

No 77

VOTES AND PROCEEDINGS
OF THE
HOUSE OF ASSEMBLY

TUESDAY 22 NOVEMBER 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 Finance (Hon. M F O'Brien) 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 16 be postponed and taken into consideration after Order of the Day: Government Business No. 17.

4 Local Government (Model By-laws) 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.

Question put and passed.

Bill read a second time.

In Committee

Clause Nos 1 to 3 agreed to.

Schedule No. 1 agreed to.

Title agreed to.

The House having resumed:

Mr Piccolo 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.

5 Work Health and Safety Bill

Order of the Day read for further consideration in Committee of this Bill.

In Committee

Clause No. 6 further considered and agreed to.

Clause No. 7 read.

Hon. I F Evans moved, on page 19, after line 23 –

Insert:

- (4) Furthermore, where a person (the **contractor**) is engaged to perform work for another person (the **principal**) in connection with a business or trade carried on by the principal, the contractor, and any person employed or engaged by the contractor to carry out or to assist in carrying out the work, will be taken to be employed by the principal but the principal's

duties under this Act in relation to them will only extend to matters over which the principal has control or would have control but for some agreement to the contrary between the principal and the contractor.

Question – That the amendment be agreed to – put and negatived.

Clause No. 7 agreed to.
 Clause No. 8 to 9 agreed to.
 Clause No. 20 read.

To report progress and ask leave to sit again.

The House having resumed:

Mr Piccolo reported that the Committee had considered the Bill referred to it, had made progress therein and asked leave to sit again.

Ordered - That the Committee have leave to sit again on motion.

6 Messages from the Governor

The following Messages from the Governor were received and read:

Assent to Bills

Message No 33

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. 41 of 2011 An Act to establish the office of the Small Business Commissioner; to provide for the powers and functions of the Commissioner; to make associated amendments to the Fair Trading Act 1987 and the Retail and Commercial Leases Act 1995; and for other purposes.

No. 42 of 2011 An Act to amend the Railways (Operations and Access) Act 1997

No. 43 of 2011 An Act to amend the Criminal Law Consolidation Act 1935

No. 44 of 2011 An Act to amend the Natural Resources Management Act 2004

Government House, 22 November 2011

K J Scarce, GOVERNOR

Statute Amendment (Attorney General's portfolio) Bill - Recommending

Message No 34

The Governor recommends to the House of Assembly the appropriation of such amounts of money as may be required for the purposes mentioned in the Statutes Amendment (Attorney-General's Portfolio) Bill 2011

Government House, 22 November 2011

K J Scarce, GOVERNOR

7 Answers to questions

Answers to questions on the Notice Paper Nos 17, 56, 72, 73, 77, 83, 97, 103, 123, 131, 137, 147 & 253 and questions without notice were tabled by the Speaker.

8 Petitions Nos 98 to 101

The Clerk announced that the following Members had lodged Petitions for presentation:

No. 98 Mr I H Venning from 687 Residents of Keynton, Eden Valley, Sedan, Cambrai and Greater South Australia requesting the House to urge the Government to immediately reject the proposed development of a wind turbine power station at Keynton, Eden Valley.

No. 99 Mr Hamilton-Smith from 588 Residents of the City of Mitcham and greater South Australia requesting the House to urge the Government to take immediate action to stop the amalgamation of Belair and Mitcham Junior Primary School and Belair and Mitcham Primary School.

No. 100 Ms Chapman from 423 Residents of community of Lindon Park Schools and greater South Australia requesting the House will urge the Government to take immediate Action to reverse the decision to amalgamate Linden Park Schools so that these schools can continue to provide high quality public education to its current and future students.

No. 101 Ms Bedford from 10 Residents of South Australia requesting the House to urge the Premier to enable South Australia to be a global exemplar in large-scale renewable energy, by replacing the Playford B coal power station with a solar thermal facility with energy storage.

