

HOUSE OF ASSEMBLY

CORRIGENDA

First Session of the Fifty-Second Parliament
From Thursday 6 May 2010 to 1 December 2011

Page 125, line 44—Replace 'Labor' with 'Liberal'

Page 243, line 1—Replace 'Nitschske' with 'Nitschke'

Page 224—

Line 39—Replace 'McLaughlin's' with 'McLachlan's'

Line 40—Replace 'McLaughlin' with 'McLachlan'

Line 41—Replace 'McLaughlin' with 'McLachlan'

Line 42—Replace 'McLaughlin' with 'McLachlan'

Line 44—Replace 'McLaughlin' with 'McLachlan'

Page 818—

Line 6—Before 'amendments' insert 'suggested'

Line 7—Before 'amendments' insert 'suggested'

Line 39—Before 'amendments' insert 'suggested'

Page 1232—

Line 46—Replace 'for' with 'or'

Line 56—Delete ', and it would operate through the Supreme Court of South Australia'

Page 1233—

Line 34—After 'does' delete 'not'

After line 51—Replace Explanation of Clauses with:

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

This measure will commence on the making of a proclamation by the Governor, or, should that not happen within 6 months of assent, it will commence on the 6 month anniversary of assent.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of Consent to Medical Treatment and

Palliative Care Act 1995

4—Amendment of long title

This clause amends the long title to reflect the fact that the scope of the Act is broadened by this measure.

5—Amendment of section 1—Short title

The short title of the Act is amended to reflect the changed scope of the Act.

6—Amendment of section 3—Objects

This clause inserts new paragraph (d) into section 3 of the Act, setting out the objects of the Act as amended by this measure.

7—Insertion of Part 2 Division A1

This clause inserts new Part 2 Division A1, consisting of new section 5A, which provides that Part 2 of the Act, dealing with medical treatment, does not apply to, or in relation to, medical treatment consisting of the administration of voluntary euthanasia to a person, and contains relocated section 18 of the current Act.

8—Amendment of section 14—Register

This clause makes a consequential amendment following the insertion of new Part 4 Division 2.

9—Repeal of section 18

This clause repeals section 18, as the provisions of that section are now to be found in new section 5A.

10—Substitution of Part 4

This clause substitutes Part 4 of the current Act (currently only a regulation making power) to insert a new Part 4 dealing with the end of life arrangements of certain people as follows:

Part 4—End of life arrangements

Division 1—Preliminary

18—Interpretation

This section defines key terms used in the Part.

19—Object and principles

This clause sets out the objects and principles of the Part.

20—Approval of interpreters

An interpreter of a particular language, in relation to interpreting and translating services required under the Part (for example, in relation to making a request for voluntary euthanasia), must ordinarily be a person accredited as a translator or interpreter (or both) in that language by the National Accreditation Authority for Translators and Interpreters Ltd. However, if such a person is not reasonably available, then the Minister may approve a person to act as the requisite interpreter in relation to a particular request.

Division 2—End of life arrangements other than voluntary euthanasia

21—Refusal of future medical treatment so as to bring about death

This section allows an adult person of sound mind to give an anticipatory direction that he or she refuses to consent to certain medical treatment, and further that he or she be allowed to die. The direction only enlivens if the person is incapable of making decisions about medical treatment when the question of administering the treatment arises. The section also makes procedural provisions in respect of such a direction.

22—False or misleading statements

It is an offence for a person to make a false or misleading statement in, or in relation to, a direction under new section 21. The maximum penalty for such an offence is, where a person has died as a consequence of the statement, 20 years imprisonment. In any other case, the maximum penalty is 10 years imprisonment.

Division 3—Voluntary euthanasia

Subdivision 1—Administration

23—Establishment of Board

24—Composition of Board

25—Terms and conditions of membership

26—Presiding member

27—Functions of Board

28—Board's procedures

29—Conflict of interest etc

These clauses establish the Voluntary Euthanasia Board of South Australia, and deal with matters related to the establishment etc of the Board. The Board has the function of advising the Minister and

is to carry out any other functions assigned to it under the Act or by the Minister. Of particular note is the conferral of powers to conduct inquiries, and make declarations and orders, under section 41. However, the Board is not required to inquire into or approve each request for voluntary euthanasia, rather it only acts in relation to a particular request following an application for a declaration, or following an inquiry (whether the inquiry was a result of an application for a declaration or was conducted on the Board's own motion).

