

No 68

VOTES AND PROCEEDINGS
OF THE
HOUSE OF ASSEMBLY

TUESDAY 27 SEPTEMBER 2011

1 Meeting of House

The House met pursuant to adjournment. The Speaker (Hon L R Breuer) took the Chair and read prayers. The Speaker also made the following statement:
I respectfully acknowledge the traditional owners of this land upon which this Parliament is assembled and the custodians of the sacred lands of our State.

2 Conference - Summary Offences (Prescribed Motor Vehicles) Amendment Bill

The Minister for Transport (Hon P F Conlon) moved - That the sitting of the House be continued during the Conference with the Legislative Council on the Summary Offences (Prescribed Motor Vehicles) Amendment Bill.
Question put and passed.

3 Postponement of business

Ordered - That Orders of the Day: Government Business Nos 1 to 6 be postponed and taken into consideration after Order of the Day: Government Business No 7.

4 Matter of Privilege – Minister for Transport acting as Minister for Health

Dr McFetridge raised as a matter of privilege the alleged misleading of the House of by the Minister for Transport in his answer to a question without notice on 7 July 2011.
The Speaker advised that she would consider the matter and report back to the House.

5 Railways (Operations and Access) (Access Regime Review) Amendment Bill

Order of the Day read for the adjourned debate on the question - That this Bill be now read a second time.
Debate resumed.
Questions put and passed.
Bill read a second time.

In Committee

Clause Nos 1 to 4 agreed to.

Title agreed to.

The House having resumed:

Miss Fox reported that the Committee had considered the Bill referred to it and had agreed to the same without amendment.

Bill read a third time and passed.

6 Correctional Services (Miscellaneous) Bill

Order of the Day read for the adjourned debate on the question - That this Bill be now read a second time.
Debate resumed.
Ordered, on motion of Ms Chapman (by leave), that the debate be further adjourned and resumed on motion.

7 Message from the Governor

The following Message from the Governor was received and read:

Assent to Bills

Message No 29

The Governor informs the House of Assembly that in the name and on behalf of Her Majesty The Queen, the following Acts were assented to during the first Session of the 52nd Parliament, viz –

- No 32 of 2011 An Act relating to the conduct of commercial arbitrations; to amend the Commercial Arbitration and Industrial Referral Agreements Act 1986; and for other purposes.
- No 33 of 2011 An Act to amend the Electrical Products Act 2000; and to make related amendments to the Gas Act 1997.
- No 34 of 2011 An Act to amend the Evidence Act 1929 and to make a related amendment to the Criminal Law Consolidation Act 1935.
- No 35 of 2011 An Act to amend the Development Act 1993.
- No 36 of 2011 An Act to amend the Aboriginal Heritage Act 1988, the Air Transport (Route Licensing – Passenger Services) Act 2002, the Animal Welfare Act 1985, the ANZAC Day Commemoration Act 2005, the Architectural Practice Act 2009, the Authorised Betting Operations Act 2000, the Controlled Substances Act 1984, the Employment Agents Registration Act 1993, the Gaming Machines Act 1992, the Health Care Act 2008, the Misrepresentation Act 1972, the Opal Mining Act 1995, the Petroleum Products Regulation Act 1995, the Prohibition of Human Cloning for Reproduction Act 2003, the Racing (Proprietary Business Licensing) Act 2000, the Research Involving Human Embryos Act 2003, the Retirement Villages Act 1987, the Second-hand Vehicle Dealers Act 1995, the Security and Investigation Agents Act 1995, the Supported Residential Facilities Act 1992, the Survey Act 1992, the Taxation Administration Act 1996, the Tobacco Products Regulation Act 1997, the Travel Agents Act 1986 and the Veterinary Practice Act 2003.

Government House, 27 September 2011

K J Scarce, GOVERNOR

8 Death of Edward Picton Mullighan QC

The Premier (Hon M D Rann), by leave, will move – That the House of Assembly expresses its regret at the death of the late Edward Picton Mullighan QC, a former Justice of the Supreme Court and Commissioner, places on record its appreciation of his meritorious service to South Australia's legal profession and justice system; and, as a mark of respect to his memory the sitting of the House be suspended until the ringing of the bells.

And being supported by the Leader of the Opposition (Mrs Redmond), Deputy Premier (Hon J R Rau), the Minister for Education (Hon J W Weatherill), Minister for Aboriginal Affairs (Hon G Portolesi), the Minister for Families and Communities (Hon J M Rankine), Minister for Industrial Relations (Hon A Koutsantonis), Mr Atkinson, Ms Chapman and the Speaker.

Motion carried in silence; Members rising in their places.

9 Suspension and resumption of sitting

At 2.55 pm the sitting of the House was suspended.

At 3.05 pm the Speaker resumed the Chair.

10 Answers to questions

Answers to questions on the Notice Paper Nos 15, 18, 19, 30, 31, 32, 34, 38, 41, 43, 46, 52, 64, 67, 76, 78, 84, 86, , 88, 91, 93, 94, 99, 110, 111, 117, 135, 141, 143, 144, 148, 203, 205, 224, 225, 227, , 229, 256, 262, , 264, 266, 268 & 269 and questions without notice were tabled by the Speaker.