9 Papers

The following Papers were tabled:

By the Speaker -

Auditor-General - Agency Audit Reports Supplementary Report November 2011 (PP No. 4G)

Ombudsman SA - Valuing Complaints - An audit of complaint handling in South Australian councils Report (PP No. 76D)

Local Government -

City of West Torrens Annual Report 2010-2011

District Council of Ceduna Annual Report 2010-2011

District Council of Cleve Annual Report 2010-2011

District Council of Franklin Harbour Annual Report 2010-2011

Rural City of Murray Bridge Annual Report 2010-2011

Tatiara District Council Annual Report 2010-2011

By the Attorney-General (Hon. J R Rau) -

Regulations made under the following Act -

Supreme Court - Definition of prescribed court

Rules made under the following Acts -

Magistrates Court -

Court Rules -

Amendment 38

Amendment 41

Supreme Court - Civil Rules - Amendment 17

By the Minister for Planning (Hon. J R Rau) -

Development Plan Amendment - Interim Operation of the Mid Murray Council – River Murray Zone Minor Amendments Development Plan Amendment

Regulations made under the following Acts -

Development - Regulated Trees

By the Minister for Business Services and Consumers (Hon. J R Rau) -

Regulations made under the following Acts -

Gaming Machines - Exemptions

Liquor Licensing -

Dry Areas Long Term - Victor Harbor Area 1 and Area 2

Dry Areas Short Term - Victor Harbor Area 1, Area 2 and Area 3

By the Treasurer (Hon. J J Snelling) -

Construction Industry Long Service Leave Board - Annual Report 2010-2011

Industrial Relations Advisory Committee - Annual Report 2010-2011

SafeWork SA Advisory Committee - Annual Report 2010-2011

Senior Judge of the Industrial Relations Court and the President of the Industrial Relations Commission - Annual Report 2010-2011

By the Minister for Health and Ageing (Hon. J D Hill) -

Australian Health Practitioner Regulation Agency - Annual Report 2010-2011

Health Performance Council - Annual Report 2010-2011

Health Service -

Bordertown and District Health Advisory Council Inc Annual Report 2010-2011 -
 Far North Health Advisory Council Annual Report 2010-2011
 Naracoorte Area Health Advisory Council Inc Annual Report 2010-2011
 Port Lincoln Health Advisory Council Inc Annual Report 2010-2011
 Port Pirie Health Service Advisory Council Annual Report 2010-2011
 Quorn Health Services Health Advisory Council Annual Report 2010-2011
 SAAS Volunteer Health Advisory Council Annual Report 2010-2011
 Southern Flinders Health Advisory Council Annual Report 2010-2011
 Veterans Health Advisory Council Annual Report 2010-2011
 Whyalla Hospital and Health Services Health Advisory Council Annual Report 2010-2011

Pharmacy Regulation Authority of South Australia - Annual Report 2010-2011

Retirement Villages Act 1987 - Annual Report 2010-2011

Regulations made under the following Act -

Health Services Charitable Gifts - General - Property - Advisory Committee - Reports

By the Minister for The Arts (Hon. J D Hill) -

Adelaide Festival Centre - Annual Report 2010-2011

Australian Children's Performing Arts Company - Charter October 2011

Country Arts - Annual Report 2010-2011

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

Adelaide Dolphin Sanctuary Act 2005 - Including Adelaide Dolphin Sanctuary Advisory Board Annual Report 2010-2011

Botanic Gardens and State Herbarium, Board of - Annual Report 2010-2011

Coast Protection Board - Annual Report 2010-2011

General Reserves Trust - Annual Report 2010-2011

Native Vegetation Council - Annual Report 2010-2011

Regulations made under the following Acts -

Aquaculture - Fees

By the Minister for the River Murray (Hon. P Caica) -

Save the River Murray Fund - Annual Report 2010-2011

By the Minister for Finance (Hon. M F O'Brien) -

SA Lotteries - Annual Report 2010-2011

By the Minister for the Public Sector (Hon. M F O'Brien) -

Freedom of Information Act 1991 - Annual Report 2010-2011

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

Child Death and Serious Injury Review Committee - Annual Report 2010-2011

By the Minister for Transport Services (Hon. C C Fox) on behalf of the Minister for Employment, Higher Education and Skills (Hon. T R Kenyon) -

Regulations made under the following Act -

Technical and Further Education - General Variation 2011

By the Minister for Transport Services (Hon. C C Fox) -

Mining and Quarrying Occupational Health and Safety Committee - Annual Report 2010-2011

- Local Council By-Laws -
 District Council of Cleve -
 No. 1 - Permits and Penalties
 No. 2 - Moveable Signs
 No. 3 - Roads
 No. 4 - Local Government Land
 No. 5 - Dogs
 No. 6 - Cats.