30—Other staff of Board

The Board will have such staff as it thinks necessary, and may make use of the services or staff of an administrative unit of the Public Service under an arrangement with the relevant Minister.

31—Annual report

The Board is required to prepare an annual report into its work in the preceding financial year. This report must be laid before both Houses of Parliament.

Subdivision 2—Register

32—Registrar of Board

This section establishes that there is to be a Registrar of the Board.

33—Register

This section requires the Registrar to keep a register that contains the specified information in relation to each request for voluntary euthanasia.

The section also sets out what must happen should the Registrar become aware of a revocation or purported revocation of a request for voluntary euthanasia.

34—Registrar may require information

This section enables the Registrar (for the purpose of preparing and administering the Register) to require a person to provide the Registrar with such information as the Registrar may require.

Subdivision 3—Voluntary euthanasia

35—Active requests

This section provides for the making of active requests for voluntary euthanasia.

Subsection (1) sets out who can make an active request.

Subsection (3) sets out matters that must be complied with in making a request, including the information that must be given to the person making the request, the medical examinations or consultations that must occur (there must be a minimum of 2 independent examinations, 1 of which must be conducted by a specialist in the relevant area of medicine) and a requirement that the applicant be resident of this State for 12 months prior to making a request or have made a current request under the law of another jurisdiction.

The section sets out a requirement that, if the request practitioner or specialist practitioner suspects that the person is not of sound mind, or their decision making ability is affected by their state of mind, or they are acting under duress, inducement or undue influence, the person must consult a psychiatrist and obtain a certificate as to specified matters prior to making their request.

The section further sets out procedural matters in respect of making a request where the person is not able to write, or is not fluent in English.

The section sets out requirements as to the form that a request must take, and the documents that must accompany it.

An active request has effect from the time that it is entered on the Register (that is to say the Board or the Registrar is not required to approve the request before it takes effect) and remains in force until it is revoked.

36—Advance requests

This section provides for the making of advance requests for voluntary euthanasia to be administered should the person who made the request suffer a permanent deprivation of consciousness.

The requirements in relation to making an advance request are largely the same as for active requests, with the difference being that, because a person need not be suffering an illness etc at the time of making the request, the second doctor is not a specialist, rather their role is to independently consider the person's soundness of mind, whether their decision making ability is affected by their state of mind, or whether they are acting under duress or inducement.

37—Request form etc to be forwarded to Registrar

This section requires the medical practitioner who accepts a request for voluntary euthanasia to forward the specified forms, documents and records to the Registrar. Failure to do so, without reasonable excuse, is an offence.

38—Variation of requests

This section provides that a request for voluntary euthanasia may be varied with the authority of the Board. However, a request cannot be varied if the proposed variation significantly changes the nature of the request.

39—Interaction between requests

A person's request for voluntary euthanasia revokes all earlier requests for voluntary euthanasia made by the person.

40—Revocation of requests

This section sets out how a request for voluntary euthanasia can be revoked. A person's request will be taken to be revoked should the person make any indication whatsoever that he or she wishes to revoke the request, whether or not the person is mentally competent at the time the indication is given.

The clause then sets out the responsibilities of medical practitioners and others to advise the Registrar upon the person becoming aware of a revocation. It is an offence carrying a maximum penalty of up to 20 years imprisonment for a medical practitioner or other person to refuse or fail, without reasonable excuse, to comply with a requirement under this section.

Subdivision 4—Board declarations and orders

41—Board declarations and orders

This section sets out the powers and functions of the Board insofar as they relate to the Board's ability to make declarations and orders.

The Board may, on the application of a person of a kind specified in subsection (1) but not otherwise, make declarations of the following kind under subsection (2):

- (a) a declaration that a person who made a request is, or is not, a person to whom section 35 applies;
- (b) in the case of an advance request—a declaration that a person who made a request is suffering from a permanent deprivation of consciousness;
- (c) a declaration that a condition specified in the request has, or has not, been satisfied;
- (d) a declaration that a requirement under this Act in relation to the making of the request has, or has not, been satisfied.

