

key areas of the Coongie Lakes would be protected—currently an exercise being undertaken by the Office of Minerals and Energy Resources as well as the Department of Environment and Conservation, which is looking at this issue in relation to that matter. Obviously a lot of scientific work needs to be undertaken in relation to the environmental value of those areas as well as the economic value of possible petroleum resources. Until that matter is resolved, what one might describe as a moratorium on the issue of any new licences in that region—effectively a moratorium put in place by the previous government—will continue.

### SOCIAL INCLUSION UNIT

**The Hon. A.J. REDFORD:** I seek leave to make a brief explanation before asking the Minister for Primary Industries, representing the Premier, a question about the Social Inclusion Unit.

Leave granted.

**The Hon. A.J. REDFORD:** On Tuesday I informed the parliament that I was granted access to minutes of the Social Inclusion Unit through an FOI application. On reading the minutes, I note the following entry in the board minutes of 9 August 2002:

**Monsignor Cappo is to discuss with the Premier the issue of champion ministers and whether ministerial committees need to be established around the three references.**

Subsequently the matter of champion ministers was discussed on 24 September at a staff meeting. The minute there states:

**H. Parkes has prepared a draft cabinet pink to establish champion ministers for inter-ministerial group to drive the action plans which come out of the board meeting.**

In light of that, I ask the minister:

1. What ministerial committees have been established since this government took office?
2. Has the government decided to appoint champion ministers and, if so, which members of the Rann cabinet have been designated 'champion'?
3. What will be the responsibility of champion ministers and will it affect their existing ministerial responsibilities?
4. What has been the reaction of those ministers not designated as 'champion'?

**The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries):** The Rann government has 13 champion ministers, which is exactly 13 more than the previous government had.

### OFFICE OF THE NORTH

**The Hon. J.S.L. DAWKINS:** I seek leave to make a brief explanation before asking the Minister for Regional Affairs a question about the office of the north.

Leave granted.

**The Hon. J.S.L. DAWKINS:** Yesterday in this place I raised a question about the northern region strategic forum. In the explanation I mentioned the opening of the new office of the north. I understand, as was indicated yesterday, that the member for Elizabeth and Minister for Health (Hon. Lea Stevens) is the minister responsible for that office and I understand that she may have even been designated as minister for the north. I also understand that Mr Tim O'Loughlin, the CEO of the Department of Transport and Urban Planning will have administrative responsibility for the new office. My question is: if the Minister for Health has been designated as the minister for the north, why would the

CEO of a different department be given responsibility for that office?

**The Hon. T.G. ROBERTS (Minister for Regional Affairs):** The honourable member is right about the office of the north being designated to the Hon. Lea Stevens, Minister for Health. I was not aware that Tim O'Loughlin was designated champion for the office, but if that is the—

**The Hon. J.S.L. Dawkins:** He has administrative responsibility.

**The Hon. T.G. ROBERTS:** If that is the case, I will refer the question to the minister. But I do know that, while we are in the northern region, many of the questions that were put to us were of a planning and transport nature.

*The Hon. Caroline Schaefer interjecting:*

**The Hon. T.G. ROBERTS:** 'Northern metropolitan' is the designation. Many of the queries that were coming from residents out there were to do with highways, ring roads and transport. That would probably be behind the thinking of making Tim O'Loughlin the person responsible for that area. I will obtain a more definitive answer for the honourable member and bring back a reply.

### UPPER SOUTH EAST DRYLAND SALINITY AND FLOOD MANAGEMENT BILL

**The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation)** obtained leave and introduced a bill for an act to provide for a scheme to protect and improve the environment and agricultural production in the Upper South-East through the proper conservation and management of water and the initiation or implementation by the government of the state of works and environmental management programs and other initiatives; to make related amendments to the South Eastern Water Conservation and Drainage Act 1992; and for other purposes. Read a first time.

**The Hon. T.G. ROBERTS:** I move.

**That this bill be now read a second time.**

An estimated 250 000 hectares (or 40 per cent) of productive farmland in the Upper South-East have been degraded by salinisation caused by high ground water levels and flooding, and a further 200 000 hectares, including approximately 40 000 hectares of high value wetlands and native vegetation, are at risk. To alleviate this problem, the Upper South-East Dryland Salinity and Flood Management Program (USE program) was initiated with four main elements: drainage, vegetation protection and enhancement, salt land agronomy and wetland enhancement and management.

The program will provide significant environmental, economic and social benefits to the region, but the need to negotiate additional funding and gain certainty of access and management of drains and wetlands in the region has meant that the future of the approved scheme is under threat. Lack of recent progress is partially due to the need to put in place a new funding package. This is currently being negotiated as part of the implementation and national action plan for salinity and water quality arrangements with the commonwealth government and regional communities. The South-East is a priority region for action to address its salinity and water quality issues.

in broad terms, the review examined the extent to which the Country Fire Service, the South Australian Metropolitan Fire Service, the State Emergency Service and the Emergency Services Administrative Unit are effectively meeting Government policy and community expectations in relation to emergency services; the suitability of the current governance arrangements; and whether the administration and support provided to the emergency service organisations is consistent with best practice, avoids unnecessary duplication and is cost efficient and effective.

