—Staffing records

This clause requires a licensee or registered second-hand dealer to make and retain certain records in relation to the persons working in, or for the purposes of, the licensee's business. The maximum penalty for a contravention of proposed subsection (1) is a fine of $2,500.

Division 2—Additional provisions applicable to pawnbrokers

30—Preliminary

This clause defines terms used in the proposed Division.

31—Information to be provided to person pawning goods

This clause requires a pawnbroker to give (at no charge) to a person who pawns goods a pawn ticket. A pawn ticket includes a signed copy of the pawn agreement, required to set out matters relevant to the pawn such as interest rates and fees applicable, the rights and obligations under the pawn agreement and any other information that the regulations require be included. The maximum penalty for a contravention of the proposed section is a fine of $5,000, and the pawn agreement is invalid in the event that the section is not complied with.

32—Replacement of pawn ticket

This clause requires a pawnbroker, at the request of an entitled person (a term defined in proposed section 30), to replace (at no charge) a pawn ticket that has been lost, stolen or destroyed. The person requesting the replacement ticket must verify his or her identity in accordance with the regulations. The maximum penalty for a contravention of the proposed section by a pawnbroker is a fine of $2,500.

33—Redemption

This clause sets out how a person may be redeemed by an entitled person.

The clause also sets out a number of things that the pawnbroker cannot do in relation to the pawned goods during the redemption period, with penalties of up to a $5,000 fine if the pawnbroker contravenes those requirements.

34—Extension of redemption period

This clause provides that pawnbroker and an entitled person may extend a redemption period. The regulations will set out requirements regarding such an extension, while the proposed section sets out procedural provisions in relation to an extension. The maximum penalty for a failure to comply with the proposed section is a fine of $5,000.

35—Sale of pawned goods at end of redemption period

This clause provides that a pawnbroker must sell pawned goods, where the pawned goods have not been redeemed by the end of a redemption period. The goods must be sold in a manner that is conducive to getting the best price reasonably obtainable. The clause sets out further procedural requirements in relation to such sales, and requires that any surplus proceeds arising from the sale be paid, on request made by an entitled person before the end of the prescribed period, to the entitled person. The maximum penalty for a contravention of the proposed subsections is a fine of $2,500.

36—Fees and charges in respect of unredeemed pawned goods

This clause sets out the fees and charges that may be imposed in respect of unredeemed pawned goods, or deducted from the proceeds of the sale of such goods.

37—Pawnbroker not to purchase pawned goods

This clause prevents a pawnbroker, or a person acting on his or her behalf, from buying goods that have been pawned to and are being sold by, or on behalf of, the pawnbroker. The clause provides similar restrictions in the case of pawnbrokers that are partnerships or bodies corporate, extending the prohibition to partners, the body corporate and officers or directors of the body corporate.

Any sale in contravention of the section is void and of no effect, and contravention of the section carries a maximum penalty of $2,500.

Part 5—Special powers relating to licences and approvals

38—Suspension or cancellation of licence or approval—prescribed offences

This clause allows the Commissioner to cancel or suspend a person's licence or approval if the person is charged with or found guilty of an offence of a kind to be prescribed by regulation.

39—Suspension of licence or approval in urgent circumstances

This clause provides the Commissioner with a special power to suspend a licence or approval (for up to 6 months) if there are reasonable grounds to believe that a licensee or approved person has engaged, or is engaging, in conduct that constitutes grounds for disciplinary action, that the conduct is likely to continue and there is a danger that a person or persons may suffer significant harm, or significant loss or damage, as a result of the conduct unless action is taken urgently.

40—Power of Commissioner of Police to prohibit employee or agent from working for licensee

This clause provides that the Commissioner of Police may prohibit a person found guilty of an offence of a kind prescribed by the regulations from working as an employee or agent of a licensee. A prohibition is effected by notice in writing, and may only be done if the person has been convicted of an offence of a kind specified by the regulations. A prohibition may be permanent, or for a specified time.

41—Appeal

This clause provides for an appeal against a decision to issue a notice under the Part.

Part 6—Discipline

42—Interpretation

This clause defines certain terms used in the Part.

43—Cause for disciplinary action

This clause defines when proper cause exists for disciplinary action.

44—Complaints

This clause provides for the lodging of a complaint with the Court in relation to a disciplinary matter.

45—Hearing by Court

This clause provides for the hearing by the Court of a disciplinary matter.

46—Procedure on hearing of complaint

The Court is not bound by the rules of evidence but may inform itself as it thinks fit and must act according to equity, good conscience and the substantial merits of the case without regard to technicalities and legal forms. The clause also provides that, in determining whether there is proper cause for disciplinary action, regard may be had to evidence of the conduct of persons with whom the licensee or approved person associates or has associated as the Court considers relevant.

47—Disciplinary action

This clause sets out the Court's powers on finding that proper cause exists for disciplinary action.

48—Contravention of orders

If a person contravenes an order of the Court, the person is guilty of an offence. If a person is employed or engaged in the business of a licensee or becomes a director of a body corporate that is a licensee in contravention

of an order of the Court, that person and the licensee are each guilty of an offence. Both offences are punishable by a maximum fine of $35,000 or 6 months imprisonment.

49—Joinder of Commissioner and Commissioner of Police as parties

The Commissioner and the Commissioner of Police are each entitled to be joined as a party to any proceedings of the Court under this Act.

Part 7—Regulation of markets

50—Market operator to be registered

This clause provides that a person cannot act as, or advertise or otherwise hold himself or herself out as, a market operator unless registered. The maximum penalty for a contravention of proposed subsection (1) is a fine of $10,000. Subsection (1) does not apply if the operator establishes that he or she has taken reasonable measures to ensure that no class 1 or class 2 goods are sold at any second-hand market operated by the market operator.

This clause also sets out procedural matters in respect of how registration can be obtained.

51—Annual returns etc.

This clause provides that a registered market operator must lodge an annual return with the Commissioner.

52—Change of particulars relating to registration

This clause requires a registered market operator to notify the Commissioner in writing of any changes to any prescribed particular within 14 days after the change.

53—Market to be supervised

Under this clause, a market operator is required to ensure that a second-hand market is supervised by a natural person. The penalty for failure to comply is a maximum fine of $5,000. The provision does not apply if the operator establishes that he or she has taken reasonable measures to ensure that no class 1 or class 2 goods are sold at the second-hand market.

54—Sale of goods at market

A person must not sell class 1 or class 2 goods at a second-hand market without the permission of the person supervising the market and that person must ensure that the identity of the seller is verified in accordance with the regulations. The maximum penalty for each offence is $2,500 or an expiation fee of $210.

55—Records

A market operator is required to keep records relating to the sale of class 1 or class 2 goods and the name and address of the person acting as supervisor of the market (with a maximum penalty of $5,000 or an expiation fee of $315). A market operator must transmit prescribed particulars to the Commissioner of Police (with a maximum penalty of $5,000).

Part 8—Enforcement

56—Powers of entry and inspection

This clause sets out powers of entry and inspection.

Part 9—Barring orders

57—Interpretation

This clause defines certain terms used in this Part.

58—Barring orders

This clause allows a police officer to apply to the Magistrates Court for an order (a *barring order*) barring a person who has been charged with, or found guilty of a barring offence from disposing of second-hand goods to, or through the agency of, a second-hand dealer, pawnbroker or auctioneer or at a second-hand market.

59—Issue of barring order in absence of respondent

This clause provides a procedure for the issue of a barring order in the absence of the respondent.

60—Service

This clause makes provision in relation to service of a barring order and in particular provides that a barring order must be served on the respondent personally and is not binding until it has been so served.

61—Variation or revocation of barring order

The Court may vary or revoke a barring order.

62—Burden of proof

The civil burden of proof is applicable to proceedings under this Part (other than proceedings for an offence).

63—Information relating to barring order

The Commissioner of Police may cause information relating to a barring order to be provided to second-hand dealers, pawnbrokers, auctioneers, market operators or such other persons as the Commissioner of Police thinks fit.

Part 10—Miscellaneous

64—Where goods suspected of being stolen

This clause is similar to the current section 11 of the *Second-hand Dealers and Pawnbrokers Act 1996* and imposes various obligations on dealers, pawnbrokers and auctioneers where goods are suspected of being stolen. In particular, the clause provides for the issue of notices by the Commissioner of Police in relation to suspected stolen goods, for the making of claims by members of the public in relation to suspected stolen goods, and for notification by dealers etc to the Commissioner of Police in relation to suspected stolen goods.

65—Offence to deal with child or intoxicated person

This clause prohibits certain dealings with children or intoxicated persons (the maximum penalty being a fine of $2,500 or an expiation fee of $210).

66—No contracting out

An agreement or arrangement that is inconsistent with a provision of the measure or purports to exclude, modify or restrict the operation of the measure is to that extent void and of no effect.

67—False or misleading information

This clause creates an offence relating to the provision of false or misleading information. The maximum penalty is $10,000 if the person made the statement knowing that it was false or misleading or $2,500 in any other case.

68—Statutory declaration

The Commissioner or the Commissioner of Police may require information to be verified by statutory declaration.

69—Investigations

The Commissioner may request the Commissioner of Police to investigate and report in relation to certain matters.

70—Information to be provided to Commissioner of Police

The Commissioner must advise the Commissioner of Police of a change in any prescribed particulars of persons licensed, approved or registered under the proposed Act.

71—Register of persons licensed, approved or registered

This clause provides for the keeping of a public register in relation to licensed, approved and registered persons.

72—General defence

It is a defence to a charge of an offence if the defendant proves that the offence was not committed intentionally and did not result from any failure on the part of the defendant to take reasonable care to avoid the commission of the offence.

73—Liability for act or default of officer, employee or agent

An act or default of an officer, employee or agent of a person carrying on a business will be taken to be an act or default of that person unless it is proved that the person acted outside the scope of his or her actual, usual and ostensible authority.

74—Service of documents

This clause provides for the service of documents under the measure.

75—Prosecutions

This clause makes provision in relation to the commencement of prosecutions under the measure.

76—Evidentiary provision

This clause provides for certain certificates and evidentiary presumptions for the purposes of the measure

77—Annual report

This clause provides for annual reports by the Commissioner.

78—Regulations

This clause is a regulation making power.

Schedule 1—Consequential amendment, repeal and transitional provisions

Part 1—Amendment of *Magistrates Court Act 1991*

1—Amendment of section 3—Interpretation

This clause makes a consequential amendment to the *Magistrates Court Act 1991*.

Part 2—Repeal

2—Repeal

This clause repeals the *Second-hand Dealers and Pawnbrokers Act 1996*.

Part 3—Transitional provisions

3—Act applies to transactions occurring after commencement

The measure is to apply to transactions occurring after commencement of the measure.

4—Regulations

This clause provides for the making of savings and transitional regulations, including, for example, regulations which allow the new provisions to be phased in.

Debate adjourned on motion of Mr van Holst Pellekaan.

[Sitting suspended from 12:57 to 14:00]

STATUTES AMENDMENT (REAL ESTATE REFORM REVIEW AND OTHER MATTERS) BILL

His Excellency the Governor, by message, recommended to the house the appropriation of such amounts of money as might be required for the purposes mentioned in the bill.

VISITORS

The SPEAKER: Members, I draw your attention to the presence in the gallery of a group of students from Woodville High School, years 8 to 10, I understand. It is lovely to see you here. I think you are guests of the member for Davenport and the Premier.

I omitted to mention this morning that there were a group of ESL students here from the English language course at TAFE. I am sorry, member for Adelaide, I omitted to mention them in the dramas that were happening at the time, but if you could pass on that we welcomed them here and we hope they enjoyed their time here.

WIND FARMS

Dr McFETRIDGE (Morphett): Presented a petition signed by 25 residents of South Australia requesting the house to urge the government to take immediate action to call a moratorium on the installation of any further industrial wind turbines until full independent Australian research has been conducted and assessed with resulting national regulations and guidelines established.

PAPERS

The following papers were laid on the table:

By the Speaker—

Local Government Annual Reports—
Alexandrina Council Annual Report 2011-12
Flinders Ranges Council Annual Report 2011-12

By the Minister for Mineral Resources and Energy (Hon. A. Koutsantonis)—

Technical Regulator—
Electricity Annual Report 2011-12
Gas Annual Report 2011-12

By the Minister for Education and Child Development (Hon. G. Portolesi)—

Council for the Care of Children—Annual Report 2011-12

QUESTION TIME

CHILD PROTECTION

Mrs REDMOND (Heysen—Leader of the Opposition) (14:04): My question is to the Premier. During his time as education minister, was the Premier made aware in any way by any person not mentioned in his ministerial statement on Tuesday of the rape of an eight year old in a western suburbs school? The Premier's ministerial statement stated that his staff at the time of the incident maintained that he was not advised, but this does not rule out receiving information from anyone else, including departmental officers.

The Hon. P.F. CONLON: Point of order, Madam Speaker. I haven't raised it before because I don't want to be seen to be interfering, but this is exactly the same question again—we have had three days in a row.

Mrs Redmond: It's not the same question!

The Hon. P.F. CONLON: Well, it is. I ask you to look at the question, madam. I ask the opposition to stretch their minds and think of a new question.

Mrs Redmond interjecting:

The SPEAKER: I don't think that is justification for asking the same question, leader, but—

Mr GARDNER: Madam Speaker, point of order: the question is clearly different.

The SPEAKER: I haven't finished with that question at this stage. I will allow the question. Minister, do you want to answer it?

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (14:06): I am very happy to answer the question because I am the minister, I am the minister now—

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: —and all of the matters in relation to events that occurred in 2010 are currently the subject of a very significant review by His Honour Justice Debelle.

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: We have gone outside government, and we have gone to a person whose reputation is beyond question, and he will advise us in relation to the specifics of the event that has occurred in relation to that particular school and would generally in relation to any broader policy or systemic issues that he cares to reflect on.

Members interjecting:

The SPEAKER: Order! The member for Port Adelaide.

UNITED STATES SECRETARY OF STATE

Dr CLOSE (Port Adelaide) (14:06): Can the Premier inform the house about today's visit to Adelaide by United States Secretary of State Hillary Clinton?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (14:07): Thank you, Madam Speaker, and—

An honourable member: Thanks for the invite.

The Hon. J.W. WEATHERILL: Sorry, what was that?

An honourable member: Thanks for the invitation.

The Hon. J.W. WEATHERILL: We don't issue them; we provide the welcome to somebody that chooses to come to South Australia, and we were very pleased to welcome the Secretary of State of the United States of America. I know, when somebody comes to South Australia and South Australia reflects well in the international community, a little part of them dies inside, but for the rest of—

Members interjecting:

The Hon. J.W. WEATHERILL: —us we think this is an occasion to celebrate. I understand this is in fact the first Secretary of State of the United States ever to come to Adelaide.

Mrs Redmond: Because she said so.

The Hon. J.W. WEATHERILL: She did indeed say so, and I am at least prepared to give her the benefit of the doubt. This morning, I had the pleasure of meeting secretary Clinton, along with His Excellency the Governor and the United States Ambassador to Australia, Jeffrey Bleich.

We of course discussed the relationship between the United States of America and South Australia, and our joint interest in deepening those relationships, whether in defence or cleantech, or in the automotive sector or early childhood development. We had the opportunity to visit Techport to witness this strong collaboration in action. We were able to demonstrate the collaboration between South Australian enterprises and American enterprises, like General Dynamics, Raytheon, Lockheed Martin, and Bath Industries, just to name a few.

While at Techport, secretary Clinton spoke warmly of her experience of Adelaide and spoke strongly about the importance of the US-Australia relationship. She also emphasised the importance of this relationship for our joint security, for our economic development and for our shared values and, very importantly, for high-value jobs for our citizens. She understood the advanced manufacturing agenda; she shared it as an agenda for the United States of America and paid tribute to the fact that we have made this a key priority for our state.

Two thousand workers are employed at Techport on the submarine and air warfare destroyer projects, which demonstrates the importance of the relationship between the United States and Australia for jobs for our people. It was a pleasure also to witness Senator Clinton visiting some of the workers on the site. They were very pleased to welcome her, and she personally passed on her best wishes to them.

I was also pleased to note her remarks concerning the link between prosperity in advanced economies like South Australia and standing up for workers' rights. This has of course been a terrific opportunity for South Australia to showcase its capabilities to one of the world's most influential leaders but also to shine a light on South Australia that can shine around the world.

CHILD PROTECTION

Mrs REDMOND (Heysen—Leader of the Opposition) (14:10): My question is again to the Premier. Is it the Premier's position that no briefing notes received by him pending any visit to the western suburb school in 2010 and 2011 contained a reference to the rape of an eight year old at the school?

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (14:10): I would be very happy to answer this question—

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: —because I am the minister. Very happy to answer this question, and all of these documents that may or may not exist, etc., will all be the subject of Justice Debelle's work. If those opposite were interested—

Members interjecting:

The SPEAKER: Order! Point of order.

Mr PISONI: Point of order, Madam Speaker: yesterday the Premier said that he was advised that—

The SPEAKER: What is your point of order?

Mr PISONI: —this incident was not in his briefing notes.

The SPEAKER: Order! Thank you.

Mr PISONI: That's why the—

The SPEAKER: Order! You will sit down, member for Unley.

Mr PISONI: That's why the Premier was asked the question.

The SPEAKER: Sit down, member for Unley or you'll leave the chamber! Minister.

The Hon. G. PORTOLESI: Thank you, Madam Speaker. All of those documents will be the subject of inquiry by Justice Debelle.

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: That is absolutely—

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: And I have to say, if those opposite were in the least—

Mr PISONI: Point of order, Madam Speaker.

The Hon. G. PORTOLESI: We can do this all day, Madam Speaker.

The SPEAKER: What is your point of order?

Mr PISONI: Personal reflections upon members from the minister.

The SPEAKER: I heard no personal reflections on any members. Minister.

The Hon. G. PORTOLESI: Thank you, Madam Speaker. As I said a moment ago, all of these documents—what may or may not have occurred—will be the subject of work by His Honour, unlike those opposite, who sat on this issue for months before they brought it to my attention.

Members interjecting:

The SPEAKER: Order! Point of order.

Mr GARDNER: On 127, the minister is again imputing improper motive.

The SPEAKER: Thank you. I think the minister has finished her answer. Member for Ramsay.

TATTOO, PIERCING AND BODY MODIFICATION LAWS

Ms BETTISON (Ramsay) (14:12): My question is to the Attorney-General. Can the Attorney-General inform the house about how the government is acting to protect the health and safety of young people through new tattooing, piercing and body modification laws?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (14:12): Thank you very much, Madam Speaker, and can I thank the honourable member for her question.

Members interjecting:

The SPEAKER: Order!

The Hon. J.R. RAU: New tattooing, piercing and body modification laws come into force today. The new laws come with tough penalties and for the first time go beyond tattooing to include piercing, scarifying, branding and implantation procedures.

Mr Gardner: No more forked tongues.

The Hon. J.R. RAU: Yes, indeed. With these new laws, we are better equipped to regulate the industry so that consumers are made aware of the potential risks before undergoing a body-altering procedure. Under the new law, many procedures—specifically those with greatest risk to health or the most permanent and damaging to the body—are prohibited to minors.

Under the laws, effective as of today, it is an offence to perform a body modification procedure such as tattooing, branding or ear stretching or intimate body piercing on a minor under the age of 18 years; perform a non-intimate body piercing on a minor who is under 16 years of age without the consent of a guardian; perform a body piercing or body modification procedure on a person who is intoxicated, whether by alcohol or other substances; and sell body modification equipment to a minor.

The maximum penalty for unlawfully tattooing a minor has been increased from $1,250 or three months' imprisonment to $5,000 or 12 months' imprisonment. A trader who performs an intimate body piercing on a person under 18 years, or any other body piercing on a minor under

16 years, without the consent of a guardian is also subject to a maximum penalty of $5,000 or 12 months' imprisonment.

The sale of body modification equipment to minors is subject to a maximum $2,500 fine. There is also a greater onus on traders who provide these services, with new provisions requiring traders to ensure their consumers understand the risks involved in undertaking these procedures. Under the act, traders must enter into a written agreement with the consumer containing the information required by the regulations. The trader must also provide the consumer with a copy of the agreement and information about after-care and the possible risks of the procedures.

To assist traders in understanding these new laws, we will be sending out information packs to businesses where tattooing, piercing and body modification are the primary trade. If traders have questions, they may contact the Attorney-General's Department on 8207 1771.

CHILD PROTECTION

Mrs REDMOND (Heysen—Leader of the Opposition) (14:15): My question is again to the Premier. Has the Premier asked his then ministerial adviser, Jadynne Harvey, or his chief of staff, Simon Blewett, who both received the email dated 2 December 2010 advising of the rape at the western suburbs school, when they or either of them informed media adviser, Bronwyn Hurrell, of the rape?

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (14:15): Again, we are covering—

The SPEAKER: Order! Point of order.

Mr PENGILLY: The question was to the Premier. You hadn't even called the Premier and the minister jumped to her feet.

The SPEAKER: There is no standing order that says that whoever the question is directed to has to answer the question. Any minister can answer the question. Minister.

The Hon. G. PORTOLESI: Thank you, Madam Speaker. Justice Debelle will provide all the answers that the Leader of the Opposition desires.

SOUTH EAST FORESTRY PARTNERSHIPS PROGRAM

Mr PEGLER (Mount Gambier) (14:16): My question is to the Treasurer. Treasurer, now that Carter Holt Harvey has rejected the government's $27 million assistance package, can you inform the house about the government's decision on this funding?