10 Questions

Questions without notice were asked.

11 Grievance debate

On motion of the Speaker, the House noted grievances.

12 Report of the Auditor-General 2010-11

Order of the Day read for the further consideration in Committee of the Report of the Auditor-General 2010-11.

In Committee

The Minister for Police, Minister for Correction Services, Minister for Emergency Services, Minister for Road Safety, Minister for Multicultural Affairs (Hon. J M Rankine) examined.
 The Minister for Finance, Minister for the Public Sector (Hon. M F O'Brien) examined.
 The Minister for Education and Child Development (Hon. G Portolesi) examined.
 To report progress and ask leave to sit again.

The House having resumed:

Mr Piccolo reported that the Committee had further examined Ministers on matters contained in the Report referred to it, had made progress therein and asked leave to sit again.
 Ordered - That the Committee have leave to sit again tomorrow.

13 Extension of time for adjournment

Ordered, on motion of the Treasurer, that the time for moving the adjournment of the House be extended beyond 6 pm.
 Question put and passed.

14 Work Health and Safety Bill

Ordered - That the further consideration in Committee of this Bill be now resumed.

In Committee

Clause No. 20 further considered and agreed to.
 Clause Nos 21 to 51 agreed to.
 Clause No. 52 amended and agreed to.
 Clause Nos 53 to 67 agreed to.
 Clause No. 68 read.

Hon. I F Evans moved, on page 46, after line 9 to insert-

(3a) Subsection (2)(g) does not extend beyond—

- (a) a person who works at the workplace; or
- (b) a person who is involved in the management of the relevant business or undertaking; or
- (c) a consultant who has been approved by—
 - (i) the Advisory Council; or
 - (ii) a health and safety committee that has responsibilities in relation to the work group that the health and safety representative represents; or
 - (iii) the person conducting the business or undertaking at the workplace or the person's representative.

Question – That the amendment be agreed to – put and negatived.

Clause No. 68 agreed to.
 Clause Nos 69 to 171 agreed to.
 Clause No. 172 read.

Hon. I F Evans moved on page 83, line 8 to delete Clause 172 and substitute-
 172—Protection against self-incrimination

A person is excused from answering a question or providing information or a document under this Part on the ground that the answer to the question, or the information or document, may tend to incriminate the person or expose the person to a penalty.

Question – That the amendment be agreed to – put and negatived.

Clause No. 172 agreed to.
 Clause Nos 173 to 246 agreed to.
 Clause No. 247 amended and agreed to.
 Clause No. 248 to 273 agreed to.
 Clause No. 274 read.

Hon. I F Evans moved on, page 116, after line 17 to insert-

- (7) An approved code of practice or the variation of a code of practice is subject to disallowance of Parliament.
- (8) The Minister must ensure that each approved code of practice or variation is laid before both Houses of Parliament within 6 sitting days after it is published in the Gazette.
- (9) If either House of Parliament passes a resolution disallowing an approved code of practice or the variation of a code of practice, then the code of practice or variation ceases to have effect.
- (10) A resolution is not effective for the purposes of subsection (9) unless passed in pursuance of a notice of motion given within 14 sitting days (which need not all fall with the same session of Parliament) after the day on which the code of practice or variation was laid before the House.

Question – That the amendment be agreed to – put and negatived.

Clause No. 274 agreed to.
 Clause Nos 275 and 276 agreed to.
 Schedule Nos 1 to 5 agreed to.
 Schedule No. 6 amended and agreed to.
 Title agreed to.

The House having resumed:

Hon. M Wright reported that the Committee had considered the Bill referred to it and had agreed to the same with amendments.

Bill read a third time and passed.

15 **Adjournment**

The House adjourned at 6.54 pm until tomorrow at 11.00 am.

