HOUSE OF ASSEMBLY

Wednesday 21 February 2007

The SPEAKER (Hon. J.J. Snelling) took the chair at 2 p.m. and read prayers.

SCHOOLS, AQUATICS PROGRAMS

A petition signed by 9 620 residents of South Australia, requesting the house to urge the government to recognise aquatics as a legitimate and important part of the school curriculum and maintain funding to school swimming and aquatics programs, was presented by the Hon. R.B. Such, Dr McFetridge and Mr Hanna.

Petition received.

SCHOOLS, INSTRUMENTAL MUSIC PROGRAMS

A petition signed by 75 residents of South Australia, requesting the house to call on the government to recognise instrumental music as a key part of the school curriculum and maintain funding to the instrumental music service program and other school music programs, was presented by the Hon. R.B. Such and Dr McFetridge.

Petition received.

BE ACTIVE—LET'S GO

A petition signed by 18 residents of South Australia, requesting the house to call on the government to maintain funding to school sports programs and continue the 'Be Active—Let's Go' school sports programs, was presented by Dr McFetridge.

Petition received.

SCHOOLS, DENTAL PROGRAMS

A petition signed by 18 residents of South Australia, requesting the house to call on the government to maintain funding to the school dental service program and reverse the decision to introduce a $35 fee for each course of dental care to all children, was presented by Dr McFetridge.

Petition received.

SCHOOLS, SMALL SCHOOLS PROGRAM

A petition signed by 18 residents of South Australia, requesting the house to call on the government to maintain funding to all schools that currently receive small school grants, was presented by Dr McFetridge.

Petition received.

MURRAY-DARLING BASIN

The Hon. M.D. RANN (Premier): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.D. RANN: Today the Queensland Premier, Peter Beattie, and I sent a joint letter to the Prime Minister outlining what we would like to see achieved at Friday's Water Summit in Canberra with the Murray-Darling state premiers and the Prime Minister. In our letter to the Prime Minister, the Queensland Premier and I set out our agreed position on matters of principle. The letter states:

The governments of Queensland and South Australia are prepared to work constructively with the commonwealth government and other states to better manage the Murray-Darling river system. There are many complex issues to be sorted out and final positions will not emerge until this important work has been completed. However, in the spirit of constructive co-operation and provided some important conditions are agreed, the Premiers of Queensland and South Australia have agreed to the following joint position:

1. Queensland and South Australia are prepared to refer or vest appropriate powers in the commonwealth government to allow the integrated management of water across the Murray-Darling Basin with the detail of respective roles for the commonwealth and states to be settled by way of memorandum of understanding to be completed as a matter of urgency.
2. We support the establishment of a new expert-based body—the Murray-Darling Basin Planning Authority—composed of five full-time independent commissioners reporting to a federal minister to take responsibility for basin-wide water resource planning.
3. We support the commonwealth appointing the chair of the authority. The appointment of the remaining commissioners is to be made jointly by the commonwealth and the states following an open and transparent process.
4. Decisions of the authority are to be by majority vote. Where the commonwealth minister does not accept the advice or decisions of the authority, reasons are to be tabled in the commonwealth parliament. This will ensure full accountability and transparency.
5. The referral of powers and new legislative arrangements are to be reviewed after five years.
6. There is to be an equitable sharing of funding across Murray-Darling Basin jurisdictions.
7. The commonwealth incorporate within its National Water Strategy a commitment to work with the states to examine prudent and feasible options to augment supply into inland rivers.

There are other issues relevant to each of our jurisdictions that we will write to you about separately. One important question to consider is the importance of maintaining community confidence in water resource planning. An issue of considerable concern, for example, to a number of communities reliant on the Murray-Darling system is the need to provide certainty about the outcomes of prior water planning exercises where they were conformed to the National Water Initiative processes and principles.

Prime Minister, we urge you to give serious consideration to these matters in advance of our meeting on Friday as a basis for a possible high level agreement between us so that we can move forward to a productive discussion of the many issues still to be resolved.

I note today that the Victorian Premier, Steve Bracks, has released his own alternative plan for national water reform, which he has sent to the Prime Minister for consideration ahead of Friday's Water Summit. I respect Steve Bracks' right to do so—he was elected to represent the interests of Victoria. But, as the Premier elected to represent the best interests of South Australia, I too want to go to Canberra on Friday to crunch the best possible deal for our state and the River Murray.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: Apparently members opposite do not support the South Australian position; they support the Victorian position. I guess that really sums it up. When they had a choice between backing the South Australian position and supporting the federal government imposing a nuclear waste dump on this state, they backed the federal parliament.

Mr WILLIAMS: On a point of order, Mr Speaker, I believe the Premier has been given leave to make a ministerial statement, not to enter into debate.

Members interjecting:

The SPEAKER: Order! I will say something about this. The Premier was giving a fairly straightforward ministerial statement, then members on my left started to interject, and, of course, the Premier responded. This is a recurring pattern. Members cannot complain when they break standing orders by interjecting and then expect me to uphold the standing

orders that they, themselves, are not willing to obey. I say to the member for MacKillop, perhaps have a quiet word to members on your own side about interjecting during ministerial statements, if they do not like the minister responding to them. The Premier has the call.

The Hon. M.D. RANN: I do not support the Bracks plan but I believe there are some good aspects to it and, in the spirit of cooperation and recognition of specific state considerations, I am prepared to incorporate some of them into a final, workable management plan. Reaching a final plan requires still more work. This is not a plan to be rushed through. We do not want to stuff it up. I was dismayed to learn that the original $10 billion deal put to the states by the Prime Minister just a few weeks ago had not been properly costed by federal Treasury and had not been put to federal cabinet.

That is no way to run a country or, indeed, a national water system. Having said that, it should be remembered that all premiers agreed that the concept of having our national river system run by a single entity is a good one in the national interest. However, it needs to be based on a commonsense approach that ensures the future sustainability, environmentally and economically, of our whole inland water system. I am confident that all states can reach agreement on a model and I sincerely hope that this Friday, if we do not reach a final sign-off, at least we can advance the process towards that end within the next few months.

PUBLIC WORKS COMMITTEE

Ms CICCARELLO (Norwood): I bring up the 260th report of the committee on the Sturt Highway upgrade, Gawler to Greenock duplication.

Report received and ordered to be published.

Ms CICCARELLO: I bring up the 261st report of the committee on the Marion/Oaklands transport interchange.

Report received and ordered to be published.

Ms CICCARELLO: I bring up the 262nd report of the committee on the McDonald Park Schools redevelopment.

Report received and ordered to be published.

Ms CICCARELLO: I bring up the 263rd report of the committee on the Linden Park Schools redevelopment.

Report received and ordered to be published.

Ms CICCARELLO: I bring up the 264th report of the committee on the Woodside Primary School redevelopment status report.

Report received and ordered to be published.

Ms CICCARELLO: I bring up the 265th report of the committee on the Maritime Skills Centre.

Report received and ordered to be published.

LEGISLATIVE REVIEW COMMITTEE

Mrs GERAGHTY (Torrens): I bring up the 19th report of the committee.

Report received.

QUESTION TIME

DESALINATION PLANT

The Hon. I.F. EVANS (Leader of the Opposition): My question is to the Treasurer. Why did the Treasurer not know yesterday what the state government's contribution to the desalination plant accompanying the expansion of Roxby Downs was, when the opposition leader, Kevin Rudd, claims it is $160 million?

Yesterday the Treasurer was asked what amount the state government would be contributing to the desalination plant accompanying the Roxby expansion. The Treasurer advised the house that the government was yet to determine what the state's contribution needed to be. However, when asked about the funding for the northern desalination plant on the same day, Mr Rudd told ABC Radio that:

> In terms of the allocation of funds, it is 160 [million] from us and 160 [million] from the state government.

The Hon. K.O. FOLEY (Treasurer): I am happy to answer that question, and I thank the Leader of the Opposition for referring to the current federal Leader of the Opposition in the context of his question. I am not as confident as the Leader of the Opposition that Kevin Rudd will be the next prime minister. The Leader of the Opposition has already said:

> When we lose the federal election at the end of the year, the Liberal Party will be in dire straits and we have got to plan to deal with that.

I am not that confident that Kevin Rudd will be the next prime minister!

Ms CHAPMAN: I rise on a point of order.

Members interjecting:

The SPEAKER: Order! It is a point of order, and I think I know what that point of order is. The Treasurer is not answering the substance of the question.

The Hon. K.O. FOLEY: Thank you, sir; I will certainly answer the substance of the question. I am not sure which federal Liberal member said, 'Honestly, Evans is so defeatist; he was beaten before he even got elected.'

Ms CHAPMAN: Point of order, sir.

The SPEAKER: Order! The Treasurer will take his seat; he has had his fun.

The Hon. K.O. FOLEY: Thank you, sir. As I said, I am not as confident as the Leader of the Opposition that Kevin Rudd will be the next prime minister. By the way, that federal Liberal member of parliament referred to the state Liberal Party as 'hopeless'.

Members interjecting:

The SPEAKER: Order! The Treasurer has had his fun; he will move on to the question.

The Hon. K.O. FOLEY: I cannot believe that this is the first question here today. As I said, I do not know if Kevin Rudd will be prime minister but I am pleased that should the Leader of the Opposition, the Hon. Iain Evans, be correct and his expectations realised, then Kevin Rudd has said he will put in $160 million, provided we put in $160 million. That is something we welcome. However, at present a couple of things are occurring. We are currently going through the pre-feasibility stage of this desalination plant—

Members interjecting:

The Hon. K.O. FOLEY: Exactly; this is what BHP does, it does a pre-feasibility before the feasibility. That shows how much the opposition knows about these projects. We are

going through a rigorous process of understanding the water—

Mr Griffiths interjecting:

The Hon. K.O. FOLEY: Thank you, the member says to continue. We are going through a rigorous process of understanding the water that will be required for the next 30 years and, obviously, we need to be extremely careful in getting the costs correct. A pilot project needs to be undertaken. What we will announce shortly are details about a pilot plant we will be building in the north of the state with BHP to ascertain the feasibility of this project and the types of impacts we will have. I can say to the house today that neither BHP nor the state and federal governments can make a formally legally binding commitment to the project until we are satisfied with all the costs and the water capacity and the environmental impact statement is approved.

Ms Chapman interjecting:

The Hon. K.O. FOLEY: I am happy to continue answering this question, deputy leader, but if you want to jump the gun I am happy to sit down and let you ask another question.

Ms Chapman interjecting:

The Hon. K.O. FOLEY: Sorry? Can't you just for once listen?

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. Atkinson: She's versatile.

The SPEAKER: Order!

The Hon. K.O. FOLEY: We have applied to the commonwealth government, under the National Water Initiative, for a portion of the project. That amount of money is $160 million. Should we be supported by the commonwealth, indicative at this stage, we would put in $160 million. But that is heavily qualified, for a couple of reasons. As I said, we are still determining the scope, the size and the actual cost. So, we are not saying that it is $160 million from us or necessarily binding $160 million from the commonwealth. We are seeking a 50 per cent contribution from the commonwealth, not for the entire project but for that element of the project that will be for general water provision outside the requirements of BHP.

The question yesterday was: how much are we allocating? We haven't made an allocation because we don't know. What happens if the commonwealth Liberal government rejects our submission? What if the commonwealth government says, 'No; we won't give you $160 million or 50 per cent of whatever the cost may be'? What do I then do?

Mr Williams interjecting:

The Hon. K.O. FOLEY: We have done an indicative price.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: If members opposite find that amusing, they should have a word to Malcolm Turnbull, because that is what his people have asked for.

Members interjecting:

The Hon. K.O. FOLEY: You have never been involved in complex capital projects.

The Hon. I.F. Evans interjecting:

The Hon. K.O. FOLEY: Yes—and that is a great commercial success, isn't it, Leader of the Opposition.

Members interjecting:

The SPEAKER: Order! The house will come to order. The Deputy Premier.

The Hon. K.O. FOLEY: It is quite simple. We have done an estimate of the cost, and we have asked the commonwealth whether it is prepared to meet us fifty-fifty on it, which could be about $160 million from both parties. That is not the final cost because BHP has not worked out the final cost of its facility. They are the ones who are undertaking significant pre-feasibility. They are the ones who are working out the cost of this equipment. They are the ones working out what their needs are. We have still not finalised the piping arrangements. It is a very complex project. If the federal Liberal government does not contribute 50 per cent of the project, we have a very difficult choice here in South Australia: we either fund all of it—and that then becomes approximately $320 million—or we do not do it at all. How could I be expected to say in the house yesterday what the state government would contribute with those considerations still to be had? It was a nonsense question yesterday and it is a nonsense question today.

LAND WARFARE CONFERENCE

Ms CICCARELLO (Norwood): Can the Deputy Premier provide the house with news on the latest defence coup for South Australia?

Mr Williams interjecting:

The Hon. K.O. FOLEY (Deputy Premier): Sorry? What was that, Mitch?

Mr Williams interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: Sir, I can announce to the house today that South Australia has won a very important bid to host a significant defence conference in Adelaide later this year. The Land Warfare Conference is a major annual event organised by the Defence Science and Technology Organisation (DSTO). In its 30-year history, the annual conference has traditionally chosen one of Australia's Eastern Seaboard states as a host city. In 2007, Adelaide will host this conference for the second time. It is estimated to inject some $4.3 million into the state economy, and organisers have picked our state for one very important reason—and I know that the member for Waite will be very supportive of this, given his prior occupation. Clearly, South Australia is considered in the eyes of the commonwealth and in the eyes of the national and international defence companies as the defence state of Australia.

It is not just for the air warfare destroyer contract but for the work we are doing right across the defence spectrum: work we are doing with the former head of the armed forces of Australia, General Peter Cosgrove; with the former deputy head of the air force, Air Marshall Roxley McLennan; with the former no. 3 in the navy, Rear Admiral Kevin Scarce; and with Malcolm Kinnaird and other business people, with David Shackleton and others who are working with us. As we know, this government has secured for the state a new army battalion that will be located in the northern suburbs of the state, bringing at least 2 500 people, some 1 200 soldiers, into our state.

The Land Warfare Conference will draw to South Australia experts, academics and business leaders from the areas of military science, land warfare systems, defence research institutions and related disciplines. We expect in excess of 1 200 delegates to come to Adelaide for the conference, which will be held at the Adelaide Convention Centre from 22 to 26 October. These conferences and symposia, these major events, are very important in show-

casing our state to the nation's and the world's military business leaders. Other defence forums scheduled for Adelaide throughout 2007 are the Asia Pacific Systems Engineering Conference, the Defence Industry Conference, COMDEF 07 and the RAAF Edinburgh Air Show.

A lot of effort, a lot of resources and a lot of commitment by this government are being invested in the defence sector, well beyond the air warfare destroyer contract, and are delivering significant benefits to this state. Whilst I have not had an opportunity to allude to it, we only have to look at the front page of *The Advertiser* today, where Mr Lang Walker, the nation's most significant property developer, is reported as having said that South Australia has compared very favourably with other states and, along with Queensland, offered the most growth potential. He went on to say:

> I just see that you've got a progressive government that wants to do things here.

This is from the nation's most significant property developer. He said:

> I think affordability in housing and living, I think that's going to drive South Australia.

Mr Walker made the point that the defence sector, the army battalion, the work and the industries that are developing in the northern part of this city, particularly as they are related to defence, are driving enormous benefit. That, of course, is on the back of what Lindsay Fox, another significant industrial leader in this country said, which was:

> I think there is more happening in South Australia today than has probably happened since it was established.

The Hon. P.F. Conlon: Do that quote about Iain Evans again.

The Hon. K.O. FOLEY: Mr Iain Evans, the defeatist! We are not going to accept the nonsense from the Leader of the Opposition and his colleagues talking down our economy. Let us listen to the people who make money out of our economy. Let us listen to the people who employ South Australians. Let us see the people who are investing with confidence into this state—people such as Lang Walker and Lindsay Fox (just to name two) who consider South Australia's economy to be one of the best in the nation and consider this government to be one of the best governments this state has ever had.

DESALINATION PLANT

The Hon. I.F. EVANS (Leader of the Opposition): My question is to the Treasurer. Why does the Treasurer's office claim that the level of funding the state government will commit to the desalination plant—that is the level of funding—at Roxby is dependent on the results of the environmental study, when Kevin Rudd claims that it is already at $160 million? This morning a spokeswoman for the Treasurer told ABC Radio that the government was waiting for an EIS before deciding the level of its commitment towards the project, yet yesterday the federal Labor leader confirmed to ABC News listeners that a federal Labor government would 'fund that project to the tune of $160 million. The reason we have taken that decision is that it matches the contribution which the state government will make to the project.'

The Hon. K.O. FOLEY (Treasurer): I have just answered that question. I cannot be any plainer than what I have been. The interesting thing today is that Iain Evans is preparing for a Kevin Rudd Labor government. The first two questions in South Australia's state parliament question time have been about what Kevin Rudd will do as prime minister of this nation—that is after a page 2 story which highly embarrassed the Leader of the Opposition. The Leader of the Opposition is under attack from his own federal Liberal MPs because he is predicting a Kevin Rudd election victory. The first two questions in question time are about a Kevin Rudd Labor government. You are embarrassing yourself in front of your colleagues.

Ms CHAPMAN: Point of order, sir.

The SPEAKER: Order! I know what the deputy leader's point of order is. We will move on. The member for Mawson.

TRAMLINE EXTENSION

Mr BIGNELL (Mawson): Can the Minister for Transport tell the house whether there have been statements of support in the past for the extension of the tramline from Victoria Square to North Terrace?

The Hon. P.F. CONLON (Minister for Transport): I am more than happy to answer this question about whether there has been support.

Members interjecting:

The Hon. P.F. CONLON: It is going to be good; you will enjoy this.

The Hon. M.D. Rann: They try to walk both sides of the track!

The Hon. P.F. CONLON: And got run over at the last election, as I recall. It was interesting today to see a number of Liberals out there allegedly opposed to the extension of the tramline to North Terrace. As I understand it, the member for Hammond might be able to help me, but he was the guy who had all the signs, gave them out and collected them at the end. I was interested to hear that the member for Schubert was out there because I thought, 'I'm sure I've heard something different from this.' I am sure in the past they were supporters of the trams. Actually there has been a long history of support for the trams from the conservative side of politics; and I want to run through it. It started way back in 1993. There is a reason I want to go through the whole history because of something that was said just this week by the opposition. Do you remember Dean Brown in 1993? He gave the Liberals a record majority and they kicked him out within three weeks. In relation to his 1993 Liberal passenger transport policy, he said:

> By the year 2000 a CBD transport hub on North Terrace encompassing, amongst other things, an extension of the tramline from Victoria Square down King William Street.

Their defence is, of course, that it was the bloke who gave them the record majority, who they kicked out. Right? But then in 1997, with John Olsen in charge, we had the Liberal passenger transport policy for the election:

> The Liberal government today named five major projects it wants on the state's long-term public transport agenda [including] the extension of the tramline north of Victoria Square.

We do know that eventually John Olsen went and it was Rob Kerin—and Rob is a nice fellow—with the 2002 Liberal passenger transport policy:

> A Liberal government will call for expressions of interest from the private sector to invest in new trams and upgrade both the tramline and all stations between Victoria Square and Adelaide; and develop a case for tramline extensions beyond Victoria Square.

It goes further. In fact, a feasibility study was commissioned by Transport SA into the extension to North Terrace by the previous Liberal government.

One has to wonder why you would commission a feasibility study that comes up good and then you do not want to build it, but I am sure there was some method in their madness. We all know, gratefully, that they lost government in 2002, but it went on in opposition. The member for Morphett, who has also been critical of the new trams—and I will deal with that—comes in here in 2004—we are actually getting relatively recent—and moves:

That this house urges the Minister for Transport to investigate extending the Glenelg tramline to Holdfast Shores, the Adelaide Railway Station and North Terrace Precinct.

It was a private member's motion, and from whom did he get active and vociferous support? From the member for Schubert—the guy who was today out there at the rally opposing the tram. That was in 2004; he may be suffering some short-term memory problems. It was not a passing fad for the member for Schubert because, when we took the upgrade of the tram to the Public Works Committee, he thought it was a good idea but he said this: 'I love travelling in the old trams and I will be sad to see them go, but is this viable on the current track or do we need to consider an extension of the track, particularly down King William Street?'

We get all the way to 2005, and we announce the thing they have been promising for 12 years. The member for Morphett comes out and says, 'I'm excited about this announcement. I've been calling for it for three years.' You really have to wonder if this is what they are prepared to do after 12 years of work and careful study: as soon as they see the first sign of opposition the ticker runs out and they dump it. Here is what we heard from the member for Waite this year: 'Therefore, this idea of trams has bobbed up at some time over the last decade and a half'—and we have heard words like 'renaissance'.

He wants to interject about an infrastructure plan—and I should not deal with injections, but I might have to—and says that there is no science or research to back it up. In fact, there is some research to back it up, and you commissioned it. What is wrong is we do not have an infrastructure plan, and the member for Waite was out announcing how he is going to cure it. Of course, we are the first government ever in this state to have an infrastructure plan. He now says he is going cure it. I do not know if he actually discussed it with the Leader of the Opposition, because he tends not to do that. The Leader of the Opposition is finding—much to his displeasure—that the member for Waite does have a mind of his own, but it is very much in the nature of a shopping trolley: he's pushing one way, it's going that way.

Members interjecting:

The Hon. P.F. CONLON: Yes, I know it is funny and you are defeatist, but very funny as well. The promise to cure it is that they are going to give us a 20-year infrastructure plan with everything in it—costings—and who is going to pay for it? But they are not going to give it to us until after they win government, they hope, in 2010. So it is official. All ideas are on hold for three years for the opposition. There will be absolutely no plan put to people before an election, and once again they are going to hope that they can fool their way into government. Well, we know about this mob's secret plans.

The final word I will say on this subject in support for the tram is this: we did not lose our courage on it. We actually went to the election and promised it. You went out there and put your finger to the wind and hoped you would get something out of opposing something you all supported for a decade and a half, and you got your bums kicked, because no-one likes a mob without any ticker. Nobody likes a government without any ticker, and you simply cannot promise things for 12 years and run away from it.

DESALINATION PLANT

The Hon. I.F. EVANS (Leader of the Opposition): My question is to the Treasurer. Has the government committed $160 million for the desalination plant at Roxby, or not?

The SPEAKER: I will call the Deputy Premier, but the Leader of the Opposition cannot ask essentially the same question over and over. I will give the Deputy Premier the call.

The Hon. K.O. FOLEY (Treasurer): Sir, I do not know how much more detail I can give, but I can say the following. The Leader of the Opposition, I think, needs a briefing on this matter, because clearly he does not understand the project. We are not providing money for the desal plant for Roxby Downs. BHP is doing that on its own. We are not putting any money—

The Hon. I.F. Evans interjecting:

The Hon. K.O. FOLEY: No—oh, association now. The Leader of the Opposition has asked me the wrong question, and I will clarify the situation yet again. The government is not providing taxpayer money for BHP to build a desal plant for Roxby Downs. We are investigating whether or not it is financially viable, whether it is viable in an engineering sense and whether it is appropriate to increase the size of BHP's proposed desal plant so that we can provide water to the Spencer Gulf, the Upper Eyre Peninsula and other parts of South Australia. That is the investigation that we are carrying out. We are not providing money for desal for the mine at Roxby Downs. The Leader of the Opposition needs to do his homework. It is just lazy questioning by the Leader of the Opposition.

I want to clarify a point. When I spoke earlier about the pilot plant and the pre-feasibility stage, I indicated that BHP wants to build a pilot plant, for which we are going to give approval, and that that would be used to assist in the EIS process. I need to clarify that. The pilot plant will not be used for information relating to the EIS. I have been provided with some wrong information with respect to that matter. The pilot plant will be used for the investment process of BHP, obviously, to work out what types of cost structures will be involved in developing this plant. So, the pilot plant will not be used as part of the EIS process, which I may have advised the house earlier. I apologise for that.

However, the important thing is that it goes back to the earlier question—that BHP is still working through what the cost of this plant and equipment will be. We have some indicative numbers. We have asked the commonwealth whether it would put 50 per cent of those numbers on the table, but we have not yet formally heard back from it. BHP has to build a pilot desal plant to assist it in its investment process so that it can work out what this project will cost. How can we be expected to have better information than BHP? I am happy to give the Leader of the Opposition a more detailed briefing. But seriously, if you are going to ask a question, please get your facts right.

RENTAL ASSISTANCE

Ms THOMPSON (Reynell): My question is to the Minister for Housing. What is the government's response to

the commonwealth government's proposition with respect to increasing rental assistance to private renters?

The Hon. J.W. WEATHERILL (Minister for Housing): Today the Prime Minister announced that the commonwealth was considering increasing rental assistance as its response to the tight and expensive private rental market. I would like to provide some statistics about the private rental market. It is, indeed, squeezed. Vacancy rates nationally are something like less than 2 per cent and falling, which is well below the estimated 3 per cent of the sign of a healthy market. Rental auctions are becoming more prevalent. The REIA figures show that average rent increases are in the order of 10 to 20 per cent across the nation, with an economic forecast by BIS Schrapnel predicting rents to rise by a further 10 per cent to 30 per cent by mid to late 2009. Most concerning is that, for every three low income households, there is estimated to be one low cost private rental home that is accessible to them.

I suppose that, if one is to take something good out of what the Prime Minister has said, it is that he has finally recognised that at least one of the destructive impacts of rising house prices is the inevitable increase in rent prices, as driven by both the higher prices themselves and, of course, people who can no longer afford to get into purchase opportunities now flooding into rental accommodation and bidding up those prices. It is not so long ago that the Prime Minister was completely oblivious to the question of the relationship between high prices and this question of affordability. As he said, I think in 2004:

> Now, we have to be realistic about this issue. . . people who own homes are not complaining [to me] that they have become more valuable. You have to keep a sense of realism. I don't get people stopping me in the street and saying, 'John, I'm angry with you because the value of my house has increased too much.' They are not saying that.

So, that was the Prime Minister a couple of years ago. Just fast forward, I think, four rate rises over the life of the government and what we now have from the Prime Minister is a link between rising house prices and—wonder of wonders—the states. It is the states who are responsible for high house prices.

The reality is that the Prime Minister was right the first time, before the political imperatives of interest rate rises intervened. I will tell members why he was right. He was backed up by the opinions expressed by the Productivity Commission in its first report into home ownership, which stated:

> The dominant source of the widening escalation in price has been a general surge in demand above the normal increase associated with population and income growth to which supply was inherently incapable of responding.

So, not a supply side issue; a demand side phenomenon. The outgoing Reserve Bank governor, before a parliamentary inquiry, stated:

> The answer to that [why have the prices of the eight million houses in Australia basically doubled over the last decade?]. . . is almost entirely on the demand side. Basically, because we returned to low inflation, interest rates were halved. People could now borrow, if they wished, twice as much. They did not have to borrow twice as much. . . but there were a whole lot of incentives in the system that meant they borrowed twice as much. The incentives were mainly tax incentives. . . So, they borrowed the money and drive up house prices.

So, that is the incontrovertible analysis from people who know what they are talking about as to why house prices have risen; not as the Prime Minister would have, or as Bob Day would have the Prime Minister have, of blaming the states. What we have consistently said in this state, and have advocated in national forums, is that we need a cooperative discussion between the commonwealth, the state government and local government about increasing the supply of affordable housing.

Just last September in Canberra, the states, which had been working on this agenda for years, came up with three practical measures. A number of states were working up these proposals—we are invited to by the commonwealth—through the National Action Plan on Affordable Housing. We had them all ready to go: initiatives to support growth of the 'not for profit' sector, an additional 5 250 properties over five years; an initiative with private investors to grow the stock by 10 000; and a program to get low income people into home ownership, a 5 000 person program. Those three initiatives ready to roll; all we wanted was commonwealth endorsement—rejected, not interested.

Today we see what is becoming a consistent theme: the Prime Minister is hard up against it, somebody sticks a set of polling numbers under his nose, and we get two things. We get a knee-jerk proposal and we get blaming the states. A consistent pattern of behaviour by this Prime Minister. What we need is a national leader who is prepared to cooperatively sit down with the states, and I think the opposition leader has got it right, that man is Mr Rudd.

DESALINATION PLANT

The Hon. I.F. EVANS (Leader of the Opposition): My question is to the Treasurer. Given the Treasurer's previous answer that the state government has not yet committed $160 million to the desalination plant in the Upper Spencer Gulf, does the Treasurer agree with the Premier that the state government has already committed a share of the $160 million to the desalination plant? The Premier issued a press release on Monday 19 February which stated:

> The state government has already committed a share of the $160 million to the proposed plant.