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (14:16): Today I am pleased to inform the house that the government has made available to the forestry industry of the South-East of South Australia an industry co-investment package of up to $27 million through the South East Forestry Partnerships Program.

As you are aware, the government recently sold the rights to ForestrySA standing timber, including the next three forward rotations of South-East forests, to OneFortyOne Plantations Pty Ltd. After discussions with many interested parties in the South-East about assistance to provide long-term investment to overcome the short-term cyclical issues currently facing the timber industry, the government has concluded that any application process for funding from the government ought to be made available to all South-East sawmilling industry participants who meet the government's criteria.

SEFPP is a merit-based state government grant program with an emphasis on capital investment. It is accessible by eligible applicants in the South-East who have, or are able to enter into, contractual relations to purchase timber from the new owners of OneFortyOne. It is aimed at improving the productivity and sustainability of the forestry products industry in the South-East by encouraging a viable and strong timber sawmilling industry that utilises efficient manufacturing methods.

It is intended that these efficiency improvements would enable the industry to better withstand short-term cyclical downturns that are presently being felt. Funding of capital upgrades must be of new projects starting from 5 November this year. The broad objectives are to encourage forest utilisation to promote regional economic development and contribute to a sustainable workforce.

This may be achieved by initiatives that support further value-adding along the timber supply chain, support innovation in the introduction of new technologies, attract further investment into the region, attract or develop new skill sets and career opportunities, and to develop renewable energy opportunities. It is envisaged that the applicant's cash contributions must match or exceed the government's grant contribution.

Full details of the co-investment funding program can be obtained from the Department for Manufacturing, Innovation, Trade, Resources and Energy or by visiting www.dmitre.sa.gov.au. The government is confident that this program will enable the local forestry industry in the South-East to compete more competitively in the world market and to protect and sustain the long-term future of the industry for generations to come.

CHILD PROTECTION

Mrs REDMOND (Heysen—Leader of the Opposition) (14:18): I will give up on the Premier. I will try a question to the Minister for Education and Child Development. Under whose authority did the education department representative advise the western suburbs school's governing council that parents should not be told that a rape had occurred at the school, given that the department's legal adviser, Don Mackie, advised that parents should be told?

The minutes of the governing council meeting on 7 May this year revealed that legal advice prepared by the education department stated that it was legal for the governing council to inform the affected community at the western suburbs school, but the education department officer present at this meeting said that this advice was 'clearly incorrect'.

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (14:19): I thank the Leader of the Opposition for this important question. The first thing to remind this place—and I will get to the leader's question—is that, as soon as we became aware, this person was taken out of the way of children. We—

Mrs REDMOND: Point of order, Madam Speaker.

The SPEAKER: Point of order. What is your point of order?

Mrs REDMOND: By the minister's own admission, her comments currently are not relevant to the question that I asked.

The SPEAKER: But it can be included in the answer that she gives, and she has said that she will get back to the question. This is part of her answer.

The Hon. G. PORTOLESI: It's very clear that it was this government who asked Justice Debelle to provide advice to us on how it could be that two significant government agencies have a difference of opinion in relation to what did transpire. There is a great deal of speculation on what did and didn't transpire. We all know those facts. However, what is most important is that this man was taken out of the way of children and we will do everything we can—we are doing everything we can to care and protect the children at that school.

Mr GARDNER: Point of order: the minister's preliminary remarks have taken 90 seconds and it is now time to get to the answer. Under whose authority was the officer acting?

The SPEAKER: Thank you. Sit down. There is no point of order there. Minister, have you finished your answer?

The Hon. G. PORTOLESI: Yes.

The SPEAKER: The minister has finished.

Members interjecting:

The SPEAKER: Order!

PARKS COMMUNITY CENTRE

Mr ODENWALDER (Little Para) (14:21): My question is to the Deputy Premier. Can the Deputy Premier update the house about the progress of work on the Parks Community Centre and the open day scheduled for 17 November?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (14:21): I thank the honourable member for his question. The government, as members would be aware, is working to make the

$28.7 million redevelopment of the Parks a reality. The government has now committed to a concentrated program of work to complete the bulk of the major construction work associated with the redevelopment of the Parks Community Centre in less than 12 months. Works on the site are about to begin and will escalate through the temporary closure of recreational and theatre facilities in late February. The government is looking to get the job done as efficiently and as safely as possible.

The government remains committed to ensuring that the local Parks community is kept in touch with all that is happening. As a result, the third in a series of community information days will be held this Saturday, 17 November, from 11am until 2pm, so interested people can drop in to the centre and see what is happening. A free barbecue and kids' entertainment will be provided and the day will be an opportunity for anyone to talk to the project team or to find out more about the Parks Community Centre redevelopment. These information days have so far been invaluable to the project, helping the team work with community groups and council to deliver a state-of-the-art community centre.

The project will provide a range of accessible facilities, including: a new 25-metre pool and indoor children's pool, a main entry cafe and public plaza, a two-storey multipurpose recreation space, refurbished theatrettes, a refurbished children's centre building and development of 6.84 hectares of open space, including facilities such as soccer pitches and a playground. Our investment will ensure that community and recreational services continue to be provided on this important site.

CHILD PROTECTION

Mr PISONI (Unley) (14:23): My question is to the Minister for Education and Child Development. What are the terms of reference for the Debelle inquiry and when will the terms of reference be published? The Premier and ministers have on numerous occasions stated that the questions raised by the opposition will be subject to the Debelle inquiry. However, unless the terms of reference are published, parents and other persons who may have an interest in giving evidence to the inquiry have no way of assessing whether the scope of the inquiry will allow them to submit their information.

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (14:24): The terms of reference for the independent review are as follows:

To undertake an independent review in relation to the events and circumstances surrounding the non-disclosure to the school community of allegations of sexual assault committed by the Director of the Out of School Hours Care service...

And I am not going to name the school.

The review should consider the actions of all relevant agencies, and make recommendations relating to the actions of the parties involved and the procedures and processes that should be in place in these circumstances.

Mr Pisoni: And when will the terms be published?

The SPEAKER: Is that a supplementary?

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: I have been speaking about—

Members interjecting:

The SPEAKER: Order! Minister, did you answer that? Member for Mitchell.

ENTERPRISE PATIENT ADMINISTRATION SYSTEM

Mr SIBBONS (Mitchell) (14:25): My question is to the Minister for Health and Ageing. Minister, how will the Enterprise Patient Administration System (EPAS) revolutionise health care in South Australia?

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (14:25): I am really pleased to be able to inform the house about how the EPAS, or the Enterprise Patient Administration System, is working. It will provide the foundation for delivering South Australia's statewide electronic health record. It will provide a foundation for health care in our state for the next generation or two. The technology

places our hospitals and healthcare sites at the very forefront of advances in e-health technology in Australia, and indeed the world.

EPAS is an integrated real-time clinical information system that will provide clinicians with faster access to the patient information they need to make their decisions—particularly life-saving decisions. It will give clinicians access from anywhere, allowing them to monitor patient data and check test results at any time.

EPAS will streamline and standardise clinical workflows and enable accurate and consolidated patient information to be available to the clinicians. The intention is that this technology will provide increased clinical efficiencies, thus assisting our department to absorb the forecast increase in activity due to our changing population profile.

From a patient perspective, EPAS will enable safer and more efficient and effective patient care, with a medical record that is accessible immediately at the time of treatment. That means all information that is known about the patient will be available. Their histories will not have to be repeated. If the patient is unconscious, all that information can be accessed.

This will save a lot of time, for patients will not have to constantly repeat their medical history. I know patients who regularly go to hospitals resent that. It will improve patient safety, with healthcare professionals being able to move across various sciences. It also means that healthcare professionals will spend less time on paperwork and be able to spend more time with the patients.

The work we have done over the past decade to centralise governance and ICT systems has given us the capacity to implement this scheme. In 2009, the government approved the careconnect.sa strategy, centralising and standardising SA Health ICT and creating a consolidated and integrated ICT environment. This work laid the foundation for the establishment of EPAS as a statewide program, whereby all SA Health sites and services are required to participate in order to create a statewide electronic health record.

The government has invested $408 million over the next 10 years to create EPAS for SA Health. This will also cover future design and support of the system over the next 10 years. The rollout is currently planned to commence in March next year at the Noarlunga hospital and the GP Plus Super Clinic precinct. It will then be rolled out progressively to all remaining metropolitan hospitals and co-located health services on a hospital site, including Glenside, all metropolitan GP Plus Health Care Centres and Super Clinics, SA Ambulance Service headquarters, and two country hospitals—Port Augusta and Mount Gambier—by the end of 2014. SA Health has also purchased an enterprise-wide licence that will eventually enable—

Mr Marshall interjecting:

The Hon. J.D. HILL: I note the interjections from the deputy leader, who is the neophyte shadow minister. If he wants to ask me questions, I would be delighted to answer every one of them, in an ordinary fashion, Madam Speaker. The final point I would make is that SA Health has purchased an enterprise-wide licence that will eventually enable rollout of EPAS to all remaining healthcare sites over future years.

CHILD PROTECTION

Mr PISONI (Unley) (14:29): My question is to the Minister for Education and Child Development. What are the powers and protections of the Debelle inquiry to be? Parents and departmental officers wish to know whether the inquiry will have judicial powers to require persons to give evidence, whether evidence will be on oath and whether any evidence will have protection from actions resulting from evidence and statements made.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (14:29): The answer is that the inquiry by Mr Debelle will be receiving every bit of assistance that Mr Debelle requires. I have had discussions with Mr Debelle, as has, I think, the Minister for Education. My focus has been on exactly the matters that the honourable member raises in his question, and I am presently satisfied that Mr Debelle will be adequately tooled and, if he is not, he is to come to me and ask me for whatever assistance he requires.

CHILD PROTECTION

Mrs REDMOND (Heysen—Leader of the Opposition) (14:30): Supplementary, Madam Speaker: can the Attorney then inform us about what protections there will be for people giving evidence and whether the inquiry will be taking evidence on oath?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (14:30): I think it is the same question, and I think—

Mr Pisoni: You haven't answered it.

The SPEAKER: Order!

The Hon. P.F. Conlon: He actually did. He just didn't answer it the way you would like.

The SPEAKER: Order!

The Hon. J.R. RAU: That's right. He got the subtle point there. The position is quite simple. Mr Debelle has what he requires to do what he is required to do. If he finds that he does not, he will speak to me and we will deal with it.

Mr Marshall interjecting:

The SPEAKER: Order!

The Hon. J.D. Hill: Come out and tell us who you voted for, Steven.

The SPEAKER: Order! If you wish to have a debate you can have it after question time. Order!

Members interjecting:

The SPEAKER: Members on both sides, order! The member for Fisher.

REGULATED AND SIGNIFICANT TREES

The Hon. R.B. SUCH (Fisher) (14:31): My question is to the Minister for Planning—

Members interjecting:

The SPEAKER: Order!

The Hon. R.B. SUCH: —otherwise known as the minister for trees. Can he inform the house about reforms to the significant tree controls?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (14:31): I thank the honourable member for Fisher for his question and his ongoing interest in this very important subject. I note, in fact, that the honourable member for Fisher is one of the most active people in making representations about this matter.

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. Conlon interjecting:

The Hon. J.R. RAU: Really?

The Hon. P.F. Conlon: Yes.

The Hon. J.R. RAU: Okay. The Regulated Trees Development Plan Amendment received final approval today and this followed an extensive consultation period.

Mr Marshall: You're not wrong!

The Hon. P.F. Conlon: They love you.

The Hon. J.R. RAU: They want consultation. We are having extensive consultation. Anyway, it was extensive. The government believes that it is important to strike the balance between the protection of trees and the need to remove some inappropriately located trees and inappropriate tree species. The new policies were brought into interim operation in November last year and complement changes already made in place for significant trees.

I can inform the house that the only changes in the final DPA have been changes to terminology to improve interpretation and strengthen the link to the legislation. These changes are in response to feedback received during the consultation period. A number of MPs from all sides of politics in this state have approached me with concerns about controls. It is important to note that

there are as many members who believe that new controls remain too strict as there are members who believe the controls should be strengthened.

In light of this, I would like to announce today that the state government is convening a meeting of members—all of you are welcome—who have expressed a strong interest in tree legislation to examine the regulations and the supporting legislation. The government hopes that a cross-party forum will lead to a consensus on balancing competing interests in the community. People seeking more information about the Regulated Trees Development Plan Amendment can visit www.sa.gov.au.

CHILD PROTECTION

Mr PISONI (Unley) (14:34): My question is to the Minister for Education and Child Development. Will the minister guarantee that the report of the Debelle inquiry will be tabled in parliament?

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (14:34): Absolutely.

FIRE DANGER SEASON

Mr BIGNELL (Mawson) (14:34): My question is to the Minister for Emergency Services. Can the minister advise the house about what the government is doing to help communities across South Australia prepare for the bushfire season?

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) (14:34): I thank the member for Mawson for his question. I know he is very actively involved with all of the emergency services in his electorate. This month, I announced, with the federal Minister for Emergency Management, Nicola Roxon, a combined grants package of $6.7 million for 40 projects to help communities prepare for and respond to emergencies.

Since this program began, 176 projects have been supported around South Australia. They include: $1.15 million to provide flood mitigation protection to the West Beach area; $121,000 to help Aboriginal communities prepare for extreme heat; $52,000 to the RSPCA to create a plan to help save and move animals in a disaster; and $95,500 to enhance emergency call centre services to improve access to the deaf and hearing/speech impaired community.

If ever we needed a wake-up call to get ready for the bushfire season, this week has been it. The CFS has advised me that the fire which burnt almost 2,000 hectares near Sleaford on Eyre Peninsula is now under control. I have to say that it is thanks to the hard work of so many individuals, including the CFS, MFS, SES, SAPOL and the Department of Environment, Water and Natural Resources. Thanks to them no lives were lost. The professionalism and skill of all agencies really does come to the fore in times such as this and I am sure it gives confidence and assurance to the communities they serve.

My thoughts and sympathies go to those families and individuals who were affected by the fire, which claimed: 14 cabins; a house, with damage to another; a caravan; a campervan; 300 sheep; four cars; irrigation equipment; and fences and numerous sheds. Minister Hunter and I visited the fire ground, along with the member for Flinders, and spoke to some of the long-term residents of the Sleaford cabins. One resident of 20 years had lost everything and we arranged for emergency supplies to be taken out for him and others. As we have seen in the media reports, the wildlife also suffered. It was heart wrenching to see three koalas in burnt trees clearly in distress. Again, help was arranged and I am hopeful they were successfully rescued.

Supporting the effort were volunteers from the SES, Salvation Army and St John Ambulance, as well as officers from Housing SA, who are responsible for recovery efforts. Of course, this is not an exhaustive list of those who lent a hand, with the Eyre Peninsula community all working together to help those in need. To everyone involved, I want to say a very sincere thank you.

Last weekend was a very busy time for our firefighters, with significant fires in Bramfield, Yalata, Vanessa, Kallora, Humbug Scrub, Calca, Mambray Creek and Dutchman's Stern Conservation Park, and we all know these will not be the last. Prevention is always better than cure and I want to make special mention of the work of Therese Pedler, who is a CFS community educator. Based in Port Lincoln, Therese is a member of the Country Fire Service's Community

Education Unit that works with individuals and communities to build the knowledge and skills of residents to enable them to make life-saving decisions with confidence when fire strikes.

Our community education officers do a great job and I have asked the chief officer of the CFS to further increase the resources of his team as we head into the bushfire season. The community education officers talk directly with community members, often in their own homes, as well as running workshops, such as the award winning Fiery Women Workshop, to help South Australians become bushfire ready.

Again, it is worth asking: if you live in a bushfire danger area, if you care about your life and the lives of your loved ones, what will you do when fire strikes? Will you be prepared? If you do not know, now is the time to prepare.

The SPEAKER: Thank you, minister. I gave you a few more seconds on that question because I think it is really important and relevant currently.

CHILD PROTECTION

Mr PISONI (Unley) (14:39): My question is to the Minister for Education and Child Development. What actions, if any, were undertaken by Families SA as a result of the SAPOL report to the child abuse report line of the rape of an eight year old in a western suburbs school?

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (14:40): We have a longstanding practice in this place to not discuss notifications. Notifications were made, and I am satisfied that all these questions will be addressed by Justice Debelle.

PUBLIC TRANSPORT, FREE WIRELESS INTERNET

Mr PICCOLO (Light) (14:40): My question is to the Minister for Transport Services. Can the minister inform the house about the trial of free wi-fi on our public transport system?

The Hon. C.C. FOX (Bright—Minister for Transport Services) (14:40): I thank the Member for Light, who is a very keen user of our public transport system. Free wi-fi will be provided on all Adelaide Metro trams and 20 buses as part of a 12-month trial on our public transport system. The first wi-fi connected bus went into service a few weeks ago and will be followed by the entire tram fleet and an additional 19 buses with wi-fi capability by January 2013.

It is exciting to be providing commuters with free wi-fi on their journey to and from work. The rollout of buses and trams with wi-fi capability comes alongside our recent public launch of the new smartcard ticketing system, Metrocard. These initiatives are about providing our commuters with a better public transport experience.

The free wi-fi trial is facilitated by APN Outdoor Pty Ltd as part of the public transport advertising contract awarded in May this year. The cost of providing wi-fi will be covered through advertising revenue and the commercial sponsoring of each wi-fi bus or tram.

Madam Speaker, 18 to 24 year olds, who account for almost half of Adelaide Metro commuters, will be amongst those to benefit most from the trial. Many of these commuters are students so, by providing free wi-fi, they will be able to catch up on study and download data at no cost to them. For other commuters, it will provide the perfect opportunity to catch up on the latest news and check emails, all before they get to work or reach their destination.

The trial will utilise 3G technology, with speeds expected to vary depending on the area and how many people are connecting at any given time. If this trial is successful, it will be extended across the entire Adelaide Metro fleet, including trains.

SA WATER

Ms CHAPMAN (Bragg) (14:42): My question is to the Minister for Water and the River Murray. Is the minister aware of a complaint to SA Water claiming that a Victorian company, Rangedale Drainage Services, has stolen millions of litres of water? Rangedale Drainage Services had a contract with SA Water to clean sewers. A condition of that contract was that the use of water supplied by SA Water and that access be via a metered standpipe. The opposition is informed that RDS has taken water directly from the mains water supply, avoiding metering and therefore payment.

The Hon. P. CAICA (Colton—Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and

Reconciliation) (14:43): All I can say is that I'm not aware of that and I would be very interested in any further information that the honourable member can pass on to me so that I will be better equipped to make my particular inquiries.

SKILLS FOR ALL

Mrs VLAHOS (Taylor) (14:43): My question is to the Minister for Employment, Higher Education and Skills. Can the minister inform the house about how the state government's Skills for All reforms for vocational education and training system is helping overcome shortages of chefs in the Riverland?

The Hon. T.R. KENYON (Newland—Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for Recreation and Sport) (14:43): I thank the Member for Taylor for her question. Under the state government's Skills for All initiatives, since July this year students have been able to sign up for free certificate I and certificate II courses for the first time. They have also been able to take advantage of heavily subsidised certificate III and IV courses. Our aim in providing free courses at certificate I and certificate II is to get more people into training and to help them get a job. It is also to encourage them into higher studies, such as certificate III and certificate IV qualifications.

I am pleased to report there has been a strong response to this initiative, with 17 students currently undertaking the certificate II courses in commercial cookery at TAFE SA in Berri. A recent article in the *Riverland Weekly* quoted TAFE SA's commercial cookery lecturer in Berri, Alistair Ferguson, as saying that Skills for All provided the opportunity for students to come in, have a look at the industry, try it, and see whether it is for them.

The certificate II course involves all practical components of cookery, including basic cooking methods, food preparation and setting up a kitchen. I am told that after completing their certificate II qualification, many of the cooks were urged to complete chef qualifications by going on to certificate III. Of the 17 students I mentioned studying commercial cookery at the Berri campus, 12 have indicated an interest in going on to the certificate III qualification. This is exactly what the Skills for All initiative is all about. I do not think I could put it any better than Mr Ferguson, who said:

> What we are looking at is opening the door to a lot of different people. TAFE SA Berri is also conducting classes for high school students which may assist the industry to fill any chef shortages in the region in the future.

These free courses not only give young people a start but also allow people already working in the industry to gain their qualifications in their existing jobs. It is also an opportunity for people to look at changing jobs or careers. There has never been a better time to start training than right now. I urge anyone interested in taking advantage of this free or part-funded training to visit the Skills for All website at www.skills.sa.gov.au or to contact the Skills for All hotline on 1 800 506 266. Can I also take this opportunity to thank those people who work at the Skills for All hotline, who are very busy and provide excellent advice to a lot of people.

FOLEY ADVISORY

Ms CHAPMAN (Bragg) (14:46): My question is to the Premier. Now that the Premier has had 24 hours to check if Kevin Foley has lobbied government officials on matters he had official dealings with in his last 18 months as Treasurer, will he confirm whether Mr Foley has or has not lobbied government officials on these matters?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Manufacturing, Innovation and Trade, Minister for Mineral Resources and Energy, Minister for Small Business) (14:46): On advice that the government has received to date, the requirements of the lobbyists' code of conduct have been satisfied. Foley Advisory, through Bespoke, has approached the government, as opposed to how it works on the other side, where they approached Bespoke to lead them. They approached us—

Mr GARDNER: Point of order—

The Hon. A. KOUTSANTONIS: Sore point, darling?

