HOUSE OF ASSEMBLY

Tuesday 25 May 2010

The SPEAKER (Hon. L.R. Breuer) took the chair at 11:00 and read prayers.

ADDRESS IN REPLY

Adjourned debate on motion for adoption.

(Continued from 13 May 2010.)

Mr GOLDSWORTHY (Kavel) (11:02): I am pleased to continue my remarks in response to the Governor's address. From memory, I concluded my remarks on Thursday over a week ago by thanking those many people who assisted me in being re-elected to this place; however, I now want to turn to some quite serious issues that continue to exist in my electorate of Kavel in the Adelaide Hills.

I have spoken about these issues at length in this place. They relate to the significant residential development that has taken place in parts of the electorate, namely, in and around the Mount Barker, Littlehampton and Nairne district, or what I call the tri-town district in that part of the electorate. Significant residential development has taken place and, as a consequence, pressure has been put on infrastructure and services.

I have spoken about this particular infrastructure requirement since I have been in this place, for over eight years now, that is, the need for a second freeway interchange at Mount Barker. The Liberal Party has committed to funding half the cost of that infrastructure build. The freeway is actually a federal government infrastructure responsibility but, to hasten the construction of that much-needed infrastructure, the Liberal Party has, as part of its policy, agreed to fund 50 per cent of that.

If we continue to delay the build for this essential piece of infrastructure the cost will only escalate. At the moment it is at about the $30 million mark, but every week, every month that the state and federal governments delay committing to this infrastructure requirement the cost will continue to increase, and obviously that has a greater impact on the budget.

Obviously, as residential development continues, it will put pressure on our health services. The maternity section at the Mount Barker hospital is at capacity, and that part of the hospital does not have any capacity to allow local mothers to attend the hospital for the delivery of their babies. From memory, I think that about 300 women have their babies at Mount Barker hospital; over and above that number, local mothers have to travel down to Adelaide and, obviously, that is not meeting the needs of the local community.

Coupled with the government's 30-Year Plan for Greater Adelaide and its plan for anywhere between 16,000 and 20,000 additional residents in that part of the Adelaide Hills (that is, Mount Barker, Littlehampton and Nairne), without any real plans for the development of infrastructure and services to meet the demands of that population growth, that issue is obviously going to place additional pressure on infrastructure and services. So, while that part of the hospital is at capacity, there is no commitment or plans from the government to meet the needs of the 30-Year Plan it is now rolling out.

I know from talking to local people that there is real frustration, particularly at the local government level (the District Council of Mount Barker), about the lack of meaningful engagement by the government, the minister and the department with the council to roll out a properly structured, sustainable and sensible plan in terms of meeting the increased demand. Also as a consequence, we have some environmental issues.

An area is being developed at the moment called the Bluestone Estate, which is farming land which has been rezoned and where 800-odd new homes are being developed. A few weeks before the election (back in February or March), a significant dust problem was being created by the excavation of the site works.

The development is obviously on the perimeter of the current residential area of that part of Mount Barker, and the dust was at a level where it was impacting local residents—so much so that, when my wife and I were there one afternoon doorknocking and campaigning, it was the biggest issue raised with us.

The residents had become so sick, upset and concerned about the issue that they held a residents' meeting on the corner of the development, on the lawn of a home. I attended that meeting along with 50 or 60 people—and that is quite a significant number of people to attend a street corner meeting on such an issue.

To the council's credit, it went to the earthmoving contractor and shut them down—the council shut down the works on that site until the contractor was able to come up with a decent plan and a decent map of how they were going to control the dust on that site. So, that is another issue as a consequence of the residential development—the opening up of more land in that part of my electorate.

Another issue I also want to mention concerns the middle and northern section of my electorate, specifically what we describe as the Western Mount Lofty Ranges catchment area. Several years ago, the government made the announcement that it was going to prescribe this area. That is fine: that was its decision, even though the consultation was absolutely appalling.

Mrs Redmond: What consultation?

Mr GOLDSWORTHY: Exactly! The leader highlights the government's lack of proper consultation which is something that we have raised in this place many times. The actual consultation process is that the government makes the decision behind closed doors and then comes out and communicates the decision to the community and says, 'That's our consultation.' It is no consultation at all. The government has made the decision and it is just communicating the decision to the respective communities that are affected.

Mrs Redmond interjecting:

Mr GOLDSWORTHY: Indeed. However, in relation to the prescription of the western Mount Lofty Ranges water catchment area, the issue that I want to talk about is the next stage which is the development of a water allocation plan. The minister placed a moratorium on all the users of water in that western Mount Lofty Ranges water catchment area so that the viticulturalists, the horticulturalists, the cherry growers, the apple growers, the pear growers, the wine grape growers, industry, the graziers, the potato growers—or anybody who uses water—cannot apply for any increase in their allocation while we are going through this water allocation plan process.

This has been dragging on for about five years, if my memory serves me correctly. How can a crucial, vitally important part of the economy be held back, constrained and stifled by a bureaucratic process that has taken five years? Our food production industry is a vitally important part of this state's economy and the Adelaide Hills is a vitally important part of our food-producing capabilities.

Mrs Redmond: Our food bowl.

Mr GOLDSWORTHY: Our food bowl, as the leader says, because it has a cool climate, high rainfall, good soil and is close to a capital city, markets and a port.

An honourable member: And a good member.

Mr GOLDSWORTHY: And good members, plural. We have the member for Bragg who comes up over the hill now as well, so we have good members representing that very important part of South Australia that makes a significant contribution to the state's economy. However, we have paralysis within the government, within a ministerial office and within the bureaucracy in developing this water allocation plan and, while that process is dragging along, the primary producers, industry and the like are stifled. They are crippled in relation to any expansion of their operation which is just plain wrong.

My advice to the government is to get cranking and get out the draft water allocation plan so that there can be some proper community consultation. I think the problem is that the department has bitten off more than it can chew in that the water resource is very diverse. The underground water resources comprise separate rock aquifers. It is not like a big sedimentary bowl or basin. It is not like a big underground bath where people just put a pipe down and draw out water from the same underground pool.

These are individual rock aquifers and you might put a bore down and it might be very successful, and yet you put another bore down 50 metres away and all you get is air that blows up through it. It is a very unique and complicated resource, and I think the department is struggling to come to terms with it. I only have a minute or so before my time concludes.

Mr Williams: That's a pity.

Mr GOLDSWORTHY: It is indeed a pity. Unfortunately, we are faced with another four years of a government that has no ideas, lacks vision and is a policy vacuum. We saw that through the election process, where any decent policy initiatives it had were stolen from us. The government is lazy, out of touch, disengaged and arrogant and, unfortunately, we are facing another four years of that.

The SPEAKER: The member for Mount Gambier. As this is the member's first speech, accordingly I ask members to extend the traditional courtesies to him.

Mr PEGLER (Mount Gambier) (11:15): It is a great honour for me to take my seat in this House of Assembly for the 52nd Parliament of South Australia, representing the people in the electorate of Mount Gambier. Madam Speaker, I would like to congratulate both you and the member for Bright on gaining the high office of Speaker and Deputy Speaker. It is tremendous to see women gaining such high positions in government. I am sure that you will act in a fair and impartial manner to bring about some semblance of order to this house.

I would also like to congratulate those members on both sides of the house who were successfully elected to this house, in particular, the three new Labor and six new Liberal members. I am sure that we all come to this house with similar goals, that is, to act in the best interests of our respective electorates and the state as a whole. It is only the paths we take in trying to achieve what is best that differ, and I am sure that, by showing respect for our differences and working together, we can collectively achieve a lot for the state during our term of office.

Congratulations to the Governor, His Excellency Rear Admiral Kevin Scarce, for opening the 52nd Parliament of South Australia and for his speech outlining the government's objectives for the next four years. Whilst I congratulate the government on its objectives, I would also like to take this opportunity to point out that there appears to be little mention of increased services and infrastructure spending for regional South Australia.

I will now tell you a little about myself. My forebears first settled in the Mount Gambier district in the 1850s and 1860s. They were mostly economic refugees from Scotland, Ireland and England. They soon thrived in their new environment and contributed a lot to the development of the area and its people.

I was born in 1953, the first of five children born to Fred and Bernice Pegler, who are here with us today. Mum and Dad took up their soldier settler's block in 1956, just over the border in the Mingbool area. At first, we lived in a tin shed, which later became the garage, and then we moved into a house that was built on the property in 1959.

As the roads were often impassable, I first attended school at the age of eight at Mil Lel Primary, and then went to high school at Marist Brothers College in Mount Gambier as a boarder for three years and one year at Mount Gambier High School. I then went on to the Gordon Institute of Technology in Geelong to study wool-classing and sheep breeding. From the age of 19, I worked in the shearing industry as a shearer, wool classer and contractor for the next 22 years.

At the age of 21, I travelled extensively throughout Europe. At that time, the Eastern bloc countries were ruled by the communist regimes. These countries were very poor and their political systems were an obvious failure. All that had really happened was that the rich land-owning ruling classes had been replaced by the power hungry, self-serving bureaucrats, and the poor remained poor.

I also visited countries where the rich were very rich and the poor were very poor, with little hope of ever improving their lot in life. This is when I became very aware of what a great political and social system Australia has. If you work hard, you can enjoy the fruits of your labour, and those who are less fortunate can rest assured that there is a social welfare system in place that ensures that their lot in life is tolerable. As politicians, we must cherish and protect this fact. We must also remember that the long-term viability of a society will be determined by how that society looks after its most vulnerable. This is probably why I sit on the crossbenches of this place.

Ann and I were married in 1976. Ann was a Mitcham girl who came to Mount Gambier as a bonded junior primary teacher and, like so many others, married a local bloke and never returned to Adelaide. Some say that the bonding system of teachers and nurses greatly enhanced the gene pool in the regions. Our son, Ben, was born in 1980. He worked in the surveying industry and passed away in May 2007. Our daughter Catherine was born in 1986. She graduated with a midwifery degree from UniSA in 2007 and then worked at the Women's and Children's Hospital for

the next 15 months. She has been working and travelling throughout Europe for the past 12 months.

Ann and I purchased our first property at Kongorong, south-west of Mount Gambier, in 1978 and have since added a further two small properties. We established a sheep stud in 1982, specialising in supplying rams and ewes to the maternal side of the prime lamb industry. Our stud is now one of the largest and most genetically advanced studs in Australia and we sell sheep to all states except Queensland. We have always been at the forefront of developing and adopting the latest technology to improve the genetics of our sheep in a sustainable manner. I have also been appointed by Meat & Livestock Australia to several roles as an adviser in sheep breeding.

I became a member of the district council of Port MacDonnell in 1993 and I was instrumental in leading the way for the amalgamation of that council with the former district council of Mount Gambier to form the District Council of Grant. I took over as chairman of that council in 1997 and was elected as the inaugural mayor in 2002. The District Council of Grant has been very successful in its financial management, low rating policy, high delivery of services and community engagement.

The Mount Gambier electorate is in the far south-east corner of South Australia. It covers an area of 2,664 square kilometres and has a population of 33,000, 24,000 of whom live in the city of Mount Gambier. Mount Gambier is the largest regional city in South Australia and is situated 450 kilometres from the capital city of Adelaide.

In the past 70 years the electorate has been represented in state parliament by three Independent members, two Labor and one Liberal. Mount Gambier is a regional centre for an area that has many varied industries. The largest of these industries is timber, with an estate of 175,000 hectares of pine and a further 175,000 hectares of hardwood plantation forest. About 3 million tonnes of pine are processed in several timber mills each year and a further 3½ million tonnes of blue gum chip is about to be harvested annually.

Seventy per cent of the state's production occurs in the region and a large percentage of the state's beef and prime lamb production also takes place in the region. We have a large viticulture industry producing some of the best wines in Australia. Many grain and horticulture crops are also grown in the region. Our fishing industry is a wild catch fishery, harvesting about 1.500 tonnes of southern rock lobster and about 150 tonnes of abalone each year. We have wind farms and the potential for geothermal power and the further development of oil and gas fields.

We have a very large transport industry, which supports our high freight-generating industries. We have no rail service. Tourism is also important to the region, and the main attractions are the lakes, caves, sinkholes, wineries, special events, rugged coastline and sports fishing. Many of our coastal towns are also a haven in the summertime for those from further inland.

Many of our industries are facing unfair competition from imports. As an example, the KCA tissue manufacturing plant near Millicent, which directly and indirectly employs 1,500 employees and contractors, many of whom live in the Mount Gambier electorate, faces unfair competition from dumped product from China and the Philippines.

KCA has in place excellent wages and working conditions for its employees and a very high standard of occupational health and safety practices, it uses only pulp produced from plantation forestry, is environmentally responsible and has good corporate governance practices in place, yet it has to compete with overseas companies that can dump product into this country at below the cost of production whilst having poor conditions for their workers and a complete disregard for the environment and using old-growth forests and employing poor corporate principles.

Our farmers and food manufacturers also face similar unfair conditions from imports. We produce some of the best food in the world with strict controls on our farming and manufacturing industries. Our meat-producing animals can be traced back to their property of birth and we have strict controls on what chemicals can be used on these animals, plus controls on what they can be fed, yet we seem to import food products with little knowledge of what controls their country of origin have in place.

We must change our food labelling requirements to better reflect the origin of the food products that we purchase. It is quite ridiculous that one can import prawns from Thailand and garlic from China, mix them together with some Australian salt and water and then label them

'Garlic prawns. Product of Australia. Made from local and imported goods.' All we ask for is a fair go with some honesty in food labelling.

As with the rest of regional Australia, our health services are well below standard, with the number of health professionals per head of population being totally inadequate. In 1994 Professor Holt wrote that when you left Adelaide you left mental health services behind in South Australia, and little has changed since that time. We have no resident psychiatrist and a totally inadequate number of mental health workers and facilities. On top of this, the federal government is threatening to withdraw funding for occupational therapy and mental health social work services in the private sector. Entire families are being put under an immense amount of stress because of the lack of services for individuals requiring mental health support.

Our hospital services a population of 64,000 people and should be funded and staffed as a regional acute care hospital. Whilst we recognise that some services can only be offered in Adelaide, I am sure that the level of service in Mount Gambier could be greatly enhanced. I do not think there is enough recognition of the duress and costs imposed on families when one of their members has to go to Adelaide to receive medical treatments. The PAT scheme is totally inadequate in compensating families for travel and accommodation costs. When considering the cost of providing medical services in the regions we should also take into account the cost to those families involved and also the cost of transportation by ambulance or Flying Doctor.

Our hospital is the only hospital in regional South Australia where the local GPs cannot admit or see their patients and, to me, this seems to be a poor use of resources. The waiting times at accident and emergency are well below the national standards and this will only be rectified by having better resources and systems in place.

I feel that the only way the health system in Australia can be fixed is to have it under one master, preferably the federal government. While health services continue to be administered by both the state and federal governments, we will continue to see a duplication of services, costs and blame shifting, and poor delineation of roles and responsibilities. Health services would be much better delivered to the federal regions by one body and completely ignoring state boundaries.

We now have excellent, well-resourced primary and secondary schools in the electorate. UniSA, Flinders University and Southern Cross University all now have a presence in Mount Gambier. Nationally, 24 per cent of adults have a degree. In South Australia it is 18 per cent, 8.2 per cent in regional South Australia, and only 5.7 per cent in the Limestone Coast region. We must build on the courses offered locally and, for students and apprentices who have to travel away to study, we must make it easier for them and their families to meet travel and accommodation costs. As a community we must also show leadership in encouraging young people to go on to further education.

Whilst our roads and highways are relatively good, we must make them safer by installing passing lanes, shoulder sealing on the more dangerous sections and safety treatments at the more dangerous intersections. The usage of our major highways is growing by up to 5 per cent annually and the spend on our road infrastructure is not keeping up with this growth and the safety concerns of the users of these roads.

The Riddoch Highway-Wireless Road intersection is one of the most dangerous intersections with a mix of 30,000 B-doubles, semitrailers, trucks and motor cars using it daily. This usage is expected to increase dramatically in the near future as most new housing development will happen north of Wireless Road, and there is a new supermarket about to be built north of this intersection that will generate up to an extra 1,700 vehicles per hour during peak shopping times. The only viable treatment for this intersection is the installation of traffic lights, and this must be done as soon as possible.

We must have long-term plans in place for the future development of Mount Gambier. The Greater Mount Gambier Master Plan, developed by both our councils and Planning SA, was the first step in this process. We must now put in place plans for water, sewerage, power, parks, schools, etc., within these new development areas of Mount Gambier.

We must close the rail line easement from White Avenue through to Pick Avenue so that all of this land in the centre of the city can be developed in the future. For rail to become economically viable we need many large, fast-moving trains, and that is the last thing we want going through the centre of the City of Mount Gambier.

To close this line we will have to determine an alternative route from Wandilo through to east of the saleyards. This land could then be rezoned for the purpose of a railway, and in that way you would not have improper developments occurring that would impact on a future rail service.

Close to this proposed rail line we could site large freight generating industries, such as the proposed wood pellet plant at Wandilo, which will generate 250,000 tonnes of finished product each year. We would also leave spur lines intact to the mills east and west of Mount Gambier.

A master plan should be developed for the rail land within the city that could incorporate a bus depot. We would also have links through to Commercial Street and Margaret Street, where, hopefully, we would have an indoor swimming pool. This area would also be an ideal precinct for a skate park, etc., so that young people could gather in a safe, self-policed environment close to the centre of the city. Retail development, car parks and many other developments could also be planned for this area of land.

If many of these developments could occur they would only add to what the city council has achieved around the cave gardens. It would make Mount Gambier an exciting 'want to go to' place that we would all be very proud of. Without proper plans in place it is almost impossible to get government grants and private developers to achieve these developments. To be fair to the Mount Gambier city council, it is very much hamstrung in any future planning whilst the rail line easement within the city remains in place.

The Port MacDonnell boat haven, which caters for a fleet of 80 professional rock lobster boats and a large fleet of amateur boats, is in dire need of a decent wharf incorporating berthing and refuelling facilities. Once this wharf is in place the existing jetty must be refurbished for recreational purposes. Blackfellows Caves also require a new boat launching facility for both the professional and amateur fishermen who launch their boats there.

Our airport runway needs to be strengthened so that larger commercial planes and private jets can use this facility, thus encouraging more competition from the commercial airlines. We must assist the owners, the District Council of Grant, in raising the money to carry out the works on this vital facility.

The rock lobster fishery is under threat from ever-decreasing catches. None of us know whether this is cyclical or as a result of overfishing. I believe that as a first step we should close the fishery in October, when the females are breeding, and also ban the transfer of quota during the season. It seems pointless to me to lower the quota, as this will affect only those few who are catching their quota and will have very little effect on rectifying the lack of biomass.

Our water resources, which are under threat from over usage, are quite unique to most of the rest of Australia in the fact that they consist of an underground upper unconfined and lower confined aquifers. These aquifers are predominantly fed from the rain that falls on the surface. Most other areas in Australia rely on using water from dams and rivers as it passes by.

The Intergovernmental Agreement on a National Water Initiative requires significant water intercepting activities to be accounted for and managed. Large scale commercial plantation forests, along with irrigation and urban and industrial usage are examples of activities that have the potential to intercept large volumes of water now and into the future. All industries and activities that affect the security of water resources need to be managed within sustainable limits. Plantation forests intercept water by reducing groundwater recharge—that is, the trees drink a large percentage of the rainfall water before it can pass through the soil into the aquifer—and in areas where the water table is within six metres, the trees also extract this groundwater.

In the South-East, forestry accounts for about 14 per cent of the land mass and uses about 30 per cent of the water. In determining the permissible annual volumes of water that could be used in the South-East, existing forest and pasture interception rates were taken into account. We can all make motherhood statements about sustainability and equity, but these will achieve nothing unless we aim for real outcomes that take into account all the issues and are in the best interest of all concerned stakeholders. Doing nothing is not an option.

In the South-East, we need to get all the stakeholders together to come up with an agreed plan that is in the best interests of all industries and the community in general. Each of the stakeholders will have to determine whether they want to be at the table and part of the solution or whether they do not want to attend and be part of the problem. If we do not find a suitable outcome to the over usage of water in the South-East, we will end up in the same mess that the Murray-

Darling system is in, and that would be devastating to our whole community—industry, people and environment.

Whilst I fully support the aims of the government and the Native Vegetation Council in trying to increase the area that we have under native vegetation, I have found the Native Vegetation Council to be quite intransigent and untimely in their approach to native vegetation clearance applications. They seem to overlook the possibilities of long-term gains for the environment and should be working for better outcomes for all concerned. Their present deliberations only seem to get the general community off side, with little gain for the future preservation of native vegetation.

I have said much today about what we lack and I would now like to praise my predecessors, being Messrs Fletcher, Ralston, Burdon, Allison and, most recently, Rory McEwen, and the governments they served for the high level of services and infrastructure that we enjoy today. We are often quick to point out what we do not have and fail to recognise what we have already achieved.

I would now like to thank the many people who helped with my election campaign. Firstly, to my wife, Ann, and our family, your support and encouragement was invaluable. To Dale Keatley, Peter Lamond and Jim Pegler, your fundraising efforts in such a short campaign—I only decided to stand six weeks prior to the election—were quite extraordinary. I thank Frank Morrelo for assisting me with my press releases. My father, Fred Pegler, and Peter Lamond did a tremendous job organising volunteers for the 17 booths. I also thank those many volunteers who worked on booths and as scrutineers, and to my friends and colleagues who made financial contributions and helped in many other ways. Lastly, I would like to thank the people of the electorate of Mount Gambier, both those who voted for and against me.

I look forward to my time working here with my colleagues on both sides of the house to make all of South Australia a better place to live and enjoy. Thank you.

Honourable members: Hear, hear!

The SPEAKER: I congratulate the member for Mount Gambier; well done. I now call the member for Morialta. Again, as this is the honourable member's first speech, I ask that we extend him the same courtesy.

Mr GARDNER (Morialta) (11:40): I am pleased to support the motion and, in so doing, I congratulate you, Madam Speaker, on your election to such a prestigious position. I am sure you will do admirable service to this house and the people of South Australia in the years ahead. I also join with others in offering my congratulations to all new members in both houses upon their recent election.

Being elected to serve our local communities is a great honour for us all. Serving those communities well must be our first duty. It is only thanks to the faith our constituents place in our endeavours that we are here and, particularly as I rise to speak for the first time, it is a truly humbling thought.

I am grateful for this opportunity to serve, and I will endeavour to meet the highest of standards set by my distinguished predecessors of both political persuasions. Morialta—or Coles as it was until two elections ago—includes the suburbs of Paradise, Athelstone, Newton and Rostrevor. It continues south through Magill, Skye, Auldana and Rosslyn Park down to Wattle Park.

It extends east into the Hills through Teringie and Woodforde, up to Horsnell Gully and Norton Summit, Ashton, Basket Range and Marble Hill to Cherryville, before it makes its way through Montacute and Castambul to the Campbelltown council area. Our community benefits from the contribution of our volunteer groups—from the CFS brigades to service clubs, the active communities in our 14 local schools and so many others.

My family moved into the Morialta electorate before my first birthday. First, from our flat near the corner of St Bernards and Montacute roads and, a couple of years later, from our house behind the Campbelltown council chambers, I remember walking or riding my bike up the Fourth Creek trail to Morialta Falls and delighting in the stroke of luck that I had been so lucky to have the opportunity to live in such a place. Some 31 years later I have moved about 500 metres upstream. My fiancée, Chelsey, and I now look forward to having the opportunity to share that slice of paradise with our children in the years to come.

In a world where simple pleasures have too often been left behind, I love the fact that the icecream truck still plays *Greensleeves* as it rolls around the streets of Rostrevor—except, living in Rostrevor, of course, it is Pedro's Fine Gelati not Mr Whippy. We are a migrant community that is proud of its multicultural heritage. A considerable majority of our families have arrived in Australia since the Second World War, with Italy and the United Kingdom being the major departure points, although we also have significant German, Chinese, Irish and Greek communities and many smaller groups that contribute so much to our vibrant community life.

As a child in the early 1980s I stood at the Marco Crescent corner and watched the Holy Mary of Montevergine Festa procession, and other festa processions, pass by with a touch of wonder and curiosity. As an adult, and particularly as a candidate for parliament, I have appreciated the way in which these communities delight in including the wider population in their cultural and religious celebrations. I am pleased to recognise Domenico Zollo of the Holy Mary of Montevergine Association in the gallery today.

The Holy Mary of Montevergine Festa brings together more than 10,000 people from around Australia and the world who come to Newton over one weekend—and they do a great job. It is, no doubt, why they won Campbelltown council's Community Event of the Year this year. I think it is the largest religious festival in South Australia. I am grateful for the way in which these communities welcomed me and in many cases supported me throughout 22 months of campaigning. I look forward to continued close engagement with all my local community groups in the years ahead.

For all that our individual spirit and strength of purpose defines us, determines our direction and how we focus our talents, I believe we are foolish if we do not admit being shaped to a degree by where we have come from: by our parents, by our families and by our upbringing. My story is similar to many of my generation in Adelaide's eastern and north-eastern suburbs. I am the child of migrants. My father's family came to Australia after the war to seek a better life than the ravaged English landscape could offer.

Dad's upbringing was hard, and so was much of his younger life. He served our country in the Navy, he worked on North Queensland railways as a fettler, and he mined for tin and later opal—without much success I'm afraid. As a boiler attendant, he came to the new Port Stanvac oil refinery, which led him to start his own small business in chemical distribution and water treatment. His constant focus was to provide more than he had for his kids and to contribute something new and worthwhile to his community.

Mum came later to Australia. A qualified nurse and midwife, her plan was to stay for a year working in the Northern Territory in Aboriginal communities and then return to Blighty. That was 42 years ago. Instead of a return to England, she fell in love with this country and, after several years working in the most challenging but rewarding of conditions in Central Australia, she settled in Adelaide, working initially as a nurse and midwife at the Queen Victoria Hospital before meeting dad.

Together they worked hard to build the small business, manufacturing cutting edge ultra violet light water treatment equipment that may be found treating drinking water in Australia's embassies around the world, in our navy's submarines, and treating waste water and effluent in communities throughout South-East Asia and as far away as the Middle East. Dad won the Premier's medal for his contribution to South Australia's water industry two years ago, but it has always been to his chagrin that a small business such as his was able to export water treatment equipment around the world and around Australia, yet in South Australia, where our need for water infrastructure has been so brutally apparent, our own government and its instrumentalities have shown minimal or occasional interest only.

Other members present who grew up in a family business environment will understand the all-consuming nature of that situation. Child care was in the office staffroom, and Saturday mornings were spent helping out in the yard. Work experience and first jobs were in the factory, and paid work while studying at university was two days a week helping out with the business side of things.

I was about 13 years of age the first time I had payroll tax explained to me by the company's accountant. We were in the middle of Paul Keating's recession and, although the business had just won a couple of big orders, taking on any extra staff would have bumped us up over the payroll tax threshold. I could not understand why on earth the government would provide such a disincentive to small businesses employing more people; but, ever since it was brought in

as a wartime measure to free up potential workers for national service, payroll tax has remained the addictive drug of choice for our state governments to pay for their spending programs. One of the tragedies of the last wasted decade in this state is the missed opportunity to free ourselves of the shackles of payroll tax and the bonds of land tax (another tax on jobs, paid directly or indirectly by every business in this state, including in excess of 400 businesses of all sizes that have had the good sense to set up shop in Morialta).

I am proud to represent those businesses. They are iconic firms such as Bianco, which gives so much back to our community; and its near neighbour, Codan, a proudly South Australian company that makes the special radio equipment you see on the front of the UN's peacekeeping vehicles and also mine detectors that are distributed throughout the world for humanitarian and commercial use. Both these companies employ hundreds of local residents.

Other businesses in Morialta are smaller but still contribute to the community and employ local residents. As we have stretched further into the hills with successive redistributions, we have taken in many more primary producers. The market gardens that have always been a feature have now been joined by orchards and wineries. Morialta is proudly home to the famous Penfolds Grange. Retailers, restaurants, exporters, builders, tradies, service companies and high tech industries find their home in Morialta, and it is through their success that our constituents find meaningful employment. Each and every one of those businesses would be in a better position to employ more people were it not for South Australia's oppressive tax regime.

I note that one of the many recommendations of the federal government's recent Henry review of taxation was that governments should be 'ensuring that land tax applies per land holding, not on an entity's total holding, in order to promote investment in land development'. Yet, we have just gone the other way, adding millions to state revenue as land tax bills have gone up exponentially for many landlords and businesses. Land affordability goes down, the cost of doing business goes up, and the first casualty is employment.

While I do not support all of the recommendations of the Henry review, I am also pleased to note that another of its recommendations is for the abolition of payroll tax. Thanks largely to increased revenues from the GST, our state budget has grown from $8 billion to $15 billion a year over the life of this government. However, when the music of the boom years stopped at the end of 2008, we were left standing poor, despite the enormous revenues of recent years. Imagine for one moment the competitive advantage South Australia would have had if we had used those good years to reform our taxation system in order to encourage the private sector.

Instead, we see interstate firms flying in to construct our major infrastructure projects because they operate from states with better tax regimes that put South Australia to shame. We should be aspiring to give South Australia that competitive advantage. I want us to be a state that is the preferred choice to which companies come to do business and to employ young South Australians who can build a career here.

Too many South Australians of my generation (and many of my friends from school and university are among them) are now making their futures instead in Melbourne, Brisbane, Perth and further afield. Only business and not government can provide the jobs and the career paths that will see educated young South Australians choose to build their futures here where they grew up. We need to be brave in reforming and reducing the intrusions of government. The best thing we can do in this place is to enact a framework of policies that will create the environment for jobs growth—removing red tape and getting rid of anti-job taxes. But, instead, we stifle innovation and we tax the hell out of anyone who wants to set up shop in South Australia.

Government cannot prosper in and of itself: However, it can govern wisely so that men and women of creativity and purpose may build prosperity for our state. That prosperity and business activity generates the impetus and the means to improve our infrastructure and our vital human services (police, mental health services and hospitals, schools, support for people living with disability and our emergency services), but this government does not seem to see things like that.

During the election campaign, one of the key promises from the Labor Party was that it would deliver 100,000 new jobs. Fortunately for me, the electors of Morialta understood that the government's plan—consisting of state and federal training places—does not equate to a sustainable employment policy. They understand that jobs are not created by government fiat: they are generated by the private sector operating under business-friendly policy settings. You could put every man and woman in South Australia on the government payroll, and you would have zero

unemployment in the short term but it would not be sustainable. There would be no-one left to pay the taxes that fund their salaries.

I said before that the boom years of prosperity had been wasted. Given that public revenue has grown from $8 billion a year to $15 billion per year over the life of this government, one could be forgiven for wondering where all that money has gone. Has there perhaps been a sudden and dramatic growth in front-line services? I can inform the house that the answer is no. In 2002 there were 32,161 full-time equivalent sworn police officers, teachers, doctors and nurses in our Public Service.

The most recent available figures show that it has gone down from 32,161 to 31,203. Let me say that again: there are today 950 fewer full-time equivalent public teachers, doctors, nurses and sworn police officers than there were when Labor came to office, yet over the same period we have seen an increase in more than 15,000 public servants overall. According to the Commissioner for Public Sector Employment, full-time equivalent public servants in South Australia grew from 68,884 in June 2001 to 83,885 last year—a 21 per cent growth in the Public Service over two terms of this government, but not in those front-line service delivery roles.

It is not my intention today to disparage gratuitously the work of the Public Service, but, while a number of those bureaucrats are doing important jobs that will contribute to a better future for South Australia, it defies logic why the numbers of teachers, doctors, nurses and police should have dropped by 950 over the same period that the bureaucracy overall has grown by 15,000. As the old saying goes: the bureaucracy expands to meet the needs of the expanding bureaucracy.

There is a tendency for bureaucracy to become self-perpetuating–to shift from being a solution to a specific problem, to being a solution desperately searching for problems. How often do you hear a government agency say, 'We don't need any more staff in order to achieve our goals.' How often do you hear a government department say, 'We understand there is a problem, but the best solution is to be found in the initiative of the local community'? It is always easy to identify problems, but each time government steps in to try to address them the possibility for individual or community action is diminished, and it is not possible for a government to identify a solution better tailored to an individual's needs than that individual could develop for themselves.

It is thus important for legislators to be mindful of the cost of what government does; not just the financial cost, but the stifling of individual and community possibilities. The leader is right to point out that, in the Sturt Street precinct, half a million dollars has now been wasted as a local government initiative has proven to stifle the local community and local business and has now been withdrawn. I congratulate the member for Adelaide for her role in that.

The government should step in only when individuals, families, companies or communities are unable to deal effectively with a problem first, if such a problem exists. The principle is simple: the best decisions get made when decision makers are as close as possible to the people who are affected by their decisions. Any nation with multiple layers of government faces the question of how authority should be allocated between the levels. I believe that a level of government only has the right to legislate where lower levels cannot act effectively. This is not some sort of obscure philosophical debate; it is intrinsic to the DNA of the Australian system of government. Our federation came into being following these lines. The colonies gave to the commonwealth certain powers—the right to legislate in certain limited areas where it was thought a common approach was more appropriate—but they retained for themselves power over all other areas of government.

Unfortunately, successive commonwealth governments, particularly since World War II—and I acknowledge the role that the coalition governments have played in this, unfortunately—have perverted the spirit of the Australian Constitution, pulling more and more power into Canberra. But states' rights are important. South Australians are not Queenslanders, and what works for them will not necessarily work here with our problems. There are exceptions. Control over the Murray-Darling Basin is an area where state governments to the east have clearly failed the reasonable use test, and we have seen the environmental and social degradation that has followed. The only solution has to be a national approach driven by independent experts and working in the national interest.

On the other hand, I am still agog at the capitulation to Canberra that we saw on health and hospital funding during the state election campaign. There was a time when state premiers used to contest an election by sticking up for their states and taking the fight up to Canberra. This must surely be the first election fought on the basis that the government does not think it has the capacity to undertake one of its most basic functions and wants to outsource it to Canberra. With

power comes responsibility, yet this government works almost as ruthlessly to divest the responsibility as it does to retain the power.

But let us imagine for a moment that this health reform was inevitable. It was still a botched process from South Australia's point of view. Other state premiers went in to bat for their states and secured billions of dollars worth of improvements for their health systems, as well as fundamentally keeping control over their GST revenues, but it was difficult for our Premier to play hardball when he had already signed on the dotted line weeks earlier during the election campaign.

Think for a moment what could have been. We have critical mental health policy challenges in South Australia, yet the government is carving up Glenside Hospital to fund reforms to service delivery. Some of the land is due to be sold this year for new shops to be built and other land will be put to an open market sale in 2012 for residential housing development. All up, 40 per cent of Glenside Hospital's land will be sold off, and according to the Department of Health's Q&A sheet on the internet, this is necessary 'because funds from land sales at Glenside will be directly reinvested to help deliver the new health facilities and reforms to delivering our services'.

The redevelopment of Glenside Hospital is costing $130 million and the new film centre there is costing $40 million. Imagine for one moment the situation had our Premier demanded $170 million for mental health when he went to Canberra instead of choosing to provide political cover for the Prime Minister's botched policy decision. I will be passionate in my defence of federalism and I will be fundamentally suspicious of any piece of legislation that seeks to move any decision-making power to a ministerial council body or an anonymous bureaucracy in Canberra.

Better still, I maintain that the best solution to a problem will be the one that reduces any government's role to the bare minimum. Liberalism's success is based on the realisation that the fundamental and most important unit of society is the individual. Government draws its authority only from the consent of the governed; it has a moral right to intervene only where individuals cannot appropriately address a problem, whether acting alone or by voluntarily working together with others in their community. Government is a necessary servant of society in such circumstances, but the social democratic and statist tendency to regard government as the best judge of what is good for individuals leads to public alienation from the political process. To paraphrase Ronald Reagan, we are a state that has a government—not the other way around.

One of my esteemed predecessors, Jennifer Cashmore (then Adamson), made the point in her maiden speech some 33 years ago that one of the major problems besetting South Australia at that time 'was the pervasive feeling that individuals have little or no power to influence events and that they are at the mercy of remote governments'. Government works best when its interventions provide for greater individual empowerment, not less, so in those areas where government intervention is necessary I will always support policies that provide for that individual or community to be empowered.

Few areas of public policy would benefit more from a greater emphasis on individual empowerment than the disability services sector. Much has been said in this place and elsewhere about the tragic passing of Dr Paul Collier. I only met Dr Collier twice, but he was compelling in his argument for individualised funding arrangements for disability services in South Australia. Who better than the individual or their family to determine what priorities to place on their own service needs?

Let us not forget: not only will the individual, the family, the school council or the community-based NGO be better placed to design appropriate solutions than remote bureaucrats, there is ample evidence that they are also likely to achieve best value for the public purse. Over the last 15 months we have seen more than $16 billion spent on school halls around Australia.

Effectively, two programs have been running simultaneously. Private schools have been given the funds directly and have used them to build whatever their school needs. Public schools have been hamstrung by multiple layers of education bureaucracy spending money on their behalf. In the latter case, we have seen crazy examples of million-dollar gymnasium sheds and covered outdoor learning areas that cost more per square metre than Sydney office space.