The Hon. K.O. FOLEY (Treasurer): Say that last bit again?

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: Sir, can I ask the Leader of the Opposition to read out the explanation again? I did not hear it.

The SPEAKER: I ask the leader to repeat his explanation.

The Hon. I.F. EVANS: The Premier put out a press release this week saying that the state government has already committed a share of the $160 million to the proposed plant and an equal commitment from the federal government which means that we can supply 22 gigalitres of fresh water.

The Hon. K.O. FOLEY: Did I hear it right? Did you actually say the Premier's press release said that we would commit to a share of $160 million? Your question was: are we committing $160 million?

The Hon. I.F. Evans interjecting:

The Hon. K.O. FOLEY: So, is it $80 million or $160 million that you are asking? Are we committing to a share of $160 million? Do your homework; get your facts right, then ask me a question.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! I call the Leader of the Opposition.

The Hon. I.F. EVANS: Can the Treasurer explain what is meant by the Premier's press release when it says that the state government has already committed a share of $160 million to the proposed plant?

The Hon. K.O. FOLEY: A share of the $160 million? I have not seen that press release, so you had better show it to me.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: The Premier, other ministers and I, as you do, put lots of press releases out. To expect me to remember what a press release says that I do not have in front of me—

The Hon. I.F. Evans: For $160 million, yes.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: I am not sure whether you are talking about $160 million or a share. But, Mr Speaker—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: If the commonwealth government does not support this project—and we do not have confirmation from the commonwealth—the state will have to foot the full bill for this project, if it wants it to go ahead. I am not going to stand in this house today and say that we will build that desal plant at any cost. As I have said, BHP itself will build a pilot plant, and I will quote BHP as follows:

> BHP Billiton have submitted a development application to the government—

or will do, sir—

> for approval of a pilot desal plant. The use of a pilot plant for this purpose is standard practice in the desalination industry.

The concept of the plant is for BHP to prove the technology and to work through what would be required in terms of the capital for this project so that it can work out the cost of its project and we can work out the cost of our project. We have said that we think a state contribution will be required of some $320 million as additional to what Roxby requires, and we would like the commonwealth to pay half of that, which is $160 million, and we will pay the other half. Just how we do that we have not decided—for example, whether it is capital or through a recurrent stream or an offtake contract. We are working through the process. I cannot be any more explicit than that. Kevin Rudd, as Leader of the Opposition, has said that if he is—

Ms Chapman interjecting:

The Hon. K.O. FOLEY: BHP has not worked it out; how do you expect the government to have a better understanding of the cost of this project than BHP?

Ms Chapman: Weak.

The Hon. K.O. FOLEY: Weak, she says I am weak. She says we are weak.

Ms Chapman interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: You got that bit. Are you threatening not—

Ms Chapman interjecting:

The SPEAKER: Order! The deputy leader will not—

The Hon. K.O. FOLEY: The deputy leader has just threatened that the opposition may not support the indenture.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: Are you going to support an indenture bill?

Members interjecting:

The Hon. K.O. FOLEY: Well tell the deputy leader not to make stupid statements across the chamber. I cannot be—

An honourable member: You're all over the place.

The Hon. K.O. FOLEY: I'm all over the place! 'When we lose the federal election at the end of the year, the Liberal Party will be in dire straits,' and a federal MP says he's 'hopeless'. Mr Speaker, we cannot commit to a final, a binding figure, until we work out the exact cost. We have indicative costs, and I have said that. BHP has indicative costs—

Ms Chapman interjecting:

The Hon. K.O. FOLEY: She is such a smarty-pants, isn't she? She is an expert on everything. BHP has not worked out the final cost of the project and nor can we. We are working through that but it is going to take a number of months; it may take a year. We have asked the commonwealth indicatively to provide $160 million and if they agree to that we will supply a similar amount, but that is not the final figure. We will not know the final figure until we do due diligence and we work out the exact cost of the plant. That is what BHP is doing and that is what we would do. To suggest another process is foolhardy and ridiculous, and shows the opposition's lack of experience in and understanding of major projects.

The Hon. I.F. EVANS: My question is again to the Treasurer. If the Treasurer's statement in previous answers is correct, that one option is not to proceed with the desalination plant in the Upper Spencer Gulf, why has the government been spending taxpayers' money with advertisements saying, 'We are building the biggest desalination plant in the southern hemisphere'?

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: BHP, with the support of this government, will build the largest desalination plant in the country.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: Sir, is the opposition honestly expecting that—

The Hon. M.D. Rann: That's a real hit at Roxby and BHP Billiton.

The Hon. K.O. FOLEY: It is. Sir, we are building—

Members interjecting:

The SPEAKER: Order! The Treasurer will resume his seat.

Members interjecting:

The SPEAKER: Order! The Treasurer is advised to ignore the interjections of members on the left, and I remind those members that all interjections are disorderly.

The Hon. K.O. FOLEY: BHP and the government have signed a memorandum of understanding. We have already told BHP that we will not support water being taken from the Murray and we will not support further water above its allocation being taken from the Great Artesian Basin.

We will see a large desalination plant built in the north of the state. From day one we have said that we want it to be a larger plant so that we can supply to the Spencer Gulf, the Eyre Peninsula and other northern towns—and we are going through due diligence. We would like the commonwealth

government's National Water Initiative to pay half of the state's contribution; if they do not it is obvious that we will have to reassess that. Is the opposition seriously suggesting that we would somehow let the commonwealth off the hook, that we would somehow flag to the commonwealth that we will fly solo on this? 'Please give us your money, but if you don't give it to us we are going to build it anyway.' Seriously, how do you negotiate with the commonwealth—

Members interjecting:

The SPEAKER: Order! I warn the deputy leader.

The Hon. K.O. FOLEY: I have had a number of discussions with commonwealth officials—as have other members, and the Premier with Malcolm Turnbull and (I think) even with the Prime Minister—and we are confident that the commonwealth will provide that funding through their National Water Initiative. However, I am not going to assume anything until I see it. If the commonwealth does not provide it then we have a very hard decision to make—unless, you are the opposition who spend money and promise things like there is no tomorrow. We actually have a process and it is a cautious one. The Deputy Leader of the Opposition can smirk and shake her head; she has spent her life in a courtroom.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The Hon. K.O. FOLEY: Don't go where?

The SPEAKER: Order!

The Hon. K.O. FOLEY: I've got a proud work history.

The SPEAKER: Order! The Deputy Premier will cease responding to interjections.

The Hon. K.O. FOLEY: When you are involved in major projects, there is due diligence, there is process and there is a matrix of things you have to do to get it right. That is what you do with these projects. I can accept that the Deputy Leader of the Opposition has not had experience in this, but this is what you do. I am not going to walk in here and blindly put out a figure until we are in a position to be confident that the numbers are going to stack up.

HEALTH AND SAFETY WORKPLACE PARTNERSHIP PROGRAM

Mr WILLIAMS (MacKillop): My question is to the Minister for Industrial Relations. Is it the government's intention to give $1 million per year for three years to the unions for a Health and Safety Workplace Partnership program? If so, did the decision go through cabinet, or was it a ministerial decision? The opposition understands that the minister has approved the establishment of a grants program (the Health and Safety Workplace Partnership Program) for unions only, which will provide the unions with grants of $1 million per year for three years to provide health and safety training.

The Hon. M.J. WRIGHT (Minister for Industrial Relations): The government is committed to delivering safer workplaces for all South Australians. The answer to the question is yes. This is another concrete demonstration of how committed we are to workplace safety. We have identified the industries with the most work injuries: manufacturing, community services, wholesale and retail trade, construction, transport, and storage. Those five areas together make up 83.5 per cent of all workers compensation claims, and we taken action to fix that problem. So, 83.5 per cent of compensation claims come from that area.

Workers who are educated about health and safety at work can keep themselves and their workmates safe. That is what this is all about—keeping South Australians safe. We do not normally talk about what happens in cabinet, but of course with a sum of money like this it was something that I took to cabinet.

Mr WILLIAMS: My question is again to the Minister for Industrial Relations. Why will the Health and Safety Workplace Partnership program grants (worth $3 million) be awarded only to the unions? The minister's media release of 16 December 2006 states:

> The Health and Safety Workplace Partnership program will provide annual grants to employee associations.

The Hon. M.J. WRIGHT: I have already answered that question, but I am happy to answer it again. What we have identified is those areas where we have 83.5 per cent of all workers compensation claims. What we want to make sure of is people at the coalface—workers, whether they be occupational health and safety representatives, union delegates, union organisers, or belong to a work and safety committee—to be better educated so that we spread the message of occupational health, safety and welfare. This is all about making our workplaces safer. I would have thought that the opposition would support something that is going to make workplaces safer.

Mr WILLIAMS: My question is again to the Minister for Industrial Relations. What process was used to determine the need for the $3 million Health and Safety Workplace Partnership program? What advice did the government seek from agencies, committees or consultative bodies before making the decision to implement the scheme?

The Hon. M.J. WRIGHT: As the member knows, I listen to all stakeholders on a range of issues, particularly about occupational health, safety and welfare. The opposition comes in here and crows about WorkCover and what happened in regard to WorkCover, which dates back to at least 1995, when we saw return to work plummet. Surely, with something like this, where we have identified those five areas that make up 83.5 per cent of all workers' compensation claims, if we are going to get a better result by better education of people at the coal face, that has to be a great result for all South Australians.

Mr WILLIAMS: Why was the Minister for Industrial Relations' news release of 16 December 2006, entitled 'Grants to improve health and safety in South Australia workplaces' kept hidden? Unlike the usual protocol, the media release announcing the program was not posted on the ministerial website, posted on the Parliamentary Library website—

Members interjecting:

The SPEAKER: Order! I cannot even hear the member for MacKillop's question.

Mr WILLIAMS: —distributed to interest groups at the time, and I have yet to find one journalist in Adelaide who received a copy of it.

The Hon. M.J. WRIGHT: This is the first time I have ever heard of the concept of a secret press release! All the opposition wants to do is criticise, no matter what we do. If we consult, the opposition says that we will not make a decision. If we are decisive, the opposition says that we should consult more. I am not too sure what the opposition is actually calling for here.

Members interjecting:

The Hon. M.J. WRIGHT: Caught? How can I be caught when a press release went out about it?

Mr WILLIAMS: My question is again to the Minister for Industrial Relations.

Members interjecting:

The SPEAKER: Order!

Mr WILLIAMS: Why was the SafeWork SA Advisory Committee not made aware of the Health and Safety Workplace Partnership Grants program until its meeting on Tuesday 6 February 2007, nearly three months after the unions were advised of the grants program? One of the key functions of the SafeWork SA Advisory Committee, and I quote from the act, is:

> To promote education and training with respect to OH&S; develop, support, accredit, approve or promote courses or programs relating to OH&S; accredit, approve or recognise educational programs relating to OH&S; and accredit, approve or recognise education providers in the field of OH&S.

The program was announced to the unions on 16 December 2006, yet the SafeWork SA Advisory Committee was not advised of the program until February 2007.

The Hon. M.J. WRIGHT: This is a very interesting stance being taken by the shadow minister.

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. WRIGHT: This is a very interesting position that is being put forward by the shadow minister. In fairness, I do not think he was shadow minister when the bill went through the parliament. From memory, when we fought tooth and nail to get the SafeWork Bill through the parliament, with this particular clause, as I remember it, there was a heck of a blue about the SafeWork SA Advisory Committee. In this house or in the Legislative Council there was a hue and cry about why we would need a SafeWork SA Advisory Committee. Yes, of course, it provides advice to government: that is what it is there for. But we are also there to provide policy, and this is a policy position that we have taken.

I have identified those five areas that make up something like 83.5 per cent of the workers' compensation claims. Let me repeat them: manufacturing, community services, wholesale and retail trade, construction, transport and storage. Together they make up 83.5 per cent of the claims. I think the tenor of the complaint here is probably about unions getting some grants.

Mr WILLIAMS: My question is again to the Minister for Industrial Relations. Which unions will receive grants as part of the Health and Safety Workplace Partnership program, given that the program is targeted at, and I quote from the minister's press release, 'community services, manufacturing—'

An honourable member: The secret press release!

Mr WILLIAMS: The secret press release, that is right. But I did not want to comment. It was targeted at the community services, manufacturing, wholesale and retail trade, construction, and transport and storage industries.

The Hon. M.J. WRIGHT: It would be a variety of unions. Obviously, it would be unions that work in those areas but it would also be unions that put forward worthwhile applications. Of course, they would be judged and if they were appropriate applications they would get a grant.

PREMIER'S READING CHALLENGE

Mrs GERAGHTY (Torrens): Will the Premier inform the house of the progress of the Premier's Reading Challenge?

The Hon. M.D. RANN (Premier): I promise to give a secret answer to this question. Apparently, the minister's secret press release is a bit like the opposition's secret tram plan. However, they are walking both sides of the track. The Premier's Reading Challenge is, without question, a great success. In 2006 more than 90 000 school students completed the challenge—an increase of 27 per cent from the previous year. Some 718 South Australian schools participated last year and this represents 90 per cent of all eligible schools in our state. I am pleased to say that 1 776 Aboriginal students completed the challenge last year—an increase of 68 per cent from 2005. Increasing participation of Aboriginal students will continue to be a focus in 2007.

I am told by the Department of Education and Children's Services that the high participation rate of boys in the reading challenge is significant. Of the students who completed the challenge in 2006, 49 per cent were boys and 51 per cent were girls. It is considered a highly effective program in engaging boys to read. From my memory—and the Minister for the Status of Women might advise me otherwise—that is about the population ratio—51 to 49 per cent. I believe this has a lot to do with its being, quite simply, a challenge. Students have the ability to win a medal—something normally reserved for high achievement in sport. The 14 high profile reading challenge ambassadors have also played an important role, with many of them being sports stars and popular children's authors. They include Mem Fox, Juliet Haslam, Rachael Sporn, Mark Bickley, Matthew Primus, Danielle Grant-Cross, Che Cockatoo-Collins, Amanda Graham and Phil Cummings.

The Hon. P.F. Conlon interjecting:

The Hon. M.D. RANN: It is true that I have been sacked as Kevin Rudd's sports adviser following my advice on the likely outcome on Sunday night in Melbourne. Last week at community cabinet I launched the 2007 Premier's Reading Challenge at the Port Lincoln Primary School. 2007 is the year of the gold medal. The infectious enthusiasm of the students, teachers, librarians and parents at Port Lincoln was fantastic. I am pleased to inform the house that the reading challenge will continue for students who succeed in getting a gold medal in 2007.

I can hear members ask: what can possibly come after bronze, silver and gold? In 2008, after five years of successful reading, students will be able to earn a Premier's Reading Challenge champion medal, followed by a legend medal, and, finally, a hall of fame medal after seven years of successful reading. There is nothing better than to see the pride in children's faces as they accept their award with their parents and teachers proudly taking photographs. These are special awards in the reach of every South Australian child. Some 90 000 kids completed the challenge last year. This challenge is not only promoting literacy in the classroom, at home and in public libraries but also helping future generations discover the sense of joy, adventure, imagination and magic that reading can bring. I commend this program to the house. I hope one day we will get bipartisan support for it.

POLITICAL DONATIONS

Mr WILLIAMS (MacKillop): My question again is to the Minister for Industrial Relations. What process will the government put in place to ensure that any money received from the taxpayer-funded program is not returned to the Labor Party as political donations from the unions?

The Hon. M.J. WRIGHT (Minister for Industrial Relations): That is a very silly question, because what the member fully realises is that, with all of our grant funding, whether it be in this particular area or any other area across government, there are specific criteria, the process will be transparent, fully accountable and, of course, the money will have to be acquitted.

Members interjecting:

The SPEAKER: Order!

SCHOOLS, BULLYING

The Hon. L. STEVENS (Little Para): My question is to the Minister for Education and Children's Services. What is the government doing to decrease bullying, including cyberbullying, in South Australian schools?

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): I thank the member for Little Para for that question. She has worked in South Australian schools as a very distinguished principal and knows the problems that bullying can produce both in our community at large and within schools. Certainly bullying is not limited to the schoolyard, and it is quite common in the workplace, amongst the professions, and certainly in some domestic situations.

Last week we launched a program on a DVD which was put together with extraordinary support from several schools which are notable, not because bullying is a problem within them but because they recognise the issue and have taken extraordinary efforts and made an investment in eradicating the problem. Those schools worked to produce a DVD called *Reducing Bullying: Evidence Based Strategies for Schools*. Like much of what is done in the education department, it was a collaboration between other organisations, working with the Flinders University where there are expert educators and film makers and also with the Department of Health, which has an interest in student wellbeing, mental health and other issues affecting young people.

The DVD has accompanying leaflets. It is interesting because it is not academic research and statistics and numbers, although the numbers are compelling—about one in six young people are bullied each week in schools. It is also about the case studies and the voices of children and the voices of teachers and families; people who have been involved in eradicating this scourge. We expect that the DVD, which we will be providing to every secondary school in this state, will be very popular, will be bought by outside organisations, and will also go interstate.

Our government has been a leader in eradicating bullying in the schoolyard. Initially we put together some resource materials, worked with Ken Rigby, have distributed books to all schools and have demanded the schools have an anti-bullying strategy. We were the first state to really recognise the evils associated with cyberbullying, which is becoming more and more prominent. Approximately two years ago we also decided to work across the sectors because, of course, bullying is not limited to the public sector. It is also prevalent in the private school system. We have worked as a coalition with the other sectors to decrease bullying, harassment and violence in South Australian schools. In a very short time, the coalition has produced some outstanding work which has been implemented in the school sectors which has involved policy development and production of more educational resources.

However, we must admit that cyberbullying, which we discussed two or three years ago, has increased, and we would be remiss if we did not recognise that there are amazing expansions of the prevalence of use of the technology as well as the opportunity to misuse it. It is said that 91 per cent of 12 to 15 year olds have access to the internet, and 99 per cent between the ages of 16 and 18. We would be remiss if we thought that all that activity was related to projects and homework, because a large proportion of the time that young people spend using technology is chatting with friends, instant messaging and online community access activity.

We know that bullying is an age-old problem in many locations. It can happen anywhere, but cyberbullying is definitely a new-age method of delivery and one about which parents and school communities need to understand more. We would all be appalled at the way in which some of these technologies are used to bully, publicly humiliate and denigrate other young people. Whilst the technology is an integral part of our society, we cannot afford to be unaware of what is going on or in any way fail to take up the challenge. I hope that the coalition, which has worked with the South Australian police force and the national NetAlert program with e-crime to reduce these problems, will carry on its work.

I can assure the house that our new child protection curriculum will soon be introduced to schools, and will include components that will help to reduce the potential dangers in using the internet and mobile phone technology, which can be attacked by some very unpleasant people from outside the school community. We must be ever vigilant and, following the speech by the member for Bright yesterday (I am very pleased that she brought this matter further to our attention because, as a teacher, she understands the implications of this scourge), I will be asking the coalition between the public and private schools to do further work on the matter of mobile phone technology in schools and to bring forward advice for all sectors. I hope it is implemented, because we can never be complacent. This is a scourge which moves, changes and morphs and which will always use technology, and we should be mindful of those opportunities that we have to reduce this activity.

GRIEVANCE DEBATE

HEALTH AND SAFETY GRANTS

Mr WILLIAMS (MacKillop): Today the house learnt of the latest rort of the Rann Labor government of taking $3 million of taxpayers' money and channelling it into the unions. How much will come back? We know that the union movement is one of the biggest contributors to the ALP

campaign funds. This is a simple case of laundering taxpayers' money through the union movement and back into the ALP. This is a rort of the first order.

The minister has been caught out. He ostensibly issued a press release in December. The member for West Torrens laughs. I invite him to go to the library and ask the library staff from where they obtained their copy of the press release. The copy that they now have in the library was scanned from the one that I have in my hand, because the library staff had never seen it. The member should go to any of the industry associations around Adelaide and ask them from where they obtained their copy. They obtained their copy following the SafeWork SA Advisory Committee meeting in early February; that is where they got it from. I do not know how long the unions have had their copy—probably since 16 December. I have spoken to a number of journalists around Adelaide, and not one to whom I (or some of my colleagues) have spoken was aware of this press release, which was ostensibly sent out by the minister on Saturday 16 December, just after parliament rose.

Let me talk a little about process. In answer to a question today in the house, the minister said that he fought tooth and nail to get the SafeWork SA Advisory Committee into the act. Why does he not use it? The SafeWork SA Advisory Committee website states:

> The committee has been created to ensure that the government receives top level advice from industry leaders and senior workers' representatives.

If the minister took no advice on this matter from the committee (and I know that he did not, because it did not know about it until February), from where did he obtain his advice? He stood here today and said that he took advice from all the stakeholders. I can inform members that he did not take it from top level industry leaders or senior workers' representatives.

Mr Koutsantonis: Like who?

Mr WILLIAMS: I will read out the names of the members of the committee, if the member wants me to.

Mr Koutsantonis: All right.

Mr WILLIAMS: They are: Amanda Wood, Managing Director, A Class Metal Finishers; Janet Giles, Secretary, SA Unions; Maurie Howard, industrial relations consultant, Master Builders Association; Don Farrell, Secretary, Shop Distributive and Allied Employees Association; Margaret Heylen, consultant with wide experience in the public and private sectors; Jill Cavanough, Organiser, Australian Education Union; David Frith, Director, Workplace Policy and Business Services Development, Business SA; and Martin O'Malley, President, SA Unions, and Secretary, Construction, Forestry, Mining and Energy Union. Michele Patterson, Executive Director of SafeWork SA and Julie Davison, CEO, WorkCover Corporation, are ex officio. It is chaired by Tom Phillips. They are the members, and they did not know about it. They found out about it at their meeting on the first Tuesday of February this year.

It also says that the committee will oversee the strategic direction of SafeWork SA and will provide leadership on workplace safety. Where is the minister getting his leadership from? Why was their advice not sought? Probably because they are not the best people to ask how you launder $3 million worth of taxpayers' money—how you channel $3 million worth of taxpayers' money into the union coffers and then you go around the corner a couple of days later and say, 'Come on boys, how about a bit of money for the election campaign. We have got a federal election coming up at the end of the year and we need a bit of money'—$1 million a year over three years.

In question time I read out one of the principal functions. One of the principal functions in the act that I did not mention was to promote OH&S programs and make recommendations with respect to the making of grants in support of projects and activities relative to OH&S. If that is one of their functions, where were they in this matter? The minister has been caught out rorting.

Time expired.

ELLIS, Mr J.

Mr BIGNELL (Mawson): It is my sad duty today to inform the house of the death of one of the legends of Adelaide's south. In January we lost Mr Jack Ellis from The Shed at Hackham West. Jack was one of the most loved people in the south and I am sure Madam Deputy Speaker, as the member for Reynell, and the member for Kaurna, who is not here today, will also share the thoughts that I am about to convey to this house as I pay tribute to an absolute legend who helped others and put others before himself for much of his life.

In my maiden speech in this place almost a year ago, Jack Ellis was one of the people I singled out for his tireless work for the community. Jack was 76 years old and he had a huge heart and good old fashioned values, as you would expect from a guy who grew up down at the Port, and worked in a variety of roles around Adelaide before retiring to the southern part of Adelaide about 15 years ago. 'Retire' is probably not the right word for Jack, because I think he worked harder than many people who are actually employed.

For the past 10 years he and the volunteers at the Southern Community Project Group were performing minor miracles. They were taking primary and secondary students who might have been having difficulties at school, and mentoring them by getting them to use their hands to design and manufacture timber and metal toys and furniture. The patron of The Shed was the Governor, Marjorie Jackson-Nelson, who went down there in her role as Governor and—like so many of us who have been to Jack's Shed—was just blown away by this man's inspirational activities and the way that he got in and helped the community, teaching not only youngsters but also people, including those older students who were perhaps going off the rails. He took these young people in and mentored them and got them to use their hands and gave them some sense of value about themselves and about their place in society. It was amazing to learn how many people he could get back on track.

One of the by-products of this great work being done was that each year Jack and his volunteers at The Shed would manufacture about 700 toys which were donated to 10 charities for children's Christmas presents. It was quite busy in December, we had parliament sitting and the night before there was a terrible bushfire in the electorate and we had a committee meeting, and Jack had his annual celebration where all the toys were to be handed over and the Governor was going to be down there. I was running a little bit tight for time, and I am really glad, given the events of January and the sad death of Jack Ellis, that I made that effort to get down there. Jack was there, although he was a little ill, and the Governor, who as I say was there, was very concerned about her dear friend Jack Ellis and about the state of his health, which was deteriorating at that stage.

But Jack, in his typical fashion, was insisting that he was all right and that there was nothing wrong with him. A few months earlier I was at Government House on the day that the Governor presented Jack with his Order of Australia Medal, and you will never see a prouder man, who at the same time was also humble. I went looking for him afterwards to congratulate him but he was not there. I went over to the Terrace Hotel, across the road where most of the recipients had gone for lunch to celebrate and Jack was not there because he had slipped out quietly to go back to The Shed, where he wanted his Order of Australia Medal kept because he said it was a symbol for the work that had been done at The Shed and that it was not necessarily an individual honour for him to have at his house. He kept it there in recognition of all the volunteers. On hearing about Jack Ellis's death, the Governor paid tribute to him in a way that I think sums up people's sentiments, including those of the members for Reynell and Kaurna. She paid tribute as follows:

> Being patron of The Shed has been one of the highlights of my term in office. It enabled me to meet and come to know this wonderful, generous man whose unassuming, unselfish dedication was inspirational to all who encountered him.

I think that is something that everyone who met Jack Ellis felt. He will be sadly missed but I am sure that the rest of the volunteers at The Shed will carry on his good work. Just as we supported Jack Ellis at the state government level, I am sure that we will continue to give that level of support to those who follow and carry on the great work of Jack Ellis. To his family and all those who worked with Jack, including the volunteers and his fellow workers at The Shed, I extend my sincere condolences.

MINING

Mr PISONI (Unley): I would like to draw attention to what I see as an alarming misrepresentation by the Premier and his ministers of the opportunities created by Olympic Dam mine and other large projects that are benefiting this state. I am fully supportive of these projects and I look forward, as do many South Australians, to the future growth, employment and wealth they will generate. But this government is wrong to claim responsibility for these projects; after all, it was the Liberal government that initiated Roxby Downs and it was rejected by Labor leader John Bannon on the advice of the author of the anti-uranium document entitled 'Uranium: play it safe'. His key adviser at the time was a young Mike Rann. In his dissenting report, Labor MLC, the Hon. John Cornwall, even claimed:

> The difficulties of establishing a town of 7 000 to 8 000 people in a remote area in the arid zone of South Australia are too numerous to canvass here, but I suppose that is understandable, as Labor finds many things difficult to manage; just ask the transport minister.

But how some things change! The very same man who advised John Bannon to oppose the mine has undertaken a conversion of biblical proportions on the issue of uranium mining, so much so that he claims credit for the project in government funded advertising. What other reasons did Labor use to try to stop South Australia's mining boom? John Cornwall went on to report that, despite the size of the project, it may only be marginally profitable and royalties would produce no direct net benefit to this state and Treasury.

Let us get back to reality. The Premier was wrong in opposing the Roxby Downs indenture bill and he was equally wrong in claiming the credit for its success. The credit belongs to former Liberal premier David Tonkin for introducing the bill, and to Norm Foster for breaking Labor ranks to give the Liberals the one extra vote they needed to secure this important long-term project for South Australia. Labor was so keen to punish Norm Foster that they threw him out of the party for voting for this important project. The Premier and the state government are obviously very excited about the potential of uranium mining in South Australia, just as they are about other Liberal policies that they are claiming as their own, such as the state's AAA credit rating. Look at what happened to those Labor members who supported the Liberal Party's plan to achieve that result!

There is the new airport and runway extension, the Ghan extension to Darwin, the Port River Expressway, the transfer of the battalion to South Australia from New South Wales, and the air warfare destroyer project (and thanks to Liberal minister Robert Hill for that one). There are the changes made by Liberal senator Amanda Vanstone to the immigration policy that have enticed immigrants to settle in South Australia rather than the more internationally-known states of New South Wales, Victoria and Queensland, and there are the Heysen tunnels and the Bolivar pipeline. I can go on: there is the Starfish Hill wind farm and the Clipsal 500. I know that the tourism minister and member for Adelaide is a very big fan of the Clipsal 500, and I look forward to seeing her plans for promoting the event—which will soon feature a big, spanking new grandstand a quarter of a kilometre long with a luxurious premier suite. I understand she will have plenty of corporate boxes to sell so that she can justify the taxpayers' money that has gone into that grandstand.