Members interjecting:

The SPEAKER: Order! Point of order.

Mr GARDNER: Standing order 98: the minister is debating in a ridiculous way.

The SPEAKER: Minister, I refer you back to the question.

The Hon. A. KOUTSANTONIS: Yes, Madam Speaker. The initial inquiries we have made show no breaches whatsoever, but if the member has any information whatsoever to provide to the government to investigate it further—

Ms Chapman: I did; I provided them to you yesterday.

The Hon. A. KOUTSANTONIS: That's based on the inquiries you made yesterday.

ENERGY EFFICIENCY

Ms THOMPSON (Reynell) (14:47): My question is also to the Minister for Mineral Resources and Energy. Can the minister inform the house about progress being made in improving energy efficiency of equipment and appliances in South Australia?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Manufacturing, Innovation and Trade, Minister for Mineral Resources and Energy, Minister for Small Business) (14:48): Thank you, Madam Speaker, I can. I want to thank the member for this question and her keen interest in energy efficiency, especially through household appliances. Through the COAG framework, the National Strategy on Energy Efficiency is a 10-year strategy which aims to accelerate energy efficiency across all governments and all sectors of our economy.

A key measure in the National Strategy on Energy Efficiency is the Minimum Energy Performance Standards (MEPS), which sets mandatory performance requirements for energy using devices. MEPS effectively limits the maximum amount of energy that may be consumed by product in performing any specified task. This form of regulation removes from sale appliances and equipment with a comparatively poor energy efficiency.

Appliances and equipment may also be subject to energy labelling requirements. Labelling involves the provision of information on the energy performance of energy using products. This includes the star rating labels on whitegoods and air conditioners. Any Minimum Energy Performance Standards and labelling are subject to public consultation, including a publicly released regulatory impact statement. As an example of the effectiveness of MEPS, the average energy consumption per unit sold of refrigerators and freezers is now over 40 per cent lower than it was in 1993.

The implementation of the MEPS program is coordinated through a national committee under the auspices of the Select Council on Climate Change. In South Australia, the requirements are implemented through the Energy Products (Safety and Efficiency) Act 2000. From 10 May 2012 the amended act also extends coverage of minimum energy performance standards to products powered by gas and other energy sources.

There are 23 products currently required to meet minimum energy performance standards and/or labelling requirements, and I will read them out for the house. These include air conditioners, distribution transformers, three-phase electric motors, incandescent and fluorescent lamps, set-top boxes and televisions, washing machines, clothes dryers, dishwashers, and gas and electric water heaters.

South Australian households will benefit from more stringent Minimum Energy Performance Standards for air conditioners, which were strengthened from 1 October 2011. This is in addition to new standards for extra-low voltage halogen lighting, which commenced on 1 April 2012, which now requires 55-watt extra-low voltage halogen lighting to be replaced with the equivalent 37-watt extra-low voltage halogen lighting.

An honourable member interjecting:

The Hon. A. KOUTSANTONIS: Yes, very interesting. According to the impact analysis report of 2009—which the Treasurer and I have both read with great interest—the national MEPS and energy labelling program across all sectors is estimated to yield $22.44 billion of net economic benefit to Australia from 2009 to 2024.

An honourable member: That much?

The Hon. A. KOUTSANTONIS: Quite a big number. It is expected to save the community $5.2 billion of net present value in the year 2020 alone and exceed the 32,000-gigawatt hour per annum of electricity by 2020. The same report also notes that this energy efficiency policy initiative returns an average benefit-to-cost ratio of 2.9. This makes MEPS and the labelling program one of the most cost-effective energy efficiency programs in the country.

The government remains committed to doing all within its control to ensure electricity costs are manageable to households and business consumers. Programs such as the Minimum Energy Performance Standards and energy labelling are helping us achieve this. Unfortunately, for the benefit of the member for Norwood, hair dryers were not included.

Members interjecting:

The SPEAKER: Order!

Mr GARDNER: Point of order, Madam Speaker: these repeated personal reflections are just unparliamentary—

Members interjecting:

The SPEAKER: Order!

Mr GARDNER: —and in contravention of 127.

Members interjecting:

The SPEAKER: Order! There is no personal reflection and no personal comments. However, I would ask the minister to restrain himself from doing so in the future. I call the member for Bragg.

FOLEY ADVISORY

Ms CHAPMAN (Bragg) (14:51): My question is again to the Premier. Will the Premier confirm whether Mr Kevin Foley has met with government officials concerning the Techport development since leaving cabinet? Mr Foley has listed Prime Space Projects Pty Ltd on his personal lobbyist declaration. Prime Space Projects was selected by the state government to develop commercial office buildings at Techport and has also purchased land from Defence SA at the Techport site. Mr Foley was the defence industries minister until October last year.

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (14:52): I don't have Mr Foley's diary; I don't keep a close watch on it. I don't think it is something that necessarily fits within my area of responsibility. I have no recollection of a meeting with him of that sort and I don't know whether my colleagues have, but I will take the question on notice and bring back an answer.

Members interjecting:

The SPEAKER: Order! Member for Torrens.

JEEP WRANGLER

Mrs GERAGHTY (Torrens) (14:53): My question is to the Deputy Premier. As Minister for Planning, can he inform the house if there are any planning issues relating to a rotating Jeep Wrangler on a giant pole on Main North Road?

The SPEAKER: Deputy Premier, I hope you know what she is talking about.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (14:53): I thank the honourable member for her question. She and others in her electorate have to drive past this point. It is a very important aspect for people in the northern part of the city.

I am able to inform the house that the head-turning jeep on a stick will continue to rotate over Main North Road. For those members who aren't aware, the attractive green Jeep Wrangler—which, I am informed, performs approximately 10 rotations per minute—has been judged to fit within the unique character of Main North Road at Prospect.

An honourable member interjecting:

The Hon. J.R. RAU: It's true. I understand that Prospect council has told—

Members interjecting:

The Hon. J.R. RAU: I would like to finish the answer if I might, please. I understand that Prospect council—

Members interjecting:

The SPEAKER: Order!

The Hon. J.R. RAU: I understand that Prospect council has told Adelaide City Chrysler Jeep Dodge its bright green jeep perched on a 12-metre pole will be allowed to remain, as long as it is lowered to eight metres. Last month, it was reported the structure had been erected without council approval.

The general manager of Adelaide City Chrysler Jeep Dodge (Mr Grocke) said he lodged a development application with the council once he was informed it was required. He said the structure had continued to be a talking point with customers. I am pleased to inform the house that Mr Grocke has indicated that he is considering putting other cars on the stick from time to time.

The Jeep has already been regarded highly by some in the community, who rate it alongside the giant Scotsman at Scotty's Corner as a genuine icon of the inner northern suburbs; therefore, from a planning point of view, it appears that this innovative form of marketing may well become a distinctive feature of Adelaide's inner north, giving it a very distinctive feel.

The SPEAKER: We used to have lollypops on sticks. Member for Bragg.

HANDSHIN, MS M.

Ms CHAPMAN (Bragg) (14:55): Thank you, Madam Speaker—my lucky day. My question is to the Minister for Sustainability, Environment and Conservation. Does the minister accept that section 14B of the Environment Protection Act creates legal obligations regarding persons who can be appointed to the board of the EPA and that in particular an appointee under subsection (5)(f) must have both qualifications and experience in both management generally and public sector management? Has the minister received any advice to the effect that the appointment of Ms Mia Handshin does not satisfy those requirements?

The Hon. I.F. Evans: The advice he received from Peter Malinauskas was, 'Appoint her or else.'

The Hon. P. CAICA (Colton—Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:56): No, I don't think that's correct. I thank the honourable member for her question. Quite simply, as I have said to this house and outside this house, Mia Handshin was appointed in accordance with the act. She is—

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: Well, she is an outstanding appointment. The only part of her CV, as was succinctly said yesterday, that you don't like is the fact that she is a former Labor Party candidate. What she—

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: What she—

Mrs Redmond interjecting:

The Hon. P. CAICA: Well, she's more qualified than you to do the job you're doing, but the other thing is this: she has an inordinate amount of qualifications—a vast amount of qualifications. She is highly qualified to do this job. She will be a great asset—

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: —to the reform process that this government has undertaken with respect to the EPA. I am very proud of the fact that she has been appointed to this job, and I wish—

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: Sorry, I think I heard the voice from the man who doesn't like women; that's another reason some of them over there mightn't like her appointment.

Members interjecting:

The SPEAKER: Order!

Mr GARDNER: Point of order, Madam Speaker: 127, clear personal reflection.

The SPEAKER: Minister—

Members interjecting:

The SPEAKER: Order! Minister, get back to the question.

The Hon. P. CAICA: Yes. So, Madam Speaker, I am very confident—in fact, I know—that everything that has been done—

Mr MARSHALL: Point of order: 98, relevance. The question specifically asked whether the minister has received any advice on this matter—

Members interjecting:

The SPEAKER: Order! Thank you.

Mr MARSHALL: —and I am happy to read it again—received any advice to the effect that the appointment of Mia Handshin does not satisfy those requirements. That is the substance of the question.

The SPEAKER: Alright, thank you. The answer to the question is relevant to the question. I cannot direct the minister to answer the question in the way you wish it to be answered in every question. As long as the answer is relevant to the question, the minister can answer as they choose. Minister, would you like to wind up your answer?

The Hon. P. CAICA: I will do my best, Madam Speaker. I was wondering what the member for Norwood's job was in this place; now I have just found out: to not follow the discipline of the Leader of Government Business. But, Madam Speaker, she was appointed in accordance with the act under the criteria that's available. She's highly qualified—

Mrs Redmond: No, she isn't!

The Hon. P. CAICA: She is highly qualified to do this job, and I am very pleased—

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: The advice that I have received seems to be advice from people opposite that we haven't done it in accordance with the act—and we have.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! If you want to have an argument, please go outside the chamber or you will be sent out.

Mr Marshall interjecting:

The SPEAKER: Order! Member for Norwood, order!

The Hon. P. CAICA: What an idiot, Madam Speaker!

Members interjecting:

The SPEAKER: Order! I did not head that. Order!

The Hon. P. CAICA: Madam Speaker, I apologise and withdraw the fact that I called—

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: —the member for Norwood an idiot. I withdraw and apologise for referring to the member for Norwood as an idiot.

The SPEAKER: Thank you. Member for Torrens.

NATIONAL PARKS

Mrs GERAGHTY (Torrens) (14:59): My question is to the Minister for Sustainability, Environment and Conservation.

Members interjecting:

The SPEAKER: Order! Minister, you will listen to this question; it's for you.

The Hon. P. Caica: I am, thank you, Madam Speaker. Yes, I am.

Mrs GERAGHTY: What are the objectives of the recently launched public consultation regarding our national parks system?

The Hon. P. CAICA (Colton—Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:59): I thank the member for this very important question. Last week, a public consultation period on proposed changes to the National Parks and Wildlife Act 1972 was launched. The legislation governing our parks is now 40 years old and can be improved to reflect the way we manage parks today. It is proposed to modernise the legislation by introducing a new reserve category system which will bring the act into line with contemporary approaches being taken around the world.

An honourable member interjecting:

The Hon. P. CAICA: No, I didn't.

An honourable member interjecting:

The Hon. P. CAICA: I don't believe so. The member is harassing me, Madam Speaker. It is hard enough being harassed when they ask the questions, let alone on a government question.

The SPEAKER: Order! Then don't respond to his interjections.

The Hon. P. CAICA: The proposed changes are not intended to change how we use our parks. Instead the changes seek to clarify the manner in which they are managed in most cases to allow for a range of uses in conjunction with nature conservation. Recreational activities currently permitted in parks will continue to be permitted and future activities will continue to be assessed through the statutory management planning processes.

In addition to the current categories of national parks, conservation park, recreational park, regional reserve and game reserve, the proposed changes to the act create two new categories—heritage park and nature reserve. The Department of Environment, Water and Natural Resources has already undertaken extensive engagement with traditional owners across the state, a range of conservation groups and representatives of the mining industry to help shape the proposed amendments to the act. Mining companies stand to benefit from a clarification of rights of access, and the amendments will also update park co-management provisions to better recognise the aspirations of—

An honourable member interjecting:

The Hon. P. CAICA: It's about providing security and clarity; you know that. They will better recognise the aspirations of traditional owners for greater access to, and connection with, country. I am confident that the proposed changes will support further improvements in the contemporary management of our parks and I encourage all members, including those opposite who usually have an inability to engage in a consultation process, but I encourage all members to engage in the consultation process which runs until 21 December this year. More information about the consultation is available at www.environment.sa.gov.au and subsequent links.

DESALINATION PLANT

Ms CHAPMAN (Bragg) (15:02): My question is to the Premier. Will the Premier instruct the Minister for Water to table the Adelaide desalination plant operation and management contract? Two years ago, the opposition applied for access to the operation and maintenance contract to better understand what the government had locked us into but was denied access. After reviewing the decision, the Ombudsman said publishing the document would be in the public interest but that it could not be published because the government had inserted a confidentiality clause in it. However, the Ombudsman also said that that did not prevent the minister from tabling the document in parliament.

Members interjecting:

The Hon. P. CAICA (Colton—Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:03): Well, a bit like your leadership over there—put that out for consultation as well.

Mr Marshall interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: Who did you vote for, Steven?

The SPEAKER: Minister, you don't refer to members by their names.

The Hon. P. CAICA: I'm sorry, Madam Speaker, but I am responding to interjections.

The Hon. I.F. EVANS: Point of order, Madam Speaker: the minister is upset Peter Malinauskas got to visit Mr Rann and he didn't!

The SPEAKER: Order! You will sit down. We will not have frivolous points of order.

Members interjecting:

The SPEAKER: Order! Minister.

The Hon. P. CAICA: I apologise for my unruly behaviour, but really they are an undisciplined rabble, Madam Speaker, with respect to the level of interjections that are always coming.

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: And sometimes I just have no choice but to respond.

The SPEAKER: Order! You will get back to the question now, minister.

Members interjecting:

The Hon. P. CAICA: I am standing up. I am very pleased, Madam Speaker, that he is another one—every player wins a prize and he has got one.

The SPEAKER: Order!

The Hon. P. CAICA: He is now the parliamentary secretary assisting—

The SPEAKER: Order! Minister, you will sit down.

Ms CHAPMAN: Point of order, Madam Speaker—

The SPEAKER: If your point of order is answering the question—

Ms CHAPMAN: In the remaining minute, can I have an answer?

The SPEAKER: Yes, minister, you will answer the question now.

The Hon. P. CAICA: Of course, Madam Speaker, I do feel sorry for those who have not won a prize, particularly the one who is sitting at the back who is by far their best performer.

The SPEAKER: Minister, back to the question.

The Hon. P. CAICA: In relation to this particular question—

Mr Pengilly interjecting:

The Hon. P. CAICA: There is another one that didn't win a prize. The most vocal over there are the ones who did not win a prize.

Mr Pengilly interjecting:

The SPEAKER: Order! Member for Finniss, do you want to go for a walk?

An honourable member interjecting:

The Hon. P. CAICA: I am not wound up at all, but I will say this: confidentiality clauses are a matter between two parties, not just inserted by a government. They would be—

The Hon. P.F. Conlon: It's the nature of the contract.

The Hon. P. CAICA: That's right. It is the nature of the contract that relates to—

Ms Chapman interjecting:

The SPEAKER: Order! Listen to the minister's answer; you have been asking for it.

The Hon. P. CAICA: She is getting wound up.

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: She is getting emotional and wound up.

An honourable member interjecting:

The SPEAKER: He is answering the question now. Minister.

The Hon. P. CAICA: I am attempting to answer the question. The nature of a confidentiality clause is exactly that: that information will remain confidential. That has been cited for a variety of reasons, not the least of which is ensuring that those arrangements do not compromise the way in which business is being done but, just as importantly, do not compromise the way by which business will be done in the future in South Australia with respect to contracts between business and government.

GRIEVANCE DEBATE

WORLD CHAMPIONSHIP EVENTS

Dr McFETRIDGE (Morphett) (15:05): We have spoken many times in this place about the value of surf life saving in South Australia. I congratulate surf life saving groups in South Australia—not only the clubs that are in my electorate or on the boundary of my electorate, namely Somerton Surf Life Saving Club, Glenelg Surf Life Saving Club and the newly-acquired (in the electoral boundary redistribution) West Beach Surf Life Saving Club—on the work they do in protecting South Australians. The culmination of the efforts of all South Australian surf life savers is that we have in South Australia last week and next week the World Surf Life Saving Championships—Rescue 2012—which also involves the work of the Royal Life Saving Society.

There are over 41 countries and over 4,000 competitors visiting the Glenelg area. The bay is pumping at the moment with not just surf life savers but also their families, relatives and friends, and the officials that are allied with the 41 countries. I had the pleasure of hosting one of the delegates from Egypt, Dr Mohamed Saleh, in this place the other day. Dr Saleh is not only a delegate to the Lifesaving World Championships but also a member of the Egyptian parliament.

It is good to see that countries where you would not expect surf life savers to be active are participating in the championships. In the march past there was one young fellow from Cameroon. He was the whole team. He thought he had gone to the Olympics and won a gold medal just by participating. It is great to see the activities that are going on down there. It is an amalgamation of work with the local councils—the City of Holdfast Bay obviously, the City of Marion and the City of Onkaparinga—and the mayors have been very supportive of this event.

The events being held at Glenelg are the national team championship events, the inflatable rescue boat events and the standard beach events that you would see at any surf carnival, such as the flag events, the running events, the races and the rescue events. Christies Beach is the home of the masters events and the surfboat events. The Marion State Aquatic Centre is holding the pool events, where the rescue and emergency situations—resuscitation and that sort of thing—are being examined and tested. The participants are giving all that they possibly can and the standards are those that we would expect of world champions. It is a fantastic event to watch.

The delegates will spend about $18 million in South Australia in the time they are here, so it is not just a small event. It is a very significant event for South Australia, and to be holding this world event is something I am very proud to have in my electorate of Morphett, where we had the reception and the opening, and Sunday week we will have the official closing ceremony of Rescue 2012 after many different events.

The other thing involving world championships in my electorate is the World Bowls Championships. The lawn bowls world championships are going to be held at Holdfast Bay Bowling Club and Lockleys Bowling Club. There will be competitors from many countries all over the world.

This event is going to be televised internationally and nationally. We should remember that lawn bowls now is an event for all ages. In fact, the Australian commonwealth lawn bowls team is younger than the Australian cricket team. The Australian champion for lawn bowls is, I think, in their late 20s or early 30s, from memory. It is an event for all ages and to have the world championships down in Glenelg is a real fillip for the Holdfast Bay Bowling Club. They do a wonderful job down there. I have been there many, many times. I think they probably have the longest bar in South Australia. It is a club that hosts many functions and one that the state should be very proud of.

To be able to hold world events in Glenelg is something that I am proud of as their local member, and South Australia should be very proud of the facilities and the beautiful environment that we have down at the bay for tourists. It is a terrific event. Congratulations to all those who have been participating in organising the world championships for Surf Life Saving and Royal Life. It has been a pleasure to have them in this place, and I look forward to meeting all the delegates and competitors to the world lawn bowls championships in the next few weeks.

WILPENA POUND RESORT

Ms BETTISON (Ramsay) (15:10): As a member of the Aboriginal Lands Parliamentary Standing Committee, I would like to mention an event taking place this weekend in the Flinders Ranges. Celebrations will be held on Saturday and Sunday at Wilpena to mark the purchase of the Wilpena Pound Resort by the Adnyamathanha Traditional Lands Association, with the support of Indigenous Business Australia.

The resort currently has 60 rooms and a four-star rating and is located about five hours' drive from Adelaide in the heart of the Flinders Ranges National Park, which I am advised receives over 160,000 visitors annually. The resort also provides accommodation through a 350-site campground, which is complemented by services including aircraft tours, four-wheel-drive tours, retail, food and beverage, and a visitors' centre.

This purchase is significant for advancing Aboriginal economic development opportunities in our state and helps us to underpin the strong and vibrant culture of the Adnyamathanha people. This investment is expected to create opportunities for Aboriginal workers and businesses in tourism, focusing on culture, history, stories and experiences.

Unfortunately, the Minister for Aboriginal Affairs and Reconciliation, Paul Caica, is unable to attend the celebration at Wilpena this weekend, but he sends his congratulations and best wishes to the Adnyamathanha people. The minister attended the signing of the co-management agreement for the Flinders Ranges National Park and assisted in ensuring funds derived through the native title processes were received by ATLA in time to help secure the purchase of the resort.

The minister has met with the chair of ATLA and other members of the community on many occasions, during which a range of heritage issues have been discussed, providing a helpful backdrop for more specific discussions about issues like Aboriginal heritage at Lake Torrens, following initial contact by delegates with the legal representatives of the traditional owners of Lake Torrens. The minister will watch with keen interest the progress expected to be made through the purchase of this iconic Flinders Ranges asset. I wish the Adnyamathanha people all the best for a tremendous celebration this weekend and for the ongoing success of the resort.

RURAL DOCTOR OF THE YEAR AWARD

Mr PEDERICK (Hammond) (15:13): I rise today to congratulate two doctors from the electorate of Hammond who have been recognised for their outstanding commitment to rural health and longstanding community service by being jointly awarded the Telstra Rural Doctors Association of Australia Rural Doctor of the Year Award 2012.