Medical practitioners who may administer voluntary euthanasia to a patient, and other persons specified in subsection (1), can seek a declaration so as to provide certainty in respect of actions they may take in relation to the administration of voluntary euthanasia.

The Board may also make the kinds of orders set out in subsection (7). Unlike the declarations, the Board can make these orders following inquiries undertaken on the Board's own motion, in addition to inquiries arising out of an application for a declaration under the section. Failure to comply with an order under the section is an offence carrying a maximum penalty of up to 20 years imprisonment.

The section does not, however, require the Board to inquire into every request for voluntary euthanasia.

The section further sets out procedural matters in relation to the consideration of applications, including requiring matters to be heard as a matter of urgency, and not be open to the public.

42—Powers of Board in relation to witnesses etc

This section is a standard provision setting out the powers of the Board in relation to witnesses, including the power to require persons to appear before, and documents to be provided to, the Board.

Witnesses before the Board have the same protections as witnesses in proceedings before the Supreme Court.

43—Access to Board records

The persons specified in section 41(1) can inspect records of proceedings of the Board in respect of a declaration under section 41. Other people can only inspect the records if the Supreme Court authorises them to do so.

Subdivision 5—Appeal

44—Right of appeal to Supreme Court

This section sets out appeal rights to the Supreme Court in respect of declarations or orders under section 41. Only the persons specified in section 41(1) can institute such an appeal.

Subdivision 6—Administration of voluntary euthanasia

45—Administration of voluntary euthanasia

This section sets out when and how a medical practitioner may administer voluntary euthanasia. Subsection (1) provides a list of matters that must be satisfied before voluntary euthanasia can be administered to a person.

Subsection (2) sets out the methods by which voluntary euthanasia may be administered.

The provision also sets out procedural matters relating to the administration of voluntary euthanasia, including the handling by medical practitioners of drugs used, or intended for use, in the administration of voluntary euthanasia, and a requirement that the medical practitioner administering voluntary euthanasia examine the person to whom voluntary euthanasia has been administered to ensure the person has died.

46—Report to State Coroner

This section requires a medical practitioner who has administered voluntary euthanasia to a person to submit a report to the State Coroner, and sets out what the report must contain.

The State Coroner must forward a copy of the report to the Board.

Subdivision 7—Offences

47—Undue influence etc

It is an offence for a person to induce another to make a request for voluntary euthanasia by means of dishonesty or undue influence. The maximum penalty is up to 20 years imprisonment (where a person has died as a result of the inducement).

48—False or misleading statements

It is an offence for a person to make a false or misleading statement in relation to a request for voluntary euthanasia. The maximum penalty is up to 20 years imprisonment (where a person has died as a result of the statement).

49—Limitation of fees

This section prevents a medical practitioner or other person from receiving fees in relation to requests for, and administration of, voluntary euthanasia that exceed the reasonable costs they have incurred in relation to their actions.

Should a person be convicted of an offence against the section, a court can require them to account for any fees received in contravention of the section.

Division 4—Miscellaneous

50—Certain persons to forfeit interest in estate

This section provides that a person who commits an offence against new section 47 automatically forfeits any interest they may have in the estate of the person who was induced by them to make a request for voluntary euthanasia.

Similarly, a court has the discretion to order, on the application of the prosecution, that a person who commits an offence against new section 40(4) or 48 forfeit any interest they may have in the estate of the person who made a request for voluntary euthanasia as a result of their conduct.

51—Protection from liability

This clause confers immunity from civil or criminal liability on a person for an act or omission done or made in good faith, without negligence and in accordance with a direction under new section 21.

Similarly, persons involved in, or in relation to, a request for, or the administration of, voluntary euthanasia incur no liability of the kinds, and in the circumstances, set out in subsection (2).

The protections under the section extend to disciplinary or similar proceedings.

52—Imputation of conduct or state of mind of officer etc

This provision imputes the conduct and state of mind of an officer, employee or agent of a body corporate, or an employee or agent of a natural person, to the body corporate or person. This allows

the body corporate or natural person to be held accountable for the actions of their employees etc to the extent that they were acting within their usual or ostensible authority.