Members will recall that the review team made a number of recommendations relating to the restructuring of the emergency services sector. In particular, the review team recommended the establishment of a Fire and Emergency Services Commission.

On 17 July 2003, the Government tabled its response to the Emergency Services Review. The Government supported most of the recommendations as presented by the review team. Some of the recommendations were adopted in part or with minor amendment. Some of the recommendations are being further developed during the implementation process.

The purpose of this Bill is to establish the legislative framework to implement those recommendations of the review team that were supported by the Government.

The contributions of the emergency service organisations, and the volunteer associations and unions that represent the volunteers and staff in the emergency services sector, have been invaluable in developing a structure that will serve to improve the governance and accountability of the emergency services sector and facilitate the achievement of efficiencies and savings through the closer coordination and collaboration of the organisations in the delivery of services to the community.

The Bill establishes the South Australian Fire and Emergency Services Commission, and articulates its functions and powers. Broadly speaking, the Commission will have a governance role in the sector and will be responsible for overseeing the management of the emergency service organisations, and providing strategic direction, organisational and administrative support to the emergency service organisations.

A Board will manage and administer the Commission. The Board will consist of the Chief Officer of each of the emergency service organisations and a Chair, preferably a person with operational experience. These members of the Board will have the ability to vote on any matter arising for decision by the Board. The Board will also consist of two people with knowledge or experience in fields such as commerce, finance, economics, accounting, law or public administration. One will be a public service employee from a relevant Government department. At present, this person will be an employee in the Justice Portfolio. Neither of these two members will have voting rights. Finally, the Board will also consist of a member drawn from the Advisory Board in order to present the interests of volunteers. This member will also not have voting rights.

The Chair of the Board will be the Chief Executive of the Commission. The Commission will be staffed to carry out the service functions of the Commission.

The Bill will repeal the *South Australian Metropolitan Fire Service Act 1936*, the *Country Fires Act 1989*, and the *State Emergency Service Act 1987*. The South Australian Metropolitan Fire Service, the South Australian Country Fire Service and the South Australian State Emergency Service will continue in existence under the new legislation. Each of the emergency service organisations will be headed by a Chief Officer who will be responsible for the management and administration of the organisation in accordance with the strategic framework developed by the Commission for the emergency services sector.

The emergency service organisations retain their operational functions and the operational provisions necessary to carry out their functions. The operational provisions are transferred from the legislation being repealed, with modification to achieve consistency between the organisations to the extent practicable.

The Bill also contains miscellaneous provisions that provide consistency across the sector for issues such as offences for obstructing emergency service officers in the performance of their functions to protection from liability for honest acts or omissions in the performance of functions under the Act. The majority of the miscellaneous provisions can be found in similar form in the legislation being repealed.

The Bill also amends the *Emergency Services Funding Act 1998*, so that the Community Emergency Services Fund can be applied to fund the costs of the Commission.

Finally, the Bill contains transitional provisions to enable the transition from the existing structures to the new structures.

This legislation is a significant step in reforming the emergency services sector. The time and effort that has gone into its development represents the commitment of the Government and the people in the emergency services sector to a reform process aimed at improving the delivery of emergency services to the South Australian community.

I commend the Bill to the House.

#### EXPLANATION OF CLAUSES

##### Part 1—Preliminary

###### 1—Short title

This clause is formal.

###### 2—Commencement

The measure will be brought into operation by proclamation.

###### 3—Interpretation

This clause sets out the definitions required for the purposes of the measure.

An *emergency services organisation* will be—

- (a) the South Australian Metropolitan Fire Service (SAMFS); or
- (b) the South Australian Country Fire Service (SACFS); or
- (c) the South Australian State Emergency Service (SASES).

The *emergency services sector* will comprise—

- (a) the South Australian Fire and Emergency Services Commission; and
- (b) SAMFS; and
- (c) SACFS; and
- (d) SASES.

An *emergency* will be an event that causes, or threatens to cause—

- (a) the death of, or injury or other damage to the health of, any person; or
- (b) the destruction of, or damage to, any property; or
- (c) a disruption to essential services or to services usually enjoyed by the community; or
- (d) harm to the environment, or to flora or fauna.

However, in conjunction with this definition of *emergency*, the measure will not apply to any action to bring an industrial dispute to an end or to control civil disorders (but may apply in relation to any fire or other emergency arising during the course of an industrial dispute or any civil disorder)—see clause 5.

In exercising a power or function under Part 4, a relevant authority will be required—

- (a) to have due regard to the impact of any action on the environment; and
- (b) to seek to achieve a proper balance between bush-fire prevention and proper land management in the country.