I understand the Premier wanting to take credit for the Liberal Party's successful projects because he has had very little success with his own. However, what will business find when it moves to South Australia because of the planning and work that has been done by previous Liberal governments? They will find a bloated and politicised public service struggling to deliver essential services, and they will find a government that does not understand business. Why else would they find the highest payroll tax in the country? They will find that they have the highest average WorkCover levy in the country and an unfunded liability that has blown out from $67 million under the Liberals to $700 million under Labor in just five years. They will find home affordability has declined as first-home buyers now pay more in stamp duty than the federal government gives them in the First Home Owner Grant.

Time expired.

YOUTH OPPORTUNITIES

The Hon. L. STEVENS (Little Para): Today I want to spend a few minutes talking about a project that I was unaware of until a representative from the Youth Opportunities Association addressed a local Rotary club in my electorate, the Playford Rotary Club. This person spent half an hour or so outlining some very impressive facts about this organisation.

Youth Opportunities is a not-for-profit organisation that is directed by an independent board of directors. It commenced in 1997. It is a personal leadership program designed to be delivered in schools, and was originally trialled in 1998 at Salisbury and Smithfield Plains high schools in the northern suburbs. The program showed a significant social and economic benefit for students in these schools and, along with continued results, this has led the organisation to believe that they have really developed a national model that could

work within the education system and address many sociological problems recognised by schools, businesses and the wider community.

Essentially, the program is a two year personal leadership program for young students. It provides them with inspiration and encouragement and, above all, hope. Students gain the tools to help themselves to find solutions and to change their lives for the better. The personal leadership program includes 10 weeks of intensive training for groups of about 18 year 10 students—so they are about 15 years old. Students are selected on the basis of need, commitment, and desire to change. Two professionally qualified facilitators work with them through group learning and one-to-one coaching, and they do this one day a week for 10 weeks.

However, it does not end there. The program then follows those students for a further two years. The young woman who spoke, herself a graduate of the program from Salisbury High School, explained that over the two years following the 10 week intensive course students are periodically followed up on an individual basis to see how they are going, to give them extra support and to really see them right through to the end of year 12. My group was really impressed with the information the young woman gave, and she was an excellent advertisement for the very things she was talking about. She said that the program is currently underway in a number of high schools and that, in all cases where the program has run, there have been significant positive benefits for students.

I think that it is worth while any interested member finding out some information on Youth Opportunities (there is a website: www.youthopportunities.asn.au) and whether secondary schools in their district have any links with the program or whether it is operating in those schools. Interested groups and communities can sponsor a student or a number of students. So, for service clubs and other clubs in your electorate that might be interested in sponsoring something that will make a difference to young adolescents, this is an excellent project in which they may wish to become involved. Youth Opportunities is worth looking at as it is making a difference to young people in our community.

RALLIES

Mr HANNA (Mitchell): I speak today on a couple of protest rallies that have taken place outside Parliament House this week. They have both captured the public imagination on a couple of key issues, and the government response to these issues demonstrates the fact that, over time, governments get out of touch with the people and become more and more arrogant—and that is certainly the case with the Labor leadership. First, there was a rally in support of the aquatics program which has carried on for 30 years but which is under threat from the government, in particular those who are advising the Minister for Education. An email from Kelvin Jeanes, an aquatics instructor who has done so much to raise this issue publicly, states:

> The DECS aquatics program started over thirty years ago and now runs at 9 centres (Barmera, Ceduna, Coffin Bay, Murray Bridge, Port Augusta, Port Noarlunga, Port Vincent, Victor Harbor and West Lakes). It teaches vital Water Safety education to about 50 000 children per year and employs about 150 instructors. The total cost of the program is about $2 million but DECS will not release the costing and statistics. The program teaches applied water safety in the context of water sports such as sailing, windsurfing, canoeing, kayaking, snorkelling, surfing and body boarding.

I urge the government to rule out any cuts to the aquatics program as it is something that our children and the next generation should continue to enjoy associated with their schooling.

I also mention two related school issues, and one is the proposed cut to the instrumental music program. What an outrageous way of going about saving money in the education sector. Music education is as vital as learning mathematics, English and any other number of subjects. The opportunities provided by the program should continue to be enjoyed by our children and subsequent generations.

The government's cuts to sports funding for schools are beginning to bite. Already, because of the loss of the sports grants previously available, schools in my area are looking at cutting teams. This means that those students who are more capable and more athletic will be able to get into school sports teams and that those who are a bit less forthcoming physically will miss out. They will not be picked up by the Premier's sports challenge or athletic challenge, or whatever it will be called, a program promoted by the government which will cost less but which will have a lot more publicity. On the ground, what it will mean is less involvement, particularly for those students who are less athletically inclined. It is an appalling backward step in our schools.

The second protest rally I wish to refer to was today, in relation to the proposed tram. Surely the government knows how unpopular this measure is. Spending over $30 million to take the trees out of a couple of our most prominent streets, to cause traffic chaos in the heart of the city, is incredible. Surely the government knows that these moves are so unpopular. The Minister for Transport has cited 70 per cent approval based on the number of people who came up and ticked a box in Rundle Mall, talking to people who were engaged by the government to drum up support. Obviously, that is statistically deceitful, and the rally today showed that there is actually tremendous public opposition to the tram project. Surely Labor members who talk to their own communities would know that it is going down like a lead balloon.

It is not too late for the government to reverse that decision. It is shameful and illustrative of its arrogance that the motion I moved last May in parliament will not even be debated by the government. It will not even enter into debate. It has developed to such a point of arrogance where it will brook no debate at all.

Time expired.

BETFAIR

Mr KOUTSANTONIS (West Torrens): Today I wish to speak on a number of issues, the first being the AFL betting scandal. I am not going to canvass the merits or otherwise of whether players should or should not bet on AFL games: that is entirely for the AFL and the AFL Players Association. I am not going to make a comment on that.

Members interjecting:

Mr KOUTSANTONIS: I have views about gambling.

Mr Hanna interjecting:

Mr KOUTSANTONIS: Hang on, member for Mitchell. I personally disapprove of betting, and in terms of discipline and what the AFL does, that is a matter for it, the players and their association. The concern I have with this issue is to do with Betfair, the company that held the accounts for these three players. I point out to the member for Mitchell that previously the AFL said that there were three drug cheats within its ranks and did not name them, but it has named three young men who have been gambling. One of those men

gambled the hefty sum of $10 and has been named throughout the national media. However, that is a matter for the AFL. Betfair is an organisation which, like most betting agencies, works in an online situation where you can deposit money into an account, set up an account and bet on certain outcomes in a sporting event and other events.

Mr Hanna: Or an election?

Mr KOUTSANTONIS: Or an election. When you sign up to Betfair, it has a clause on its website that says that it is authorised to distribute information about account holders to a third party. It does not detail who this third party is but says that it is a third party with which it has a commercial agreement. The AFL is not a law enforcement agency. It is not an arm of the government, yet Betfair has seen fit to reveal the private identities of these accounts and the details of these bets to a private organisation called the Australian Football League and its commission. Whether these players should or should not be betting on this issue is irrelevant, because the relevance here is privacy.

At what point should your employer be informed about your private activities? Perhaps gambling on AFL events should be banned for all players, but what I want to know is what right does Betfair have to give this information to the AFL? Should Betfair have given this information to the proper authorities instead? The South Australian TAB does not release details of account holders to the AFL, the football federation, SACA or the Australian Cricket Board.

The Hon. R.B. Such: Probably just as well.

Mr KOUTSANTONIS: I do not think it is that widespread. I think most sporting athletes have a high degree of integrity and I do not think they gamble on sporting events. Australian athletes are some of the best in the world. I think the AFL has to be very careful here. I think privacy is very important. I am very concerned about Betfair. In fact, if I was a Betfair account holder I would cancel it today because of the way in which it has behaved.

Also, I want to talk about an article I read today in *The Advertiser* about the Leader of the Opposition. How can you govern a party when your own president is speaking to *The Advertiser* about private conversations that were held at a state executive or state council meeting? As the leader of a state political party, how can you talk about what you think the probable outcome might be at the next election—about preparing or planning for it (which is sensible)—without its being leaked? How can you govern the state when your own party is backgrounding media about strategy sessions? You would think the President of the Liberal Party might be smarter than to run to *The Advertiser* and say, 'Iain Evans is a defeatist. Iain Evans thinks we have already lost.'

A federal MP would look at this. The Liberals are behind in the Newspoll surveys and fundraising, and excellent Labor candidates in the field are breathing down their neck; and then the leader of the Liberal Party in South Australia is saying, 'We're buggered, we're going to lose. Rudd will win.' How would you feel if you were Chris Pyne or Andrew Southcott? If you were one those two guys defending a marginal seat, how would you feel?

GRAFFITI CONTROL (SALE OF GRAFFITI IMPLEMENTS) AMENDMENT BILL

The Hon. R.B. SUCH (Fisher) obtained leave and introduced a bill for an act to amend the Graffiti Control Act 2001. Read a first time.

The Hon. R.B. SUCH: I move:

That this bill be now read a second time.

The reason for introducing this bill should be obvious. We still have a scourge in the community of graffiti vandalism extending to the point at which, as a result of my calculations and information from councils and other authorities, in the metropolitan area it probably costs in the order of $2 million-plus a year. I have obtained the following figures:

- City of Port Adelaide Enfield, annual cost for graffiti vandalism, $550 000;
- City of Mitcham, $420 000;
- City of Charles Sturt, $215 000;
- City of West Torrens, $300 000;
- City of Onkaparinga (which is the council in which my electorate is situated), $350 000 for graffiti and $425 000 for other acts of vandalism;
- City of Playford, $365 000;
- ETSA Utilities, $150 000;
- TransAdelaide, $1 million;
- Transport SA, on the Southern Expressway $170 000 per annum, Gawler Bypass $40 000 per annum, and vandalism to jetties, etc., $65 000.

They are selected figures; I have other figures, as well. They make the point that the current law and arrangements relating to restricting graffiti vandalism are not effective. Members would be aware that we have before us the Graffiti Control (Orders on Conviction) Amendment Bill; and I would hope that both the government and opposition expedite debate in relation to that bill—which I see as a complementary measure.

As members know, that bill requires offenders to clean off the graffiti after the second offence—a mandatory requirement—and also to pay compensation. But because that measure has not been implemented, obviously it cannot have any impact and I believe it would go a long way to dealing with the problem. What we also need to do, and the reason for this bill that I am introducing today, is to try and restrict the supply and access of spray cans and broad-felt pens or wide-tipped marker pens only to those people who have a legitimate use. I think the Attorney said in a public comment in response to my bill that it would be hard to enforce. Well, my argument is that it is worth seeking to do what this bill does. No measure that is put forward in terms of law and order is ever perfect, and we can see that in relation to the measures that the Attorney is contemplating in relation to bail.

So here is another attempt—a complementary measure—to try and restrict access to spray cans and wide-tipped marker pens. I have consulted widely in relation to this bill and have had very good legal advice, and the bill is a consequence of that. What it says is that if someone wants to purchase a spray can or a wide-tipped marker pen which is more than five millimetres wide and is not readily removable by water or detergent, then the person purchasing it—and for a start they have to be over the age of 18-has to give their name and address, and that register has to be kept by the storekeeper for checking by an authorised officer, which is a police officer or an authorised council inspector. I do not

want to stop legitimate users of cans or wide-tipped marker pens from having access to them, but I admit that at the end of the day if these sort of measures—if we can get them introduced—do not work, then the only other likely strategy is to try and ban the spray can altogether.

The bill requires that spray cans be marked; that is, they would be stamped during manufacture so, in effect, they can be traced back to the point of supply, and that would also help the police and others in monitoring the movement of cans in the community. Some people would say it is a burden on the shopkeeper to keep a record. Let us not beat around the bush—it is—but a lot of storekeepers are the victims of vandalism, and the ones I have spoken to are supportive of any reasonable measure which will restrict the access of spray cans to potential vandals. When we are talking about vandals, we are not necessarily always talking about minors. Sure, young people below the age of 18 do engage in spray-can vandalism and marker-pen vandalism, but we also have a lot of adults who at the moment can legitimately purchase a spray can or a wide-tipped marker pen. They can purchase anonymously and they can go out and commit their wilful damage. Fewer of these cans are stolen now because of security measures required of storekeepers, but adults are buying these cans and the gangs that are involved, and individuals, are very sophisticated, and I know that many of them working on the train lines, where they do much of their work, have digital cameras and they have rope ladders; they have very sophisticated equipment. We are not always talking about innocent little 12-year-olds who might scribble on someone's letterbox on the way home; we are talking about often fairly sophisticated—in the sense of their equipment—gangs and groups and individuals who want to damage public property, and private property as well.

The purpose of this bill is not to deprive those who legitimately have a need to use a spray can from obtaining one, or a wide-tipped marker pen. However, I would suggest that very few people have a need for a wide-tipped marker pen, for example, 10 millimetres wide or more. Very few people need a pen of that width, unless they are in the business of furniture removal or happen to be moving overseas. I am not trying to deny legitimate users from access to spray cans or wide-tipped felt marker pens but, rather, to squeeze the supply when it comes to those who will use those instruments for illegal purposes.

I have been surprised that there has not been more action on this issue by the government. I know that the Attorney has been concerned for a long time about graffiti vandalism, and the government, through the Minister for the Southern Suburbs, has supported a trial of a clean-off down south, which would be more in tune with the other bill which is already in this house for debate. I urge all members in this place to support what I see as a reasonable attempt to restrict spray cans and wide-tipped felt pens to those who have a legitimate use. If people are not prepared to give their name and address or show ID, clearly, in my view, we would have some reason to be suspicious about their motive for getting hold of a spray can or a pen. I do not believe that it is a great burden, if someone wants to legitimately use a spray can, to give their name and address. In so doing, the police and the council inspectors would have a better way of monitoring the sale of these cans and also of monitoring and restricting their misuse.

I commend this measure to the house. I am not saying that, by itself, it is the only approach, or that it will do everything we would want. However, I believe that it is a worthwhile step in the right direction, particularly in conjunction with the clean-off and reparation provisions in the graffiti control amendment bill, which I think would go a long way in helping to minimise and reduce the scourge of graffiti vandalism in our community. It is costing the community a lot of money, which could be spent on facilities for young people and others, and it makes our city look substandard. If one travels on the trains, one will discover that what the interstate train travellers see does not reflect well on the people of Adelaide. We have a lot of wonderful volunteers out there who clean off graffiti, but would it not be great if those volunteers could be doing something other than spending their time trying to clean off the mess put there by vandals who have no respect for community or private property? I commend the bill to the house.

Mrs GERAGHTY secured the adjournment of the debate.

PUBLIC WORKS COMMITTEE: TRAMLINE EXTENSION TO CITY WEST

Ms CICCARELLO (Norwood): I move:

That the 251st report of the committee, entitled 'Tramline Extension to City West', be noted.

It gives me great pleasure to move this motion today. The initial extension of the tramline was originally to have been from Victoria Square to the Adelaide Railway Station, at an estimated cost of $21 million. It is now to be extended to City West, and we are sure it will contribute to the regeneration of the north-west quadrant of the city. The additional extension will provide an enhanced replacement for the current BeeLine bus service, and will continue along North Terrace from the Adelaide Railway Station to the UniSA City West Campus, just west of the Morphett Street Bridge.

The trams will run in their own right of way in the centre of North Terrace. Separation from other traffic is considered essential for both safety and operational reasons. Existing bus, loading and taxi zones will remain relatively unaltered, and the tram stop opposite the university campus takes advantage of the existing pedestrian crossing. Existing pedestrian movements will not be impeded, and an additional pedestrian crossing will be installed at Victoria Square. Emergency vehicles will be able to use the dedicated tram corridor, if necessary, to bypass any traffic queued in the portion of North Terrace encompassed by this project.

There will be one additional stop along the alignment located west of the Morphett Street Bridge at the UniSA City West Campus. The track arrangement proposes a crossing on the approach to the stop, which will enable trams to enter and leave the central platform on either side. The points will be automatically operated, and two through lanes will be provided in each direction. The extension will operate a shuttle service between City West and the South Terrace stop on Peacock Road, in addition to the through service from Glenelg to City West. The shuttle service will require construction of a siding track at the commencement of the service. This is to be constructed within the existing rail corridor on Peacock Road, and will be long enough to accommodate either a new Flexity tram or a coupled H-class tram.

The traffic model predicts increased queue lengths on North Terrace on the western approach to King William Street. The average delay expected on North Terrace is about 25 seconds for eastbound traffic and 15 seconds for west-bound traffic. During the morning peak period, the model

predicts that southbound traffic on King William Street will be delayed by an average of 40 seconds. This is partly due to the creation of a controlled right turn at the North Terrace intersection, which does not get a very long phase length. Therefore, traffic will not clear the intersection in one cycle. Even so, this is an improvement for traffic, as this movement is currently banned during peak times. The delay will also be partly due to the installation of scramble crossings at the Pirie Street and Rundle Mall intersections. This is not vital to the operation of the tram but will be highly beneficial for safer pedestrian access to the tram stops.

The Adelaide City Council has advised that a scramble crossing will be installed at Rundle Mall, regardless of the tramline extension, following the success of the crossing implemented at the Pulteney Street end of Rundle Mall. If anyone has used that, they will know that it certainly is very good in moving a lot of pedestrians very quickly. The model shows minimal diversion of traffic from King William Street and North Terrace, indicating that there will not be a problem caused on other roads. The additional tramline extension will have minimal impact upon existing kerbside activities, but requires the removal of the existing kerb protuberances outside the Adelaide Railway Station and Roma Mitchell House, and the southern kerb to be set back 400 millimetres in order to maintain a kerbside use lane. Five non-significant trees also need to be removed from the southern kerbside.

The City West extension is expected to stimulate urban regeneration in the north-west quadrant of the city and contribute to a future lifting in property prices. These outcomes are consistent with experience in other cities around the world. The extension also creates future opportunities to extend the tramline as a City West loop back to Victoria Square or to other metropolitan destinations.

The 11 new trams allow the current average service frequency to continue and for the free immediate shuttle service to run between South Terrace and City West. The peak services will operate at seven and a half minute intervals, compared to the existing five minute Bee Line service. Each service will have much greater passenger carrying capacity than the Bee Line and this will cater for the anticipated increase in patronage. Right turn and U-turn movements along North Terrace are currently uncontrolled and unrestricted, but the raised median between the tracks would prevent right turns on North Terrace, except at signalised intersections. It is proposed to signalise Victoria Street and the Convention Centre car park entrance and allow controlled rights and U-turns at these locations. Therefore, any right-turning vehicles will be able to turn safely within 100 metres of the existing turn and then turn left.

The further project has an estimated capital cost of $10 million and provides an estimated net present value of approximately $1 400 000, and a benefit cost ratio of 1.1. The main benefits are a reduction in passenger journey times and urban regeneration. In the absence of a delay to private car travel, the estimate for the net present value increases to $2 560 000, with a benefit cost ratio of 1.23.

Infrastructure works are required along the whole extension and these will be completed in as short a time as is practical in order to minimise any impact on traffic and events held in the city. Some components required, such as crossovers, are experiencing industry-wide delays in delivery. This may impact the operation of the shuttle service but the successful contractor can place orders before completion of detailed design. The longest lead-time item (the substation) has already been ordered (as part of the initial tram extension approvals) and will be delivered in May 2007. Some of the expected traffic delay, as has been mentioned, is due to the decision to introduce scramble pedestrian crossings, which, to an extent, is independent of the proposed extension. The committee supports such initiatives which are designed to promote public safety.

The committee has considered broader public policy issues when evaluating the importance of the expected traffic delays. Government policy includes doubling the use of public transport by 2018 and encouraging traffic which does not need to enter the CBD to bypass it. This is also consistent with the Adelaide City Council policy of promoting a pedestrian-friendly city centre and thereby also reducing pollution. The committee accepts that delays for city motorists will be short, restricted to peak-hour traffic and offset by the value of improved pedestrian safety. Public infrastructure is being provided to enable motorists to bypass the CBD and avoid this delay. The considerable public expenditure has been justified by this policy objective.

Given the benefits expected and the consistency of this project with other government objectives, the committee accepts that the expected cost of increased travel time for motorists is justified. The committee is informed that the decision to provide the new tramline extension followed further consultation. In particular, the Adelaide City Council requested that: the tramline be extended to cater for the City West campus of the University of Adelaide; the proposed tram stop outside the Town Hall be moved so as not to interfere with ceremonial occasions; the tram track not interfere with parades and pageants along King William Street; the crossover and extra track to store the shuttle service not intrude into Victoria Square; the opportunity be preserved for right turns into Station Road; and tracks in Victoria Square be laid in grass.

The government agreed to each of these requests, and appropriate changes have been made to the design of the project. The new extension also extends the reach and hours of the free shuttle service, avoids interfering with parliament's functions and ceremonies, moves the substation from the South Parklands to a spot under Morphett Street Bridge and hidden from public view, and revises the design of the proposed tram shelters.

The committee is pleased by the original project's flexibility of the agency to suggested improvements and accepts that the value of the tramline extension has been increased as a result. The committee is also pleased that the Bee Line bus service will be replaced by a service available for a much greater number of days and hours. The development application includes the removal of 60 trees, but 30 were in the original extension proposal and the committee is told that fewer are expected to be removed and many will be relocated.

Some of the return current providing power for the trams can leak into the ground, and the committee has been concerned to ensure this does not present a danger to the public. The level of current involved is not dangerous to humans but does have the potential to cause rust in metal pipes and might have an effect on the servicing of infrastructure. Therefore, mitigation measures are incorporated into this project. I would just like to quote from an article which appeared in *The Age*, the title being, 'And the winner of the great transport race is: the trams':

> When it comes to value for public money, trams can't be beaten.

I will not quote the whole article, but it continues:

> On economic grounds it is trams first, trains second, and buses nowhere. On environmental grounds it is again trams first. . . The most common argument against trams is that they delay traffic, but this argument doesn't survive the democracy test. A suburban road with traffic light controlled intersections can carry about 600 cars an hour, carrying about 660 people. If 12 trams are scheduled down the same street with typical peak hour passenger loads, more than 1 000 tram passengers will be carried in the peak flow direction per hour, while some—but not all—car journeys will be delayed slightly.

I think there is a lot of literature and statistics around to show that trams are very economical. Therefore, given the evidence received, the committee accepts that the proposed extension will provide an improved level of service for public transport users. Pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed public work.

The Hon. R.B. SUCH (Fisher): I have always supported light rail and if members look at *Hansard* over the years they will see that I have been arguing for a light rail system for a very long time. I welcome this extension but I point out that the reason the government has drawn some flak is not that people are against trams per se, although some might be; it is because the government has not spelt out a plan. If you run trams along King William Street or down some parallel north-south street, which you have to do if you want to have a network, you need to explain to the people that it is part of a wider plan. I have heard in recent times some encouraging noises from the Minister for Transport that he has a plan in mind, but I think if the government could even indicate, without going into precise street detail, what the plan might entail—for example, that it could extend to various suburbs—some of the concern about the tramline being seen as simply a replacement for a free bus would dissipate. We have—and I have raised this issue many times—a diesel train system which is the most primitive in Australia, and we are the only mainland capital that does not have an electric rail system. We have a broad gauge system for our trains and our Glenelg tram is a standard gauge system.

I believe that we need to consider—and this is what I am arguing—over time the conversion in stages of the broad gauge rail network to standard gauge, electrify it, and run it as a light rail system. You can extend it down to Seaford for much less than the cost of a heavy rail bridge over the Onkaparinga, which I am told amounts to about $100 million. You could either use the existing road bridges for light rail or put some pylon-type provision across the Onkaparinga. You need to run a light rail. You could run it out to Burnside, Norwood and other suburbs like that. You do not have to disfigure the Parklands; you can go up in the air and do all sorts of things with light rail. I think the concern with this project—and I can understand it and I know some of the people opposing this project—is that some people cannot see the logic of replacing a free bus service by a tram service costing $31 million in capital works. However, if it is part of the plan, they could see and understand its merit.

People have talked about removing trees. Tim Flannery calls plane trees weeds. My view is that basically any tree is better than no tree, but I think we have an opportunity, given that some of these plane trees have to come out, to replace at least some of them with trees which were indigenous to the Adelaide Plains. That way we can create a South Australian and an Adelaide feel to our city. You hear a lot of nonsense on gardening shows by people who say that native trees drop limbs. Some can but so do exotic trees. I heard one woman say that exotic trees do not lift footpaths. That is nonsense. Go to Norwood and have a look at where some of the giant plane trees have lifted the pavement. Any tree looking for water will push its way through its root structure to get to that water. Some natives are more likely to drop limbs than others. You have over 700 eucalypts to choose from, including those that used to be called eucalypts, now called Corymbias, like spotted gum and lemon-scented gum. They are beautiful trees but they are not native to the Adelaide area.

We should be looking to re-establish trees which are part of the Adelaide Plains, and the CBD lacks not only trees which are native to the area but also the shrubs and understory which would have been here in days gone by. In Hay Street, in Perth, quite a few native Corymbias have been planted, including spotted gums. We know the plane tree is a tough tree but so are some of the Corymbias in terms of pollution. On Fullarton Road near Glenside Hospital they are doing quite well and they are not worried by the car pollution. As I said, the plane trees have a place but we are becoming more aware that they cause allergies and skin irritation and, if you talk to people who have been involved in planting them, some have suffered respiratory ailments as a result of handling those trees.

I suspect that a lot of people in Adelaide who get asthma-type attacks probably should be looking at some of the pollen that is emitted by the plane trees. The other advantage with putting in some appropriate local natives is that you get filtered light rather than a complete blocking out of sunlight, and that was the intention by the people who knew what they were talking about when they advocated native trees on North Terrace. Sadly, it did not happen down by the library. People like Tim Flannery, as well as the head of the Botanic Gardens and the consultants recommended some native trees down there.

Returning to the issue, the member for Norwood quoted an article which appeared yesterday in *The Age* at page 13, and I recommend that every member reads it. It highlights the economic and environmental aspects of trams. The article points out that trams generate less than 12 grams of carbon dioxide per passenger kilometre. The diesel trains that we have generate enormous quantities of carbon dioxide because those diesel engines run constantly from 5 a.m. until midnight almost every day of the week. The article points out that buses generate about 80 grams of carbon dioxide per passenger kilometre and a car generates more than 200 grams per passenger kilometre. So trams are way ahead in terms of their impact on the environment and, for environmental and other reasons, I support this project. I commend the government for having the ticker to stick it out even though some people, for what appear to be valid reasons, have opposed this project. In time those people will come to realise that this is probably one of the most constructive projects in which any state government has ever engaged.

Mr HAMILTON-SMITH (Waite): This is a complete and absolute waste of $31 million of taxpayers' money. The two Liberal members on the Public Works Committee do not agree with the recommendations and content of the 251st report of that committee, and a minority report was written so as to point out its many shortcomings.

Why on earth this government resolved, in this term of parliament, to make this project its first priority simply leaves the public, and everyone on this side of the house, scratching their head. We are in the midst of the worst drought this state and this country has ever seen, and this government has come in here and identified to the parliament that we need substan-

tial public works designed to ameliorate the effects of that drought—there are desalination proposals, there is talk of weirs, there is the need to reinvest in SA Water infrastructure, new dams are being proposed, etc.

Not only that, we also have a $200 million backlog in road maintenance with roads from as far away as the Eyre Peninsula to the South-East in desperate need of repair, as well as bypasses at Penola, Mount Gambier and Port Wakefield, and overpasses at Gepps Cross. All those things are languishing on the books waiting to be done. We need to carry out substantial roadworks—for example, we need to duplicate the Dukes Highway from Tailem Bend to the Victorian border, put 10 overtaking lanes on the Riddoch Highway, and eventually duplicate the Princes Highway from Port Wakefield to Port Augusta. There is work required on Eyre Peninsula roads and on Yorke Peninsula roads. All these things are languishing on the books.

There are also important energy infrastructure projects required, schools to be built, and hospital infrastructure works required. There is a list as long as your arm of infrastructure works of a higher priority that need urgent funding, yet what has this government chosen as its first and top priority in this term? A $31 million tram extension from Victoria Square to City West. It is absolute bunkum. If the government sat down with stakeholders, if it consulted with the public (and there were 250 of them out on the steps of Parliament House today angrily protesting about the government's stupidity), if the government did its homework and properly costed and analysed the needs of the state in terms of investment and infrastructure, if it made up that list and prioritised it meaningfully and credibly—not stupidly, as it is in the government's infrastructure plan—where would this project sit in our overall list of priorities? I will tell you where it would sit; somewhere towards the bottom. It might be just above some silly things but it would certainly be nowhere near the top. It is going to be a white elephant; it will be a testament to the stupidity of this government. When the traffic snarls and congestion occur, when people reflect on the trees that have been removed and on the changes to the city streetscape once this project is finished, we will see just how enthusiastic they are about the tram.