How much better would it have been if that money had just been given directly to the schools' governing councils for them to determine the best way to spend it, in the same way that private schools could, and have. There are few better examples of the price of Labor's arrogant centralisation than the lost opportunity and disgraceful waste of funds that could have delivered so much more to our schools.

The same centralising drive confounds progress across the entire education system. There are three levels of governance over public schools. They have a local school council made up of teachers and parents, who work with the principal of the school. They in turn are responsible to the state government, and increasingly it seems that we are devolving our responsibilities to the federal government. However, as every decision—from curriculum choice to the local school's right to hire and fire—gets moved from the local communities to Flinders Street, and then via North Terrace to Canberra, each step has been and is in the wrong direction.

Around the world, the school systems that are producing the best results are those that are moving towards greater involvement and autonomy from the local community. Rather than devolving responsibility to Canberra, we should be providing for the establishment of charter schools along the lines of those that are producing such remarkable results in Sweden and elsewhere.

We know that the most important variable in a student's success is the level of interest taken by their parents—the more parental involvement in the child's education the better. How better to encourage that involvement than to allow parents and communities to work with educators and really run their own public schools, with the education department providing just a basic regulatory framework.

Members who have children under 20 would all be aware of John Marsden's work. Even when I was in high school his novels were on the shelves, although his great international success has been more recent. My favourite of his works, however, is possibly his most obscure. It was his submission to the Senate committee inquiry into the Schools Assistance Bill 2008. This was the bill which initially sought to prescribe the national curriculum onto all schools in Australia. It was a very brief submission in the form of a one-page letter to the committee, so I hope the house will indulge me if I read it in full. He writes:

> Dear Senators,
>
> As an author who—and I'm afraid this is going to sound pompous—has always promoted the interests of young people, and more importantly, as a teacher and school principal, I'm a bit stunned to think that the federal parliament might contemplate passing a Bill which could deprive schools of the right to develop their own curricula, and to innovate and develop special, school specific learning programs. Good grief! Schools should be massively encouraged in the development of new curricula and innovative programs. Anything else will lead to a moribund system, and will threaten progress in this most important area of our society.
>
> The dead hand of bureaucracy already rests heavily upon Australian schools. The Parliament should be working to lift it, not to add to its weight.
>
> [Yours sincerely]
>
> John Marsden

At a time when more and more internationally recognised educational pedagogies and curricula are becoming popular, why would we lock our schools into Kevin Rudd's prescriptive national curriculum, which has been beset by controversy at every step of its implementation?

I note that even in today's paper we see it has been revealed that the framers of the curriculum had not noticed that South Australia and some other jurisdictions have year 7 as part of our primary schools, not our high schools, such is their New South Wales-centric view of the world. I for one do not want our teachers to do things the way they do in New South Wales. Talk about slowing the herd to the rate of the weakest gazelle!

I congratulate the new Minister for Education on his appointment. I have no doubt that he is more capable of meeting the needs of supporting South Australian students and parents, teachers and schools than his federal counterpart. I therefore encourage him to cease his government's abrogation of responsibility to Canberra.

Honourable members: Hear, hear!

Mr GARDNER: While on the subject of Canberra, for the last two years of the former federal coalition government, I had the privilege of holding an adviser's position with the minister for substance abuse issues, at that time Christopher Pyne. I witnessed firsthand the impact of the decisions taken in the late nineties that led to hundreds of millions of dollars of federal government support being given directly to non-government organisations, such as the Salvation Army and Odyssey House, to support treatment and rehabilitation programs. I saw how effectively those non-government organisations were able to use those grants in conjunction with their own funds

and professional and volunteer workforces to get far more bang for their buck than the public system has ever achieved.

I maintain a deep interest in the public policy challenges presented by substance abuse. I dislike the value-laden terms such as 'harm minimisation' or 'zero tolerance'. A holistic approach to tackling substance abuse includes sophisticated education campaigns to reduce demand. It includes adequate resourcing for law enforcement to ensure that they can keep up with the ever more sophisticated techniques of the crime networks plying their deadly trade. Importantly, it includes readily available access to rehabilitation programs, often delivered by the non-government sector. The Howard government's tough on drugs policy was certainly moving in this direction and getting good results according to published data, and I am proud to have been involved in working on that policy.

Solutions to serious problems do not have to begin with government either. In 1988 a million Rotarians around the world agreed with the proposition that it would be great to wipe polio off the face of the earth. Twenty-one years later, thanks to the work done by Rotary and its partner organisations, we have gone from 350,000 children around the world infected with polio every year to just 2,000 reports last year, a 99 per cent decrease in 21 years.

Volunteering takes many forms. In addition to the Campbelltown Rotary Club, I also enjoy my current role on the board of management of the Pilgrim Lutheran Church in Magill. The role that faith plays in political life is regularly debated, and I have seen those debates from a few different angles over the years. I was not raised in a religious household. I was then schooled by the Anglicans, and finally the Lutheran Student Fellowship found me at university.

Within the small geographical boundaries of Morialta there are nearly 20 different faith communities with their own places of worship. Adelaide is known as the City of Churches, not because we were a colony of puritans, but because our early history of religious tolerance and civil liberties allowed individuals of so many different faiths to worship in whatever manner they chose. In the same way, I trust that my relationship with God will guide me in my life. I do not, however, believe that parliament has any jurisdiction over our souls. My faith is a personal matter, and I abhor any suggestion that government would ever seek to stop me or anyone else from practising their faith or from living life by any other principles they hold dear, so long as they are not impinging on anyone else's freedom to do the same.

I also joined the Liberal Party at university in late February 1996, about three days before John Howard became prime minister. I joined because I wanted to make a contribution to my society and my nation. Rather than accept alienation from the process, I wanted to make it better. Robert Menzies founded the Liberal Party to be a progressive party based on liberal values, celebrating the autonomy and the ability of the individual to achieve in life to the level of their innate capacity without undue restriction from the heavy hand of the state. At the same time we also recognise that the Liberal Party has benefited greatly from the conservative tradition that places such value on the institutions that serve us well: the courts and the common law that strive to treat all participants as equal, and the family unit, in whatever shape it takes, that sits beside the individual as the most important building block of society.

The importance of family should not be underestimated in areas of significance to government policy. No government program could ever have such effective impact as the love of a parent helping their child make a strong start in the world. No departmental agency could provide the quality of care to someone in regular need to match that of a loved one for their partner or their sibling.

From time to time, all political parties feel tensions and stresses as they seek to distil the wisdom of large groups of politically-minded people coming from all walks of life. My Labor Party friends tell me that they are proud of what they describe as their machine on that side of the chamber. In the Liberal Party, on the other hand, we celebrate our members' right and, indeed, our responsibility, to think for ourselves.

As the Young Liberals state president for three years, I appreciated that opportunity to challenge our parliamentary teams to new ways of thinking about certain issues. Young Liberals over the years (and I should say at this point I recognise Brian Mitton in the chamber, who was president of the Young Liberals in the 1960s) have contributed to changing government policies on issues as diverse as women's opportunity for service in the Australian defence forces—a debate we were very actively involved in while Robert Hill was defence minister in the Howard government—to mandatory seatbelt laws in the time of the Tonkin government.

As the youngest member of the House of Assembly, and as a life member of the Young Liberal Movement of South Australia, I will always encourage young people to be active within the Liberal Party. We need young people to be involved in the political process, both to challenge us and to keep us grounded, to open our eyes to new approaches and, of course, at election time, we need them to support us.

Very few of us in this house, and particularly those of us who have won seats described as marginal, would be able to come close to election without having great teams around and behind us. In my case, I am so grateful to my dear friends from those Young Liberal days who drove my campaign, led by my outstanding campaign manager, Courtney Morcombe, and her husband, Simon Birmingham, who were constantly pushing me to keep working, keep doorknocking and keep focused on connecting with the community.

In a similar vein, I received great support from my paired members, the member for Goyder and the Hon. Robert Lawson, whom I welcome back to parliament today. Legislative Council candidates Jing Lee and Rita Bouras were also of great help to me. I congratulate Jing on her success and, while Rita missed out this time, I know she still has a great deal to offer her community in the future.

I could not have asked for a more supportive branch and SEC, led by its President, George Hallwood; to all of them, I give my thanks, as I also thank all those supporters who gave of their time, their finances or their counsel. I hope they will not be offended if I do not make an attempt to name them all.

I am grateful that so many have come along today, and I acknowledge that I would not have been able to arrive here as a Liberal member of parliament had they not first chosen me as their candidate. In particular, I benefited from the tireless efforts of so many of the next generation of 20-something young leaders in the Liberal Party—people like Scott Kennedy, Jack Batty, Kelly Ansell, Andrew Smolilo, Zack McLennan, Haley Welch, Ben Bartlett, Bec Lynas, Talis Evans and so many more—who were at the supermarkets with me, pounding the pavements with me and putting the posters up week in and week out for months and months and months. I look forward to see them all achieve great things in the years ahead.

To my various employers over the years, I learnt something from each of you and I am grateful for the opportunities, challenges and lessons I have been given. I will just briefly touch on the political ones. The former member for Adelaide, Trish Worth, gave me my first chance to learn how I could make a contribution through political office. It is now a great pleasure to sit so near the member for Bragg; not only was she a generous employer in terms of sharing her experience, insight and knowledge but she also taught me how to round up stock and deliver a calf on her family's Kangaroo Island farm.

Most recently, I am grateful to Christopher Pyne, one of the most experienced parliamentarians in Australia at the age of 41, whose understanding of the parliamentary process is exceeded only by his devotion to his local community, so much of which is shared with the state seat of Morialta.

To the Leader of the Opposition, it was a delight to be on the campaign trail, talking to people about your vision for South Australia, and to be with you personally on so many occasions. Your no-nonsense, honest and intelligent approach to public policy shone through in the campaign and I look forward to the opportunity to sit with you on the other side of this chamber one day in the not too distant future.

Throughout the campaign, my family were a rock. My parents, of whom I have spoken and who I am so glad are here today, were unwavering in their support in what was a difficult time for them. We lost my maternal grandma two days after my preselection and we lost my paternal grandfather, my last living grandparent, in the last month of the campaign.

Our lives have also been brought joy with the birth of two cherished goddaughters—Astrid Ilse Whetton and Ava Celeste Flett. I am thrilled to see that Ava has been able to make such a good contribution today. I take this opportunity to express my love and gratitude to my fiancée Chelsey who has put up with so much over the last two years. She is my partner in my endeavours and my life.

I am grateful most of all to the people of Morialta. Thirty years ago my family was welcomed into this extraordinary community, as were so many before. In March, the people of Morialta bestowed upon me the singular honour of representing my community in this chamber. It

is a responsibility I do not accept lightly, and I undertake to be tireless in my endeavours to serve their interests.

The DEPUTY SPEAKER: Thank you, member for Morialta, and perhaps the members would like to resume their seats as we listen to the member for MacKillop.

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (12:16): Thank you Madam Deputy Speaker, and may I take the opportunity to congratulate you on your elevation to that august position—a very fitting reward, and I might come back to comment about your fine self shortly.

I take the opportunity also to say that I support the motion to adopt the Address in Reply, and I congratulate the Governor and his wife for the way they perform their duties in the office of Governor, as they go about the various parts of the state. I recently had the opportunity to join them at a dinner in Mount Gambier a few weeks ago. It was great to have them down in that part of the world and to have them go through the area that the new member for Mount Gambier has so ably described, which includes many parts of my electorate. I congratulate the Governor and Mrs Scarce for that work.

It is quite fascinating to listen to the new members of the house, and I congratulate all those members as I congratulate all members who have returned to the house. I particularly congratulate new members for their election to this place and on the quality of their addresses that we have heard in recent weeks. I am particularly impressed by the six new members who have joined the Liberal team on this side of the house. Their contributions give me great confidence and I think it augurs very well for the future of the Liberal Party and the service it will give to this state. As we just heard a few moments ago from the new member for Morialta, he hopes to serve this parliament on the other side of the floor in the not too distant future. I hope to be there with him, and I look forward to that.

Listening to new members delivering their maiden speech reminds me of the first time I rose to address this chamber: it was, I remember, with considerable trepidation. It is with great honour, I believe, that every member comes into this place—representing those thousands of electors in the various electorates—in good faith to do what they can in undertaking that representation and in making South Australia a better place. Indeed, it is with great honour that I find myself returned here, and I am most grateful to my electors who continue to return me to this place. However, I can only contemplate what it must feel like to return to this place having sought to dupe the electors whom you are asking to vote for you. There are a number of members who will sit in this chamber for the next four years who actively sought to dupe the very people they were asking to put them here in a place of trust.

Madam Deputy Speaker, I congratulate you, because I understand that when offered such an opportunity to deceive your electors you refused to enter into that deceptive behaviour. That cannot be said for every member of this chamber, and it is with great shame that some members will sit in here for the next four years. I hope they seriously contemplate what they have done; they have stood before their electorates and said 'Trust me to represent you—but, by the way, I am going to deceive you on the day that I am seeking that trust.' As I said, I can barely contemplate how that must feel.

A number of comments have been made about the election, particularly about its outcome, and I will also make comments about that. I am sure there will be an ongoing debate, and I think we need to have an ongoing debate about what the election should do and what it should deliver to the people of South Australia. Should it deliver 47 individual members to the lower house or, indeed, weigh up the various offers made by groups of those members regarding what they would provide if elected and able to form a group that held a majority?

Some members of the government have argued that it is about winning the most votes in the most seats, but I am not too sure that that is what democracy is about. In fact, I believe the most recent election was fought on a number of issues, because the various parties to the election actually put out manifestos or platforms; they actually put forward proposals regarding what they would do. They spent hundreds of thousands, if not millions, of dollars advertising their proposals. I did not see television campaigns funded with hundreds of thousands of dollars praising individual candidates; what I saw were television campaigns aimed at praising various programs promised in the manifestos of the various parties.

One would have thought—if one were an arm's length observer of the electoral process we have just been through—that if the major groups, in particular, put forward a platform for election or

re-election, that under a democracy the proposals that received the majority of support across the state would be the ones put into place for the ensuing term. Unfortunately, that is not the case for South Australia.

Some significant proposals have been put forward. We have had a proposal for the redevelopment of the Adelaide Oval, and debate is raging on this as I speak. The people of South Australia rejected that proposal, and I firmly believe that they will get their way because I do not believe that proposal will get off the ground. In fact, I do not believe that proposal was ever designed to get off the ground; it was designed to fail. It was a sham proposal designed to get the government beyond 20 March. It was designed to do nothing more than that.

There is a proposal to build a new hospital in the rail yard site to the west of Morphett Street and demolish the existing Royal Adelaide Hospital, with all the assets sitting there. That was a hotly contested proposal and counter proposal put by the parties in the lead-up to the election. The people of South Australia collectively rejected the proposal to move the Royal Adelaide Hospital, yet members of the government would argue that we have a democracy which is fair and which works. The reality is that we have a democracy which is not fair and which does not work, and we may well find that the proposals—very expensive proposals—that were put to the people of South Australia and rejected by those people may, in fact, come to fruition. I say 'may' because I suspect that even the government proposal will never see the light of day.

There are other proposals, such as the completion of the Southern Expressway, which was put forward by both parties, and whichever party was elected would certainly have a mandate to build and complete that project, and I commend that project.

The Hon. M.J. Atkinson interjecting:

Mr WILLIAMS: I know that the former attorney, who has had more than his fair share of opportunities to put forward his opinion in place over a great number of years, is of a mind to continue to interject. I will raise my voice a little and continue to speak because, as usual, I do not know that what he has to say is worth listening to. I will quote somebody who made comments some years ago about the South Australian electoral system. This is what they said:

> Every citizen has to live subject to the law, therefore every citizen should have an equal and effective voice with every other citizen in what the law should be which governs him.

The Hon. M.J. Atkinson interjecting:

The DEPUTY SPEAKER: Order! Member for Croydon, choose your battles well, I would say. However, having said that, member for MacKillop, you do have a loud voice, so you probably do not need my protection.

Mr WILLIAMS: Thank you, Madam Deputy Speaker. I am still waiting for the member for Croydon to tell us about Barton Terrace and—

The DEPUTY SPEAKER: Do not provoke the member for Croydon. Let us carry on.

The Hon. M.J. Atkinson interjecting:

The DEPUTY SPEAKER: Order, member for Croydon! Carry on, member for MacKillop.

Mr WILLIAMS: Thank you, Madam Deputy Speaker. The person I am quoting is, of course, the mentor of many of the people in the government, and that is the late Don Dunstan. I will repeat what he said in 1970:

> Every citizen has to live subject to the law, therefore every citizen should have an equal and effective voice with every other citizen in what the law should be which governs him.

What Don Dunstan was saying is that a vote for a Labor government in MacKillop should have the same weight and power as a vote for a Labor government in Croydon, or a vote for the Liberal Party should have the same weight in Port Adelaide as a vote for the Liberal Party in MacKillop.

If our democracy reflected those values, whomever is in government would indeed have the same sense of providing a level of service in every corner of the state. Unfortunately, the Labor Party, represented in this place by members of one sector of South Australia's community, barring the member for Giles—that is, metropolitan Adelaide—has little or no interest in those parts of the state outside of metropolitan Adelaide, and I will expand on that shortly.

Members interjecting:

The DEPUTY SPEAKER: Order! Thank you, people to my right.

Mr WILLIAMS: The late Don Dunstan did not give up at the 1970 election. In 1973, in his policy speech, he said:

> We demand a state which gives its people liberty and democracy, a state where people's votes are equally valued.

That sounds very similar to what I have just said. He continued:

> We will alter the constitution of South Australia to achieve democracy in our parliament. Our firm policy for all elections is that there must be one man vote, and one vote one value.

That is not what we have in South Australia. We have a system where there is a distinct gerrymander.

We have a system where, in the 29 year period since 1985 and 2014 (which will complete this electoral cycle) in the seven elections that have been held, the Liberal Party has won the popular two-party vote on five occasions yet has only formed government twice and the Labor Party has won the two-party popular vote at two of those elections (1985 and 2006) yet has formed government on five occasions. There is something rotten in Denmark.

The Labor Party won 48.4 per cent of the two-party preferred vote but garnered 55.3 per cent of seats in the house. The Liberal Party, conversely, won 51.6 per cent of the vote and yet only holds 38.3 per cent of the seats in the house. My colleagues and I will continue to talk on this matter. I suspect that the government will show little interest in making the necessary alterations. It was dragged, in the period after the 1989 election, into changing the Constitution Act by inserting a fairness clause. Recent history has shown that the fairness clause is not fair. It does not work and it is time that we revisited it.

The Hon. M.J. Atkinson: That's a relief.

Mr WILLIAMS: The member for Croydon says, 'That's a relief' because the members of the Labor Party do not like playing fair. That is why he said that it is a relief that the fairness clause does not work because members of the Labor Party, as I have already said, have gone to their electorates and said, 'Trust me, vote for me, but don't expect me to play fair. I am going to deceive you on the very day that I am asking you to vote for me.' That is why the Labor Party, I expect, will not seek to make our Constitution Act and our Electoral Act more fair. That is a great pity.

Let me now move to a couple of significant concerns in my electorate which point to why I made the comment that this government has little interest outside Adelaide. I addressed a public meeting in Naracoorte in the heart of my electorate last week. The public meeting was called because a group of concerned citizens right across the township was upset that the Housing Trust had purchased land in a number of streets and proposed to build multiple dwellings on individual blocks.

I asked the government a question on the opening day of parliament and the Minister for Infrastructure answered, 'The only reason that we've made a regulation to bypass the normal development application and assessment process is to allow the commonwealth stimulus package funds to be spent quickly.' He went on to say that different standards will not be applied. In the development plan for Naracoorte, the first objective under the residential plan states that one dwelling only should be placed on each block.

The Hon. M.J. Atkinson: You don't want the Housing Trust?

Mr WILLIAMS: The member for Croydon bemoans that. When I addressed the meeting, I made a couple of comments. One of the comments was that we have development laws in South Australia to provide a number of things, and one is orderly development. The community actually has some involvement in the development plan so the community decides what sort of development it will have and where it will have it. That is one of the reasons we have development plans.

One of the other reasons is so that people can invest with some confidence, knowing they will be investing in a street or suburb where there is orderly development and where they will not have something built next door to them which is going to devalue their investment.

I believe that the government and Housing Trust have not acted in good faith regarding what has occurred in Naracoorte. They are aware of the development plan but, because of the regulation to speed up the process, they have chosen to take advantage and construct dwellings that were not contemplated by the settlement plan. In my opinion, they have acted in bad faith. I do not know that that would have happened in a Labor-held seat. It might have.

I think the Minister for Housing was invited, and she did not turn up. I think the Minister for Planning was invited, but he did not turn up. As the local member, I turned up at the public meeting, as did my colleague, the shadow minister for planning.

I want to talk about another issue, again in my electorate, and the new member for Mount Gambier mentioned this in his speech. The Kimberly-Clark pulp and paper mills at Millicent are under fire. They are under fire because cheap imports of toilet and facial tissue coming out of paper mills in Indonesia and China are being dumped in Australia.

Kimberly-Clark and a number of its competitors put a case to the federal customs department that this material was being dumped and was undermining Australian manufacturers. To put that case and have it heard and adjudicated is about a two-year process. After that process, the federal government accepted that there was dumping and imposed anti-dumping duties on the import of these tissues.

In the meantime, there was an appeal and, more importantly, in the meantime, the Indonesian government threatened to go to the World Trade Organisation. Even more importantly, in the meantime, a boatload of refugees anchored in an Indonesian port was causing severe embarrassment to our government. Are the three events connected? To me, it seems they are. The review has accepted that this material is being dumped into our markets, but the review claimed that, notwithstanding that, no material damage has been caused. It is too damn late when the Kimberly-Clark plant in my electorate—which underpins the employment of 1,500 people—closes its doors. It is too damn late for our federal government to then say, 'Woops; there was some material damage after all.'

We have seen the demise of many industries in this country because of this sort of thing. We have only to look at the orange juice industry, which suffered a similar fate. I am very concerned about the Kimberly-Clark plant in my electorate, the people employed there and the people in the region who are employed because of that plant.

After getting an email from the manager of the plant, Scott Whicker, I wrote to the Premier and implored him—this was before the election—to hop on an aeroplane to Canberra to show Kevin Rudd just how important this issue was. The Premier wrote a letter and in the last sentence of the letter said something like, 'I'd be pleased if you could look at this matter.' It was pretty soft and half-hearted when we needed the Premier of South Australia thumping the desk in the Prime Minister's office. Instead, the Premier wrote a little letter and then appeared on our television screens during the election campaign saying that he was going to create another 100,000 jobs in South Australia.

The reality is that we are losing jobs in South Australia because the Premier is again involving himself in spin when he should be doing the hard yards. It would have made a much better commercial for the Premier, and it would have been of much greater benefit to South Australia, if he had got on the plane and taken a TV crew with him, but he chose not to. I think that tells us something about the Premier. That is why I made the statement that this government is not really concerned about things that happen outside Adelaide, in regional South Australia.

Other members have talked about the health agreement and, again, the failure of our Premier to stand up for South Australia. We do not know how much of the GST will be subsumed in that agreement. We do not know that. We do not know whether it is 30 per cent, one-third, or some other figure—that will not be determined until 2013-14—yet the Premier on day one signed on the dotted line. He let South Australia down.

More recently, in one of the portfolio areas I am responsible for on behalf of my colleagues on this side of the house, we heard the commonwealth government's response to the Henry tax review. I have always conceded that the move in South Australia to encourage people to come here to explore for mineral wealth and then to mine it has received bipartisan support. The Premier never acknowledges that. He actually changed the name the program we had when we were in government to do that, that is, the targeted exploration initiative of South Australia (TEISA).

On coming to government in 2002, this Premier ignored the mining industry for about 18 months and then renamed and rebadged our TEISA program, re-established the funding and called it PACE, and now he goes all around the place talking about PACE. The program to encourage the exploration and mining of minerals in this state has received bipartisan support for over 20 years. However, when Kevin Rudd said, 'I want to reap the rewards of the mining industry for Canberra,' what did Mike Rann say? 'That's a good idea.' What did Kevin Foley say? 'That's a good idea. What a fine policy that is.'

They then came to the realisation that companies like BHP Billiton might have thought that it was not such good idea, that it might have some impact on their establishing an expanded operation at Olympic Dam, that it might have some impact on those 23,000 jobs that the Premier keeps claiming will come out of such a development, and that it might put a great big hole in the 100,000 jobs that would be created, as Premier claimed during the election campaign.

It will have an impact—it will have an incredible impact. I ask the question: what right does Kevin Rudd have to impose a tax on our mineral resources? They are a sovereign asset of the state of South Australia. We have expended many millions of South Australian taxpayers' dollars to encourage people to come here and explore, and to encourage them, on having found with great difficulty, mineral wealth in our state, to establish mining operations. We have put in millions and millions of dollars, which we could have put into other programs, to encourage that, and then Kevin Rudd comes along and says, 'Thank you very much. I'll take the cream off that.'

If we could believe the Treasurer, he was already in the process of saying, 'I think we should be extracting a bit more of that wealth, and we are going to double the royalty rate.' That is what he has told us after the fact; more importantly, after the election. I am not too sure that he is going to win that argument with Wayne Swan and Kevin Rudd—I doubt whether he will. I have not heard one word from this Premier or the Treasurer about perhaps putting an argument to the High Court on who owns that mineral wealth. The Western Australian government has cottoned on to it—it knows what is going on and is now talking about (whatever comes out of Canberra) testing it in the High Court. Section 114 of the Australian Constitution says that state and commonwealth governments cannot tax each other's assets. The Western Australian government reckons it has a pretty good case to fight against the federal government's response to the Henry review.

Any government of South Australia, if it wanted to show faith with the very people it has been trying to encourage to come and operate in this state, should have been making those same sorts of representation to Canberra and saying, 'We don't like your tax. This is our sovereign property and we will do with it what we want. We might make the choice that a company can come here and make a reasonable level of profit because it's providing jobs for South Australians.' That is one of the priorities that the state government should have but this government has abrogated its responsibility in that area; it has abrogated its responsibility to every South Australian.

I see that the clock is well against me. There are a number of other matters that I would like to raise, and I will have an opportunity probably when addressing the supply bill. I will conclude my remarks there and commend the motion.

Mr BROCK (Frome) (12:47): First, Madam Deputy Speaker, may I congratulate you on going forward in your new position. I would also like to congratulate the member for Giles on her elevation to the Speaker's role. I also congratulate not only the new members of this house but also returning members from both sides of politics on being re-elected to this parliament.

I welcome to the crossbench the new member for Mount Gambier, Don Pegler. He will bring to this place great knowledge of regional South Australia and, in particular, the issues that affect regional South Australians. These issues can be identified from his close contact with people through local government in his previous role as mayor of the Grant council. The three Independents on the crossbench have been elected to represent our communities of nearly 100,000 people. We are looking forward to being an active part not only of the parliamentary process but also through committee discussions. I also congratulate the Labor Party on its re-election and look forward to working with the government and other members of both houses to ensure that this state moves forward and does not lose the momentum that it has gained so far.

It was only last year that I was elected in the by-election of Frome. I remember very vividly the by-election being declared on Thursday, taking possession of the keys to the Frome electorate office on Friday and, upon opening the door, finding that there were no files on any constituent issues, no stationery, not even a biro. The office walls were bare and everything had been removed—a great welcome to the electorate of Frome!

Mr Pederick: Might need a new office!

Mr BROCK: Might need a new office; you are exactly right. You needed a new office.

An honourable member: That's normal.

Mr BROCK: My partner (Lyn) and I were then given orientation by the parliamentary staff in this house.

An honourable member interjecting:

Mr BROCK: Thank you; you can have two. Everything was crammed into one hectic day and the very next day I was sitting here in this house. It was certainly a baptism of fire. However, the new members coming in on the general election should have more time to acclimatise to the locations and procedures within the parliamentary system.

I would also like to sincerely thank the members of my small committee group for the great work they did during the last election campaign, and also express my thanks for the great support I received across the whole electorate of Frome.

At the by-election I was able to have volunteers at only seven of the 25 polling booths. However, at the recent general election, I had the great support of volunteers at all 27 polling booths across the electorate. The number of volunteers who came forward to assist on the day was in excess of 120.

During the last 12 months I have endeavoured to try to represent the constituents of Frome as best I could. I established listening posts in seven different locations outside Port Pirie. I have visited—

Mr Venning interjecting:

Mr BROCK: Member for Schubert, I will take you to my next listening post. I have visited the local governments in my electorate; there are five councils there. I also visited the various community development boards, the progress associations and numerous industries to get a better understanding of their operations and concerns.

I am forever grateful to the people of Frome, having improved my primary vote by nearly 80 per cent and having led the primary vote throughout the whole count. However, as other members in this house have mentioned, no electorate can be taken for granted, and I will not take this win for granted but will continue my efforts to further understand the issues that are confronting Frome and regional South Australia.

I sincerely thank my family for their great support, not only during my journey in state politics but also through my journey and time over 20 years in local government. I would also give special thanks to both of my daughters for their strength. As most members here would realise, one daughter lost her 18 month old son to drowning six months ago, and my other daughter lost her baby at 17 weeks of pregnancy. They are both very strong people, something that I as a father did not see previously. I am very proud of their dedication, commitment and loyalty to me.

I would also like to touch on the Governor's speech at the opening of this parliament concerning the government's plans to introduce additional training places and apprenticeships across the whole industry sector. This is a very important issue if this state is to capitalise on resource industry opportunities. I see that the government has indicated over 100,000 training places over six years. We in this house must ensure that regional locations are included in this move forward.

In Port Pirie we have private industry that is prepared to partner with the government to provide training not only in the wet trades but also in water management and food production. I believe going forward that private industry, if it has the opportunity, should be able to partner with government to be able to provide these opportunities.

With regard to the resources activities that have been mooted for upper north and central South Australia, I would certainly hope that, as the Treasurer commented in the previous sitting of parliament, we endeavour to ensure that this proposed commonwealth resource tax, if implemented, does not impede the growth opportunities in this field.

Just in the electorate of Frome there are some five projects that we are confident will be established within the region. It is estimated they will create some 700 to 1,200 jobs. However, these projects are reliant on BHP Billiton's Roxby Downs expansion going forward, plus the other mines continuing their progress to fruition. Therefore, it is essential that this new proposed tax by the commonwealth government does not impede these projects. This is a tax that is causing grave concern in regional South Australia.

South Australian country health was under some uncertainty some 12 months ago; however, there has been public consultation over the past few months and we are looking at the 10 year plan being completed. I have attended some of those forums, and I will certainly be keeping a close eye on the plan moving forward. Country people need to have not only the

services and facilities that are currently there but also access to extra specialised services within their own regions without having to continually go to Adelaide for these services. This is not only expensive but it also creates upheaval and issues within families. At times, this may create other health issues with the extra burden of the financial and emotional stress.

In Port Pirie, we have been fighting for renal dialysis machines in the regional health service for many years—even in my previous role as the Mayor of the Port Pirie Regional Council. However, after many years, and direct consultation with the current Minister for Health, I congratulate the government for establishing the four units in the Port Pirie Regional Health Service. We do need these units in Port Pirie.

This will now enable the current and growing numbers who require this treatment to be able to have the service—and, at times, they require treatment up to three times a week—without having to get up at 5am, travel to Port Augusta or Clare for treatment and then return home. At times, this entails people having to be away from their home for eight to nine hours per day. This creates not only stress on their health but also financial problems. On many occasions, the distance they have to travel in their own vehicle does not qualify for any reimbursement under the PAT Scheme.

To get a better understanding of the issues confronting these people, I accompanied five patients travelling from Port Pirie to Port Augusta. I oversaw their treatment, witnessed what they had to have done during that time and stayed until their discharge. This was over a six hour period, and I was very taken aback by the amount of time it took and inconvenience they had to go through. Hopefully, with the provision of these new machines in the Port Pirie Regional Health Service, this stress may be reduced and make their lives more comfortable and enjoyable.

As mentioned in the Governor's speech, South Australia is leading the nation in renewable energy, and I certainly hope that we continue to establish future projects that will assist with reducing our carbon footprint. The state has great locations for wind turbines, and from discussions that I have had with major companies, this state has some of the best locations for this renewable energy to be established. Whilst we must continue in this direction, we must be very aware that, in some locations, the establishment of wind turbines may be detrimental to the environs. We must ensure that, in creating this renewable energy, we do not jeopardise the current tourism and associated industries that are already established in these locations.

The Social Inclusion Board is paying particular attention to the improved disability services across all eight government agencies. This is an area that is growing and many more of these services and facilities will be required for people with disabilities. As members representing the people of this state, we must ensure that they are not forgotten and that these services are not only maintained but extra services are made available for the people requiring them.

` I have a close working relationship with Orana and also Bedford Industries. In fact, I am part of a working committee with other community leaders working with Bedford Industries in Port Pirie to ensure that we are all kept aware of the growing demands within my electorate. Madam Deputy Speaker, I seek leave to continue my remarks.

Leave granted; debate adjourned.

[Sitting suspended from 13:00 to 14:00]

MOUNT GAMBIER WATER FLUORIDATION PLANT

Mr PEGLER (Mount Gambier): Presented a petition signed by 6,661 residents of Mount Gambier and districts of South Australia requesting the house to urge the government to halt the development of the Mount Gambier Fluoridation Plant until a community referendum is conducted.

ROYAL ADELAIDE HOSPITAL

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:02): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.D. RANN: The new Royal Adelaide Hospital will be Australia's most advanced hospital when it opens in 2016. It will be developed and constructed with the needs and

comfort of patients at heart, purpose built to accommodate the latest medical equipment and provide the best healing environment.

Today I can inform the house that we have reached a major milestone in the construction of the new hospital. Last year the two consortia short-listed to build for the project were provided with very detailed and thorough specifications for what is required by the people of this state for the new hospital. Those specifications were developed with input from a range of experts, including doctors, nurses, allied health staff and hospital designers.

Late last week the two consortia—Torrens Health Partnership and SA Health Partnership—provided to SA Health their final proposals. Tomorrow and on Thursday the bidders will present their final designs. The proposals will then be evaluated by a team, including SA Health, Treasury, senior doctors and nurses, and other hospital staff, as well as external experts. The preferred bidder for the project will be selected later this year, with construction to begin early next year in 2011.

The presentation of the two proposals is a major step forward in the development of the hospital and a very exciting milestone in this massive project. Through the private partnership process being used to build the hospital, an intensive competitive process is underway which will mean South Australians get the best hospital built for the best price. Importantly, South Australians will get a brand new state-of-the-art hospital with much greater capacity. Let me remind all members of this house what will be included as part of the new RAH. There will be:

- a larger emergency department to treat 25 per cent more patients;
- 120 extra beds and a majority of single rooms for the best patient care and healing and privacy;
- five more theatres, all larger than the majority of the current RAH's theatres; and
- 40 per cent more intensive care beds.

The new Royal Adelaide Hospital will provide South Australians with the best care into the future, and I wish both consortia all the best in their efforts to build South Australia's new Royal Adelaide Hospital, which will not just be a landmark for our city but also a landmark for health care in the nation.

Members interjecting:

The Hon. M.D. RANN: I think that members opposite, having seen the number of leaders and deputy leaders that they churn through, should be looking at each other more than at me.

POLICE, SHOOTING INCIDENT

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:06): I seek leave to make another ministerial statement.

Leave granted.

The Hon. M.D. RANN: Today, South Australians woke to the news that two police officers were injured in the line of duty while attending an incident at a home in Paralowie. I am advised that, fortunately, the injuries sustained by the two officers are not life-threatening and that they will make a full recovery. Incidents such as this remind us of the potential dangers that the women and men of the South Australia Police face in the course of their duties on a daily basis.

Speaking on behalf of all members of this parliament, I know I can say that we recognise their commitment, their professionalism and the risks they face for the community they serve, and we are grateful for their commitment and the support that they get from their families. I take this opportunity to wish the officers involved a speedy recovery.

Earlier today—in fact, just an hour or so ago—I spoke to the two young officers involved in this incident and personally conveyed to them our best wishes. I told them that we are pleased that they are safe and that we are also very proud of the work they did and the way they handled the situation they were confronted with.

It is apparent that the consequences could have been far worse. I am told one of the officers, a probationary constable just 22 years of age, received injuries to his face and right eye, cuts and bruising. He is currently at the Royal Adelaide Hospital receiving treatment. The officer's

wife is currently overseas, but I understand that contact has been made with her to let her know that he is safe. I can say that I spoke to this young man and, again, we are proud of the way he dealt with a perilous situation.

The same is true of the other officer, a 25-year old married man, who was treated at the Lyell McEwin Hospital and has been discharged. His injuries include superficial facial wounds, with shrapnel wounds to his left hand. It is anticipated he will return to hospital for further surgery tomorrow.

I understand the incident occurred at about 5.35am this morning. Police received information of a disturbance occurring in Thorngate Drive, Paralowie at a private house. A two-person general police patrol from Salisbury Police Station attended and, as police approached the house, they were shot at through the front door resulting in both officers receiving shrapnel wounds. The officers retreated, continued observations on the house and called for assistance to cordon off the house. I understand from reports that the offender took up a position on the roof of the house. A siege situation developed at the address and STAR Group officers attended.