###### 4—Establishment of areas for fire and emergency services

The Commission will establish a fire district or fire districts for the purposes of the operations of SAMFS. Any part of the State outside a fire district will constitute the area or areas for the purposes of the operations of SACFS. SASES will act in relation to any part of the State.

###### 5—Application of Act

This measure will not limit or derogate from the provisions of any other Act.

##### Part 2—South Australian Fire and Emergency Services Commission

###### Division 1—Establishment of Commission

###### 6—Establishment of Commission

The South Australian Fire and Emergency Services Commission is to be established. The Commission will be a body corporate. The Commission will be an agency of the Crown.

###### 7—Ministerial control

The Commission will be subject to the control and direction of the Minister. However, any Ministerial direction under this provision will need to be in writing and a statement of the fact of the giving of any Ministerial direction will be published in the Commission's annual report.

###### Division 2—Functions and powers of Commission

###### 8—Functions and powers

This clause sets out the functions of the Commission. The Commission will have the powers necessary or expedient for the performance of its functions. The Commission will prepare a charter relating to its functions and operations. The charter will be publicly available.

#### 9—Directions

The Commission will be able to give directions to SAMFS, SACFS or SASES. However, the Commission will not be able to give a direction relating to the procedures to be followed in response to an emergency, or relating to dealing with any matter that may arise at the scene of an emergency.

#### Division 3—Constitution of board

##### 10—Commission to be managed by a board

The Commission is to be managed by a board. The board will be the governing body of the Commission and any act or decision of the board in the management or administration of the affairs of the Commission will be an act or decision of the Commission.

##### 11—Constitution of the Board

The Board will be constituted by a presiding member (being the Chief Executive of the Commission), each Chief Officer of each emergency services organisation, and 2 other persons appointed by the Governor on the recommendation of the Minister. 1 of the appointed members will be a member of the Public Service. An appointed member will be known as an *associate member*.

##### 12—Terms and conditions of membership

This clause sets out the terms and conditions of membership of the board. An associate member will hold office for a term not exceeding 5 years and is eligible for reappointment.

##### 13—Vacancies or defects in appointment of members

An act or proceeding of the Board will not be invalid by reason only of a vacancy in its membership or a defect in an appointment.

##### 14—Proceedings

This clause sets out the procedures that are to apply in relation to the proceedings of the Board.

##### 15—Conflict of interest

This clause deals with the issue of conflicts of interest for members of the Board.

#### Division 4—Chief Executive and staff

##### 16—Chief Executive

This clause provides for the office of Chief Executive of the Commission. A person will be able to be appointed to this position for a term not exceeding 5 years and will be eligible for reappointment. The Chief Officer will be responsible for managing the staff and resources of the Commission and giving effect to the policies and decisions of the Board insofar as they relate to the management of the Commission.

##### 17—Staff

The staff of the Commission will comprise persons appointed by the Commission and persons employed in any public sector agency who are made available to assist the Commission.

#### Division 5—Advisory Board and committees

##### 18—Advisory Board

The Minister will appoint an Advisory Board for the purposes of this measure. The Advisory Board will be able to provide that a copy of any written advice furnished to the Minister be tabled in Parliament.

##### 19—Committees

The Commission will be able to appoint committees to assist the Commission as the Commission thinks fit.

#### Division 6—Delegation

##### 20—Delegation

The Commission will be able to delegate powers and functions.

#### Division 7—Accounts, audits and reports

##### 21—Accounts and audit

The Commission will be required to keep proper accounting records and to prepare annual statements of account. These accounts will include consolidated statements of account for the emergency services sector.

##### 22—Annual reports

The Commission will prepare an annual report. The annual report will incorporate the information contained in the annual reports of the emergency services organisations. The Minister will be required to have copies of the annual report laid before both Houses.

#### Division 8—Common seal and execution of documents

##### 23—Common seal and execution of documents

This clause relates to the use of the common seal of the Commission and the execution of documents.

#### Part 3—The South Australian Metropolitan Fire Service

##### Division 1—Continuation of service

##### 24—Continuation of service

The South Australian Metropolitan Fire Service (SAMFS) will continue in existence. (SAMFS is an agency of the Crown and holds its property on behalf of the Crown.)

##### 25—Constitution of SAMFS

SAMFS will consist of the Chief Officer, all officers and firefighters, and all employees of SAMFS. The Chief Officer will be responsible for the management and administration of SAMFS and an act or decision of the Chief Officer in the management or administration of the affairs of SAMFS will be an act or decision of SAMFS.

##### Division 2—Functions and powers

##### 26—Functions and powers

This clause sets out the functions of SAMFS. SAMFS will be able to exercise any powers that are necessary or expedient for the performance of its functions.