Members on this side are not against trams and I do not think that the public at large is against trams. I actually like trams—in fact, I caught the trams the other day and spent the whole day on the network: the trams, trains and buses. I love travelling on trams—they are a lot of fun, they look great, and they have something to offer—but why would the government take this project and make it its first priority on election and deliver it ahead of all these other things? Desalination is needed on the Eyre Peninsula and the aquifer is being drained. Why would the government put it ahead of all these other works just—

Mr Hanna: The Oaklands crossing.

Mr HAMILTON-SMITH: The Marion/Oaklands bus interchange has been knocked down to nothing more than an upgraded bus stop and a new railway station—not an interchange at all.

An honourable member interjecting:

Mr HAMILTON-SMITH: Members are just offering their suggestions as to where they would like the money to be spent, and every member in the house would have his or her own ideas on that. But what do we have? We have this stupid tram proposal.

First, the quality of the submission from the department to the Public Works Committee was a disgrace, and if that is the standard of paperwork and research we can expect then it is little wonder that this is a half-cocked, knee-jerk project. If that quality of work does not improve it will stand as a testament to the lack of professionalism within DTEI, and I just say to the department, 'Do better'. The efficiency and progress of the construction, which is a task of the Public Works Committee, is of concern. There are 67 trees to be removed; it is all right to take them but not to remove trees for the Britannia roundabout. As I mentioned, the planned public works will significantly add to congestion. The work is simply not needed.

This project has come to us today and this is the last stand, the Alamo. This is it. It has been through an exhaustive process: the government has approved it, it has been through cabinet, it has been off to the council, it has been to the DAP, it has jumped numerous hurdles, and this is the final one. If the parliament votes in favour of this report today (and there will be a division on it) then we are going to get the tram. That is it, it is going to happen; and $31 million of the taxpayers' money will be wasted.

People have every right to be angry—$2.7 billion per annum in additional revenue. Here comes the member for Mount Gambier into the chamber making a galah of himself. Could he think of some infrastructure projects in his electorate that would be a higher priority than the tram project? Perhaps he would like to see the money spent on a bypass in Mount Gambier or Penola. Maybe he would like to see investment in roads in the South-East. Maybe people would like to see some of this money spent on bus and train services.

The government said that it will spend $10 million over four years upgrading our bus services. Imagine if you took this $31 million and said, 'We will spend $41 million on our bus and train services.' We would have Go Zones outside everybody's front door. The other 95 per cent of people living in Adelaide could then enjoy the public transport benefits, because the only people who will use this proposal are those who live astride the tramline to Glenelg. Good for them; it will be great for them. I will get on the tram, I will use it and so will a lot of people, and it will be great. But the other 95 per cent of people living in the outer southern suburbs, the northern suburbs, the Hills and the west, those people who do not have a tram and depend on a bus and train, what have they got? They have nothing. Where are their members? A number of them in the Labor Party—in fact, most of them in the Labor Party—where were they arguing in caucus for this money to be redirected to their bus and train services? There was nothing but silence. They went off like lambs to support this silly tram proposal, which was developed by the Minister for Transport and the Premier scribbling on the back of an envelope over a cappuccino somewhere in Oregon, USA.

We are told that it will lead to a renaissance and reinvent the city of Adelaide. Hallelujah, here it comes! Paris and Monaco move aside, Adelaide is about to be transformed by a $30 million tramline. What a load of nonsense. Not a bit of evidence to support the claim has been given, and not a bit of science has been put up to sustain the proposition that this will lead to urban renewal. It is a dream.

I draw the attention of members to the minority report. The opposition will be opposing this measure, although we do not like to do so. We like majority reports in parliamentary committees but, in this case, it is a stupid proposal, it is a waste of taxpayers' money, it has been poorly conceived, and it has been poorly planned. The science and research to sustain the arguments are shoddy. It will be of marginal

benefit. It will probably create more problems than it solves. It replaces services that already adequately meet the needs of the public. Frankly, I am just bewildered that the government could be so stupid as to bring it to the house.

Time expired.

Mr HANNA (Mitchell): The Public Works Committee—

Members interjecting:

The DEPUTY SPEAKER: Order! Wait a moment, member for Mitchell. We have now had two incidents when members on my left have indicated surprise at my call. Standing order 106 is that which applies. It requires that, if two speakers rise at once, the member who, in the opinion of the chair, rose first will be called. In both instances, the member for Fisher and the member for Mitchell had risen in their places quite some time before other members on my left. The member for Mitchell.

Mr HANNA: Thank you, Madam Deputy Speaker. The Public Works Committee has considered the tramline extension. It is obviously a very controversial project. I speak today to represent the feelings of disapproval in my community in relation to the tramline extension. I like trams and many people in my community like trams. We all enjoyed riding on the Glenelg tramline, especially the old heritage trams that were recently decommissioned. However, this tramline proposal is unpopular. It is particularly unpopular, not only because there is a current free bus service, which it seeks to replace, but also because it is not part of any transport plan. It would be a lot easier to sell if there were a distinct proposal spelled out to take a tramline to a worthwhile destination; maybe it would be the airport, Norwood, North Adelaide or Port Adelaide. It does not make much sense to us to see that it goes to North Terrace and no further. It will benefit only a very limited range of people.

Even in the arguments put forward by the member for Norwood on behalf of the government majority in the Public Works Committee there were flaws. It is a flawed argument to say that more people will use the trams than drive cars during peak hours and therefore that will benefit people more if the tram is allowed to go down King William Street. While it might be true that you could pack more people into a tram for a half an hour in the morning and half an hour at night than you could into cars down King William Street, most of the time people use their cars in the city. For as long as we have roads that are open to cars in the city (and that is another debate to have one day) it makes sense to avoid traffic congestion and chaos by keeping King William Street as wide and free as possible.

On behalf of the Labor members of the Public Works Committee, the member for Norwood did acknowledge a number of the problems that will arise. She acknowledged that there would be traffic problems. She acknowledged that kerbing would be narrowed in North Terrace. She acknowledged that many trees would be taken out. These are the sorts of things that annoy people when they cannot see the obvious benefit, given that there is already a free public bus service. I note that the Liberal Party members on the Public Works Committee filed a minority report, and they represent a majority of the community.

One of the most annoying things about this process has been the government's insistence that 70 per cent of the population approve of the proposal. That is absolute rubbish. It is based on a stand being set up in Rundle Mall with interested bystanders coming up and giving their tick of approval. That, of course, was before all the details were known of kerbs being narrowed, of trees being taken out and so on.

I am absolutely convinced that a majority of people in Adelaide, and certainly in my community, are against the proposal. I think it is very arrogant and premature of the government to charge ahead with this. Certainly, it is premature of it to do so without coming out with a very definite plan for where trams fit into the Adelaide transport system and where the tramline will eventually go, should this extension up King William Street and into North Terrace be built. The $30 million—and by the time it is finished it might be $40 million—would be much better spent elsewhere. I have a major traffic problem down at the intersection of Diagonal Road and Morphett Road at the Oaklands crossing, and I know where I would rather see that money spent. I would rather see it spent improving safety and removing congestion, with a rail/road separation at that point, rather than on this project.

I know that every member of this House of Assembly can come up with projects in their own electorate that would be more beneficial than this. When there are so many other useful alternative projects that could be pursued, It is hard to understand why the Labor government is so insistent on pushing ahead with this project in the face of public opposition.

Mr WILLIAMS (MacKillop): I will not be supporting and I am not a supporter of this current project. In saying that, I will not say that I am not a supporter of trams. I think trams in an integrated transport system are good, but what we do not have in Adelaide is an integrated transport system. We do not have that because we do not have a plan. There is no integration, no plan, and there has not been planning on a transport system in South Australia for a damn long time. We did have a fantastic master plan: the Metropolitan Adelaide Transport Study, MATS. It was a fantastic transport plan for Adelaide. We even put aside the corridors for a lot of the major parts of that. We had the land put aside but, just like this government, previous short-sighted Labor governments sold off the land.

We now have this government, with a mismatch of tunnels, underpasses, overpasses etc., up and down the north/south corridor, South Road, trying to cover up the mistakes that previous Labor Governments made because they were so short-sighted. We have an opportunity to have a transport plan, because it is certainly time we revisited it. If Adelaide is going to continue to grow, principally in a north/south direction, with talk of 7 000 homes at Buckland Park to the north, we just do not have a decent north/south corridor. Here we are fiddling around, spending $31 million making more complications to our transport system. The Minister for Transport has stood in this place and laughed and carried on and said to the opposition, 'You just don't get it: we're going to get the buses out of King William Street.'

We have said, 'How are you going to fit all the traffic in there?' I challenge the Minister for Transport to go out any morning and any evening during peak hour to the corner just outside this building, the corner of King William Street and North Terrace, and explain to anyone walking by what is going to happen on that corner during peak hour every day and every night when he takes two full lanes out of King William Street and when he upsets the current sequence in the changing of the lights to enable the trams to come round into North Terrace. I would like the Minister for Transport to walk down King William Street where people are queuing up to

catch their bus home after their day's work in the city, all those people in the north-western and north-eastern suburbs, and explain to them where they are going to catch their bus.

The minister has stood in this house and said, 'We're going to get rid of a heap of buses because, all of a sudden, we are going to have all these people riding up and down King William Street on the tram and there will be very few buses, so that will reduce the amount of traffic on the roads so that we don't need all those lanes that we have there now.' I just wonder where those people who currently catch their bus up here in King William Street and all the way down to the northern suburbs are going to catch it. Are we going to make somewhere for the buses to turn round in front of Adelaide Oval? Are we going to have 20 or 30 bus stops in front of the Victor Richardson gates? I do not know where they are going to catch their bus.

The minister has told us that, once the trams are here, the buses will not be in King William Street. Are they going to be coming down Morphett Street and up Frome Road and Pulteney Street, so that the people who will now be able to catch the tram from Victoria Square to North Terrace will not have to do any walking but everyone from the northern suburbs will have to walk from maybe O'Connell Street out in North Adelaide or down in front of the Adelaide Oval, or will it be down in Morphett Street, somewhere down in that area, and they will have to walk from there back into the city? Will it be Pulteney Street or Frome Road? The minister has not explained because the minister has no plan. Quite frankly, I think the minister has no idea.

We know where the genesis of this came from. The Premier was in the United States (I think in Portland, Oregon) on a tram and, as is the Premier's wont, he felt a media opportunity coming on and said, 'Hey, guys, guess what we're going to do in Adelaide.'

Mr Hamilton-Smith: He had a vision.

Mr WILLIAMS: He had a vision. He said, 'Guess what we're going to do in Adelaide, guys. We're going to extend the tramline and we'll run right up King William Street.' That was his vision. He had not thought about it, had not done any planning, had not spoken to his transport minister and had not sought advice from Transport SA. He just stood in front of a TV camera, as is his wont, and said, 'How fantastic am I: I have had an idea.' That is where this has come from, and that is why we have a transport mess in Adelaide. At a transport conference last week, the Minister for Transport spoke about the transport network in Perth. He talked about the train going out to Subiaco. I wish the Minister for Transport would spend a couple of weeks in Perth.

Mrs Redmond: That would be nice!

Mr WILLIAMS: It would be nice for us. Perth has a fantastic transport system because it is integrated. Successive governments in Western Australia have headed in the same direction. They have looked at the long term and planned for the future. They have said, 'We will have a rail system, so we will ensure it is electrified and standardised and runs right across our city—east, west, north and south.' The Western Australian government is currently extending its commuter rail network to Mandurah. There is one similarity between our minister and their minister: there was a cost blow-out. Originally it was going to cost $1 billion and it is now heading towards $2 billion; so there is a similarity between our transport minister and the Labor transport minister in Western Australia. That is about the only similarity.

In Western Australia, successive governments have pushed ahead with the same thought. They all have looked at the future. They have built an integrated transport system. The freeway runs south from the city of Perth to Mandurah. It is a big freeway; it is a multi-laned road in each direction with a railway line through the middle. There are interchanges along the way where one can get off the bus or park a car in order to catch the train into the city. That is the way they have done it in Perth. They have not got a mismatch of heavy rail, light rail, trams, buses and the O-Bahn. They have integrated the whole network. We have the whole lot here in Adelaide and they all come in at one point where there is no room. If the Minister for Transport came to the parliament with a plan for the whole of Adelaide and for the growth of the city and said, 'I have a vision for Adelaide for the rail network, and it will cost a lot of money. I do not expect to do it in the next year or two or in the term of this government. This is what we should be doing over the next 20 or 30 years and this is the first incremental step in that direction,' I might accept that the minister had got it right. But I assure the house that if the minister had that sort of plan he would not be doing it with trams.

I do not believe we can service the growth in the northern suburbs and the southern suburbs with trams because they are too slow. They have little wheels and their maximum speed is restricted. We should do it with electric trains. That is why I say that we are continuing with a mishmash. We are investing more money into a system that we should be getting rid of. We should be getting rid of it and rationalising the transport network in order to have an integrated system, so we do not have five or six different modes of transport. We should restrict it to one or two and we should look to the future.

Mr KENYON (Newland): I am pleased to speak on this issue. I think the trams will be excellent.

Mr Hamilton-Smith interjecting:

Mr KENYON: Unfortunately not. We could put them down the O-Bahn track. We have a transport system in the north-eastern suburbs and it is very popular. It is called the O-Bahn and it is very good.

Members interjecting:

The SPEAKER: Order!

Mr KENYON: Thank you, sir. As a young, inexperienced member I need the protection of the chair from the bullies opposite who are howling me down. I am pleased to say that, along with the members for Waite and Finniss, I was on the Public Works Committee that approved the project.

Mr Hamilton-Smith: No; we didn't. We were a minority.

Mr KENYON: Are you sure? It is an excellent project. It will be brilliant. When it happens people will accept it and all this fuss will blow over. The short-sighted opportunism from the opposition will disappear into the dust—exactly where it should be. It is opportunism, nimbyism and hippyism. It is sort of a Pol Pot approach to history. It is the year zero. The year 2005 was year zero and we forget the past when it was Liberal Party policy; and the fact that everything has now changed and we oppose it. I think eventually members opposite will see the folly of their ways. They will realise it is an excellent project. I have no doubt that at some point in the future they will be catching it quite a lot as they wander along North Terrace and King William Street.

Mrs REDMOND (Heysen): I was not planning to speak on this issue, but I have been inspired by some comments that have been made. I have always been an opponent of the trams. I do not think they are as efficient as many people say,

although I will concede that the Melbourne integrated system carries more passengers than other systems around the country. Some $31 million would go a long way towards fixing things in my own electorate. The government recently announced that it is changing our bus services by depleting quite a lot of them. I understand they need to put them where more passengers require them, but it will take services out of the electorate on the basis of not having enough passengers. The services have been running effectively for years, and that money would be better spent being put into those services.

The house divided on the motion:

AYES (26)

Atkinson, M. J.	Bedford, F. E.
Bignell, L. W. K.	Caica, P.
Ciccarello, V. (teller)	Conlon, P. F.
Fox, C. C.	Geraghty, R. K.
Kenyon, T. R.	Key, S. W.
Koutsantonis, T.	Lomax-Smith, J. D.
Maywald, K. A.	McEwen, R. J.
O'Brien, M. F.	Piccolo, T.
Portolesi, G.	Rankine, J. M.
Rau, J. R.	Simmons, L. A.
Stevens, L.	Such, R. B.
Thompson, M. G.	Weatherill, J. W.
White, P. L.	Wright, M. J.

NOES (12)

Chapman, V. A.	Evans, I. F.
Griffiths, S. P.	Gunn, G. M.
Hamilton-Smith,M.(teller)	Hanna, K.
Pederick, A. S.	Penfold, E. M.
Pisoni, D. G.	Redmond, I. M.
Venning, I. H.	Williams, M. R.

PAIR(S)

Rann, M. D.	Goldsworthy, M. R.
Foley, K. O.	Kerin, R. G.
Hill, J. D.	Pengilly, M.
Breuer, L. R.	McFetridge, D.

Majority of 14 for the ayes.

Motion thus carried.

TERRORISM (PREVENTATIVE DETENTION) (MISCELLANEOUS) AMENDMENT BILL

The Hon. M.J. ATKINSON (Attorney-General) obtained leave and introduced a bill for an act to amend the Terrorism (Preventative Detention) Act 2005. Read a first time.

The Hon. M.J. ATKINSON: I move:

That this bill be now read a second time.

The Council of Australian Governments held a special meeting on counter-terrorism on 27 September 2005. The communique resulted in the announcement of new policies; some of the most urgent of these were proposed legislative changes. The member for Bragg characterises these as stuff-ups: I think not. The relevant part of the communique read:

> COAG considered the evolving security environment in the context of the terrorist attacks in London in July 2005 and agreed that there is a clear case for Australia's counter-terrorism laws to be strengthened. Leaders agreed that any strengthened counter-terrorism laws must be necessary, effective against terrorism and contain appropriate safeguards against abuse, such as parliamentary and judicial review, and be exercised in a way that is evidence-based, intelligence-led and proportionate. Leaders also agreed that COAG would review the new laws after five years and that they would sunset after 10 years.
>
> State and territory leaders agreed to enact legislation to give effect to measures which, because of constitutional constraints, the commonwealth could not enact, including preventive detention for up to 14 days and stop, question and search powers in areas such as transport hubs and places of mass gatherings. COAG noted that most states and territories already had or had announced stop, question and search powers.

Our being pledged to that part of the communique that deals with strengthening counter-terrorism laws requires states and territories, including, obviously, South Australia, to legislate in three general areas of criminal law and police powers. The member for Bragg interjected that our responding to commonwealth requests in this area was a stuff-up: I think not. Those areas were:

- special police powers to stop and search people, places and things;
- special police powers to search items carried or possessed by people at or entering places of mass gatherings and transport hubs; and
- preventive detention laws that top up commonwealth proposals where there is advice that the commonwealth (but not the states) lacks constitutional power to legislate.

The first two of those three pledges are fulfilled in the Terrorism (Police Powers) Act 2005. The COAG communique lacked detail, for reasons of practicality. The commonwealth determined to enact a regime of preventive detention modelled on that in the United Kingdom. The object of a preventive detention order is that a person is to be detained without charge, trial or any other official reason for a short period to (a) prevent an imminent terrorist attack occurring; or (b) preserve evidence of, or relating to, a recent terrorist attack.

The commonwealth had advice that it could not constitutionally legislate for the preventive detention of a person for more than 48 hours. However, the commonwealth wanted detention for 14 days to be possible (as it was in the case of the United Kingdom) and hence the communique obliged the states and territories to take up the slack. The member for Bragg may not support cooperative federalism; she may think this bill is a stuff-up but I doubt whether her party or the parliament will.

The South Australian Terrorism (Preventative Detention) Bill 2005 was drafted with close reference to successive commonwealth drafts of its bill, called the Anti-Terrorism Bill (No. 2) 2005. The reasons for this were clear and compelling. The decision was made early in the process that the states and territories should enact free-standing preventive detention legislation that did not require commonwealth detention as a pre-condition for state detention, but that eventuality could not be ruled out. Indeed, it may be regarded as probable that commonwealth detainees could become state detainees. Not only would it make no sense at all for the states and territories to have differently operating regimes, but it would be nonsense for each state and the commonwealth to have different regimes. This is something the member for Bragg would understand if she had any ministerial experience, or if there was even the prospect of her having some ministerial experience at some time in her career.

That did not mean word-for-word transcription. The states require some legal changes—for example, complaints against police are made to the Ombudsman in the commonwealth but to the Police Complaints Authority in South Australia. Judicial review processes are different, as are the jurisdictions of courts. Constitutional requirements are different, and so on. In addition, house drafting styles differ and some commonwealth refinements are unnecessary at a state level.

Most important of all, though, was that it was necessary to bear steadily in mind that detention of this kind for 14 days was a different proposition from detention for 48 hours at most.

Nevertheless, in the result and because of legislative timetables, the South Australian bill was necessarily debated and passed one day before the final form of the commonwealth bill was debated and negotiated through the federal Liberal Party's party room. Some changes were made in the final form of what became the commonwealth act that were not a part of the South Australian act. I would hardly accuse the federal parliamentary Liberal Party of a stuff-up because its backbenchers prevailed over the ministry on some points. The South Australian act should now be amended to reflect them.

I seek leave to have the balance of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

The relevant differences between the Commonwealth Act (as it enacts a preventative detention regime) and the South Australian Act 2005 are:

- There is special assistance for persons with inadequate knowledge of the English language, or a disability, which extends the South Australian provision in s 31(3) by requiring assistance to be given with contacting a lawyer;
- There are now requirements in the Commonwealth legislation that a summary of the grounds on which the relevant police officer thinks an order of any given kind should be made be attached to applications for the order and given to the defendant. That summary must not contain any information that will prejudice the security of the action being taken;
- The detaining police officer must, if the person is under 18 years of age, notify the Commonwealth Ombudsman of the detention and the person to whom it relates. The State equivalent for present purposes is the Police Complaints Authority;
- The Commonwealth Act now contains a requirement of notification to the detainee of an intention to apply for a continued detention order (in the State Act, an extension of the detention order under s 12). In addition, and as a result of this, when applying for a continued preventative detention order, the police must give the issuing authority any material about the application that the defendant has given the police. There appears to be no requirement that the material be relevant in any way;
- There is a whole new section in the Commonwealth Act about prohibited contact orders. The point of the section is the replacement of the very general test in ss 105.15.(4)(b) and 105.16.(4) with the list of possible grounds on which a prohibited-contact order can be made in what is now s 105.14A(4). Moreover, if one is made, the Commonwealth Ombudsman must be notified in all cases and the consequential rights must be explained to the detainee;
- The detainee now has the right under the Commonwealth provisions to make representations to the responsible police officer about revocation of the order. This right must be explained to the detainee;
- The Commonwealth Act contains a new section dealing with the detention of persons under 18. It enacts a general rule that they may not be detained with adults unless there are exceptional circumstances;
- The Commonwealth Act now requires that any questioning of a detainee be electronically recorded.

All of these changes are improvements and should be incorporated for the better protection of the liberty of the subject in difficult circumstances. The amendments proposed are designed to accomplish that end.

In addition, both SAPOL and the Supreme Court have asked for a provision presuming, though not conclusively, the validity of some documents, such as those prescribed by Rules of Court and some aspects of proceedings. In particular, it has been pointed out that it would be a charade to require a judge or members of a court to appear as witnesses in an appeal to prove the regularity of formal proceedings in which they served, without there being a hint that the documents or proceedings were irregular. This explains the evidentiary provision that is proposed by new s 51A of the Act.

This amending Bill will bring the South Australian legislation into line with the corresponding Commonwealth legislation. It accords with the South Australian Strategic Plan, Objective 2 'Improving Wellbeing', Priority Actions: 'Adopt and implement the newly developed counter-terrorism measures'. These amendments are necessary to accomplish this priority action effectively.

I commend the Bill to Members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These provisions are formal.

Part 2—Amendment of *Terrorism (Preventative Detention) Act 2005*

4—Amendment of section 3—Interpretation

Various amendments impose additional responsibilities on the nominated senior police officer for an order, a concept currently confined to section 19. Consequently, it is necessary to provide a signpost for the term.

5—Amendment of section 9—Application for preventative detention order

These amendments reflect section 105.7 of the Criminal Code of the Commonwealth as affected by in House amendments passed by the Commonwealth Parliament. They require the application for a preventative detention order to set out a summary of the grounds on which the police officer considers that the order should be made. It is made clear that information is not required to be included in the summary if the disclosure of the information is likely to prejudice national security.

6—Amendment of section 10—Making of preventative detention order

These amendments reflect section 105.8 of the Criminal Code of the Commonwealth as affected by in House amendments passed by the Commonwealth Parliament. They require the preventative detention order to set out a summary of the grounds on which the order is made. It is made clear that information is not required to be included in the summary if the disclosure of the information is likely to prejudice national security.

The amendments also place obligations on the nominated senior police officer for the order to notify the Police Complaints Authority about the order and whether the person in relation to whom the order is made has been taken into custody. (In the Commonwealth scheme it is the Commonwealth Ombudsman who is notified).

7—Amendment of section 12—Extension of preventative detention order

These amendments reflect section 105.10A of the Criminal Code of the Commonwealth as inserted by in House amendments passed by the Commonwealth Parliament. They require the police officer making an application for an extension or further extension of the period for which a preventative detention order is to be in force to notify the person of the proposed application and inform the person that, when the proposed application is made, any material that the person gives the police officer in relation to the proposed application will be put before the issuing authority to whom the application is made. The amendments impose an obligation on the police officer to actually do so.

The amendments require the application for extension to set out a summary of the grounds on which the police officer considers that the period should be extended. It is made clear that information is not required to be included in the summary if the disclosure of the information is likely to prejudice national security.

The amendments also place obligations on the nominated senior police officer for the order to notify the Police Complaints Authority about the extension. (In the Commonwealth scheme it is the Commonwealth Ombudsman who is notified).

8—Insertion of section 12A

These amendments reflect section 105.14A of the Criminal Code of the Commonwealth as inserted by in House amendments passed by the Commonwealth Parliament.

12A—Basis for applying for, and making, prohibited contact orders

The new section requires a police officer applying for a prohibited contact order, and an issuing authority issuing a prohibited contact order, to be satisfied of the factors set out in subsection (3).

9—Amendment of section 13—Prohibited contact order (person in relation to whom preventative detention order is being sought)

These amendments reflect section 105.15 of the Criminal Code of the Commonwealth as affected by in House amendments passed by the Commonwealth Parliament. The amendment to subsection (4) is consequential on the grounds for making an order being set out in new section 12A.

The amendments also place obligations on the nominated senior police officer for the order to notify the Police Complaints Authority about the prohibited contact order. (In the Commonwealth scheme it is the Commonwealth Ombudsman who is notified).

10—Amendment of section 14—Prohibited contact order (person in relation to whom preventative detention order is already in force)

These amendments reflect section 105.16 of the Criminal Code of the Commonwealth as affected by in House amendments passed by the Commonwealth Parliament. The amendment to subsection (4) is consequential on the grounds for making an order being set out in new section 12A.

The amendments also place obligations on the nominated senior police officer for the order to notify the Police Complaints Authority about the prohibited contact order. (In the Commonwealth scheme it is the Commonwealth Ombudsman who is notified).

11—Amendment of section 15—Revocation of preventative detention order or prohibited contact order

These amendments reflect section 105.17 of the Criminal Code of the Commonwealth as affected by in House amendments passed by the Commonwealth Parliament. New subsection (5) gives a person being detained the right to make representations to the nominated senior police officer for the order with a view to having the order revoked.

In addition, the amendments place obligations on the nominated senior police officer for the order to notify the Police Complaints Authority about the revocation of a prohibited contact order. There is no equivalent in the Commonwealth provisions.

12—Amendment of section 26—Warrant under section 34E of the *Australian Security Intelligence Organisation Act 1979*

13—Amendment of section 27—Release of person from preventative detention

These amendments are consequential on the enactment of the *ASIO Legislation Amendment Act 2006* of the Commonwealth. A cross reference is updated.

14—Amendment of section 29—Effect of preventative detention order to be explained to person detained

These amendments reflect section 105.28 of the Criminal Code of the Commonwealth as affected by in House amendments passed by the Commonwealth Parliament. The matters of which a detained person must be informed are extended to include the person's entitlement to make representations to the nominated senior police officer about revocation of the order, and the persons that he or she may contact under section 35 or 39 of the Act.

15—Amendment of section 32—Copy of preventative detention order

These amendments reflect section 105.32 of the Criminal Code of the Commonwealth as affected by in House amendments passed by the Commonwealth Parliament. The amendments are consequential on the provisions requiring a summary of the grounds on which an order is made to be included in the order (rather than in a later notice).

16—Insertion of section 33A

These amendments reflect section 105.33A of the Criminal Code of the Commonwealth as inserted by in House amendments passed by the Commonwealth Parliament.

33A—Detention of persons under 18

The provision is aimed at the separate detention of persons under 18 except in exceptional circumstances.

17—Amendment of section 37—Contacting lawyer

These amendments reflect section 105.37 of the Criminal Code of the Commonwealth as affected by in House amendments passed by the Commonwealth Parliament. The amendments concern the provision of assistance to a person who is unable to communicate with reasonable fluency in the English language and who may have difficulties in choosing or contacting a lawyer because of that inability.

18—Amendment of section 41—Disclosure offences

These amendments reflect section 105.41 of the Criminal Code of the Commonwealth as affected by in House amendments passed by the Commonwealth Parliament. The amendments concern communications between parents or guardians of a detained person.