The alleged offender subsequently surrendered to police without further incident and has been taken into custody. The suspect has been detained in relation to firearms offences and assault on the two officers. Full charges have yet to be determined. The weapon alleged to have been involved in the shooting is a .223 calibre rifle. The incident has been declared a major crime and a significant incident, with Major Crime taking over the investigation from the Elizabeth Local Service Area. I understand that the alleged offender has a history of mental health issues.

Relatives of the officers injured have been made aware of the incident. Police Employee Assistance Section is involved, including welfare and police psychologists, in relation to the welfare of both officers. I know every member of this house would wish these two brave officers well and a full recovery.

ADELAIDE OVAL

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Federal/State Relations, Minister for Defence Industries) (14:09): I seek leave to make a ministerial statement.

Leave granted.

The Hon. K.O. FOLEY: In December 2009 the state government offered conditional financial assistance of up to $450 million for the redevelopment of the Adelaide Oval. A condition of the offer of assistance was for the South Australian—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: —Cricket Association (SACA) and the South Australian National Football League (SANFL) to reach a legally-binding agreement to redevelop the Adelaide Oval by 30 June 2010. This was an exciting breakthrough after 35 years of what had been a bitter divide between cricket and football being able to co-exist at the Adelaide Oval once again.

There is no doubt that bringing together these codes in the one location would bring to life the centre of Adelaide all year round with cricket, AFL football, rugby and other special events and, of course, potentially World Cup soccer being played in the city. This was a victory for the many sports fans who for years have wanted to see an upgraded Adelaide Oval, with football and cricket played at the same venue.

The agreement reached by the codes created a company called the Adelaide Oval SMA (that is, the Stadium Management Authority) Limited, which was given the task of overseeing the project and running the new stadium. Since the authority was formed, a significant body of work has been undertaken to establish the design, cost and scope of the redevelopment. The SMA is also required to undertake detailed financial modelling to determine the financial benefits for the SACA, the SANFL and the two AFL clubs: the Crows and the Power. The government made available $5 million to the Adelaide Oval SMA to engage the relevant contractors and consultants to assist them in this work.

The government also established its own steering committee to liaise with the SMA and to assist it where appropriate. The committee comprises representatives from the departments of Treasury and Finance, Transport, Energy and Infrastructure, Recreation and Sport, and Mr Bruce

Carter, Chairman of the Economic Development Board. The SMA has also briefed the Adelaide City Council on its proposal and entered into discussions with it about what is required to progress this proposal.

In the past weeks there has been significant speculation about the progress of the SMA, its plans for the oval and the potential costs for these plans. Today I can advise the house of developments since the government approved its conditional offer of assistance. At the time of the original decision—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: I have never seen your costings.

Mr Williams interjecting:

The Hon. K.O. FOLEY: I have never seen your costings.

Mr Williams interjecting:

The SPEAKER: Order! The Deputy Premier should be listened to in silence.

The Hon. K.O. FOLEY: At the time of the original decision—

Mrs Redmond interjecting:

The SPEAKER: The leader will please be quiet. She was very interested in this at the last question time.

The Hon. K.O. FOLEY: —cost estimates provided by SACA and the SANFL were based on preliminary concept designs. Since that time more detailed design work and costings have been prepared. The current estimate for the completion of the redeveloped Adelaide Oval, inclusive of work currently being undertaken by SACA on the western grandstand, exceeds the government's offer of assistance. Detailed—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: —estimates are not yet available—

Mr Pisoni interjecting:

The SPEAKER: Order, the member for Unley!

The Hon. K.O. FOLEY: —and will be the subject of further work—

Members interjecting:

The SPEAKER: Would members on my left please be quiet. You occupied most of your question times last session on this; I am sure you are interested in what the Deputy Premier has to say. Others here are interested in what he has to say. Deputy Premier, just ignore them, please.

The Hon. K.O. FOLEY: Detailed estimates are not yet available and will be the subject of further work by the SMA and its consultants. However, extensive work undertaken by the SMA over the past few months on developing this project has revealed that the cost of the work cannot be completed for $450 million if the cap also includes the $85 million offered by the government towards the cost of the current western grandstand. Accordingly, in order to enable the proposal to be developed cabinet has agreed that, to ensure the project is given the best possible chance of going ahead, it is prepared to increase its level of financial commitment to this project.

Members interjecting:

The Hon. K.O. FOLEY: 'No, he didn't,' he says from all the way down there; well, why did you get relegated? So in addition to the $450 million for the redeveloped oval, it will also provide a contribution of $85 million towards the cost of current works being undertaken on the western grandstand. This will bring the total government offer of financial assistance to $535 million.

The government has today made it clear to the SMA that the costs for the stadium must be contained within this cap. Any costs in excess of this cap will need to be funded by cricket and football from their own sources.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: The cost of the proposed pedestrian bridge over the River Torrens will now be met by the government as part of the riverside development proposed for the southern riverbank precinct.

In the event that Australia is successful in its bid to host the football World Cup in either 2018 or 2022, the commonwealth government will provide matching funds to South Australia to meet the cost of stadium infrastructure and training facilities. The commonwealth funds are significant, and are capped well in excess of the $100 million of financial support by the state. These funds will be obliged to meet any additional requirements to host World Cup football matches, with the balance retained by the state government to defray its financial commitment to the stadium.

The government has been advised by the SMA that it requires additional time to finalise its redevelopment plans and costings, and then conduct the detailed financial modelling required within the new cap.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: The government is also making more time available for the SMA to get the work completed. The SANFL and SACA must now reach agreement and the SMA report to the government by the end of August this year. Following this the government will conduct its own due diligence on the designs, cost estimates and financial modelling to ensure that the redevelopment delivers the best outcome for the codes, spectators, the city and all South Australians.

Members interjecting:

The SPEAKER: Order!

PAPERS

The following papers were laid on the table:

By the Minister for Transport (Hon. P.F. Conlon)—

Regulations made under the following Acts—
- Road Traffic—
  - Miscellaneous—Seat Belts
  - Road Rules Ancillary and Miscellaneous Provisions

Rules made under the following Acts—
- Road Traffic—Australian Road Rules

By the Minister for Families and Communities (Hon. J.M. Rankine)—

Minister of Consumer Affairs Response to the Economic and Finance Committee Report—
- Consumer Protection for Farmers: Reaping a Fair Harvest

Regulations made under the following Acts—
- Liquor Licensing—Dry Areas Long Term—Gawler

Local Council By-Laws—
- District Council of Mt Barker—
  - No. 1—Permits and Penalties
  - No. 2—Moveable Signs
  - No. 3—Roads
  - No. 4—Local Government Land
  - No. 5—Dogs

By the Minister for Correctional Services (Hon. A. Koutsantonis)—

Death of—
- Daniel William Barry O'Keeffe Report April 2010
- Marcielo Marstroianani Sciascia Report April 2010

By the Minister for Agriculture, Food and Fisheries (Hon. M.F. O'Brien)—

Regulations made under the following Acts—
Primary Produce (Food Safety Schemes)—Food Safety Schemes—Plant Products

By the Minister for Employment, Training and Further Education (Hon. J.J. Snelling)—

Further Education, Employment, Science and Technology, Department of—Annual Report 2009
Training Advocate, Office of—Annual Report 2009
Training and Skills Commission—Annual Report 2009

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

Regulations made under the following Acts—
Legal Practitioners—Fees
Rules made under the following Acts—
Supreme Court—Civil Rules—Amendment 10 Erratum

QUESTION TIME

ADELAIDE OVAL

Mrs REDMOND (Heysen—Leader of the Opposition) (14:20): My question is to the Premier. When the state government commitment to the Adelaide Oval was $450 million the Premier said:

> We, the government, have been prepared to put in $450 million but they, the SANFL, AFL and SACA, have to kick in the tin as well. After all, it is for their benefit.

Now that the state government commitment to the Adelaide Oval is $535 million, how much will the SANFL, AFL and SACA have to kick in the tin, for, after all, to quote the Premier, it is for their benefit?

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:21): Here is an opposition—

Members interjecting:

The SPEAKER: Order! The Premier.

The Hon. M.D. RANN: Here is an opposition that had no costings for its stadium and no costings for its hospital. They have none at all. In fact, even their own—

Mr PISONI: I rise on a point of order in regard to debate, Madam Speaker. Just answer the question.

The SPEAKER: There is no point of order. The Minister for Transport.

The Hon. P.F. CONLON: Point of order: it is impossible to hear the Premier with the shrieking interjections and, might I say, witless interjections of the other side.

The SPEAKER: There has been a lot of noise. Premier, would you continue your answer please.

The Hon. M.D. RANN: Thank you, Madam Speaker. I am pleased that members will hear me with the courtesy with which I heard the question. The fact of the matter is that the opposition gave no costings whatsoever for its proposed hospital.

Mr PISONI: Point of order. This is clearly debate. We just want an answer.

The SPEAKER: There is no point of order. The Premier will stick to the question.

The Hon. M.D. RANN: Rather than a mirage in the railway yards of the Liberals, what we are doing is committing to making a world-class stadium in a world-class icon a reality, and that is the difference.

Mr Williams interjecting:

The SPEAKER: Order, the deputy leader!

LOWER LAKES

Ms BEDFORD (Florey) (14:22): My question is to the Minister for the River Murray. What initiatives is the government supporting to help our Lower Lakes communities tackle the impact of record low inflows into the Murray system?

Members interjecting:

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (14:23): That's rubbish, and you know that too. That's rubbish. I thank the honourable member for her question. The state government, in conjunction with the Lower Lakes communities and the commonwealth government has, on a number of fronts, been tackling the challenges presented by the record low inflows into the Murray system. A key strategy involves the implementation of the Lower Lakes Bioremediation and Revegetation Project, which is a two year $10 million commonwealth funded package of coordinated programs that are aimed at reducing the risk of further environmental damage in the Lower Lakes region due to the record low inflows.

An important initiative being undertaken as part of this project is the Lower Lakes fencing program, which will result in almost 150 kilometres of shoreline around both lakes being fenced. With strong support from landholders who are being funded to undertake the fencing, more than 80 kilometres has already been fenced at a cost of around $1 million.

The fencing is an essential tool in helping to keep livestock away from exposed lake beds where they run the risk of contacting acidic soils and water as well as preventing that livestock from grazing on vegetation growing on the lake beds. Today, the Federal Minister for Climate Change, Energy Efficiency and Water (Senator the Hon. Penny Wong) and I have announced that funding is now available for fencing in the Goolwa Channel, the Finniss River and the Currency Creek tributaries.

The autumn vegetation program which commenced earlier this month is another significant element of the bioremediation and revegetation project. It involves hand planting more than one million native seedlings to vegetate over 2,300 hectares of exposed lake bed across Lake Alexandrina and Lake Albert. Some 300 tonnes of seeds (including local plant species and cereal rye) have been dropped from a fixed-winged aircraft over 5,000 hectares of exposed lake bed, the aim being to reduce soil erosion and the risk of acidification. Preparations for this extensive planting included propagating seedlings for approximately one million native sedges and about 120,000 local native plants, before undertaking the painstaking work of hand planting of exposed lake beds.

I would like to publicly acknowledge the hard work and achievement of the many local volunteers and the close cooperation shared between the state and commonwealth governments, the Ngarrindjeri Regional Authority, the Coorong District Local Action Planning Committee—

Mrs Redmond interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: I thank you very much for your assistance, leader.

The Hon. A. Koutsantonis: Temporary leader.

The Hon. P. CAICA: Temporary leader. I should not be distracted by my colleague, but I note that there is a one in four chance of any one of the new members actually becoming the deputy leader. In fact, that has been improved by the assertion by the member for Adelaide that she is not interested in the deputy leadership, just the leadership.

Members interjecting:

Mr WILLIAMS: I have a point of order on relevance and debate. The minister was doing a very good job and I thought he was setting a fine example for the ones up this end, but he has run off the rails.

The SPEAKER: Yes, I uphold the point of order. You were being very naughty, minister. You were pointing also, but I noticed the member for MacKillop was pointing back.

The Hon. P. CAICA: I apologise again for being so easily distracted.

The SPEAKER: Yes, thank you. You are normally very well behaved.

The Hon. P. CAICA: The Goolwa to Wellington Local Action Planning Association has been involved in this as well, along with the people of the Lower Lakes communities in general. In addition to these initiatives, I am advised that more than 486 billion litres of additional water will have been delivered to Lake Alexandrina in 2009-10, on top of the 350 billion litres of annual River Murray base flow moving past Wellington into that lake.

This has resulted in the water level in Lake Alexandrina being at its highest level since December 2008, rising from minus 0.9 metres mean sea level in January 2010 to minus 0.51 metres mean sea level as at 14 May 2010.

Mr Pengilly interjecting:

The Hon. P. CAICA: I will not be distracted, ma'am.

The SPEAKER: No.

Members interjecting:

The Hon. P. CAICA: You're the one that should be cranky. You should be cranky, learning about your demotion over the radio. I mean, it's outrageous the way you've been treated.

Members interjecting:

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

The Hon. P. CAICA: I will. I am also advised—

Members interjecting:

The Hon. P. CAICA: Look, this is a very serious subject, ma'am, and I wish that they would take it seriously. I am also advised that this is expected to maintain Lake Alexandrina—

Mr Venning interjecting:

The SPEAKER: Order, the member for Schubert!

The Hon. P. CAICA: —above its whole of water body acidification trigger to minus 1.5 metres mean sea level until at least 2012. The additional water has also resulted in salinity in Lake Alexandrina decreasing from an average of 6100 EC in January 2010 to 3700 EC as at 14 May 2010. This is the lowest salinity level in that lake since March 2008.

In regard to the water level in Lake Albert, almost 90 billion litres have been pumped into it from Lake Alexandrina during 2009-10, with the aim of keeping it above its whole of water body acidification trigger level. As at 14 May 2010 Lake Albert was at minus 0.55 metres mean sea level.

These initiatives certainly highlight the commitment this government has to stabilising the impacts associated with the recent record low in-flows into our Murray system. Just as importantly, they demonstrate how successful outcomes can be achieved by governments working closely together and working with local communities in confronting what might, at first, have seemed to be insurmountable challenges.

ADELAIDE OVAL

Mrs REDMOND (Heysen—Leader of the Opposition) (14:29): When the $450 million Adelaide Oval upgrade was announced by the Premier on 2 December 2009, why did he mislead the South Australian people—

The Hon. P.F. CONLON: Point of order, Madam Speaker.

The SPEAKER: Point of order, Minister for Transport.

An honourable member interjecting:

The Hon. P.F. CONLON: Well, you're not allowed to make any allegation of any kind. The point, Madam Speaker, is that you are not allowed to put debate into your question.

Mr Pisoni: What's the standing order, Patrick?

The Hon. P.F. CONLON: Against debate. If I might, without the help of that brilliant parliamentary tactician on the other side, the member for Unley—

The SPEAKER: What is your point of order, minister?

The Hon. P.F. CONLON: I simply make the point if they—

The SPEAKER: Minister, what is your point of order?

The Hon. P.F. CONLON: The point of order is that if debate is going to be put into the question, they cannot question the Premier when he debates the answer.

The SPEAKER: Yes, I uphold that point of order. I think, Premier, the leader has not finished her question because I'm not quite sure what the question is yet.

Mrs REDMOND: Perhaps I should start again, Madam Speaker?

The SPEAKER: It might be an idea, but you will stick to the question.

Mrs REDMOND: Again, to the Premier: when the $450 million Adelaide Oval upgrade was announced by the Premier on 2 December 2009, why did he mislead the South Australian people saying that the upgraded oval was 'going to be FIFA compliant—

The Hon. P.F. CONLON: Point of order, Madam Speaker: the allegation that the Premier misled the people of South Australia is debate.

The SPEAKER: I uphold that point of order. I would rephrase that if I were you, leader.

Mrs REDMOND: I will reword the question, Madam Speaker. When the Premier announced the upgraded oval for $450 million on 2 December 2009, why did he say it was 'going to be FIFA compliant'—this is the $450 million upgrade—'which means it will be able to host games for the World Cup if we win it for Australia', when the Treasurer has now confirmed that the stadium won't be FIFA compliant even after this state spends $535 million on the upgrade?

Members interjecting:

The SPEAKER: Order! You ask the question, you want to hear the answer.

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:32): It is interesting, however, that the man who has been dumped as deputy leader of the opposition—

Mr WILLIAMS: Point of order, Madam Speaker.

The SPEAKER: I can't understand why there could be a point of order at this stage, but yes, deputy leader, what is your point of order?

Mr WILLIAMS: Relevance. Madam Speaker, the leader was asked, and she complied with the request, to change the question to make it comply with the standing orders. We would expect under those circumstances that the Premier would actually answer the question.

The SPEAKER: There is no point of order. He has only said 10 words so far.

The Hon. M.D. RANN: The question of relevance is about the credibility of the opposition. The announcement that was made—

Members interjecting:

The SPEAKER: Order! We are lucky there are no school children in the gallery today.

The Hon. M.D. RANN: The announcement that we made, the announcement of the commitment that the government of South Australia was prepared to make, was based on the advice of the football and cricket authorities which includes former Liberal federal minister Ian McLachlan, the head of the South Australian Cricket Association.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: Can I say this: what we announced was the setting up of an SMA, a group that brought the partners and parties together and, as a result of about five or six months' work, they have now come back with revised figures. But there were no figures. The Liberals' own then deputy leader admitted that his figures were spin. What we are talking about will be part of a huge redevelopment of the River Torrens precinct which will include a world class hospital—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: —which will include a world class health research science centre, which will include a $400 million upgrade of the Convention Centre and a new upgraded Adelaide Oval. So, this way you get both.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: You get a hospital and you get a stadium.

ADELAIDE OVAL

Mrs REDMOND (Heysen—Leader of the Opposition) (14:34): I have a supplementary question, Madam Speaker.

The SPEAKER: I will listen to the question and decide whether it is supplementary.

Mrs REDMOND: I believe it is supplementary; it is directly relevant to what the Premier just said and I want to clarify. Is he saying that football and cricket advised the government that they could build a FIFA compliant stadium for $450 million?

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:34): I think I made myself clear on the day that I made that statement.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: And it will be a FIFA compliant stadium.

Members interjecting:

The SPEAKER: Order! I think you have been away from this place too long. You need to learn to behave.

GLENSIDE HOSPITAL REDEVELOPMENT

Mr ODENWALDER (Little Para) (14:34): My question is for the Minister for Mental Health and Substance Abuse. How will the redevelopment of the Glenside mental health and substance abuse facilities improve patient and other care?

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (14:35): During this term of the Rann Labor government we have a key goal, and that is completing the multimillion dollar reform of the South Australian mental health system to provide the best—

Ms Chapman interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: It is interesting that the member for Bragg interjects at this stage, because she was in the press on the weekend saying that 15 years ago the Glenside campus had 1,000 beds. Well, I checked and, in fact, 15 years ago the Glenside campus had—

An honourable member interjecting:

The Hon. J.D. HILL: Well, a thousand patients. Fifteen years ago there were 400 beds at Glenside.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: I am not surprised that she got it wrong, because we know she has trouble counting. It is a big fault of the member for Bragg. She has trouble counting.

Getting back to the story, this massive reform program was triggered when the state's Social Inclusion Board reviewed the mental health system, making a series of recommendations in 2007. The government accepted the recommendations in this report, and we have since committed $300 million to reform and rebuild our mental health system.

A key part of this reform, of course, is to build a new Glenside Hospital, which will be open, I am very proud and pleased to say, in July 2012, notwithstanding all the naysayers and those who have been telling lies about what is being proposed at that site.

The $130 million Glenside redevelopment will provide a brand-new, 129 bed, state-of-the-art mental health hospital; increased beds for substance abuse treatment; a 15 bed intermediate care facility; and 20 supported accommodation places.

The existing site is currently underutilised, no longer fit for its purpose and—I think this is the important point—it contributes to the ongoing stigma and marginalisation of those who suffer from mental health problems. The government considers that a large, isolated Victorian-era asylum is no longer an appropriate way of providing mental health services.

Detailed designs of the new health facilities and open space were released in January this year following a 12-month consultation phase with clinicians, patients, staff, residents and a whole range of interested groups.

On 17 April this year, the Minister for Urban Development and Planning approved the development application for the health facilities, and the managing contractor, Hansen Yuncken, has commenced site preparation activities.

I am pleased to announce today that work has already started on the demolition of the ageing buildings. The Brentwood building is currently being demolished. Surrounded by high fencing and built around a bitumen courtyard, the Brentwood building is based on old medical architecture and, more importantly, based on old methods of care for patients.

The redevelopment of Glenside is just part of the reform process the Rann government is committed to. Across metropolitan Adelaide we are also establishing:

- new and upgraded mental health units at the Lyell McEwin Hospital, The Queen Elizabeth Hospital, the Repatriation General Hospital, the Margaret Tobin Centre at Flinders Medical Centre and also the Noarlunga Hospital;
- three 20-bed Community Recovery Centres with a $13.4 million investment;
- 90 new intermediate care beds; and
- six new community mental health centres.

As well, the Rann government is providing dedicated mental health beds in country South Australia for the first time. I make this point particularly in response to comments made in his initial speech by the member for Mount Gambier. Those mental health beds will include a total of 10 new acute mental health beds in hospitals in Port Lincoln, Whyalla, Berri and Mount Gambier. There are also a total of 30 intermediate care places across country South Australia, including 10 for Mount Gambier.

These changes are important because country residents experiencing mental illness will also be able to get treatment closer to their homes and closer to their family, friends and support network. Obviously, that is really important. This not only reduces the need for people to travel but also reduces the demand for acute care that is provided in the metro hospitals.

The South-East, in particular (and I draw this to the attention of the member for Mount Gambier), has a community mental health team, with 14 full-time staff now based in Mount Gambier, including a senior mental health clinician, nurses, psychologists, occupational therapists and a social worker. Those people provide a service to communities in the upper and lower South-East.

I can also announce today, for members' interest, that 2.7 additional full-time positions have recently been approved, and the recruitment process is currently underway to find those people. This is an exciting time in the reform of our mental health system in South Australia. The reform process is proceeding apace at both Glenside and right across the state. We will replace an archaic, ageing mental health hospital with 21st century facilities to provide the very best care in Australia for our vulnerable.

ADELAIDE OVAL

The Hon. I.F. EVANS (Davenport) (14:41): My question is to the Treasurer. Will the state government have to contribute any money above the $535 million to make Adelaide Oval FIFA compliant? In the last week of sitting the Treasurer advised the house that the state government

would have to contribute no funds above the $450 million (at that point) to make Adelaide Oval FIFA compliant. In today's ministerial statement the Treasurer said:

> In the event that Australia is successful in its bid to host the football World Cup in either 2018 or 2022, the commonwealth government will provide matching funds to South Australia to meet the cost of the stadium infrastructure and training facilities. The commonwealth funds are significant and are capped well in excess of the $100 million in financial support sought by the state.

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Federal/State Relations, Minister for Defence Industries) (14:42): The stadium will be FIFA compliant. Within the monies that we have announced today—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: Madam Speaker, honestly, I am happy to answer the question, but if members would rather heckle, I will save the parliament the time of listening to me. I will try to walk you through the answer very quickly.

The Hon. P.F. Conlon interjecting:

The SPEAKER: Order, Minister for Transport!

The Hon. K.O. FOLEY: The stadium will be FIFA compliant to the extent that the playing surface and the internals, etc., will be FIFA compliant. We have a signed agreement with the commonwealth for a figure that I cannot reveal at this stage, but well in excess of $100 million, that will be paid to us on a matching basis, and acknowledging our contribution to the stadium, which we can obviously take, in most part, to the bottom line. There would have to be some small, further expenditure from that commonwealth grant, depending on the victory, for training facilities away from Adelaide Oval, I think, minister for sport—

The Hon. J.W. Weatherill: Yes.

The Hon. K.O. FOLEY: We have to make—

Mr Pengilly interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: —certain training facilities available away from Adelaide Oval for visiting clubs, and we would have to add some further facilities to the Adelaide Oval to cater for pre-match warm-ups for the soccer teams. So, there would be some small additional construction to what is envisaged in this plan. It will be at a smaller cost, and it has to be done by 2022, in the area of change rooms and player warm-ups, but, for all intents and purposes, the oval will be FIFA compliant. Importantly, the vast bulk and the vast majority of the commonwealth funding that will be provided to us, on a matching basis to our contribution, will offset quite significantly our state government's outlays—

Mr Williams: What's it going to match?

The Hon. K.O. FOLEY: Sorry?

Mr Williams: What's it matching?

The Hon. K.O. FOLEY: The commonwealth will be providing us with a figure, provided—

Members interjecting:

The Hon. P.F. Conlon: The money we already put in.

The SPEAKER: Order!

The Hon. K.O. FOLEY: The money we've already put in.

Mr Williams interjecting:

The Hon. K.O. FOLEY: No; I'm not saying 500.

Mr Williams: What is it matching?

The SPEAKER: Order! We have already had one question; it is not a series.

The Hon. K.O. FOLEY: Madam Speaker, members of the opposition are embarrassing themselves by showing their inability to understand public finances. The commonwealth will be providing us with a grant, significantly higher than the original $100 million sought, which will offset dollar for dollar what we have contributed. That would mean we would have contributed at least as much as what they are contributing. That is how it works in government.

ADELAIDE OVAL

The Hon. I.F. EVANS (Davenport) (14:45): I have a supplementary question. Given the Treasurer's answer that the government has a signed agreement with the commonwealth for a capped figure which he cannot reveal to the parliament, can the Treasurer confirm that the capped figure is that the commonwealth will give the state up to $250 million?

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Federal/State Relations, Minister for Defence Industries) (14:45): I am not going to reveal the details of that as it is subject to certain conditions of the commonwealth.

MUSLIM TASK FORCE

Mr SIBBONS (Mitchell) (14:46): Will the Minister for Multicultural Affairs report to the house on a new Muslim task force that is being set up?

The Hon. G. PORTOLESI (Hartley—Minister for Aboriginal Affairs and Reconciliation, Minister for Multicultural Affairs, Minister for Youth, Minister for Volunteers) (14:46): Members of the house would be well aware of recent public debate in relation to the banning of the burqa. Members may recall the statement made by Cory Bernardi, Senator for South Australia, that the burqa has no place in Australian society.

By way of background, currently there are more than 10,000 Muslims in South Australia and the wearing of the burqa is legal. As minister, I joined the debate, defending the right of Muslim women to dress as they choose, just as every non-Muslim is entitled to do. I also said that I would take advice from SAPOL about whether the burqa in fact presents a risk to community safety. I have done that, and the advice from SAPOL is that it is not an issue at present. I also undertook to meet with leaders of the Muslim community—and I did so last week.

A number of important points were made during the meeting. The first point is that the Muslim community is very willing to work with relevant government authorities to establish protocols for the wearing of the burqa. For instance, I discovered that Customs have an arrangement whereby Muslim women present their face for security clearance to a female Customs officer—a system, I am told, that works very well. The Muslim women and men—

Ms Chapman interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: —also spoke to me about reports—obviously, the opposition is not concerned—of Muslim women being physically and verbally abused because of their dress. These reports are alarming because it appears that the women are unaware or unsure about the action they should take when this occurs. For instance, should they contact SAPOL? Finally, concerns were raised about South Australian Muslim children who are growing up feeling unwelcome in their own community.

In response to the situation, I have asked Hieu Van Le, Lieutenant Governor and Chairman of the Multicultural and Ethnic Affairs Commission, to chair a task force which will include representatives from SAPOL, the EO commission and, obviously, leaders of the Muslim community.

Every person living in South Australia, whether they be Aboriginal, Muslim or Indian, deserves to live in a safe community where difference is valued. I urge the opposition to work with me to address this situation and continue the bipartisan support on which we have always prided ourselves when it comes to multicultural and ethnic affairs in South Australia.

ADELAIDE OVAL

Mrs REDMOND (Heysen—Leader of the Opposition) (14:49): My question to the Premier. Given that the government's election platform lists 'provision of $25 million towards to the western grandstand redevelopment at Adelaide Oval' as an achievement, which was matched by $25 million from the federal government, can the Premier explain why it is necessary to pay a further $85 million towards the SACA debt?

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Federal/State Relations, Minister for Defence Industries) (14:49): I simply do not know why the Leader of the Opposition does not ring her good friend Ian McLachlan (the former senior Liberal and, I guess, still a card-carrying member of the Liberal Party) and ask this question. I would have thought, now that she is aligned with the right wing of the Liberal Party, that would not have been a difficult phone call to make.

The $85 million is the remaining value of that asset that will be transferred to the Stadium Management Authority, and the agreement with the government, football association and cricket would be that the SMA would, where possible, be a debt-free vehicle. If it chooses to take on some debt itself to do any other work that is its decision, but that is SACA's contribution to this. SACA is providing its assets to the SMA. It was comfortable in doing that, we were prepared to support that and that was the agreement we announced. As I said—

Mrs Redmond interjecting:

The Hon. K.O. FOLEY: Yes, that is correct—and federal.

Mr Williams interjecting:

The Hon. K.O. FOLEY: No; John Howard gave $25 million as well. I think you will find the grandstand is worth more than the $85 million.

Mrs Redmond: I hope so.

The Hon. K.O. FOLEY: Well, it is still under construction, and the grandstand is worth substantially more than the $85 million, obviously. I understand the opposition has been offered a briefing from Ian McLachlan later this week, and I look forward to the opposition being informed on this project. One might hope that they will get on board and promote this exciting development.

FLINDERS CENTRE FOR GAMBLING RESEARCH

Ms THOMPSON (Reynell) (14:51): My question is to the Minister for Families and Communities. Can the minister advise of the latest South Australian initiatives in the area of problem gambling?

The Hon. J.M. RANKINE (Wright—Minister for Families and Communities, Minister for Housing, Minister for Ageing, Minister for Disability) (14:52): This morning I had the honour of joining professors Malcolm Battersby and Fran Baum to launch the Flinders Centre for Gambling Research. As all members know, South Australia has a proud record of providing support to an increasing number of people across South Australia in recent years who are experiencing or have experienced problem gambling. Through our partnership with industry, the state government offers help and support to people and their families who are finding it difficult to break the cycle. It is vitally important that we make sure that help services, counselling and therapy programs are effective and up to date and based on good research.

This is why I was so pleased this morning to announce that the collaboration between Southgate Institute and the Flinders Human Behaviour and Health Research Unit has resulted in the formation of the Flinders Centre for Gambling Research. This centre builds on the established work of the Statewide Gambling Therapy Service which is funded through my department and which has been operating from the Flinders Medical Centre for the past 10 years.

The Statewide Gambling Therapy Service treated more than 500 clients with severe gambling problems and comorbid conditions during the last financial year, and this work forms the basis for ongoing research into problem gambling at Flinders University. Well-respected professors Malcolm Battersby and Fran Baum will collaborate to build research that informs our practice in relation to gambling problems and work to improve health outcomes for those who are adversely affected by gambling in this state.

We are determined to remain leaders in dealing with the issue of problem gambling and, in fact, international expert Professor Max Abbott this morning praised the fact that South Australia continues to be ahead of the pack in its initiatives. I believe the new Flinders Centre for Gambling Research will be our own flagship in the continuing battle to identify, prevent, remediate and treat problem gambling in South Australia.

ADELAIDE OVAL

Mrs REDMOND (Heysen—Leader of the Opposition) (14:54): My question is again to the Premier. Given that we know from public statements that AFL boss Andrew Demetriou,

Adelaide City councillor Anne Moran, the SACA and the SANFL have all seen the design plans for the Adelaide Oval precinct, when will the public get to see the design plans?

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:54): In the next few days. I also understand that the Liberal opposition is being given a briefing next Wednesday, so I look forward to their enthusiastic support.

ADELAIDE OVAL

The Hon. I.F. EVANS (Davenport) (14:54): My question is to the Treasurer. Following the Treasurer's ministerial statement, which included the comments 'any costs in excess of this cap' (the $535 million) 'will need to be funded by cricket and football from their own resources', does the Treasurer mean only the SANFL and SACA; and, if so, have they agreed?

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Federal/State Relations, Minister for Defence Industries) (14:55): I think the honourable member's question, if I can understand it, is: have SACA and the SANFL agreed to contribute more than we are putting into the project?

The Hon. I.F. Evans: To pay the excess.

The Hon. K.O. FOLEY: To pay the excess. Well, that is up to them. The SMA has not concluded exact final costings. It is working that through. These projects cannot and are not done quickly. At that point, once they see what they get for $450 million, the SANFL and the SACA may or may not choose to put some money in if they want some extra bells and whistles on it, but our number is capped. The only issue will be—

Mr Marshall interjecting:

The Hon. K.O. FOLEY: Hello? Excuse me, did someone 'holler for a marshall'?

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! The Deputy Premier should stick to his day job, I think.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: Madam Speaker, I think that the member for Adelaide is getting somewhat scared back there with the yelling and the screaming. Member for Norwood, just—

The Hon. P.F. Conlon interjecting:

The SPEAKER: Order! The Deputy Premier will get back to the question.

Mr Marshall interjecting:

The Hon. K.O. FOLEY: Do that again. Do that shaky bit again. Do that giggle dance.

The Hon. P.F. Conlon: Danger, Will Robinson!

The Hon. K.O. FOLEY: Danger, Will Robinson, danger! Who thought Robert Brokenshire had left this chamber? He has been reincarnated in the member for Norwood. If we are successful in the hosting of the World Cup there may be some small additional additions to the oval, which will be funded via the commonwealth government grant.

MINING SUPER TAX

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (14:57): My question is to the Treasurer.

Members interjecting:

The SPEAKER: Order, the people on my right!

Mr WILLIAMS: Does the Treasurer now accept that, without substantial changes to the federal government's proposed mining super profits tax, BHP Billiton's proposed Olympic Dam

expansion is under threat; and, if so, what level of taxation and what cut-in threshold has he advised Wayne Swan will ameliorate that threat?

The Hon. K.O. Foley: What's that word?

Mrs Redmond: 'Ameliorate'.

Mr WILLIAMS: 'Ameliorate'. After initial support for the commonwealth proposal, the Treasurer told *The Advertiser* last Thursday that he and the Premier left Mr Swan in no doubt on changes needed to the resources super profits tax to ensure that the project proceeded.

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:58): I am very happy to answer this question. The Deputy Premier, the minister in the upper house (Hon. Paul Holloway) responsible for resources—

The Hon. P.F. Conlon: A legend in mining.

The Hon. M.D. RANN: —who is a legend of mining—and I met with a number of representatives of the mining industry over the past two weeks, including BHP Billiton, OneSteel and the local chamber of mines. We have been acting as an honest broker in terms of talking and communicating with the federal government—

Mrs Redmond interjecting:

The Hon. M.D. RANN: No, we didn't, actually. What we are suggesting is that—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: —a new tax be brought in at a higher threshold.

WORLD AQUACULTURAL SYMPOSIUM

Mrs VLAHOS (Taylor) (14:59): Will the Minister for Agriculture, Food and Fisheries highlight the benefits of the next World Aquacultural Symposium that will be held in South Australia in 2014 and how the government will engage in the development of this?

The Hon. M.F. O'BRIEN (Napier—Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Northern Suburbs) (15:00): I thank the member for Taylor for her question. The World Aquaculture Symposium is the premier international aquaculture industry event, bringing together research industry know-how and the latest technological advances. This event will help create tomorrow's industry successes, and would be of interest to a number of members sitting on that side of the house—and one new member in particular.

Members interjecting:

The SPEAKER: Order!

The Hon. M.F. O'BRIEN: As members would be aware, South Australia is home to Australia's most diverse range of aquaculture sectors, with a world-class reputation for quality seafood and environmental sustainability. In 2007-08 South Australian aquaculture accounted for 30 per cent of the gross value of Australia's aquaculture production—and, given that our state accounts for only about eight per cent of Australia's population, we have pretty well quadrupled what might be our contribution. All credit to the operators, particularly those on Eyre Peninsula, for getting into international markets, because we are doing extremely well both domestically and internationally.

South Australia's position as Australia's leading producer of aquaculture products, and its approach to planning and management, has been recognised internationally by the Food and Agricultural Organisation of the United Nations as a case study for international aquaculture management. So we have UN recognition for what we are doing around the state. South Australia is also the only state in Australia, and one of only a few areas in the world, with dedicated aquaculture management legislation.

Mr Pisoni: And the world's best minister!

The Hon. M.F. O'BRIEN: I knew it wouldn't take long, David; thank you. I would be most grateful if Hansard could pick up that comment. As such, the South Australian agriculture industry is a role model for economic and environmental sustainability.

I am very pleased to inform the house that the Rann Labor government has committed $230,000 to secure the rights to host the World Aquaculture Symposium which will take place over four days between May and August in 2014. The spin-offs from this particular event run to about 3,000 delegates and the opportunity to showcase South Australia with pre and post touring potential to Eyre Peninsula, Kangaroo Island and inland South Australia—and I would like to get the respective members involved when we visit their electorates—which, hopefully, will generate in excess of 14,500 CBD bed nights, 2,000-plus exhibitors, and international recognition for South Australian aquaculture, our legislative regime and our R&D effort.