11 Papers

The following Papers were tabled:

By the Speaker -

Joint Parliamentary Service - The Administration of Annual Report 2010-2011

By the Attorney-General -

Food Donors and Distributors - Report

Legal Practitioners Disciplinary Tribunal - Annual Report 2010-2011

Legal Practitioners Education and Admission Council - Annual Report 2010-2011

Summary Offences Act - Dangerous Areas Authorisations Report for Period 1 April to 30 June 2011

Attorney-General - Social Development Committee - Same Sex Parenting

By the Minister for Transport -

Commissioner of Highways - Leases of Properties Annual Report 2010-2011

Regulations made under the following Acts -

Harbors and Navigation - Crew Competencies

By the Minister for Education -

Regulations made under the following Acts -

Teachers Registration and Standards - Fees

By the Minister for Agriculture and Fisheries (Hon M F O'Brien) -

Pelican Lagoon Aquatic Reserve - Management Plan.

12 Questions

Questions without notice were asked.

Ordered on motion of the Deputy Premier - That the period for asking questions without notice be extended by 1 minute.

Questions without notice resumed.

13 Speaker's Statement – Matter of Privilege

Dr McFetridge raised as a matter of privilege the alleged misleading of the House by the Minister for Transport, during Question Time on 7 July 2011.

The Member for Morphett alleges that the Minister for Transport, referred to a statement the Member for Morphett made in debate on the Appropriation Bill the day before, in which he told the House that, "In the Women's and Children's Hospital today, there is one poor little kid who has been waiting more than 24 hours for a bed".

Subsequently the Minister for Transport advised the House that in relation to the allegation made by the Member for Morphett his advice was that the waiting time for the patient alluded to by the Member for Morphett was 1 hour and 20 minutes. However, the Member for Morphett refutes the Minister's advice to the House but is unable to now access information to substantiate his original statement.

This is a situation where the Minister has sought to correct what he regards as a misinterpretation or misrepresentation by the Member for Morphett.

I remind Members, that raising a matter of privilege is not a device by which Members can pursue issues that can be addressed by further debate or settled by a vote of the House on a substantive motion. McGee in *Parliamentary Practice in New Zealand* sets the test that this House has recognised as defining a matter of privilege. It is a matter that can "genuinely be regarded as tending to impede or obstruct the House in the discharge of its duties".

The Member for Morphett's allegation is that the Minister has misled the House. However, the test for such an allegation is that the Minister must have deliberately (that is knowingly) misled the House. I have not been provided with any material that would allow me to conclude that this may be the case. Therefore, I decline to give the matter the precedence that would allow the Member for Morphett to immediately pursue the matter.

14 Grievance debate

On motion of the Speaker, the House noted grievances.

15 Correctional Services (Miscellaneous) Bill

Order of the Day read for the adjourned debate on the question - That this Bill be now read a second time.

Debate resumed.

Question put and passed.
Bill read a second time.

In Committee

Clause Nos 1 to 6 agreed to.
Clause No 7 read.

To report progress and ask leave to sit again. _____

The House having resumed:

Miss Fox reported that the Committee had considered the Bill referred to it and had made progress therein and asked leave to sit again.

Ordered - That the Committee have leave to sit again tomorrow.

16 Adjournment

The House adjourned at 5.55 pm until tomorrow at 11.00 am.

MOTIONS OF WHICH NOTICE WAS GIVEN

For Wednesday 28 September 2011

Notices of Motion – Government Business – Bills and Motions

The Attorney-General to move – That he have leave to introduce a Bill for an Act to amend the Criminal Law (Sentencing) Act 1988 and the Statutes Amendment (Victims of Crime) Act 2009.

The Minister for Urban Development, Planning and the City of Adelaide to move – That he have leave to introduce a Bill for an Act to provide measures to protect and enhance the special character of the McLaren Vale region; to make related amendments to the Development Act 1993; and for other purposes.

The Minister for Urban Development, Planning and the City of Adelaide to move – That he have leave to introduce a Bill for an Act to provide measures to protect and enhance the special character of the Barossa Valley region; and for other purposes.

The Minister for Workers Rehabilitation to move – That he have leave to introduce a Bill for an Act to amend Workers Rehabilitation and Compensation Act 1986.

For Thursday 20 October 2011

Notices of Motion - Private Members' Business – Bills

Hon S W Key to move – That she have leave to introduce a Bill for an Act to decriminalise prostitution and regulate the sex work industry; to amend the Criminal Law Consolidation Act 1935, the Equal Opportunity Act 1984, the Fair Work Act 1994, the Summary Offences Act 1953 and the Workers Rehabilitation and Compensation Act 1986; and for other purposes.

Notices of Motion - Private Members' Business – Other Motions

Ms Chapman to move – That this House congratulates the Australian Mining History Association for celebrating 170 years of Adelaide Hills mining and its contribution to the economy of South Australia.

Present during the day - All Members except the Minister for Defence (Hon K O Foley) and Mr Treloar.

Hon L R Bruer
SPEAKER

Malcolm Lehman
CLERK OF THE HOUSE OF ASSEMBLY