Doctors Martin and Fiona Altman from Murray Bridge received the national award at the Rural Medicine Australia 2012 celebrations held in Western Australia on 27 October. For the past 20 years, Martin and Fiona have both worked in Murray Bridge providing obstetric, anaesthetic, surgical and intensive care services to the local hospital and clinics, and have been praised for their enthusiasm for the education of interns, registrars and medical students.

Martin and Fiona are committed family GPs to Murray Bridge and its outlying communities, whilst also raising four children. This award is well deserved and is a true credit to the amount of work Martin and Fiona do. Martin and Fiona were nominated by their peers and, although proud to have won the award, they are both very humble and believe this is an award for the Murray Bridge clinic and hospital.

Martin has been a key provider of obstetric services to the region and has instigated the advanced obstetric training position for GP registrars at Murray Bridge, where he teaches young doctors how to perform caesarean sections. Murray Bridge was the first small country town in Australia to receive the accreditation to allow such training, and Martin says that he and other local doctors fought hard for this and that he is extremely proud for the hospital to receive such accreditation.

Along with Dr Suzanne Seals, who in her own right has a terrific story as a South African doctor who moved to the town and immersed her family in the community, Martin drives the Nungas Aboriginal health outreach clinic for Murray Bridge's Ngarrindjeri community.

Fiona has contributed expertise in anaesthetics and intensive care and is heavily involved in the medical training of interns and registrars. She has a strong commitment to women's health services and also provides a valued acupuncture service. Fiona's efforts and knowledge in emergency medicine are a great asset to Murray Bridge. I have met Fiona a number of times, and she is a lovely woman who would go out of her way to do anything for anyone. I would like to read you a quote from Fiona when accepting the award:

> We feel privileged to be able to live here in Murray Bridge and work with such an amazing team of doctors and nursing staff at both the practice and the hospital, and are honoured to be a part of such a wonderful community.

Murray Bridge is Martin's home town, having grown up there, and his father was also a very well-respected rural GP in the town and himself heavily involved in medical education and one of the first lecturers in rural general practice at the University of Adelaide.

Without doctors such as Martin and Fiona, and the support of the wonderful team in Murray Bridge, the state of health in our regions and rural communities would be worrying. This brings me to a number of concerns I have with the state government plans, which are causing uncertainty, anxiety and angst amongst many of our country doctors, in particular those in the Hammond electorate, in Murray Bridge, Karoonda, which is surviving on a locum service at the minute, and Tailem Bend.

News that the Murray Bridge clinic has had its emergency on-call allowance cut under the new on-call conditions imposed by Country Health SA is extremely disappointing. The on-call allowance funding cut will have a serious domino effect:

1. It will stop the support provided to these doctors in towns, from Murray Bridge doctors, putting more unnecessary pressure on health services in country areas.

2. It will make recruiting young South Australian doctors to regional communities tougher than it already is.

3. It will see doctors, such as those in Karoonda and Tailem Bend, look for relocation to areas that are supported, which will devastate towns which rely on their local doctor.

Celebrations of awards like the RDAA Rural Doctor of the Year Award, awarded to Dr Martin and Dr Fiona Altmann, only provide a minute insight into the amount of work our doctors, nurses and medical staff do in country areas.

Fiona and Martin and the team at Bridge Clinic provide a fantastic rural service that saves a lot of people having to come to Adelaide for treatment and, as mentioned, the state of health in our regions would be worrying without such support. I call on the government to review its policy in regard to country health and its on-call allowance situation and to reinstate its emergency on-call allowance in order to save our country hospitals.

I further congratulate Fiona and Martin and acknowledge that he is my father's doctor and that Martin's father was also our family doctor for a while. I congratulate them both, and I congratulate the team at Bridge Clinic and the Murray Bridge health service generally.

EVERY CHANCE FOR EVERY CHILD

Mrs VLAHOS (Taylor) (15:18): Thank you, Mr Acting Speaker. I would like to speak today about an Every Chance for Every Child cabinet task force public forum that recently occurred in my electorate of Taylor at the Lake Windermere B-7 School in Salisbury North. I was very happy to be involved with the school in planning this event, and they actually did a wonderful job under the leadership of the principal, Angela Falkenberg, to bring it all together.

Visiting with us on the day was the Hon. Grace Portolesi, the Minister for Education and Child Development and the taskforce chairperson; the Premier, Jay Weatherill; the Hon. Ian

Hunter, Minister for Communities and Social Inclusion; and the Hon. Russell Wortley, Minister for Industrial Relations and Local Government. Also joining me was local MP, Susan Close from the Port Adelaide electorate, and the Mayor of the City of Salisbury and a good friend, Gillian Aldridge.

Along with Mrs Falkenberg, the school community and the school governing council chairs and parents, families and children put on a wonderful afternoon for us. One of the key things that happened apart from the public task force forum, which I will speak about in a moment, was the community barbecue. Considering this school had been amalgamated two years ago and had come together in a wonderful new community under a new name, they had school choir performances, safe cycling tracks for the kids to be involved with, and a community food trail, with a newly planted garden that the parents, schoolchildren and community friends were experimenting with produce and recipes from. All this came together just after we finished our task force public forum.

The important thing about the community task force is that we saw a couple of movies about the Every Chance for Every Child priorities, which is one of our seven strategic priorities for this state government. The movie that we were shown from Hendon Primary School showed us that, by starting with the whole child and starting at the beginning and connecting all the aspects of a child's life, we can support a child's early development and, in fact, their brain wiring.

We all know that experience in the first five years of life is the greatest determinant on a child's future health development and happiness in our society, and that, by the age of three, 85 per cent of a person's brain development has already occurred. We also know that too many of our children are falling behind in these critical early years. One of the great things about the public forum was providing opportunity for mothers and fathers, grandparents and community members to come forward to the table and give us feedback about what would make our society better for their young children in the space between the ages of zero and five.

We know the importance of these early years in the development of our children and that, if we do not take action early, those who are vulnerable in our community are at risk. This is a challenge, and we are now trying to bridge the gap between what we know and what we do, and that was the reason for the public forum. We also know that our state invests nearly double the national average in children's services, and this is a great thing.

Our government has a vision for achieving all this work to make sure that we are recognised both nationally and internationally as a great place to raise healthy and creative children. We also want to give parents the services and support they need, starting from the birth of their child all the way through to their adulthood to ensure that they nurture healthy, capable and resilient children.

We want our schools to be the community hubs for services for our families and children, and certainly Windemere has become that over recent years with the amalgamation. We also want to be able to intervene early to provide the assistance and support where it is needed, because we know that dollars invested early in a child's life when there are early challenges for development are a good investment as opposed to the end when there is criminal justice and other poor outcomes in the employment, health and education stakes further down the track.

By expanding our network of children's services and supporting people in the north through a cabinet task force like this and hearing first-hand from parents, grandparents and carers what they need to ensure that things happen, as well as the educators, we hope to bring our children into a greater and brighter future in South Australia.

COUNTRY HEALTH SA

Mr PENGILLY (Finniss) (15:22): In the past couple of days we have been hearing a few examples of some of the more ridiculous attempts by Country Health SA to negotiate a new agreement with GPs in rural areas. It is hard enough to get good doctors in the country areas, so it beggars belief that this government seems intent on doing all it can to be as offensive as it can to hardworking, dedicated, experienced doctors who care deeply about the service they provide.

When I look at this case it is not hard to wonder why people believe that this government is out of touch with people in regional areas when you consider the entirely unnecessary problems that this government has created in Keith, Clare, Snowtown, Victor Harbor and in other places. In my electorate of Finniss, the doctors at the South Coast District Hospital have a good system that is incredibly cost effective to the taxpayer. Doctors from the Fleurieu's four private practices provide

the hospital with a 24-hour service in anaesthetics and obstetrics, as well as an accident and emergency service from 8am to 8pm.

The only service they needed to relinquish many years ago because of the workload was the overnight emergency service from 8pm to 8am. Those hours are worked by locum doctors. The system works well, and the people of the Fleurieu are very well catered for at that hospital.

In the past 10 years demands for services at the South Coast District Hospital have in some cases doubled, including in emergency care. That is not entirely surprising—it is an area of South Australia with an increasing population. Many of the residents are retirees, and it is a booming holiday destination that can double the size of the permanent population at certain times of the year, like this weekend. It is a busy place.

The range of medical services required is diverse, so as the doctors have become busier at the hospital work at their own practices is also getting busier. It can sometimes take residents five to six weeks to get an appointment. The people of this region reasonably expect their local public hospital to provide around-the-clock service, and they get it. The overnight locum doctors are busy. They do not go there now for a lie down and a peaceful sleep. They are up all night and they work hard. On occasions they even have to call in local doctors to help with the load on particularly busy nights.

So when the health minister came into this house yesterday and said that the new agreement he is forcing them to sign would not require them to be on call for 36 hours he was showing up his obvious ignorance of how the system works. That, quite frankly, is offensive to those doctors who currently work around the clock to provide a safe and reliable service. Of course this new agreement will require them to work 36 hours straight, and we are not talking—

The Hon. J.D. Hill interjecting:

Mr PENGILLY: —calm down, minister—about 36 hours of being on call, we are talking 36 hours of being awake and practising medicine. If they work in their practice all day, work in a busy hospital all night and then go back to work in their practice the next day, how many hours does the minister think that is? If the minister, or Country Health SA, say to the doctors, 'Wait, we are now going part subsidise you to take the next day off by paying you a new safe work payment,' there goes another day of cancelled appointments for their other patients at their practices. So, the six week wait for an appointment with a local GP turns into seven weeks, or eight weeks, or longer. The doctors do not want any extra money. They do not want the safe work payment. They are not even seeking better conditions. They are seeking a continuation of the system that works incredibly well for the people of the Fleurieu Peninsula and allows the doctors to deliver a safe and reliable service.

What was also offensive about yesterday's contribution to the house by the minister was his assertion that Victor Harbor relies on ad hoc arrangements for after-hours callouts for obstetrics, anaesthetics and daytime surgery. The minister has no idea of what he is talking about. There is a formalised obstetric roster for weekends and on week days individual GP obstetricians cover their own patients—

The Hon. J.D. Hill interjecting:

Mr PENGILLY: —you stuffed it up, mate—with a roster for GPs for caesarean sections. There is also an emergency roster that covers all clinics. According to these doctors, they can only recall one instance over many years when an anaesthetist was not available, and that could happen for a variety of reasons in the country whether there was a new GP agreement in place or not. In the 18 month so-called negotiation period for this new agreement with the Victor Harbor doctors, not once did Country Health SA ask the doctors about their specific needs or issues.

Every country area of South Australia has varying needs and demands for medical services, and that is recognised by Country Health SA. That is why there are differing emergency care service agreements: for Whyalla, Port Augusta and Port Pirie there is the Upper Spencer Gulf Agreement; the Riverland has the River Doctors ED Service Agreement, applicable to Berri, Renmark and Barmera; Gawler has the Gawler GP Inc. Service Agreement; Mount Barker is the Adelaide Hills Division of General Practice Emergency and GP After Hours Service Agreement; and then there is the Mount Gambier Emergency Department, which is a different situation again. So, there are varying agreements all over the state and it is about time someone from Country Health SA recognised the particular needs of the doctors at Victor Harbor.

I am inviting the minister to come to my electorate and personally speak to the dedicated doctors who provide the South Coast District Hospital with outstanding medical care and find out for himself why there is no need to alter current arrangements. There is no need for the high-handed heavy duty threats to ban these doctors from the hospital if they do not sign the GP agreement, which is a ludicrous threat to make in light of the lack of available doctors to staff the hospital.

The crux of the situation is that the doctors do not want more money. They are not asking for improvement to their conditions. They simply want the current arrangement that provides the people of the Fleurieu Peninsula with a safe and reliable medical service to continue. I do not think that would be too difficult to manage, even for this government.

Time expired.

INTERNATIONAL YEAR OF COOPERATIVES

Mr PICCOLO (Light) (15:27): Today, I wish to address the house about the United Nations International Year of Cooperatives. The UN has marked this year as the International Year of Cooperatives to raise public awareness of the invaluable contributions of cooperative enterprises to economic development, poverty reduction, employment generation and social integration. The story of the cooperative can be traced back to the 19th century, when in 1860, while Europe was suffering an agricultural depression, German social reformer Friedrich Raiffeisen provided emergency food aid to hungry farmers, but in doing so realised that what was really required to ensure that these farmers did not go hungry again was a joint effort to modernise methods to gain a greater share of the market.

The International Cooperative Association reported earlier this year that globally over one billion of the world's population were members of a cooperative and that cooperatives provided over 100 million jobs, with a combined GDP equivalent to the ninth largest economy in the world, namely, Spain. Australia has a long and proud tradition of the cooperative, as through different stages of our history friendly society building ventures have flourished. Currently, there are 24,000 registered cooperatives in Australia across a number of industries, notably farming, banking and building.

The earliest cooperative legislation was introduced in 1923 in New South Wales and Victoria and New South Wales have 81 per cent of Australia's cooperative movement. The incoming Cooperatives National Law will replace the separate state laws with a unified national framework to foster and develop cooperatives. In 1998, there were 14 cooperatives in the top 1,000 largest company register. The turnover of the three largest of that group was $1 billion, while the 14 cooperatives on the list had a combined turnover of $6.5 billion. Australia's largest cooperatives in size and turnover are both, unsurprisingly, in the agriculture sector. They annually turn over an average $6.9 million, have over 34,000 members, and employ nearly 6,500 people.

The cooperative model has been evident in our regional communities through community farming practices. It is unfortunate that those involved have not identified themselves as part of the cooperatives. Cooperatives are inherently just enterprises that can outperform comparable private sector entities while providing better work satisfaction and job fulfilment as employees actively participate in decision-making. Furthermore, cooperatives provide greater job security, as cutbacks and production can be managed and collective projects can be managed to the best of all members.

With this said, times have changed and the culture of contemporary Australia now places a greater emphasis on individualism and consumerism, which are not easy bedfellows for cooperative ideals. However, it should be noted that the overarching theme from the cooperative experience to date has been the development of farmers' rights by removing the fear of exploitation from the middleman. This theme continues to resonate and may be of even greater importance in view of the context of the current market landscape.

The market domination of the duopoly of Woolworths and Coles offers the cooperative business model the opportunity to provide a viable, proven and successful model to produce a substantive and viable third way. This third way has continually been vindicated by the emergence of new cooperatives in recent years, again proving that membership and control is a viable way to conduct business. The diversification of cooperatives to social areas has also been a mark of their success.

A new wave formed across Europe in the mid-2000s in an attempt to consolidate communities and address issues of social concern that fetter our society, such as social inclusion and ageing populations. I think the message is clear that cooperatives can play a very important social and economic role in society. One of the things we need to address is the current competition laws, which seem to work against the creation of cooperatives, and many groups cannot take action against bigger players in the marketplace. I would like to echo the sentiments of Mark Lyons of the University of Technology Sydney, who states:

> Cooperatives can be an invaluable mechanism for enabling people to express their solidarity while addressing the many problems that beset a nation. But the continuation of the cooperative movement will require commitment from the existing cooperatives and from governments to create an enabling environment.

I think that is one thing we need to look at as a government, to ensure that the legislative framework does encourage and support cooperatives, as they are a way of creating democratic institutions and also breaking the various duopolies and other market players that control our economy.

ELECTORAL (MISCELLANEOUS) AMENDMENT BILL

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (15:34): Obtained leave and introduced a bill for an act to amend to the Electoral Act 1985. Read a first time.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (15:35): I move:

That this bill be now read a second time.

This bill amends the Electoral Act 1985 to improve participation in elections and further regulate the use of electoral material and, importantly, enhance the integrity of the state electoral roll by ensuring that information contained on the roll is accurate and complete. In addition to several technical amendments recommended by the South Australian Electoral Commissioner, the bill contains a number of substantive amendments which arose from the recommendations of the Select Committee on Matters Related to the General Election of 20 March 2010.

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

Leave granted.

The Bill also fulfils two commitments given by the Government to amend the *Electoral Act 1985* in the context of the 2010 election. The first of these commitments is to address concerns regarding the use of certain how-to-vote cards such as those which allegedly confused voters in the 2010 election. It is important to note that this Bill does not seek to regulate what preferences parties, candidates and political groups choose to advocate, or whether they choose to advocate a first or second preference. However, it does regulate the way preferences are put forward by confining the context (including the language, colour and form of the card) in which the preference order can be represented, striking at the heart of the mischief complained of in the 2010 election.

In addition to the current requirements in the Act, proposed section 112A provides that a how-to-vote card may only be distributed during the election period if the card distributed is substantially the same as a card that has been submitted to the Electoral Commissioner for inclusion in polling booth posters, four days after the close of nominations, under section 66, or lodged with the Commissioner no later than two days before polling day. Distribution of a how-to-vote card during the election period that was not submitted or lodged with the Electoral Commissioner, or that differs substantially from the initial how-to-vote card lodged or submitted with the Commissioner, will constitute an offence.

In regulating the use of how-to-vote cards the Government has deliberately avoided being overly prescriptive to prevent any risk of infringing implied freedom of political communication. Whilst the requirement to lodge a how-to-vote card locks a party, candidate or group into a specific form and design of a how-to-vote card, it does not lock them into a preference position. Accordingly, in the unforseen events of a death of a candidate, the withdrawal of an endorsement by a political group or some other intervening matter, a how-to-vote card promoting a different preference order can be distributed, so long as it has substantially the same appearance as the initial how-to-vote card submitted or lodged with the Electoral Commissioner. Similarly, if parties or candidates submit a how-to-vote card under section 66, and wish to lodge another how-to-vote card no later than 2 days before polling day, they may do so, even if the card is intended to secure second preference votes, as long as the card has substantially the same appearance as the initial how-to-vote card previously submitted. There is an interpretive provision in the Bill relating to the term *substantially the same appearance*.

In addition to this measure, the Government also intends to amend the regulations to expand the authorisation requirements, increasing the size of the font in which authorisation details must be published. This measure is designed to assist voters to make informed decisions when voting.

In a similar vein, the Bill also addresses concerns raised by the South Australian Electoral Commissioner regarding the ease with which electors are able to identify the source of electoral advertisements. Currently, the *Electoral Act 1985* requires disclosure of the name and address of the person authorising the material but need not state the party he or she represents. The proposed amendment to section 112 requires all authorised electoral advertisements to disclose any relevant political party affiliation (or an abbreviation if the Register of Political Parties includes an abbreviation) in addition to the name and address of the person authorising the material. Disclosure of the party affiliation will prove more open and informative to the voter, increasing the level of transparency of electoral advertising.

The second commitment made by the Government relates to the requirements to identify a person responsible for political content in published material. The Bill reverses the 2009 amendments to section 116 so the provision no longer applies to material published or broadcast on the Internet. It also repeals subsection 116(2)(c), that obliges the publisher of a journal to record the name and address of, and publish the name and postcode of, a person who takes responsibility for a letter, article or other material published in the journal, as a condition of exemption from section 116. The exemption that existed prior to the 2009 amendments (that allows the publisher or another person to take responsibility for all electoral material published during an election period) is to be reinstated into the Act.

This Bill also addresses complaints of voter confusion and lack of transparency in relation to the distribution of postal vote applications and electoral material in recognition of recommendations put forward by the Electoral Commissioner and the Select Committee.

The distribution of postal vote applications by political parties and their involvement in the collection and return to the Electoral Commissioner confuses electors and has contributed to a significant increase in the number of applications being received by the Electoral Commissioner. The bulk delivery of applications by parties contributes to a presumption of an automatic entitlement to vote by post which encourages people to apply as a convenient method of voting. It also imposes a significant cost on political parties.

Proposed section 74A amends the *Electoral Act 1985* to remove the capacity for political parties to distribute postal vote applications, making the Electoral Commissioner the sole distributor of such applications. However, the Bill allows parties and candidates to request the details of applicants for postal votes under section 74(1)(b) from the Electoral Commissioner to ensure parties and candidates are able to continue to provide campaign material to those electors who have applied to the Commissioner to submit a postal vote in an election.

With a view to improving the legitimacy of election results and the democratic process, the Bill amends the *Electoral Act 1985* so that a ballot paper is not informal merely because the voter has marked it in a way that might identify them. It is reasonable to assume that, if the vote is otherwise formal, it was intended to be a valid vote and the voter was most likely unaware that the presence of their name would invalidate it. This change will achieve consistency with local government elections and, importantly, reduce the number of informal votes.

One of the most significant changes contained in the Bill involves the harmonisation of the State and Commonwealth electoral rolls. At present there is a significant and increasing divergence between the two rolls. There are currently 11,350 electors enrolled on the Commonwealth electoral roll who are not enrolled on the State roll. This is due to differences in the respective enrolment processes.

In particular, the Commonwealth has modified their enrolment provisions to achieve greater flexibility in order to better maintain their electoral roll Most recently the Commonwealth has adopted an enrolment scheme that allows the Australian Electoral Commissioner to enrol a person (provided the person meets the relevant entitlement provisions) or update a person's enrolment details on his own motion, using data collected from trusted government agencies.

In order to maintain the integrity of the joint roll arrangement and ensure the accuracy and completeness of the State Roll, the Bill amends the *Electoral Act 1985* so that, if a person is properly enrolled on the Commonwealth roll, and meets all other current enrolment requirements, the person is entitled to be enrolled on the State roll. In addition, proposed section 32B provides that, if a person is enrolled on the Commonwealth roll, the person is taken to have made a claim in accordance with the Act and be enrolled in a state subdivision.