It is forecast that the economic impact to South Australia will be in excess of $11.5 million. I believe this will be a great event for the state, hopefully with some rub-off for Whyalla as well, and I will be further briefing members on both sides of the house in order to gain maximum impact.

MINING SUPER TAX

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (15:03): My question is again to the Treasurer. Has the state government sought any advice on the constitutional validity of the commonwealth government imposing a new tax on the mining industry? The West Australian Attorney-General, Christian Porter, has stated, 'I have no doubt that should this destructive tax reach the stage of legislation, that to prevent the economic vandalism that would result, major constitutional litigation would result.'

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (15:04): This is an area in which I have a particular interest. I am very happy to get a full report—

An honourable member interjecting:

The Hon. M.D. RANN: Yes, 25 years of service as a justice of the peace. In fact, it is more than 25 years; more than a quarter of a century of jurisprudence. I have to say that I have looked at the issue, and my purview of the constitution makes me wonder in which section of the constitution—

Mr Williams: Section 114, Mike.

The Hon. M.D. RANN: Section 114; well, I will have another look at that and I will report back sine die.

PRISONS, CONTRABAND

Ms FOX (Bright) (15:05): My question is to the Minister for Correctional Services. Danger! Can the minister inform the house about the outcome of recent security operations undertaken at Mobilong and Yatala Labour Prison and what is being done to remove contraband from the prison system?

Mr PENGILLY: Point of order, Madam Speaker. Can I have the question again? I could not hear a word of it, I am afraid.

The SPEAKER: Yes. Could you stand a little bit closer to your microphone?

Ms FOX: Yes. Sorry; there was an accident involving some water, which I believe happened to the member for Finniss earlier on. You had a little accident with some water, didn't you? Yes. My question is to the Minister for Correctional Services. Can the minister inform the house about the outcome of recent security operations undertaken at Mobilong and Yatala Labour Prison, and what is being done to remove contraband from the system?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Industry and Trade, Minister for Small Business, Minister for Correctional Services, Minister for Gambling) (15:05): I would like to thank the honourable member for her question and her interest in contraband in prisons. While it is no surprise that prisoners continue to attempt to bring contraband in behind bars, this government will not tolerate it. The government and the Department for Correctional Services are committed to maintaining safe and secure prison systems.

On 20 April 2010, a major search operation was undertaken at Mobilong Prison. Operation Connie—a name which strikes fear and terror into prisoners across our prison system—was a joint operation involving the Correctional Services' Operations Security Unit, the Emergency Response Group and the intelligence unit as well as Australian Customs and the Police Corrections Section.

The prison was locked down and all prisoners, cells and common areas were thoroughly searched. The systematic operation not only involved officers and drug-detection dogs but utilised technologies such as X-ray machines and metal detectors. As a result of the operation, a number of items were located including tattooing equipment, razor blades, a homemade weapon, string line, a broken mirror, ceramic tools, a drug smoking implement and various prescribed medications.

On 10 May at Yatala Labour Prison, a targeted search called Operation Quality—another name that strikes fear and terror into our prisoners—was undertaken on a select group of prisoners and cells. Prison staff from the intelligence unit and Yatala prison security unit, in conjunction with police, spent more than four hours searching only 23 prisoners and their cells, acting on information and intelligence. It is important to note that this is the first time this type of operation was made.

The targets ranged from high-profile prisoners to gang members and associates of bikie gangs including Rebels, Finks and Hells Angels. Prisoners with a history of violence in custody were also involved. The aim was to find as much contraband as possible by catching prisoners by surprise. Neither I nor the chief executive were told about this in advance in terms of the timing.

What usually happens in a lockdown is that, when prisoners are not let out in the morning, they realise a search is going on and often prisoners do what they can to get rid of contraband. This search is different. This search quietly brings prisoners out after hours when they are already locked down. No-one knows it is happening; they are pulled out and searched.

Operation Quality was deliberately conducted after hours. A search party moved discreetly or stealthily from unit to unit, ensuring that prisoners were not aware that they were about to be searched. They were each taken to a separate location (which I cannot disclose) and, while they were searched, officers inspected their cells aided by search mirrors, hand-held metal detectors and cameras with cables to search vent holes and toilets.

Nine prisoners were found to be in possession of contraband that included a small amount of white powder and a bong pipe, white tablets, bong pipes and cones, white packaging, one bong pipe, another prisoner's methadone card, white tablets times three, white packages times two, a bong pipe and two white capsules, one syringe and white powder.

Operation Quality, which strikes fear and terror into our prisoners, built on our war on contraband. We will continue large-scale searches like Operation Connie in conjunction with smaller targeted raids against specific prisoners. The aim is to keep prisoners guessing. Not only are we removing contraband from the system, but we are preventing it from entering the system in the first place.

The department actively seeks to intercept the supply of drugs and other banned items into the prison. The use of CCTV and radar detection cameras on fence lines, in addition to proactive intelligence gathering, are making it more difficult than ever to smuggle contraband into our prisons. The department's comprehensive random—

Ms Chapman interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: The department's comprehensive random and targeted search program and the use of passive drug detection dogs means that it is also much harder for prisoners to keep any items they do manage to smuggle in. In 2008-09 over 21,000 prisoners were searched and, as a result of these searches, over 1,000 prohibited items were removed from the prison system. We know that prisoners are cunning and inventive and that every jurisdiction in the world has problems with contraband in prisons.

Ms Chapman: Not as smart as you.

The Hon. A. KOUTSANTONIS: I didn't dream up Catch Tim, so I'm not as smart as you. To combat this, our searches are intelligence driven and more focused than ever before.

Members interjecting:

The Hon. A. KOUTSANTONIS: I also didn't contradict my leader two days before an election.

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: But my favourite part by the member for Bragg was on radio FIVEaa on election night, bragging that she got a bigger swing than the Leader of the Opposition. That was my favourite part by the member for Bragg. When asked, 'Who got a bigger swing?', well, of course, she did.

Mr VENNING: Point of order: relevance.

The SPEAKER: I uphold that point of order.

The Hon. A. KOUTSANTONIS: Thank you, madam. Thank you for your protection.

The SPEAKER: No, I'm sorry; I upheld the point of order.

The Hon. A. KOUTSANTONIS: To combat this, our searches are intelligence driven and more focused than ever before. And how I miss the member for Finniss as shadow corrections minister. But I will read about updates on Facebook.

TRADESTART PROGRAM

Mr HAMILTON-SMITH (Waite) (15:12): In light of his brilliant answer to the last question, my question is to the Minister for Industry and Trade. How many direct and indirect jobs are to be lost, and how many programs are to be cut and at what cost, as a result of the government's confirmation today that the TradeStart office in Liverpool Street, Port Lincoln is to be closed? Also, what cuts are to occur as a result of restructuring or re-tendering within offices located in Mount Gambier, Port Augusta and Adelaide?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Industry and Trade, Minister for Small Business, Minister for Correctional Services, Minister for Gambling) (15:12): I would like to say to the member for Waite, welcome back. It has been since 2 July last year that he has asked a question and I am very impressed he has fronted up today and finally had a go. I am impressed. I've got your back. Don't worry.

Members interjecting:

The Hon. A. KOUTSANTONIS: The strategists are not happy? The TradeStart program has been delivered between Austrade and the Department of Trade and Economic Development since 2006, and it is funded by the federal government—not us, the federal government. The contract for the current program was to finish—

An honourable member interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: He has ambitions. The contract for the current program was to finish on 30 June 2010. However, the federal budget announced the continuation of TradeStart, although with a smaller budget and some reduction in locations across Australia. I am advised that the commonwealth government has decided to close 18 of the nation's 48 TradeStart offices. The interesting thing is only one of those 18 offices to close is in South Australia.

There is currently a contractor working in this office and his position is being reviewed by my department. Three locations will remain in Mount Gambier, Port Augusta and in Adelaide, covering the greater metropolitan region. Tender documents for the new program for 2010-14 have been released by Austrade and it is inappropriate to comment further on this process while the tender is out. However, the Austrade program will continue to service businesses in Port Lincoln and the Eyre Peninsula where necessary.

I note that the member for Waite is very concerned about budget cuts in the current federal government program. I just want to read a few budget cuts that the shadow treasurer has announced, and I would like to hear his view and opinion after question time on how he thinks these will impact on jobs in South Australia.

Mr WILLIAMS: Point of order, Madam Speaker: even before he goes to that, he has indicated that he has moved right away from the ambit of the question, and that would be out of order.

The SPEAKER: I think the minister has answered the question.

TRADESTART PROGRAM

Mr HAMILTON-SMITH (Waite) (15:15): I have another question for the Minister for Industry and Trade. What action did he or the Premier take—and when did he or the Premier take that action—to prevent the Rudd federal Labor government for implementing a cut of $50 million to the Export Development Grants Scheme during the recent federal budget which led his state government to announce today a closure of the TradeStart office in Port Lincoln and the restructuring of offices in Mount Gambier, Port Augusta and Adelaide? During the 2010 election campaign, the Premier told South Australians that only he could ensure that South Australians got the best deal on funding and support from the Rudd Labor federal government. This is the deal you got.

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Industry and Trade, Minister for Small Business, Minister for Correctional Services, Minister for Gambling) (15:16): Because of the close relationship the opposition had with their federal opposition, perhaps they can detail to us how reducing funding for the Green Car Innovation Fund by $278 million—

Members interjecting:

The SPEAKER: Order!

Mr WILLIAMS: Point of order, Madam Speaker.

Members interjecting:

The SPEAKER: Order! Deputy leader, do you have a point of order?

Mr WILLIAMS: I do indeed, Madam Speaker. It is one of relevance. I don't believe that the answer being proffered has any relevance to the question.

The SPEAKER: There is no point of order. I don't think the minister has had time to answer the question yet. The deputy leader will sit down. Minister, answer the question.

The Hon. A. KOUTSANTONIS: The shadow treasurer, Joe Hockey, if elected, with the support of the member for Waite, will cut funding—

Mr WILLIAMS: Point of order, Madam Speaker: the question is what action did he or the Premier take regarding the cuts? The minister is obliged to go to the substance of the question, and I'm afraid he's not doing that. I ask you to rule that he come back to the substance of the question.

The SPEAKER: We don't know where the minister is getting to with his question, so I think we will give him the opportunity to answer it.

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: I know that they want to hear the $45 billion in cuts that the federal Abbott government will force onto South Australia, but I can assure the house that businesses in Port Lincoln will continue to have access to programs and services—

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: —business enterprise centres, workshops to businesses that cover over 40 different topics, market access programs—

Mrs REDMOND: Point of order, Madam Speaker: it must now be abundantly clear that the minister is going nowhere near the substance of the question that was asked, and the point of order is that of relevance and debate.

The SPEAKER: There has been so much noise that I have forgotten what the original question was, but I direct the minister to get back to the point of the question.

The Hon. P.F. CONLON: Point of order, Madam Speaker: the question, as explained—

Mr Pisoni interjecting:

The SPEAKER: Order, the member for Unley!

The Hon. P.F. CONLON: It is exactly the—

Mr Pisoni interjecting:

The Hon. P.F. CONLON: Can I have some protection from the 'bully from Unley'?

The SPEAKER: Order, the member for Unley! Be quiet.

The Hon. P.F. CONLON: It is on exactly the same point of order.

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: Madam Speaker, as the Leader of the Opposition pointed out, debate is forbidden in asking or answering questions. I ask you to examine the question of the member for Waite because his explanation was absolutely redolent with debate. It was riddled with debate. I put to you, Madam Speaker, that it sits ill in the mouth of these whited sepulchres to talk about debate when they ask their questions that way.

Members interjecting:

The SPEAKER: Order! As we have one minute left of question time, the minister will address the substance of the question as briefly as he can. He has one minute.

The Hon. A. KOUTSANTONIS: Thank you, Madam Speaker. So, apparently, the member for Waite and the opposition do not believe that putting computers in our schools helps trade and education programs.

Mrs REDMOND: Point of order: the minister is directly contravening your instruction to him to address the substance of the question, which you now have in front of you, and you can see that what he is saying has nothing whatsoever to do with the question asked.

The SPEAKER: The Minister for Industry and Trade, are you going to answer the question? Have you finished answering the question?

The Hon. A. KOUTSANTONIS: I will to finish off by saying this: a rotten deal was getting 10 votes and not being deputy leader.

The SPEAKER: I'm not sure that that was the answer that the leader was looking for, but could I—

Members interjecting:

The SPEAKER: Order!

GRIEVANCE DEBATE

SHARED SERVICES

Mr VAN HOLST PELLEKAAN (Stuart) (15:22): I would like to talk about shared services, a system that the government implemented over three years ago, a system into which it hoped to put a certain amount of money and save a certain amount. It has come nowhere near that whatsoever. The plan was to share back office services across government departments across the state. It was going to share services such as payroll, finance, human resources, information technology and many others. It was also going to shift decision-making from place to place, which has caused enormous difficulty.

I am speaking about this because it has done terrible damage to the people of Stuart and to regional South Australia more broadly and, what is worse, it is not achieving the cost savings that were intended. The merging of offices and the laying off of people from all around the state has not achieved a thing. They have tried to shift people within the city, and that is quite okay for city people. If you are in the city and you lose your job that is a terrible situation, but you have a much better opportunity to pick up your job or find another one. If you live in regional South Australia, that opportunity is very scant indeed, compared with the opportunities in the city, where there are more

people and jobs. The laying off of people is dreadful, but the fact that it happens in regional areas makes it much harder to deal with.

The biggest problem with all of this is that it is just not achieving the intended financial benefits to the state. I understand that saving money is a very important part of being in government and that saving money is a day-to-day issue that has to be dealt with by families, businesses and people all over the world. Sometimes, tough decisions have to be made but, when these tough decisions have to be made, such as in Shared Services, and the results are not there and the negative impact is much worse than was ever expected, it really has to be drawn to people's attention. It is a dreadful situation everywhere, but particularly in regional South Australia.

The plan was to spend $60 million to save $137 million over five years. Neither target has been achieved. The latest figures I have are from late last year; I do not have any more recent figures, and that is because of the election.

Mr Griffiths: Nobody does.

Mr VAN HOLST PELLEKAAN: I don't think anybody does; thank you very much. As I said, the intention was to spend $60 million to save $137 million over five years. What has actually happened, up to late last year, is that $71 million has been spent for savings of $13 million. Over three years through the five-year period there has been a $124 million shortfall in the expected savings at the cost of jobs and regional communities. That $124 million is across the whole state. Not only that, we have overspent the budget on the money that was intended to achieve the savings, which were not achieved.

I can give an example of local decision-making gone wrong because of this project. I quote from a letter from an Adelaide-based electrical contractor that refers to the Port Augusta Police Station. It states:

> [This particular]...air conditioning is called Geothermal Air Conditioning which is the most efficient and green in the world, but Shared Services SA want to remove it and install a different, not as efficient or green system.
>
> ...Shared Services SA have spent millions of dollars to have this unique system installed and are now submitting for tender[s] to remove it. How can this government afford to waste taxpayers' money when the existing air conditioning system works well...

This is a very recent example. The letter is dated 14 April this year, and it is from an Adelaide-based air conditioning contractor, who is referring to work done in the Port Augusta area.

I specifically challenge the Treasurer, when he delivers his very next budget speech, to outline for all to hear exactly what is happening with regards to Shared Services, the cost of implementation and the savings that have been achieved so far in the program.

NEW, MR G.

Mr PICCOLO (Light) (15:26): In the High Court case of Neal v R, His Honour the late Justice Murphy remarked that Mr Neal is entitled to be an agitator. Without diminishing the importance of those comments in that case, His Honour could have been speaking about the late Geoff New, an environmental and heritage activist, who spent a good part of his life promoting the natural and built environment around Gawler.

Although Geoff passed away recently, he left a legacy that will inspire others to take up the crusade to make the world a better place. I say 'the world' because Geoff was not only interested in the environment, he also cared deeply about the people around him. As his son Daniel said at the memorial service, Geoff hated injustice, whether it be shonky council dealings or stupidity towards our environment.

Geoff's dad was a Presbyterian minister, which meant the family moved around a lot, not only in Australia but the world. Geoff left school at 14, and after a time worked in Cheshire's Bookshop where he cemented his love of books and rekindled his interest in study. He obtained leaving and matriculation certificates and went on to study art at university.

Geoff arrived in Gawler about 40 years ago with a young family in tow. They ended up living in what was then described as a remote, barren and windswept hillside, but it was a great place to raise the kids, who had the space to do whatever they wanted.

Geoff was not only an art teacher in the formal sense. He instilled in his children the ability to see beyond the everyday and mundane and to capture the possibilities. Geoff had a vision—some would say he would had many visions—of how the world could be. As his son Justin said at

the service, Geoff had a passion for saving and preserving Gawler's history, whether it be its old buildings, the river system or the massive gum tree in the middle of the town. While I did not always agree with Geoff, we did join together on that particular campaign to save the river red gum in Commercial Lane, a campaign we won.

In some ways, the tree reflects Geoff's journey through life: despite some trying to chop it down over the many years it still stands today, proud and majestic. Geoff would do battle with what he saw as the injustices of Gawler's little corporate machine, often upsetting and falling out with people along the way. Despite this drive, I never found Geoff to be nasty or vindictive; he was a little sarcastic at times but always in good humour. Geoff was an inaugural member of the Gawler historical society, which was the forerunner of the Gawler Environment and Heritage Association, in which he was active until his death.

He served two terms on the Gawler council prior to my joining. Geoff had a rather earthy approach to local politics, and was once caught campaigning while wearing his gumboots. Geoff dreamt of becoming a self-employed artist when he bought the Eagle Foundry in Gawler, where he spent many hours on his artworks and teaching others. While he was not to achieve this particular goal, the foundry has been given a new lease of life by subsequent owners. Geoff had the gift to enthuse others in his battles and art. The Reverend Esmond New ensured that his son had a quite formal religious upbringing, but he let this go for some time, returning later in life to a more natural or spiritual view of the world.

Geoff got older but never old. He maintained a childlike enthusiasm and awe about the world around him. His story telling and his laughter will be sorely missed around the town. I pass on my condolences to his wife Liz, children Josef, Justin and Daniel, his brothers John and David, and sister Julie. In Neal v R his Honour went on to say:

> [If Mr Neal] is an agitator, he is in good company. Many of the great religious and political figures of history have been agitators and human progress owes much to the efforts of these and the many who are unknown.

Oscar Wilde aptly pointed out:

> Agitators are a set of interfering, meddling people, who come down to some perfectly contented class of the community and sow the seeds of discontent amongst them. That is the reason why agitators are so absolutely necessary. Without them, in our incomplete state, there would be no advance towards civilisation.

Mr New was entitled to be an agitator and Gawler is a better place for his being so.

FREIGHT TRANSPORT

Mr WHETSTONE (Chaffey) (15:31): This grieve is directed to the Minister for Transport. On 5 May my electorate office received a call from a locally based freight company with the news that two of its trucks had been intercepted on the Sturt Highway at Blanchetown. The drivers were told that they were in breach of registration laws for transporting goods within South Australia using vehicles with federal registration.

The circumstances surrounding the incidents are unique and I believe they warrant consideration by the minister. The freight company was asked to step into a breach left by the sudden closure of another company based in my electorate. It was asked to transport perishable foodstuffs from Adelaide to Renmark with only 45 minutes' notice. Not wishing to let down a major customer and out of an obligation to the people of the Riverland, the company quickly mobilised its fleet to provide the necessary service.

Predominantly, the company's fleet has federal registration and, while it understands the law regarding the transportation of goods within state borders, it had little choice but to use some of these vehicles to provide the necessary service. If it had been given more notice, I am assured that this company—which has been operating for more than 50 years in Australia—would have complied with the law. I am told that, unfortunately, due to cash flow issues and given that the appropriate paperwork takes up to two weeks to process, this was not possible.

I commend the minister's office for doing what they could to resolve the matter as quickly as possible. I also commend the Department for Transport officers involved in the matter. I have been told that they have been most accommodating and understanding towards the freight company in question.

I ask the minister to continue to be as understanding as possible towards the freight company, as I am told that the matter will soon be before the court and the company faces

unknown fines. I think it would be appropriate for the company to be shown considerable leniency for acting as best it could in what was, essentially, an emergency situation.

ADVANCED MEDICAL INSTITUTE

The Hon. S.W. KEY (Ashford) (15:33): I have registered my concerns in this house and with both the federal and state ministers about the operation of Advanced Medical Institute (AMI) and its claims of being able to cure sexual dysfunction and problems for men and, more recently, for women.

I read an excellent article in *The Age* on 22 February this year. Reporter Mark Hawthorne, on page 2 of an article entitled (unfortunately) 'Sex spray empire facing stiff opposition', outlined action taken by the Australian Competition and Consumer Commission (ACCC) against the Advanced Medical Institute. What he reports is that—and this would have been in February:

> Fifty officers from the [ACCC] raided the headquarters of AMI Australia Holdings in Sydney last week. The officers entered the AMI office in Darlinghurst at 9am on Wednesday, and carted documents out of the building over the next 11 hours.

He goes on to say that, in fact, this is not the first time that the ACCC has looked into AMI. He states:

> Back in 2003, the ACCC prosecuted AMI over a number of misleading claims the company has made in advertising, including the promise to make a full refund if the treatment proved ineffective.
>
> In 2006, AMI was prosecuted by the ACCC again, this time for engaging in 'deceptive and misleading behaviour' after television celebrity Ian Turpie admitted his endorsement of AMI's treatments, and statement it had cured his impotence, was a 'complete fabrication'.

Over the past 14 years I understand that Mr Vaisman, who runs AMI Australia, has built this company into a $50 million empire. As I have already recorded in this place, due to the number of complaints I have received from people (who did not want to be identified) and also discussions I have had with many health professionals (including CEO Kaisu Vartto from the Sexual Health Information Networking and Education SA Inc., fortunately known as SHine), I requested that the issue be examined at a federal level.

Ms Vartto and I met with Steve Georganas, the federal member for Hindmarsh, on this matter, and my reasons for meeting with Mr Georganas were twofold. Amongst the many complaints I had received about AMI, there were a few constituents from Ashford, and also part of Hindmarsh. With the exception of five young women who made complaints to me about AMI (and I have reported about that in the past in this house), most of the complainants were older men, and these men were reluctant to identify themselves publicly and embarrassed to have used AMI products—and, I might say, to no avail. They were also very embarrassed talking to me about this issue, but I am pleased to say that they did so.

Mr Georganas is the presiding member of the House of Representatives Standing Committee on Health and Ageing, and he initiated an inquiry into AMI last year through that committee. I understand that the committee found that AMI's treatments were medically unproven and needed to be examined, and this has been passed on to the Therapeutic Goods Administration. The committee also heard of examples where AMI used predatory tactics and unethical medical practices to sell their products.

It is interesting to note when you look at AMI's most recent annual report of 2007-08 that it outlines that the organisation spent $19.87 million on advertising, as opposed to $3.7 million on medical supplies. This does, of course, raise questions about the success of getting rid of AMI when it pumps so much money into advertising; and is it in the media's interests to see AMI disappear?

ADELAIDE OVAL

Mr MARSHALL (Norwood) (15:38): It is a great pleasure to rise to talk today about a topic that we have not discussed much lately, that is, the Adelaide Oval redevelopment. Some people on my side are angry at the government and, indeed, the Treasurer's announcement earlier today in the house—and they are justified, I think, in being angry. This government went to the people of South Australia with a position. It has backflipped ever since, and we believe, unequivocally, that the government has misled the people of South Australia. But I am not angry like the rest of the Liberal people: I am just extremely interested in how this is actually going to unfold over the coming days and weeks.

The DEPUTY SPEAKER: Just to clarify—not angry, but interested?

Mr MARSHALL: Not angry, Madam Deputy Speaker, but just very interested. By way of clearly setting out the chronology of my interest in this topic, with your indulgence, I will run through some of the most pertinent dates relating to this topic.

First, we need to go right the way back to early 2008. Indeed, it was the Liberal Party which put forward the concept of the redevelopment of the City West precinct and the establishment of a covered city stadium for football, bringing football out of West Lakes and into the city precinct. Now, did the government at the time say, 'Good idea. Excellent idea. We support this'? No. It said that it was a terrible idea, that it would bankrupt the state, that it would jeopardise our AAA credit rating and that it was a particularly bad idea.

Mr Gardner: Who said that?

Mr MARSHALL: They all did. They all said that it was a particularly bad idea. Well, I thought that it was a fantastic idea. The redevelopment of the whole City West precinct as part of a master plan importantly had a covered stadium for football. As a party, we then went out to get independent costings on our proposal; and, in fact, we went to Stephen Baker (a former treasurer of South Australia) and Adam Steinhardt, who put forward the independent Baker Steinhardt report, which looked at various options for this development and, in particular, the concept of a covered city stadium—a city stadium that would have 50,000 seats for a range of sporting and cultural events.

Importantly, this stadium that we were proposing did not take the number of stadia that we have in South Australia from two down to one: it kept the status at two, which I think is important and visionary for South Australia. As I said, the government thought that it was a terrible idea. We thought that it was a good idea, so much so that, in the lead-up to the election, we reannounced it and reconfirmed our commitment to the Riverside redevelopment—again, a 50,000 seat under-cover stadium with 5,000 car parks and bringing the interstate rail terminal into the city. This was going to cost us $800 million for the covered stadium, and it would be FIFA compliant.

It was a good plan and one which was valued not only by us Liberals; in fact, it was actually valued by the people of South Australia. In fact, on the Adelaidenow site (which ran a lot of this story) as high as 80 per cent of people in South Australia favoured this concept, so how did the government respond to this? The government did not say, 'Well, look; you guys have come up with a great idea'; it continued to tell us that it was a bad idea and that South Australia could not afford it.

However, soon thereafter—in fact, not that long at all—on 2 December the Premier said, 'We are going to develop the Adelaide Oval, and, in fact, we've been working on this plan for more than six months.' It is hard to believe that, because members opposite were so divisive and deriding of our plan. They did not want it at all, but in their arrogance they said that it had to proceed with this plan. After the election the Premier, who went to the people with his great Adelaide Oval redevelopment plan, again said, 'Not a cent more and not one day longer.'

What do we have now? We do not know how much this is going to cost, we do not know when the SMA is going to come down with its scope and proposal, we do not know the boundaries of the precinct, we do not know whether the ACC will give approval to proceed with the development, we do not know the federal government input to the project, we do not know whether or not it will be FIFA compliant, we do not know whether there will be car parks and we do not know the cost of the project yet to be borne by the state government. We do not know much at all. We are waiting with great interest.

Time expired.

HERMITAGE FIRE STATION

Mr KENYON (Newland) (15:43): I will be very brief. I want to bring to the attention of the house an event that occurred on Saturday in the new area of my electorate which has become part of Newland for the first time at Hermitage. The renovations to the CFS station were opened. It was a well-attended affair from a relatively small community up there. The most important part of it was that it was a true community event, because the renovations were funded largely by the community after an extensive and longstanding fundraising effort.

It is worth bringing to the attention of the house when a community goes to such lengths and puts in so much effort over so much time to provide for itself, which it has done. The new

facilities are excellent. They are air-conditioned, and they allow a good number of people to be there on stand-by in comfort, which happened a number of times over the summer.

The shed has been extended to accommodate all their trucks, which is a handy thing so that they are not backing trucks into each other trying to put them all into the shed, and it allows for more equipment storage and the like. I would particularly like to congratulate Peter Goodwin for his efforts and the fundraising committee as well. It has been long time coming but it is an excellent result and the community is to be congratulated on its efforts.

ADELAIDE PACIFIC INTERNATIONAL COLLEGE

The Hon. J.J. SNELLING (Playford—Minister for Employment, Training and Further Education, Minister for Science and Information Economy, Minister for Road Safety, Minister for Veterans' Affairs) (15:45): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.J. SNELLING: I rise today to reaffirm the state government's commitment to protecting the welfare of about 450 students currently attending the Adelaide Pacific International College. The students, the majority of whom are from India, remain the state government's paramount consideration.

On 7 May, the Commonwealth Department of Education, Employment and Workplace Relations gave notice of its decision to suspend or cancel the college's registration as a provider to international students. I am told that it is yet to make a final decision. Honourable members would note from my previous statement to this place that an audit has also been conducted by the South Australian Department of Further Education, Employment, Science and Technology, as delegate to the Training and School Commission, in consultation with the commonwealth government and the college.

DFEEST also served notice to the college on 7 May of its intention to cancel its registration as a registered training provider and has given the college's chief executive officer 28 days to respond. I can confirm that no decision about the suspension or cancellation of registration has been made by DFEEST and will not be taken until the college's management has been given the opportunity to respond to the audit's findings.

I am advised that APIC has today issued a statement saying that it has lodged a report with South Australia Police requesting an investigation into alleged fraud on behalf of a former senior employee. I can also confirm that, following the audit, DFEEST referred allegations made by persons purporting to be former students and staff at the college of alleged criminal behaviour and possible fraud to both the state and federal police.

While these matters are before the police I cannot and will not comment further on the specific allegations. I do not have any information before me to know if these allegations have any material bearing on the notices served by state and commonwealth departments, and I reiterate the need for natural justice to be afforded the management of the college as they respond.

This house can be certain that both the state and commonwealth governments have measures in place to ensure students are protected through initiatives like the legislated Tuition Assurance Scheme, and they will be offered places in equivalent courses with alternative providers if their enrolments are cancelled.

All students have been informed in writing about the audit process and have been advised to continue attending classes at the college as required by their student visa conditions until a final determination is made. I am confident that the action taken so far underlines the state government's intention to fulfil our commitment to students living so far away from home and to continue offering high-quality education and training in a safe and supportive environment.

I encourage any students who are worried to contact the Office of the South Australian Training Advocate for information, advice and support by either phoning 1800 006 488, calling into the office at 55 Currie Street in the city, or emailing to trainingadvocate@sa.gov.au.

ADDRESS IN REPLY

Adjourned debate on motion for adoption (resumed on motion).

Mr BROCK (Frome) (15:49): I will continue my remarks. With the 30-Year Plan for Greater Adelaide having been formulated and being reviewed, this parliament must not forget the other parts of the states that are not closely connected to the Greater Adelaide area. The state's

population is projected to reach 1.64 million by 2014 and 2 million by 2029. This growth cannot be sustained within the Greater Adelaide region. As a state, we must ensure that the outer regional areas are encouraged to grow, for these are the areas that will produce the requirement for this growth in our state's population. These are the areas from where the resource industry will sustain its viability, agriculture and also our food production.

Adelaide's water requirements are being accommodated by the provision of the new desalination plant at Port Stanvac, as well as from the city's nearby water catchments. However, the rest of the state is reliant upon the River Murray, and we even have areas of the state that have no access to the River Murray. As a state, we must look at alternative avenues of supply to assure not only human reliance upon this but also assure the requirements of growing industries, the resource sector in particular. The health of the River Murray is deteriorating. We can continue to reduce offtake from the River Murray to maintain its health as best we can, but we must remember that we are at the tail end of the Murray Darling Basin.

While we may reduce the offtake and usage of water from the River Murray, we are also decimating the food bowl, a very proud food bowl in years gone by. Members down that way will have seen it; it is deteriorating very quickly, and we are now importing most of our food products from overseas. In that regard, I have recently had conversations with a firm called Windesal in relation to the opportunity of building a wind turbine desalination plant for Port Pirie. This project will not damage the environment of the gulf because all the brine and waste will be contained on the ground and processed into soda ash, as well as biofuels. It will be operated by two or three turbines, and is different to the project proposed for Whyalla with no brine or any other impurities going back into the Gulf. I have spoken to the Minister for Water Security as well as the Premier regarding this opportunity.

In his speech to parliament the Governor also mentioned the issue of the continuing and growing number of road fatalities and long-term injuries. We must continue to promote road safety, and look at issues with regard to alcohol interlock systems fitted to vehicles. Whilst we may implement these measures, we must also ensure that our road systems, particularly those in regional South Australia, are maintained and improved. Some of those roads have been there for many years and are in very bad condition; in most cases not a lot of maintenance has been carried out. I have to say that this is not a recent occurrence; it has been the case over many years, and both sides of politics need to share the blame.

I believe that we should establish school training for driver education not only for our secondary schools but also in the latter part of the primary system. I can speak from experience: if you lose someone in a road accident it has long-term effects not only on yourself but also on your family and your friends. It is in this area that I notice the government will recruit an extra 300 police officers for South Australia, and I certainly hope that this number increases the net number of officers serving our communities. It is okay to say that we are recruiting an extra number of police officers, but we must also understand the number of resignations and retirements. In addition, we must ensure that we are aware of where these extra police officers are to be stationed: will it be operational duties, administrative duties, or as traffic escorts for the growing number of large items of mining equipment and houses that are being transported through Adelaide to regional areas of South Australia?

This state has the greatest opportunity for growth in its history. It is a window of opportunity, and we must not let it slip.

Motion carried.

HEALTH PRACTITIONER REGULATION NATIONAL LAW (SOUTH AUSTRALIA) BILL

Adjourned debate on second reading.

(Continued from 11 May 2010.)

Dr McFETRIDGE (Morphett) (15:05): This piece of legislation before us today has been brought to this place after quite a history—a national tour, almost—and a lot of consultation and deliberation. Its aims are absolutely worthwhile, and the opposition supports the intent, the aims and the objects of the legislation.

I, for one, as a recent veterinary practitioner, am more than aware that one of the aims of this legislation is to allow the smooth movement of registered health practitioners across the nation between states and territories. I will give a quick illustration of that. When I was practising in Western Australia, I was working for an airline. I could be in Western Australia, South Australia,

Victoria and then even go to New Zealand all on the same day, and the legal paperwork that was involved in my entering those jurisdictions and complying with registration and legislation was very expensive and time-consuming.

Having a system where we have national registration and trans-Tasman recognition of qualifications and registration is something that needs to be supported. The big concern, though, for the opposition is the way this legislation has been presented to this parliament. The Minister for Health has presented this as a piece of legislation that adopts a national law that was passed through the single house of the Queensland parliament back in October last year.

The sad news today is that, while the opposition supports the intent of this legislation—it is admirable, it is desirable, and it should be implemented—we cannot support this legislation in its current form. The minister knows this. At the last briefing we had on a Thursday lunchtime, I said, 'There's good news and bad news, Minister. The good news is we support the intent of the legislation. The bad news is that we don't want to present it as adopting legislation. We want it presented as corresponding legislation.'

Just to briefly explain that, if we do as is being presented by the minister in this piece of legislation, we are adopting 308 pages of a Queensland piece of legislation that contains 305 clauses in the bill with 138 clauses and seven schedules into eight lines of our own bill here.

The opposition does not have any problems with the vast majority of our bill, but clause 4 is the issue, and I will talk about why that is an issue for the opposition and about the way this legislation has been developed. I start by thanking the minister's staff for their cooperation in this, and they have answered the questions for me. They have not been able to answer the political questions, and I do not expect them to do that, but that is what this has really come down to.

This should not be a matter of politics: it is a matter of protecting the people of South Australia not only from dodgy medical practitioners but also from the way this legislation is being put before us, because I think there are real issues that may mean, unintentionally, that we may not be protected from dodgy medical practitioners or health practitioners if this legislation is allowed to go through in its current form. I have no doubt at all that the minister will try to scare the horses and say that the sky will fall in but, as the Chair of the Psychology Board of Australia wrote—and this is one of the new boards that is being formed under this legislation—when introducing the national scheme in a recent letter to registrants:

> If, for any reason, the State in which you are registered is not participating in the national scheme on July 1 2010, your registration in that state will continue to be covered by your existing registration until that State joins the national scheme.

For some reason, if we cannot agree on a position with this legislation over the next few weeks and it is delayed, and if the implementation does not happen by 1 July, the sky will not fall in.

There will be some additional costs. There may be some confusion, but that can be easily clarified. There may be some logistical problems, but that can be sorted out. The thing that we do need to recognise is that this legislation needs to be presented to this parliament by this government, and I make that distinction regarding the separation of powers. The executive and the parliament are separate. This legislation needs to be presented to this parliament as a piece of legislation that is acceptable to the parliament, not just acceptable to the executive of the government.

The current system is working well. We do hear about the Dr Patels of this world, and that is deplorable. But I want to quote from the New South Wales Medical Board's press release of March 2008 as follows:

> The deregistration or suspension of a doctor in New South Wales—

and this applies in South Australia—

> will be immediately recognised in any other Australian jurisdiction in which he or she was registered or seeking registration.

So, we have mutual recognition at the moment so that qualifications are recognised across borders. You do need to register separately in each state, and that is an issue as I have said before, not only with medical practitioners but also with veterinary practitioners.

The current system is not working as seamlessly or perhaps as cheaply as one may hope—and I will talk about fees a bit later—but we should not rush this legislation through this place. The logistical problems will be sorted and any registration problems will carry on, as the

Chair of the Psychology Board of Australia has said in his letter. There are not going to be any insurmountable problems here. We need to get this right.