However, there is a defence available to the body corporate or natural person if they prove that the alleged contravention did not result from any failure on the defendant's part to take all reasonable and practicable measures to prevent the contravention or contraventions of the same or a similar nature.

53—Liability of directors

This section extends the liability of a body corporate, in relation to a particular offence committed by the body corporate, to each of its directors (except where the principal offence did not result from failure on the director's part to take reasonable care to prevent the commission of the offence).

54—Cause of death

Subsection (1) is a restatement of current section 17(3).

This section provides that, where voluntary euthanasia is administered to a person, the cause of death will be taken to be the underlying illness, injury or medical condition, and not suicide or homicide.

55—Insurance

This section prevents an insurer who may be liable to make payment under a life insurance policy following the death of a person from refusing to make the payment simply because treatment was withdrawn etc in accordance with a direction under new section 21, or because voluntary euthanasia was administered to the person.

It is an offence for an insurer to ask a person to disclose whether they have made a request for voluntary euthanasia.

Moreover, an insurer must not, in any way, encourage or promote voluntary euthanasia as alternative to other treatment. A person convicted of an offence against this provision will be liable to up to 5 years imprisonment if they are a natural person, or a fine of \$600,000 if they are a body corporate.

Finally, subsection (5) provides that the section applies despite any agreement to the contrary between an insurer and a person.

56—Person may decline to administer or assist the administration of voluntary euthanasia

This section makes it clear that a person who does not wish to take any part in relation to voluntary euthanasia can do so without suffering adverse consequences, whether to their employment or otherwise.

However, certain institutions need to advise prospective patients or residents before they enter the institution that they will refuse permission to administer voluntary euthanasia on the premises (and must give the patient the name of an institution that does permit voluntary euthanasia to be administered). This will assist the patient to choose whether or not to enter the institution.

57—Victimisation

This section is a standard victimisation provision preventing people who take part in a request for, or administration of, voluntary euthanasia in accordance with the Act from being victimised for doing so. What constitutes victimisation or detriment is set out in subsection (4).

58—Review of Part by Minister

This section requires the Minister to cause a review of the operation of new Part 4 to be conducted within 2 years of its commencement, and for the report to be laid before both Houses of Parliament.

Part 5—Miscellaneous

59—Confidentiality

This is a standard confidentiality provisions protecting the privacy of information gathered in the course of the administration of the Act.

60—Service

This section is a standard provision setting out how service of documents etc may be effected.

61—Regulations

This clause provides a regulation-making power for the Act (as amended by this measure) that is consistent with modern drafting practice.

Schedule 1—Active request form

This Schedule sets out requirements in respect of the contents of an active request form.

Schedule 2—Advance request form

This Schedule sets out requirements in respect of the contents of an advance request form.

Page 1584—

Line 11—Replace 'Electoral Commission SA—South Australian Election 2010—Report and Statistics' with 'Electoral Commission SA—Election Statistics: State Election 2010 for South Australia'

Page 1851—

Line 8, replace 'March' with 'Grace'

Line 13, replace 'March' with 'Grace'

Page 1666—Line 29, replace 'Bobidge' with 'Bobridge'

Page 1914—Line 29, replace 'leavers' with 'leaders'

Page 2266, after line 22—Replace second reading explanation with:

Licensing of occupations is predominately a State and Territory function and is conducted by a range of regulatory bodies in each State and Territory. For historical reasons, licensing systems have developed in different ways in each jurisdiction which means that approaches to licensing are not consistent. While the Commonwealth *Mutual Recognition Act 1992* was introduced to improve the mobility of licensed individuals between jurisdictions, there are still a number of barriers which make this difficult. In addition, the Mutual Recognition Act does not apply to business licences. Licensees who want to move between jurisdictions must still apply for a licence, meet different non-skills requirements and pay a separate licence fee in each jurisdiction in which they wish to work. These arrangements are particularly onerous for individuals and businesses operating in multiple jurisdictions and for those working in border areas.