Currently, under the joint roll arrangements, the Australian Electoral Commission ('AEC') maintains the Commonwealth electoral roll and the South Australian electoral roll on a single database. With the current difference in processes for enrolment, electors are being added to the enrolment database as 'Commonwealth only' electors, or enrolled at one address at a State level and a different address at a Commonwealth level. The amendments contained in this Bill will allow an elector who has enrolled as a Commonwealth elector in relation to a subdivision in this State, or updated their enrolment details online with the AEC, to be enrolled or have their address updated under the South Australian Electoral Act. It will also address the current lag in South Australian enrolments allowing these electors to receive their State entitlement based on their existing Commonwealth enrolment.

It is important to note that these amendments change the process of enrolment, they will not change the grounds on which a person becomes entitled to enrol and vote in South Australia. However, to achieve consistency with Commonwealth provisional enrolment provisions, the Bill also amends the eligibility age of provisional voters in South Australia to 16 rather than the current 17 years. It also removes the requirement for an application for enrolment of itinerant voters to be attested and allows claims for enrolment and transfer of enrolment on the State roll to be made to an electoral registrar in a manner and form approved by the Electoral Commissioner, thus providing the Commissioner with more flexible enrolment provisions for the enrolment of electors at the local level.

Finally, the Bill amends the *Electoral Act 1985* to provide that the position of Deputy Commissioner be a 5 year statutory appointment rather than an appointment until the age of 65. This will bring the length of the appointment in line with other similar statutory appointments that provide for a 5 year appointment with the possibility

of renewal. However, the provision will commence after the current incumbent's term in office has ceased. The Electoral Commissioner's conditions of appointment will remain unchanged.

The technical amendments adopted in the Bill include:

- removing the requirement for the Electoral Commissioner to deposit the prescribed amount paid for nominations in each district with the returning officer;
- inserting a requirement that the electoral registrars supply to the Electoral Commissioner, certified lists of electors enrolled for districts; and
- removing the reference to 'telegram' in sections 95 and 96 of the Act regarding the manner in which voting results are to be transmitted.

These are minor amendments that will modernise the *Electoral Act 1985* and ensure the legislation reflects current electoral practices.

I commend this Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Electoral Act 1985*

4—Amendment of section 4—Interpretation

This amendment is consequential.

5—Amendment of section 7—Remuneration and conditions of office

This clause amends section 7 to make the term of appointment of the Deputy Electoral Commissioner 5 years instead of a term that expires at age 65, and makes some related amendments.

6—Amendment of section 21—Suppression of elector's address

7—Amendment of section 23—Rolls to be kept up to date

These amendments are consequential to the amendments to section 29 relating to persons on the Commonwealth roll.

8—Amendment of section 29—Entitlement to enrolment

This clause amends section 29 to provide that a person properly enrolled on the Commonwealth roll in respect of an address in a subdivision is entitled to enrolment on the roll kept under the *Electoral Act 1985* for that subdivision. The amendments to section 29(2) relate to provisional enrolments.

9—Repeal of Part 5 Division 2

This clause repeals Part 5 Division 2.

10—Amendment of section 31A—Itinerant persons

Subclause (3) amends section 31A(2)(b) to remove the requirement that an application under section 31A be attested as required by the Electoral Commissioner, consistent with changes to claims for enrolment generally. The amendments in subclauses (1) and (2) are consequential to the amendments to section 29. The amendment in subclause (4) is consequential to the repeal of Part 5 Division 2.

11—Amendment of section 32—Making of claim for enrolment or transfer of enrolment

Subclause (2) inserts proposed subsection (1a) (a provision previously in Part 5 Division 2) into section 32. Proposed subsection (1a) removes the requirement that a claim for enrolment be signed and attested as required by the Electoral Commissioner. The other amendment is consequential.

12—Amendment of section 32A—Notification of transfer within the same subdivision

This amendment is consequential.

13—Insertion of section 32B

This clause inserts section 32B, effectively relocating existing section 31. However, in addition to the provisions of existing section 31, proposed section 32B provides that if a person is enrolled on the Commonwealth roll and the person's address recorded on that roll is an address in a subdivision, the person is 'deemed' to be enrolled, or provisionally enrolled (as the case may be) on the roll kept under the *Electoral Act 1985* for that subdivision.

14—Amendment of section 53—Multiple nominations of candidates endorsed by political party

This clause amends section 53(4) to remove the requirement relating to depositing the prescribed amount.

15—Substitution of section 68

This clause makes a technical amendment to section 68.

16—Amendment of section 74—Issue of declaration voting papers by post or other means

This clause makes 2 amendments relating to electors who have applied for the issue of declaration voting papers under subsection (1)(b). One amendment requires the inclusion of any postal address provided by such applicants for declaration voting papers on the register of declaration voters kept under the section. The other amendment requires the Electoral Commissioner to provide (on request) a copy of the information contained in the register in relation to such electors to the registered officer of a registered political party and a nominated candidate (and in the latter case, the information to be provided is limited to only that which relates to the candidate's district).

17—Insertion of section 74A

New section 74A creates an offence relating to the distribution of application forms for the issue of declaration voting papers.

18—Amendment of section 94—Informal ballot papers

This clause amends section 94 so that a ballot paper is no longer informal if it has on it any mark or writing by which the voter can be identified.

19—Amendment of section 95—Scrutiny of votes in Legislative Council election

20—Amendment of section 96—Scrutiny of votes in House of Assembly election

These amendments delete references to telegrams.

21—Amendment of section 112—Publication of electoral advertisements, notices etc

This clause amends section 112 to provide that if an electoral advertisement is authorised for a registered political party or a candidate endorsed by a registered political party, the party's name or, if the Register of Political Parties includes an abbreviation of the party's name, that abbreviation must appear at the end.

22—Substitution of section 112A

This clause substitutes section 112A to expand on the offence provisions relating to how-to-vote cards. In addition to the existing requirements relating to the distribution of how-to-vote cards during an election period, proposed subsection (1) provides that a person must not distribute a card unless the card has substantially the same appearance as a how-to-vote card submitted for inclusion in posters under section 66 or lodged with the Electoral Commissioner no later than 2 days before polling day.

The regulations may prescribe requirements relating to cards that are to be lodged.

Proposed subsection (3) prohibits, in relation to a how-to-vote card submitted for inclusion in posters under section 66 for a candidate (an *initial submitted how-to-vote card*), the subsequent lodgement or distribution of a how-to-vote card authorised by or for the candidate or a registered political party of which the candidate is a member unless the card has substantially the same appearance as the initial submitted how-to-vote card.

Proposed subsection (5) is an interpretive provision relating to the phrase *substantially the same appearance*. Proposed subsection (6) sets out inclusive definitions of *distribute* and *how-to-vote card* for the purposes of the section.

23—Amendment of section 112B—Certain descriptions not to be used

This clause, consistent with inserted section 74A and substituted section 112A, makes an amendment to clarify that distribute includes distribute in electronic form.

24—Amendment of section 116—Published material to identify person responsible for political content

This clause limits the type of publication to which section 116(1) applies by removing journals published in electronic form on the Internet and Internet broadcasts from the scope of the provision. The clause makes amendments to section 116(2) which are consequential to the amendments to section 116(1). The clause also amends section 116(2)(c) to restore the provision to its form prior to its amendment by the *Electoral (Miscellaneous) Amendment Bill 2009*, except that the term *journal* replaces the former term 'newspaper'.

Debate adjourned on motion of Mr Pederick.

CONSTRUCTION INDUSTRY LONG SERVICE LEAVE (MISCELLANEOUS) 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) (15:36): I move:

That this bill be now read a second time.

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

Leave granted.

The portable long service leave scheme for construction industry workers was established in 1977 under the *Long Service Leave (Building Industry) Act 1976*, and continues today under the *Construction Industry Long Service Leave Act 1987*.

Despite South Australia's referral of certain industrial relations powers to the Commonwealth, these laws remain within the State jurisdiction.

The purpose of the Act is to enable workers in the construction industry to qualify for long service leave based on service in the industry, rather than service to a single employer. Each Australian state and territory provides for a similar scheme.

The scheme is administered by the Construction Industry Long Service Leave Board. Board members are appointed by the Governor after taking into account nominations from relevant industry associations and unions. The scheme is funded through employer levy contributions to the Construction Industry Fund and investment earnings.

This Bill seeks to achieve greater efficiency in the management of the Fund and bring greater clarity to the application of the Act. The key proposal will build upon the success of the scheme by extending the Board's powers to vary the levy rate within prescribed parameters. The levy is defined in the Act as a percentage of the total remuneration of an employer's construction workers.

Currently, the levy rate can be adjusted on the advice of the actuary who must be a Fellow or Accredited Member of the Institute of Actuaries of Australia. Any adjustment is then subject to the Board providing a report to the Minister recommending a change to the levy rate. The levy rate is then prescribed by regulation and a copy of the report must be laid before both Houses of Parliament.

The Bill gives the Board the capacity to vary the levy rate upon the recommendation of the actuary so long as the variation does not take the levy above 3 per cent. This will eliminate delays in changing the levy rate which should provide greater flexibility to the Board to protect the fund from potential losses of levy income and to ensure employers are paying levies appropriate to the relevant financial position of the fund.

The Board will be required to inform the Minister of its intention to vary the levy rate and there will be a 14 day grace period that will allow the Minister to seek any clarification from the Board if necessary. Since 1 January 2008 the levy rate has been fixed at 2.25 per cent and has never been higher than 2.5 per cent.

Another feature of the Bill is to remove ambiguity surrounding the predominance rule so that its intent is clear. The predominance rule determines whether an employer is liable for payment into the Fund on behalf of a particular employee because that employee is deemed to work predominantly in the construction industry.

Those who do not meet the requirements of the predominance rule still accrue long service leave under the *Long Service Leave Act 1987*.

The Board considers the rule to be ambiguous in its current form and has sought a minor adjustment to remove any ambiguity from its interpretation. This should also eliminate the potential for challenges by employees and employers regarding registration eligibility.

Lastly, the Bill amends the list of industrial awards and occupations contained in Schedules 1 and 1A of the Act to update it in the context of Modern Awards. Particular care has been taken with this amendment as it is not intended to alter the current coverage of the Act in any way. To put this beyond doubt, Schedule 5 has been added to ensure that the scope of coverage of the Act is neither extended nor contracted.

All proposals in this Bill have been the subject of extensive consultation with the tripartite Construction Industry Long Service Leave Board, who, with the Government has consulted extensively with the broader construction industry including the Civil Contractors Federation. Consultation has also occurred with the Industrial Relations Advisory Committee, whose membership during consultation included SA Unions, Business SA and the Master Builders Association.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Construction Industry Long Service Leave Act 1987*

4—Amendment of section 5—Application of this Act

This clause proposes to amend section 5 of the *Construction Industry Long Service Leave Act 1987* ('the Act') to clarify the test used to determine whether the Act will apply to a person's employment.

Firstly, the clause inserts reference to Schedule 5 (see clause 9 of the measure) in section 5(1aa).

Secondly, the clause proposes to clarify part of the test used in section 5(1)(c)(i) to determine if a person is within the ambit of subsection (1) by including reference to the relevant period of employment of the person.

Thirdly, the clause proposes to exclude a person from the operation of subsections (1) and (1a) if the person is employed in the civil construction industry (as defined in the *Building and Construction General On-site Award 2010*) (unless the person is employed in building work that wholly or predominantly involves working on structures within the meaning of this Act) or if the person falls within a class of employee excluded by the regulations.

5—Amendment of section 24—Investigation of the Fund

Currently section 24 of the Act requires the Board to provide the Minister with a copy of the report of the actuary appointed by the Board along with the Board's recommendation as to any change in the rates of contribution to the Fund. This clause amends section 24 to require that the Board must, when supplying a copy of the report to the Minister, include an indication as to whether the Board intends to vary, or leave unaltered, the rates of contribution.

6—Amendment of section 26—Imposition of levy

Section 26 of the Act currently provides for the percentage of total remuneration to be paid by an employer as a levy to the Board to be fixed by the regulations. This clause proposes to amend section 26 to allow the Board to fix the percentage rate by notice in the Gazette. The percentage fixed by the Board may only be varied by the Board in accordance with, and after 14 days of, an indication to the Minister under proposed section 24(4)(b) (see clause 5) and must be must be less than or equal to 3%.

7—Substitution of Schedule 1

This Schedule lists the awards for the purposes of section 5(1) of the Act.

8—Substitution of Schedule 1A

This Schedule lists the awards for the purposes of section 5(1a) of the Act.

9—Insertion of Schedule 5

This Schedule defines the limits of the application of the Act to a person's employment by reference to provisions of any award that applied under the Act on 31 December 2009. In the event of an inconsistency between such an award and an award referred to in Schedule 1 or 1A the former prevails to the extent of the inconsistency.

Debate adjourned on motion of Mr Pederick.

ADVANCE CARE DIRECTIVES BILL

Adjourned debate on second reading.

(Continued from 14 November 2012.)

The Hon. M.J. ATKINSON (Croydon) (15:40): I was talking yesterday about a person who is a representative for someone unable to express themselves. That representative should, if at all possible, be someone the person has chosen himself in advance of his current illness, and in whom he will have confided his views about life and how he would want to be treated or not treated.

Of course, sharing someone's life, or parts of it, will allow you to extrapolate what he would think about other situations. The point being that, when one drafts and signs an advance directive, it is almost certain that one will not be in a position to know the exact circumstances in which it will be used. We are rarely given to know the circumstances of our own demise, which is both a blessing and a curse, since who would want such a burden? Yet, at the same time, it prevents us from specifying in advance the manner in which we would wish to be treated, or which treatment we would want to avoid.

On the question of death and dying, I have done the practical twice: first with my father, and then second with my mother. What I observed is that when they were fit and healthy, they would say that they did not want their life to be prolonged, and they did not want intrusive and burdensome treatment. But, when they found themselves in that situation—my father through pancreatic cancer, and my mother through a stroke—there was a change in their attitude, and they sought to stay with us by all possible means.

There is also the problem that it is almost impossible these days to predict the rapid advances is medical technology, especially at the genetic level, which render possible the opportunities for personalised medicine and pain control beyond anything we might have contemplated yesterday or today, and which experts, let alone laymen, would find difficult to predict with accuracy even a few years ahead of time.

This means that making a written specification in an advance directive in a highly directive form as to which treatments you would want or not want is fraught, because what is today burdensome may be trivial tomorrow, and what may be incurable today may within a year or two become easily manageable and merely a chronic illness.

The report of the review committee on which the bill is based therefore suggests that advance directives are drafted to give the substituted decision-maker wide discretion based on the principle that he is acting to make the decision that the person himself would have made, had he been in the present situation but able to make the decision himself, given the same information. For the benefit of the member for Reynell, I am using the masculine pronoun to include the female—

Ms Thompson: Totally inappropriate and old-fashioned.

The Hon. M.J. ATKINSON: —as the member for Heysen (the Leader of the Opposition) explicitly does.

Ms Thompson: Also totally inappropriate.

The Hon. M.J. ATKINSON: Yes, thank you for that. This is not a 'best interests' test nor a 'reasonable person' test, since the unconscious patient on the bed, for the sake of this example, may not be as reasonable as any of us. I make the charitable assumption that we are all reasonable people, again just for the sake of the example, and I remind honourable members that it is not yet compulsory for all citizens to be reasonable by the standards of the full bench of the High Court.

We all have our odd and unreasonable beliefs, our superstitions, our foibles and our own world view, to say nothing of deeply-held religious beliefs of all persuasions that often take on a deeper meaning at times of crisis. Who is to say what is right or wrong, reasonable or unreasonable, in these circumstances when it comes to the right to consent to medical treatment and the right to withhold or withdraw medical treatment? Only the patient, or in the circumstances that they lack capacity, his designated substitute decision-maker.

As the bill makes clear, patient autonomy is the first and paramount purpose of the law in this context. If the state, with all its legal might and power, resources and bureaucracy, does not dignify the life of each citizen by validating and enforcing their requirements for what can and cannot be done to their own body, then we have failed as a state.

The mechanism of the law must operate to allow each of us that final measure of control over our own lives when it comes to medical treatment, even if some in the public do not agree with the choice that the person is making. An obvious example might be the refusal of a blood transfusion by an adult on religious grounds.

The power of medical attorney and the enduring power of guardianship have both operated for many years under the existing legislation with few problems but little use, and they confer similar powers on the equivalent substituted decision-makers appointed under those acts. The medical profession and the public have come to accept the concepts and to develop a system to operate in this new paradigm.

I think we need to expand the coverage of the concept to more people, and the review committee has made relevant recommendations to achieve that, but I expect, as the baby boomer generation ages, their expectations of control of their lives at the end of their life will motivate them to seek out and put in place this kind of legal instrument in a way that their parents and grandparents did not. The consolidation of all three instruments into one will assist that by simplifying and reducing the cost.

Although generally, therefore, I fully support the intentions of the bill as a means of updating and making more readily accessible the law of advance directives to as many people as possible, there are some matters I think warrant further consideration. It is clear that the whole reason for being of the legislative scheme, from its first introduction almost three decades ago as the living will, was to invest in each of us legal and moral autonomy as individuals and as patients. This should be so even when we lack the mental and therefore legal capacity to make some or all of the relevant medical and lifestyle decisions for ourselves.

If these fundamental rights are not upheld for the weakest and most vulnerable in our society, the state has failed. Although such a scheme under which a person may appoint another to make decisions on his behalf when he lacks mental capacity has potential for abuse, so too does the scheme for preventing the abuse have the potential for negating the principal purpose of the

scheme. We must be certain that the policing mechanism is proportionate to the risk and that it does not overwhelm the autonomy of those who should benefit from it when they are unable to speak for themselves.

The bill in division 7 provides sweeping powers for the Public Advocate and the Guardianship Board, as well as the courts, to set aside decisions of the substitute decision maker appointed by the patient and even to stand aside the substitute decision maker himself. These actions negate the purpose of the act and the role of the people who complete the form in good faith, thinking they have appointed a decision maker of their own choosing, only to find that once they lack mental capacity and are unable to act for themselves, others may contest the decisions made on their behalf and appeal to the board and then the courts at a time when all concerned are vulnerable.

So, although it is certainly so that some form of oversight is required in this legislation, it is a fundamental principle that the patient must be allowed to speak for himself or through his appointed representative. No-one can claim to know the mind of the person who made out the advance directive at some later time when he has lost capacity, but surely the person he trusted with such a power is the one most likely to be able to give such a view and, in any event, his view must be preferred to that of the Guardianship Board or some other authority, such as the courts.

These independent bodies are just that, independent, and they are in a position to determine facts, not values. Values that have been acquired over a lifetime, perhaps, and which may, or may not, appear totally comprehensible to any, or all of us, or to the infamous 'reasonable person' in the context of a court. After all, is it reasonable for a person of a particular religious belief to refuse a blood transfusion? Many of us would say no, but this is a matter of faith and belief, not a matter of science and reason.

If the patient were conscious then he would have an absolute right to refuse treatment without having to give any reason, rational or otherwise, and he would not be accountable for that decision to the Guardianship Board. He should not be denied that same freedom simply because he lapses into a mental or physical state where he lacks capacity. Indeed, that is the whole purpose of the bill. So I would commend to the minister some further consideration of division 7 so that the powers of the board are circumscribed to the extent that primacy is again restored to the patient and so it is clear in the text of the bill that this is so.

In all other respects, I think that the law that this house adopted almost 20 years ago has stood the test of time well and represents a significant reform of the law that has once again placed South Australia at the forefront of this area without the need to resort to, what I think, are extreme measures, such as physician assisted suicide.

I have happy memories of the Select Committee on the Law and Practice Relating to Death and Dying, on which I served with the member for Peake, Vic Heron, and the member for Elizabeth, the Hon. Martyn Evans, and also the member for Coles, Jennifer Cashmore, who was very much the driving force of the committee and, I must say, the member for Coles was one of the most accomplished parliamentarians with whom I have served.

The legislative package builds on the law we have now and further empowers people to take charge of their own destiny in an increasingly complicated world of high-tech medicine. It is their right and our obligation as legislators to empower citizens in this way. There should be a right to give prior informed consent to treatment, to refuse treatment, for health professionals to be protected when administering treatment that relieves pain and distress, and the right to appoint others to act on these rights, on one's behalf, when one is unable to do so oneself. I commend the bill to the house.

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (15:56): I thank all those who have contributed to this debate. I listened carefully to everything that was said and I think most members support the general thrust of what is proposed. A number of questions have been raised and I hope that during my reply I will be able to answer the majority of those concerns. The nature of my response is more like a second reading explanation, in that it has been crafted to provide information to the house.

I will take this opportunity to clarify some issues that have been raised as a result of correspondence received by the opposition from Dr Pope and Ms Seal. I also point out that neither Dr Pope nor Ms Seal have written to me or the department about this bill, to the best of our knowledge. We have not been able to find any correspondence. Their correspondence raises a

number of issues which primarily relate to: when a refusal of health care in an advance care directive should apply; what happens in emergency situations or when the ACD is not clear; how health practitioners and others can be assured that the ACD is valid and can be relied upon; and the conscientious objection provisions.

Firstly, it has been suggested that the binding nature of an advance care directive should only apply when someone is in the terminal phase of a terminal illness. I point out to the house that under the bill only refusals of health care that are relevant to the current situation are binding. All other provisions for health care, residential accommodation and personal matters must be taken into account when decisions are made for them by others. Currently, under common law, a competent adult can refuse medical treatment or health care either directly or through a medical agent or enduring guardian who must follow any instruction written by the person if it is specific and applies to the current circumstances. Refusals of health care or medical treatment in these instruments do not necessarily only apply when a person is in the terminal phase of a terminal illness or in a persistent vegetative state but can apply to other situations or circumstances. That is the common law.