Any pre-emptive action that has been taken by the intergovernmental ministerial council in setting up the various boards, management committees and agencies is understandable because this is well-intended legislation, and you would expect it to come through all of the various jurisdictions eventually. How quickly that will happen is something that is up to this government, and we will enter into those discussions further as we proceed with the debate.

The thing we do have to avoid, though, is the executive of government dictating to parliament. That is something that I and the opposition will not accept and that is what the sticking point is on this legislation. We need to make sure that this piece of legislation is going to be well and truly examined by this place here. The bill that has been presented to us is 68 pages in length, with 83 clauses and some schedules. It is not a massive piece of legislation per se and, as I say, we have no real issues with the vast majority of that legislation. What we have an issue with is clause 4 of this bill—and this is what it all comes down to—where we have eight lines of the South Australian bill before this parliament referring to 308 pages of the Health Practitioner Regulation National Law Act 2009 that was enacted through the single house of Queensland's parliament back in October last year.

The government is pushing to get this bill through. I am surprised that the minister allowed this bill to be listed on the *Notice Paper* today—and in this week's sitting agenda—for completion of debate this afternoon. I understand the bill was expected to be done and dusted by 6 o'clock this evening. It is now five past four, and I would be surprised if I have finished my contribution by 6 o'clock. I am happy to sit as late as it takes and to work through the issues with the minister.

There will be a significant committee on this bill, because I will insist that the legislation that is the nuts and bolts of this national registration scheme is examined in detail, that all 305 clauses are considered and that the 138 clauses and the seven schedules are examined. If necessary, I will read all 308 pages of the bill into the *Hansard*. It is so important that the people of South Australia do not have to get onto a computer or write or phone to get copies of this legislation from another jurisdiction.

The minister has tabled this bill for members of parliament, but there is no easy access for South Australian citizens to this piece of legislation—and that is not good enough. Even Queensland, the lead legislator, attached it to the schedule. New South Wales has attached a note to its legislation. Why was it not presented to us in that way in order to show respect for this Parliament of South Australia? That has not happened.

There was plenty of time to look at this bill. This bill started in 2005, with the former federal Liberal government looking at the health workforce and the need to ensure we were providing for the future of the health workforce in Australia. The bill which is now before us was put out for consultation in late January, with a little over four weeks for consultation. That is not good enough.

My office contacted the minister's office on 22 September last year—over eight months ago. The letter states:

> Can you advise when the mirror legislation (as we then thought it would be) to the national registration accreditation scheme affecting health professionals is expected to be introduced into parliament?

A month later the minister wrote back, and the letter states:

> Thank you for your letter of 22 September. As you may be aware, the Australian Health Workforce Ministerial Council has oversighted the implementation of a national scheme...The state of Queensland is to host the substantive legislation and other states and territories are to enact adopting legislation following the Queensland legislation. The South Australian legislation is currently being drafted.

This was in October last year. It continues:

> It will then be released for public consultation over the coming months.

We have four-year fixed terms in South Australia. We all knew the election was to be held on 20 March 2010. We knew that the implementation date of this national scheme was going to be 1 July 2010. We knew that was going to happen. There was no ambiguity or confusion about it. Nothing was going to change that.

We have had the election. This national scheme is to be introduced, hopefully, on 1 July and, hopefully, with the participation of South Australia. The minister cannot say he has not had time to pass this legislation. We could have sat more days last year. We could have sat in February

this year. We could have sat on a number of occasions in order to ensure this legislation was not rushed through this place and to ensure the legislation, as we have seen on today's *Notice Paper*, was not pushed through in a matter of hours.

It is not acceptable. It is bordering on arrogance to expect this parliament to be a rubber stamp of the executive of government. I will not accept that, the opposition does not accept that, and I understand that many other members, both in this place and the other place, have concerns about that.

Despite my letter of 22 September last year—eight months ago—inquiring about this legislation, the draft bill was only put out for consultation in January. Dr Tony Sherbon, the Chief Executive, signed a letter on 27 January 2010—it's my birthday, so it's a good day but it was a sad day for South Australia. This bill took that long to be exposed to the public and the stakeholders in South Australia.

We should remember that Queensland released its exposure draft bill on 12 June last year, a matter of a week or two away from being 12 months ago. So there were no secrets about where we were going with this legislation. This piece of legislation should have been looked at last year—it could have been done and should have been done—and we will not be jamming it through in a matter of a few minutes in this place today.

This particular legislation is known as bill C, but the original bill B on which this scheme and legislation is based passed the Queensland parliament on 29 October last year. The minister wrote to me in a letter dated 21 October saying 'an act adopting legislation following passage of the Queensland legislation', and on 29 October the legislation was passed in Queensland. So there has been plenty of time for this legislation to be examined by the government, put together and drafted and put to this house before today. Today we have the piece of legislation the government wants to put to us, and we sit here and are supposed to not look at it or examine it but just rubber stamp it.

I, for one, hope that the Attorney-General is listening to this debate, because I know that, in the past, as a backbencher he had a fair bit to say about the way this legislation was put together. I will be very interested to see whether he makes any contribution on the constitutional validity of the regulations and the disallowance clauses of the regulations and, more importantly, because of what he said in this place in the past, the role of ministerial councils. Let me quote from what the Hon. John Rau (now Attorney-General) said in this place on 13 October 2009 when he was commenting on the Fair Work (Commonwealth Powers) Bill. Mr Rau, member for Enfield and now the Attorney-General, said:

> I am profoundly sceptical about ministerial councils making decisions and then bringing them back here and directing us to do various things.

That is exactly what we are expected to do with this legislation. I will repeat that. The Hon. John Rau, the Attorney-General, said in this place on 13 October last year:

> I am profoundly sceptical about ministerial councils making decisions and then bringing them back here and directing us to do various things.

To me, that is the nub of all this. We are handing over, once again, the sovereignty of this parliament to an unelected body, a ministerial council, which is not only made up of the state and territory ministers but also includes the commonwealth minister, all of whom have political and economic agendas that may influence their decisions. I know they are all honourable men and women, but I become more of a cynic, sceptic and doubter the longer I am in this place.

The Attorney-General's comment is reinforced by law academic, Professor Gerard Carney, who in his book *The Constitutional Systems of the Australian States and Territories* states:

> A risk of many commonwealth and state cooperative schemes is executive federalism, that is, the executive branches formulate and manage these schemes to the exclusion of the legislatures. While many schemes require legislative approval, the opportunity for adequate legislative scrutiny is often lacking, with considerable executive pressure to merely ratify the scheme without question.

That is what we are seeing this afternoon. We are expected to ratify this within hours this afternoon. Professor Carney goes on to say:

> Thereafter, in an extreme case, the power to amend the scheme may even rest entirely with a joint executive authority.

That is what we have here: the ministerial council. Professor Carney continues:

Other instances of concern include, for example, where a government lacks the authority to respond to or the capacity to distance itself from the actions of a joint commonwealth and state regulatory authority. Public scrutiny is also hampered when the details of such schemes are not made publicly available.

That is the other issue today. As I have already said, we need to have this legislation not only tabled in here but also it needs to be made part of the legislation. The Western Australians have done it, and I will talk about that a bit more, but we need to make sure that it is publicly available. Professor Carney continues:

For these reasons, a recurring criticism (at least since the report of the Coombs royal commission in 1997) is the tendency of cooperative arrangements to undermine the principles of responsible government.

That is the issue for the opposition. We would love this legislation to be able to proceed and for the national scheme to come in but not the way in which it is presented. Today we have this legislation and we will deal with it as the government sees fit, because it has the numbers in this place. When it goes to the other place it will be interesting to see what happens.

The devolution of power of parliaments is not unique to Australia. In his book, *The Story of Parliament*, a story of Westminster, John Field discusses the changing roles of parliament and the increasing load of parliamentary legislation. In this book—and he is telling the story of the UK parliament—Field first emphasises the usefulness of an upper house, which Queensland does not have and which this government would love to get rid of. When this piece of legislation goes to the upper house, I hope that members read my second reading contribution and know that we do love them up there, that we do appreciate their input into the legislative process in South Australia.

Field first emphasises the usefulness of an upper house, the house of review, and then goes on to talk about the devolution of the power and authority of sovereign parliaments. I will read a couple of short passages from John Field's book, *The Story of Parliament in the Palace of Westminster*. His book states:

The volume of legislation passing through parliament has more than doubled in recent years from 1,175 pages a year in 1971 to 2,581 pages in 1989, and still rising, as governments try to push through ever more ambitious programs. Statutory instruments and government orders that are scrutinised only in an abbreviated form of the legislative process, if at all, have increased in the same period from about 70 a year to over 1,200. Even if it worked 24 hours a day, the Commons would not give adequate scrutiny to such a volume of legislative business, and up until now it has had to leave it to the House of Lords to do so. Never has it been more necessary for the Lords not to be the poodle of any government.

Field then continues on about the function of parliament:

The function of parliament has also been undermined and its clear legitimacy muddled by the devolution in its many forms. The European Union Commission and the parliament, the International Monetary Fund and other multinational organisations (public and commercial) have limited the remit of Westminster's authority.

And that is what we cannot allow to happen here in South Australia. The whole problem with this bill, as I have said, is clause 4, and I will repeat it because it is so important. In clause 4 we have 308 pages of legislation with 305 clauses and seven schedules of a further 108 clauses, also known as 'bill B' or the 'national law', reduced to one clause of eight lines—eight lines. This is the guts of this piece of legislation. It is the nuts and bolts of the national scheme and this is where the detail is. But we do not get to see it; we have to trust the executive of this government; we have to trust the ministerial council.

As I said, the opposition can live with and support the rest of the bill with the changes to pharmacy practice and optometry practice, but it will not support the bill as presented. I ask the minister either to withdraw the bill and bring it back as it should be (that is, as corresponding legislation) or to justify his position on presenting it this way. We cannot see justification for this parliament being a rubber stamp to the ministerial council.

This bill should have 'bill B' as part of it. There is no excuse. As I said, Queensland has incorporated it into its legislation (as one would expect) and New South Wales has done it, but then it does not solve the fundamental problem that other states have not done it. I realise that the Northern Territory, the ACT and Victoria have not included it in their pieces of legislation and they have got away with it. Their oppositions, for some reason, have not insisted on the inclusion of bill B as a more open and transparent piece of legislation.

South Australians cannot be expected to obey laws made by an unelected group with political agendas. This legislation will only be acceptable to the opposition if it is brought back to the parliament as corresponding legislation. The Western Australians have done it; we can do it. We need to be able to do that and make sure that the legislation is not only acceptable to the IMC—

which it is, as corresponding legislation—but also acceptable to the people of South Australia through their elected representatives in this parliament, not just the executive of the government.

The minister in his second reading speech acknowledges that this legislation could be introduced as corresponding legislation, and it is a very weak argument to say that parliaments will take time to pass amendments and so cause confusion. Even if there were delays then this could already happen, as we have seen, because Western Australia has introduced corresponding legislation.

It is up to each jurisdiction to make sure that the amendments are scrutinised, and the ability to do that with corresponding legislation is going to be easier for this parliament. It will be put through as quickly as possible by this parliament if the amendments are good amendments and the government is sitting more frequently, or is able to schedule the amendments at appropriate times. As I said, we could have looked at this legislation before and we could have had it examined in detail before, because we've had plenty of time, but, no, today we are expected to do it in a very short time frame.

I should point out that the ministerial council agreements to decide to proceed or not proceed with any particular issue is not something that South Australians can have any faith in. Our minister cannot have faith in his ability to have input into that with any degree of significance, because he can be sidelined. So South Australia and our minister could become totally irrelevant if the majority of ministers have their way, because the intergovernmental ministerial council in its own agreement document talks about agreement by consensus or, in the bill, talking about regulations, by the majority of ministers at the ministerial council. There is no unanimous decision that needs to be made, so our minister could actually be sidelined, this government could be sidelined and this parliament could be sidelined by the ministerial council. That is a completely unacceptable position for the opposition to live with.

Let me just talk a bit more about this legislation that we have before us, because it is important that people who are reading *Hansard* and people who are listening to the debate do understand that the opposition does support the intent of this legislation. We do understand and, as I said, personally I have a real desire to see national legislation brought in for veterinary surgeons as well, or the veterinary profession generally, and allied veterinary practitioners, as well as, in this particular case, medical practitioners or health practitioners.

I will talk a bit about this and I will also refer to a parliamentary research paper in a few moments. The National Registration and Accreditation Scheme, known as NRAS, will replace the current system of state-based registration and accreditation to create a single national scheme for 10 different health professions, which are: chiropractors; dentists, including dental hygienists, dental prosthetists and dental therapists, not including dental technicians—and I will talk about that a bit later; medical practitioners; nurses and midwives; optometrists; osteopaths; pharmacists; physiotherapists; podiatrists and psychologists.

The scheme is scheduled to commence on 1 July 2010. The NRAS is the result of a Council of Australian Governments (COAG) intergovernmental agreement signed on 26 March 2008 to implement the national scheme.

The current status of the legislation in other states throughout Australia is as follows: in Queensland, the bill was passed on 29 October 2009 and will commence on 1 July 2010; in New South Wales, the bill was passed on 11 November 2009 and will commence on 1 July 2010; in Victoria the bill was passed on 8 December 2009 and will commence on 1 July 2010; in the Northern Territory the bill was passed in the Legislative Assembly in February this year and will commence on 1 July 2010; the ACT passed the bill and that will also commence on 1 July 2010; in Western Australia, the bill was introduced into parliament on Tuesday 4 May, has been passed and will commence on 1 July 2010.

The reason I keep saying that it will commence on 1 July 2010 is that the national scheme will commence on 1 July 2010, with or without South Australia. As the chair of the Psychology Board of Australia said, it will go ahead, but South Australia will not be included unless we get the legislation through this state.

A very good summary of the history and objects of the current position has been prepared for members at my request by the Parliament Research Library, and I would like to thank Dr Susan Errington for all her work. That excellent report reads, in part:

The legislative process, in the implementation of the national registration and accreditation scheme, was a three-stage process:—

and that is why today we are calling this bill C; we have had bill A and bill B through the Queensland parliament, and now we are being asked to adopt bill C here. The report continues:

The first stage was the passage of the Health Practitioner Regulation (Administrative Arrangements) National Law Act 2008 of Queensland, which enabled the legal and governance arrangements to be established to assist implementation of the national scheme from 1 July 2010. The Health Practitioner Regulation (Administrative Arrangements) National Law Act 2008 was passed by the Queensland parliament and received royal assent on 25 November 2008. This act established the interim administrative arrangements for the scheme such as the establishment of the Australian Health Workforce Ministerial Council, the national agency, and the profession specific national boards.

The second stage was the passage of the Health Practitioner Regulation National Law Act 2009 of Queensland, which will repeal the 2008 act from 1 July 2010, and cover the substantial elements of the national scheme including registration and accreditation arrangements, complaints, conduct, health and performance arrangements, privacy and information sharing arrangements, and transitional arrangements.

The third stage is the introduction of adopting or corresponding legislation by other jurisdictions to apply the national law as a law of that jurisdiction—

That is what we are talking about today; that is the piece of legislation that is before us today—

or, in the case of Western Australia, the introduction of corresponding laws to achieve the same effect. The South Australian bill fulfils this third stage in that process [by adopting the legislation.]

Why introduce a national scheme of regulation for health professionals? The primary objectives of the national scheme are to:

- provide for the protection of the public by ensuring that only health practitioners who are suitably trained and qualified to practise in a competent and ethical manner are registered;
- facilitate workforce mobility across Australia by reducing the administrative burden for health practitioners wishing to move between jurisdictions or to practise in more than one jurisdiction;
- facilitate the provision of high quality education and training of health practitioners;
- facilitate the rigorous and responsive assessment of overseas-trained health practitioners;
- facilitate access to services provided by health practitioners in accordance with the public interest; and
- enable the continuous development of a flexible, responsive and sustainable Australian health workforce and to enable innovation in the education of, and service delivery by, health practitioners.

The background to the bill, as is so clearly laid out in the parliamentary library's research paper is:

In 2005, the Productivity Commission was asked by COAG—

and I acknowledge that this was a federal Liberal government at the time but, as I understand it, this particular arrangement was not the one intended at the time—

to undertake a research study of Australia's health workforce. The purpose of the study was to 'examine issues impacting on the health workforce including the supply of, and demand for, health workforce professionals, and propose solutions to ensure continued delivery of quality health care over the next 10 years.'

The Productivity Commission's report concluded that despite Australia's growing reliance on overseas-trained health professionals, the Australian health workforce continues to experience shortages (particularly in rural and remote areas and in special-needs sectors).

That is an area that we shall talk about later on, because I do not see in this legislation any assistance or incentives for people to go bush; it is great to move interstate or into the territories but not to go bush. The report continues:

The commission further concluded that the demand for the health workforce continues to grow due to a combination of developing technology, increasing community expectations and population ageing, and expenditure on health care already accounts for 9.7 per cent of Australia's GDP and is continuing to increase.

As a key component of its recommendations, the Productivity Commission suggested that factors decreasing the productivity and effectiveness of the available health workforce should be addressed in order to increase the amount and quality of workforce services available for any given levels of expenditure. The extraordinarily complex and interdependent nature of Australia's health workforce arrangements was identified as a significant factor detracting from the productivity of the health workforce.

Amongst its proposed actions, the Productivity Commission recommended the establishment of a national accreditation board as well as a national registration board for health professions. The Commission saw the accreditation of health professionals as encompassing the assessment and evaluation of education and training courses and institutions to ensure that course standards are consistent and of appropriate quality. The registration of

health professionals referred to the assessment of an individual person's qualifications, experience and character to practice their chosen profession.

Following the Productivity Commission's recommendations, COAG signed an Intergovernmental Agreement on 26 March 2008 for a National Registration and Accreditation Scheme for the Health Professions. The IGA outlined the perceived benefits:

- The new arrangements will help health professionals move around the country more easily;
- Reduce red tape;
- Provide greater safeguards for the public;
- Promote a more feasible, responsive and sustainable health workforce.

As the power to regulate the health professions lies with the states and territories rather than the commonwealth—

and this is why we are seeing national legislation and not commonwealth legislation—

the legislative framework for the bill could not be enacted through a single piece of commonwealth legislation. Instead, legislation to improve the national scheme is required to pass through the individual state and territory legislatures.

The Queensland parliament was chosen to host the legislation to create and support the scheme because it has a unicameral Parliament. As there is only one House in Queensland there is a certainty that the bill will be passed without being further amended in the second chamber.

I think that is a very telling point about why Queensland was the host in this particular piece of legislation. South Australia has been the host in a number of other pieces of legislation where there have been intergovernmental agreements and ministerial councils and, quite honestly, we could probably have lived with that as the host legislators but not as, here, tail-end Charlie. The report continues:

On 19 March 2009, the design of the proposed national scheme was referred to the Senate Community Affairs Legislation Committee for reporting by 6 August 2009. Among the findings of the Inquiry, it concluded that there was general support among health professions for a national registration and accreditation scheme. The inquiry made three recommendations.

- It recommended that the Ministerial Council consider amendments to clauses relating to the Ministerial Council's power to approve or amend accreditation standards for a health profession because of a perceived substantive and negative impact on the recruitment or supply of health practitioners to the workforce. Stakeholders considered that such influence could potentially lead to a lowering of accreditation standards in favour of increasing health practitioner recruitment and/or supply.

There are still significant concerns around Australia that the ministerial council can still influence the accreditation standards and supply of health practitioners, not to the extent that they initially wanted to but certainly I know that the AMA in Western Australia, when that bill was going through that place, was lobbying very hard to amend the bill to strengthen even further the need to maintain accreditation standards for health practitioners. The second recommendation states:

- In instances where the ministerial council did give a direction about an accreditation standard, the reasons for such a direction should be made public.

It needs to be very clear that any direction from the ministerial council needs to be made public, and made public in a way that is not hidden away on a website somewhere or in a piece of legislation or a newspaper advert. It should be made open and transparent and public. The third recommendation states:

- The scheme should contain sufficient flexibility in the composition of national boards to allow them to accurately reflect the characteristics and needs of the different professions.

On 12 June 2009, the Exposure Draft of the Health Practitioner Regulation National Law was released for public consultation.

That is in Queensland. It continues:

In total, 550 written submissions were received and a total of 950 people attended consultation forums held in each capital city.

On 27 August 2009, the Australian Health Workforce Ministerial Council released a communiqué outlining their responses to issues raised both through the public consultation on the draft legislation and the Senate Committee's report. With regard to the stakeholders' concerns about the independence of the accreditation function, the Council stated—

and these are the ministers who—

agreed to amend the Bill so that when the Ministerial Council proposes to give a direction in relation to a new or amended accreditation standard where the Council considers that the standard will have a substantive and negative impact on the recruitment and supply of health practitioners, Ministers must first consider the potential impact on quality and safety of health care.

That does not completely negate any dumbing down of accreditation. I sincerely hope that I am not being alarmist there, but that is another reason why we are insisting that this legislation be more accessible to this parliament and the people of South Australia as corresponding legislation.

In response to the other two recommendations of the Senate committee, the ministerial council agreed that any direction issued by them on an accreditation standard should be made public. They also agreed to expand some national boards from nine members to 12 members to allow a practitioner representative from each state and territory in the larger professions.

The Health Practitioner Regulation National Law Bill 2009 was introduced into the Queensland parliament by the Queensland health minister, the Hon. Paul Lucas, on 6 October 2009. The law was passed without amendment on 29 October 2009, nearly 6 months ago. I would like to thank Dr Susan Errington from the Parliamentary Library for putting that research together for me and for other members in this place.

I have also taken some advice on how this legislation is going to be handled and how it will impact on the parliament and the people of South Australia by speaking to our attorney-general and he has, like the Attorney-General, the Hon. John Rau, significant concerns about the power of ministerial councils. The Hon. Stephen Wade, our shadow attorney-general—

The Hon. J.D. Hill interjecting:

Dr McFETRIDGE: Our shadow attorney-general made some significant comments.

The Hon. M.J. Atkinson: Who is that now?

Dr McFETRIDGE: He made sure that—it is interesting that they are starting to interject now because they know that we are not going to get this legislation through this place as they wanted it—rammed through in a matter of hours. So, I will continue on. I will take as long as the house forces me to take with this legislation. I am happy to read all 308 pages of the legislation into *Hansard* if that is what it takes to make it open and transparent for the people of South Australia.

The Hon. Stephen Wade, the shadow attorney-general, shares the concerns of the Attorney-General, the Hon. John Rau, about the influence of ministerial councils, and I will quote from *Hansard* again from October last year, if the house wants me to, to reinforce what he said. They can read what I said in my second reading speech earlier. As to the ministerial council's decisions—and, as I said before, I mentioned it with the Hon. Stephen Wade from the other place, the shadow attorney-general, who backs this up—contrary to advice that the government gave us that the decisions by the ministerial council were only by unanimous agreement, the IGA states that agreements by the ministerial councils for the purpose of decisions relating to the national scheme will be by consensus. Then if you read the Queensland legislation bill B, the national law on regulations, it is by a majority of members of the ministerial council.

The national law adopted in each jurisdiction is also amended without the need for any action by respective parliaments, and that is something that is a concern for us: that the Queensland parliament can amend its legislation with its one house. Sure, we can reject any amendments but then that means we pull out of the scheme. I had a call from one of the health workforce unions this morning urging me to support the bill as it is. I pointed out to that representative that we support the intent of the legislation; we support the need for a national registration scheme, but what we do not support is the way this is being presented to us. We want to make sure that the legislation is going to be a piece of legislation that we can all have respect for and that the legislation respects this parliament.

As I said, Western Australia has done what we are asking—no more, no less. The minister has already acknowledged it in his second reading explanation. The ministerial council acknowledges that it can happen. We just ask that this legislation be presented to us as a corresponding law model.

There are a number of opinions that have been raised, and the Hon. Stephen Wade refers to these in advice given to me about the constitutional validity of the regulation-making powers. We are able to live with those. That is not a die in a ditch issue for us, so the minister can relax. What we do have concerns about is that part of the government's position (in introducing this by adopting the legislation) that it will make a nationally consistent scheme unlikely. Parliaments would consider

the proposed amendments on their merits, including their relative impact on the national consistency. That is the thing that the parliament should be doing, not subject to the ministerial council's direction. It is the parliament, not the executive, that should be driving this legislation. If it is good legislation, I am sure the parliament will support it, and we will pass it and any subsequent amendments.

The government also said that if the corresponding law was introduced it would be extremely burdensome on the national scheme. The burden on the national scheme is clearly bearable, as Western Australia is already using the corresponding legislation approach. The government says it will create lengthy delays that will in many cases be completely unacceptable to the public and the professions. The answer to that is easy: the length of delay is determined primarily by the efficiency of the government in bringing matters to the parliament. Also, professional groups and boards consulted support a corresponding law model.

A corresponding law model, the government says, would compromise the national registration of South Australian practitioners while waiting for the South Australian parliament to pass the required amendments. I do not understand that, because, as the chair of the Psychology Board of Australia said, 'It won't matter, we can continue. The world won't stop.' As I have said before, with all the other corresponding legislation that has been passed, the national scheme will be implemented and we will just have to follow on. There will be some inconvenience—I accept that—but it will be for the greater good.

The minister may or may not accept our position; it is up to him. It will be a long committee process. There will be a long discussion about this. There are a number of speakers on this side, and I have a lot more to say about this. As we take the national tour of what has happened around Australia with this bill, it is not all sweetness and light. There are lots of issues, not only raised by opposition members of parliament in the various jurisdictions but also by the various ministers. There are some wonderful quotes coming out of New South Wales, in particular, about this legislation, and I will quote the various health ministers. We have had a number of briefings on this, and I thank the minister and the staff for those opportunities, but we still have not been able to overcome this one particular major concern, that is, the presentation of the legislation.

The AMA has written to the government expressing concerns about the way this legislation was presented. It was concerned about preserving the sovereignty of the South Australian parliament. My advice is that this legislation does not affect sovereignty per se. We still have the power to intervene, to amend legislation. We can still do that, but the consequences of doing that are what causes concern for me and those I have spoken to as well as other members of the opposition. We do not want to have to try to unscramble the egg; we want to make sure that the cake, with all the ingredients in it, will end up perfect and properly cooked, not half-baked, such as we are seeing at the moment.

The AMA has given me some amendments that it would like to have introduced into this bill. We will not consider introducing those amendments in this chamber. I will read in those amendments at some later stage, probably during the committee stage, but we will be maintaining our position that this bill needs to be re-presented as a piece of corresponding legislation.

Some information given to me by the Australian Doctors Fund has been described as 'quite bullish' by a senior legal counsel. The Australian Doctors Fund's legal advice from eminent QCs did question the constitutional validity of the regulation making powers. There were three recommendations given at the end of the legal advice. Some were really quite hopeful, I suppose. Others are more confident in the legal challenges to this legislation.

I have read that legal opinion. I have spoken to Stephen Milgate, the executive officer of the Australian Doctors Fund, about their position. I have also spoken to legal professionals here in South Australia to just check that where we are going with this is along the right path. There are some issues that we are going to need to compromise on. As I have said, with the regulation-making powers, we are willing to live with that at the moment, provided we get the rest of the legislation presented in an acceptable fashion to this parliament, not to the executive.

Once again I thank the minister's staffers and departmental officers for their assistance in this briefing paper. The issues that were raised in the briefing session on 11 May were about the legislative model. The position was put that this model is the most appropriate and efficient way for the national scheme. I think I have already said that the advice from the Hon. Stephen Wade is that that is not right.

The advice that was given at that briefing was that this is not the first piece of legislation of this type that has gone through here, and that if we try and change it then we will be setting a precedent. That is fine, I can live with that. There are other national laws that have been through here—the national gas law and the national electricity law. South Australia was the host legislature. So we accept that there are other examples of it. In fact, I was just checking whether there were other examples around Australia where governments have acquiesced, and we have national laws other than the few that were given to me—the national gas law, national electricity law, consumer credit laws and corporations law.

In an address by Andrew Parkin to Flinders University on executive federalism, there is a list of 30 ministerial councils, starting with the Ministerial Council for Aboriginal and Torres Strait Islander Affairs and continuing on: the Ministerial Council on the Administration of Justice, the Australasian Police Ministers' Council, the Intergovernmental Committee on Australian Crime Commission—and it goes on.

There is the Cultural Ministers' Council, the Ministerial Council on Drug Strategy, the Ministerial Council on Energy, the Australian and New Zealand Food Regulation Ministerial Council, the Housing Ministers' Conference, the National Resource Management Ministerial Council, the Online and Communications Council, the Primary Industries Ministerial Council, the Regional Development Council, the Small Business Ministerial Council, the Tourism Ministers' Council, the Australian Transport Council, the Ministerial Council on Vocations and Technical Education and the Workplace Relations Ministers' Council.

So we are seeing more and more ministerial councils being formed and more and more the state and territory parliaments are being asked to accept the will, the desires, the wants of those ministerial councils as pieces of legislation that should be rubber-stamped. I do hope that the Attorney-General comes in and makes some comment on the roles of ministerial councils, because what he has said in the past is quite interesting. I would have thought that that may have affected the way this legislation is being presented to this place here.

I just remind the house that ministerial councils are not elected. They are executive members of the various jurisdictions and they come together. They are not elected by the professions, they are not elected by the constituents of the various states. They really become almost a law unto themselves. They are not answerable to any parliament in particular. Sure, we can allow and disallow amendments to go through, but you can really mess up the national schemes if the ministerial councils are not made aware of the fact that legislatures are watching what they are doing.

Ministerial councils are very powerful. Clause 26(2) of this bill provides for the ministerial council to direct the national agency and the national board if they do not agree on various things. The national agency management committee sets policy, subject to the ministerial council. The ministerial council is a very powerful body in this legislation, as well as in many other pieces of legislation and policy forming areas. I am further inclined to lock in on our position. It is important that we ensure that this parliament, rather than a ministerial council, is the final arbiter of its fate.

In the briefing on bill C on 11 May we talked about the Western Australian model. Comments were made that the original model was for all jurisdictions to adopt a national law, but Western Australia does have a history of digging in. We saw it with the GST, with health and other issues, and we are seeing it with the super tax on mining. They stick up for states' rights over there. I lived in Western Australia for seven years and it was always 'them and us'—'us' being the eastern states, everything east of South Australia. I understand their parochialism, but it is time South Australia became more parochial and ensured that legislation presented to us is genuinely in the interests of the state.

I did ask at the briefing about the role of the Health and Community Services Complaints Commissioner, because the national law provides that the national board and the commissioner must notify each other about the receipt of complaints. That is fine. Most of the intent of this legislation, the clauses and the way in which they are presented, is fine. There are some issues about the relationships between the various states and the national bodies, and one of those concerns is the relationship between the Health and Community Services Complaints Commissioner and the national board, the national agency. That has been sorted out.

There is an issue about the assets of the various boards. I do know that one particular professional board in South Australia has accumulated through good management—not because

of any avarice or other desire to acquire wealth—over $1 million in liquid assets in the bank. They also have their own buildings.

Those assets will be transferred from the state boards to the national board—and that is happening all over Australia. I understand that the total amount being transferred is in the tens of millions of dollars. I will be asking in committee about the transfer of those assets and whether there will be stamp duty on the transfer of those assets. Western Australia has exempted the transfer of assets from stamp duty.

Why is that not in this legislation? Will we see a continuation by this government of a grab for stamp duty? We know we are a high taxing state, so I would like that matter cleared up. I would like to see the transfer of those assets—if they are to transfer in whole, and that is another issue—exempt from stamp duty. Obviously, there is no stamp duty on the transfer of money, but we will talk about the transfer of money later.

We should take a tour around the nation to see how this law is being constituted. We will start with sunny Queensland. The draft release was out in June last year. The legislation that was passed by its one house of parliament on 29 October last year set up this scheme. Queensland is retaining a separate register for dental technicians. I spoke earlier about various professions being included in this bill. Dental technicians are not included: dental therapists, prosthetists and hygienists are included. All 229 dental technicians in South Australia will be left out in the cold. A couple of dental technicians in my electorate have a thriving business which will be put in jeopardy by this legislation. We are working through that, and I know the minister is working through that, and I thank him for his assistance in that area.

However, it has been put to me by one of the members of the national authorities that have already been put in place (although in a temporary fashion, you might say) that dental technicians in South Australia could go and register in Queensland, get a Medicare provider number in Queensland and come back and work here. The registration of dental technicians is not included because the government is saying that dental technicians do not have contact with the public generally.

Dental technicians are having their livelihood taken away in many cases not only by legislation but also by upgrades in technologies; and also, unfortunately, by the fact that dentists (being the frugal professionals that they are) are looking at overseas sources for a lot of their materials and particularly dentures. Dental technicians are being sidelined, not only by this legislation but also by the dental profession. That is understandable in some ways but there are issues with that. It was raised with me that, because of the importation of overseas-produced prostheses and dentures, quality control (while it comes under totally different acts) is of concern. Will dental technicians in South Australia register in Queensland? We don't know. There are 229 dental technicians in South Australia, so that is an issue.

In New South Wales the legislation was introduced on 28 October last year and passed shortly afterwards. The 230 pages of the national law is attached to the bill as a note for all to see. There are some significant differences in every state and territory. They all have amendments, and I will talk about those as we go through. For example, in New South Wales, the legislation has a five-year review. I have read this legislation and I am fairly confident in what I am saying. I am happy to be corrected by the minister if I am wrong about any of this, because it is a complex piece of legislation, but that reinforces my whole point that we need to have this legislation laid before the whole of the house as a piece of legislation that we can all look at, understand and accept as being owned by this parliament.

New South Wales has a serious concern with the handling of health care complaints under the national law, so much so that in her second reading speech the then deputy premier, the Hon. Carmel Tebbutt—is she the deputy premier, still? I don't know, because they change their premiers over there—

The Hon. M.J. Atkinson: Yes, I think she is.

Dr McFETRIDGE: —a bit like some other parliaments.

Members interjecting:

Dr McFETRIDGE: We won't go there at the moment, will we? Let me read what the Hon. Carmel Tebbutt said of the health system in New South Wales. She said:

...the government considers this is a sensible and appropriate solution to ensure cooperative approach on these issues...compromises are necessary...There are...areas where compromise is not possible where the protection of the public is the paramount consideration. For this reason this government has consistently argued there can be no compromise in ensuring the maintenance of a strong, accountable and transparent disciplinary and complaints system in New South Wales.

Members will be aware that the health care complaints system in New South Wales is...unique in Australia. It divides the complaints and disciplinary roles between the health professional boards and independent Health Care Complaints Commission.

This structure has evolved over many years. Starting in response to the Chelmsford Hospital scandals in the 1980s, to the establishment of Australia's first fully independent health complaints investigator in 1993, the changes made to the New South Wales system over the last 20 years have consistently focused on...enhancing the public accountability of health service providers and...improving the capacity of the complaints system to protect the public.

She continues:

As members may be aware, the national law's complaints model adopts processes similar to those which currently apply in most other states and territories. It is markedly different from the current New South Wales model, as it relies primarily on the health professional boards to undertake disciplinary functions and does not provide for an independent investigator and prosecutor such as the Health Care Complaints Commission.

This government remains committed to the Health Care Complaints Commission as an integral element in complaints management in New South Wales.

For this reason I am pleased to advise the house that the government has brokered an agreement with the other states and territories which will enable New South Wales to maintain the current...health complaints system and retain the New South Wales Health Care Complaints Commission.

New South Wales will now participate in national registration as a 'co-regulatory jurisdiction'. As a result, the bill I bring before the house specifically provides that New South Wales will not adopt the national law complaints model...

Already we are starting to see holes in this national law. The quote continues:

Under the proposed New South Wales approach, the national registration boards will be—

and this is the really good bit, this bit here. Listen and tell me how this is going to work, because I have some real questions and queries about this national system—

expressly precluded from dealing with complaints about matters occurring in New South Wales and those matters must be referred to the New South Wales authorities, including the Health Care Complaints Commission, to be managed.

But this is the good bit I wanted to get to:

Practitioners in New South Wales will not be called on to fund the complaints system established under the national law. In most cases, if not all cases, registration fees payable for practitioners based in New South Wales will continue to be lower than those in the rest of the nation.

Not only are they having a separate complaints system but they are also having lower registration fees. I thought that this was a national system whereby you paid one registration fee to a national authority and you could move smoothly and seamlessly between states and territories. But the health minister in New South Wales has dug in on this one and she has stuck up for her health practitioners. She has kept her state's complaints commission and she is returning that in spades. In most, if not all, cases registration fees payable for practitioners based in New South Wales will continue to be lower than those in the rest of the nation.

I need to get an answer on that because it is a real issue. I will just quote some of the fee changes that are going on a little later. There are some absolute doozies out there. Under the New South Wales law not only do we see different complaint systems and different registration fees but also a number of definitions have been left out. 'National law' is amended to remove large sections of mandatory reporting and rights of appeal. Part 2, section 6 (and that is page 3 of the New South Wales legislation) makes significant changes. The New South Wales Deputy Premier sums up this legislation and the process used to get it up in her contribution; and, as I said, that was by a system of negotiation and consensus, but consensus was not always achievable. The Hon. Carmel Tebbutt states:

Members will be aware that all national systems are necessarily the result of negotiation and compromise to reach outcomes acceptable to all jurisdictions. The national law to be adopted by this bill is no different, and practitioners and regulators in New South Wales will find some differences in how registration and accreditation and other processes will be managed under the national scheme.