##### Division 3—Chief Officer and staff

##### 27—Chief Officer

This clause makes specific provision with respect to the office of Chief Officer of SAMFS. The Chief Officer will be appointed by the Minister after taking into account the recommendation of the Chief Executive of the Commission. The Chief Officer is to assume ultimate responsibility for the operations of SAMFS and may therefore—

- (a) control all resources of SAMFS; and
- (b) manage the staff of SAMFS and give directions to its members; and
- (c) assume control of any SAMFS operations; and
- (d) perform any other function or exercise any other power that may be conferred by or under this or any other Act, or that may be necessary or expedient for, or incidental to, maintaining, improving or supporting the operation of SAMFS.

##### 28—Deputy Chief Officer and Assistant Chief Officers

The Chief Officer will be able to appoint a Deputy Chief Officer and 1 or more Assistant Chief Officers.

##### 29—Other officers and firefighters

The Chief Officer will appoint other officers and firefighters. An appointment under this clause will be made following procedures set out in subclause (2) (other than where the appointment is to the lowest rank in SAMFS). These procedures are currently found in section 40A, 40B and 40C of the existing Act.

##### 30—Employees

The Chief Officer will be able to engage other persons as employees of SAMFS.

##### 31—Staff

The staff of SAMFS will comprise all officers, firefighters and other employees of SAMFS. SAMFS will also be able to make use of the services of persons employed in a public sector agency.

##### 32—Workforce plans

The Chief Officer will prepare a workforce plan. The plan will be submitted to the Commission for its approval. An appointment to the staff of SAMFS must accord with the plan.

##### 33—Delegation

The Chief Officer will be able to delegate powers and functions.

##### Division 4—Fire brigades

##### 34—Fire brigades

The Chief Officer will establish fire brigades within fire districts.

##### Division 5—Fire and emergency safeguards

##### 35—Interpretation and application

This clause sets out terms that are to be defined for the purposes of the Division relating to fire and emergency safeguards. The scheme established by this Division is the same as the scheme in Part 5 Division 3 of the current Act.

##### 36—Power to enter and inspect a public building

The Chief Officer or any authorised officer will be able to inspect any public building to ensure that there are adequate

measures in place to protect against fire or another emergency.

#### **37—Rectification where safeguards inadequate**

If adequate measures are found not to be in place in a public building, the Chief Officer or the authorised officer will be able to take action, or require action to be taken, to remedy the situation.

#### **38—Closure orders**

This clause sets out the powers of the Chief Officer or an authorised officer to issue a closure order in relation to a public building in a case where the safety of persons cannot be reasonably ensured by other means. A closure order will initially operate for a period not exceeding 48 hours. The Magistrates Court will be able to extend the period of operation of a closure order (and will be able, on application, to rescind a closure order).

#### **39—Powers in relation to places at which danger of fire may exist**

This clause allows the Chief Officer to enter any building, vehicle or place where he or she has reason to believe that there may be a source of danger to life or property through the outbreak of fire.

#### **40—Related matters**

A person exercising a power under this Division may be accompanied by 1 or more members of SAMFS or police officers. It will be an offence to fail to comply with an order under this Division.

#### **Division 6—Powers and duties relating to fires and emergencies**

##### **Subdivision 1—Exercise of control at scene of fire or other emergency**

##### **41—Exercise of control at scene of fire or other emergency**

This clause sets out the circumstances where SAMFS may assume control of a situation that may involve an emergency. This provision will operate subject to the provisions of the new *Emergency Management Act 2004*.

##### **Subdivision 2—Exercise of powers at scene of fire or other emergency**

##### **42—Powers**

This clause sets out the powers that may be exercised by an officer of SAMFS, and any person acting under the command of an officer, at the scene of a fire or other emergency. This provision will operate subject to the provisions of the new *Emergency Management Act 2004*.

##### **Subdivision 3—Related matters**

##### **43—Provision of water**

A water authority may be directed to send a competent person to the scene of a fire or other emergency to assist in the provision of water.

##### **44—Disconnection of gas or electricity**

A body supplying gas or electricity to any place where a fire or other emergency is occurring must, if directed to do so, send a competent person to shut off or disconnect the supply of gas or electricity.

#### **Division 7—Discipline**

##### **Subdivision 1—The Disciplinary Committee**

##### **45—The South Australian Metropolitan Fire Service Disciplinary Committee**

This clause provides for the continuation of the South Australian Metropolitan Fire Service Disciplinary Committee.

##### **Subdivision 2—Disciplinary proceedings**

##### **46—Chief Officer may reprimand**

The Chief Officer may reprimand an officer or firefighter who the Chief Officer finds to have been guilty of misconduct.

##### **47—Proceedings before Disciplinary Committee**

The Chief Officer may lay a complaint against an officer or firefighter for alleged misconduct. The Disciplinary Committee may exercise various powers if it finds that an officer or firefighter has been guilty of misconduct.

##### **48—Suspension pending hearing of complaint**

The Chief Officer may suspend an officer or firefighter, on full pay, pending the determination of a complaint.