MOTIONS OF WHICH NOTICE WAS GIVEN

For Wednesday 23 November 2011

Notices of Motion: Government Business

The Attorney-General to move – That he have leave to introduce a Bill for an Act to amend the Criminal Law Consolidation Act 1935, the Criminal Law (Sentencing) Act 1988, the Director of Public Prosecutions Act 1991, the District Court Act 1991, the Enforcement of Judgments Act 1991, the Environment, Resources and Development Court Act 1993, the Judicial Administration (Auxiliary Appointments and Powers) Act 1988, the Justices of the Peace Act 2005, the Magistrates Act 1983, the Magistrates Court Act 1991, the Supreme Court Act 1935 and the Young Offenders Act 1993.

The Attorney-General to move – That he have leave to introduce a Bill for an Act to adopt the Business Names Registration Act 2011 of the Commonwealth and the Business Names Registration (Transitional and Consequential Provisions) Act 2011 of the Commonwealth, and to refer certain matters relating to the registration and use of business names, to the Parliament of the Commonwealth for the purposes of section 51(xxxvii) of the Constitution of the Commonwealth, and to provide for related matters.

The Attorney-General to move – That he have leave to introduce a Bill for an Act to enact ancillary provisions, including transitional provisions, relating to the enactment by the Parliament of the Commonwealth of legislation relating to the registration of business names under its legislative powers, including powers with respect to matters referred to that Parliament for the purposes of section 51(xxxvii) of the Constitution of the Commonwealth; to amend the Bank Merger (BankSA and Advance Bank) Act 1996, the Bank Merger (National/BNZ) Act 1997, the Bank Mergers (South Australia) Act 1997, the Building Work Contractors Act 1995, the Motor Vehicles Act 1959, the Partnership Act 1891, the Plumbers, Gas Fitters and Electricians Act 1995, the Security and Investigation Agents Act 1995 and the Travel Agents Act 1986; and to repeal the Business Names Act 1996.

The Treasurer to move – That he have leave to introduce a Bill for an Act to amend the Parliamentary Remuneration Act 1990.

—Notices of Motion: Private Member's Business: Committees and Subordinate — Legislation

Mr Venning to move – That this House establish a Select Committee to investigate and report on factors that impact upon a farmer's "right to farm" and in particular, the specific examination of spray bufferages, conflicting land uses, mining, farm sustainability, profitability and the Development Act.

Mr Venning to move – That this House instruct the Environment Resources and Development Committee to fully investigate and report on the Statewide Wind Farms Development Plan Amendment and the broader impacts of wind farms on regional communities.

Mr Sibbons to move – That the Report of the Legislative Review Committee entitled Inquiry into Stillbirths, be noted.

For Thursday 24 November 2011

Notices of Motion: Private Member's Business: Other Motions

Mr Venning to move – That this House congratulates Tarac Technologies - Nuriootpa on being named as a finalist in the NAB Agribusiness Awards for Excellence in the Environment and Energy Management Award category and recognises the great work the company does in providing the wine industry with environmentally friendly winery waste management solutions.

Mr Venning to move – That this House –

- (a) supports the re-introduction of the Wine Train between Adelaide and the Barossa Valley; and
- (b) condemns the State Government for failing to support this iconic tourist attraction and to enable the train to run again.

For Thursday 1 December 2011

Notices of Motion: Private Member's Business: Other Motions

Ms Chapman to move – That this House condemns the Premier and the State Government for –

- (a) introducing a flawed Marine Parks consultation process when the Premier was the Minister for Environment and Conservation;
- (b) refusing to listen to feedback on Marine Park Exclusion Zones from the people of South Australia for one year;
- (c) wasting peoples' time and Government Agency resources with the flawed consultation;
- (d) waiting until the SDA Union put forward a Motion at the 2011 Labor Party State Convention to alter the Marine Park Exclusion Zone consultation process; and
- (e) refusing to wait for the publication of the Marine Parks in South Australia Select Committee report before finalising draft Marine Park Exclusion Zones.

Present during the day - All Members except the Minister for Employment, Higher Education and Skills (Hon. T R Kenyon).

Hon. L R Breuer
SPEAKER

Malcolm Lehman
CLERK OF THE HOUSE OF ASSEMBLY