You can go to New South Wales and you can register more cheaply there. You get pinged under a different system there, and it does work slightly differently. That is not coming from me, that is coming from the Minister for Health, the Deputy Premier in New South Wales, the Hon. Carmel Tebbutt, in her contribution on 28 October 2009.

That bit about why they can register more cheaply there is one that concerns me, because I can see all the health practitioners rushing to New South Wales to register because, once they are registered there, they can then practise all over Australia, because why would you not?

The Hon. J.D. Hill interjecting:

Dr McFETRIDGE: Well, they can do it now but they have to pay other fees. The minister says that they can do that now: they can register in New South Wales and practise in other states, but they must re-register in other states. That is the whole point of this legislation. We need to make sure that we pay one registration fee nationally. That registration fee—and it may be less than New South Wales—for the Medical Board of Australia is $650. The *Australian Doctor* magazine, which talks about the hike in registration fees, states:

> The spike in Medical Board complaints expected under the controversial mandatory reporting laws has been blamed for the $650 Medical Board of Australia fee.

I will talk about mandatory reporting later. I do not think that is the case, but I think there is a real issue with the size of bureaucracies. I am not sure whether I brought the list of the sizes of the bureaucracies that have already been created and the executive positions that are already out there, both in the Melbourne head office and in every state.

This article states that the $650 fee is more than four times the $150 paid by doctors in the Northern Territory, and is a sharp rise on the $415 paid in Victoria, the $385 paid in Western Australia, and the $430 paid in Queensland. I could not find the South Australian fee but, in talking to doctors at the AMA dinner at the Botanic Gardens on Saturday night—a very good dinner, which the minister and I attended; and congratulations to Professor Michael Rice for receiving an AMA award for life service—some expressed concern about the increase in their fee.

This article states that doctors in New South Wales, who currently pay $270, will pay slightly less due to the New South Wales government subsidising their registration fee. So, I think that if I were living somewhere else I might put my address down as a mate's place in New South Wales; I think that would be a quite legitimate thing to do.

The article in the *Australian Doctor* of 28 April this year, just a few weeks ago, states that the Medical Board of Australia expects to raise more than $52 million from this year's registration fees. In the past registration fees have not only been used to fund the functions of the board but also accumulated to allow any funds not required for continued cash flow to be put aside to provide for any litigation expenses or other concerns the board may have, as well as to provide support for continuing education and professional development and things like that, but that is an issue I will talk about when dealing with the transfer of assets. So, there will be $52 million from registration fees, and they are going up considerably, except in New South Wales, where they will be subsidised in this national scheme.

I did not count them, but a number of definitions have been left out of the New South Wales legislation. Certainly the definitions of health assessment, performance assessment, professional misconduct, unprofessional conduct, and unsatisfactory professional conduct are omitted from the national law. Divisions 3 to 12 of part 8 of the law are omitted, as well as section 199(1)(h) to (k). So we are getting a bit of a variation on a theme.

Some other acts have been omitted that we do not see in our act: the Privacy and Personal Information Protection Act (I suppose that may be similar to some of our acts), the Public Finance and Audit Act and the Subordinate Legislation Act. One which is not in the New South Wales legislation but which is in ours and others is the Acts Interpretation Act, and I will be interested to see how that effects the Governor's ability (not the ability of this parliament or the executive) to make regulations. I may be wrong on the process, but I understand that the regulations are put together by the parliament but that the Governor, by signing off on them, makes the regulations. So, I will be interested to see whether or not it influences his ability to perform his duties as the Governor of this state.

Continuing down the eastern seaboard: Queensland was different; New South Wales was quite different; and Victoria has gone down what I would almost call the shortcut path, a little like we are, simply by applying the Queensland legislation to its own legislation. During the debate in

Victoria my veterinary colleague in the Victorian parliament, Dr Denis Napthine, pointed out that registration fees for many professions would increase significantly, as I showed just a moment ago.

Dr Napthine also raised the issue of the transfer of assets. It was a concern for them, and I know it is a concern for boards in most states in terms of where that money will go. Dr Napthine raised the very valid issue of what happens when an overseas-trained doctor becomes a citizen of this country. Will they take a month-long enforced holiday while the board sorts out their changes of visa? We do not know, but it is an issue that we need to answer: what will happen with overseas-trained doctors who want to work in South Australia? Dr Napthine also points out: where are the incentives for nurses and doctors and other health professionals to go bush in this legislation? You can move around from state to state, but where are the incentives to go bush?

Sticking with the eastern seaboard and just coming inland a bit, let us look at the ACT. The ACT introduced the legislation in December last year. The Deputy Chief Minister and Minister for Health, in her second reading speech, points out that the ACT legislation will be different. So much for national consistent legislation: Queensland is different; New South Wales is considerably different; Victoria has gone down the shortcut. I do not know what the opposition is doing there, but I hope it gets its act together before the election which is—this year?

Mr Marshall: This year.

Dr McFETRIDGE: This year. I am sure they will. With people of the calibre of Dr Denis Napthine there I am sure they will. Coming across to the ACT, they are different again. The ACT has come up with not a national complaints handling mechanism or the New South Wales style state model but its own hybrid style. I will read what the ACT health minister had to say in her second reading speech. This is the Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations, Ms Gallagher, the member for Mongolo in the ACT—

The Hon. M.J. Atkinson: Molonglo.

Dr McFETRIDGE: Molonglo. I am happy to be corrected by the member for—

The Hon. M.J. Atkinson: Croydon.

Dr McFETRIDGE: —Croydon. I do miss his corrections from the front bench there, correcting our grammar. On 10 December last year, when this was before the ACT parliament, the ACT health minister stated:

> While the ACT is committed to the national scheme—

There is always that preface: we love you, but—

> we currently have a complaints handling model which closely links the health professions board with the ACT Health Services Commissioner. This arrangement is similar to the public interest assessor model which is strongly based on the current ACT laws proposed in exposure draft bill B.
>
> As the public interest assessor role was removed from bill B, the ACT has modified its complaints-handling process to retain a joint consideration model between the national boards with the ACT Health Services Commissioner.

So, it is a bit different again. I forgot to mention that there is a five year review in New South Wales as well. We in South Australia will have a three year review, and Queensland has a three year review. The ACT is looking at a 12 month review, so they have a lot of faith in this national scheme. It is five years in New South Wales, three years here and three years in Queensland. I think it is three years in Western Australia, as well, but I will refresh my memory on that fairly shortly.

Mr Jeremy Hanson, the ACT opposition leader, in his speech, made some very telling comments. Mr Hanson is a very honourable member of the ACT parliament and he is talking about the complaints handling system again. They call it a hybrid model over there. We have a different one in New South Wales and we have a hybrid model in the ACT. In *Hansard*, Mr Hanson states:

> Where the ACT bill deviates substantially from the national model is in relation to the complaints handling process...Effectively, what is being proposed by the government is to give the health complaints entity in the ACT—that being the ACT Health Services Commission—additional powers, more than what the commissioner's counterparts in other states will be given.

So, it will be a more powerful complaints authority there, according to this contribution. Mr Hanson continues:

> The bill, as presented, provides for instances where the ACT Health Services Commissioner will be permitted to participate in various stages of an investigation by a panel of a national board into the conduct of a health practitioner and will be given the power to be involved in the deliberations stage of an investigation.

This is at odds with what the other jurisdictions will be implementing or, in the case of Queensland and Victoria, already have implemented. Even New South Wales, which has completely departed from the national agenda on this issue, at least have made a clear and unambiguous distinction between the role of their Health Complaints Commission and the national boards.

Importantly, however, the New South Wales model will not have any impact on the workings of a national board, because the national boards will not have to deal at all with complaints made against New South Wales based practitioners, as this will remain the responsibility of the New South Wales Health Care Complaints Commission...What the government—

I remind members that this is the ACT government—

is proposing here, however, is a hybrid complaints handling system for the ACT which differs vastly from every other jurisdiction and which severely undermines the nationally consistent model that was negotiated and agreed to.

Mr Hanson is so concerned about this that he said he will be introducing amendments to change the way the complaints handling system is being used in the ACT. In the ACT they have a human rights act, as I understand it, and Mr Hanson said that he would be introducing amendments to remove the proposed new section 35A relating to a national board consideration of criminal history. He said:

This modification to bill B is simply impractical and, as outlined in the explanatory statement, requires a national board to apply a specific set of criteria, including case law precedents, when considering an applicant's criminal history. One possible result of this will be that practitioners will apply for registration as ACT-based practitioners because of a perceived leniency in the application criteria...This is hardly in the national interest.

This is hardly consistent across Australia.

Mr Hanson also has some concerns with their new section 150(4A) and that was the public interest model that the minister outlined in her speech. A number of amendments were made in the ACT bill. In fact, when you look at their legislation, there are 25 amendments listed in the introductory part of their legislation; that is 25 amendments to the national law. So, we are already seeing that this is not consistent.

The ACT is different with their hybrid model, New South Wales has its separate model, Queensland and Victoria seem to be hanging in there together, and South Australia will look at the model we will be using here. But let's go and have a look at what comrade Vatskalis said in the Northern Territory. It is a Labor government up there by 92 votes, I think; I know how they feel. The territorians will get a similar model to the rest of Australia because the territorians quite tamely followed along the intergovernmental ministerial council, and the legislation will go through.

I am intrigued by the Northern Territory health minister's comments in his second reading explanation. This is something the minister might want to listen to because I do not know whether or not we are in for the same dollars. This is what Mr Vatskalis, the Minister for Health in the Northern Territory, said on 24 February 2010:

The National Partnership Agreement to Deliver a Seamless National Economy also commits jurisdictions to achieve key milestones in relation to the COAG agreement for the national scheme.

He is talking about the national health practitioners regulation scheme.

To be eligible to receive its share of reward payments under the national partnership agreement, the Northern Territory must enact this legislation to effect implementation of the national scheme by 1 July 2010.

I would like to know whether, if the national scheme that we are introducing here is not introduced by 1 July 2010, we will lose these reward payments that Mr Vatskalis talked about in his second reading speech on the Health Practitioner (National Uniform Legislation) Implementation Bill 2010 back in February, because I have not found that anywhere else. There is no mention in the second reading explanation of any financial penalties. I have not read it anywhere in any submissions or on AHPRA websites. It is one of those things that just pop up here. I would be interested to see whether it is something to do with just the territories or whether the states are in for some money as well.

The question that needs to be asked is whether South Australia is at risk of not getting its reward of share of payments. If there are penalties, then this government has only itself to blame because, as I said, in September last year I wrote to the minister.

Let us go across to Western Australia. I do not think Tasmania has even got a health minister yet, so we will not be talking about its legislation. They are still in a bit of a bind down there, as I understand. There is a classic case where you cannot trust Labor. If you expected the

Labor government to give up power I think you would have to be pretty naive for a start anyway, but it is just one of those things.

In Western Australia the law is presented in the manner acceptable to the intergovernmental ministerial council and acknowledged by our minister in his second reading speech, which is as corresponding legislation. The difference is between adopting it in eight lines in our bill to cover 308 pages of the national law or to do what the Western Australians have done, and that is enact it as corresponding legislation, where it is there for all Western Australians—all Western Australian health practitioners and all members of the public—to see, and to see very clearly.

The Western Australian government has enacted this legislation. It did it just recently, in early May, so South Australia really is tail-end Charlie on this, and I am disappointed that that is the case. The Western Australian law is good law. Clause 6(4) of the Intergovernmental Agreement for a National Registration and Accreditation Scheme for the Health Professions deals with implementation. It provides:

> The state of Western Australia will, as soon as reasonably practicable, enact corresponding legislation, substantially similar to the agreed model, so as to permit the scheme to be established on 1 July 2010. The States of New South Wales, Victoria, South Australia and Tasmania and the Australian Capital Territory and the Northern Territory will, as soon as reasonably practicable following passage of the Queensland legislation, use their best endeavours to enact legislation in their jurisdictions applying the Queensland legislation as a law of those jurisdictions...

Just looking at that, we see in that clause that it is quite okay to have the corresponding model. The minister has acknowledged that, and the Western Australian government has done it. It is all through, done and dusted. There are some issues over there with it, but at least they own the legislation. Just as importantly, this clause provides that, after the Queensland legislation has been passed, the other states and territories will do it 'as soon as reasonably practicable following the passage of the Queensland legislation'.

Just to remind the house again, my office contacted the minister in September last year to ask about when this legislation was going to be introduced—eight months ago. We are expected to rush it through now, when even the ministerial council said that it should be enacted after the Queensland legislation has gone through—and that should have started late last year. We could have sat in December or February to pass this legislation. We did not need to rush it through now. We should not have had it out for only four weeks' consultation in January and February.

The ministerial agreement says that we should have done it. It has not happened, so anybody who wants to blame the opposition for holding up this legislation, for holding the government to ransom, for trying to get our own way, as one person put it to me, well, no, it is not about the opposition; it is about the parliament. This is about parliamentary process, this is about executive federalism, and this is about presenting well-intended legislation in an acceptable manner to the people of South Australia and the Parliament of South Australia.

The Western Australian law is good law. The intergovernmental agreement talks about the law being transparent, accountable, efficient, effective and fair. Adopting it in this way, it certainly is not transparent, it certainly is not accountable, and it certainly is not efficient. I think it is very unfair, not only to have it presented this way, where 308 pages of legislation are reduced to eight lines in our bill, but also to expect it to be rammed through this parliament in a matter of hours. It is not fair to this parliament, it is not fair to the people of South Australia, and it is not fair to the health practitioners of South Australia.

It is certainly not fair to all those people who have put in many hours of work, who have made personal arrangements to change their lifestyle, to change their abode, to move around, interstate, in some cases. It is not fair to put all that at risk, because this legislation has been presented in a way that the executive of this government expects this parliament to be a rubber stamp. We know that the Attorney-General does not agree with that; he has said so in the past in this place. I just hope he has some influence on the Minister for Health and brings this legislation back in the way that it should be presented, that is, as corresponding legislation.

The Western Australian legislation has some significant differences, though, from other legislation, but, in my opinion, they are common-sense differences, differences that we should enact in this place. One of those is to exempt the transfer of assets of boards from stamp duty. In his second reading speech the health minister in Western Australia talks about their complaints handling procedures. He states:

Under national law serious complaints in Western Australia, those relating to matters that could amount to professional misconduct, will continue to be dealt with by the Western Australian State Administrative Tribunal. The national boards, on the other hand, will deal with matters that relate to unsatisfactory professional performance and unprofessional conduct as well as matters that are regarded as health issues.

To me, that is a reasonable thing to do.

Another thing that the Western Australians have done is adopt a different attitude to criminal checks. I think it is a fair thing that, if your criminal history has no bearing on your ability to perform your job as a health practitioner, it really should not be the final arbiter of the decision of any board to register or not register you, or to give you accreditation to operate in the way that you are qualified to do so. So, the Western Australians are a little bit different. Like New South Wales, Western Australia—guess what?—has a five-year review, not a three-year review.

I see that the Attorney-General is in the house. I welcome him to the house and ask him to read my second reading contribution in relation to comments he made in October last year about ministerial councils. I am not trying to embarrass him in any way, shape or form because I think he is a fine member of this parliament and a worthy replacement of the former attorney-general. I look forward to watching him progress legislation through this place with his acute mind, because I know he is one of the most intellectual thinkers in this place. Right from my early days in this parliament I have enjoyed sparring with him in private members' time over various bills which were of some significance but which were not of a lot of consequence. I look forward to what he has to say in the future about ministerial councils.

Western Australia has a five-year review. There is a one-year review in the ACT and a five-year review in New South Wales where you can get cheap registration. There is a three-year review in Queensland, Victoria, Northern Territory and South Australia. It is a bit all over the shop. It has been said frequently that this will be consistent legislation and, so far, we are seeing it is not consistent legislation. There are lots of issues. The devil is in the detail with this bill.

We do not have a problem with the majority of the provisions and clauses. I do not understand why the government cannot be more conciliatory on this matter, why it must dig in and give the shortcut, abbreviated version. We would rather have the whole encyclopaedia and the index, not just an abstract from the front to say how good the encyclopaedia really is.

The AMA has asked us to move amendments—which we will be doing in the other place. We will talk about them in the committee stage. Last year the Social Development Committee of this parliament reported on bogus and unregistered health practitioners. In this legislation we see no hint of further broadening registration requirements for health professionals, other than for small groups. Chinese medical practitioners and Aboriginal and Torres Strait health workers are coming in later. Other groups can come in, and I am sure there is nothing to limit the range of health practitioners who can be included in this legislation.

At the moment there are 90 different organisations across Australia, registering something like 400,000 health practitioners. We are dealing with a significant number of people and that is why we feel we need to get the legislation right and have it presented to us in a way that is acceptable.

The South Australian Salaried Medical Officers Association has written to us with its concerns about the way in which the legislation in South Australia has been put together. A letter of 17 May states:

Dear Dr McFetridge—

and I will talk about the title 'Dr' later because there is protection of titles in here. As far as I am concerned, just don't call me late for dinner. The letter (from SASMOA's president Dr David Pope) continues:

I write regarding the Health Practitioners Regulation National Law (Bill C) as the president of the South Australian Salaried Medical Officers Association. SASMOA council notes that the SA version of Bill C has now been introduced into House of Assembly on 11/5/2010.

It is of concern to SASMOA members that the bill establishes a different tribunal structure to apply to medical practitioners to what currently now exists. This is despite submissions by SASMOA and other bodies (AMA-SA) indicating that the existing tribunal structure which is established under the District Court should be continued for medical practitioners. This was drafting option 3 which went out for consultation where a separate medical practitioners tribunal was established along the existing arrangements.

The concern is because almost all cases of medical officers referred to a tribunal with adverse findings made (only a few cases a year) end up using all appeal options. If, as now, the tribunal is under the District Court

then appeals go directly to the Supreme Court which reduces overall costs and results in a final determination for the medical practitioner in a reasonable time frame. The new bill before the house has the tribunal for medical practitioners being below the District Court, with appeals to the District Court. Therefore, appeals will need to go to the District Court and then, inevitably, to the Supreme Court, increasing costs and delaying final determinations.

We are asked here to consider moving amendments, and it may be the case that if we are not able to proceed down the path we want to proceed down, it may be that amendments will be introduced in the other place to improve the legislation.

The questions coming out of our bill are: will there be stamp duty on the transfer of assets; will the tribunal judgments act on state precedents; and what precedents will the national agency use? Of course, sections 245 to 247 of the national law will have implications for this parliament's ability to make and disallow regulations under this legislation. While there has been a lot of discussion and legal opinion about that, we can live with it if the bill is presented as corresponding legislation.

There are many more questions and answers in the bill, and to expect this parliament to accept this legislation as it is presented is unacceptable. I will now look at our legislation, and then we will start going through the national law, because we need to do that. I will not read the national law into *Hansard* at this stage, but I will make sure that the points I have concerns about are included and, if necessary, I will read it in.

Our legislation, as presented to us, as I said when I started my contribution some time ago now, is 68 pages with 85 clauses, the vast majority of which we have no issues with. It is all at page 7, lines 26 to 34, which is eight lines of legislation. To me, that is not acceptable.

The legislation before us provides that bills are being excluded from our parliament, different from other jurisdictions. I am not a legal eagle or parliamentary counsel. I know the Leader of the Opposition (Hon. Isobel Redmond) is vastly experienced in this area, and I should have sought her counsel before coming in here but I did not get time, unfortunately. My understanding is that the Acts Interpretation Act 1915 concerns the way regulations are made, and I will be interested to be educated on the effect, or otherwise, of the Governor's ability to make regulations.

The Freedom of Information Act is excluded, and I can understand that. I have spoken to people about why that is so. The Ombudsman Act 1972 is excluded, as is the Public Finance and Audit Act 1987. The Public Sector Act 2009, the Public Sector (Honesty and Accountability) Act 1995 and the Subordinate Legislation Act 1978 are also excluded.

The AMA has asked for amendments to be moved here that would improve the outcomes of this legislation, in its opinion. It wants more emphasis on each decision being made in the public interest. The first amendment it wants moved is to clause 4, where it wants to ensure that, if this bill were to go through in its current form, any amendments in Queensland do not automatically apply to our parliament here.

What is laid out in detail in our bill (other than all the changes to the pharmacy and optometry practice legislation), is the setting up of the South Australian health practitioners tribunal. I did go before the Veterinary Surgeons Board once for handing out my business cards before we were allowed to advertise, way back, years ago, but I have never been prosecuted by the professional board, and I am proud of that fact. The need for these boards is a sad fact, and the need to have tribunals set up to investigate and to prosecute (if necessary) practitioners who are not doing the right thing is necessary, as well as to protect the public good and to protect the professions.

The changes in attitudes need to be reflected in the way in which cases are being dealt with, and, certainly, we have a change here, moving away from the Medical Board of South Australia setting up its own investigation systems, which have worked quite well in the past and which have kept South Australians safe. There have been occasions where doctors have been exposed as not being fit to exercise their profession, but we are not just dealing here with doctors, of course, we are dealing with many health professions, and that is why the intent of this legislation is good and needs to be supported, but not the way in which it is presented today.

The South Australian Health Practitioners Tribunal will consist of the president and one or more deputy presidents appointed by the Governor. The president or deputy president is a legal practitioner of not less than seven years standing. We should remember that this is replacing the—and I will ask the member for Bragg, who is a lawyer, when she makes her contribution perhaps to go into this in a little more detail—the District Court system that has been working for many years in this state.

The appointment of various members of the tribunal is laid out in the legislation. There is no retirement age stipulated, so I will be interested to see whether there is a retirement age. They can continue to be reappointed for life, is my understanding. Mind you, if they are very good at what they are doing, not being ageist at all, I do not see why they should not stay there. If there is a retirement age then, perhaps, it should be in the legislation.

The tribunal can set up panels. The Governor may, for the purpose of the tribunal, establish a panel consisting of persons from the health professions. I cannot find anything in here about how many members will be on those panels. The panel will be appointed for a period not exceeding three years. The allowances and expenses of the panel are not laid out in here. I would not expect them to be, but I would like to see what it will cost to run this panel because, when the Industrial Relations Commission had some of its responsibilities handed over to the commonwealth government, I think that some of the pressures on its time were reduced.

One issue that has been raised with me is: instead of establishing a new tribunal, why could not some of the commissioners from the Industrial Relations Commission take over that role rather than having to recreate a new panel with its ongoing bureaucracy and costs? The constitution of the tribunal is raised in the legislation. It all looks pretty straightforward. I declare that my wife is a dental therapist, but she is not practising any more. Clause 15(2)(b), 'Constitution of Tribunal', provides:

> In a case where the matter relates to a person who is (or has been) a dental therapist, dental hygienist, dental prosthetist or oral therapist—select one person who is a dentist and one person who is a member of the same division of the health profession as the person in relation to whom the relevant matter relates.

That is a good thing that we are reflecting the professions. It is not Caesar judging Caesar but peer review. There is nothing wrong with peer review. I know that the Veterinary Surgeons Board, with its very well-credentialed and experienced veterinary surgeons, conducts itself in a way that it can be proud of. I expect that this tribunal will be able to do that if this legislation gets through, as we all hope, but not in this form, as the opposition hopes. There are a few other issues in here, but most of them can be answered in the committee stage. There is one—I am trying to give people a bit of notice so that they can answer them in the committee stage—regarding provisions as to proceedings before the tribunal:

> the tribunal may, if it thinks it appropriate to do so, give a lesser period of written notice under subsection (1);

They are talking about suspensions of practitioners here. They can be suspended before the hearing has made its determination, and I would like some examples of where that may happen. One could probably understand if there were an example where patients were put in extreme danger because a doctor was not qualified, or was not able to perform procedures he claimed he was able to perform—the Dr Patels of this world—but it would be interesting to know what has been the record here in South Australia, because I think the various boards in this state have been doing a very good job of keeping the people of South Australia safe.

As I understand it, the tribunal can override the national board. If there is a conflict between the national board and the tribunal, whichever of those two entities has the most severe penalty is the organisation which conducts the investigation. The tribunal is 'not bound by the rules of evidence'; as a layperson I find that a bit disconcerting, and I would like it explained. The tribunal must also 'act according to equity, good conscience and the substantial merits of the case without regard to technicalities and legal forms.' Who sets all these parameters, what are the precedents, how will this tribunal conduct itself and know that it is going in the right direction?

The interaction with privacy legislation is also a question. Under section 19, relating to powers of the tribunal, the bill provides:

> the tribunal may—
>
> (a) by summons…require the production of any relevant documents, records or equipment…

I suppose privacy legislation is a concern there but, like a lot of tribunals and investigative authorities, I would imagine they are able to handle these matters in such a way that the information can be used to make a determination but also remain private.

As I said, the concern from SASMOA was that it goes from the tribunal to the District Court to the Supreme Court now, with the rights of appeal. Division 6, clause 23, provides:

> An appeal lies to the District Court against a decision made by the Tribunal...

I would like to know how many appeals there were in the past, what was the average cost of those appeals, and the time taken to deal with the appeals. The practitioners involved are, in many cases, being suspended, but in other cases they are being allowed to continue to practise while they being investigated. In either case it seems an unsatisfactory way to conduct their business. I may be wrong there, but I would like to see the evidence to assure both this house and the public that this tribunal will operate in a manner that is effective in its aims, outcomes and procedures as well as in its timelines. The last thing we want is dodgy doctors and health practitioners continuing to practise whilst they are under investigation.

Clause 24, page 16, really ends with where we are at with the guts of this bill—that is, the national law, the national registration, the Health Practitioner Regulation National Law (South Australia) Bill 2010. Tacked on to this, we have the subsections amending the pharmacy practice acts and optometry practice in South Australia. There are no real difficulties with those, but we do need to make sure that the public of South Australia is given the protections that it requires.

I think that protecting the eyes of citizens is a worthy thing and so, it is a good thing to control people who want to sell plastic cosmetic contact lenses to unsuspecting people at the Royal Show. We should not be allowing people to be exposed to that risk, because I could think of nothing worse than being blind.

Under the schedules of this bill, there is the transfer of assets and liabilities and under Ministerial Orders, the bill states:

> (1) The Minister may...transfer:
>
> (a) specified assets or liabilities of a prescribed body to the National Agency or the Minister;
>
> (b) specified classes of assets or liabilities of a prescribed body to the National Agency or the Minister;
>
> (c) all assets and liabilities of a prescribed body...

It is a pretty powerful thing to be able to go and grab the assets of the state boards and then transfer them to the national boards.

As I said before, one particular board that has contacted me has $1 million that has been put aside over the years, not by shortcutting services to its members but by making sure that its members' interests are protected by being able to thoroughly carry out any legal investigations. That is what that money has been used for in the past, and also to enable the board to support any professional development, particular areas of interest to its members, to provide constant feedback to its members on various health legislation issues and to allow the board to conduct its business the way it wants to and should be able to. That is right across the board.

In Western Australia, the medical board is losing $2 million. I would like to know what some of the bigger boards in the other states are losing if this particular board in South Australia—and I will not name it—is losing $1 million and the Western Australian board is losing $2 million. I understand why the Western Australians have introduced an amendment to this legislation so that transfer of assets to the national boards, such as buildings, is not going to be subject to stamp duty. It would be interesting to know how much is being transferred. We know that the national board will accumulate $52 million in registration fees. The transfer of assets to the national board, including the liquid assets, will be many millions of dollars as well.

The concern for me, the opposition, members of the boards in South Australia that exist already and the many health practitioners is that there was very little consultation in the process of transferring these assets. The boards wanted these assets that they have accumulated over many years through good management to be used for continuing professional development. I know that, in the case of the dental board, it had already entered into discussions with the University of Adelaide to set up a continuing professional development program for dentists in South Australia.

We should understand that continuing professional development is a part of this national legislation. It becomes an integral part of this legislation that you do have to undertake professional development. It is compulsory professional development, and I have no argument with that. Just a few weeks ago, I attended a conference put on by the Australian Veterinary Association's South Australian branch on the latest trends in diabetes in animals in South Australia.

I was able to update my knowledge on that and, while I have not been practising extensively as a vet, I do want to exercise that part of my brain that I have used for many years as a vet, and I also want to be able to continue to have dialogue with my daughter who is a vet. My

daughter Sahra is practising up in the member for Frome's electorate at Port Pirie now and enjoying herself very much up there. She and I attended this function the other night. Continuing professional development is very important. The Dental Board wanted to put some of this money towards that continuing professional development.

I would like to know from the minister what arrangements and what discussions were entered into with the various boards and what consultation there was to say, 'This is what we are going to do; this is why we are going to do it and these are the benefits that are going to be seen from this move' so that it is not just a wholesale shift of the bank balance from the South Australian boards to the national board with no real benefit to the members of those various professions that have been served so well by those boards in the past.

As to the transfer of the assets, let's find out about the stamp duty, but I will not keep repeating myself on that one. The transfer of staff of the boards is another issue and that is brought up in division 3, clause 37 which provides:

> A qualifying member of the staff of a prescribed body who, on the commencement of this subclause, has not gained employment with the National Agency...will be incorporated into the Department as a redeployee by force of this clause.

That is a good thing that people are not going to be thrown out of jobs because of this legislation. None of us want that. Some issues have been raised by the Australian Nursing and Midwifery Association here in South Australia (the old ANF) as to what will happen with members of these boards when they are superfluous to requirements of the national agency or national boards. Will they be able to move backwards and forwards between the departments and the boards if opportunities arise? There are some issues there. They want to be able to opt in, opt out. Will they get continuity of employment benefits? Will the members of the boards be protected and will their lives not be disrupted by being sidelined in the lounge of the Public Service?

It is an important issue. That really is the nub of this legislation that is before the house. What we do not have before this house, though, is the national law. I have said this before a number of times and I will say it again because it is so important to me, as the shadow minister for health, to the opposition in this place, to many others both in this place and the other place, and it is certainly very important to health practitioners: the health practitioner regulation national law that was put through the unicameral parliament of Queensland back in October last year (this piece of legislation that we are adopting in eight lines) consists of 308 pages of legislation with 305 clauses in the bill with 138 clauses, an additional 138 clauses, and seven schedules.

It is important that we examine that and do not just gloss over it. I am quite prepared to read it into *Hansard* if that is the will of the house, but in the meantime I will continue to go through and have a look at the way this bill is going to change life as we know it for health practitioners in Australia. The intent of the legislation is good, the content of the legislation is good, it is just the way it is being presented in this place that we have this fundamental disagreement with at the moment, and we look forward to seeing the government's response on that and not just a blanket no.

[Sitting suspended from 18:00 to 19:30]

Dr McFETRIDGE: Before the dinner break, I had made some contribution on the Health Practitioners Regulation National Law (South Australia) Bill that we are seeing introduced in this place and I will continue on to examine this legislation. We will do it in detail. I think that is what this sort of legislation requires. What I will do just before I go into the actual 300 pages of the national law—and I am not going to read it, you can take a deep breath—

Mr Piccolo interjecting:

Dr McFETRIDGE: No, that will not take very long, actually, the way I read, Tony. What I do want to do is quickly go back to the Western Australian act and read their amendment to exempt dutiable properties and transactions from the stamp duty on the transfer of property from the local boards to the national board. What they have done over in the West is they have introduced what is known as Clause 8. It is under Part 3, 'Provisions specific to this jurisdiction'. We have Clause 8, 'Transfer of certain property exempt from duty'.

Clause 8(1) provides that the meanings given to dutiable property transactions have the same meanings as defined in Section 3 of the Duties Act 2008. Clause 8(2) provides that:

a dutiable transaction relating to the transfer of dutiable property from a local health practitioner registration board—

say, for example, the South Australian Medical Board or the South Australian Dental Board or the Nursing and Midwifery Board, one of those if it were in South Australia—

to the national agency under the Health Practitioner Regulation National Law (Western Australia) Act is exempt from duty under the Duties Act 2008.

This means it would not add another cost to the implementation of the national scheme. I would like to have an assurance from the minister that that is the case here in South Australia, that there is not going to be a tax grab in the transfer of either dutiable property or dutiable transactions. That is a good amendment in Western Australia and I look forward to the South Australian government doing a similar thing.

During the dinner break, I received an email from the Australian Nursing and Midwifery Federation just reiterating points that I had had in previous discussions with them. The ANMF is urging us to support legislation and they outline their two remaining concerns. I will just read from the email. It says:

Consistent with our discussions we note that there are only two remaining concerns, neither of which should delay or inhibit the passage of the bill.

None of us wants to delay or inhibit the passage of this bill when it is presented in a form that is acceptable to this side of the house. Their first concern is the failure to endorse mental health nurses. It says here:

It is critical to point out that this is not a failure of the bill/proposed law itself, but is a matter for the National Nursing and Midwifery Board of Australia to determine. As a result, the ANMF will continue to lobby the national board on the issue and has sought a policy commitment from the state government that supports the employment of mental health nurses in the provision and supervision of nursing care to those with mental health illnesses. We would be pleased if you would consider adopting a similar policy position.

We certainly would support that because I think that is a very good position to propose and one that we can quite happily support on this side.

Regarding the second concern, I have made some comment about this and perhaps I was not as clear as I would like to have been, so I will read the email from the ANMF to make sure that we do understand exactly what their concerns are. This relates to employment arrangements. It states:

We refer to subclauses 37(2)(b) and 38(2)(b), which provide that a staff surplus can be returned to the public sector and have continuity recognised. We have asked the state government to extend these provisions in order that staff can also elect at their own option to transfer back to the public service within two years of transition and have continuity of service recognised. We consider this is necessary given that one third of the staff of the NMBSA have elected not to transfer to the new scheme.

This is adverse to the intents of the staff who have had a difficult choice to make in an environment of uncertainty; the scheme which requires skilled staff to give effect to transition; and to the public service which will need to redeploy workers who might have otherwise comfortably integrated into the new scheme.

This can be achieved through administrative decision and action by the state and does not require amendment to bill B, so I am glad that I was able to clarify that concern there, and I thank the ANMF for its dialogue on this. We do have a good relationship. I once described the ANMF as an association. It calls itself a federation, and one of the senior members described it as a union. I said calling the ANMF a union is like saying that USS *Midway* is a boat. I think it is a much more powerful organisation than that, and I do not just mean as a union. I think that the professional development and training programs it undertakes are very commendable, and I look forward to a fruitful relationship with it in the future.

The Hon. S.W. Key interjecting:

Dr McFETRIDGE: No; they will still remain, the member for Ashford; I understand it has not actually changed its identity. It was the Royal—I digress. I have a few more pages to go through here that we need to discuss.

The ANMF does urge that we support this legislation and, while it wants it through in its current form, I think I have made it quite clear already that we do support the intent of this legislation. I do not agree with the claim that is being made that it is critical that this legislation is passed in its current form because, as members may recall, early in my contribution I read out that letter from the chair of the Psychology Board of Australia stating that life will continue, the sky will

not fall in and the medical practitioners and health practitioners will continue to practise quite lawfully.

There is another part to the email that I need to refer to quickly. At the bottom of the email, the ANMF states:

> In addition to the above, the ANMF...has sought and received commitments from the State Government to ensure assets of the NMBSA [Nursing Midwifery Board of South Australia] are used for the good purpose and betterment for the professions in this State—

which we would all agree with. The email continues:

> It is understood that whilst the law provides for the transfer of assets to the national body, any residual assets will be dealt with accordingly.

That is the first time I have heard about residual assets. I thought I had been through this legislation reasonably well with my limited resources, not being a legal eagle, but I would like the minister at some stage to tell us what is the deal here. What is going on? What residual assets? Will all the assets of all the boards be transferred to the national boards?

Another point that I made earlier—and I was unable to find the document at that time—was about the number of positions being created to get this national scheme up, because there has been some concern about the size of the bureaucracy that is going to be created by this scheme. As we will see when we go through the national law, a number of national bodies and state versions or state representatives of those national bodies will be created, admittedly to replace state-based organisations, but there are some significant increases in numbers from my understanding of the situation.

An announcement made just recently by the Australian Health Practitioner Regulation Agency (AHPRA) about state and territory senior appointments, and it goes through the various states. There are eight new appointments in Victoria, and I think these are the state appointments, and this is separate from the national body that will oversee these, because there will be state representatives, state directors and state managers. In Victoria (I will not name the people individually) there are a number of positions, and these are senior appointments. What level of wages and conditions they are on as a senior administrator, I am not sure.

We have the Director of Registration, the Director of Notifications, the Director of Corporate Services, the Manager of the Health Practitioner Registration, the Manager of Nursing and Midwifery Registration, the Legal Adviser, the Manager of Finance and Administration and the Manager of Conduct. There are eight positions there. So far, in New South Wales, four positions have been appointed. In Queensland, nine positions have been appointed. There is a Manager of Assessment and Investigations, a Manager for Performance and Health, as well as the others mentioned before.