##### **Subdivision 3—Appeals**

##### **49—Appeals**

An appeal will be to the District Court against a decision of the Disciplinary Committee or Chief Officer in the exercise of disciplinary functions.

##### **50—Representation of parties and costs**

An appellant may be represented by a member of an industrial association to which the appellant belongs or by a legal practitioner.

##### **51—Participation of assessors in appeals**

The District Court will sit with assessors in any proceedings under these provisions.

#### **Division 8—Related matters**

##### **52—Accounts and audit**

SAMFS will be required to keep proper accounting records and to prepare annual statements of account. These will be audited by the Auditor-General.

##### **53—Annual reports**

SAMFS will prepare an annual report and provide it to the Commission

##### **54—Common seal and execution of documents**

This clause relates to the use of the common seal of SAMFS and the execution of documents.

##### **55—UFU**

The associations that comprise UFU are to be recognised as associations that represent the interests of firefighters.

##### **56—Fire prevention on private land**

This clause makes special provision to ensure that conditions on private land in a fire district do not cause an undue risk in relation to the outbreak or spread of fire. It is similar to section 60B of the current Act.

#### **Part 4—The South Australian Country Fire Service**

##### **Division 1—Continuation of service**

##### **57—Continuation of service**

The South Australian Country Fire Service (SACFS) will continue in existence. (SACFS is an agency of the Crown and holds its property on behalf of the Crown.)

##### **58—Constitution of SACFS**

SACFS will consist of the Chief Officer, all other officers, all SACFS organisations and members, and all employees of SACFS. The Chief Officer will be responsible for the management and administration of SACFS and an act or decision of the Chief Officer in the management or administration of the affairs of SACFS will be an act or decision of SACFS.

##### **Division 2—Functions and powers**

##### **59—Functions and powers**

This clause sets out the functions of SACFS. SACFS will be able to exercise any powers that are necessary or expedient for the performance of its functions.

##### **Division 3—Chief Officer and staff**

##### **60—Chief Officer**

This clause makes specific provision with respect to the office of Chief Officer of SACFS. The Chief Officer will be appointed by the Minister after taking into account the recommendation of the Chief Executive of the Commission. The Chief Officer is to assume ultimate responsibility for the operations of SACFS and may therefore—

(a) control all resources of SACFS; and

(b) manage the staff of SACFS and give directions to its members; and

(c) assume control of any SACFS operations; and

(d) perform any other function or exercise any other power that may be conferred by or under this or any other Act, or that may be necessary or expedient for, or incidental to, maintaining, improving or supporting the operation of SACFS.

##### **61—Deputy Chief Officer and Assistant Chief Officers**

The Chief Officer will be able to appoint a Deputy Chief Officer and 1 or more Assistant Chief Officers.

##### **62—Other officers**

The Chief Officer will be able to appoint other officers to the staff of SACFS.

##### **63—Employees**

The Chief Officer will be able to engage other persons as employees of SACFS.

##### **64—Staff**

The staff of SACFS will comprise all officers and other employees of SACFS. SACFS will also be able to make use of the services of persons employed in a public sector agency.

##### **65—Workforce plans**

The Chief Officer will prepare a workforce plan. The plan will be submitted to the Commission for its approval. An appointment to the staff of SACFS must accord with the plan.

**66—Delegation**

The Chief Officer will be able to delegate powers and functions.

**Division 4—SACFS regions****67—SACFS regions**

The Chief Officer will be able to establish SACFS regions within the country.

**Division 5—Organisational structure****68—Establishment of SACFS organisations**

The Chief Officer will be able to establish SACFS brigades. The Chief Officer will also be able to establish an SACFS group in relation to 2 or more SACFS brigades within a region.

**69—South Australian Volunteer Fire-Brigades Association**

This clause provides for the continuation of the South Australian Volunteer Fire-Brigades Association.

**Division 6—Command structure****70—Command structure**

This clause sets out the SACFS command structure. The relative authority of each officer and member of SACFS will be in accordance with a command structure determined by the Chief Officer.

**Division 7—Fire prevention authorities****Subdivision 1—The South Australian Bushfire Prevention Advisory Committee****71—The South Australian Bushfire Prevention Advisory Committee**

The South Australian Bushfire Prevention Advisory Committee will continue in existence.

**Subdivision 2****73—Regional bushfire prevention committees****74—Functions of regional committees****75—District bushfire prevention committees****76—Functions of district committees**

The scheme for regional bushfire prevention committees and district bushfire prevention committees will continue.

**Subdivision 3—Fire prevention officers****77—Fire prevention officers**

This clause provides for the appointment of a fire prevention officer by each rural council.

**Division 8—Fire prevention****Subdivision 1—Fire danger season****78—Fire danger season**

The Chief Officer will fix the fire danger seasons for the State. A fire danger season will continue to be fixed after consultation with any regional bushfire prevention committee.