On 3 July 2008, the Council of Australian Governments (COAG) agreed to the development of a national trade licensing system in the context of its broader agenda for regulatory reform. COAG's objective in agreeing to establish a national licensing system is to remove overlapping and inconsistent regulation between jurisdictions in the way that they licence occupational areas. It is anticipated that the reforms will improve business efficiency, reduce red tape, improve labour mobility and enhance productivity. This will enhance consumer confidence and protection without imposing unnecessary costs on consumers and businesses or substantially lessening competition.

A national licensing system will make it easier for businesses and workers to operate across State and Territory borders, while continuing to provide the necessary protections for consumers and the community. For the first time, eligible licensees will be able to work across Australia without the need to hold multiple licences or pay multiple fees.

The *Intergovernmental Agreement for a National Licensing System for Specified Occupations* (IGA) was signed by all States and Territories at the April 2009 COAG meeting. The IGA provides for national licensing to apply initially in the following occupations agreed by COAG (with scope for expansion to other occupations if agreed at a later stage):

First wave occupations:

- Air conditioning and refrigeration mechanics
- Plumbers and Gas Fitters
- Electricians
- Property Agents (other than conveyancers and valuers)

Second wave occupations:

- Land transport (passenger vehicle and dangerous goods only)
- Maritime
- Building
- Conveyancers and valuers

It is intended that the first wave of occupations will transfer to the new system on 1 July 2012 with the remaining occupations to transfer from 1 July 2013. The IGA allows for the possibility of removing land transport and maritime occupations from the scheme in the event that they are included in other national licensing processes.

The IGA provides for the national licensing system to be established by the States and Territories through cooperative national legislation. It does not involve a referral of powers to the Commonwealth. The introduction of national legislation in a State or Territory Parliament for adoption by other participating States and Territories is a standard approach to implementing national schemes in areas, like licensing, where Constitutional powers rest with States and Territories, and not the Commonwealth.

The IGA states that Victoria will take the lead in passing the national licensing legislation ('the national law') and all other States and Territories (including South Australia) will pass legislation that makes the Victorian legislation become law in their jurisdiction. The national law was passed by the Victorian Parliament on 17 September 2010. The *Occupational Licensing National Law (South Australia) Bill 2010* seeks to adopt the national law by applying the *Occupational Licensing Law Act 2010 (Victoria)* as law in South Australia.

Any changes to the national law once it has been enacted must also be agreed by the Ministerial Council responsible for overseeing the reform. During the implementation phase of the national system, this responsibility resides with the Ministerial Council for Federal Financial Relations.

The national law has been designed to provide the governance and high-level framework for the national scheme. The operational aspects of the scheme and industry-specific licensing rules and procedures are to be covered in regulations, which are currently being developed. This will enable informed and detailed analysis on the risks, needs and safety requirements for both licensees and consumers, before each occupational area becomes operational under the national law. As such, the Government will subsequently be introducing consequential amendments to South Australia's existing occupation-specific legislation for the first wave of occupations by early 2012, to allow for the industry-specific regulations under the national scheme. Occupation-specific legislation will still exist in South Australia to regulate areas that fall outside of the national scheme, for example, conduct matters.

Interim Advisory Committees have been established for all of the first wave occupations to provide advice on the development of licensing policy for specific occupational areas, which will lead to national regulations to be made under the national law. Each of the Interim Advisory Committees comprise of members with a balance of expertise relevant to an occupational area including union, employer, regulator and consumer representatives. The Committees are assisted in this task by working groups of relevant regulators. After the national law is operational the Interim Advisory Committees will be replaced by Occupational Licensing Advisory Committees as provided for in the national law.

The national law establishes a National Occupational Licensing Authority ('the Licensing Authority') which will be responsible for developing (on the advice of the Committees) national licence policy for each occupational area, including licence categories, scope and eligibility criteria.

The Licensing Authority will have its own governing body, the National Occupational Licensing Board. The functions and operations of the Licensing Authority and Board will be overseen by the Ministerial Council for Federal Financial Relations, which has a Ministerial representative from the Commonwealth and each state and territory. The Ministerial Council's role will be to provide broad policy direction and approve licence policy for the occupational areas that are included in the system.