In the ACT, there are three appointments so far, two in the Northern Territory and seven appointed so far in South Australia, which is interesting. We have the Director of Registration, the Director of Notifications, the Manager Health Practitioners Registration, the Manager of Medical Registration, the Manager of Nursing and Midwifery Registration, the Manager of Conduct and the Manager of Performance and Health. In Tasmania, there are three, seven in Western Australia, and I should note that all the above appointments will commence when the National Registration and Accreditation Scheme comes into effect, pending the passing of legislation in the relevant states and territories.

So, there is a significant number of senior appointments being made. Looking at the website today, a lot more are being advertised. I do not know what the conditions of employment are, but it will be interesting to watch what happens. We should all remember that, in the past, all our boards have managed to be self-funding. They have done an excellent job of being self-funding. They have also been able to accrue significant funds that they have been able to put to other use, such as professional development, legal advice and the like.

I will now go to the national law, because there are a number of areas here that can be discussed in the second reading, and we need to flesh them out in committee. We do need to discuss this bill in committee, and it is my understanding that we can. We do not have to limit ourselves to the bill that has been put before this house, because this is an integral part of that bill. If we have to have that discussion, that is something we will have once the committee stage starts.

The Queensland Health Practitioner Regulation National Law Bill was attached as a schedule to their bill, which is a nice way of getting it up. As I have said, it is 308 pages in length. It

has in here provisions specific to this jurisdiction, so we are already talking about Queensland even in this bill.

Then we come to Part 4, which is preliminary to all the legislation that has been put in by the various jurisdictions. That is the amendment of Health Practitioner Regulation (Administrative Arrangements) National Law Act. This is bill A, as I understand it. This was the set up for bill B. It talks about the way the ministerial council will be set up. It talks about the recruitment and supply of health practitioners and the aims of that. It talks about how the ministerial council may give a national board a direction under subsection 3(d), which is about accreditation. There has been a lot of discussion over many months about the ministerial council's ability to influence accreditation and registration, and there are still a lot of concerns.

I see that the AMA in Western Australia still feels very strongly that this legislation will not stop changes to the accreditation and registration standards. I think the head of the AMA in Western Australia—and I am just paraphrasing here—said that this legislation will put the public at risk. The AMA in Western Australia put in a 20-page submission on this to the Western Australian parliament. I have had a quick look at that. Its concerns have been expressed in the past by other branches of the AMA and other health practitioner groups, where they do not want the ministerial council to interfere in the standards of accreditation and registration.

There may still be some issues in this bill. The areas of need—limited registration, the public interest—are subjective areas which can be looked at from a political or economic point of view; so, there may be some areas that need to be watched very carefully. Once again, another reason that this should be in here as corresponding legislation is so that we can make sure that if there is any need to tighten it up quickly we can do so.

As we have seen and as I have shown, there is ample evidence right across this nation that both states and territories have been amending this to suit their own outcomes, whether it is periods of review—one year, three years or five years—or whether it is the way complaints are being handled, and that not each state or territory is completely happy with this legislation. The intent and the objects are there.

Page 26 of the national law discusses the objects and guidelines, and this is what it is all about: the object of this is to establish a national registration and accreditation scheme for the regulation of health practitioners and the registration of students undertaking programs. A lot of that is new. A lot of students have not been forced to register in the past.

I declare an interest here. My son Lachlan is a first-year medical student at Flinders University, doing a postgraduate course. He has a PhD in robotics, and he left a very good job to go back to study medicine. I congratulate him on that, because you must always do what you want to do in life and put your mind to it if you want. I welcome the fact that he and his wife and our two grandchildren are living at home with us at the moment. It is all a bit squeezy, but we are enjoying the pleasure of their company until they move into their own home fairly shortly.

Lachlan is studying medicine. The other night I asked him about registering, and he understood that, because he is doing a postgraduate course, he is being exposed to clinical experiences right from the word go. It is a very good course at Flinders. He will need to be registered, and that is the case. I am not quite sure, quite honestly, of the current situation, but I would imagine it would be the case.

I am having discussions with the new veterinary school at Roseworthy about any changes necessary to legislation in South Australia. It has enabled veterinary students to undertake veterinary surgery or work in veterinary practices where they are dealing with the public. It is a good move to bring students in on that.

The objects continue: to facilitate workforce mobility across Australia. As I said, in my case that was a real issue when I was working for the airline and acting as a veterinary surgeon. We want that in Australia. We want to be able to make sure that the workforce can move around and is not subjected to more and more red tape and increased costs.

My own experience with the airline was also reinforced during the equine influenza outbreak, when I had the opportunity to work in New South Wales. As it was, my obligations to this parliament precluded me from doing so at that particular time, but I was already checking out the need to register myself over there. Nobody can say that I am not right behind the intent of this legislation. I understand passionately that we need to do this, but I am just as passionate about the

rights of this parliament as a sovereign parliament of this nation, and its right to not be dictated to by the executive government.

There are a number of continuing objects in the legislation: to facilitate the provision of high quality education and training of health practitioners and to facilitate the rigorous and responsive assessment of overseas-trained health practitioners. That has always been an issue, not just the fact that they need to pass English language tests. I have seen recently that the English language assessors, who have been used exclusively in the past, are now being opened up to competition, so there will be a number of organisations that can assess overseas-trained medical practitioners on their English language skills.

There is nothing more important than a health practitioner being able to communicate with their patients. You need to be a good clinician, you need to be a good diagnostician, you need to have excellent clinical skills, excellent surgical skills, but you also need to be able to speak to and understand your patients. Also, in Australia we should be able to understand the idiosyncrasies and colloquialisms that we encounter.

I do not envy people who come from overseas to Australia and have to learn English because it is an extremely difficult language. My wife is Dutch and came here as an eight year old girl. She reminds me quite frequently, when we are talking about the training of overseas health practitioners, how difficult it is to learn the English language. It is good that this bill is going to facilitate the rigorous and responsive assessment of overseas trained health practitioners.

Developing a flexible, responsive and sustainable Australian health workforce sounds good. As my veterinary colleague in Victoria Dr Denis Napthine said, 'Yes, this is good. We'll be flexible. We can move around the states and territories, but where are the incentives to go bush? Where are the incentives for the nurses and doctors to go bush?' It is so important that we have people working out in the regional and rural areas.

On Saturday night, I was given an example of a case where one of the AMA staff was visiting her mother on a station property north of Wentworth. Her husband has kidney stones, and he had a painful attack. Anyone who knows someone with kidney stones, or has had them themselves, knows how excruciatingly painful they are. He was able to go to the nearby RFDS clinic, where the nurse was able to get on the phone to the RFDS doctor, who was able to give her instructions on giving medication.

That is another issue we will talk about later in this bill—the right to prescribe scheduled medications, and it is a good move. There was a successful outcome, and the patient was treated well by the nurse working out in the bush. We certainly admire and owe a great deal of debt to our health practitioners, whether it be the RFDS, the RDNS (Royal District Nursing Society) or any others who have gone bush in the past and made this country what it is. I read the story of John Flynn a few weeks ago, and it was quite amazing what the pioneers of this country put up with in getting the RFDS going and in giving us the country we have.

We do want health practitioners to be encouraged to go bush and not just across the border. It must be difficult for people in South Australia working down in the South-East or around the Broken Hill area with doctors swapping backwards and forwards across state borders all the time, as it would be for others who require registration of their various professions, whether it be the medical profession or other professions.

The definitions under the national law fill page after page. As I have said, particularly in New South Wales, they excluded many of the definitions in relation to professional misconduct and professional standards, and one can refer to what I said about that in my second reading speech. The definitions are another example of this bill not becoming a piece of mirror legislation; it is a piece of national legislation, and it is certainly a very important piece of legislation. The definition of criminal history is one with which I have some concerns. It provides:

> criminal history of a person means the following—
>
> > (a) every conviction of the person for an offence, in a participating jurisdiction or elsewhere, and whether before or after the commencement of this Law…

That is okay but then, as in New South Wales, Western Australian and also the ACT, there has to be consideration as to whether that conviction is pertinent to the person's ability to conduct themselves as a medical practitioner. It also provides:

> …every plea of guilty or finding of guilt by a court…whether or not a conviction is recorded for the offence;

That is important but, once again, it has to be taken in context. I have a concern with paragraph (c), which provides:

> …every charge made against a person for an offence in a participating jurisdiction or elsewhere, and whether before or after the commencement of this Law—

Whether the charge was proceeded with or not, I am not so sure.

I assume that is all part of reporting police reports nowadays, but it concerns me whether that is in this legislation or in every other legislation because a charge may have been laid against you but it was then dropped. That does not always mean that you were not guilty; it might have been that there was not enough evidence. I can accept there might be circumstances, but I think it is a real concern.

I mentioned earlier that New South Wales has exempted some definitions, and the definition of health assessment is not in the New South Wales collection of definitions. The definition of health professions is good in that there is a comprehensive list of 14 professions. For example, dental professions includes dental therapists—and, as I said earlier, my wife is a dental therapist so I declare an interest there—dental hygienists, dental prosthetists and oral therapists. Dental technicians can still register in Queensland, but not here in South Australia.

The health services definition includes services provided by registered health practitioners, hospital services and mental health services. It also provides for services provided by dietitians, masseurs, naturopaths, social workers, speech pathologists, audiologists and audiometrists.

We recently saw a backdown by the federal government. It was going to exclude occupational therapists and social workers from the ability to claim medical benefits. I am not sure of the exact relationship, but I assume they were able to get provider numbers. They were doing an excellent job in providing frontline services to assist with the burgeoning mental health problems in this state—and don't we know about that!

The need for more mental health workers was talked about by the minister in question time, and I just hope that we see a significant improvement in the provision of mental health practitioners and allied health practitioners in the mental health area, including social workers and occupational therapists.

The definition of ministerial council means 'the Australian Health Workforce Ministerial Council comprising ministers of the governments of the participating jurisdictions and the commonwealth with portfolio responsibilities for health'. We have this parliament being subject to the will of not only the ministerial council of other state and territory ministers but also the commonwealth minister. I remind members that the intergovernmental agreement does not require a unanimous decision by the ministerial council but, rather, a decision by consensus or the majority, so the commonwealth minister could have the final say, if the numbers fell his or her way.

The definition of performance assessment is important. It is an assessment of the knowledge, skills or judgment possessed or care exercised by a registered health practitioner. That is not included in New South Wales; they think they have a better definition. I have not looked at the New South Wales definition, but it is certainly an area to watch because, if there are various definitions across jurisdictions and various meanings and interpretations, surely we will get various interpretations about whether a person has committed an offence under the national legislation that is then being interpreted by their state tribunal or state court system because that is what happens in that state. It may completely different in another state.

Professional misconduct is not in the New South Wales legislation; they have their own definition. For those who do not know, professional misconduct is considered to be unprofessional conduct by the practitioner that amounts to conduct that is substantially below the standard reasonably expected of a registered health practitioner or an equivalent level of training or expertise. Also, it talks about the conduct of the practitioner, whether or not occurring in connection with the practice of the health practitioner's profession. That is inconsistent with the practitioner being a fit and proper person to hold registration in that profession. Being a fit and proper person is a subjective assessment of whether someone is guilty or not guilty of professional misconduct, and having different definitions further clouds the issue across the states.

We will talk about scheduled medicines when we come to the clause that provides the ability to prescribe scheduled medicines. There is a regulation concerning S3 medicines—which are pharmacy-only medicines—across the states. It is not a big deal in this particular case but, certainly, in relation to S4 medicines, which are prescription-based medicines, it will be good to see

the ability to prescribe those medicines being given to professions that are currently unable to prescribe those medications.

I have had approaches from both the podiatrists association and some of the nursing federation representatives around the role of nurse practitioners. There is a need to look at that provision. As I said, the lady spoke to me on Saturday night about her husband who, when they went bush, would have access to a nurse able to give a scheduled medicine under the direction of a medical practitioner, and that is a good thing.

There are definitions about specialist health practitioners. There are concerns about the registration or inclusion of various specialities in this legislation. I know of two straight away. One is specialist physiotherapists, and I had a letter from a doctor from Queensland urging us to support the registration of cosmetic surgeons as a speciality in Australia. I understand the Victorian medical board is looking at it. There is an American association, but there is an American association for many areas of expertise. They are just examples that need to be recognised as specialities.

It is not only very important under this legislation that we get it right for the general practitioners, the general nurses, general dentists and the general practitioners of all the other health professions, but also it is very important that we get it right for the specialists. To profess to have a speciality, an expertise, in a particular area and then be unable to perform to the level you profess to have is a despicable thing, and it is very important that we safeguard the use of the specialist title.

The definition of 'unprofessional conduct', which has eight subclauses in it, is not in the New South Wales legislation. Unprofessional conduct, I would have thought, would be one of those areas where there could be some preliminary discussion between the members of the ministerial council so that professions transferring between the various states have a crystal clear—absolutely transparent—understanding of what is unprofessional conduct. If you have subjective assessments or if there are particular codes of practice that are being interpreted in different ways, that could really stuff things up for people who, in their mind, act in a responsible and professional way that may be acceptable in other jurisdictions but not in New South Wales, and they could be caught out.

In relation to the interpretation of this legislation, it points out in the national law in clause 7 that it is a single entity—the aim is a single national entity—but, as I say, we have several variations. We have had trans-Tasman recognition of the legislation in the past, and that will continue; but, again, anyone who wants to register in Australia obviously will be subject to this piece of legislation.

Clause 10 says that this law binds this state. That, again, emphasises our whole issue: this law binds this state. It binds this parliament and this state. Sure, we can come in and move amendments and stand here and say that this is not right and this is not fair but, if we are not careful, this is another case where we will be sidelined. The ministerial council is incorporating subclause (2). Clause 11(4) provides:

> ...the ministerial council may give a national board a direction under subsection (3)(d) only if—
>
> (a) in the council's opinion, the proposed accreditation—

and this particular part is talking about accreditation—

> standard or amendment will have a substantive and negative impact on the recruitment or supply of health medical practitioners;

I have some concerns about that, because if you want to bump up the supply of health practitioners then, sure, subparagraph (b) provides:

> ...the council has first given consideration to the potential impact of the council's direction on the quality and safety of health care.

Heaven forbid if the ministerial council is willing to put people in urgent need in places that will not be able to offer the levels of expertise that we would expect. That may be as simple as not being able to comprehend and speak English as well as we would expect. It may be that people who are of various training backgrounds are given limited or special accreditation to work in areas where there is a need for extra health professionals.

I hope that does not happen, but that is a problem where we need to have more control. We do not want dumbed-down accreditation. There has been a lot of argy-bargy over that. We do not want that and we must not allow that to creep in here. As I said, there has been a lot of discussion over the approval of registration standards. The federal government's Senate inquiry

went into that. It made sure that the practitioner groups—the stakeholders—were communicated with, matters were discussed, their opinions were listened to and they were consulted. That is something new for this government; they were consulted.

What we are seeing here is that, while it is a significant improvement, there are still some concerns. There are some safeguards on the accreditation registration standard, but there is wriggle room. That is why we need to make sure that this legislation is tighter than watertight wherever we can possibly make it, and having it as corresponding legislation is one significant step. With respect to the approval of registration standards, clause 12(3) provides:

> ...the ministerial council may, at any time, ask a national board to review an approved or proposed registration standard for the health profession for which the national board is established.

One would expect each time that to be improving, increasing and being more demanding of the registration standard that was expected of that health profession. I sincerely hope that the ministerial council would never ask the national board to review those standards with a political or economic agenda behind it. We hope that that would not happen, because it would be a despicable thing to do.

The approval of endorsement in relation to scheduled medicines I mentioned briefly before, under clause 14. For nurses in country areas it is a great move, and podiatrists are keen to have some extra prescribing powers. A number of professions are looking forward to being able to put their case that they should be able to prescribe scheduled medicines. I understand that, if that is the case, state legislation has to be amended to permit this to happen. I cannot give a guarantee, minister, because I am always at the will of the joint party room, but I would be more than happy to look at that in a favourable light.

Clause 16(1) talks about how the ministerial council exercises its functions in accordance with procedures determined by the council, and those procedures were agreements made by consensus. When we reach clauses 244 to 247, the ministerial council may make regulations for the purpose of this law, but the regulation disallowed under this subclause does not cease to have effect in the participating jurisdiction or any other jurisdiction unless the regulation is disallowed by a majority of the participating jurisdictions. For 'jurisdictions' read the minister responsible and the ministerial council. Once again, the way the ministerial council works is an issue.

The ministerial council can give a direction to the national board and that has to be published on the board's website. It is something that I would hope most people who are interested in this area will be able to find, but I would also perhaps suggest that the good old hard copy in a newspaper is something that would be a small cost but a worthwhile thing to do. The ministerial board will also have an advisory council. We were talking previously about the numbers of bureaucrats involved in this system. The functions of the advisory council have been established under this legislation to assist the ministerial council. My questions are: will the advice that that advisory council gives to the ministerial council be released in full? Will the consultations be released? We do know it will be made public, but we want all the advice released, even if it is contrary to the will of the ministerial council.

We need to make sure that this legislation is as the intergovernmental agreement states; that is, it is fair, open and transparent. We need to ensure the intent is there and that the outcomes match the intent. We have seen it so many times with politicians, particularly with the current federal government. We have seen expectations which have risen to the moon but which have failed to be delivered. That cannot be allowed to happen in this case.

The members of the advisory council will be advising the ministerial council. There will be seven members on the advisory council. At least three of the members of the advisory council are to be persons who have expertise in health or education and training. I assume, quite rightly I hope, that that expertise in education is health education: it is not woodwork and metal work. That it is in health training, not personal fitness training—which is a good thing; it is part of your health. That is, it is about the structuring of courses, the content of courses and that sort of thing.

The overarching body is under part 4 of this legislation and that is the Australian Health Practitioner Regulation Agency (AHPRA). In many cases, you will hear it referred to as the national agency. They have an excellent website with lots of information. You are able to download frequently asked questions and look at who is doing what at the moment. I could not find the scale of fees, but that may be because I was not looking in the right spot. However, the website will continue to be developed.

The national agency is the overarching agency that will drive this legislation. The functions of the national agency are to provide administrative assistance and support to the national boards and the boards' committees. Do not forget that, under this legislation, all the boards—medical board, nursing midwifery board, dental board, physiotherapists board and chiropractic board—in existence at the moment in South Australia will all become part of the national boards that are set up under this legislation. The national agency will provide administrative assistance and support to the national boards and the boards' committees. They will also establish procedures for the development of accreditation standards, registration standards, and codes and guidelines approved by the national boards for the purpose of ensuring the national registration and accreditation scheme operates in accordance with good regulatory practice. Clause 25(i) provides that the national agency will:

> ...establish an efficient procedure for receiving and dealing with notifications against persons...

They are not actually going to handle the notifications. At the moment those notifications are handled by the various boards. The medical board here is notified of any issues by other medical practitioners, and also patients and nurses, and then an investigation is held. If an investigation is proceeded with, then it goes down that path. The national agency is not going to do that; it will receive some notifications and I assume it will then pass them on to the relevant national board, which will then proceed down the path of either rejecting or investigating the allegations. Clause 26 provides:

> (1) The national agency must enter into an agreement...with a national board that makes provision for the following—
>
> (a) the fees that will be payable under this law by health practitioners...refunds of fees, waivers of fees and additional fees for late payment).

The national agency is making agreements with the national boards on fees. That is why I do not understand why the New South Wales practitioners can have a different fee. I cannot see why there is not going to be an influx of people living in New South Wales who want to practise under this legislation, be it in reality or, not by deceit but certainly by legitimate reasons as far as notification of addresses go, but not where you actually do live.

It is of concern to me that, while there is supposed to be a national fee, we are already seeing, in the case of New South Wales, that there is going to be a discrepancy. We have certainly seen a variation in fees across the board. The increase in the Northern Territory from $175 to $650, I think, is a pretty steep rise for anybody. The punters out there would say, 'These bloody doctors, they earn a lot of money, they can afford it anyway,' and it may be the case that it is not going to be a huge impost, but it is a significant addition to running any business and it is a significant overhead that is necessary in running a registered and highly regulated business where you need to have significant accreditation and registration in place.

This is the interesting part, and we see it on a few occasions, that the national agency will be able to direct the national board, but then if the national board and the national agency are unable to agree on a matter, clause 26(2) provides:

> If the national agency and a national board are unable to agree on a matter relating to a health profession agreement or a proposed health profession agreement, the ministerial council may give directions to the national agency and national board about how the dispute is to be resolved.

You have a national board and a national agency, which are made up of people well experienced in the health professions, being directed what to do by people who are teachers and lawyers and well-meaning people, but they are politicians. I have some serious concerns about the ministerial council's ability to direct the national agency and the national board about how the dispute is to be resolved. I would be interested to see what the get-out clause is there. The other issue is where a national agency is able to exert its power not just over the national boards. Clause 27—'Cooperation with participating jurisdictions'—provides:

> The national agency may exercise any of its functions in cooperation with or with the assistance of a participating jurisdiction or the commonwealth...

So, the commonwealth comes in again. It continues:

> ...with or with the assistance of any of the following—
>
> (a) a government agency...
>
> (d) a health complaints entity...

So, can the national agency exercise its functions in the participating jurisdictions with or without the assistance of the government agency or health complaints entity? I would have thought this would be a cooperative arrangement you would be entering into here.

If they were not cooperating, you would want to ask yourself, 'Why aren't they cooperating? What's going on here?' There are some issues there. Can they override the tribunal? I do not know about that. I would be very surprised if that were the case, but I am here to be educated as well as to express my points of view. I have certainly learnt a lot in this place and been puzzled by a lot, and I have a lot of questions and sometimes not a lot of answers.

The office of the national agency is being set up in Melbourne. That is the main game there. The regulations, which are to be proposed by the ministerial council, are interesting. As I understand, it will be put through the Queensland legislation—if I am wrong please correct me—then they are going to be printed by the Victorian Government Printer. Why? I do not know. We are a mouse click away from the rest of the world, so why would you have the Victorian Government Printer being responsible for that? I do not know. I would have thought it would be the Queensland Government Printer.

The national agency is to establish a national office, as I said, in Melbourne. Our South Australian representative has been appointed, and I have had some discussions with her. I congratulate that lady (and I will not name her) on the entirely professional relationship she has had with me in our discussions. She has given me some significant confidence in the fact that South Australia is going to be well represented in this new arrangement.

The chairperson of the national agency management committee (once again, here come some more bureaucrats) is a person to be appointed again by the ministerial council. He or she is not a registered health practitioner. There will be two others who have expertise in health or education and training. As I have said before, I hope that is medical education, medical training, not just in education and training, because I think it needs to relate back in a comprehensive way; it cannot just be an esoteric connection.

There are also two others who have business or administrative expertise, because we all know that running a business is very important and maintaining a bureaucracy that does not go broke is even better. This is another concern—and again the ministerial council raises its head:

> The functions of the Agency Management Committee are as follows—
>
> (a) subject to any directions of the Ministerial Council, to determine policies of the National Agency.

What does 'subject to the directions of the ministerial council to decide policies of the national agency' mean? Does it mean that the ministerial council can implement its policies onto the national agency? I hope not.

As I have said, the national agency is there to oversee the national boards—our medical board, the dental board and all those others going to the national boards. There will be 14 national boards established, some of which will not come into place straightaway—the Aboriginal and Torres Strait Islander Health Practice Board of Australia, the Chinese Medicine Board of Australia, the Chiropractic Board of Australia and another one, which I cannot think of at this moment—and a number of others will come into practice on 1 July this year whether or not South Australia is ready to go. I hope we are, because I think it is something we should try to do, but it has to be done in a way that will make sure that this parliament is comfortable with it. The commonwealth does have a bit of a dip into the national board, as follows:

> The National Agency may exercise any of its functions in cooperation with or with the assistance of a participating jurisdiction or the Commonwealth...

I still have some concerns about the commonwealth having influence on what were our state boards. We would not accept that, but now they are coming in on this national board, which will have state versions or state agencies working on their behalf.

The national boards have been increased from nine to twelve. There were originally nine which left out some jurisdictions in some areas of representation. The national boards will have members appointed as practitioner members or community members. Interestingly, they will have at least one member from each large participating jurisdiction and one member from a small participating jurisdiction and at least two community members. The large participating jurisdictions are New South Wales, Queensland, South Australia, Victoria and Western Australia. The small participating jurisdictions are the Australian Capital Territory, the Northern Territory and Tasmania.

The functions of the national boards are obviously to register suitably qualified and competent persons, to develop registration standards for approval by the ministerial council. I do not see why the ministerial council has to improve registration standards other than just to say it has been through the right procedures. We do not understand it because we are only politicians. There may be a doctor or two here and there, that would be a good start, or a health practitioner, not necessarily a doctor. What we need to do is make sure that the ministerial council is not going to dictate to anybody on registration standards.

The national boards will oversee the assessment and knowledge of clinical skills of overseas trained applicants. This is something which we cannot overemphasise. It appears several times in this legislation and we cannot overemphasise it.

The national boards can establish panels to conduct hearings and refer matters about health practitioners who are registered under this law or a corresponding law to responsible tribunals. They can make recommendations to the ministerial council about the operation of specialist recognition. As I said, the state and territory boards are going to be established. A national board may establish a committee, a state or a territory board for a participating jurisdiction to enable the board to exercise its function in a way that provides an effective and timely local response to health practitioners and other persons in the jurisdiction.

So we have the SA board, the national board, the national authority, the national agency, and all of the advisory committees. We have quite a lot of people going up and down the line and it has been put to me already by those working in the health area that it will take a long time for things to react, so we need to be assured that this system is able to be streamlined as it should be, not burdened down by bureaucracy. This is an area where the state needs to have some say and we need to be able to keep people well and truly on the ball.

The national boards must develop registration standards. Under the national boards registration standards—this has been an area of contention with midwives particularly—there are requirements for professional indemnity insurance arrangements. Twenty-six years ago, a quarter of a century ago, when I first registered as a veterinary practitioner in South Australia, you had to have professional indemnity insurance. Doctors did not have to have it, but as a vet you had to have professional indemnity insurance. You had to show evidence of it, it had to be of a certain value and there were recommendations for you to have other types of insurance as well. It is good to see that requirements for professional indemnity insurance are being put in place for all professions.

There is a requirement for continuing professional development. This is compulsory, but it is not an offence if you do not undertake it, as I read this legislation. Continuing professional development is something that all doctors do and I know that some of the medical, dental and other boards that are losing their assets wanted to put those assets to use to assist in the professional development of the various professions they have been serving over many years.

It is good to see that continuing professional development is in here and that the national board must develop registration standards with requirements about English language skills, because we all hear anecdotal evidence about doctors and nurses who are difficult to understand, through no fault of their own. They are intelligent and well trained, but difficult to understand because of their strong accents; some people say that it is difficult to understand me! However, the need to enforce registration and accreditation standards is very important.

The consultation about registration standards and codes is contained in clause 40, which provides:

> (1) If a national board develops a registration standard or a code or guideline, it must ensure there is a wide-ranging consultation about its content.
>
> (2) A contravention of subsection (1) does not invalidate a registration standard, code or guideline.

Now, there is an issue there. If a national board develops a registration standard, code or guideline it must ensure that there is wide-ranging consultation about its content; however, if there is a contravention of that, if you do not consult, it does not matter. There is an issue there, and this is why this parliament needs to know what is in this legislation. We need to know what is going on and we need to be able to make sure that this legislation will do the job it is intended to do. We support the intent of it but, again, this is an issue for us to be aware of, and the only way we can be aware of it is if the legislation is not reduced down to eight lines in the bill before this house.

Part 6 of this legislation talks about accreditation and accreditation function, it talks about the assessing authorities in other countries. That is very important; not only that we check the bona fides of the individuals trying to register but also that they did not get their medical, nursing or dental degree out of a Cornflakes box. Years ago when I was at vet school I heard a story about one of the guys who failed a number of times. He paid to go to a vet school in Italy, and at that school they never touched an animal throughout the whole five years of the degree. I would not think he would be a competent person to be practising as a veterinary surgeon in Australia. I hope there are no similar examples with health practitioners for humans.

We need to make sure that these overseas authorities—the universities, the training organisations—have a curriculum that is acceptable to us, with a range of subjects and standards that are acceptable to us. That is a good thing to see in this legislation, and hopefully it will safeguard us from the Dr Patels, the dodgy doctors, who are coming here and causing untold grief.

I talked earlier about registering an accreditation, and I was concerned that the ministerial council could influence the national boards and agencies in terms of the registration and accreditation standards if there were an area of need. Clause 67 provides:

> An individual may apply for limited registration to enable the individual to practise a health profession in an area of need decided by the responsible Minister under subsection (5).

I hope that the minister, the ministerial council, who declares these areas of need, does not then apply pressure for limited registration to be given to health practitioners who, under normal circumstances, would not be looked at in any way, shape or form. This cannot be an avenue for the dumbing down of standards. I am not accusing anyone of that or saying that it will happen, but we need to be aware that this is an area to watch, to keep an observant eye upon, to see how it works. We do not need a political agenda being used to influence the provision of health services in Australia. That is also referred to in clause 67(5).

The limited registration in the cause of public interest is a similar case. An individual may apply for limited registration to enable the individual to practise a health profession for a limited time or a limited scope in the public interest. 'In the public interest' is a subjective assessment. We all need to ensure that there are standards and codes of conduct that guide this and that it is not just a political agenda. I do not care whether it is Liberal, Labor or a coalition, we need to make sure the public interest is well and truly protected.

The usual procedures take place with applying for registration, and that is making sure you fill in the forms, which I do every year, to re-register as a vet. We need to fill in the boxes for where to pay. We have filled out the forms and applied for registration. We have heard about the fees, and we have proof of identity. Once again, we need in this legislation to make sure there is no fraud, no dodgy or bogus doctors or dodgy documents. Having had a good look at the legislation, I am comforted by other clauses in it, but I need to emphasise that it is not the be all and end all and will need to be improved.

There is a lot more in this bill, and I will quickly skip through to the title and practice protections. People refer to me—it is on my name tag there—as Dr Duncan McFetridge. It is a courtesy title. My son has a PhD in robotics and artificial intelligence: I call him a real doctor. He is studying medicine now, so we say he will be 'doctor doctor'. We see nurses with PhDs who are doctors now, so the use of the title 'doctor' is very widespread. I honestly have no professional or egotistical hang-up about the use of that title, but the AMA has concerns about protecting the use of various titles, such as physician, medical practitioner and surgeon. You get tree surgeons and variations on the theme. So, I have concerns about that.

There are significant fines in place—for an individual, $30,000 or a body corporate, $60,000—if you abuse the regulated use of a title. The professional titles that have been approved are listed in the bill, and the ANMF has concerns about accreditation of mental health nurses and I support it in its push. Physios and cosmetic surgeons also have some concerns there.

I will finish on a big area—and members will be pleased to hear that I am going to finish at this hour. There are a couple of areas I need to discuss or go into. The one causing real concern is the area of mandatory notification. In the *Australian Doctor* magazine the article I quoted blamed the increase in handling mandatory notifications for the increase in fees. In division 2, mandatory notifications, clause 140 provides that 'notifiable conduct' means that a practitioner has practised the practitioner's profession while intoxicated by alcohol or drugs, engaged in sexual misconduct, placed the public at risk, has an impairment or has departed from accepted professional standards.

I assume that that last one there means that you have put in dodgy documents, so I would have thought that that would be notifiable, but it is not.

Under division 3, section 144, the grounds for voluntary notification (and I do not understand why this is not a mandatory notification) are as follows:

> (a) that the practitioner's professional conduct is, or may be, of a lesser standard than that which might reasonably be expected of the practitioner by the public or the practitioner's professional peers;

If you had a bloke out there who is a butcher, you should be duty-bound to dob the bloke in straight away. I say 'bloke', but it could be him or her. The other one that is voluntary notification but should be mandatory is:

> (g) that the practitioner's registration was, or may have been, improperly obtained because the practitioner or someone else gave the National Board information or a document that was false or misleading in a material particular.

You do not have to dob them in if you know that; you can let them continue practising out there. That should be mandatory notification, but it is not.

Mandatory notification includes intoxicated, sexual misconduct, substantial risk of harm, and that is fine, but who is subject to the mandatory notifications? Under this legislation, if there are two doctors who are married or living together in a relationship, the spouse could be compelled to dob in their partner. I am not a lawyer but I understand that that does not happen anywhere else.

Also, if a doctor or a health professional is seeking treatment from a psychiatrist or another doctor, and that doctor is aware that there is an impairment or that there have been some issues there, they are compelled under the mandatory notification to notify that doctor. There are some significant issues there.

Whether we have a one-year review as in the ACT, or a three-year review as in Queensland, Victoria or the Northern Territory or a five-year review as in Western Australia and New South Wales, this needs to be looked at and, in this particular case, it needs to be looked at now. Certainly, waiting three years or five years is not something that I think is worth while. I will finish with—

Mr Pengilly: No!

Dr McFETRIDGE: Okay, I will continue with regulations, and this is the thing that really sparked a lot of my interest regarding this parliament being sidelined. That is why we have come around to this position where we are demanding—not only demanding, but expecting—that the executive respect this parliament. We are expecting that this executive will say, 'Yes, this parliament should be shown its due.' It should be able to have this legislation not as adopting legislation, not 308 pages jammed into eight lines of one piece of legislation. This legislation should be presented as corresponding legislation because when it comes to the regulations, as I mentioned briefly before, the act provides:

> (1) A regulation made under this Law may be disallowed in a participating jurisdiction by a House of the Parliament of that jurisdiction—

and that sounds great—

> (a) in the same way that a regulation made under an Act of that jurisdiction may be disallowed;

but—

> (2) A regulation disallowed under subsection (1) does not cease to have effect in the participating jurisdiction, or any other participating jurisdiction, unless the regulation is disallowed in a majority of the participating jurisdictions.

In that majority, our health minister could be sidelined completely, so the government is sidelined and the parliament is sidelined. It is not a good position to be in. As I read out before, there are 30 ministerial councils at the moment (and probably more) that are participating out there. There are numerous pieces of legislation that have similar clauses in them which we have been able to accept.

In some of those, we have been the lead legislator, which makes it a lot more acceptable but here, not only have we not been the lead legislator, we have not been able to get this as corresponding legislation. It has been adopted, so there will be some very close scrutiny of the way

national regulations are drawn up, made and disallowed because it will be a significant issue. As I have said at the start of my contribution, this whole legislation needs to be scrutinised by this parliament. It needs to be looked at, and it should be open and transparent.

I think I know the answer already and we do not have the numbers in this place, but I ask the minister to reconsider his position on this, because he does have the time. I asked him back in September when we were going to see this legislation. I support the intent of this legislation, but I want it to be presented in a way that will be good for this parliament, the nation and, in particular, the people of South Australia.

As it has been presented to us, this is not good legislation, with the national law being presented in one clause. It is so important, and I am told that we are setting a precedent for this parliament if we go down this path. I am not so sure about that. If we look back at all the legislation that has been through this place, I am sure that corresponding legislation has been through this place before. It is not difficult.

An intergovernmental ministerial council has allowed Western Australia to do it. Why is that state so peculiar, so particular or so special? Are South Australians not as special as Western Australians? I think we are more important. We are South Australians, and we are a very proud state. We need to be proud of our parliament and not allow a ministerial council—an unelected group—to dictate to this place. Give us the legislation so that this parliament can be the final arbiter of its destination.

Ms CHAPMAN (Bragg) (20:47): I rise to indicate that I will be opposing the Health Practitioners Regulation National Law (South Australia) Bill, a bill introduced by the Minister for Health on 29 April 2010. As the minister informed the parliament, this bill follows other state jurisdictions around the country considering similar legislation, largely with approval.

There are a number of reasons for my opposition to this bill, but essentially it is important to place on the record that this bill attempts to bring in uniformity for registration purposes for a whole lot of health professionals, particularly 10 different professions in the health area, to come into effect on 1 July 2010, those professions being medicine, nursing, pharmacy, physiotherapy, dentistry, psychology, optometry, osteopathy, chiropractic and podiatry; and a further four professions to come into effect by 1 July 2012, being medical radiation practitioners, occupational therapists, Chinese medicine practitioners, and Aboriginal and Torres Strait Islander clinical health practitioners.

The professions to be covered are currently dealt with in each individual jurisdiction within each state or territory by their own regime of legislation, boards, tribunals and/or courts. It essentially works on the principle that, in the area of health service, the way in which to monitor the standard of a health professional, in order to ensure the protection and safety of members of the public, who are the consumers of these services, is to have a registration system. The system is not unique to the health professions, but it is one that works on the principle that someone has to be registered to be able to practise the particular profession. They have to demonstrate a number of things to qualify for that registration, not least of which is to pay the fee; essentially be a fit and proper person, usually not have some history of felonies and the like; and, most importantly, I suspect, have a certain standard of qualification, education and training and professional experience before they are let loose on the public through this registration procedure.

When the registration is withdrawn or suspended or someone is disqualified from holding or obtaining it, it is with the view of preventing them from imposing on the public an inadequate standard of service at the very least. That is the way in which it works—that is the principle—and we manage it through state administrations.

In the eight years I have been in the parliament, the position in South Australia is that we have, under various bills introduced, progressively upgraded or really brought into contemporary form the standards of the registration and qualification procedure. Here is my great friend. You must be contributing to this debate, are you, Treasurer? I am sure you will make a valuable contribution—not.