19—Amendment of section 42—Questioning of person prohibited while person is detained

These amendments reflect section 105.42 of the Criminal Code of the Commonwealth as affected by in House amendments passed by the Commonwealth Parliament. The amendments require video and audio taping of any questioning of a person while the person is being detained under a preventative detention order (unless the seriousness and urgency of the circumstances require questioning to ensure safety and well being or identification).

Subsections (6) to (9) are peculiar to South Australia. They establish a scheme under which the detained person has a right to view the recording and obtain a copy of the audiotape. It is an offence to play the videotape or audiotape to another except in limited circumstances.

20—Amendment of section 45—Offences of contravening safeguards

These amendments are consequential to pick up relevant new provisions as offences.

21—Amendment of section 48—Annual report

These amendments reflect section 105.47 of the Criminal Code of the Commonwealth as affected by in House amendments passed by the Commonwealth Parliament. The annual report is required to include the number of preventative detention orders and the number of prohibited contact orders that a court has found not to have been validly made.

22—Insertion of section 51A

This amendment is peculiar to South Australia.

51A—Evidentiary provision

This new section provides an evidentiary aid as to the making, terms or revocation of a preventative detention order or prohibited contact order.

Ms CHAPMAN secured the adjournment of the debate.

MEMBER'S REMARKS

Ms CHAPMAN (Deputy Leader of the Opposition): I seek leave to make a personal explanation.

Leave granted.

Ms CHAPMAN: During the course of the second reading explanation by the Attorney-General today of the Terrorism (Preventative Detention) (Miscellaneous) Bill, on three occasions the Attorney-General referred to a statement attributed to me that this is a stuff-up (or words to that effect) in respect of this bill and that, in some way, I implied that the government's failure to act resulted in having to produce this bill. Not only did I find that unnecessary and unpleasant, it was untrue. I indicate to the house that at no time did I make a statement that was relevant to this bill at all.

BARLEY EXPORTING BILL

The Hon. R.J. McEWEN (Minister for Agriculture, Food and Fisheries) obtained leave and introduced a bill for an act relating to the export of barley; to repeal the Barley Marketing Act 1993; to make a related amendment to the Essential Services Commission Act 2002; and for other purposes. Read a first time.

The Hon. R.J. McEWEN: I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

South Australia's *Barley Marketing Act 1993* (the ***Act***) restricts the export of bulk barley from this State to one entity, ABB Grain Export Ltd, a subsidiary of ABB Grain Ltd. Pressure to change this arrangement has been building for several years.

In particular, the arrangement does not comply with National Competition Policy, to which all State and Territory Governments and the Commonwealth Government remain committed. South Australia's failure to reform the Act to comply with National Competition Policy has cost the State more than $9 million in competition reform payments over the period 2002/03-2004/05, to the detriment of the entire South Australian community.

There is also a growing belief amongst growers that a move towards deregulation will provide them with a better opportunity to improve returns for the quality grain they produce.

Last year, in response to this continuing pressure for change, the South Australian Farmers Federation (***SAFF***) Grains Council agreed to the establishment of a Barley Marketing Working Group to deliver a marketing model that will satisfy both the Government's and growers' needs.

Respected former House of Representatives Speaker, Neil Andrew, agreed to chair the Working Group, which comprised three barley growers nominated by the SAFF Grains Council, Messrs Garry Hansen from Coomandook, Stuart Murdoch from Warooka, and Michael Schaefer from Buckleboo, together with two senior officers, Mr Geoff Knight and Dr Don Plowman, from Primary Industries & Resources SA.

The Working Group made an open call for submissions from relevant stakeholders who might be interested in contributing to the process. This included mailing a letter of invitation to all South Australian grain growers registered on the National Grower Register in July 2006, mailing specific letters of invitation to companies and groups who might wish to make a submission and placing two advertisements in the *Stock Journal*.

The Working Group's report records that 26 written submissions were received and that after reviewing all the submissions, 14 of the respondents were invited to make a further presentation to the working group at individual consultations. In addition, the Working Group held a series of consultations with other people who had specific advice and input that was relevant to the deliberations of the Working Group.

After reviewing four options for barley marketing in South Australia, ranging from the status quo to deregulation, the Working Group concluded that there should be a phased transition to deregulation. Since the Working Group submitted its report, in December 2006, the SAFF Grains Council has commended the Working Group and unanimously adopted the report's seven recommendations as being the most effective way forward for bulk export barley marketing in South Australia.

The purpose of this Bill is to establish a three-year licensing scheme for exporters of barley to operate from 1 July 2007. An independent regulator, the Essential Services Commission of South Australia (ESCOSA), will administer the licensing scheme. The Bill also repeals the *Barley Marketing Act 1993*, thereby allowing South Australian barley growers to deliver bulk barley to whomever they choose, including exporters licensed by ESCOSA.

The proposed Bill allows the Minister to establish an advisory committee to provide advice on matters relevant to the administration of the licensing scheme and ESCOSA will have to take into account any advice from the advisory committee referred to it by the Minister when exercising its powers.

A plethora of independent reviews of "single desk" marketing arrangements, including South Australia's barley marketing arrangements, have found little or no benefit consequent upon a 'single desk'. Nevertheless, Members familiar with this issue would be aware that growers who favour retention of the export barley 'single desk' cite four major benefits: buyer of last resort; access to pools; security of payment; and maximising returns to growers. I take this opportunity to offer comment on each.

- Buyer of last resort

The reality, as the Working Group observed, is that there is no buyer of last resort as the current 'single desk' manager; ABB Grain Export Ltd, has the power under the Act to not receive a delivery of barley if it does not meet specification.

- Access to "pools

In a deregulated market it is anticipated that multiple export pools will be offered, most likely by ABB Grain, Graincorp and Elders, as is the case now in the deregulated Victorian and New South Wales barley markets.

- Security of payment

The proposed licensing process will include a prudential assessment of barley exporters by ESCOSA. To the extent possible, this process will address grower and industry concerns about 'rogue traders' who might default on payments to growers and damage the reputation of the industry.

- Maximising returns to growers

The current 'single desk' manager is required to maximise returns to growers. While an open market may bring about increased price volatility, it will increase competition for barley and provide growers with an opportunity to capitalise on this competitive pressure. According to the Working Group, there is evidence of greater returns to growers in Victoria, where the export barley market was deregulated in 2001, and Western Australia, where the export barley market is partially deregulated. Only SA and WA regulate barley marketing.

While most mixed farmers are familiar with open markets for their minor crops and for their wool and livestock, barley and wheat dominate their cropping income and they have relied on the barley and wheat "single desks" to market their grain. To facilitate the transition to an open market, the Government will underwrite an education and training program for barley growers in South Australia. In addition to explaining the changes to barley marketing and introducing growers to price and other risk management tools, the program may include Victorian barley growers presenting "case studies" of Victoria's transition to an open barley market.

It is the Government's view that deregulation should pose no risk to either ABB Grain Export Ltd or ABB Grain Ltd.

While ABB Grain Export Ltd will lose the exclusive right to export bulk barley from South Australia, it enjoys grower loyalty established over many decades, providing it with a competitive advantage over new entrants into the barley exporting industry. Consequently, it is expected to remain dominant in the barley exporting industry—a position the company has maintained in Victoria since deregulation in that State in 2001.

ABB Grain Ltd is an integrated agribusiness with diverse investments and activity across the supply chain: from farm inputs, production, storage and handling and logistics to marketing and processing of a range of commodities. Only a quarter of ABB Grain Ltd's grain marketing activities now relate to the export of barley. Members may be aware that ABB Grain Ltd is a member of one of the consortiums recently granted a wheat export licence.

The Government is keen to progress these reforms of the bulk barley export industry at the earliest opportunity so as to provide surety for growers and marketers as they make plans for the 2007 barley crop.

I commend the Bill to Members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

3—Interpretation

This clause contains definitions of expressions for the purposes of this measure. In particular, barley is defined as the grain derived from the barley plant in unprocessed form (but will not include grain excluded from the ambit of the definition by the regulations).

4—Application of Act

This clause provides that this measure applies to the export of barley from a South Australian port to a destination outside Australia, but does not apply to the export of barley packed in a bag or container capable of holding not more than 50 tonnes of barley.

Part 2—Regulation of barley exporting

Division 1—Declaration of barley exporting as regulated industry

5—Declaration of barley exporting as regulated industry

This clause declares that barley exporting constitutes a regulated industry for the purposes of the *Essential Services Commission Act 2002*. As a result of this declaration (and the related amendment proposed to the *Essential Services Commission Act 2002*—see Schedule 3), the Essential Services Commission (the ***Commission***) may perform the

licensing functions conferred on the Commission by this measure.

Division 2—Licensing of barley exporters

6—Obligation of barley exporters to be licensed

This clause makes it an offence for a person to export barley except as authorised by a licence issued under Part 2 of this measure. The penalty for the first such offence is a fine of $500 000 and, for a subsequent offence, $1 000 000.

7—Application for licence

This clause provides that applications for export licences must be made to the Commission in a form approved by the Commission, contain the information as specified in the form and be accompanied by the application fee.

8—Consideration of application

This clause provides that the Commission must have regard to the general factors specified in Part 2 of the *Essential Services Commission Act 2002* and only issue a licence if satisfied that—

- the applicant is a suitable person to hold the licence; and
- the applicant will be able to meet reasonably forseeable obligations under contracts for the export of barley; and
- the grant of the licence would be consistent with criteria (if any) prescribed by regulation for licences to export barley.

9—Authority conferred by licence

This clause provides that a licence authorises the person named in the licence to export barley in accordance with the terms and conditions of the licence.

10—Term of licence

This clause provides that a licence may be issued for an indefinite period or for a term specified in the licence.

11—Licence fees and returns

This clause provides that a person is only entitled to the issue of a licence once the person has paid the annual licence fee, or the first instalment of the fee (as required by the Commission).

12—Licence conditions

This clause provides that the Commission may grant a licence to export barley subject to any conditions that the Commission thinks appropriate.

13—Offence to contravene licence conditions

This clause makes it an offence for a licensed barley exporter to contravene a condition of the licence (penalty $50 000).

14—Variation of licence

This clause provides for the Commission to vary the terms and conditions of a licence.

15—Surrender of licence

This clause allows a barley exporter to surrender its licence by written notice.

16—Register of licences

Under this clause, the Commission must keep a register of barley export licences and make it available for inspection.

17—Suspension or cancellation of licences

This clause empowers the Commission to suspend or cancel a barley export licence on certain grounds.

Part 3—Reviews and appeals

18—Review of licensing decisions by Commission

This clause enables the Commission to review certain decisions of the Commission relating to licences under Part 2 of the measure on application. After consideration of the application, the Commission may confirm, amend or substitute the decision.

19—Appeal

This clause allows an applicant for review who is dissatisfied with the decision on the review to appeal against the decision to the Administrative and Disciplinary Division of the District Court (the ***ADD***). On an appeal, the ADD may affirm the decision or remit the matter to the Commission for further consideration in accordance with any directions of the ADD.

20—Minister's power to intervene

This clause provides that the Minister may intervene in a review or appeal under this proposed Part for the purpose of introducing evidence or making submissions on a question relevant to the public interest.

Part 4—Miscellaneous

21—Advisory committee

This clause provides that the Minister may establish an advisory committee to advise the Minister on the operation of and any matter arising under this measure. The Commission must, when exercising its functions under this measure, take into account any advice given by the advisory committee and referred to the Commission by the Minister.

22—Regulations

This clause makes provision for the Governor to make such regulations as are contemplated by, or as are necessary or expedient for the purposes of, this measure.

23—Expiry or earlier repeal of Act

This clause makes provision for the expiry or earlier repeal of this measure by providing that the Governor may, by proclamation, fix a date for its repeal.

However, if no date for the repeal of this measure has been fixed by proclamation, it will expire on the fourth anniversary of its commencement.

Schedule 1—Appointment and selection of experts for District Court

This Schedule provides for the appointment and selection of experts for the purposes of appeals to be heard under this measure by the ADD.

Schedule 2—Repeal of *Barley Marketing Act 1993*

This Schedule provides for the repeal of the *Barley Marketing Act 1993*.

Schedule 3—Related amendment of *Essential Services Commission Act 2002*

This Schedule proposes to amend the *Essential Services Commission Act 2002* by inserting "grain handling services" as an essential service. The effect of including grain handling services as an essential service means that barley exporting may be declared to be a regulated industry for the purposes of that Act thus enabling the Essential Services Commission to be able to exercise the powers conferred on it by this measure.

Ms CHAPMAN secured the adjournment of the debate.

STATUTES AMENDMENT (AFFORDABLE HOUSING) BILL

In committee.

(Continued from 20 February. Page 1813.)

Clause 33 passed.

Clause 34.

Ms CHAPMAN: This provision is for the registration of the housing cooperatives. Can the minister tell us how many currently are registered? Can the minister also confirm the proposal that the authority will now be himself?

The Hon. J.W. WEATHERILL: The scheme of the legislation is that the trust is the authority and, therefore, it is the chief executive under this scheme. I do not have that number at the moment but I will try to get it to the honourable member before 6 p.m. today.

Ms CHAPMAN: My understanding is that all of the section is to delete 'the authority' and substitute 'the minister', so I seek some clarification as to why you are being substituted as the authority if you are not the person who will be in control of the registration which all relates to the authority.

The Hon. J.W. WEATHERILL: I do not think what I said before was quite right. I am the minister who is the authority for these purposes but it is intended that I will delegate that function to the chief executive. It finds its way back to the chief executive but not through the medium of the South Australian Housing Trust.

Ms CHAPMAN: The following amendments are all to delete 'the authority' and for you to be the appointed person responsible for: the powers in relation to amalgamation, the alteration of the rules, the powers of the registered housing co-ops, the abolition of the doctrine of constructive notice in

relation to registered housing co-ops, the application for membership, the voting rights of members, control of payments to members, the qualification of a committee member and vacation of office, the preparation of accounts and audit, the accounts and reports to be laid before the annual general meeting, the returns, the right of inspection, and the issue of the investment shares. Could you indicate, minister, whether you intend to delegate all of those and, if so, to whom? Do you propose not to delegate any of them in particular?

The Hon. J.W. WEATHERILL: Yes, it would be my intention to delegate those powers to the chief executive. In some respects you will notice that instead of the minister being substituted for the authority in some limited cases it is the South Australian Housing Trust and they are the more asset-related functions.

Clause passed.

Clauses 35 to 47 passed.

Clause 48.

Ms CHAPMAN: We now come to the share capital account, and in this case it is proposed to delete the authority and substitute the South Australian Housing Trust which (as we know from previous matters raised in committee) is to be Ms Vardon or her successor. In relation to this, is it proposed that her authority will be delegated to any other person; if so, to whom?

The Hon. J.W. WEATHERILL: In this case we are talking about asset holding. Because those assets are to be held in the name of the South Australian Housing Trust, and because we have defined the South Australian Housing Trust corporate entity as being the chief executive, that is, in a sense, already taken care of. She is the chief executive for those purposes and I am not presently aware of any intention to further delegate any of those powers.

Ms CHAPMAN: Section 52(4) of the current act—that is, the South Australian Co-operative and Community Housing Act 1991—provides that:

> If the co-operative is not a subsidised co-operative, the co-operative may, subject to the regulations, use any amount credited to the share capital account—
>
> (a) in satisfying any liability of the co-operative on the redemption or cancellation of any shares of the co-operative; or
>
> (b) to any other purpose authorised under the rules of the co-operative or approved by the Authority.

In this case, the amendment proposed is that the minister will have responsibility on this. Is it proposed that you delegate that power; if so, to whom?

The Hon. J.W. WEATHERILL: That is an administrative issue and I would delegate that to the chief executive of the agency.

Clause passed.

Clause 49.

Ms CHAPMAN: As in sections 57, 58 and 62 the principal authority is yourself, minister. There are some provisions that it goes to the South Australian Housing Trust and in those is it similarly proposed that, where it is yourself to the chief executive, you will delegate, and the chief executive will be the South Australian Housing Trust in any event?

The Hon. J.W. WEATHERILL: Yes.

Clause passed.

Clauses 50 to 52 passed.

Clause 53.

Ms CHAPMAN: This is the clause that deletes the current division 2, which is the provision for funding, and, in particular, the existence of a central fund that will be abolished altogether. I am not certain from this (although it may be quite clear in the act), but with the abolition of the central fund will all funds received from any other stakeholder in the development of community or cooperative housing be held with the Treasurer, or is it proposed that there be some other fund established to receive these funds?

The Hon. J.W. WEATHERILL: It will be held by the South Australian Housing Trust.

Clause passed.

Clause 54.

Ms CHAPMAN: Is any funding received from the Treasurer, as approved by him, to be paid to the South Australian Housing Trust fund or some other source? I appreciate that this clause specifically relates to financial transactions between the authority and the registered housing co-operatives but, of course, their central fund will be abolished and, as you indicated, the South Australian Housing Trust will in some way hold an account under the control of the chief executive. Will any funds received by approval of the Treasurer also be paid to that fund?

The Hon. J.W. WEATHERILL: The funds could come from a number of sources. They could come from general revenue in that sense. The fact that the Treasurer is approving these funds may not necessarily mean that they are coming from consolidated revenue. However, when they do come in, they would be held in the South Australian Housing Trust. I think that, in the case of community housing assets, they would be held in a separate ledger so as to distinguish them from the public housing assets.

Ms CHAPMAN: Do I understand that all the moneys—whether they come from Treasury, a bank (with the approval of the Treasury), a private party that might be joining in some joint venture, a church, a charity, or a cooperative—will go into this one fund under the control of the South Australian Housing Trust but that you will keep some identification of the entry and tracing of those funds?

The Hon. J.W. WEATHERILL: Yes.

Clause passed.

Clauses 55 to 58.

Ms CHAPMAN: These clauses essentially relate to the creation of a statutory charge, which can be used to secure the enforcement of an agreement. As these will all come under the control of the SA Housing Trust, is it necessary to still have this statutory charge? We are not quite sure why it would still be necessary. Is it simply to monitor current co-op arrangements where statutory charges exist, or is it proposed that you want to have this power so that you can use it for future ventures or initiatives, as have been referred to?

The Hon. J.W. WEATHERILL: The purpose of the statutory charge is to secure the enforcement of a funding agreement that might be used with registered housing cooperatives. For instance, if a cooperative fails to comply with an agreement, the South Australian Housing Trust in this case can take steps to enforce the charge, including the transfer of the charge land to the South Australia Housing Trust or the sale of the charge land on the open market. I think that this really arises from the fact that the legal title is held in the name of the relevant community housing association. So, this is, in a sense, a means of trying to retrieve our equitable interest that would be embedded in the debenture.

Ms CHAPMAN: Is it proposed that any of the future ventures will require this charge on the basis that any government investment, if I can put it in that general sense, or public funding investment would make provision for a

third party having continued ownership of that asset, or would there, in fact, be a new structure?

The Hon. J.W. WEATHERILL: It would not be a necessary mechanism to be used in every case. I think the point of your question really relates to the issue of how we guarantee that it remains affordable. We obviously have the covenant mechanism that deals with that. There might be a land management agreement that may deal with that. To the extent that HomeStart Finance has provided a subsidised product, we essentially retrieve that if the loan is repaid. So, there are a range of mechanisms by which we protect the assets of the state while retaining the affordable component. This is just one of those. It would not necessarily be used in all cases. I think that it is really quite specific to community housing associations.

Clauses passed.

Clauses 59 to 73.

Ms CHAPMAN: Clause 59 specifically provides for the powers of investigation, which will be transferred to the South Australian Housing Trust. I think it is fair to say that the following provisions for the winding up and distribution of assets and all the appeal processes transfer the authority's powers to you and/or your chief executive. The member for Mitchell raised the question of how there would be any representative bodies to advise you, minister, in relation to community housing. Whilst there are still Housing Trust tenancy advocacy groups and the like whom you would still be open to hear, I wonder whether you can identify, once you have taken complete control of this entity, what advisory groups exist that you propose to continue to listen to and what mechanism there is for them to provide you with that advice or any obligation for you or your chief executive to receive that advice?

The Hon. J.W. WEATHERILL: The only thing the bill really changes is the management committee on the authority. All our existing advice and advisory authorities remain in place, or at least are not affected by the bill. It is our intention to have consumer reference groups of people who are consumers of the services. There is also an intention to have a strategic policy advisory committee established which will include representatives from the community housing sector. In fact, I think that Ms Halsey is the chair of that body, and she comes from a community housing background. So, that is the model we are using in relation to our advisory arrangements.

Ms CHAPMAN: Whilst the communication is open, do I understand that the model, the Strategic Policy Advisory Committee, will continue a role to some degree as the board has done, that is, both receive correspondence and deal with issues in this area from the cooperative and from the community housing community? Sometimes it is by residents in these facilities, sometimes it is by owners of these facilities, but they have been able to put submissions to have hearings from time to time before members of the board and have their concerns dealt with. Is it the government's proposal, then, that the Strategic Policy Advisory Committee will do all that and that it will provide the minister with that advice?

The Hon. J.W. WEATHERILL: The Strategic Policy Advisory Committee will have a slightly different role of high level advice about the housing system. It will not necessarily be set up specifically to hear sectoral issues concerning one of those particular elements. It would not necessarily set itself up to deal with the supported residential facilities issues, which are the subject of a separate advisory committee, or the homelessness sector, because that is subject to separate advisory arrangements, even though they would be represented on that; nor would it necessarily deal with consumer issues, which would be the subject of consumer reference groups and dealt with in that fashion. That is why each of those sectors is represented on that higher level committee. It is so that all those perspectives can be fed into a somewhat more integrated policy process.

Ms CHAPMAN: That sounds like an important initiative, to have this high level Strategic Policy Advisory Committee and, with the multiple of representation, that may be a very helpful group to the minister in the future. It may already be established. Who, then, will receive the consumer groups or other organisations that represent the homeless or other sectors within housing and listen to their views on matters that will now all be embraced by this new structure? Who will listen to them and how will that information get either to the Strategic Policy Advisory Committee so that it may advise the minister at the high level or to the minister for the purpose of any policy reform?

The Hon. J.W. WEATHERILL: As I said before, consumer reference groups will be created in each of these areas. I said before that Aboriginal housing was an area in which we thought that special advisory arrangements would be necessary, as well as the community housing sector. In addition, it needs to be borne in mind that the infrastructure of those authorities still exists within the bureaucracy. There will be an Office for Community Housing just as there is an Office for Aboriginal Housing, which has many of the same people who were working for those previous statutory authorities, and part of their role is to be an ongoing source of connection and communication with the sector.

Ms CHAPMAN: Again, that is admirable, and I appreciate the minister's indicating that the consumer reference groups may already have been established. If they have not, I note that they will be. How, then, will they receive these references? Will they meet with these people once a month? Will they make themselves available? At the moment there are boards that receive not just complaints but ideas and that have meetings from time to time, receive correspondence and often deal with disputes, especially in this area. I am not as familiar with what is happening in the Aboriginal Housing Board, as to whether it receives direct communication at that level.

It has played a very important role in dealing with issues which, for one reason or another, have not been able to be resolved at the level of a member of staff in the department. They may or may not have involved a dispute in relation to the chief executive as to decisions that are made, but that has been a very important role. The minister is taking over this role, he is going to have a high level Strategic Policy Committee that is representative, and he will have these consumer reference groups. If it is these consumer reference groups that will still be the open door for this type of submission, do they have a charter to open that door and be available to these people for that purpose, rather than this whole appeal process? I am not suggesting that it gets to the stage where there is a dispute, but there has to be some kind of avenue for them to be able to put their position and, even if it filters through, at least is available to the minister for the purpose of any policy direction or reform.

The Hon. J.W. WEATHERILL: That is a good point but it needs to be understood that, with these changes, the management of these authorities is moving back into government, not necessarily the process of being a sounding

board for the association, and that is the ambition of the consumer reference group. I would expect and really hope that it would continue to provide that open door to the sector so that people felt that there was a place they could go. Obviously, we do not want to drive people straight into the dispute resolution process that exists at the moment. That is a formal way of resolving disputes. I think it is an important warning to make sure that we do not lose the informal feedback mechanism which exists to government and which is a function presently performed by these two boards.

That position has been put very strongly to me in relation to Aboriginal housing and also mentioned in relation to community housing, and we will take that warning on board. It has certainly been made to us by the sector.

Clauses passed.

Clauses 74 to 84 passed.

Clause 85.

Ms CHAPMAN: I seem to be at a loss as to the direct purpose of this amendment to the Housing and Urban Development (Administrative Arrangements) Act. In the minister's second reading explanation, he said:

> The functions of the minister under the act are to include specific reference to the role of promoting planning and development systems that support sustainable and affordable housing outcomes within the community, and supporting the achievement of these outcomes by acting as a prescribed body under section 37 of the Development Act 1993.

Who has this role at present? Am I correct in the assumption that it all has been transferred to you, minister?

The Hon. J.W. WEATHERILL: The way that section works is to provide for the power under the Development Act for any number of ministers, including me, to become referral authorities for the purposes of the act. For the purposes of section 37 of the act the functions of the minister under the act are to include specific reference to the role of 'promoting planning and development systems that support sustainable and affordable housing outcomes within the community, and supporting the achievement of these outcomes by acting as a prescribed body under section 37 of the Development Act 1993'. This is the head power that creates the capacity to make a regulation to establish a particular affordable housing measure that pertains to a particular development.

Ms CHAPMAN: I am not sure why other ministers have to be involved. Is it to include the Minister for Urban Development and Planning, the Minister for the River Murray or the Minister for Environment and Conservation? Could you clarify that? I would expect some of them may be relevant to the Housing and Urban Development Act. I am not sure how they fit in and why it is necessary to go beyond you, minister, who will have control of everything.

The Hon. J.W. WEATHERILL: This gives me the power to participate in a process that already exists. When a development application is on foot, for example, a coastal development, it is referred to the Coast Protection Board. In this case it might be a referral to me for the purpose of making an assessment of whether it has met a certain test in relation to affordable housing. It is an empowering provision to get involved, if you like, in the development assessment process.

Ms CHAPMAN: If this expands to include you as the minister to have the referral power, how is it resolved if one minister proposes that it be referred and you do not?

The Hon. J.W. WEATHERILL: The development regulations will establish the nature of the referral. For instance, if it is an affordable housing development in a residential development of a certain size, the trigger might be that means there is a referral to the Minister for Housing for the purpose of making assessments about affordable housing outcomes. Perhaps if it was a development in a bushfire prone area there would be a reference to the Country Fire Service. I am one of the bodies that has a particular interest in a development of a particular type; in this case it is residential and my interest is affordable housing.

Clause passed.

Clauses 86 to 94 passed.

Clause 95.

Ms CHAPMAN: The whole of part 7 is the thrust of the government's initiative to facilitate and implement, by an encouragement and granting of permission, I suppose, to local councils, a general policy that where a development is under consideration it be supported on the basis that it has a 15 per cent affordable housing component. I would like clarification. Although the amendment to the act is rather brief, I have been provided with a copy of the local government affordable housing resource kit (which has been referred to at length in the discussion paper). In the course of it, it does not impose any particular formula. It seems to be a kit which gives some ideas about what will be considered for the purposes of complying with the government's policy of being able to achieve this.

It is comprehensive in its being able to advise councils of the very important role of having a strategic plan that will accommodate affordable housing. It has an important responsibility on community awareness. It then sets out a number of examples of how it might be able to implement policies that would accommodate this. I note that it acknowledges in some council areas there will be some difficulty in complying with the general thrust of what the government has in mind. That is why a mandated policy, in the sense of some legislative obligation, has not gone down that track. It makes it very clear what the expectation is. It then offers a means by which they may be able to accommodate the difficulties. For example, there is reference in this document which acknowledges:

> While a mandated policy position regarding the inclusion of affordable housing residential projects could provide a higher degree of certainty, it could also create tensions around other priorities such as the protection of heritage areas, character values, infrastructure capacity and other matters.

It goes on to give some options to councils to enable them to offer planning incentives that could be given to developers to make the provision for affordable housing, particularly in that climate. Some of them are density bonuses, reduced car parking provisions, reduction in required private open space, and location of specific policies, so some trade-offs can be offered. Whilst the document gives some helpful examples, I am also aware of projects which, although they have not achieved affordable housing in the general sense, have been able to assist in recognising the importance of providing affordable housing as a community benefit within a region. It also gives some ideas about where there have been programs that have achieved it. It does not set out any specific obligation, and the whole amendment thrust here is to promote and support initiatives and to have a plan that will implement it within an area.