While the Occupational Licensing Advisory Committees will be the principal source of advice on licence policy for occupational areas, the Licensing Authority must also consult with stakeholders in relevant occupational areas to ensure the National Occupational Licensing Board is able to provide authoritative advice to the Ministerial Council.

Under a 'delegated agency model', the Licensing Authority will delegate the enforcement and administration of the system to existing state and territory regulators. State and territory regulators will enter into service agreements with the national body to ensure that consistent performance and service delivery standards are achieved across jurisdictions. State and Territories will also continue to regulate all aspects of conduct.

The national law provides for national consistency in the approach to disciplinary proceedings by providing for the types of disciplinary proceedings that can be instigated, when such proceedings can occur, the disciplinary action that can be taken, and the processes that the Licensing Authority must follow. In South Australia, disciplinary proceedings will continue to be heard by the Courts, as is the current situation. The national law also provides for monitoring and enforcement powers for authorised officers.

In addition, the national law provides for the establishment of a national register which will allow members of the public to access information about licensees and verify that a particular individual or business is appropriately licensed.

This Bill represents an important step towards improving national licensing regimes—by establishing the framework for the national occupational licensing system. However until the national licensing system's implementation date of 1 July 2012 for the first wave of occupations, current state based legislation will continue to apply for the licensing of occupational areas.

Reward payments available under the National Partnership Agreement to Deliver a Seamless National Economy are at risk if South Australia does not meet key reform milestones, including enacting this Application Act by December 2010.

Introducing the national occupational licensing system is expected to provide improved safeguards for consumers, reduce red tape and deliver improved administrative efficiency and consistency by moving from the current fragmented jurisdiction licensing systems to one national system.

I commend the Bill to members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause sets out the short title for the measure.

2—Commencement

The measure will be brought into operation by proclamation.

3—Definitions

This clause provides for definition of terms used in the Bill. In addition, if a term is used in the measure and in the National Law, the term has the same meaning in this measure as it has in that Law.

Part 2—Adoption of National Law

4—Application of Occupational Licensing National Law

The law set out as the *Occupational Licensing National Law* in the schedule to this measure will apply as a law of the State.

5—Amendments to Schedule to maintain national consistency

The Governor will be able to amend the Schedule by regulation if the Governor is satisfied that the amendments corresponds, or substantially corresponds, to an amendment made by the Parliament of Victoria to the *Occupational Licensing National Law* set out in the Schedule to the *Occupational Licensing National Law Act 2010* of Victoria.

6—Exclusion of legislation of this jurisdiction

This clause provides that a number of Acts that generally apply to South Australian legislation do not apply to the *Occupational Licensing National Law (South Australia)* or instruments (including national regulations) made under that Law. Instead, a number of specific provisions have been included in the National Law to deal with these matters for national consistency.

7—Relevant tribunal or court

This clause provides for the declaration of the District Court and the Magistrates Court as a relevant court for the purposes of section 13 of the National Law and the District Court as the relevant court for the purposes of sections 58, 59, 60, 93 and 94 of the National Law.

8—Corresponding prior Acts

It is necessary to provide for certain matters in connection with the operation of section 21 of the National Law so that relevant disciplinary action taken before this Act applies to a particular occupation can be taken into account when assessing the eligibility of a person to be granted a licence under the National Law.

9—Disciplinary proceedings before court

This clause will apply the scheme under Part 3 Division 5 of the National Law in relation to disciplinary proceedings under the National Law. This scheme provides for disciplinary matters to be taken by means to an application to the District Court in its Administrative and Disciplinary Division. (The alternative, which is not to apply in South Australia, is a 'show cause' scheme where disciplinary action is ultimately taken by the Licensing Authority rather than a tribunal or court.)

Part 3—Miscellaneous

10—Penalty at end of provision

This clause makes it clear that a penalty provision at the foot of a provision indicates that a contravention of the provision constitutes an offence (punishable on conviction by a penalty not exceeding the specified penalty).

11—Regulations—saving and transitional provisions

This clause provides for the making of regulations in relation to matters of a transitional nature consequent on the operation of this measure (including in the future when additional occupations become subject to the operation of the Act).

Schedule 1—Occupational Licensing National Law

The Schedule sets out the National Law.