With a few exceptions, such as mental health treatment orders or emergency situations, medical treatment, including life-sustaining measures, must not be provided without the consent of the person or, if they are incapable of making decisions, their legal representative, which currently includes a medical agent, enduring guardian, guardian, relative, or in some case the Guardianship Board. I also remind members that it is the Consent to Medical Treatment and Palliative Care Act 1995 that regulates consent to medical treatment and not this bill. The Advance Care Directives Bill simply enables competent adults to write down their directions, preferences and wishes for their future health care, residential accommodation and personal affairs. So, it is an enabling mechanism for the powers that exist elsewhere.

The principle that a competent adult is not obliged to consent to medical treatment has been established in all major common law jurisdictions, including in the New South Wales and Western Australian Supreme Courts—Hunter and New England Area Health Service v A [2009] 761, and Brightwater Care Group (Inc.) v Rossiter [2009] 229. Similarly, medical practitioners or service providers are under no obligation to provide such treatment without consent.

These decisions are reflective of the common law principle that competent adults have the right to autonomy and self-determination. In balancing the rights of the competent adult to control his or her own body and the interests of the state in protecting and preserving the lives and health of its citizens, the common law precedent is that, where such a conflict arises, the right of the individual must prevail. The principles relating to the issues are as follows:

- except in the case of an emergency where it is not practicable to obtain consent, it is at common law a battery to administer medical treatment without the person's consent;
- consent may be expressed or implied, and whether a person consents to medical treatment is a question of fact based on the circumstances in each case;
- a person may include in an advance care directive a statement that the person does not wish to receive specific medical treatment. If that advance care directive was made by a competent adult, is clear and unambiguous, and extends to the situation at hand, it must be respected. It would be a battery to administer medical treatment to the person of a kind prohibited by the advance care directive; and
- for a provision of an advance care directive to be valid, it is not necessary that the person giving it should have been informed of the consequences of deciding in advance to refuse specified kinds of medical treatment, nor does it matter that the person's decision is based on religious, social or moral grounds rather than upon, for example, some balancing of risk and benefit. Indeed, it does not matter if the decision seems to be unsupported by any discernible reason, as long as it was made voluntarily and in the absence of any mitigating factor, such as misrepresentation by a capable adult (Hunter and New England Area Health Service v. A [2009] 761, which I referred to before.)

In addition, the advance directives review recommended that the right to respect a competent adult's right to determine what happens to their own body be enshrined in South Australian law. The bill has been developed based on this recommendation. Many South Australians, during the advance directives review and consultation on the national framework, indicated that they wanted

to be able to write instructions which would apply in circumstances not limited to the last few days of life.

In their correspondence, Dr Pope and Ms Seal suggest the bill should only apply to refusals of life-sustaining measures when the person is in the terminal phase of a condition or illness and that ageing should be included in the definition of a terminal condition. We need to ask the question: does this mean that we are all terminal, or does the terminal phase kick in at any particular age—70, 80 or 90?

Frankly, to limit a person's ability to refuse health care only if they are in the terminal phase of a terminal illness or a persistent vegetative state is contrary to the principles underpinning the bill, inconsistent with common law, and contrary to the advance directives review and National Framework for Advance Care Directives.

The other main issue that has been raised with the bill is what happens in an emergency, or if an advance care directive is unclear. If a patient is incapable of consenting and a medical practitioner is of the opinion that the person needs treatment to meet an imminent risk to life or health, treatment can be provided if to the best of their knowledge the person has not refused to consent to treatment and, only if reasonably practicable to do so, the medical practitioner must make reasonable inquiries to determine if a person has an advance care directive which relates to the current situation or condition.

If the patient has given an advance care directive appointing a substitute decision-maker and the medical practitioner knows this, if the substitute decision-maker is available to make a decision that person's consent should be sought. This is currently the case under the Consent to Medical Treatment and Palliative Care Act 1995, where someone has a medical agent, guardian or enduring guardian.

If a medical practitioner is presented with an ambiguous advance care directive, and they are unsure whether it applies and it is an emergency situation, under section 13 of the Consent to Medical Treatment and Palliative Care Act 1995 a medical practitioner can provide treatment. The bill does not change this.

It has been suggested that complying with a binding refusal under some circumstances may be facilitating suicide or voluntary euthanasia. I reiterate that the bill provides that the following provisions contained in the advance care directive would be void and of no effect: unlawful instructions or instructions which would require an unlawful act to be performed, such as voluntary euthanasia or aiding or assisting a suicide; refusals of mandatory treatment, such as compulsory mental health treatment under the Mental Health Act of 2009; and actions which would result in a breach of professional code or standard.

If someone presented to an emergency department and it was suspected that the person was attempting to commit suicide, even if the person had an advance care directive which refused life-sustaining treatment, the provisions of the Mental Health Act 2009 would likely apply and the person could be treated without consent. Under the bill health practitioners incur no criminal or civil liability for acts or omissions done or made in good faith without negligence and in accordance with an advance care directive.

Another issue relates to how health practitioners and others can be assured that the advance care directive is valid and can be relied upon. The bill states that, to complete the advance care directive, an adult must be competent, which is defined in the bill to mean that the person must understand what an advance care directive is and the consequence of completing one, that is section 11(1). Under the bill to be valid a suitable witness must certify on the form that he or she:

- gave the person any information required by the regulations. It is anticipated that such information would include the consequences of completing an advance care directive, information on where to keep their advance care directive, who to give copies to, etc.;
- explain to the person the legal effects of completing an advance care directive and which, in their opinion, the person appeared to understand; and
- believes that the person was not being pressured, coerced or threatened to complete the advance care directive and was completing it of their own free will.

The witnessing provisions have been designed to be an added protection for those completing an advance care directive, and also those having to apply them at a later stage to enable them to have confidence that a person was competent at the time they completed the advance care directive and

was doing so free from coercion. Witnesses will be provided with guidance to assist them in their role and will be advised that they should refuse to witness an advance care directive if they are not satisfied with the above.

Under common law, a person's refusal of medical treatment/health care does not have to be medically or legally informed to be valid, and this is the case for instructions contained in existing instruments. The bill reflects this common law principle. The advance care directive form will be designed to allow people to write down their values and goals of care, what is important to them when decisions are being made for them by others, what levels of functioning would be intolerable and where and how they wish to be cared for when they are unable to care for themselves.

The guidelines, together with the form, will highlight the serious consequence of refusing specific medical treatments without being clear about the circumstances in which they apply, as well as advising them to seek medical advice to ensure that their instructions will achieve the desired results. There is some suggestion that the bill lacks provisions to change an advance care directive which may no longer be relevant (for example, if a person's circumstances have changed since they made their advance care directive), and that the only way to update an advance care directive is to complete a new form which may be difficult for someone who is unwell.

It would be inappropriate, as has been suggested, to allow a person to verbally update and alter an ACD, and I would be surprised if medical practitioners relied on the word of others that a person had changed their mind about what they do or do not want to happen to them. If a person is physically unable to complete a new advance care directive, clause 11 of the bill requires a person to 'cause' the form to be completed. The term 'by causing' is included to allow those adults who do not have the physical capacity but who are competent to fill out the form.

If anyone has concerns regarding an advance care directive or action proposed to be taken under an advance care directive, the Public Advocate may give declarations regarding:

- the nature and scope of a person's powers under the advance care directive;
- whether or not a particular act or omission is within its scope; and
- whether the person who completed the advance care directive has impaired decision-making capacity in respect of the particular decision.

A declaration by the Public Advocate is not legally binding. The purpose of a declaration is to guide or give greater certainty to the parties. If a person is not satisfied with a Public Advocate's advice or declaration and requires greater certainty about a matter, they can apply to the Guardianship Board for a review. In reviewing the matter, clause 47(3) enables the Guardianship Board to:

- confirm, cancel or revoke a decision or declaration of the Public Advocate;
- make any declarations the board thinks necessary or desirable in the circumstances; and
- give any advice the board considers necessary.

If a person's circumstances have changed such that their appointed substitute decision-maker is no longer appropriate, the board can consider the matter and revoke the appointment if it is satisfied that this is the case. However, in making a determination, the board must apply the principles in the bill, including that the wishes of the person who gave the advance care directive are paramount. If a guardian is subsequently appointed, the guardian must give effect to relevant wishes and provisions contained in the advance care directive.

The bill provides that a health practitioner may refuse to comply with a provision of an advance care directive on conscientious grounds. Having refused to comply with a provision, it is then a requirement under the bill that the health practitioner refer the person or their substitute decision-maker to another health practitioner. Such a provision may be about medical treatment, but it could also be about other types of health care, such as physiotherapy, acupuncture or podiatry. This provision is not only related to medical practitioners, the requirement to refer the patient to another health practitioner was recommended by the Victorian Law Reform Commission in the 2012 Guardianship Report, where it was stated that:

> A health professional should be required to refer the patient or enduring personal guardian to another health professional if their personal views or beliefs prevent them from complying with lawful directions in a valid instructional health care directive.

That was point 143.

The Good Medical Practice: A Code of Conduct for Doctors in Australia also provides for conscientious objection. Although nothing in the code expressly states that a health practitioner must refer a patient to another health practitioner, the phrase 'not using your objection to impede access to treatments that are legal' could be read as obliging a health practitioner to refer a patient or their substitute decision-maker on, especially in a situation where a person may have difficulty accessing an alternative practitioner because they do not have the capacity to do so for themselves. If this provision was removed, as has been suggested, where would that leave the incapacitated patient? Having health care provided which is against their instructions? Or being left with no-one to care for them?

Some members also received correspondence from Dr Brooksbank, chair of the Palliative Care Council, who sought clarification about the effect of the amendment to the Coroners Act. In her correspondence, Dr Brooksbank was concerned that the scope of reportable deaths appeared to have changed as a result of the new bill. This is not the case. Currently, under section 3(g) of the Coroners Act 2003, if a person dies within 24 hours of receiving medical treatment that has been provided with consent of a relative, guardian or Guardianship Board, the death is a reportable death. There are also other categories of reportable deaths, including: unexpected, unnatural, unknown cause or if a person dies within 24 hours of surgery.

Under the bill, sections 58 to 60 have been removed from the Guardianship and Administration Act 1993 and replaced with new provisions in the Consent to Medical Treatment and Palliative Care Act 1995, which allows a person responsible to consent to health care on behalf of a person with impaired decision-making capacity. The Coroners Act is being amended to merely recognise these new provisions. That is the only change. The effect and intent remains the same: if a third party, albeit a relative, person responsible or the board, consents to health care for a person whose capacity to consent is impaired and they die within 24 hours of receiving treatment the death is reportable to the Coroner.

The provisions in the Coroners Act which require a death to be reported to the Coroner relate to a 'person receiving medical treatment' not to those deaths where treatment is withdrawn or not provided, for example, in cases where treatment limitation/abatement occurs for palliative care patients or those who are dying. I would like to thank Dr Brooksbank for the opportunity to clarify the intent of this minor amendment. It is my understanding that officers in my department met with Dr Brooksbank and she indicated at that meeting that she is comfortable with this explanation.

The Advance Care Directives Bill is only the first part of the reform process. As I stated in my second reading explanation, the implementation of the new act will be critical to its effectiveness and application. This bill only adopts the Advance Directives Review Stage 1 Report: Recommendations for changes to law and policy. The stage 2 report makes 31 recommendations for implementation and communication strategies to support the act's implementation. It is my view that many of the issues raised in this house can be resolved in the implementation of the act, including the development of the form and guidelines, public awareness and professional education. Policies and protocols in the public health system will also need to be developed to support the act's implementation.

In summing up, the bill adopts the majority of the Advance Directives Review stage 1 recommendations and aligns with the National Framework for Advance Care Directives and is consistent with common law. This bill is not a radical policy shift. The bill was informed by extensive consultation, including with consumers, health practitioners, doctors, intensive care and emergency medicine specialists, as well as the aged and community care sector. I would like to point out that both the Australian Medical Association (SA Branch) and the Australian Nursing and Midwifery Federation (SA Branch) made submissions to the review and also to the National Framework for Advance Care Directives.

This bill is not just about medical treatment decisions at the end of life but allows competent adults to write down their preferences, directions, wishes and values for their future health care, residential accommodation and personal matters, and/or appoint one or more trusted substitute decision-maker to make such decisions on their behalf. The bill extends the same common-law rights to competent adults to be able to direct what happens to them in the future or to have someone they choose to stand in their shoes when they are unable to make their choices and decisions known personally.

As is currently the case, any instructions or directions contained in an advance care directive must be relevant to the current circumstance or condition before they take effect. The emergency provisions in the consent act have not changed. Where there is imminent risk to life or

health of the patient and the patient's advance care directive is ambiguous, unclear or not known, treatment can be provided without the patient's consent. Under the bill, only refusals of health care can be binding, and all other preferences or wishes must be taken into account if it is reasonably practicable to do so in the circumstances. Health care is defined more broadly than just medical treatment.

I thank all members for their contributions to the debate. I apologise for the length of that statement, but I hope that it addresses all the issues that members have raised. I look forward to answering any specific questions during the committee stage.

Bill read a second time.

In committee.

Clauses 1 to 4 passed.

Clause 5.

Mr PEDERICK: I move:

Page 7, lines 22 to 27 [clause 5(2)]—Delete subclause (2)

The amendment I am moving is that subclause (2) be deleted. This references particular forms of health care in advance care directives. Subclause (2) provides:

> Subject to any provision of the advance care directive to the contrary, a reference in an advance care directive to a particular illness, injury or condition (however described) will be taken to include a reference to an illness, injury or condition arising out of, or out of the treatment of, the illness, injury or condition.

The advice that has been conveyed to me in regard to this clause is that the provision of any subsequent health issues arising from the condition, to which the advance care directive refusal relates cannot be treated, be deleted because it raises issues about treatable conditions that could be dealt with instead of allowing the advance care directives to stand. I am interested in the minister's response to this amendment.

The Hon. J.D. HILL: I thank the member for this amendment. The advice to me is that we are reasonably relaxed about the amendment, but I would just like to have a little more time to think about it. I will not accept it today but give you an indication that it is highly likely that they will accept it in the other place when it is considered in the second round. We think that what you are proposing makes sense, but I just need to check it a bit further.

Mr PEDERICK: I appreciate that, minister, and I note that these were only filed this afternoon, so I appreciate you looking at it later on.

Amendment negatived; clause passed.

Clauses 6 to 10 passed.

Clause 11.

Mr PEDERICK: I move:

Page 11, after line 32—Insert:

> (6) For the purposes of this Act, an express provision of an advance care directive comprising a refusal of life sustaining measures other than during the terminal phase of a terminal illness will, in the absence of proof to the contrary, be taken to be valid if the person who gave the advance care directive—
>
> (a) sought advice from a medical practitioner as to the consequences of the refusal of such treatment; and
>
> (b) includes evidence of that fact in the advance care directive.

I am moving this amendment so that people are fully informed when they are doing these advance care directives, and, as I indicated in my second reading speech, I think the intent of the bill is fine, but I think these amendments need to be looked at to make sure that we get the right result and not the wrong result where there could be people who are not in a terminal condition and an advance care directive is being invoked.

The Hon. J.D. HILL: I thank the member. I indicate that the government will not support this provision. This would in fact restrict the rights that we have now as citizens to make decisions about advance directions about what we want under certain circumstances. We do not have to seek medical advice in relation to that.

The question as to whether somebody is in a terminal stage of a terminal illness, of course, is a matter of fact which only a clinician could give comment to. The family member or another person who is acting on behalf of the patient cannot say that person is now in a state of a terminal illness; that would be a medical fact. So, at that point, when the advance care directive might be applied, that is when the medical advice would come into play, and that advice would be to the person who is acting on behalf of the patient, as I understand it.

To, in advance, seek medical advice would be a relatively meaningless thing, because if I were to go to my doctor at the age of 25 or 30, who is to know what kind of medical advice could be given in anticipation of all the myriad of things that could happen over the next 60 or 70 years of my life. This would be a burdensome provision to put in the act. It would be in practice, I think, meaningless, but it would also very much restrict what are already the rights of citizens.

This is about individuals having the right to determine what happens to them in circumstances which they articulate. It is not about a paternalistic approach where a doctor can tell you whether or not you can do something. I know the member will say that is not what he is proposing; he is proposing that a doctor gives advice, but there is no way all of the possible circumstances that might face a person could be properly advised on in any practical or meaningful way.

Mr PEDERICK: So, minister, from what you said in your response speech earlier and your response just then, are you saying that someone could not have in their advance care directive, under advice, that if they were still in the prime of their life and perhaps they were involved in a car accident and were in a coma or something like that—surely they could allude to something like that in the advance care directive that that is where they would not want to see no treatment. What I am talking about is if it is an actual terminal event.

The Hon. J.D. HILL: The thing about an advance care directive is that you can put into it whatever you like. I have an advance care directive or equivalent under the existing legislation in place myself. My wife and I both did that some years ago. We completed our will, we did the enduring powers of attorney and the advance care directives.

I made my wife the principal decision-maker in respect of my care. I made it plain to her what I expected and then, if she predeceased me or she was incapable of acting, I made my sons jointly responsible for taking that exercise, and I have spoken to them. This is no longer practically the case, but I said, 'If I am in my 50s and I am unconscious, be a little bit cautious about the exercise of these powers, but if I am in my 80s and 90s and it is highly unlikely that, whatever was done, I would recover, then feel free to exercise them.' So, I made it plain to those who will act for me if I am not capable of acting for myself what I want to happen and that can be written down and made clear in the advance directives.

It is not a manifest where you write down, 'I do not want to be plugged into any machine, regardless of what happens.' You could theoretically write that, but it is about, if I am in these circumstances, this is what I want to happen. So, a person might say, 'Regardless of how old I am, if I am not going to recover from the injury or disease, I am not going to have mobility, I will not be able to feed myself, I will not be able to toilet myself, I do not want an intervention.' That may be what they say and then, at the point at which that power may be exercised, a clinician would be able to say, 'This is what is likely to happen if we do this; this is what is likely to happen if we do not,' and then the person who is exercising the authority on behalf of the patient will be able to make that judgement.

This is about rights. This is about the individual's rights to express what they want for themselves in all of the circumstances that might occur in the future. To the extent that they can, they could write pages and pages of particulars, I guess, about what they may want. Some might want to write simple things, others might write more complex things, but it is really up to the individual and it is to give existing powers to the individual that allow them to articulate what they want in a form that is readily available.

Mr PEDERICK: Thank you, minister, but, in relation to the same clause, I just seek some clarification. I used the example before of someone, let us say, has an advance care directive and all they have is simply, 'If I am in a coma, do not revive me.' If they are put into a coma through an industrial accident, a farm accident or a car crash and, at the time, there is some medical advice that the person is quite retrievable from that condition—and let us say the person is 35—but the advance care directive, with no other conditions, says, 'Do not revive me if I am ever in a coma,' how does that stand under the legislation?

The Hon. J.D. HILL: I am advised that the form will be written in such a way that it would not lead people to write things down of that nature. It would lead them to write down what their values are, what their wishes are and what kind of medical intervention they would want under certain circumstances. A bald statement like that, I suppose, is theoretically possible but, if somebody were to choose to say that, then that, I understand now, is their right—we are not changing that. The forms and guidelines will give advice in that direction, but somebody could do that now. If I fell over now and I had written down, 'I do not want to be attended to in any way at all,' then that is my right.

A Seventh-day Adventist person, for example, can refuse blood—whatever the circumstances. We know and we intervene if they are under 18. We regularly go to courts and intervene and say, 'This child will survive if they get a blood transfusion; they will die if they do not,' and the courts allow us to intervene. But if an adult, regardless of what persuasive information they are given, says, 'I do not want a blood transfusion,' they are told, 'You will die if you don't get one, you will survive if you do,' and they say no, then we do not intervene. That is their right; it is based on a religious code. Other people might have codes which are based on morality or whatever, but it is the right of the individual.

I understand the concerns the member is expressing and his not wanting people to die in circumstances where they might have survived; I do not think any of us would. But if a person chooses to say, 'I don't want blood,' for example, or, 'I don't want intubation,' or 'I don't want cancer drugs'—and I have heard of lots of people who have said, 'Don't give me any cancer treatment,' quite fit people who could have been looked after if they had got it, but they said, 'No, I do not want to go through that process'—that is their right, and they have a right to have that exercised if they are not in a state where they are competent to express it in the way that I have just expressed it.

The other point, of course, of which I am just reminded is if the medical practitioner felt that the advance care directive was wrong, or the person had not properly made up their mind, there is a dispute process. So, they can take it to the Public Advocate in the first instance, where you can make a declaration. Then, if they are not happy with that, they can go to the Guardianship Board, and if they are not happy with that, they can go to the Supreme Court. So, there are safety provisions in there.

For example, if this was in your family, and a relative had said something and you thought, 'Well, that's not what they've meant because they have talked to me about it,' or whatever, you could go through those processes to overturn it or even, I guess, a doctor could, too, and discuss it with the person who is responsible. You are appointing somebody to act on your behalf in most cases; you may not, of course, but in many cases you would.

These are the safeguards that are in place. The principle is as it is now. We are not really changing what people can do. They can do all these things now; this is just putting it in a different set of forms. That is really what it is about.