**79—Fires during fire danger season**

This clause sets out controls during a fire danger season.

**Subdivision 2—Total fire ban****80—Total fire ban**

The Chief Officer will be able to impose total fire bans. It will be an offence to fail to comply with a ban under this clause.

**Subdivision 3—Permits****81—Permit to light and maintain fire**

This clause continues the permit system relating to lighting and maintaining fires.

**Subdivision 4—Power of direction****82—Power to direct**

This clause sets out a specific power of direction where a fire has been lit contrary to the Act, or where a fire may get out of control.

**Subdivision 5—Duties to prevent fires****83—Private land**

This clause makes special provision to ensure that owners of private land in the country take reasonable steps to protect property on the land from fire and to prevent or inhibit the spread of fire.

**84—Council land**

A rural council must take reasonable steps to protect property on land under the care, control or management of the council from fire and to prevent or inhibit the spread of fire.

**85—Crown land**

Government bodies must take reasonable steps to protect property on land under the care, control or management of the relevant bodies from fire and to prevent or inhibit the spread of fire.

**Subdivision 6—Miscellaneous precautions against fire****86—Fire safety at premises**

An authorised officer may require the owner of premises of a prescribed kind in the country to take specified steps to prevent the outbreak of fire at the premises, or the spread of fire from the premises.

**87—Removal of debris from roads****88—Fire extinguishers to be carried on caravans****89—Restriction on the use of certain appliances etc****90—Burning objects and material****91—Duty to report unattended fires**

These clauses provide for various matters with respect to fire safety within the country. These provisions are based on provisions in the current Act.

**Subdivision 7—Supplementary provisions****92—Power of inspection**

This is a specific power of inspection to ensure that appropriate measures have been taken on any land with respect to the prevention, control or suppression of fires.

**93—Delegation by councils**

This is a specific power of delegation by councils to fire prevention officers under this scheme.

**94—Failure by a council to exercise statutory powers**

This clause addresses the action to be taken if a council fails to exercise or discharge a power or function under this scheme.

**95—Endangering life or property**

This clause creates a specific offence relating to endangering life or property through the lighting of fires in a fire danger season.

**Division 9—Powers and duties relating to fires and emergencies****Subdivision 1—Exercise of control at scene of fire or other emergency****96—Exercise of control at scene of fire or other emergency**

This clause sets out the circumstances where SACFS may assume control of a situation that may involve an emergency. This provision will operate subject to the provisions of the *Emergency Management Act 2004*.

**Subdivision 2—Exercise of powers at scene of fire or other emergency****97—Powers**

This clause sets out the powers that may be exercised by SACFS at the scene of a fire or other emergency. This provision will operate subject to the provisions of the *Emergency Management Act 2004*.

**Subdivision 3—Related matters****98—Provision of water**

A water authority may be directed to send a competent person to the scene of a fire or other emergency to assist in the provision of water.

**99—Disconnection of gas or electricity**

A body supplying gas or electricity to any place where a fire or other emergency is occurring must, if directed to do so, send a competent person to shut off or disconnect the supply of gas or electricity.

**Division 10—Related matters****100—Accounts and audit**

SACFS will be required to keep proper accounting records and to prepare annual statements of account. The accounts of SACFS will be audited by the Auditor-General. The accounts of an SACFS organisation will be audited in accordance with the regulations.

**101—Annual reports**

SACFS will prepare an annual report and provide it to the Commission.

**102—Common seal and execution of documents**

This clause relates to the use of the common seal of SACFS and the execution of documents.

**103—Fire control officers**

The Chief Officer will be able to appoint fire control officers for designated areas of the State.

**104—Giving of expiation notices**

An authority from a council to issue expiation notices under this Part may only be given to a fire prevention officer.

**105—Appropriation of penalties**

If a council lays a complaint for a summary offence against this Part, any fine recoverable from the defendant must be paid to the council.

### **Part 5—The South Australian State Emergency Service**

#### **Division 1—Continuation of service**

##### **106—Continuation of service**

The State Emergency Service will continue as the South Australian State Emergency Service (SASES). (SASES is an agency of the Crown and holds its property on behalf of the Crown.)

##### **107—Constitution of SASES**

SASES will consist of the Chief Officer, all other officers, all SASES units and members, and all employees of SASES. The Chief Officer will be responsible for the management and administration of SASES and an act or decision of the Chief Officer in the management or administration of the affairs of SASES will be an act or decision of SASES.

#### **Division 2—Functions and powers**

##### **108—Functions and powers**

This clause sets out the functions of SASES. SASES will be able to exercise any powers that are necessary or expedient for the performance of its functions.