Apart from setting out the plan and providing a kit to try to encourage it, can the minister explain what the actual obligation on local councils will be, what are the terms of obligation as to the 15 per cent and 5 per cent rule, and what is the size of the project? Will it be defined? Will all this be

covered by regulation, when will we know what it is, and, if possible, when is that going to be? Is there any reason why we have to proceed with this aspect of the bill in the absence of having that framework?

The Hon. J.W. WEATHERILL: They are all fair questions. The approach that we have taken around this 15 per cent target is to work with industry essentially to arrive at a workable provision. We do not want to underestimate the complexity of that. The truth is that there are different submarkets within the housing market. What may work in the CBD may not necessarily work for the inner ring or the middle ring, and the outer suburbs may require a different consideration. What the resource kit is about is to enable us to go around to councils and actually engage in that discussion at a policy level with councillors. It is a correct observation to say that there is nothing particularly prescriptive about the kit. It is designed to start thinking process around those things.

The approach we have taken with industry is to set the broad parameters in the Housing Plan. We have been consulting on the Housing Plan for two years. We are really at a point at which it is now appropriate for us to approach the parliament and ask for the authority to enable us to make regulations which will make this a binding target in certain developments. We have not yet settled on the precise form of that target, and, if this legislation passes and we are empowered to be able to establish by way of regulation these obligations, we will consult with industry and the broader community about precisely how this affordable housing target will be established.

I think we have already indicated that it is something that we would seek to impose on significant new residential developments. I have noted with some gratitude that, although organisations such as the HIA and others have some reservations about elements of the 15 per cent plan, they have acknowledged that at the very least it is appropriate. It may be an appropriate target to include on government land releases and, indeed, in those broadacre leases or brownfield sites where there has been upzoning. I think there is an acknowledgment by industry, and I would say that that is the minimalist position that even industry would be prepared to contemplate. We are talking to industry representatives about ways in which we will design these regulations. Just before coming in here I had further discussions with the development industry about precisely how we would frame this, and we have committed to continue working with them. I think it is proper that we now approach the house and ask for the powers to be provided to us to make regulations to oblige this to be a target in particular developments.

Ms CHAPMAN: Has there been any settlement as to what the size of the developments will be in the regulations? How advanced are we in the drafting of the regulations?

The Hon. J.W. WEATHERILL: There has been no settlement of those matters. In the Housing Plan there might have been a tentative number floated of 20 allotments as being a significant development—that has certainly been a figure that has been used publicly—but I have not committed to that. There has been no government decision; there are no draft regulations.

Ms CHAPMAN: Is there any time frame as to the drafting of the regulations or period of consultation? Is it within a year? The minister is probably well aware of my view. If we are setting these sorts of mandatory obligations they should be in an act, but if they are going to be done by regulation, and that is what we are stuck with—and we will have the processes to seek disallowance of regulations—can we at least know the time frame in which we can expect to have them?

The Hon. J.W. WEATHERILL: I think that is a reasonable point. I do not think they are suitable for inclusion in an act. By their nature, it is necessary for them to be assessed as part of the development assessment process. There needs to be a policy framework which will find its expression in development plans; that is what the resource kit is about. There will need to be a process of development assessments which will trigger referral to a relevant authority, whether that be me or delegated to the Affordable Housing Trust, to make assessments about whether a particular development has met that test. We will publish drafts about what we are proposing to do, and there will be ample opportunity for the interests that those opposite represent to have their point of view heard. I would be hoping to do this as soon as I possibly can. I would like to have this regime in place before the end of the year.

Ms CHAPMAN: I do not have any further questions in committee, in the interests of accommodating some government business that needs to be dealt with.

Clause passed.

Remaining clauses (96 to 98), schedule and title passed.

Bill reported with an amendment.

The Hon. J.W. WEATHERILL (Minister for Housing): I move:

That this bill be now read a third time.

I will take the opportunity to answer a question that was raised by the member for Mitchell and also to incorporate a table in *Hansard*, if that is permissible.

The DEPUTY SPEAKER: Is the table purely of a statistical nature?

The Hon. J.W. WEATHERILL: It is.

Leave granted.

The Hon. J.W. WEATHERILL: There is something that I need to read. The question that the member for Mitchell asked was: 'Why do rent increases so promptly accompany pension increases?' Our rents have always been tied to income, so CPI on pensions will inevitably affect rent charges. We provide significant rent concessions: $147.69 million in the last year. However, our rents are capped at 25 per cent of income. So, they still remain affordable for those on limited incomes. I will not refer to the questions that the honourable member asked about the HomeStart Breakthrough loan, except to say that a Q and A section, which addresses all his concerns, is to be found on the HomeStart Finance website. I now wish to incorporate the other statistical information in *Hansard*, as follows:

2. How many new allocations are new tenants and how many are simply shifting tenants within the system?

- 2 945 new allocations (66 per cent) and 1 507 transfers (34 per cent)
- SAHT figures only (does not include community or special needs housing allocations)

3. How many allocations are from category 1, category 2, category 3 respectively?

Category	Total	%
· Total category 1	2 663	60
· Total category 2	790	18
· Total category 3	894	20
· Total category 4	105	2

2005-06 number of new allocations by category

Category	Total	%
Category 1	1 357	46.1
Category 2	690	23.4

Category 3	894	30.4
Low demand	4	0.1
Unknown	0	0.0
Total	2 945	100.0

2005-06 number of transfer allocations by category

Category	Total	%
Category 1—Customer Initiated	771	51.2
Category 1—Trust Initiated	535	35.5
Category 2	100	6.6
Category 4	101	6.7
Unknown	0	0.0
Total	1 507	100.0

How many allocations are from category 1, category 2, category 3 respectively (2005-06)?

Category	Total	%
· Total category 1	2 663	60
· Total category 2	790	18
· Total category 3	894	20
· Total category 4	105	2

Number of new allocations by category

Category	Total	%
Category 1	1 357	46.1
Category 2	690	23.4
Category 3	894	30.4
Low demand	4	0.1
Unknown	0	0.0
Total	2 945	100.0

Number of transfer allocations by category

Category	Total	%
Category 1—Customer Initiated	771	51.2
Category 1—Trust Initiated	535	35.5
Category 2	100	6.6
Category 4	101	6.7
Unknown	0	0.0
Total	1 507	100.0

Allocations to supported tenancy scheme and disability housing program

Supported tenancy scheme	217
Disability housing program	43
Supported tenancy scheme properties at 30 June 2006	977
Disability housing program properties at 30 June 2006	196

The Hon. J.W. WEATHERILL: I wish to thank all those officers who have participated in the drafting of this bill. In particular, I would like to thank Phil Fagan Schmidt, Alice Lawson and Belinda Hallsworth from Affordable Housing Unit of DFC and Richard Dennis from parliamentary counsel. It has been a very complex bill, and an enormous amount of work and consultation with the sector has gone into it. I am very gratified at the way in which it has been received. I thank all members for their contributions in this house.

Bill read a third time and passed.

STATE LOTTERIES (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 6 December. Page 1550.)

Mr GRIFFITHS (Goyder): I confirm that I will be the lead speaker for the opposition on this bill, and that the opposition supports it. I also confirm that the issue of increasing the legal age for the purchase of lottery products from 16 to 18 is a conscience vote for the members on this side of the house. This bill brings about a significant change, which I recognise as being necessary if the South Australian Lotteries Commission is to be able to compete in the national market and deliver both the product and outcomes expected of a lotteries commission in this era. Whilst under the provisions of the current act conducting lotteries with other Australian lotteries bodies is permitted, part of the intention of this bill is to provide the opportunity to join with overseas lotteries bodies and thus pool their prize moneys to create larger jackpots and more attractive prizes.

My understanding is that a referendum was held in November 1965 seeking support for the establishment of a state lottery. The first tickets were sold on 15 May 1967 for a lottery that had a first prize of $14 000, and the lottery winners were drawn by the Premier. Over the years, lotteries have proven to be a significant fund-raiser for South Australia in order to provide important infrastructure and services. The proceeds of these lotteries have allowed hundreds of millions of dollars to go to the public hospital system, and to be used for recreational and sporting facilities. I have conducted some research on this matter, and I believe that on the 21st birthday of the South Australian Lotteries Commission in 1988 it was noted that, up to that stage, some $289 million had been disbursed for those purposes, and the following year it was recognised that $1 billion had been invested in lotteries by South Australians.

I wish to make a special comment in relation to clause 6 of the bill, which, by the insertion of sections 13AA and 13AB, will provide the flexibility to promote and conduct special lotteries and special appeal lotteries. The opportunity to coordinate special appeal lotteries when the circumstances that are occurring in South Australia demand that this occur, and to raise funds by way of a lottery, seems a logical step in improving a process that has worked successfully for many years. I am advised that past efforts to conduct special appeal lotteries have not been able to be supported, because the legislation did not exist to allow that to occur. This legislation will now allow proposals to be considered on a case-by-case basis by the minister, who I am sure will act appropriately. Clearly, the proceeds of the lottery will be disbursed as per the promotion.

Given the unique nature of these special appeal lotteries, the finalisation of the benefit must occur in a shorter time period than is normally provided for SA lottery products. The current provisions of 12 months to finalise the proceeds of lotteries being disbursed are far too long for special lotteries, given the quick need for a response, to ensure that those who need the funds receive them as quickly as possible. Therefore, a proposal to reduce this period to a shorter time period as determined by the minister (and, no doubt, this will be a reasonable time frame) is supported.

I again confirm that clause 11, which refers to an increase in the minimum age of lottery products players from 16 to 18, will be a conscience vote by the opposition. My recollection, however, is that the Hon. Mr Xenophon from the other place proposed a bill with respect to this matter in mid 2006, but I am not aware that it has progressed any further. I have no doubt that opinions may vary with respect to the proposal to increase the age limit, when it is considered that 16 year olds in South Australia can leave school and obtain a learner's permit for driving. However, if this bill is supported, they will not be able to purchase SA Lotteries products. In my opinion, this move reflects the views of the community and is acceptable for responsible gaming and gambling practices.

The shadow minister has advised me of a commitment from the government that 16 and 17 year olds will still be able to sell SA Lotteries products. I know that was an important issue in the view of some of the newsagents to whom I spoke, who may have younger family members—or, indeed, younger people—working for them, and they wanted to ensure that those younger people could still work and sell

the products legally. Again, I confirm the opposition's support for the bill.

The Hon. M.J. WRIGHT (Minister for Government Enterprises): I thank the opposition for their support. The shadow minister has given a good summary of the bill—I do not need to go back over that, except to say publicly here and confirm the commitment that has been given to the opposition in regard to 16 and 17 year olds certainly will still be able to sell. That was obviously an area that was raised with us through the drafting process and we agreed that it was an important element to maintain. I also foreshadow that the government has an amendment, because of a drafting error; that appears in clause 10 subsection (2), and I will speak briefly to that amendment when we get to it.

Bill read a second time.

In committee.

Clauses 1 to 9 passed.

Clause 10.

The Hon. M.J. WRIGHT: I move:

Page 5, line 36—Delete 'net proceeds of the lottery' and substitute:

amount (whether expressed as a percentage of the value of the tickets sold or otherwise specified by the Minister for the purposes of the lottery

The amendment is in front of people and the reason for the amendment, as I said, is a drafting error. The term 'net proceeds' as defined by the act is the amount to be provided to the beneficiary of the special lottery; for example, it might be Red Cross or any other institution that was participating in a special appeal lottery. The net proceeds is not the amount to be paid to the prize winners as the section of the bill currently prescribes. So, it is simply a drafting error which we seek to remedy.

Mr GRIFFITHS: I confirm that the opposition supports the amendment.

Amendment carried; clause as amended passed.

Clause 11.

Mr GRIFFITHS: Just a minor comment in clause 11. Page 6, line 33, relates to the alteration of section 17B(4), which is the increase in the age. I identify that this is a conscience issue for people on this side of the committee.

Clause passed.

Clause 12 passed.

Schedule and long title passed.

Bill reported with an amendment

Bill read a third time and passed.

[Sitting suspended from 6.04 p.m. to 7.30 p.m.]

EQUAL OPPORTUNITY (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 7 February. Page 1711.)

The Hon. L. STEVENS (Little Para): I am very pleased to support this bill. Like many members here, I have spoken to a number of people, both about the workings of the Equal Opportunity Act 1984, and in particular about this bill to amend it. Most were fully supportive of the proposed measures; a few were quite vocal in their opposition to certain sections of it. In spite of Family First's assertion that they had 8 000 signatures opposing this bill, and despite many emails that I received all worded the same, I have to say I only had two people who actually reside in my electorate voice concerns about this bill, both of whom I answered and to whom I put my position. Generally, I have found that most people agree that discrimination, victimisation and vilification are wrong and that we need laws to protect our citizens, particularly vulnerable minorities, from such acts of needless and thoughtless discrimination. Where that discrimination is based on ignorant hatred, and especially where that hatred is being passed on to others with the specific intention of causing or inciting unrest, it is beholden on us as lawmakers to take steps to address it.

I am sure we would all like to live in a world free of discrimination and victimisation where every person is valued and respected for their essential humanity. The sad fact that this is not the case is why the first anti-discrimination law came into being, namely the 1966 Prohibition of Discrimination Act. A result of the consciousness-raising events were the women's movement, the gay rights movement and the activism amongst many racial groups. By the mid-1970s it was obvious that the 1966 Prohibition of Discrimination Act was not sufficient to deal with the changing times, thus the Sex Discrimination Act 1975 came into being, closely followed by the Racial Discrimination Act 1976; then the rights of the disabled were finally acknowledged in the Handicapped Persons Equal Opportunity Act 1981. These three acts were then consolidated under the Equal Opportunity Act 1984, the first incarnation of which prohibited discrimination due to sex, race, physical impairment, sexuality, marital status or pregnancy in employment, education, providing goods and services, accommodation, clubs and associations, granting qualifications, advertising and selling land. As a part of this new act, victimisation was also acknowledged as grounds for complaint.

Despite some of its obvious limitations, the legislation served us reasonably well for a number of years, but it became increasingly obvious that more changes were needed in order for it to better reflect the times in which we were living. In 1994, Mr Brian Martin QC was commissioned to review the workings of the act and to make recommendations on changes he believed needed to be made. Whilst some other changes suggested by Mr Martin have been implemented, a number remain outstanding.

So, how far have we come in 40 years of anti-discrimination legislation in this state? Some would argue we have come a long way, others believe we still have a long way to go. One thing is for sure: after 40 years of anti-discrimination laws, you would think the principle that underpins them—namely, that all people have an inalienable right to respect and that they should be able to live a lawful existence free from discrimination, victimisation and vilification—would be firmly implanted inside us all. Sadly, discrimination continues to be a blight on our community and our nation and, sadder still, some forms of discrimination and vilification, especially racial and religious, are actually on the increase again thanks in part to the years of clever and subtle undermining of multiculturalism in Australia by a range of individuals and organisations, and most concerning from people in leadership positions who should know better.

Even our Prime Minister, through his many public statements, questioning the wisdom of allowing large numbers of migrants from Asia and now the Middle East, his careless disregard and politicisation of asylum seekers, particularly those from the Middle East, and by subliminally linking Islam with terrorism, has cleverly and effectively tapped into the xenophobic underbelly of our country and cynically exploited it for his own political ends. It is no

wonder that after 10 years of this we need to strengthen the laws that protect people from being victimised, vilified and discriminated against. It is into this environment that the amendment bill has been born.

Some of the recommendations have been controversial but I believe they are needed, long overdue, and I am pleased to be part of a government that has the courage to tackle the issues head-on. The contentious parts of this bill, not surprisingly, are centered on the issue of freedom of speech, particularly as it applies to the preaching of religious doctrine. I will come back to that and the issue of vilification as a whole later but, for the moment, I will concentrate on the areas of the bill where there is reasonable consensus. More and more as a society we are focusing on the issue of families and how we strike a balance between our work lives and our home lives.

A great many sections of this bill acknowledge, sometimes for the first time, that our families are an integral part of every aspect of our daily lives—and that includes our work life. Anyone who is a parent understands that there will be occasions when you have to take time off work to care for a sick child or, during working hours, have to drop everything in the case of a serious illness or accident involving a loved one. If, for example, you care for a child with a disability or an elderly frail parent there will probably be even more occasions when you may need to take time off work—and sometimes at very short notice. People should not be discriminated against or victimised because they have these caring responsibilities, and I think we would be hard-pressed to find too many people who would disagree with that.

Sometimes people are discriminated against because of an association they may have with someone else. This discrimination could be based on the associate's age, disability or gender identity, etc., and may take the form of refusal to provide goods and services or of vilification and victimisation in the workplace. Like the previous one, this discrimination often affects people who care for the disabled. Under the new act this sort of discrimination will be outlawed, and rightly so. The rights of people with disabilities are further enhanced by the expansion of the act as it concerns the use of therapeutic animals. For some time animals other than dogs have been used therapeutically by people with disabilities—cats, rabbits, and even ferrets are used to assist people to live independently in their own homes—but up until now the act has referred specifically to dogs, so this amendment was required to bring it up to date with developments in this area. Also, we are just beginning to understand the importance of animals as therapy for a wide range of illnesses—and not just physical illnesses.

Another way in which people with disabilities are assisted by this bill is by the addition of more specific grounds of discrimination on the basis of mental illness and non-symptomatic physical illness. In the past, mental illness has been included under the provisions for intellectual impairment and this is both inaccurate and inappropriate. Given that people with mental illness are discriminated against far more than people with other physical illnesses, it is entirely proper that they are mentioned specifically and respectfully in this legislation. People with non-symptomatic illnesses, such as a virus, are now also catered for specifically under this legislation. Again, this amendment is long overdue and brings us in line with the other states.

As a woman, a mother and a grandmother, I am very pleased to see an extension of the rights of nursing mothers and their children. For far too long women have been shunted into public toilets or side rooms, and sometimes just shooed away from businesses entirely, when they need to feed their children. Feeding children, whether it is by breast or by bottle, is the most natural thing in the world. Yes, there will always be people who are offended by the sight, or even by the idea, of a woman breastfeeding in public, but they are increasingly in the minority. Like the amendment with respect to caring responsibilities, this is another family-friendly measure and one that is well overdue.

For me, a significant step forward is the inclusion in this bill of a section that deals specifically with discrimination, victimisation and vilification related to a person's geographical location. Anyone who lives, or has in the past lived, in Elizabeth will testify that this sort of discrimination is very real. I myself have experienced it and I have certainly observed the effect it has on people, particularly young people. With this sort of discrimination outlawed we can hope that people will be respected for who they are rather than where they live.

As I mentioned before, by far and away the most contentious elements of the proposed changes to the act centre on vilification, especially religious and sexuality vilification. A couple of churches have contacted me expressing concern that they believe the bill takes away their right to preach against something that they believe is a sin—and, as an ongoing case interstate has shown, it seems that some churches also want to be able to criticise and, indeed, vilify other religions from the pulpit. These churches argue that they have a right to preach the doctrine of their faith without interference from government. That sounds fine in principle but it also depends on what is being said, how it is being said, and whether the words cause harm or incite others to hatred or violence towards any person or group in our society. That is the nub of anti-vilification laws. My experience of Christian churches (and, indeed, all religious organisations) over my entire life is that they hold dear Jesus Christ's simple philosophy of doing unto others as you would have them do unto you, and that they overwhelmingly seek to heal division and show love and acceptance towards other people.

Freedom of speech has always been the cornerstone of a democratic society. People can and should have the right to express their opinions, both privately and in public, but you cannot say anything you like. Defamation laws protect us against public utterances that may cause harm to our reputation, and criminal laws protect us from public utterances that might incite a crime against us. There have always, rightly, been constraints placed on speech. American jurist Wendell Holmes put it perfectly when he said (and I paraphrase) that a person is not free to shout out 'Fire!' in a crowded theatre when there is no fire. If there are no constraints placed on public utterances then there will always be a danger that individuals and communities can be harmed. As a society we have a responsibility to protect the innocent and the vulnerable from unreasonable attack, so if we allow freedom of speech then we also need to ensure that it is tempered with common sense and good old-fashioned respect. To quote John Stuart Mill, 'As soon as any part of a person's conduct affects prejudicially the interests of others, society has jurisdiction over it.'

This is the role of the parliament on behalf of our community—to make laws to protect individuals, even if those laws apparently conflict with other human rights, such as freedom of speech. As law-makers, it is up to us to set the ground rules, and those ground rules should, I believe, balance the right to express an opinion with the rights of those people about whom the opinion is expressed. If that

opinion is reasonable and delivered respectfully and in good faith, it is not and should not be against the law. If, however, that utterance incites hatred and violence towards a person or group of people, then it is against the law. It is fair and it is just, and it is a sad indictment on our society that we still need laws to stop people from treating others hatefully or disrespectfully. I congratulate the Attorney on his work with others in our party on bringing this bill before the house. I certainly urge others to support the measure.

Dr McFETRIDGE (Morphett): I would be the first in this place to say that this bill has some good aspects, in that it locks into state legislation a measure that is already in a number of commonwealth acts. I am not a lawyer, so I cannot say whether it is absolutely necessary but, obviously, the reason the bill is before the house is that there needs to be some tidying up of state legislation to bring us into line with federal legislation and to update other aspects of equal opportunity legislation, which we all know the Liberal Party supports on balance. Certainly, a number of years ago the Liberal Party brought a bill before this place that looked at reviewing the Equal Opportunity Act.

One of the main reasons I want to speak about the bill tonight is that a couple of things really stand out: one is in the bill and the other, which I have been promoting in this place for a number of years, should have been in the bill but is not. As the shadow minister for education, I point out that the main issue is where the bill is amended so that schoolkids in dispute can be brought before the Commissioner to explain their actions within the framework of the legislation—for example, kids as young as 12 who might be having a bit of a schoolyard tiff. For the record, the two young fellows at Brighton High, who were having a biff that was caught on video, are good mates who were just having a bit of rough and tumble as many young people do. If the incident were seen as an Asian lad versus an Anglo-Saxon lad, and they were brought before the Equal Opportunity Commission, it would be an absolute travesty of justice.

I do not think that the bill aims to go that far, but I think it would be an unintended consequence. Unfortunately, there are cases where malicious allegations have been made against students by other young people with anger to vent and it has caused a lot of distress. I think that this part of the legislation will add to the difficulty of working out whether it was just a couple of kids having a tiff, some actual totally unacceptable vilification or other form of discriminatory behaviour. That is one of the reasons why I will not be supporting this bill. Another reason involves some of the things in the bill we heard other members indicate that they are supporting, one of which is the expansion of discrimination on the ground of non-symptomatic illness. That will be illegal, and I support that. However, what we do not see in terms of non-symptomatic illness is the notion that you are not even ill if you have a genetic predisposition to a disease or trait of some other kind. The bill does not discriminate on the ground of genotype.

I understand that there is no legislation (and certainly no provision in this bill) that extends the discrimination on the ground of someone's personal genetic information. We all know there are cases in Australia and around the world of discrimination in employment, life insurance, mortgage insurance, workers compensation, superannuation, and other areas, on the basis of genetic information received through undertaking genetic testing. It is already unlawful to discriminate on the basis of sex, sexuality, marital status, pregnancy, race, impairment, AIDS and these sorts of things, and nobody would argue about that. However, let us just take a reality check here, because genetic information is now being used not only by medical researchers and medical diagnosticians but also as a means of screening everybody from applicants for insurance policies through to applicants for employment.

Recent advances in genetic technology have made it possible to learn which genes we carry in our genetic code. Genetic tests have the ability to tell whether an individual has a mutation that causes disease or predisposes an individual to cancer or a disease such as Huntington's disease, heart disease, colon cancer, or particularly breast cancer. Nobody in this place would discourage people from undertaking genetic tests to find out whether they are susceptible to life-threatening conditions such as colon cancer or the more widely known breast cancer. The (1) and (2) genes are quite widely tested for.

If you are to be discriminated against on the ground that you have some predisposition towards a disease, that is totally wrong. There is nothing in this bill that gives me any encouragement that the government is even considering that. It has known about it for a number of years now because I have talked about it in this place a number of times. It is totally wrong to say that the government does not listen to what we say in this place. It may say that it does not listen to us, but you can guarantee that it is listening to every word.

So, I ask that they listen to this particular deficit in this piece of legislation. Genetic information can be enormously valuable to patients and health care providers as it can lead to early detection, intervention and prevention of many common diseases, as I have just said. There are hundreds of genetic tests available now and this is increasing with time. Even from the news tonight I understand that there is a new genetic test for the predisposition to Parkinson's disease—and this is the whole nub of discrimination on genetic grounds. You may not ever develop the disease, you may never have anything but a very healthy life, but you have the predisposition towards that disease because you have that genetic predisposition, and to be discriminated against on those grounds is something that I and, I imagine, most people could not countenance.

There is also growing community concern that employers and insurance companies may begin to routinely test individuals for genetic predisposition to disease. Employers should not be tempted to deny any individual a job because of a person's genetic profile or genotype. Insurance companies should not use this information to deny an application for coverage or charge excessive premiums so that the potential applicant for insurance does not take up that insurance because of the cost. Predictive genetic information in the absence of a diagnosis related to a condition or disease should not be a basis for discrimination. Genetic information is sensitive and is having an increasing impact on society. Genetics is associated with family history, race, ethnicity and sex and should therefore be treated in the same manner in our legislation.

Genetic discrimination in employment is becoming a bigger issue. Employers may currently use genetic information to unfairly discriminate against the employers of job applicants, and that is the current situation. Genetic discrimination could lead to a genetic underclass of people who are branded as unfit for employment, although they have no illness. Employers and governments may indeed use genetic information to positively discriminate by seeking out employees or those who are considered to possess desirable

traits. In the sports industry they may do likewise, seeking out those who have desirable genetically determined athletic qualities rather than those who prove themselves on merit. Genetic discrimination is an area that needs to be looked at, and looked at urgently.

Currently, there are no constraints under existing law to protect those who may become vulnerable for discrimination on genetic grounds, and there is potential for businesses, industry and government to share information and threaten the future of individuals. Future employers may use large-scale testing where the motive is simply to secure a healthy work force, reduce sick leave and maximise profitability and returns to shareholders. I am sure that people in the Labor Party would be looking at that, as their union mates will be telling them to. I am surprised that they have not actually come up with something to illuminate that issue now. Should employees be compelled to take tests, particularly if they do not want to know about the future onset of any conditions they may have?

Because the fear factor in our lives is very strong, people sometimes do not want to know what they may possibly get, where a genetic test could reveal a predisposition towards a particular condition. The discrimination on genetic grounds for promotion or employment has been touched on by the New South Wales anti-discrimination board. It stated in its submission to the Australian Law Reform Commission on the protection of human genetic information:

> There has been a considerable increase in job mobility in recent decades, therefore it is an increasingly unrealistic expectation that people will remain with the same employer for an extended period of time. Accordingly, it is unfair for employers to be able to discriminate on the basis of a person's capacity to do the job which may not arise for many years and, indeed, may not arise at all.

In the insurance industry, does the insurance industry have the right to discriminate against an individual because of the results of a genetic test? Currently, an individual has a legal obligation, a duty, to disclose to an insurer before the contract of insurance is entered into every matter known to the insured or that a reasonable person in the circumstances could be expected to know. Does this include the result of a genetic test? However, an insurance company cannot discriminate on the provision of goods or service, therefore higher premium rates can be charged for those with a positive genetic test and, without having to refuse the policy, the potential insured will not take up the policy. It will be health care for the rich and insurance for the rich if we do not look at the potential for discrimination on genetic grounds.

It is not just about getting a life insurance policy or income protection insurance, nor about the job. It is about getting a home loan. There are cases where individuals have applied for a home loan and been rejected because they were denied life insurance. So, it is a flow-on effect. We really need to look at this area. It is a big hole in this piece of legislation and in many other pieces of legislation where we are dealing with individuals' health and welfare. The general thrust of this bill is one that nobody would knock, because we do need to make sure that everyone is treated fairly. I grew up in Elizabeth and Salisbury and I know the stigma associated with having come from areas that many people say are tough areas. It makes you look back at your upbringing and I think that perhaps it did me a world of good.

My mother and brother still live in Elizabeth Vale and I go and visit them regularly, and I go to the Elizabeth South area. In fact, I was doorknocking out that way during the election campaign, and it made me appreciate the opportunities that this state has for us all. To discriminate against a person on the ground of their geographical area is something I would strongly oppose. Another thing that is not in this bill really hit me right between the eyes when I was out at the Parabank Shopping Centre at Salisbury. I was helping a guy who had tatts all over him, lots of piercings, and from having a chat to him I found that he was living in a car with his partner and two little kids. We took him over to the caravan park at Port Wakefield Road near the White Horse Inn, and the owner said, 'Get that effing feral out of here: I've got a business to run.' And it was purely on appearance.