Amendment negatived; clause passed.

Clauses 12 to 18 passed.

Clause 19.

Mr PEDERICK: I move:

Page 15, lines 2 to 7 [clause 19(1)]—Delete subclause (1) and substitute:

(1) Subject to this section, a provision of an advance care directive comprising a refusal of life sustaining measures during the terminal phase of a terminal illness (whether express or implied) will, for the purposes of this Act, be taken to be a *binding provision*.

As I have said, all the information I have had in regard to this bill is information from health practitioners who have discussed it with a legal friend of mine who is involved in the Respecting Patient Choices program. This proposed new subclause seeks to amend clause 19(1) of the bill, which involves the binding and non-binding provisions and provides:

(1) Subject to this section, a provision of an advance care directive comprising a refusal of particular health care (whether express or implied) will, for the purposes of this Act, be taken to be a binding provision.

I understand that my amendment has the same meaning as that set out in the current consent act, so I would like to hear the minister's response to having this amendment inserted in the bill.

The Hon. J.D. HILL: Once again, the government does not accept this provision. It would be a reduction in the rights that people currently have, and it would mean that the advance care directives largely would be capable of being ignored by clinicians, with them inserting their own views in place of the person and often the family of the person. Certainly in the case of the terminally ill, obviously the doctors who have spoken to you are accepting of that, but there would be other cases, too.

Where somebody has dementia, for example, or a disease that has a long process before termination occurs but it is painful, it is debilitating, it is something that is very unpleasant to live with, such a person may say, 'I do not want intervention.' I gave the example of a cancer patient. It may well be that somebody with intervention could live for a year or six months or nine months but they say, 'No, I do not want intervention. I do not want to have chemotherapy or radiotherapy or whatever it is. I want to let the disease take its natural course.' They have an absolute right to do that.

What you are saying is that the doctor, if they were of a mind, if that person was unconscious or may have dementia or something like that, could intervene and impose something on that person that would extend life against the wishes of the person. To me that would be a rather despicable state of affairs. The patient and the family understood what that patient wants and, for a clinician then to intervene, contrary to the express wishes of the individual and the family, I think would be contrary to common morality, as well as good medical practice.

This is about individuals having a right to choose whether or not they want treatment. It may not be something that is life-threatening. They may say, 'Look, I don't want to ever have blood transfusions,' which is the example I gave before. They should have that right whether or not you or I agree with them. It is their right.

Mr PEDERICK: Minister, I certainly agree that, if people want to refuse of blood transfusion, that is their right, but I again go back to the case where a young person—let's say, a 35 year old—has an unfortunate accident. They have an advance care directive. I agree with you that people should have the right to choose, but they may never have foreshadowed when they filled out that advance care directive (whichever way, shape or form it was in) that they would be in a condition where they had said, 'If I'm ever on a life-support machine or whatever, don't revive me.'

I repeat along the lines of what I said before: there could be medical staff and doctors saying to the family, 'Look, we can revive your loved one.' I am just thinking that it's a bit of a predicament on the other side of the scale as well. I think the lines are blurred on this side of the argument as well, and I would appreciate your response.

The Hon. J.D. HILL: I really have to go back to what I am saying. I am advised now that these rights exist. People can do this now. If you have an enduring guardian or a medical adviser, if you have indicated that you do not want treatment, they can insist upon that. If the hypothetical set of circumstances the member described were to exist and the family thought that the person would not have considered that to be a situation in which they meant the power to be exercised, then they can seek a direction from the Public Advocate or the Guardianship Board, so there are provisions that allow people to test whether or not the power is being properly exercised.

This is an old kind of statement, I suppose, in law: that hard cases do not make good law. You choose a particular case and you say, 'This is a hypothetical example.' I am not sure we could actually point to any of these examples in practice and then you say, on the basis of that, the vast majority of people should be denied this right. These points are not made by you, but the kind of arguments being put by Seal and Pope are hypothetical debating points. However, the practical reality is that in the vast majority of cases—and I cannot think of any contrary examples—this works very well now. The problem is that it is a complex process. What we are trying to do is simplify it so that people can more easily use the processes in place. I think the members for Bragg and Croydon in their contributions both pointed out the fact that there has been relatively little take-up of the existing provisions, partly because, as the member for Bragg said, people do not like to think about death and dying, and partly because it is a bit complicated.

We want to have a proper debate, discussion, consultation and education process to encourage people to think it through. It is a bit like organ donation. If families are unaware of what a person wants when they die unexpectedly then they tend to be conservative and not grant organ donation, unless there is some sort of ideological commitment to it. However, if you tell your family

and friends, 'Yes, if something happens to me they can take all my organs; I think it's the right thing to do,' then the family is likely, in those circumstances, to do what the person wishes.

With this kind of provision, the best protection is to talk it over with your family and friends so that they are absolutely certain about what circumstances should apply, and if there is any uncertainty at the time then appeal provisions are in place. By and large, this is about giving individuals a right to say what they want to happen to them in prescribed circumstances. If they say, 'If I am in a coma and I am unlikely to revive and, if I do, I will be in a vegetative state—in those circumstances I don't want to have anything done,' I think that is the more likely thing that would occur, not, 'If I black out in a dance somewhere or other, don't revive me.' These kind of extreme cases make for interesting debate, but they are not really about what is actually happening on the ground.

Mr PEDERICK: Thank you, minister. I am just trying to make sure, with the advice I have had from those in the medical profession and my lawyer friend, that there are no unintended circumstances. I appreciate that last example, but it means that people will absolutely have to be specific, I believe, in these cases.

Amendment negatived.

Mr PEDERICK: I move:

Page 15, after line 11—Insert:

(4) In this section—

terminal illness means an illness or condition that is likely to result in death and includes the process of ageing;

terminal phase of a terminal illness means the phase of the illness reached when there is no real prospect of recovery or remission of symptoms (on either a permanent or temporary basis).

This amendment is consequential to the previous amendment and inserts the meaning of 'terminal illness'. This reflects back on some of the comments I have made on some of the previous amendments, just to make certain that we do get the right decision made in regard to these advance care directives. In my own mind and the minds of the people I have consulted with, the decision should be made when the patient's condition is absolutely terminal.

The Hon. J.D. HILL: I indicate that this amendment is consequential to the amendment that was just negatived so, theoretically, it would be absurd if we passed it. Just for the sake of the record, the statement could be made that life is a terminal process, and to include the notion of the process of ageing does not really add a lot. When you are one year old you are ageing; you are a day older the next day. You do not age any faster when you are 90 years old. You only age one day at a time. I am not sure what it actually means, to be perfectly honest. Nonetheless, as it is consequential and it is part of the overall approach that the member is putting in his amendments, I indicate that the government does not support it.

Amendment negatived; clause passed.

Clauses 20 to 22 passed.

Clause 23.

Mr PEDERICK: I move:

Page 16, after line 9—Insert:

(1a) Despite a provision of other Act or law, a decision of a substitute decision-maker appointed under an advance care directive to refuse the provision of life sustaining measures to the person who gave the advance care directive during the terminal phase of a terminal illness will be taken to be binding on a health practitioner.

This obviously fits with my ongoing theme of whether the person is in the terminal phase of a terminal illness and that this provision be added so that the effect of any decisions made by the substitute decision-maker regarding life-sustaining measures are binding when a person is in the terminal phase of a terminal illness or condition. I would be interested in your response to the amendment.

The Hon. J.D. HILL: Once again, I indicate that the government does not support this amendment for the same reasons, principally, I have given before. This is really substituting a health practitioner for the individual and the individual's representative, that is, the substitute

decision-maker. What this amendment means is that I can write down what I want to happen but, if a doctor chooses to, in a situation where it is not the terminal phase of a terminal illness my desires can be overridden.

Once again using the blood example, if I say I do not want to have blood given to me, and if I am no longer capable of making decisions for myself and it is not terminal, the doctor can decide what to do. That is contrary to good practice and morality, and it excludes the substitute decision-maker. My son and my wife, in my case, who know perfectly well what I want, would say to the clinicians, 'He doesn't want that,' and the clinician could say, 'Forget that. It's my responsibility. I will decide.' No, that is not the case: it is my choice. I have exercised my choice. I have thought about it. I have empowered family members to act on my behalf in circumstances. I trust them. They will do what is in my best interests.

We just went through this process in my family. There was no instrument, in fact, but my mother-in-law died a few months ago. The doctor said, 'There is a procedure which we can give you that might help, but it's not very likely.' My mother-in-law, who was starting to fade anyway, was told what the options were and she accepted it, but it was really up to her daughters to make the decision whether or not to proceed; they chose not to.

I guess you could say she was in the terminal stage, but it was not cancer; it was just the fact that she was dying. It was a natural process, and they did what was in her best interests and it worked well, but it could easily have been a doctor who was a bit more gung-ho, who wanted to experiment a bit, who could have said, 'Let's do this procedure. I think it's necessary and it will give her some extra life.'

That would have been incredibly intrusive. It would have been painful. It would have distressed everybody, but if we did not have the kinds of provisions this bill allows, the doctors could just do what they wanted. They might want to do it for research purposes. Who knows? Some doctors do these things. Under the bill, of course, it has just been pointed out to me that the substitute decision-maker stands in the place of the individual for whom the decisions are being made, and they have the same rights and responsibilities and the authority of that person.

Amendment negatived.

Mr PEDERICK: I move:

Page 16, line 19 [clause 23(4)]—Delete:

'Subject to an express direction to the contrary in the advance care directive, an' and substitute:

An

This amendment relates to clause 23(4) of the bill, the current version. What these health practitioners want is that the current version of the consent act be left intact. I seek simply to remove the words 'unless there is an express direction to the contrary' and just insert the word 'an'. Essentially, subclause (4) in clause 23 would read:

An advance care directive does not authorise the substitute decision-maker to refuse the following:

(a) the administration of drugs to relieve pain or distress;

(b) the natural provision of food and liquids by mouth.

I am just interested in your thoughts on that, minister.

The Hon. J.D. HILL: Again, it is restriction of an individual's choice. At the moment I can refuse to eat and drink if I am in a hospital. I do not have to accept the food and water, I do not have to accept the pain relief and I do not have to accept the medication, and I should be able to pass that power onto a person who is making decisions for me when I reach a stage when I can no longer make those decision for myself.

Once again using personal knowledge, some 16 years ago my sister died of cancer, and, in the week or so before she died, palliative care was taking control of her and she was given no food or water. She was given no nutrients at all—no water, nothing. She was just given morphine to maintain her, and that was what happened. It happens now.

I am advised that it would be an exceptional case where a person would include this provision—for example, a diabetes case. There was a recent case in a nursing home, I think, where a person who was suffering from diabetes won the right to refuse food and water. What this

does is really make clear what the current laws are, and what you would be doing is narrowing the rights that individuals currently have.

Mr PEDERICK: Minister, you can correct me if I am not on the right track here, but my information is indicating to me that the current version of the consent act does not have the words 'unless there is an express direction to the contrary'.

The Hon. J.D. HILL: As I understand it, if I were to put into my advance care directive now under the current legislation that I did not want food and water and pain relief to be provided to me in certain circumstances, then that is what would occur. However, someone on my behalf cannot refuse it for me unless I have made particular provision along those lines, and that is what we are repeating in this legislation.

We are not changing the arrangements, as I understand it. The existing arrangements will be maintained. If I choose and I explicitly say, 'I do not want to have food, water, pain relief, drugs, any of these things if I am in this set of circumstances' then that is the rule, but if I do not say those things, then my substitute cannot decide for me that I do not want food, water or pain relief.

I think what you are wanting to occur is actually what occurs, that is, if I say that I do not want intervention that does not include pain relief. Pain relief would normally be given unless I said explicitly, 'I don't want pain relief,' and that would be a very rare event, I think.

Amendment negatived; clause passed.

Clauses 24 to 35 passed.

Clause 36.

Mr PEDERICK: I move:

Page 21, line 11 to page 22, line 5—Delete clause 36

Health practitioners who have contacted me with this information indicate that they are concerned about clause 36, namely, that pursuant to this clause of the bill healthcare refusals are binding on all health practitioners, even in emergency events rather than that responsibility resting with the medical practitioner or practitioners or those under their supervision in such circumstances. The advice I have had from these health practitioners is that practitioners who do not comply with the advance care directive could be charged with assault and battery and also cited for professional misconduct. That is why I have moved that this clause be deleted. I am interested in the minister's response.

The Hon. J.D. HILL: If you were to remove this provision there would be no guidance at all to the medical profession, so in a sense you may as well say to health practitioners, 'Well, here is the law, you do what you choose.' This is saying that, if you ignore and do not follow the advance care directive, there are consequences and you could be referred to the Medical Board, which would then decide whether or not any disciplinary action should be taken. That is perfectly reasonable.

As I said before, if a medical practitioner chooses to perform something on me when I am compos—not mentally disturbed and not in an emergency situation—and were to do something to me that was against my will, then it would be assault and battery. That is the nature of the law. You cannot perform intervention on somebody against their will. Under prescribed circumstances, that is, where a personal is mentally impaired, there is a process you can go through which allows that to happen. You can do things if you are acting in good faith in an emergency situation, where you are in fact encouraged to intervene—that is normal process.

But, you cannot have a patient who has said explicitly, 'I don't want you to do this to me,' and then they go ahead and do it to them. That would be abuse of power and there should be provisions in there to protect the public in that way and I would have thought most practitioners would welcome making explicit that they have to follow the advance care directives because they do not want to be in an ambiguous situation as to their rights and responsibilities.

[Sitting extended beyond 17:00 on motion of Hon. J.D. Hill]

Mr PEDERICK: I appreciate your response, minister, but is there any risk at all in this clause that health practitioners who do not comply with the advance care directive could possibly be charged with assault and battery and also cited for professional misconduct?

The Hon. J.D. Hill interjecting:

Mr PEDERICK: Under this clause, and I appreciate your earlier response and you have covered some of it anyway, I think, but is there any risk at all that health practitioners who, for whatever reason, do not comply with the advance care directive could be charged with assault and battery and also cited for professional misconduct?

The Hon. J.D. HILL: Only if, knowing the advance care directive, they insist upon a course of action. Only when there is a binding refusal of health care. If I say, 'I do not want that intervention', and they ignore that and give it to me, then only under those circumstances. If it is an emergency, if I am mentally impaired or if they have my power overturned by one of the various appeals processes, then no, but if they blatantly ignore my request, then yes, in the same way that it would happen now. If I turned up to my doctor and he decided to perform some operation on me against my will then clearly I have a right of protection, and it is exactly the same.

Amendment negatived; clause passed.

Clause 37.

Mr PEDERICK: I move:

Page 22, lines 6 to 18—Delete clause 37

This is with regard to the conscientious objection clause. My amendment seeks to delete the clause. The clause provides:

(1) Despite any other provision of this Act, a health practitioner may refuse to comply with a provision of an advance care directive (whether binding or non-binding) on conscientious grounds.

(2) However, if a health practitioner refuses to comply with a provision of an advance care directive under subsection (1), he or she must take reasonable steps to—

(a) provide the person who gave the advance care directive, or a substitute decision-maker appointed under the advance care directive, the name and contact information of another health practitioner practising in the relevant field who the health practitioner reasonably believes will not refuse to comply with the provision on conscientious grounds; and

(b) if the person or the substitute decision-maker so requires, provide a referral to that health practitioner.

The health practitioners who have given me this advice have indicated that in this section a health practitioner who has an objection to facilitating an advance care directive treatment refusal has to refer the case and patient onto someone who will comply with the advance care directive even if the consequence of doing so results in the needless and unintentional death of that patient. The people who have consulted with me on this are concerned that someone may be forced, if they do not believe they want to comply, to refer the patient to another doctor, and they will have to live with the consequence that doing so could (could, I repeat) result in the needless and unintentional death of that patient.

The Hon. J.D. HILL: I thank the member and I might ask him a question as the mover of the amendment. What would he imagine would happen to the patient if the doctor who had the conscientious objection refused to do what the patient wanted? Would that patient then have imposed upon them something they did not want or would they have no medical service at all?

Mr PEDERICK: Yes, minister, that would be a difficult decision. It would be a difficult decision if you are not doing what the patient wanted. I guess what these people are saying to me and what I believe they are saying (and, certainly, I believe in the sanctity of life) is that the doctor may believe that this is a situation that is not life threatening and the life could be saved, so the initial doctor says, 'I can't live with that, I can't live with complying,' but under the legislation, under this clause as it is worded now (and I appreciate the point you are making, minister), the doctor then has to get another doctor who will comply with this directive.

I guess it is a bit of a morality issue for some of these health practitioners and doctors and it might be those lineball decisions that someone says, 'I think they are going to make it,' and for whatever reason they do not want to comply but then they do not want to have the guilt of having to refer that person on. I am just making the point on behalf of these doctors.

The Hon. J.D. HILL: You made the point well but it leaves the patient in a perilous situation because they have a doctor who, for conscientious reasons, does not want to comply with their binding wishes. Let us go back to the blood example, because I think that is a common

example. I can understand the conscientious nature of the situation for a doctor who says, 'This person is unconscious and if I give them blood they will survive, but they have told me they don't want to have blood because of their religious views. So, are my religious views or is my morality more important than the patient's?' I am then left with a choice, as the doctor, of overturning what the patient has told me and intervening or leaving the patient alone. If I leave the patient alone, I guess in a weird sense I have complied with what they want, anyway. What the law is saying is, if you do not want to deal with that patient's binding request, find somebody who is prepared to do it. I would have thought that was the easiest solution. What you are proposing leaves a hiatus, and I think that is the difficulty with it.

I have some advice that might assist a little bit, and we are prepared to have a think about this between this house and the other and maybe talk to you and you could talk to some of your colleagues about it. There is a draft provision which would include, 'despite any other provisions of this act a health practitioner may refuse to comply with a non-binding provision of an advance care directive on conscientious grounds'. So we would still expect a binding provision but a non-binding provision could be along the lines of, 'My intention would be that I do not want this to happen if certain things are happening,' but not as explicit as a binding provision. I am perhaps not expressing that very well.

We are happy to talk to you about it and float this idea and, if there is general consensus around it, not just within this place but amongst the people who are proponents of the measures in this bill and the ones who wrote the report for us, if they are supportive of it, I have no real serious objection to something along those lines. But I think the issue has to be dealt with. You cannot have a doctor who is not prepared to deal with what a patient wants and then just leave the patient. They have to have somebody who is going to look after them.

Mr PEDERICK: Thank you, minister. I appreciate your responses, and I want to say that the people who got in touch with me are keen that there are no unintended consequences of this bill if it becomes an act. For my own sake, I believe in the sanctity of life and I uphold what these people have brought to me and want to make sure that the right decisions are made so that we do not end up having issues where people, for whatever reason, die from lack of treatment in any of these circumstances when the bill becomes an act and we have unintended consequences. I certainly was very keen to convey the wishes of these people to you. We have done that, and it will be an interesting discussion between the houses and the debate in the upper house, I am sure.

Amendment negatived; clause passed.

The Hon. J.D. HILL: Rather than make a third reading speech, I will make a quick statement now. I thank the members of the committee for their contributions to this debate, and I thank the member for Hammond for raising some issues which have given us a chance to clarify and put on the record what the provisions are about, and I think it is helpful. There were a couple of matters I said I would consider between now and the other place. If we can try to build a consensus for this, I think it would be a good thing.

This matter has been under investigation, consultation, discussion now for almost as long as I have been health minister, which is getting on for seven years. I want to pay tribute to everybody who has helped get it thus far, particularly Martyn Evans and his committee. I think they did a sterling job of building a report which has broad support.

I would also particularly like to thank my departmental officers—Kathy Williams, who is a senior policy officer in SA Health; Rebecca Horgan, who is a principal policy officer; and Alicia Wrench-Doody, who is a policy officer—for their help over a long time now, and also Mark Herbst, parliamentary counsel, for his great skilful professional work on this.

Remaining clauses (38 to 62), schedule and title passed.

Bill reported without amendment.

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (17:12): I move:

That this bill be now read a third time.

The Hon. S.W. KEY (Ashford) (17:13): I support the Advance Care Directives Bill and congratulate the Minister for Health, the Attorney-General and all those who have been involved in extensive consultation to prepare the bill. I know it is extensive because in 2009, I think, I remember having a discussion with Martyn Evans, who chaired the consultation in this state.

As members would know, I have been a long-time supporter of advance care directives and planning for end-of-life arrangements. I am pleased that South Australia is able to lead the way in an important area, being the first state to consider legislation which applies to the newly agreed national guidelines for advance care directives. I am drawing on the ABC Radio National program in June 2011 to highlight the reason we need the Advance Care Directives Bill and what I understand to be an extensive education and awareness program in the community and the medical profession following the passing of the bill.