Page 2268—

Line 50, replace 'Development (Crown Development) Amendment Bill' with 'Development (Advisory Committee Advice) Amendment Bill'

Estimates Committee B—

Page 99—Line 23—Replace 'Polychronopolos' with 'Polychronopoulos'

House of Assembly—

Page 5046—

Line 26—Replace 'Received from the Legislative Council and read the first time.' with 'The Legislative Council agreed to the bill without any amendment.'

Line 28—Replace 'Received from the Legislative Council and read the first time.' with 'The Legislative Council agreed to the bill without any amendment.'

Line 30—Replace 'Received from the Legislative Council and read the first time.' with 'The Legislative Council agreed to the bill without any amendment.'

Estimates Answers to Questions (Estimates Committee B)—

Page 10—Line 16—Replace table with:

Financial Year	Capital payments 'Prisons—Additional Accommodation' project line \$million	Beds commissioned
2006-07		29 beds: MGP 26 beds: PAP 6 beds: PLP
2007-08	.420	12 bed cottage AWP
2007-08	2.616	60 beds: YLP 77 beds: PAP 35 beds: AWP 17 beds: PLP 20 beds: ARC 19 beds: CTC
2008-09	3.016	12 bed Pakani Arangka Unit: PAP 22 beds (inc. 6 emergency): CTC 41 beds: MOB 20 beds: MGP
2009-10 (Estimated Result at time of 2010-11 budget)	1.616	14 beds: PAP
2010-11 Budget	8.759	36 beds: PLP
2011-12 (forward estimate)	13.440	
2012-13 (forward estimate)	2.400	80 beds: PAP
To be announced		36 beds: MGP
Total		562
<i>Amount reported as total cost in Capital Investment Statement pg 17</i>	32.267	

ARC—Adelaide Remand Centre
CTC—Cadell Training Centre
MOB—Mobilong Prison
PLP—Port Lincoln Prison

AWP—Adelaide Women's Prison
MGP—Mount Gambier Prison
PAP—Port Augusta Prison
YLP—Yatala Labour Prison

House of Assembly—

Page 5917—After line 51—Insert Local Government (Road Closures—1934 Act) Amendment Bill explanation of clauses:

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

The measure will be brought into operation by proclamation.

3—Amendment provisions

This clause is formal

Part 2—Amendment of *Local Government Act 1934*

4—Repeal of section 359

Section 359 of the *Local Government Act 1934* is repealed.

Schedule 1—Transitional provisions

It is necessary to address various issues associated with the repeal of section 359.

The provision creates 3 different categories of exclusions for the purposes of the transitional provisions.

The first category relates to *prescribed roads*, being roads that run into the area of another council, or roads, or former roads, that are declared by proclamation to be within the ambit of the relevant definition. In relation to prescribed roads, any exclusion of vehicles will cease to have 6 months after the commencement of the clause unless—

- the continuation of the exclusion is agreed to by resolution passed by the *affected council*;
- the exclusion has been the subject of a decision under section 721 of the Act;
- before 10 November 2011, exclusive occupation of the road has been granted to a person for a period that will expire after the end of the 6 month period;
- except in relation to a prescribed road excluded by proclamation, the prescribed road runs into or intersects with a highway and the Commissioner of Highways has approved, or concurred with, the exclusion under another relevant Act; or
- the prescribed road is excluded from the relevant paragraph by proclamation.

The second category relates to other roads. Any exclusion under this category will be taken to be a road closure under section 32 of the *Road Traffic Act 1961*.

The third category relates to other public places. Any exclusion under this category may continue to have effect until revoked by the relevant council.

If an exclusion ceases to have effect under this scheme, the council for the relevant area must immediately remove any barricades or other traffic control devices installed by the council to give effect to the exclusion (see Schedule 1, clause 1(7)).

To ensure councils have adequate notice of any proclamation under Schedule 1, clause 1(9), clause 1(12) provides that a proclamation may not be made unless the Minister has first taken reasonable steps to consult with an affected council. To ensure it is absolutely clear what 'reasonable steps to consult' means, clause 1(13) provides that this requirement may be met by the Minister providing the council with a copy of any draft proclamation at least 2 months before the commencement of the legislation, and the council being given at least 6 weeks within which to respond.