The state administration is one that will allow for the new contemporary regime of legislation, and there are a number of those bills which I stood in this house and supported the minister on: those on individual professions, on upgrading the standards they had to achieve and on the boards of management, with contemporary powers and really better disqualification procedures, allowing for suspensions rather than full disqualifications—all those things to make things contemporary.

I thought that we had brought South Australia to a standard that was one of the best in Australia. In addition, the government established the Health and Community Services Commissioner (and we supported it, although we felt that it should be part of the Ombudsman's office) not only to deal with public complaints of health maladministration or mistake—whether inadvertent or due to neglect, but harmful if you are the victim—but also to cover the public. Why then would we support a system that goes into a national scheme if it were in any way to diminish the high standard of structure that we currently have in this state? That is the first reason.

The second reason is: is the structure that is being presented by the minister one that will actually employ and operate a standard nationally from which the state will benefit and within which we have the capacity to be flexible and to amend in the event that it is in the interest of South Australians? The answer to that question, in my view, is no, and that is the second reason I oppose it. The third reason is fundamentally that, as usual, the government is going to introduce a further tribunal process which in my view will be inadequate and which will isolate both practitioners and the public from an accessible and just resolution of these issues, including the potential disqualification of a practitioner.

On the first matter, the current regime speaks for itself. I think it is of a high standard and we should maintain it. On the second issue—that is, what we are about to receive—essentially, the minister announced that, in following the footsteps of the Hon. Tony Abbott as a former federal health minister, this was really just the extension of what the previous federal government had initiated under a national registration scheme. I say to the parliament: that is utter rubbish.

In fact, the proposal by the former federal health minister was for a national registration scheme and for a separate qualification regime for the standards to be imposed for professional development and training and qualification, but it was nothing like what is being presented to us today. I want to dispel that as being absolutely mythical. It must be some kind of invention in the mind of the minister because nothing could be further from the truth.

The national scheme is one which resulted in the ministers of health getting together and deciding, through both Liberal and Labor governments, that they would look to work on a restructured scheme for registration. There was a complete balls-up, if I could say, on the qualification side of it. There were clearly attempts by the new federal Labor government and minister Roxon and, I think, these ministers to have a system where there would be potentially political interference with the quality control of the standards of training of medical practitioners.

That was utterly rejected by the stakeholders, and over the last couple of years it is fair to say that the state ministers have gone back and actually said, 'Okay, we'll back off from that. We want some abbreviated structure of that, but we accept that we are not going to get that through.' It did not stop them trying after they bulldozed the initial part of this procedure through the Queensland parliament, and I will come back to that in just a moment. Having reached an agreement that they wanted a national scheme, that this was going to be cheaper, quicker, more accessible, better—all that other nonsense we usually hear with these things and which sound good on the face of it—they then decided at their ministerial councils that they would create a new structure.

The way that we have historically dealt with these things is to say, 'All right, if something can be dealt with better at a national level, one option is that we transfer our powers to the federal parliament, and they can deal with it and they can sort it out.' The alternative, which has been historically the way we deal with it, is for the states to introduce legislation, which is what we call the applied laws model of having each of the jurisdictions following the lead on a standard precedent, a bill that is introduced and passed in the first jurisdiction. We have been the host state under that model a number of times. It has been very workable, I think it has been fair, and it has been important in ensuring that, if there are changes, they are unanimous, rather than this new consensus nonsense, and that we have some protection.

What the minister says, under this new model, is that it does not matter, because South Australia can just pull out if it feels like it. That is easier said than done. The truth is, when you dismantle all your own structure and you transfer into a federal structure, and something goes wrong and you realise it is not adequate, it is all or nothing. You have to pull out and start it all again yourself. So of course that is a disincentive to do that. It is very difficult, I suggest, to actually get out of the system.

It is a bit like talking about the national commonwealth corporate legislation. Often I hear it said, 'Look, states can pull out if they want to,' but to re-establish that structure at the state level is

very expensive and is not in all practical means a way out. So, that is the first objection I have to this new proposal, to this new hybrid way we are going to deal with this.

There are questions raised about the sovereignty of parliament. I do not think that they have been fully answered. I am disappointed that the government, in an instance where they want to introduce novel and, I think, novice structures, has come along to the parliament and said, 'Look, just believe us, we've got crown law advice on this, this is fine, everything will be sweet and it will all be okay.' It is almost indecent of the government to say that. Why not show us the legal advice in that regard? Why not be honest and come clean on that, and say that this is the basis upon which we are relying? That is especially so when we hear not only that New South Wales is working towards a claim against the constitutional validity of this model in legislation but, during the briefings kindly provided by the minister on this matter, it was acknowledged by officers that the ACT has a fund ready to challenge this.

So why are we going to enter into a model that is novel, and I think is already showing fractures of inadequacy for us, and not stick to the proven model that has worked in the past? I simply do not believe that we should accept this legislation and rely on the minister to say everything will be fine. We heard that on the bikie legislation; what happened? We are still in the High Court. We heard it on the historic agreement on the River Murray. We are in the High Court on that, too.

We cannot rely on this government to do the proper investigation, and to make that assessment accurately so that we are not wasting our time in here, and moreover that we are not duped into transferring powers to an unelected body, which is a ministerial council, to deal with this important issue in the future. It is too important. We can have a nationally consistent scheme without this model. This national scheme is, I think, burdensome and clumsy, and will create delay and further expense. It creates a whole new group of people who have to come together, who will change from time to time—namely different ministers—and is quite unworkable. There will be delays because it will always rely on ministers either to get along to their ministerial meetings or, alternatively, to make sure that they bring on promptly and diligently amendments necessary to this legislation.

The other matter I want to briefly address is the proposed tribunal process. The government says that, apart from the board process, there is an avenue of appeal: it is going to introduce a new federal tribunal to deal with the appeals that we would normally take to court. The minister outlined in his second reading contribution that this would be cheaper and that our court system—this was an astonishing revelation, I thought—is already overloaded. He claimed that the benefit here is that, instead of going into a court system that already has a huge delay, there would be a more timely resolution of these matters if we had a separate tribunal. He also claimed that it would be less threatening and friendlier, thereby minimising anxiety for both complainants and practitioners. What utter rot!

We have, as do other jurisdictions, a district court that is ready, willing and able to take up the jurisdiction as transferred by this parliament. It has a proper accessible process to ensure the best interests and protection of people; where practitioners in these cases would usually go to fight for a person's livelihood to be retained. That is all we are really talking about here: practitioners having the right to go to court and saying, 'I think that the board was wrong and I want my registration entitlement back,' or, 'I want the suspension lifted,' or otherwise. These people are fighting for their livelihood.

If a midwife makes a mistake and she is deemed by the board to be struck off, if she wants to go back and fight for her livelihood, she will get legal representation. It does not matter whether the minister wants to gloss this up as some kind of Mickey Mouse tribunal that is going to be cheaper, etc. The truth is that she is going to get counsel and she will make sure that she is properly represented and that she has access to a proper and legitimate process of appeal and remedy—and she is entitled to it.

The minister's government has transferred industrial laws to the federal arena, so we only have the Public Service left here. We have half the industrial court sitting in their chambers with nothing to do any more so, if there is a concern about what the minister is going to do for the resources for this, why not appoint them. We can simply transfer them to the district court, establish that portion of it so they do not have to go on a waiting list behind criminal cases or civil disputes and let them start on day one, giving them something to do. If they are being paid, why not give them something to do. We can have a proper court system and not some Mickey Mouse thing, a

further jurisdiction that I do not think will be anything like the minister has implied. I have never known a tribunal to be cheap. I have never known a tribunal to be fair in its administration—

Mr Kenyon interjecting:

Ms CHAPMAN: We can have an ICAC as well, of course.

An honourable member: We'd like an ICAC. We've been calling for one.

Ms CHAPMAN: He wants an ICAC. We would love an ICAC. In the meantime, we want a system that is accessible and fair and ensures that the rights of practitioners are protected when they get into difficulty in relation to the professional standards which they are administering.

A further matter I would like to raise is that the model proposes that we adopt what has gone through Queensland. We all know why this legislation was pushed through Queensland. Let's be honest—it was because they do not have a house of review; they have never had a house of review. Queensland has always been difficult. They were the last to come into Federation. We had a big dustup about our sugar cane, as I recall. Well, I recall reading it—I'm pretty old, but not quite that old! But sugar cane held that up.

Western Australia is always spitting the dummy. The reality is that I think Queensland has a different law from the rest of Australia in just about every jurisdiction you can think of. They have never complied. For us to whiz into Queensland, use their system without an upper house to shove this through the parliament without adequate scrutiny, is an insult to our own bicameral system of parliament.

It is certainly an insult to South Australians, who have demonstrated their commitment to keeping an upper house in this state and the need for it, and to shove it through Queensland is an insult to South Australians. If ever there was an example of the standard they have, just think of Dr Patel. Wasn't he a purler? He was practising in Queensland, allegedly causing the death of a number of people—

Mr Marshall interjecting:

Ms CHAPMAN: —and we are going to adopt the Queensland standard. After spending eight years here, former shadow minister Brown and I put through this legislation, raised standards in South Australia and introduced extra things, such as plano lens protection by requiring prescriptions to be issued for the girls to have cats' eyes and so on, because of the importance of protecting against blindness—all important things to do—and we want to go to a standard that Queensland has set? You've got to be kidding me.

This legislation is deceptively simple; it promises the world. I think it is utterly dangerous in the end and it will not serve South Australians well. It is important that the government does not come in here, introduce legislation at the end of April, and say, 'We are in a hurry to get this through; we need to deal with it straight away.' We could have sat in February, of course; we could have sat in December, or we could have sat well and truly before the first sitting in April, but, oh no, this government wanted to shove it through at the end. Tasmania has not even done it yet. I am not even sure whether they have a minister or a shadow minister for health there. The important thing is that we do this properly. We have the opportunity to do it; go back and write it again.

Mr PENGILLY (Finniss) (21:07): I also rise to indicate that I will be opposing the Health Practitioners Regulation National Law (South Australia) Bill 2010. I suspect that the contribution made by the member for Morphett in just over three hours and the compact 20 minute contribution made by the member for Bragg probably covered everything that needs to be said about this.

However, my view has been and always will be that I want to know how any legislation in this place relates to the people in my electorate. That is what it is all about. If it is not going to do anything to improve the health and welfare of the people of Finniss and, indeed, the people in the rest of South Australia, I really do not want to know anything about it.

I also indicate that I have grave concerns about some ministerial council closeted away in Canberra, Darwin, or wherever it chooses to sit, making decisions that are not in the best interests of the people of South Australia, which I think the member for Morphett referred to on several occasions during the course of his remarks. I listened intently for just over three hours, and I was rapt with the honourable member's performance. I thought he did an amazing job.

The reality in South Australia is that few, if any (apart from the odd member of parliament who may not be in the chamber or the odd government officer in the Department of Health or in far-

flung regions of the state), will read or hear anything of what we have talked about tonight or, indeed, anything the Minister for Health said in his second reading speech. That is the great concern.

People simply do not understand that this is a lot of bureaucratic gobbledygook and they would not have a clue what it is all about. So, when their health services are reduced; when, for example, the threat of not having obstetrics or elective surgery on Kangaroo Island, at Ceduna or wherever you would like to go, the government will have to ask itself whether this bill, prior to its going to the other house where, I suggest, it might not get quite as far quite so quickly, is in our best interest, and I do not think it is.

The member for Bragg, interestingly enough, raised the example of Dr Patel in Queensland. What an absolute blighter he proved to be; what a disaster he perpetrated on the good people of Queensland. The ongoing debacle and family traumas resulting from that particular person's actions have to be read about to be believed. We never ever want to see that sort of thing happen in South Australia.

I talked about the Kangaroo Island issues but I also talk about issues relating to the other major health service in my electorate, the South Coast Health Service. What is in this bill that is going to directly assist, aid and help the people on the Fleurieu Peninsula and the South Coast? I suspect very little. All it is going to do is cost a heap more money; it is going to result in a lot more bureaucracy and it is going to result in fewer services to the community across the electorate of Finniss. In the long term, I do not think it is going to stand for much at all.

It always worries me when Canberra thinks something is a wonderful idea. You can think what you like and you can say what you like about John Howard when he was prime minister but he always believed in the Federation—he was a federalist. As for this nincompoop we have as the Prime Minister now, quite frankly, the man is an outrageous disgrace and the sooner he is consigned to the annals of history the better. He is ruining this nation and as this sort of thing goes on, which is being pushed through the state parliaments like it is being pushed here tonight, I fear for everyday Australians and what is going to happen the next decade, the next 15 or 20 years. That really worries me.

I do not want to prolong this debate; other members have spoken at length about it but I do indicate that I fiercely reject this legislation. I realise that when it goes into committee in this chamber it could be somewhat of a battle for this side of the house. However, you can rest assured that we will take it up to the government. Coming in here and trying to jam through legislation that is going to have an enormous impact on the people of South Australia in two minutes flat is not the way to go. It is not good business, and I continue to oppose this legislation.

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (21:12): It is always a joy to hear members of the opposition unburden themselves of their feelings about matters that the government has put before the house. It is an education to us all and my colleagues in the visitors' gallery are better people for having sat through the last four hours of commentary from the opposition.

I thank the members opposite for their contributions. May I just say that the implementation of a national registration and accreditation scheme has been discussed since the Productivity Commission report was released in 2006. In fact, this was an initiative of the Howard government, and I recall Tony Abbott raising it at health ministers' meetings when he was the responsible minister. So, largely, this reform has enjoyed bipartisan support around Australia.

From that time, registration boards have been operating with a degree of uncertainty about when the scheme would commence. I have to say there has been some anxiety among those who work for the boards particularly and those who have been on the boards about when the scheme will come into play. I guess there is a sense of relief now that the matter is about to be resolved and the new boards will be in place by 1 July. Of course, it is important that this parliament passes legislation to allow that to occur.

The legislative model has been applied—and this, I suppose, is the significant point raised by the shadow minister for health who was the lead speaker for the opposition and who said he supported national registration, and I thank him for that and I think he is sincere in that. I was not sure whether or not the member for Bragg supported national registration; I could not tell from her commentary, but the member for Morphett certainly supports it. He asked questions and raised with me the possibility of our introducing what is known as complementary legislation. The model

we have chosen to use has been chosen for very particular reasons. It has been applied to a number of national law schemes that have been considered by the parliament in a number of areas including agriculture and veterinary chemicals, electricity, gas, consumer credit and corporations, to name a few.

In fact, when John Olsen was the minister responsible for electricity legislation, according to my colleague the Minister for Energy, he moved similar provisions through the South Australian parliament which were then adopted by other jurisdictions in Australia in order to create a national scheme for the management of electricity. It was done in a similar way to the legislation we are now considering.

For the purposes of the Health Practitioner Regulation National Law, the Western Australia parliament introduced it on a corresponding law model—and the opposition here, of course, is proposing a similar approach. There are problems with that. These are real problems. They are not debating points but, rather, real and significant problems.

I will give an example of where the corresponding law has been used for other national schemes. A corresponding law requires jurisdictions to pass corresponding or mirroring legislation so that identical legislation is passed through each parliament. The major problem with this model is that it is unlikely that a nationally consistent scheme would be established if amendments were required to be passed through every parliament around Australia. If national consistency was able to be achieved it would not be in a timely manner.

For example, in the year 2000 the commonwealth government passed the Gene Technology Act. The purpose of this act is to protect the environment and the health and safety of the public by identifying risks posed as a result of gene technology, and to manage these risks through regulating genetically modified organisms. All jurisdictions were required to pass corresponding laws to achieve national consistency. Corresponding laws for the last jurisdiction occurred in 2006—so it took six years for this process to go through. It took six years for the scheme to be put in place.

Each jurisdiction then needs to amend its legislation each time there is a change in the national scheme, so that means all the states and territories have to pass the exact same amendments at the same time in order for the national scheme to occur. I am advised that we now have the situation where two jurisdictions' legislation has been declared 'not corresponding' and other jurisdictions have legislation that is out of step because of different election cycles and parliamentary sitting schedules.

In other words, if we adopt the model the member for Morphett is proposing, we create a risk that in future South Australia's legislation will be out of sync with legislation in other states. Under the model I am proposing, if a change is made then it will automatically apply in South Australia and will apply immediately to those covered by the regulations in South Australia—those who are registered under the scheme. If our system is changed in the way the member for Morphett would suggest, practitioners in South Australia would have a period of time when they are not covered by the national law; and that could be for a matter of months if an election were to be held or the parliament is of a view that things should be delayed in a particular way, for example a select committee is established. There could be a period of months when the national law is not applied in this state.

I will give an example that explains what happens. Under the codes that are to be established, particular professions will be able to create rules about how they behave, and systems will be put in place about what various professions can and cannot do. Let us say that there is an amendment that affects how midwives, for example, do their work. At the moment midwives are able to provide services to mothers. A set of rules or guidelines apply to them about when, how and under what circumstances they can assist mothers give birth.

If those rules were to change on a national basis based on good evidence, that change came into place in Australia as a result of procedures in place in other states and did not come into place in South Australia, what would happen if a South Australian midwife continued to practise in a way which was outside the rules in other states but still technically able to be done in this state and something happened, for example a baby died or a mother was injured in some way? Who would be responsible? How would the system deal with this?

This would create imponderable legal problems for the system and for the individuals. If you are serious about wanting a national scheme, then you have to adopt the mechanism we are

proposing because the consequences of not doing so mean that, over time, you have a breakdown in that national scheme.

In particular, I would say to the house that the purpose of the national registration accreditation and health practitioners scheme is to, first, provide for the protection of the public by ensuring that only health practitioners who are suitably trained and qualified to practise in a competent and ethical manner are registered and, secondly, facilitate workforce mobility across Australia by reducing the administrative burden for health practitioners wishing to move between jurisdictions and to practise in more than one jurisdiction.

The infamous Dr Patel was mentioned. I understand that he is before the courts in Queensland, and I am not sure what the rules of sub judice are in relation to a matter before another jurisdiction's court. Let us say that a doctor at the moment, once registered in any jurisdiction in Australia through mutual recognition rules, can then apply to be registered in any other jurisdiction. That means we are vulnerable to the weakest link in the national scheme so, in order to protect the public, we want a very robust national scheme with a very high standard. All states and all jurisdictions have strongly supported that, and all the professions, as I understand it, have strongly supported that. This is a way of protecting the public.

There are also benefits for the practitioners as well, in that, once registered in the scheme, the registrant pays one fee, and that entitles them to work and practise in any jurisdiction in Australia. At the moment, you have to be registered in each jurisdiction, so there are anomalies. For example, in emergencies, if doctors and nurses and other health practitioners want to go from South Australia to another state to assist in, say, a bushfire or flood, they would have to get registration in that jurisdiction in order to provide services.

So, the Productivity Commission recommended a national registration and accreditation scheme to overcome the variations in registration and accreditation standards across jurisdictions and to eliminate the red tape for health practitioners. Using a corresponding law model has the high probability of returning back to the current system, where registration standards vary across jurisdictions as they take time to pass laws through their parliaments.

There is nothing in this model used for this bill that undermines the sovereignty of the South Australian parliament. Let me make that plain to this house and to the other place when members up there maybe read these words. There is nothing to stop this parliament, if it chooses, to overturn, dismantle or alter any of the provisions in this. The consequence of the parliament doing that, of course, is that we will not have a national scheme, but we still have the authority and power to do any of these things.

I can assure members that the legislation has been a long time in the planning, and there has been extensive consultation. I have had numerous meetings with representatives of the various professions—the boards and the organisations that represent them—and individuals who have had views about this; equally, of course, departmental officers (both nationally and at a state level) have been through very extensive consultation processes. The intergovernmental agreement was first developed under the Howard government, as I said earlier, with the preferred legislative model being for jurisdictions to apply the Queensland law as the law of their jurisdiction.

The intent of the agreement was picked up under the current federal government (the Rudd government) and signed by all the premiers at COAG in March 2008, given the benefits of using this model compared with that of corresponding laws. It is extremely important in this area of regulatory reform where consistent legislation is essential to protect the health and safety of the public.

The planning for the implementation of the national scheme has now been ongoing for the past 18 months, and it is very important, I believe, for this legislation to now pass our parliament by the end of this financial year. There are a number of consequences should we not join the national scheme on 1 July. The current state health practitioner regulation legislation will continue until such time as South Australia joins the national scheme. The current registration boards have based their planning and preparation on the expectation that they will not exist after 30 June. On this basis, lease or hire agreements for equipment and accommodation have been set to end around that time. Some boards have sold their properties to cover their liabilities, and these properties may not be available after 30 June.

The staff of the boards have been working under an uncertain employment future. Some boards have paid staff retention payments in order to hold on to them; this has been particularly important to ensure continuity of businesses. For those staff from the registration boards that are

ineligible to transition to the national agency (that is, contract staff, temporary staff and staff earning more than $120,000), many have now found alternative employment. Some eligible staff have accepted positions interstate. The net effect of this is a loss of staff from the boards.

If we do not get this new structure through, the machinery of the current boards will have run down and we will have a very wobbly system in place, and that, of course, threatens the safety of our community. Also, a number of board positions fall vacant after 1 July, and, under the state legislation, of course, they need to be filled by elections. The cost of holding elections is expensive, depending on the size of the board, and all those expenses would be incurred if this legislation were not to pass.

The current registration boards are also waiting on the passage of the bill to determine which entity will be responsible for the renewal of registrations for practitioners. This renewal process usually commences three months prior to the expiry of the registration period. The next lot of professions in South Australia for which registration falls due are psychology, nursing and midwifery at the end of August this year, and medical at the end of September 2010.

At the moment the registration boards are working on the assumption that the renewal process for these professions will be the responsibility of the national agency. However, a decision needs to be made shortly to ensure that the 1,269 psychologists, the 31,485 nurses and midwives and the 7,381 doctors can continue to practise in this state. The state registration boards may be limited in their ability to process these registrations with reduced staffing complements and, in some cases, experienced staff to vet the registrations.

Whilst we have stressed to registration boards that it is business as usual under this bill as passed by parliament, I am aware that their ability to do so is becoming increasingly compromised as staff leave. Health practitioners registered with South Australian boards have already received a package from the national board detailing the information that is included on the national register about their registration and asking them to be aware of the new standards and codes that will be applicable from 1 July 2010.

If South Australia is not part of the national scheme, all practitioners will still need to be registered locally in order to practise in this state. Should any of these practitioners wish to practise in another jurisdiction, they will need to go through the registration process in that jurisdiction and pay a separate registration fee. For example, a nurse practising in this state will pay a registration fee of $115, and if that individual wishes to practise in other jurisdictions they will have to pay registrations in those states as well. Any practitioner from another jurisdiction wishing to practise in this state, of course, will also have to pay a separate fee.

We will break down the national scheme; we will cause problems for the boards and, of course, place burdens on the individuals. I recognise that we are close to the end of this financial year and that the parliament has not sat for many days in this six month period. I recognise that that has put some pressure on opposition and other members of parliament, so I understand that there may be some feeling that they have not had adequate time to consult and discuss this.

I would simply appeal to them that it is in the best interests of this state, and it is certainly in the best interests of the public and the individual professionals who are covered by these registration standards, that this goes through. However, if the parliament chooses not to pass this legislation, of course that is the will of the parliament, and then the processes that I have detailed will have to be put in place. Those processes would be very inconvenient, rather expensive and create risks, but that would be the burden that this parliament would have to wear.

I conclude at that point. I take this opportunity to thank all the officers who have assisted on the development of this legislation: Richard Dennis, the parliamentary counsel in particular; and from the health department, David Filby, who is now partly retired, Tahnya Donaghy, Andrew Stanley and Kathy Ahwan, three of whom are in the chamber today to assist me. I commend the legislation to the house.

The house divided on the second reading:

AYES (19)

Atkinson, M.J.	Bedford, F.E.	Bignell, L.W.
Caica, P.	Conlon, P.F.	Foley, K.O.
Fox, C.C.	Hill, J.D. (teller)	Kenyon, T.R.
Key, S.W.	O'Brien, M.F.	Odenwalder, L.K.

AYES (19)

Piccolo, T.	Portolesi, G.	Rau, J.R.
Sibbons, A.L.	Thompson, M.G.	Vlahos, L.A.
Weatherill, J.W.		

NOES (13)

Chapman, V.A.	Evans, I.F.	Gardner, J.A.W.
Goldsworthy, M.R.	Griffiths, S.P.	Marshall, S.S.
McFetridge, D. (teller)	Pederick, A.S.	Pengilly, M.
Sanderson, R.	Treloar, P.A.	van Holst Pellekaan, D.C.
Whetstone, T.J.		

PAIRS (10)

Rann, M.D.	Hamilton-Smith, M.L.J.
Koutsantonis, A.	Pisoni, D.G.
Geraghty, R.K.	Redmond, I.M.
Wright, M.J.	Venning, I.H.
Snelling, J.J.	Williams, M.R.

Majority of 6 for the ayes.

Second reading thus carried.

In committee.

Clauses 1 to 3 passed.

Clause 4.

Dr McFETRIDGE: Thank you, Madam Chair, and welcome to our committee. You should be at home with Theo. Thank you for giving up your valuable time with your son.

The CHAIR: I always have time for you, member for Morphett.

Dr McFETRIDGE: I hope he is in good hands. Clause 4 of this bill is the crux of our whole dilemma with this piece of legislation. As I said, we do support national registration. We do support the intent of this bill but we cannot support the adoption of this Queensland legislation as legislation of South Australia.

The intergovernmental ministerial council accepted that this legislation could be introduced as corresponding legislation. The minister, in his second reading explanation, acknowledged that it could be introduced as corresponding legislation. I acknowledge that there will be some difficulties if there are delays in presenting this legislation as corresponding legislation and we do not become part of a national scheme by 1 July, but as I read out in my second reading contribution from the chair of the new Psychology Board of Australia, the world will not end, the sky will not fall in, life will not change forever as we know it now.

What will happen is that there will be a delay, there will be some inconvenience, but what will also happen is that this house will have the opportunity to be in charge of its own destiny. Clause 4—Application of Health Practitioner Regulation National Law, provides:

> The Health Practitioner Regulation National Law, as in force from time to time, set out in the schedule to the Health Practitioner Regulation National Law Act 2009 of Queensland—

not South Australia, Western Australia, Northern Territory, ACT, New South Wales, Victoria, Tasmania or any other place, but Queensland, where they have one house and where it has been rammed through—

> (a) applies as a law of this jurisdiction; and
>
> (b) as so applying may be referred to as the Health Practitioner Regulation National Law (South Australia); and
>
> (c) so applies as if it were a part of this act.

We cannot accept that. It is completely wrong that this is being forced upon this house. I have listened to what the minister said in his summing up speech. I accept there will be issues and I am happy—I have broad shoulders—to accept the fact that there will be complaints. I will get the emails and the phone calls, and I will have some of the associations who want to get this legislation through—

An honourable member interjecting:

Dr McFETRIDGE: No, I can do it. Somebody said to me that I am putting on weight and I said, 'No, I'm just getting a thicker skin,' because that is what you need in this place. You cannot take things personally. You have to be prepared to stand up and get in there for your principles, and this is a very important principle: that we do not adopt this legislation.

Madam Chair, I would like your ruling on the fact that, as part of clause 4, this committee is able to examine the 308 pages and the 300-plus clauses of the national law, plus the seven schedules with the other 108 clauses in them, because it is very important that we do examine all of that legislation. I understand this will not be a precedent, that this has been done in the past, and I seek your ruling on our ability to proceed down that path.

The CHAIR: Sorry. It is true that I was trying to learn about the process and not listening exactly to your words as I should have.

Dr McFETRIDGE: I understand that you are trying to get things right here. What I am asking is for your ruling on whether, under clause 4—because this parliament is being asked to adopt the Health Practitioners Regulation National Law Act 2009 of Queensland as a law of this state—

The CHAIR: Yes, I got that bit.

Dr McFETRIDGE: I want to know whether we are able to examine the clauses of that legislation as part of this committee process.

The CHAIR: Are you asking me, member for Morphett, if you can have a number of speakers perhaps on this particular issue?

Dr McFETRIDGE: No, Madam Chair. I am asking you whether we are able to go through the clauses in the Queensland legislation that is being adopted as part of state law. It is going to become state law, so therefore we should be able to examine this law. It is a law of this state, and this parliament should be able to examine the laws of this state. It should be the right of this parliament to examine those laws, and I seek your ruling on that matter.

The CHAIR: Right. Meaty stuff! There seem to be quite a lot of clauses in the act to which you refer. Is there any way that you could perhaps squash them in, so to speak, and not take them one by one by one?

Dr McFETRIDGE: It is very important that any legislation that proceeds through this place is examined in detail.

The CHAIR: Yes.

Dr McFETRIDGE: That does not mean that every clause has to be examined in detail, but I can say that it will not be done by 10 o'clock.

The CHAIR: I am just seeking to ascertain—and forgive me for this also—whether you wish to go through clause by clause by clause, and you are telling me that you will not be discussing every clause within that act.

Dr McFETRIDGE: We will need to set a procedure here so that, just as in any legislation where we have to itemise every clause—just as we have passed clauses 1 to 3 without any debate—

The CHAIR: Yes, I understand that.

Dr McFETRIDGE: —there are many clauses in this Queensland legislation that will not be debated, but there are clauses in there that need to be discussed and teased out, and we need assurances that they will be acceptable to South Australia.

The CHAIR: One further question: which clause would you be wanting to begin on within that act?

Dr McFETRIDGE: Pick a number.

The CHAIR: So just a random number or—

The Hon. J.D. HILL: Madam Chair, can I indicate, to be helpful—

The CHAIR: Yes, indeed, minister.

The Hon. J.D. HILL: I have no objection to what the member for Morphett wishes to do and I will not object to any move that you make to allow him to do it.

The CHAIR: Okay.

Dr McFETRIDGE: Just to be clear, the law we are being expected to adopt as part of state law starts on page 23 of the Queensland legislation at part 4. It is from clause 11 of that part that we would be asking the committee to look at those clauses. As I have said, not every clause needs to be debated, but there are a number of clauses in there that we would like to ask questions on and have explained so that the people of South Australia and the members of this place are clear on the intent of this legislation.

The CHAIR: Thank you for your elucidation of that matter, member for Morphett, and in that case, yes. Is your first question pertaining to clause 11, as you said previously?

Dr McFETRIDGE: No, the examination of the whole act starts at clause 11, but the first clause that I actually want to ask questions about is clause 12.

The CHAIR: Member for Morphett, I am advised that I will only be putting one question and that is the question relating to clause 4 in its entirety. Obviously I am not going to go through the actual act itself and put those questions in relation to the clauses. You can question the minister about each of those clauses but we will not be putting them.

Dr McFETRIDGE: Thank you, Madam, for clarifying that procedure. In that case, I refer to clause 4 which refers to the Queensland act. I am referring in the Queensland act to page 23, clause 12—Amendment of schedules—Policy directions. Part 4 provides:

> (a) in the Council's opinion, the proposed accreditation standard or amendment will have a substantive and negative impact on the recruitment or supply of health practitioners;

I would like the minister's advice on the meaning of that clause. The house needs to know that the ministerial council will not apply political or economic agendas to the recruitment or supply of health practitioners that—God forbid—would result in the dumbing down of accreditation standards that were implemented to enable the recruitment and supply of health practitioners.

The Hon. J.D. HILL: I thank the member for the question. Before I answer, can I just indicate to him and to the house that the Liberal Party's position in relation to this legislation, I gather, is one of principle; that is, the Liberal Party is opposed to bringing into this place legislation that has passed through the unicameral Parliament of Queensland and adopting it without debating the full extent of the legislation.

I draw to the members' attention that a very similar process was used in 1995 when the consumer credit legislation was passed by this place. In fact, it was based on legislation which was adopted by this parliament having been passed through the unicameral Parliament of Queensland in 1994. I am not sure which government was in power in Queensland in 1994 but I certainly remember which government was in power in South Australia in 1995.

Ms Chapman: Brown.

The Hon. J.D. HILL: Yes, one Dean Brown was the premier. I have no idea what the Labor Party said at the time because I was not here, but I do know that this parliament passed that legislation because it was the right thing to do. In relation to electricity legislation, of course, as the Minister for Energy informed me, a similar approach was taken by the then Liberal government—

An honourable member: So it is all right to be leading, but you can't follow.

Members interjecting:

The CHAIR: Order! I think it would be nice if the members could sit in their proper spots.

The Hon. J.D. HILL: Yes, that is a good idea, Madam Chair. I think I have made my point. Now to the question of the member for Morphett.

Under the arrangements that will be put in place—and I will get advice if I have not got this 100 per cent correct—the national boards, that is, the boards which are dominated by their professions, will determine the scope of practice and the requirements for practice of various practitioners. The board responsible for doctors will determine what doctors can do and the scope and practice of those doctors. The role of ministers will be to approve those standards. They cannot change those standards. If they do not like a standard, they can refer it back and ask for a review. That is similar to what we do now in South Australia. In Victoria, the minister—

Ms Chapman interjecting:

The Hon. J.D. HILL: Vickie, please—belt up, would you?

Members interjecting:

The Hon. J.D. HILL: I beg your pardon, that little Greek chorus in the back row there. If the—

Members interjecting:

The CHAIR: Minister, I think it best not to respond to the provocation of the wall of testosterone there.

The Hon. J.D. HILL: The wall of testosterone; it sounds like the name of a bad 1980s band. I understand that in the Victorian government, until this legislation comes into effect, the minister currently has the right to approve, disapprove and change standards.

In future, the critical role for ministers collectively will be where the areas of practice between the various professions overlap. For example, as I understand it, if one group of professionals wanted to extend or restrict the scope of practice in a way that would interfere with the scope of practice of another group of professionals, that is when ministers would have to take some action. I think that is the point the member was making. This does not allow ministers to overturn professional standards to satisfy some political exigency that might occur. The standards are absolutely determined by the professions.

Dr McFETRIDGE: On the same subclause (4)(b):

…the council has first given consideration to the potential impact of the council's direction on the quality and safety of health care.

Again, there appears to be room for political or economic concerns there. I heard what the minister said about legislation similar to this being introduced, but in some of those cases we were the lead legislators. Had we been the lead legislator here, we would not be having this conversation. We would have had this legislation as part of our state legislation, and that would have been completely acceptable to us. I can count, minister, but that does not stop me ensuring that this house, all the members on this side and on the government's side, are aware of each of the clauses in here and their impact.

I refer again to the wording of subclause (4)(b). How can the minister assure the committee that there will be no political or economic concerns overriding the ministerial council's decisions, particularly when we know that those ministerial council decisions do not have that safeguard of being unanimous, as they do in some other legislation that has been put through? They are by consensus or, in the case of regulations, by majority decision.

The Hon. J.D. HILL: The member raises two issues: whether it should be a majority or unanimous. I think it is important that it be by majority, because it would be possible for a jurisdiction that was not interested in improving standards to object to anything that might strengthen standards across Australia; to make it unanimous would give a veto right to the weakest jurisdiction, if you like. This provision is there to ensure that ministers collectively consider the impact any decision will have on standards. That is to make clear that this is about improving standards, protecting the public, if you like. I am not sure what the concern really is.

This is a new way of doing business, and the professions have certainly been consulted on it in great detail, and that is one of the reasons we are having a review. Inevitably, with any complex piece of legislation you need to have a review after a reasonable period of time to pick up any flaws in it. However, I can assure the member that nobody in the health system wants to create opportunities for rogue doctors or nurses to practise. This is about ensuring the safety of the public. At the moment, some jurisdictions in Australia—not this one—have measures in place that are not as rigorous as they ought to be.

Ms Chapman: Hear, hear!

The Hon. J.D. HILL: The member for Bragg interjects and says 'Hear, hear!', but the fact is that under the mutual recognition arrangements anybody can enter into that state that has weaker standards than our own, be registered there and then come and practise in South Australia if they pay the fee. This will ensure that there is a standard in place that is rigorous right across Australia, and it will be scrutinised by everybody—the professions, the ministers and the national bodies that have been created and all the political processes that go along with that.

Dr McFETRIDGE: Clause 6 provides that the national agency or national board must comply with a direction given to it by the minister or council under this section. I have some concerns there and I do not expect the minister to explain any further. I listened to his response, but I have some concerns about the ministerial council dictating to the national agency or national board which, after all, is suppose to be setting independent standards.

I move on to part 1; I am moving forward in the Queensland legislation. Under the definitions, I refer to 'criminal history'. Paragraph (c) states, 'every charge made against the person', and they are talking about reporting criminal history. Is this a standard thing? If the charge was dropped or not proceeded with, either because there was not enough evidence to proceed with it or some other circumstance, is this some sort of draconian legislation? Are there examples where this clause would be included elsewhere? There may be circumstances where one is charged with, for example, paedophilia—a very serious charge—but it is withdrawn or dropped because you were not guilty, you did not do it, but you were charged with it. Perhaps the lawyers in the place could tell us, but to me that would be a significant issue for a health practitioner.

Progress reported; committee to sit again.

At 22:00 the house adjourned until Wednesday 26 May 2010 at 11:00.