There is nothing in this bill, and it is a very difficult area to write legislation for, to stop discrimination on appearance alone, whether you are covered in tatts or have a few piercings. As we know, tattoos and piercings have been around for thousands of years. It is all a mindset. How you draw up that legislation, I do not know. Drawing up legislation to stop discrimination on the ground of genotype is something that I would implore the government to look at if this bill is able to get up. I think they will have the numbers here, but they might be different in the upper house.

I spent 22 years in a vet practice and I saw a lot of guide dogs come through the practice, but a number of other animals are used in a therapeutic way. Everyone knows that if you go home and pat the dog your blood pressure will drop, so one cannot complain about the definition of 'therapeutic animals' being extended. The need to consider, expand, modify and change values and attitudes in society should be an ongoing process. However, we have to be careful that we do not take it too far; that we do not throw the baby out with the bath water; and that we do not start producing the inadvertent results that this legislation will produce. Because the bill does have some defects in it, I will not be supporting it.

The Hon. S.W. KEY (Ashford): I want to participate in this debate tonight because I feel strongly about the need to modernise equal opportunity and anti-discrimination legislation in this state. As other speakers have identified, South Australia was a leader in this area and now, sadly, it falls behind most of the rest of Australia. My other interest in the legislation is that I have had the opportunity and honour over the past 20 years to be involved in the drafting of and lobbying for the legislation. I particularly remember my involvement through the trade union movement, and I have to say that trade union members and their organisations have had a big part to play over the years, particularly over the past 50 years, in making sure that we do have legislation which is fair and which gives people a fair go. I remember being involved in changing what was the sex discrimination act into the Equal Opportunity Act, and the great care that went into the negotiations and discussions around that legislation. As a representative of South Australia on the National Women's Consultative Council, I had the opportunity to be involved in negotiating legislation that ended up with the Human Rights and Equal Opportunity Commission—the Disability Discrimination Act and also the affirmative action legislation. I think it is important that we continue to modernise the legislation before us.

On a state level, having the great honour in 1997 of being elected into this place as the member for Hanson, I talked to my colleagues. I think the member for Mitchell has outlined the story. He, Senator Wong and I, along with a number of trade union women, got together to talk about how we could look at the Equal Opportunity Act to bring it up to standard

with regard to anti-discrimination and equal opportunity legislation in this state. We worked for probably a couple of years on the legislation. We talked to and consulted with groups and ensured that we canvassed the different views in the community. I was pleased to get to the stage, with the help of the Hon. Carolyn Pickles and her staff member at the time (now the member for Hartley, Grace Portolesi) to negotiate with the then attorney-general (Hon. Trevor Griffin) about changes to the legislation. We were very pleased that the Commissioner for Equal Opportunity was helping us and certainly advising the attorney-general at that time.

A lot of time has passed since then. It is now 2007 and I am saddened to hear that a number of critics in the community are saying that the bill before us (which, in my view, does not go far enough) has taken all this time to evolve and reach this chamber. The reason that I am disappointed in the concerns that have been raised by some quarters of the community is that I think they are heavily overrated. My experience in the electorate of Ashford is that a number of people—fewer than six people—will talk regularly to me about equal opportunity and anti-discrimination legislation. The most extreme of those is a member of the Ashford community who asks for regular reports on how the 'sodomy bill' is going. I find that offensive, as do my staff. I think she is referring to the recent legislation with regard to same sex couples and domestic partners—

The Hon. M.J. Atkinson: Is that my friend?

The Hon. S.W. KEY: —yes, it is your friend—and now the equal opportunity legislation before us. Last week in the electorate office I received 90 emails asking me to oppose this legislation, in particular section 61. My staff have acknowledged all those emails and thanked the people for their contributions, and where there is not a postal address we have invited the senders of the emails to identify their address so we can gauge how many of those people do reside in the electorate of Ashford. This seems to have been an ideal way to cut down the number of emails we receive because hardly anyone has responded to that request. I often answer letters, emails and telephone calls from people outside the electorate of Ashford.

Because I have the honour of being a member of parliament, I believe I should try to assist anyone from anywhere, but I do take strong objection to being asked to do something and act in a particular way in this house when, as far as I can gauge from the electorate of Ashford, there does not seem to be a general concern about this legislation. In fact, I pride myself on being a fairly switched-on local member. People are saying 'Why is this legislation so conservative?' 'Why are we so far behind the rest of the community, particularly the other states and territories?' I then hear that there are apparently thousands of people who are opposed to the equal opportunity legislation, particularly section 61, and I would really like to know where these people reside.

I understand a campaign was started in the USA to make sure that the more conservative views—and I consider them to be ultra-conservative views—were put forward in the legislation that was debated in Victoria—which legislation, I might say, is now in force and seems to be working very well. We are now finding that those emails are reaching South Australia, and different members of parliament have received a number of emails. As I said, in my case there seem to be about 90 but, from what we can work out, most of those people do not live in the electorate.

I received late last year two form letters from people residing in the electorate who asked me to oppose the equal opportunity bill, and particularly to oppose section 61 of the bill. I acknowledged those letters and I have gone around to their houses and doorknocked them, and in both cases—and it may just be that, out of the half a dozen people that we have identified as being opposed to this bill in the electorate, I spoke to the wrong person. However, in both cases the people in the house and the people who were identified in the letter knew absolutely nothing about the form letter or the legislation. As I said, my views are very well known on this matter. I pride myself on being very clear about what I believe with regard to antidiscrimination and equal opportunity legislation, and I certainly am very happy to listen to what constituents have to say, whether or not it is something that I personally believe, and I always try to balance those views in this house when I have the opportunity to participate in this type of debate.

I am very concerned that a whole lot of unnamed people who do not have the conviction or the courage to identify who they are and where they live are having so much of an impact on this debate, and I really wonder whether they reside in South Australia, let alone in the seat of Ashford. My contribution is very brief, but I think that this is very important legislation and for a number of people in the community, particularly the activities in the trade union movement, this has been a campaign for a number of years that we think needs to be realised, and I also think the shame of South Australia now being a follower rather than a leader is something that is very difficult to contend with.

The Hon. R.B. SUCH (Fisher): In general I think this bill is good, but there are certain aspects which I will seek to amend, and I will explain that in a moment. I do not think there could be much disagreement with this bill matching and incorporating aspects which are covered elsewhere—for example, in the commonwealth Disability Discrimination Act—and including references to mental illness, HIV and learning disabilities. I do not have a problem with those sorts of inclusions. I have always prided myself on being someone who believes in justice; I hate injustice or unfairness of any kind. I grew up in a family which was a little unusual in many ways; perhaps having me as a child was one of the most unusual aspects. I did not appreciate the situation at the time because I was only a little kid, but Lowitja O'Donoghue—and many members would know or be aware of her—was getting a rough time at the Royal Adelaide Hospital as a nurse, being an Aboriginal person, along with Faith Coulthard, another Aboriginal person. I was only a little tacker, but those two women in particular were taken into our family home and supported and given comfort during the time of often overt racism at the then Royal Adelaide Hospital. I grew up in a situation where my sisters were treated as equals. I think I have mentioned before that one of my sisters majored in mathematics—something that I certainly would not be capable of doing as my strength is not in mathematics.

I had a father who came out to Australia as a Barwell boy and he certainly faced some discrimination at the time. After spending time farming, he went into the Royal Australian Navy as a Barwell boy, and he was deeply offended by people calling him a Pommy bastard. My father died some years ago, and you are not supposed to speak ill of the dead and I certainly will not be doing that, but the funny aspect is that we found out that he was actually born out of wedlock

in England, so in actual fact he was a Pommy bastard. I do not think he appreciated at the time that he was born out of wedlock, but we have been doing a bit of research into the family history.

The Hon. G.M. Gunn interjecting:

The Hon. R.B. SUCH: I will let the member speak for his own family heritage, but ours goes back a long way to France, where we had a fancier name than it is now—it was de la Zouche—but I have kept the Anglicised version. This bill, as I say, has a lot of good aspects to it. I note that the definition of 'race'—and that is what interested me in relation to my father's experience—is an incredibly broad definition. It means the nationality, current, past or proposed country of origin, colour or ancestry of the person concerned. I am not a lawyer, and the Attorney might enlighten us—

The Hon. G.M. Gunn interjecting:

The Hon. R.B. SUCH: That is why I do not have a lot of money. I will ask the Attorney to respond when he sums up, but will that mean that terms like 'Pom' or the 'Barmy Army' constitute an offence under this act? I note that our current commissioner, who I believe has done an excellent job and has a fantastic, well-balanced and sensible approach, will have the power to reject frivolous, vexatious or other complaints lacking in substance. That is not the most important issue that I raise, but I just wonder whether it will put the brakes on what many people would regard as friendly banter and stirring. Australian males (and I am not suggesting that women would be approached in this way) often use the term 'gooday, ugly bastard' or something like that, which is a term of endearment. Women might find that rather strange, but it is part of the ethos of Australia to greet someone like that. Likewise, if someone joins a workplace, they are likely to be tested in terms of having their toolbox loaded up with a lot of extra tools. A constituent came to see me who was Sri Lankan. He is a nice guy, and still lives in the electorate—and, like most of them, voted for me.

Members interjecting:

The Hon. R.B. SUCH: They all claim to have voted for me. When he took a job with SA Water he experienced that kind of behaviour—which is, I guess, the Australian initiation. His toolbox was loaded up, and there were all sorts of tricks such as that. That sort of reaction by his workmates could, I suppose, under this act, constitute discrimination. Once again, hopefully, we will always have commissioners who have the commonsense of the current one and will not go down the path of supporting silly and lightweight complaints.

I believe that an important point to remember is that there is good and bad discrimination. I think we need to remember that, because the fact that we are married to a particular spouse is because we have discriminated against others. In relation to religion, the reason why someone is a Catholic is because they choose to be, or they have been brought up in that faith, and they choose not to be a Lutheran or a Uniting Church member or to belong to the Muslim faith. So, our way of life is based on discrimination, which, one can argue, in many respects, has a positive aspect to it. That would include, obviously, making choices about not taking illicit drugs, and so on. However, then we have the bad discrimination, which is reflected in unfairness and injustice.

The member for Ashford mentioned a campaign by people concerned about section 61. I have replied to those people by saying that I cannot see how this legislation could gag preaching in the Christian church—and that is using the term in a broad sense. I cannot see in the interpretation of section 61 how a Christian preacher (or any other preacher, for that matter, but the complaints have come from the Christian church in a general sense) could be gagged from preaching of the gospel. I just cannot see it. I do not know whether I am slow to understand, but I think that those fears have been exaggerated.

The Hon. M.J. Atkinson: What about jihad?

The Hon. R.B. SUCH: I think that goes beyond preaching from the doctrines that make up the Islamic faith. I think that is more a political interpretation than a religious one. I would describe it as a political action dressed up in religious clothing.

One of the concerns (and it is not a huge concern) is that sexual harassment in schools could eventually result in a secondary school student ending up in the legal process. There are safeguards in the bill that state that the school must take reasonable steps, and so on, to deal with the matter at the school level. One would have to question why any principal or member of the senior staff who cannot deal with an issue such as sexual harassment in their school is running a school. An issue like that should be dealt with by the school. If it is something such as rape or sexual assault, I think it comes into a different category, and it is a police matter. However, if it is sexual harassment, the school should be able to deal with it, and I would be surprised if our principals could not deal with something like that.

We have to be careful that we do not bend the interpretation of discrimination. We see some examples in terms of domestic violence, where we hear people saying that a lack of housekeeping money is domestic violence. That is meanness: it is not domestic violence. I think we have to be careful in areas of discrimination that we do not artificially extend the boundaries so that we devalue and degrade what should be an important aspect. I have a concern about the reverse onus of proof. I guess the argument is that businesses are in a better position to have to justify their behaviour than a complainant, but I put a bit of a question mark over that.

My main concerns (and these are the points that I want to see amended in the bill) are as follows. The first relates to schools being able to discriminate on the grounds of sexuality with respect to a teacher. I find it ironical that, in an equal opportunity bill, we will allow church schools to discriminate, presumably on the basis of overt sexuality (unless there is some meter, or testing device of which I am not aware). We will allow a church school to say, 'We believe that you are gay—lesbian—and, therefore, you cannot teach in our school.'

The Hon. G.M. Gunn: I agree with that entirely.

The Hon. R.B. SUCH: Well, I do not. I find that outrageous. If someone does not impose their sexuality on someone else—whether they be heterosexual, homosexual or whatever—they should be free to choose their employment if someone wants to employ them. I do not know what being gay or lesbian has to do with teaching geography, history or anything else. The irony of this is that a church hospital cannot discriminate. I know some wonderful people who are homosexual who work in Catholic hospitals, and they will be allowed to work there, but if someone rocks up at the local Catholic school or the fundamentalist Christian school and they are gay or lesbian, they will be turned away, because somehow there is an inference that they are going to do something they should not do. If they in any way interfere with children or push themselves onto others, they should be dealt with according to the law, the same as for someone who is heterosexual.

So, I take strong exception to giving church schools a way out. We know that these things get abused as well and misused, and so someone will be excluded from employment simply because they happen to be gay or lesbian and they might be the best teacher in the world. I find it outrageous that in a bill which is supposedly about equal opportunity we are going to pander to a section of the community and say, 'You can discriminate simply because someone is gay or lesbian and cannot have a job.' I think that is outrageous and I am going to seek to amend that.

Another concern I have is that this bill will allow someone to be employed having their face fully covered, wearing the burqa. As I understand it, and the Attorney can correct me if I am wrong, an employer cannot reject someone on the ground that they are wearing a burqa if that is part of their religious faith. There was a case in England recently where the children could not read the lips of the teacher because the teacher was wearing a burqa. I am not sure how children can be taught when they cannot read the teacher's lips or see what they are saying.

My concern extends even further. The burqa is a very convenient outfit if you have bad intentions, so a person could go into a bank, for example, wearing an outfit like that and have a gun under their burqa and the security camera could not identify that person. I am not talking about the hijab, the scarf—I do not have a problem with that. I do have a problem with someone being able to fully cover their face in employment. What people do in their home or church is their business, but in a public place of employment I think it is ridiculous that someone can come along and say, 'I am required to cover my face, you cannot see who I am, and are required to employ me.' Some person out there will be waiting for this and they will test it out. There will be people who will abuse it for some reason. We only have to look at people who have gone on unusual expeditions: David Hicks is one. I do not support his being incarcerated for five years without a trial, but I think he has been a silly person, mixing with people he should not. There have been others from within Australia—

An honourable member interjecting:

The Hon. R.B. SUCH: The point is, there are some silly people in our community.

The ACTING SPEAKER (Ms Bedford): Order! There should be no response to interjections.

The Hon. R.B. SUCH: The other point I want to make is not so much a concern but a procedural matter. I notice that the Premier is seeking a five-year review on any water agreement, and I commend him for that because I have been lobbying on it. I believe that this bill should have a review provision timed to go past the next election, of course, because we do not want to go through pain and suffering then. I believe this bill should be reviewed after four years to see how it is going, how it could be improved, what has gone wrong, if anything, and so on. So, that is the other issue that concerns me.

In summary, I think the bill contains a lot of good provisions, but in some respects, I have some concerns. That includes things like discrimination on the grounds of someone's suburb—I am not aware of anyone who has been. If someone could tell me they did not get a job at Myers because they lived at Pooraka, or somewhere, I would like to hear about it. The commissioner might be able to inform the minister of cases of discrimination based on suburb. I would be interested to hear of that. Another grey area is past associates or associates. Not many of us have bikie friends but some people have unusual friends. I am also concerned about the measure that it is discriminatory for people to make derogatory or other comments/approaches to someone's spouse because they are an MP or a police officer. I am not sure how much that has occurred. I know my kids were teased at school; there would not be too many MPs whose kids have not been.

The bill has some unusual provisions and I would like to hear from the Attorney why we need a provision based on discrimination on the grounds of a suburb, associates, spouse. Why has the government gone beyond the good measures to add in a lot of measures which have made people, I think, upset unnecessarily? In finishing, I think overall the bill is a positive measure but it needs a bit of finetuning, and that is what I will seek to do during the committee stage.

The Hon. J.M. RANKINE (Minister for State/Local Government Relations): By introducing the Equal Opportunity (Miscellaneous) Amendment Bill this government has again signalled its commitment to addressing the needs of some of the most vulnerable South Australians. All South Australians deserve to be treated with respect and dignity in every aspect of their lives. The Rann government is committed to the full and equal participation of women in all aspects of social, political and economic life. I have outlined a number of those issues in the parliament.

As a government we have a responsibility to provide the necessary legislative and policy framework to ensure that this happens. The pain and humiliation inflicted on an individual when faced with discrimination is a shame on any society. As has been mentioned, 30 years ago South Australia was a national leader in the development and application of discrimination law. The passing of this bill will afford many of the protections and safeguards provided to those in other states and territories to all South Australians.

This legislation fulfils Labor's election commitment to comprehensively reform and expand the equal opportunity legislation in order to improve access to appropriate remedies to discrimination and harassment. The bill has emerged from a comprehensive public consultation process in which over 1 000 submissions were received from a diverse range of organisations and individuals. They include organisations such as SACOSS, Carers Association of South Australia, the Seniors Forum Inc., Muslim Women's Association of South Australia, business and professional women of South Australia, the Public Service Association, Anglicare, South Australian Farmers Federation and Business SA.

The Attorney-General has highlighted the details of the bill but, as Minister for the Status of Women, I would like to bring to the attention of the house a number of the issues which impact particularly on women and which are of importance to women here in South Australia. In doing so, I pay tribute to the former minister for the status of women whose considerable work is reflected in this legislation. She has shown enormous passion and commitment over a very long time, and I know that the Attorney's ears are red from her strong advocacy.

We are extending the act to cover carers. That area is of enormous significance. While caring responsibilities can affect anyone at any stage of their life, we all know that the vast majority of the unpaid carers in our community are women. Women not only care for children but increasingly they tend to the needs of the frail and elderly, parents and relatives. This has become increasingly difficult as the numbers of women who enter the workforce continue to rise

and the issues of balancing work and family responsibilities becomes ever more complex and precarious.

I am also very pleased that the definition of 'caring responsibilities' as outlined by the Attorney is broader than the commonwealth definition. The definition is not limited to family members or those who live in the same household; the definition recognises the multicultural society we live in and the importance of issues such as Aboriginal kinship relationships and other types of extended family relationships. The bill also proposes to clarify once and for all the rights of nursing mothers to feed their children without being discriminated against. It is appalling that the very natural and healthy act of breastfeeding a child is still regarded by some as inappropriate in a public place. Women should not be subjected to humiliating requests to cover up or leave a restaurant or a public place simply because they are providing their child with nourishment.

The Hon. M.J. Atkinson interjecting:

The ACTING SPEAKER: Order!

The Hon. J.M. RANKINE: The South Australian government supports women who wish to breastfeed to be able to exercise this right by outlawing discrimination on this basis.

The Hon. R.B. Such interjecting:

The ACTING SPEAKER: Order! The minister is making a really valuable contribution.

The Hon. J.M. RANKINE: We know that the National Health and Medical Research Council recommends that as many infants as possible be exclusively breastfed to the age of six months; yet, while a large majority of Australian mothers breastfeed their newborn babies in hospital, for a significant number breastfeeding falls off quickly after they return home. The South Australian government wants to help mothers to increase their breastfeeding rates in our state. International studies show that children who are breastfed are less likely to become obese, and we have seen publications just recently that show that children who are breastfed—and these studies have been done over 70 years—rise to a higher level of social and economic status than those who are not. The continued promotion of breastfeeding is vital to help address this major problem facing Australian children today, and it is one of the prime factors in early childhood development for anyone. It is an economic imperative. If people want to look at the sums and the numbers, the outcomes for children who are breastfed far exceed those who are not. Breastfeeding also helps mothers to return to their pre-pregnancy weight and reduces the risk of breast and ovarian cancers.

The Hon. M.J. Atkinson interjecting:

The ACTING SPEAKER: Order!

The Hon. J.M. RANKINE: One of the new grounds for discrimination proposed is discrimination on the basis of identity of spouse. This is an important provision for both men and women, particularly women, who were once considered solely as the property of their husband, subsumed by their husband's career for better or worse. We do not accept this, the community does not accept it; young women do not see themselves as the chattels of their husband or partner. The strengthening of laws relating to sexual harassment highlight this government's commitment to women's safety. It is sad to acknowledge that women today are still being sexually harassed. It is still happening within the workplace.

In 2004, 20 years after the introduction of the federal Sex Discrimination Act, the Human Rights and Equal Opportunity Commission released the damning report entitled 'Twenty years on: Sexual harassment in the Australian workplace'. HREOC found that 41 per cent of Australian women aged 18 to 64 years and 14 per cent of men have experienced sexual harassment, and that two-thirds of this sexual harassment occurs in the workplace, with 28 per cent of Australian women and 7 per cent of Australian men having experienced sexual harassment at work. This bill will extend coverage to employees subjected to sexual harassment at work by customers and tighten up the provisions that ask employers to do all in their power to prevent such harassment.

I am sure such provisions will be welcomed by women, particularly those in female-dominated industries such as retail and hospitality, as well as those many areas dominated by men which are gaining many more women employees and by the many fair-minded employers concerned about the welfare and safety of their employees. I am sure that all my parliamentary colleagues will welcome improvements that provide procedures and remedies for sexual harassment. After all, we are talking about our mothers, sisters, aunts, partners, wives and girlfriends, in some instances, who are subject to this humiliating, sickening and dangerous behaviour.

The bill proposes to cover discrimination on the ground of religious dress. It will be unlawful to discriminate unreasonably against a person wearing a particular dress or adornment for religious purposes. We know that since September 11 there has been an increase in discrimination against those of the Islamic faith. Muslim women who choose to wear the hajib are particularly vulnerable; visible to all as Moslems, their fear and isolation as a result of attacks based on their appearance is a shame on our community and a poor reflection of our community values. We did not hear the same issues raised in relation to Catholic nuns wearing their habits; we did not hear arguments about students not being able to hear Catholic nuns teaching them in schools. I have highlighted just some of the important components of this bill, a bill that provides all South Australians with a solid legislative base, an equity framework that will give them the best possible chance to fulfil their potential and participate in all aspects of our community. The bill also highlights improvements necessary in relation to disability discrimination and acknowledges, for the first time in South Australian law, discrimination on the grounds of mental illness.

Before concluding, I would like to point out one other matter in relation to the bill's proposals—that is, to eliminate discrimination in employment based on a person's place of residence. I know of cases where people have been denied opportunities because of a perception about where they live, and we have heard from the member for Morphett about living in Elizabeth. He has become a vet and a member of parliament (and he should be very proud of his achievements), but let me say that he is the exception. There were studies done some years ago about a person's opportunities based on where they lived. A class of students at Burnside was studied as well as a class out in the Salisbury region. Of the children from Burnside you were the exception to the rule if you did not do better than your parents, if you did not become a doctor or a lawyer—I think there was one student in a class of about 34 who became a tradesperson, and he was the exception. Out in Salisbury you were the exception to the rule if you did do better than your parents—there was one student in a large class who became a doctor, but he was the exception. It does matter where you come from in terms of your job opportunities.

When I was working for the member for Ramsay (I think he was the member for Briggs at that time) a group of students from Para Hills High School, who were excelling in their studies, were taken to Adelaide University for one of the orientation speeches for potential students. The group was asked to say where they were all from and when these students said they came from Para Hills High School they were laughed at by the rest of the group. We knew then that you were something like 15 times less likely to go to university if you came from the northern suburbs than if you came from the eastern suburbs—and you cannot tell me that you are just dimmer or less intelligent because you come from the northern suburbs. That just is not correct. One of the major employers out there always wanted to know where people were living, and if you lived in a particular suburb you simply did not get the job.

In relation to the member for Fisher's example about his father being a Barwell boy, I have to say that the circumstances those young children faced were absolutely heart-wrenching. I do not think you can feel anything but compassion for them, but I really do think the member needs to rethink confirming something like his father being a 'Pommy bastard'. Think about young women and young children being labelled with those sorts of titles when they are innocent. One's life should not—

The Hon. R.B. Such: He was not a child when they said it; he was in the Navy.

The Hon. J.M. RANKINE: But obviously you are still reflecting on that, and no-one should wear those sorts of labels. Clearly the member's father did very well and was incredibly resourceful in overcoming a range of obstacles in his life but not everyone has that opportunity or the skills to do that, and I think it is appalling that we label people like that.

This bill is about ensuring that does not happen and about ensuring that everyone has equal opportunity—the opportunity to work, live and participate in the South Australian community free of harassment and victimisation. I commend the bill to the house.

The Hon. G.M. GUNN (Stuart): There has been a lot of enthusiasm displayed for certain aspects of this bill but there are certain aspects of it for which I have no enthusiasm. I have not heard anyone talk about the effects it will have on small business. This government, I understand, goes out and tells small business that it will cut down on red tape and bureaucracy, that it will cut down on time-wasting practices and allow them to get on and run their businesses and be productive. Well, this particular legislation will put another impediment into their daily routine if they happen to be unfortunate enough to be stood up by this legislation.

Some of the provisions in this bill are absolute nonsense and it is clear that the government, as well as some of those who have spoken, knows nothing about the day-to-day running of small enterprises where you have one or two people trying to run a business. These people are often in difficult circumstances, and to put these sorts of impositions and unnecessary challenges in their way is an absolute nonsense; it is bureaucratic humbug.

People have said that there is not a lot of opposition to it but I ask the Attorney and those who are so enthusiastic about this legislation: how many people in South Australia would have read the second reading explanation? Would there be a thousand? Of course not. They do not understand; they do not know. You will get the same sort of results and the same sort of reactions when we pass legislation empowering bureaucrats who then become insensitive and their little empires become more important than applying common sense.

A prime example is a motion on the *Notice Paper* of no confidence in an organisation where they have completely lost the plot. The chairperson of that organisation had the indecency to take the outrageous action of writing an aggressive letter to a member of parliament for criticising them. We will deal with that.

The Hon. M.J. Atkinson: Name them.

The Hon. G.M. GUNN: Don't worry; that is going to happen. You need not lose any sleep about it. The only recourse some of these small businesspeople will have is to come to their member of parliament, who will get up in this place to complain and name the people concerned. The legislation is so biased that the minister can provide free legal advice to some people, but what about those who have been challenged? What about the small businessman? What about the small farmer? Will they get free legal advice? What sort of show are you giving people—an absolute free kick! You talk about equality, but there is no equality in that.

It will be a malcontent's and malingerer's paradise, and I make no apology for saying that. If you have ever had the privilege of being involved in employing people, you would know something about commonsense because, at the end of the day, you have to balance the books and keep the bank manager happy or no-one has a job. A famous American trade unionist once said, 'A company without profits is a company without jobs.' If you put these impediments in the way of—

The Hon. M.J. Atkinson: What was his name?

The Hon. G.M. GUNN: Go into the library and you might learn something. Difficult as it may be—

The Hon. M.J. Atkinson: But you said he was famous.

The Hon. G.M. GUNN: The honourable Attorney is not famous. I suggest to him that I have a little experience in the real world. The minister talked about people being discriminated against when they go to school. Some of us went to one-teacher schools in the corner of a paddock. We have not carried a chip on our shoulder and complained. We got on with life, and I think we made a reasonable success of it and have been a bit productive.

It is really interesting to read some of the second reading explanation. I do not know who applied their talents to writing some of this stuff, but I give them full marks for trying to pull the wool over people's eyes.

The Hon. M.J. Atkinson: Outstanding public servants.

The Hon. G.M. GUNN: Sir Humphrey Appleby Nos 1, 2 and 3, probably. Some of this stuff is gobbledegook. In his second reading explanation, the Attorney said:

> This government is pledged to these values and so proposes some important expansions to the present law. At the same time, the government is mindful that the law must set standards that are fair and reasonable. It must avoid imposing unjustifiable hardship on anyone. It must be mutual as between the parties to a complaint.

Let us stop there. You are going to give one lot free legal advice but not the other, so that makes a complete nonsense of what we have read. It is misleading the parliament to make those comments. Talk about discrimination! If you read through the clauses, you see that the bill sets out to discriminate between one section of the community and the other, and the government expects some of us to sit here, clap our hands and say, 'Jolly good show.' The Attorney said, 'It must be mutual as between the parties to a complaint.' He continued:

It must provide proper exceptions where there is some overriding consideration, such as occupational health and safety or the protection of children. Both these points of view were expressed in the comments about the framework paper and, in framing this bill, the government has tried to find a fair balance between them.

I completely reject that as arrant nonsense, and I make no apology for saying that. It is all right for them to laugh at me, talk in platitudes, mouth off and read speeches that must have been written for them. It might be all right for people who do not understand.