Dr Bill Silvester is at the heart of the global efforts. He is the president of an international society on advance care directives and he is receiving federal funding to roll out an advance directive training program called 'Respecting patient choices'. Dr Silvester, who works at the Austin Hospital, states:

> Patients' end-of-life wishes are not being respected for a number of reasons. Either because they are not known, and that's because no-one's talked to them about it. Secondly, because the wishes may be known but not respected because doctors struggle with this as human beings. They struggle to accept the reality that the treatment is not working. Some doctors take it as a personal failure that the treatment is not working and so they...push on regardless. And for some doctors, it's a very difficult discussion to have with a patient or family members and so they avoid it by allowing the treatment to continue. Even though they may know that this is not what the person would want.
>
> To change that culture we need education. Ongoing constant unwavering education of the junior doctors and where possible with the senior doctors.
>
> The British Medical Journal article that we published in 2010 showed that doing advance care planning improved end-of-life care, improved the respect for patients' wishes at the end of life, improved patient and family satisfaction with regard to hospital care, and reduce the likelihood of anxiety, depression and post-traumatic stress in the surviving relatives of patients who died. And this whole area is continuing to grow.
>
> The push to improve end of life care is not just about getting patients to decide what they want. It's about calls for compulsory, standardised training for all health professionals, to recognise when someone is dying, what treatment to choose, and how to navigate complex law in this area.
>
> Doctors and lawyers are confused about whether an advance care directive should be legally binding. And about the power of people known broadly as substitute decision makers. Those we appoint to make our medical decisions when we no longer can.

As we know, the bill will clarify the situation in South Australia and facilitate the process for people to make their end of life arrangements. What we need is for the community to be provided with information that is easy to understand, forms that will assist them to make their end of life arrangements clear to their friends, family and doctors so there will be no more confusion and patients' wishes and patients' rights will be respected.

I commend the bill and just say that, as a member of parliament with a very busy electorate office, what really concerns me are the numbers of people who come into my electorate office (and I am sure other members' electorate offices) who have no idea how to fill in the forms, what they are doing and where they should be going. They certainly have views about their advance care directives but find the whole process really confusing.

If nothing else, it is really important for us to make that process easy for people and also easy for people to change their mind if that is what they decide. I really would like to compliment the minister and the team of people who I know have been working on this and I hope that this bill has a speedy passage.

Bill read a third time and passed.

TRUSTEE COMPANIES (TRANSFERS) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

FIRST HOME OWNER GRANT (HOUSING GRANT REFORMS) AMENDMENT BILL

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

No. 1 Clause 16, page 7, line 32—Delete 'otherwise' and substitute 'other than'

No. 2 Clause 16, page 8, line 5—After 'remoter' insert 'lineal'

Consideration in committee.

The Hon. J.J. SNELLING: I move:

That the Legislative Council's amendments be agreed to.

The bill implements the government's changes to the housing assistance which were announced on 15 October and which have been welcomed by industry. The bill has passed the upper house with two minor amendments. The first amendment relates to a small drafting error that was raised during debate. This amendment ensures that the definition of 'close associate' in proposed section 18BAB(6)(e) reads correctly to say 'other than as a shareholder in a body corporate'.

The second amendment relates to another small drafting error. The second amendment ensures that the definition of 'relative' in proposed section 18BAB(7)(c) applies to only lineal descendants, which will make the wording consistent with the definition in paragraph (b), which refers to lineal ancestors. I would like to thank those who contributed to this bill which has facilitated the expeditious passage of the bill through the parliament.

Ms CHAPMAN: I rise to indicate that the opposition welcomes the amendments and thanks the upper house. I did not know that the member for Croydon had a cousin in the upper house, but obviously someone is working diligently to make sure that our grammar is correct and that we deal with these issues.

Motion carried.

EVIDENCE (REPORTING ON SEXUAL OFFENCES) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

WILLS (INTERNATIONAL WILLS) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

CRIMINAL LAW (SENTENCING) (GUILTY PLEAS) AMENDMENT BILL

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

No. 1 Clause 7, page 7, lines 11 to 13 [inserted section 10B(6)]—Delete subsection (6)

No. 2 Clause 7, page 9, lines 21 to 23 [inserted section 10C(6)]—Delete subsection (6)

UPPER SOUTH EAST DRYLAND SALINITY AND FLOOD MANAGEMENT (POSTPONEMENT OF EXPIRY) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 31 October 2012.)

Mr WILLIAMS (MacKillop) (17:23): I inform the house that I will be the lead speaker for the opposition on this matter. This is an interesting piece of legislation. I am not too sure, but at the time it first went through it was not treated as a hybrid bill, but I can inform the house that the application of the bill has only been in one small part of the state, namely, in my electorate. Its application has been restricted to just that electorate.

The bill has had an interesting history, but I will not detain the house for too long this evening. There is another bill pertaining to drainage in the South-East, which I believe we will debate at a later date and on which I will be more fulsome in my remarks, but there are a number of matters I want to bring to the house's attention in regard to the government's bill before us, which is basically to extend the life of this piece of legislation. I will say from the start that the opposition opposes that extension, and I will come back to that later on in my remarks and explain why the opposition is opposing the extension.

I will give a little background. The Upper South-East of the state has had a significant drainage scheme implemented over it in recent years, probably in the last almost 15 years now. It is not a part of the state that becomes inundated with floodwaters these days, although, historically, significant parts of it would have been very, very wet. When we talk about the Upper South-East of the state, we are talking between Salt Creek, at the bottom end of the Coorong, across to probably almost Naracoorte in the east and almost to Kingston in the south and extending in the north almost to Keith, on the Dukes Highway. It is the drainage scheme in that area that the principal act pertains to.

I do not think that anyone would describe the area that was cleared as prime agriculture land. There is a lot of good grazing land in there, and parts of it has significant irrigation, and there

is some cropping done in that country, too, these days. Principally, it was cleared relatively late in the history of the state's development because of the quality of the land and it was used for grazing. The mallee scrub, the native eucalypt and tea tree scrub were cleared and replaced with lucerne pastures to graze livestock on, both sheep and cattle, and it was quite productive country for that purpose.

In the mid to late 1970s, two insect pests arrived in that district, and they were pests that particularly impacted the lucerne. With the pressure of the pests and the grazing on the lucerne, we saw the destruction of huge areas of lucerne right across the Upper South-East. This was referred to as dryland lucerne, so it was not non-irrigated. Just the stress of the stocking rates on it and insects destroyed those stands of lucerne.

With respect to the impact that had on the local environment, the original native vegetation was deep-rooted perennial plants, mallee scrub, tea tree scrub and a variety of other native plants, which basically utilised all of the rainfall that fell across the landscape. When that was cleared and replaced with lucerne, the water balance did not change. The lucerne had basically the same impact; it was using pretty well all of the rainfall that occurred across the landscape in that area.

When the lucerne stands were decimated, the local farmers could not replace the lucerne at that time because of these insect pests. They replaced it with annual grasses to graze their livestock on, and that impacted greatly the stocking rates or the carrying capacity and obviously the productivity and thus the profitability of grazing across those lands. It had a significant impact on the water balance in so much as the annual grasses did not use anywhere near as much water. Once the natural rainfall had percolated through the soil profile down to a depth beyond the roots of those annual grasses, the water kept going down and eventually reached the watertable.

Over a period of years—and it was only a few short years—after the decimation of the lucerne stands, we saw that the watertable rose dramatically in that area. In fact, it rose so dramatically that it basically came to the surface over large areas and, because a lot of the watertables were saline, it was bringing saline water to the surface, and that is what we refer to as dryland salinity, and caused the destruction of then second grade pastures that were being grown on that area. By the mid-1980s, this had become quite common and was quite worrying to the local communities. There was significant talk about what might be done to address this, and one of the options put forward was to provide a drainage scheme to lower the groundwater, to lower the watertable.

An environmental impact study was done across the area, and out of that work, it was proposed that yes, we would go ahead with the drainage scheme, and the Upper South East Dryland Salinity and Flood Management Scheme was proposed. One of the keys to promulgating that scheme was then to set up a funding arrangement. It was perceived in those days that the scheme would cost some $24 million, and the agreement was that the state would contribute $9 million, the commonwealth would contribute $9 million, and the balance of $6 million was levied from local landowners.

We are getting to around the mid-1990s by this stage. The scheme was promulgated and got underway, and we started digging drains. The scheme has had its ups and downs; there has been continuing debate over where drains should go. Some landowners argued that they should be on the eastern side of the flats, some argued that it should be on the western side of the flats, and some argued they should have been down the centre of the flats. Some farmers said that they should be deep drains, whereas some argued that they should have been shallow drains.

As it turned out, we have a variety of solutions across the landscape. One of the interesting things that occurred is that, whilst a lot of these arguments were going on, some landowners became quite frustrated. One landowner in particular, Tom Brinkworth, who was a very significant landowner in the area, and by far the largest landowner in the area—in fact, he may have owned the majority of the land in the area—started digging drains himself, I think to the chagrin of the department.

He caused more frustrations, both in some of the work that he did and where he delivered water, and there was a lot of ongoing debate about that and the influence that Tom Brinkworth was having. I have always argued that, if it were not for Tom Brinkworth, we might still be arguing about where we are going to build the drains instead of having dug them. That went on for some time, and Tom Brinkworth kept buying properties and building new drains on new properties.

One of the problems that we encountered very early on was that the logical outlet to get this water into the Coorong would have been through the Messent Conservation Park. That was

one of the first stumbling blocks—permission to build a drain through the Messent Conservation Park. It was certainly not something that was supported by the department of environment, and was seen to be almost impossible to achieve.

The next option was to go to the next property south of Messent Conservation Park, a property called Currawong, and the owner of that property was just as adamant that he did not want a drain running through his property. As luck would have it, it was a relatively long and narrow property and the drain would have traversed through the middle of the property, along the length of the property, and basically split it in half. There were ongoing negotiations to try to get access through that property.

Eventually, the northern outlet was constructed by Tom Brinkworth on land which he had owned and then donated to an environmental trust—the wetlands and wildlife—that he had set up. The northern outlet was constructed by Tom Brinkworth and became part of the scheme, and it gave the scheme the ultimate outlet to allow water through the range into the Coorong.

Prior to that, the then Liberal government, wanting to keep faith with the local community which they had already started levying to pay for the drains, started digging further south in scheme. The first drain to be constructed was the Fairview Drain, which starts not far to the west of the town of Naracoorte, and eventually runs out and empties its waters into the Blackford Drain, which discharges into the sea just north of the town of Kingston.

I recall that it would have been in the mid-1990s because at that stage I was an elected landholder member of the South Eastern Water Conservation and Drainage Board. I remember that when we were putting the cutting through at Keilira we had a debate within the drainage board on why we would discharge all the water generated in the Fairview Drain into the sea. We came up with the concept of diverting a significant portion of that water northwards before it went through the cutting at Keilira, up the old Bakers Range Watercourse and through the G Cutting, and that allowed us to shift that water northwards.

That gave us the option of shifting high quality fresh water from the winter rainfall to the north and back into wetlands between Keilira and all those lands to the north. The poorer quality water, which was generated more generally at the end of summer and into the autumn—quite saline groundwater—could then continue through the cutting to be built at Keilira and into the Blackford Drain and out to sea.

One of the things that it allowed us to do was scale down the size of the cutting at Keilira quite considerably, saving a considerable amount of money to the scheme. I remember that it was fairly hard rock in that cutting at the time; it was a fairly costly exercise digging that cutting and, from memory, we saved quite a bit of money as well as getting a much better environmental outcome by diverting that water. I remember the debates in the drainage board quite vividly, and I happened to be one of the ones who agreed with the alternative proposal to send water northwards, and today some of that water will eventually flow into the Coorong.

With the scheme at that point, when the Fairview Drain was completed, we still did not have the northern outlet—that came a few years later. Eventually, the scheme continued to slowly move forward. When there was a change of government, the now Minister for Health, John Hill (member for Kaurna), was the minister for environment and took carriage of the scheme. He took it upon himself and decided that he could make things happen much more quickly, and he brought legislation to the parliament: the Upper South East Dryland Salinity and Flood Management Bill.

I remember the legislation went through the upper house first (and I cannot remember why that was the case), and we debated it in this house on the last day of sitting in 2002. In fact, it was 5 December 2002, and it was late in the afternoon. I think at the time I spoke for a couple of hours on the bill, and I would have gone for a fair bit longer but for the fact that all my colleagues on both sides of the chamber were anxious to get out of here on the last day of sitting and get home.

The bill did eventually go through. I have gone back and picked up the *Hansard* and reviewed the contributions made by the minister in introducing the bill back in 2002. It was introduced on 4 December and we completed the debate on 5 December, the bill having already been through the upper house, which in itself is unusual, but the minister was anxious to get it through.

One of the interesting things about the original legislation was that it had a sunset clause in it of four years, and the minister was adamant that with this measure he would be able to complete the project very quickly and certainly within the four-year life of the legislation. He said:

> Certainty of alignment will enable the drainage component of the scheme to be completed quickly.

One of the things the bill did was give the government the ability to compulsorily acquire land on which to construct the drain. That is one of the things I opposed. I have always opposed the notion, notwithstanding that the South Australian constitution allows the state to compulsorily acquire property from citizens without compensation (the federal constitution does not), and that is what this piece of legislation does. The minister went on to say:

> All of these alignments are to be acquired at no cost by force of the legislation...

That is one of the things that the principal act does and the minister went on to say, as I have just quoted:

> Certainty of alignment will enable the drainage component for the scheme to be completed quickly.

He went on to say that the government considers it vital that this legislation be put in place to provide clarity and underpin rapid progress. Then he said:

> The bill has a scheduled review date in four years from the date of proclamation. At this time it is expected the drainage works will be complete...

On 4 December 2002, the minister told the house that he expected the project would be completed within four years. The act came into operation on 19 December 2002, so the minister told the house that he expected the construction of the drainage to be completed by 19 December 2006. He got that a little wrong.

Interestingly, I did note in my contribution that there were a lot of other things the minister needed to do and I could not understand why he needed this legislation because he had plenty of other things to do that were holding up the construction and he should get on with doing those things. I did not think he needed this piece of legislation to expedite the drains. I said:

> I do not think the minister needs the powers. I doubt whether given these powers the minister will progress this scheme very quickly.

How prophetic were those words from Thursday 5 December 2002, because the scheme was not completed by 19 December 2006. In fact, the scheme was not completed until 2011, and twice previously the government has come to the parliament and asked for an extension. In 2006 the parliament extended the legislation for a further three years and then in 2009 it was extended for a further three years. It is due to expire on 19 December this year and the government is now asking for a further extension, this time for another four years.

I also noted in my contribution way back then in 2002 that I thought the powers were very draconian, they were unnecessary and this was a bad piece of legislation. I noted that I thought that, if the house did accept the notion that we should allow the government to compulsorily acquire without compensation land from farmers in the South-East, the bureaucracy would urge ministers into the future to retain those powers, not just in that area.

I suggested at that time that it might be suggested to governments in the future that, once the precedent had been set, these powers might be used in other instances where the government was struggling by reasonable negotiation to get access to assets of members of the community to build projects on. I argued against the legislation in 2002. I have continued to argue against the extension of it. I have never thought it was necessary and it is draconian.

One of the other reasons why I argued against the legislation was the transfer of the power to raise these levies from the South Eastern Water Conservation and Drainage Board to the minister. I thought that was a retrograde step, too, and I still think it is a retrograde step. This was a bad piece of legislation when it was brought to the parliament back in 2002. It remains a bad piece of legislation, but in reality it is no longer needed because the drainage scheme has been completed. I think that is a very important thing to note.

I have read through the minister's second reading explanation and I have to say to the house that it is full of claims and statements that are, by way of fact, wrong. In his opening paragraph the minister said, 'This act has not only provided for the initiation and implementation of works'—well, the Fairview Drain was completed before this act was brought to the parliament, so this legislation certainly did not provide for the initiation of the scheme.

This act was designed to allow the minister to ride roughshod over the communities in the South-East. Those are the additional powers that the parliament gave to the minister then, but certainly the scheme was underway and certainly there were negotiations. Various governments in South Australia have been digging drains in the South-East for 150 years without the powers that

were granted by this legislation. I argued that at the time and it is still the case: we did not need those powers, in my opinion, to complete the scheme.

In his second reading explanation the minister also said that in June 2011, after its completion, the South-East drainage system moved from construction to operational phase:

> In order to enable this management to continue, the expiration date of the Upper South East Dryland Salinity and Flood Management Act 2002 needs to be extended.

Again, I have to tell the house that that is just plain wrong. It was always envisaged by the principal act that once the construction was completed this principal act would expire and the ongoing management would be transferred to the South Eastern Water Conservation and Drainage Board. The South Eastern Water Conservation and Drainage Board has been managing the rest of the drainage scheme in the South-East—the drains that were dug between the 1860s and the 1970s—for years.

Section 45 of the principal act deals with the expiry of the act, and a series of subsections specifically indicate that it was always the intention that this act would expire and that the ongoing management would be transferred to the South Eastern Water Conservation and Drainage Board. Indeed, it specifically makes provision that any agreements, easements, leases or any other matters which are the subject of arrangements between the minister through this act and landholders in the South-East would be transferred automatically to be the same arrangement between the South Eastern Water Conservation and Drainage Board and those same landholders. It is an absolute nonsense to suggest that we need the continuation of this act for the ongoing maintenance of the Upper South East Drainage Scheme. That is just plain wrong and I do not know why the minister comes into the house and suggests that be the case.

The minister did acknowledge that one of the reasons for retaining the act might be that it 'could serve as a vehicle for potential future infrastructure works, such as the proposed South East Flows Restoration Project'. I would argue that that is the principal reason that the government wants to retain this. The government has a plan to dig another drain in the South-East to transfer water from the Mid South-East, and maybe even down as far as the Lower South-East, back up adjacent to the coastline and into the Coorong.

As I have said publicly, I do not have a problem with the principle. I have some serious concerns about some of the aspects. The principal concern I have is the amount of water that the government believes that it can transfer through such works. I know that the government want to maximise the amount of water from the South-East to move northwards and into the Coorong because every gigalitre of water that we can generate through that process is a gigalitre of water that South Australia contributes to its obligations under the upcoming Murray-Darling Basin Plan. The Coorong being part of the Murray-Darling Basin, if we can shift water out of the South-East into the Coorong, that means there is less water we need to find elsewhere within the Murray-Darling Basin system as part of our contribution.

That is fantastic, and I support the principle, but I certainly do not support any transfer of water out of the South-East which is going to have a detrimental effect on the South-East or have a detrimental effect on landowners in the South-East to achieve that other outcome. I think the first priority for water in the South-East should be to protect the integrity of the South-East and the environmental assets there and to protect the integrity of the landholders.

I could go on at length about this. I believe that in the Lower South-East I can see evidence, even during my lifetime, that it has been overdrained, and successive governments have done very little to address that. I have with me an environmental impact study dated June 1980 about the effect of drainage in the South-East of South Australia; that is over 30 years ago. It was recognised then that there were potentially issues with overdrainage in the South-East but very little has been done to address that.

If we go ahead with the project to shift huge amounts of water out of the South-East into the Coorong, that will not be reversible into the future because it will be part of our sign-off to the Murray-Darling Basin Plan, so I think we need to be very careful in robbing Peter to pay Paul that we do not attempt to fix one environmental disaster by creating another one. That is why we need to be very careful as we step forward in this. That is another reason why I believe we should allow this piece of legislation to expire because then the government of the day (whoever it is), as they move forward on any proposal to move water from the South-East into the Coorong, will have to do it with the agreement of the local population in the South-East, the local landholders and the local communities. If they can achieve that, I think we will achieve a win-win situation. We will achieve a

win for the Coorong and the River Murray system in South Australia without causing detriment to the landholders, the environment and the communities in the South-East. That is a compelling reason why we should not allow a further extension of this piece of legislation which gives powers to the minister of the day to ride roughshod over local communities.

There is no reason for it. We have already completed the drainage scheme. We do not need it for the ongoing management. It will only give the minister these compulsory acquisition powers so that he does not have to negotiate with local communities. I am fully aware that the government has the numbers in this house and will no doubt use its numbers to have its way on this measure, but it may not be if my argument along those in the other place is persuasive enough. I hope that I can stop the government from proceeding down this path.

I am aware that my colleague the member for Mount Gambier also has some concerns. He suggests that we address this in a different manner than I am proposing. I am more than happy that we support his proposal because I think that will to some extent curtail the government's excesses. I do not think it goes far enough, but it might be an acceptable halfway house for the government in this place. I will still be lobbying our colleagues in the other place to insist that we allow this piece of legislation, which was draconian in its conception and which remains draconian and unnecessary, to expire. If the government comes up with a good proposal to shift water from the South-East to the Coorong, let it make its argument and let it come back to the house if it needs specific legislation to achieve that outcome.

I do not believe—as I did not believe back in 2002—that the government needs these specific powers to achieve the outcomes of the Upper South-East scheme. I do not believe that we need these draconian powers to achieve those outcomes for the Coorong. Indeed, I think by leaving these powers on the statute books we increase the risk of getting it wrong once again. What we are trying to do with regard to the Murray-Darling Basin is come up with something that we have not been able to achieve in well over 100 years.

Let us not repeat the sort of mistakes that we have made in this country over water over a long, long time. Let us look at the South-East as a very important part of this state, not just agriculturally but environmentally too. We have changed the environmental landscape of the South-East dramatically since white settlement, but let us not rush forward by allowing the minister to continue to hold powers which in a modern society he should not exercise, because I think that increases the risk of making serious mistakes again.

I will conclude my remarks there, but I urge the house to take on board what I have said and I urge the minister to reconsider his position, notwithstanding the advice he is getting from his department. I accept that, but I urge the minister to reconsider his position and allow this legislation to expire, as was promised to the house back in 2002, again in 2006 and again in 2009. How many times are we going to be told that the government's intent is to let this legislation expire, only to have successive ministers come back and urge the house and use its numbers to push it out for another three years, and in this case four? It will be a sad day for the South-East if this bill gets through the parliament.

Debate adjourned on motion of Mr Pegler.

At 17:57 the house adjourned until Tuesday 27 November 2012 at 11:00.