#### **Division 3—Chief Officer and staff**

##### **109—Chief Officer**

This clause makes specific provision with respect to the office of Chief Officer of SASES. The Chief Officer of SASES. The Chief Officer will be appointed by the Minister after taking into account the recommendation of the Chief Executive of the Commission. The Chief Officer is to assume ultimate responsibility for the operations of SASES and may therefore—

- (a) control all resources of SASES; and
- (b) manage the staff of SASES and give directions to its members; and
- (c) assume control of any SASES operations; and
- (d) perform any other function or exercise any other power that may be conferred by or under this or any other Act, or that may be necessary or expedient for, or incidental to, maintaining, improving or supporting the operation of SASES.

##### **110—Deputy Chief Officer and Assistant Chief Officers**

The Chief Officer will be able to appoint a Deputy Chief Officer and 1 or more Assistant Chief Officers.

##### **111—Other officers**

The Chief Officer will be able to appoint other officers to the staff of SASES.

##### **112—Employees**

The Chief Officer will be able to engage other persons as employees of SASES.

##### **113—Staff**

The staff of SASES will comprise all officers and other employees of SASES. SASES will be able to make use of the services of persons employed in a public sector agency.

##### **114—Workforce plans**

The Chief Officer will prepare a workforce plan. The plan will be submitted to the Commission for its approval. An appointment to the staff of SASES must accord with the plan.

##### **115—Delegation**

The Chief Officer will be able to delegate powers and functions.

#### **Division 4—SASES units**

##### **116—SASES units**

The Chief Officer will be able to establish SASES brigades.

#### **Division 5—Powers and duties relating to emergencies**

##### **Subdivision 1—Exercise of control at scene of emergency**

##### **117—Exercise of control at scene of emergency**

This clause sets out the circumstances where SASES may assume control of a situation that may involve an emergency. This provision will operate subject to the provisions of the *Emergency Management Act 2004*.

##### **Subdivision 2—Exercise of powers at scene of emergency**

##### **118—Powers**

This clause sets out the powers that may be exercised by SASES at the scene of an emergency. This provision will operate subject to the provisions of the *Emergency Management Act 2004*.

#### **Subdivision 3—Related matter**

##### **119—Disconnection of gas or electricity**

A body supplying gas or electricity to any place where an emergency is occurring must, if directed to do so, send a competent person to shut off or disconnect the supply of gas or electricity.

#### **Division 6—Related matters**

##### **120—Accounts and audit**

SASES will be required to keep proper accounting records and to prepare annual statements of account. The accounts of SASES will be audited by the Auditor-General. The accounts of an SASES unit will be audited in accordance with the regulations.

##### **121—Annual reports**

SASES will prepare an annual report and provide it to the Commission.

##### **122—Common seal and execution of documents**

This clause relates to the use of the common seal of SASES and the execution of documents.

##### **123—S.A.S.E.S. Volunteers' Association Incorporated**

S.A.S.E.S. Volunteers' Association Incorporated is recognised as an association that represents the interests of members of SASES units.

#### **Part 6—Miscellaneous**

##### **124—Investigations**

An authorised officer will be able to investigate the cause of a fire or other emergency.

##### **125—Obstruction etc**

**126—Impersonating an emergency services officer etc**  
These are offence provisions.

##### **127—Protection from liability**

This clause provides protection from personal liability in relation to persons acting under the Act.

##### **128—Exemption from certain rates and taxes**

Emergency service organisations are to be exempt from water and sewerage rates, land tax and the emergency services levy (and see Schedule 6 in relation to council rates).

##### **129—Power to provide sirens**

An emergency services organisation or a council will be able to erect, test and use sirens to warn of the threat or outbreak of fire or the threat or occurrence of an emergency.

##### **130—Provision of uniforms**

A body within the emergency services sector may issue uniforms and insignia.

##### **131—Protection of names and logos**

The Commission will be able to protect and control the use of certain logos and titles.

##### **132—Attendance by police**

This clause makes specific provision with respect to the attendance of police officers at the scene of a fire or other emergency.

##### **133—Disclosure of information**

A person suspected of committing, or being about to commit, an offence may be required to provide his or her full name and address and to provide evidence of his or her identity.

##### **134—Unauthorised fire brigades**

This clause controls the establishment of other fire brigades in the country.

##### **135—Interference with fire plugs, fire alarms etc**

##### **136—False or misleading statements**

##### **137—Continuing offences**

##### **138—Offences by bodies corporate**

These clauses relate to offences.

##### **139—Onus of proof**

This clause will require a person who lights or maintains a fire during the fire danger season or on a day on which a total fire ban was imposed to prove some lawful authority to light or maintain the fire.

##### **140—Evidentiary**

This is an evidentiary provision.

##### **141—Insurance policies to cover damage**

A policy of insurance against damage or loss due to fire or another emergency will be taken to extend to damage or loss arising from measures taken under this Act.

##### **142—Payment of costs and expenses for certain vessels and property**

This clause provides for the recovery of costs and expenses involving a fire on a vessel for which an emergency services levy has not been paid.

**143—Fees**

The regulations may set out fees and charges for the provision of prescribed services.

**144—Services**

It will be possible for an entity to be engaged to provide a special service for a fee set by the relevant organisation.

**145—Acting outside the State**

**146—Recognised interstate organisations**  
These clauses relate to interstate situations.

**147—Inquests**

The Commission or any emergency services organisation is entitled to be heard at any inquest into the causes of a fire or other emergency and may be represented at the inquest by counsel or by one of its officers.

**148—Regulations**

This clause relates to regulations under the Act. A regulation may be made with respect to a matter specified in Schedule 5.

**149—Review of Act**

A review of the operation of the Act is to be undertaken after the second anniversary of the commencement of the Act.

**Schedule 1—Appointment and selection of assessors for District Court proceedings under Part 3****Schedule 2—Code of conduct to be observed by officers and firefighters for the purposes of Part 3****Schedule 3—Supplementary provisions relating to the South Australian Bushfire Prevention Advisory Committee****Schedule 4—Supplementary provisions relating to regional and district bushfire prevention committees****Schedule 5—Regulations****Schedule 6—Related amendments, repeals and transitional provisions**

These schedules provide for related matters.

**The Hon. R.I. LUCAS** secured the adjournment of the debate.

### HERITAGE (BEECHWOOD GARDEN) AMENDMENT BILL

Received from the House of Assembly and read a first time.

### INDUSTRIAL LAW REFORM (FAIR WORK) BILL

The House of Assembly agreed to the amendments made by the Legislative Council without any amendment.

### CHILDREN'S PROTECTION (MANDATORY REPORTING) AMENDMENT BILL

In committee.

Clauses 1 and 2 passed.

Clause 3.

**The Hon. R.D. LAWSON:** I move:

Page 2, after line 15—

Insert:

(3) Section 11—after subsection (3) insert:

(4) This section does not require a minister of religion to divulge any information communicated to him or her in the course of a confession.

(5) In subsection (4)—

*confession* means a confession made by a person to a minister of religion in his or her capacity as such according to the rules or usages of the religion of the minister:

Whilst it is well known that the sacrament of confession is an important element of the Roman Catholic faith, my amendment extends not only to confessions made according to the Catholic faith. Confession is also an element in the Anglican Church and, I believe, certain Orthodox denominations. It is

not necessarily an element, insofar as I am aware, of some of the other Protestant denominations.

The principle, however, is important and, most significantly, Robyn Layton QC, as she then was, prepared her report on child protection, in March 2003, as the Hon. Nick Xenophon reminds me—almost two years ago, as the Hon. Kate Reynolds reminded the committee—but it has not yet been completely actioned by this government, which is very fond of suggesting that it has good credentials in relation to child protection. The important point is that Robyn Layton said that her requirement was for mandatory reporting to not apply in relation to information divulged in the course of a formal confession, and it is for that reason, as well as in order to respect the religious practices of a significant number of people in our community, that this amendment has been moved.

This is not a question of balancing on the one hand the protection of children against, on the other hand, religious observance. This is about not trading one off against the other. We do not believe that this is trading one off against the other. We simply believe that it is appropriate that the well-entrenched sanctity of confession is preserved. Robyn Layton heard all of the arguments. She produced an 800-page report. It cost \$500 000, and her recommendation was that we not seek to violate the seal of the confessional, and we believe that she had good reasons for doing so, and we are happy to support them.

**The Hon. KATE REYNOLDS:** It has been quite a while since we last debated this bill and, as the Hon. Robert Lawson pointed out, it is more than two years since the government received the report from Robyn Layton QC, as she then was. I think it is important that we go back to some of the initial debate and questions that were raised during the second reading debate nearly two years ago. First, I would like to take members back to September 2003, just after this bill was first introduced when the former social justice minister Stephanie Key said:

A heads of churches working group was developing a response to the Layton report, including mandatory reporting by the clergy.

I am quoting from an article in *The Advertiser* entitled 'Confessional No Place To Hide Sex Abusers'. The minister at the time said the government intended to introduce its own laws in several months. That was in September 2003. In July 2004, the Hon. Carmel Zollo spoke to this bill during the second reading debate. I would like to quote a couple of remarks because I think they are important. She referred to that general undertaking given by the then social justice minister and said that the government would be consulting with churches and religious organisations regarding a private member's bill.

She said they needed to be aware of the proposed amendment to mandated notifier provisions. She noted that there were two opposing views about whether or not the confessional should be included, and that there was a need to ensure that the wider opinion of the religious community was included on the public record. The Hon. Carmel Zollo said:

Letters inviting comment have been sent to all religious organisations where it has been possible to obtain the name of a contact. A pro forma question has been provided which aims to assist in obtaining clear opinion and good information on all aspects of the proposed private member's bill.

She then also referred to a statement made by the Minister for Police in the other place on 2 June, when he informed the house that the government would introduce legislation