The Hon. M.J. Atkinson: Like the member for Unley today in grievances.

The Hon. G.M. GUNN: The member for Unley can speak for himself. The Attorney continued:

For indirect discrimination, the bill proposes to change the burden of proof. At present, the complainant bears the burden of providing that the requirement was unreasonable. Instead, the respondent will need to prove that it was reasonable.

Therefore, someone will be contacted by the bureaucracy and told that there has been a complaint of discrimination. I thought that you were innocent until you were proven guilty. This is an absolute outrage. There is the second point of discrimination in the bill—making people prove their innocence. What a lot of nonsense.

The Hon. M.J. Atkinson: You are outraged every parliamentary sitting day.

The Hon. G.M. GUNN: No, I'm not. The Attorney-General of this state, in his usual cynical approach to life, can never see any good in anyone else. He must wake up every morning feeling very sad, because he can only ever nitpick. I have never heard him say anything reasonable about people on this side.

The Hon. M.J. Atkinson: That is completely untrue—the former member for Unley.

The Hon. G.M. GUNN: I think that the current member for Unley is a great improvement, and I make no apology for saying that. In this place, people want to have the courage of their convictions. Too many people who become members tell people what they want to hear, instead of telling them what the facts are. I have always believed that you tell people what the facts are. You win a few and you lose a few, but it has normally stood me in pretty good stead. Whether we are talking about those foolish people involve in the antirodeo campaign or whoever it may be, I make no apology for stating what I think, what I believe in and what I stand for.

The Hon. M.J. Atkinson: They ought to be thrust in the trough.

The Hon. G.M. GUNN: Or they ought to be drummed out of the system, these eccentric people. This sort of legislation will be an open cheque for some of those crazy people. There are a couple of other provisions in this bill that I thought needed some attention. The bill would amend the act so that the duty falls on the minister to see that legal representation is provided to a complainant. The government proposes to fund the Legal Services Commission to deliver this representation.

The Hon. M.J. Atkinson: You were in favour of this particular clause when you were in government.

The Hon. G.M. GUNN: Hang on: if it was in the legislation, why are you putting it in here?

The Hon. M.J. Atkinson: Funny it was a government bill in parliament.

The Hon. G.M. GUNN: Not all of it. What the Attorney always does is gild the lily. He never lets the facts get in the way of a good story. I give him full marks for trying because, as usual, he has been caught with his hand in the till. He has not quite told the full story. If you are going to fund one side of the argument, you have to fund the other.

The Hon. M.J. Atkinson: That is what your government was going to do. Trevor Griffin put this to the parliament.

The Hon. G.M. GUNN: We are currently dealing with a proposition that this Attorney-General has put before the parliament, not what his predecessor did.

The Hon. M.J. Atkinson: Can you remember anything that happened more than four years ago?

The Hon. G.M. GUNN: The Attorney protests too much. Obviously, he does not like what I am having to say, but what I am having to say is reflecting the views of many citizens in South Australia.

The Hon. M.J. Atkinson: As you always do.

The Hon. G.M. GUNN: I have been sent here 12 times: that is something the Attorney will not achieve.

The Hon. M.J. Atkinson: When did you get 77 per cent of the vote?

The Hon. G.M. GUNN: Go and have a look. I suggest that the Attorney goes to the library, if he knows where it is, and has a look at some of the election results.

The Hon. M.J. Atkinson: Yours were never as good as mine!

The Hon. G.M. GUNN: Go and have a look at the election results in about 1975, and see what the vote was.

The Hon. M.J. Atkinson: It wasn't 76.6 per cent.

The Hon. G.M. GUNN: Very close to it: within a per cent. If I can get 75 per cent, I am not going to argue about one or two more. I am always satisfied with 75 per cent. I never argued about it; never lost any sleep. Let me say to the Attorney-General: it is a great pity that the majority of South Australian citizens have not had this posted to them so that they can actually read these provisions.

The Hon. M.J. Atkinson: You've got the postage: send it out, Gunny. Ask Barry Wakelin to send it out for you: he has the postage. He's retiring.

The Hon. G.M. GUNN: The Attorney is asking people to break the law. That is a Labor Party stunt. The Attorney-General of this state wants a federal member to post out a state member's material. We know that the Labor Party did that. It got the senators to do that at the last state election. They got Hurley to send things all up round my electorate.

Members interjecting:

The DEPUTY SPEAKER: Order!

Mrs Geraghty interjecting:

The DEPUTY SPEAKER: Order, member for Torrens! Everyone will just calm down for a minute.

The Hon. G.M. GUNN: They are upsetting me, Madam Deputy Speaker.

The DEPUTY SPEAKER: Member for Stuart, resume your seat until you are called.

The Hon. G.M. GUNN: I have lost my place.

Members interjecting:

The DEPUTY SPEAKER: Order! Member for Stuart, resume your seat until you are called.

Members interjecting:

The DEPUTY SPEAKER: Order! The member for Stuart.

The Hon. G.M. GUNN: I point out that I lost the particular clause that I was going to quote from, with all that.

The Hon. M.J. Atkinson: You mean you lost the page in your speech.

The Hon. G.M. GUNN: I am always a man of few words, the Attorney-General knows that, and it takes a lot to get me

on my feet. I have to think about it all day to make sure that I am in the right frame of mind, and I have been thinking about this. This is the sort of stuff that you do not want to take to bed with you to read, because you will have dreams if you do. One of the Attorney's colleagues talked about a fair go for everyone. If the government was really responsible, it would legislate to ensure that everyone has a fair go, and this legislation does not provide everyone with a fair go. I find it hard to believe that any thinking person would not realise that this will open the door for people to make irresponsible claims—

Mr Venning: Malcontents.

The Hon. G.M. GUNN: Malcontents and the rest of them, professional agitators and complainers, this small group of people. What is then going to happen is that some of them will get through the system and some poor innocent employer with a one or two-person family business will be confronted with having to answer these sorts of challenges. I do not know whether the Attorney-General and the bureaucrats who sit behind him understand that the average citizen is at a great disadvantage when they are challenged by the government, its agencies or instrumentalities.

The Hon. M.J. Atkinson: Quite so!

The Hon. G.M. GUNN: Absolutely at a disadvantage.

The Hon. M.J. Atkinson: You would be a stalwart in making that point.

The Hon. G.M. GUNN: Well, I would be absolutely right. One sees it every day with these disgraceful on-the-spot fines; and more bureaucrats want that sort of power. They should be reduced, not increased.

The Hon. M.J. Atkinson interjecting:

The Hon. G.M. GUNN: Unfortunately, they came in during my time. I have complained bitterly about it and I will continue to do so. Can I say in conclusion—

The Hon. M.J. Atkinson: Why do you always ask our permission to say things?

The Hon. G.M. GUNN: I do not ask permission of anyone. Unlike the Labor Party we can express a point of view without being threatened or intimidated.

The Hon. J.M. Rankine: Oh no you can't!

The Hon. G.M. GUNN: Oh yes I can!

The Hon. J.M. Rankine interjecting:

The DEPUTY SPEAKER: Order! The Minister for the Status of Women is interjecting out of her place.

The Hon. G.M. GUNN: She has always misbehaved. I remember her activities at a meeting at Peterborough. I put on the public record that I thank her very much for calling that meeting—which was greatly to my advantage! She allowed me to tell the truth to contradict the nonsense she was putting forward. There is a lot wrong with this bill and I sincerely hope that by the time it goes to another place it has many changes to it.

Members interjecting:

The DEPUTY SPEAKER: Order! When the house comes to order I will call someone to their feet. Member for Hammond the clock starts now.

Mr PEDERICK (Hammond): As a member of the Liberal Party I cannot possibly support the bill because of the obvious effect it will have on education and religious freedoms. No doubt, all MPs, including government MPs, have received dozens—even hundreds—of messages of protest. When will this government start listening to its people? We are all living creatures here, but not many have the ability to listen. The difference lies in the ability to understand, interpret and respond to the information gathered when you listen, rather than just react to noise that you hear. This government seems to have perfected the art of hearing without listening.

The Hon. M.J. Atkinson: The Cicero of Coomandook!

Mr PEDERICK: Don't discriminate against people from Coomandook; that was discussed earlier. Do not go down that path! Many messages have been widely circulated, but I have had a great many more from people visiting my office, phoning me, catching me in the street and at social events. I will tell the house what some people are saying about this bill:

1. An atheist applied to teach in a Christian school and was rejected because his/her beliefs and values were opposite in some ways to the beliefs of the school. He/she could bring a charge against the principal who would then have to defend the case at his/her own expense. Further, if found to be guilty, he/she would have to pay the penalty the law imposed.
2. I believe it will be the beginning of the end of free speech and the end of freedom of religion.
3. It seems that even natural justice would be denied those who are accused as the onus of proof would be reversed.
4. Compromises the freedom of speech our society enjoys and to ensure that our society allows our religious institutions to speak unhindered by fear of prosecution.
5. Deeply distressed about the new bill. Things that I use in my everyday speech to my children might cause someone around me to be offended, but we as English and Christians are not allowed to be offended by anything that another group of people, other than ourselves, have to say.
6. Serious and dangerous implications for freedom of speech and religion in this state. Stop this patronising bill that treats us as children. Do what you were voted in to do and respect and protect our freedoms.
7. The negative changes it would bring to our Aussie lifestyle, the ability to say what I think.
8. Truth should always be able to be used as a defence.
9. Our nation is becoming more and more lawless as a result of cunningly worded amendments to laws that have served our nation well for many generations.
10. This bill frightens me.

The response from the public has been constant and the messages always the same—and very clear. People fear this bill and mistrust the author's motives. This bill challenges the very values on which this great country was founded. In attempting to appease one section of the community, we are alienating another. Many people feel they will be the new oppressed. Everything they say, every word they speak and every thought they have is open to accusations of discrimination. These are the descendants of our country's founders. Many others have come here to escape the same sort of harsh regulation and intolerance they found in their native land. Are we to toss them from the frying pan into the fire? In our efforts to promote a more tolerant society we are imposing more restrictions on its people. The result will reduce tolerance by causing people to fear their neighbours, fostering confusion and mistrust as people begin to resent not feeling free to speak their mind. Our tolerance of others is allowing and encouraging them to become less tolerant of us.

Many of our traditional community leaders, teachers and ministers of religion, using words their teachers and mentors have used for years, now fear they will be called to explain those words in lengthy, expensive and unjust court proceedings. It will be no surprise to find in a few years' time that many of our best and wisest community leaders have

withdrawn from public life, and who could blame them? Our right to free expression of opinions is what makes this country what it is. If we did not have it, we would not even be here today debating it.

Mr WILLIAMS (MacKillop): It was almost three years ago one evening in a speech that I announced to the house that I had recently become a grandfather and, in the spirit of equal opportunity, I inform the house that I became a grandfather again last evening to our first grand-daughter, Eva Louise. Her grandparents on both sides are very proud of her, as are the parents, of course, who had something to do with it.

Notwithstanding my bringing that to the attention of the house in the spirit of equal opportunity, I cannot support the measure before the house at the moment. This parliament and the previous parliament have done some pretty silly things. It seems to be the wont or the modus operandi of this particular government, and particularly of this minister, the Attorney-General, to bring to the house matters of very little moment, matters which are totally unnecessary, matters for which he provides no justification but asks us to approve of them, and a number of them have indeed passed into law.

The Hon. M.J. Atkinson: What are the other examples?

Mr WILLIAMS: I will be right with you in a moment, Attorney. A number of them have been passed into law, and the Attorney uses this as a badge of honour as to how effective and efficient he has been in making all this new law to protect us from goodness knows what. The Attorney asks me for an example. I think the shining light of examples of the Attorney-General bringing ridiculous matters to the house and having them passed into law was the issue of making it unlawful for South Australians to eat cats and dogs. He attempted to have us believe at the time that there was a mischief, that this had occurred, and, as I recall, the Attorney had to come back and inform the house that he was mistaken; it was, in fact, a fox.

The Hon. M.J. Atkinson interjecting:

Mr WILLIAMS: Yes, it was a fox—oh, he of great memory. It was a fox; a simple example of the nonsense that this Attorney brings to the house and purports to be important legislation. As my very able colleague the member for Heysen informed the house the other night, at some length, about 80 per cent of what is in here is nothing new. It is law that we as citizens of South Australia, and indeed citizens of Australia, are already subject to. So there is a large portion of this which is totally unnecessary; it brings nothing and offers no new protection to South Australians. But a number of matters are new, and I am not going to waste the time of the house going into all these matters at length, because they have been adequately covered by my learned friend. But can I say yet again—

The Hon. M.J. Atkinson interjecting:

Mr WILLIAMS: Fortunately, Attorney, on this side I have a number of learned friends, something which you would not enjoy over there—both learned and friends. I ask why are these matters being brought to us? Why is the Attorney doing this, in a government led by a Premier who seemed to make a sport out of attacking the legal profession? Why would they bring this to the parliament and ask us to pass legislation which is full of new, untried principles, and new definitions which have no precedence in our law? To quote the interjection by my learned friend here, this is 'a lawyers' picnic'.

The Hon. M.J. Atkinson: Could you name one? Could you make a reference to a clause?

Mr WILLIAMS: My learned friend has been through the—

The Hon. M.J. Atkinson: A clause reference would be helpful, an example.

Mr WILLIAMS: I may indeed come to that in a moment. I have a great deal of difficulty in understanding why this particular Attorney under this particular Premier would want to bring to the parliament and enact into law matters which are just going to bog down our legal system with a lot of nonsense. The Attorney is trying to legislate political correctness. This is political correctness gone mad. By and large, I think a lot of what we do in this place just passes over, and the people out there in the community get on with their lives in spite of us. However, unfortunately, the government has raised the ire of a number of South Australians. I received an email from the Hon. Dennis Hood in the other place, and I think someone mentioned that Family First had received about 6 000 petitions, or—

Members interjecting:

Mr WILLIAMS: I received the email, and it said that it was over 8 500. I doubt whether too many pieces of legislation have been presented to this place that have raised that sort of community backlash. I have a particular concern about the impact that this legislation will have in the workplace. In my role as the shadow minister for industrial relations, I am concerned about the impact that this will have on businesses and in the workplace, and what it will do to undermine those hardworking South Australians who want to get on building the economy of South Australia and building a place where people can go about their business and work to ensure an economic future for themselves and their children and grandchildren—which is I want to do, because I have some grandchildren, and I am concerned about them.

I will bring to the attention of the house a matter which has dogged business across this nation for a number of years, and which has only recently been addressed, to some extent; that is, unfair dismissals.

Mrs Geraghty: Yes, that would be right.

Mr WILLIAMS: Yes, that would be right, because the member knows full well the problem with unfair dismissals. What happens is that people claim unfair dismissal, and the employer against whom the claim is made knows that, if he goes to the tribunal, even if he is successful, it will be a very costly exercise. Consequently, most times when a claim is made, the employer just pays the person out. They just pay out the 'get out of my face' money. They just pay them the money and say, 'Get out of my face; get out of my life. I am hardworking. I am trying to provide employment for other decent, honest South Australians, and you are just ripping me and the system off.' We have had legislation that has allowed that to happen.

Mrs Geraghty interjecting:

The DEPUTY SPEAKER: Order!

Mr WILLIAMS: Thank you, Madam Deputy Speaker. I have a significant concern that a number of the matters in this piece of legislation will be used and will be taken over by people who would otherwise have gone down the unfair dismissal track to squeeze a few thousand dollars out of their employer—because, all of a sudden, the burden of proof is reversed here. If a complaint is made, it is the employer, or the respondent, who has to prove that they were not discriminating, under one of the many grounds. What will stop the

vexatious claims? Mark my words, Madam Deputy Speaker, this is what will happen if this legislation ever becomes law.

I sincerely hope that it will not and, yet again, I hope that the people of South Australia are saved by our honourable friends in the other place—the place that those opposite want to get rid of. Yet again, I hope that the people of South Australia are saved from this bit of nonsense. The minister keeps baiting me, Madam Deputy Speaker, by asking me to quote which section—

The Hon. M.J. Atkinson: A clause.

Mr WILLIAMS: A clause. I will quote to him one that particularly concerns me, and that is clause 67(1), which provides:

> If it appears to the Commissioner that a person may have acted in contravention of this act, the Commissioner may investigate the matter, notwithstanding that a complaint has not been lodged.

The Hon. M.J. Atkinson: You're right; that is a clause in the bill.

Mr WILLIAMS: Yes. So, if it appears to the commissioner that a person may have acted in contravention of the act, the commissioner, of their own volition, will start an action. For the life of me, I do not know how the commissioner will have an understanding that there appears to have been a contravention of the act. I do not think that the commissioner will spend their days and nights out on the streets looking for a contravention of the act. But what I do know is that there will be a number of people in the community who, as a result of some kind of vendetta against decent, honest, hardworking South Australians, will be dobbing people in.

Mrs Redmond interjecting:

Mr WILLIAMS: Yes—God help the beggars.

Mrs Geraghty: Help the who?

Mr WILLIAMS: The beggars. I thought the member would be worried about the beggars, who have no means. The Attorney is not worried about them: he wants to throw them in gaol. He wants them dobbed in. He is making provision in this piece of legislation for people to be dobbed in. Who will do the dobbing in? I know who will do it. It is those people who, all of a sudden, do not have the facility of unfair dismissal at their disposal. They are the ones who will be doing the dobbing in. This legislation is a piece of mischief. It is not designed to address a mischief; this in itself is a piece of mischief. It is a piece of mischief designed to give certain people in our community a role in undermining good, hardworking, honest South Australians, and I think that is outrageous. The Attorney-General has not given this house a sound reason why we need this nonsense. He has not made the case. He has not even given us the fictitious dog or cat, which turned out to be a fox. He has not given us the—

The Hon. M.J. Atkinson interjecting:

Mr WILLIAMS: Yes, puppies in a bag in Melbourne. There is no smoking gun. The Attorney has no smoking gun. There is no mischief being addressed by this measure. I contend that the measure before the house is a mischief in itself and it should be rejected.

Mr VENNING (Schubert): I do not usually get involved in these sort of debates but tonight, given the tone of the discussion, I just feel that I should say something. When we legislate for a fair go, usually it ends up the opposite way around. I have a lot of sympathy for some of the views expressed during this debate tonight and I can understand some of the concerns, but we must also understand that, when we legislate for things like this, usually the opposite happens. We have got to be honest about this: not everything is created equal. There is always going to be somebody who rorts the system. You have got to protect those who are doing the right thing.

I believe that in 95 per cent of cases most Australians believe in a fair go, they really do, and they do the right thing. So, why does legislation like this come in here to try to put on the clamps for the sake of those five per cent? As the members for MacKillop, Hammond and Stuart said (that I heard), there will always be vexatious claims in these sorts of matters, there will always be accusations, because some people are never pleased. Most of the members here tonight, particularly on the government side, have been in this place for some time and they know how much members of the public can be intimidated by government, by government bureaucrats, and most of them will not confront it, they will just give in and put up with it. A lot of people are intimidated by the bureaucracies and the systems that we in this place create. So, I am very concerned indeed at legislation such as this. Over the years I have been fairly critical of the other place. All I am going to say is that this—

Mrs Geraghty: Abolish it.

Mr VENNING: I have said that in the past, too. This bill is so bad and its effect could be so serious that I am just hoping that that other place will moderate it. I have got no problem with 75 per cent of this bill, and no-one with a fair mind would have a problem with it. I believe it a fair go, but I cannot believe in any legislation, any at all, in which the onus of proof is reversed like it is here. I have heard the Attorney-General on the radio at night and he portrays as being a fair person, and one who likes a fair go. How can he turn the onus of proof the other way around, so the person who is being accused has to prove that he has not done the wrong thing?

The Hon. M.J. Atkinson: I'll tell you.

Mr VENNING: Well, do so in your final speech, Attorney. I cannot believe that somebody can accuse a person of discrimination, and that person then has to prove that they did not. I always believed that the accuser had to do that. I thought that was a fair go and a reasonable thing, but apparently not in this bill. To make it worse, the minister assists the accuser with legal aid.

The Hon. M.J. Atkinson: As framed by Trevor Griffin and assented to by your party room.

Mr VENNING: I have been in this place as long as anyone in this house at this moment, and I am not—

The Hon. M.J. Atkinson: No, you haven't been in as long as me.

Mr VENNING: No; you have, you are one year, sorry.

The Hon. M.J. Atkinson: And I campaigned against you when you got here.

Mr VENNING: One year, and that is why I won.

The Hon. M.J. Atkinson: I doorknocked Hamley Bridge and we won Hamley Bridge at the last election.

Mr VENNING: Well, I was not the member. So, irrespective of what the Attorney might say about who was involved with what, this is the bill before us and the government is trying to carry it through. We have all received correspondence and phone calls from a lot of people in organisations—some are sitting in the gallery right now—about how concerned they are about this legislation. When I first saw the principles of this bill I thought that it sounded good on paper, but when I looked at it more closely I just could not believe that a person has to prove that they did not

discriminate and they do not get any legal aid or any legal assistance to do that.

The Attorney knows what is going to happen; he knows that all these vexatious claims are going to come in and be made against people, and those people are not going to fight it, they will just give in and walk away and pay the penalty. What does that do to employment? Is it not tough enough already out there? It is bloody tough and it is going to get tougher. When the economy really screws down as a result of the drought and when the resources boom eventually finishes, I tell you what, we will need everything we have to keep this economy buoyant.

Mr Koutsantonis: That's what Kevin Rudd is saying.

Mr VENNING: You can say what you like in the paper, but you get out there and see. All I say is that legislation such as this, with all these provisions about harassment under section 61, is fair. Anybody can make these accusations, and that is okay, because you can make any accusations you like, but when you are the accused you have to turn around and prove that it was not so. Attorney-General, I look forward to your response. I do not think that is fair and I cannot believe that, with your background and your so-called philosophical point of view (which I happen to have studied over some years and I have been with you on many occasions and listened to you many times), you could bring in a bill like this. It contains a lot of principles I can agree to, but to deny the principle of a fair go and of being innocent until proven guilty indicates to me that the bill is totally flawed. I look forward to the response of the Attorney-General.

The Hon. M.J. ATKINSON (Attorney-General): 'Why should an employer not be free to choose whom they want for whatever reasons they want to employ them?' This is the question posed by the member for Heysen and the theme of several contributions in this debate. It takes us back some decades. Before 1966 that was the law. An employer could refuse to hire people of a particular race on the ground that they were lazy or dirty or that Australia belonged to the white man. He could refuse to hire women on the ground that they were too irrational to hold down serious jobs or that they should be home minding the children. A man's business was his castle. Then came the Prohibition of Discrimination Act 1966, which prohibited discrimination on the ground of race, and, later, the Sex Discrimination Act 1975, which controversially at the time proposed that women were equal to men. With these acts, the right for which the member for Heysen is nostalgic—the right to hire and fire according to personal prejudice—was lost, we hope forever.

Mrs Redmond interjecting:

The Hon. M.J. ATKINSON: The member for Heysen says 'according to personal preference'—the preference not to hire Aboriginal people because of the belief that everyone of their nation is lazy and dirty! Since 1975, anti-discrimination laws have been expanded in South Australia to cover sexuality, disability and age. In other states and territories and in the commonwealth law, the expansions have been far greater, extending to family responsibilities, religion, political affiliation and other matters. In other words, we have long ago moved on from the idea that employment is a privilege bestowed on those whom employers choose to patronise and that employment is therefore on the employer's term. Employment, even in a small business, is no longer personal servitude. The language of master and servant has come to be replaced by the language of employer and worker—a reflection of this change.

The days when an employer could do as he or she liked ended long ago. Parliaments have made laws about wages, hours of work, safety, the protection of the environment and human rights, all of which curtail the freedom of business in the public interest. The reason that employers are not free to choose whom they want for whatever reason, as the member for Heysen advocates, is that the public of South Australia believes in equal opportunity for all citizens to take part in the life of our society. That includes work, access to education and professional qualifications as well as the right to buy goods and services, rent lodgings and own land without regard to irrelevant personal characteristics such as race, sex, disability or age. For most South Australians that right is no longer even controversial. Most of us take the rights to equality and equal opportunity for granted; however, for some reason, legislation to affirm or extend those basic rights proves endlessly contentious in this place. Having listened to members in the present debate, I think the most likely explanation in this case is that members just do not understand the bill. So, I will clear up the misunderstanding of members as best I can.

The member for Heysen asked about references in the bill to discrimination on the ground of a characteristic that a person had in the past or may have in the future. The member noted that this might apply to pregnancy but that that is otherwise covered, and she asked for what purpose the provision has been included. A good example is past disability. The person might have suffered an illness or injury in the past which is disclosed in a pre-employment medical examination. Even though the person has recovered and the doctor certifies that he or she can do the job, the employer might be unwilling to take the person for fear that the injury or illness could recur in the future and the employee might need sick leave. That would be discrimination on the ground of a past disability and on the ground of a disability that may exist in the future.

That is now unlawful under commonwealth law which, as the member points out, applies already in South Australia, and the bill proposes that it should also be unlawful under South Australian law. The member also spoke about the expansion of the act to include discrimination on the ground of characteristics of an associate. Her comments suggested a misunderstanding. The bill does not adopt a general rule that no-one is to be treated unfavourably on the grounds of the characteristics of an associate. There are plenty of examples in our current law where the characteristics—especially the criminal convictions or gang membership—of an associate not only may but must be taken into account. An application for a security agent's licence is a good example. The bill does not change that in any way; rather the bill provides that there should not be discrimination on the ground of a characteristic of one's associate.

That is a ground of discrimination covered by this act—that is, race, age, sex, sexuality, disability, and so on, of one's associate. As the member says, this means that a person cannot be refused entry to a hotel, for instance, because he or she is accompanied by an Aboriginal friend or, indeed, by a person in a wheelchair or by a woman who is pregnant. It does not mean that he or she cannot be refused entry because his or her associate is carrying an offensive weapon or is known to sell drugs. The member asked how it would be policed. As with all equal opportunity matters, it is up to the person concerned to complain to the commissioner about the unfavourable treatment if he or she wishes.

Mrs Redmond interjecting:

The Hon. M.J. ATKINSON: The member for Heysen interjects, 'Or a union', as if a union should not be allowed to complain, as if somehow unionists do not have full rights of citizenship in Australia. I regret that the member for Heysen has received no satisfactory explanation of the changes to the bill on the subject of lodging. At present the act makes a general rule about equal treatment in lodging, but it makes an exception for the case where a person is applying to lodge in the principal place of residence of another or in premises that adjoin premises where the owner of the accommodation lives: see section 85L, for example, dealing with the ground of age and with sharing accommodation with a child; or section 40(3) dealing with the grounds of sex, sexuality, marital status and pregnancy.

An example might be a block of flats where the owner lives in one and rents out the others. At present, because these provisions are widely drafted, the manager could refuse to rent to people of a particular age, sex or sexuality because the applicant would then be residing on premises where the owner also resides. That is too broad. It is not intended that providers of lodging should be able to discriminate in that situation; what we really intend to exempt is the situation of living as a lodger or paying guest in someone's home. The act has always allowed people to discriminate in their own homes; it seeks to regulate behaviour in public rather than private life. For example, employing someone in one's home has always been beyond the scope of the act. Thus the bill narrows these exemptions to cases where the lodging will be in the person's own household.

The member for MacKillop claimed that the bill would allow vexatious or frivolous claims. Well, they can be lodged but under new section 95A the Commissioner may decline to recognise a complaint if, in the opinion of the Commissioner, the claim is frivolous, vexatious, misconceived or lacking in substance or representation should be declined because there is no reasonable prospect of the complaint prevailing before the tribunal. Costs can be awarded in the tribunal against frivolous and vexatious complainants.

The member for Fisher asked whether the new victimisation provisions would make comments in jest (such as 'Pommy bastard') illegal. No; new section 86(4) prohibits only public acts that incite hatred, serious contempt or severe ridicule—and I do not think that was happening in the Royal Australian Navy during the Second World War. There is also a defence where the act is a reasonable act done in good faith for academic, artistic, scientific or research purposes. Can an employer refuse to employ a person wearing a burkah? Well, there is provision in the act that it can occur where doing so would prevent the person from performing adequately in the job.

The member for Heysen correctly explained (and the member for Waite had something to say about this as well) that the bill would narrow some of the present exemptions from the act. One is that it will no longer permit hospitals, welfare services and aged care homes that are run by religious institutions to refuse to employ or admit homosexual people. Another is that it removes the sexuality exemption for clubs and societies. A third is that it would abolish the present rule that small partnerships (five or fewer) can keep out homosexual members.

An honourable member interjecting:

The Hon. M.J. ATKINSON: Yes, I imagine. At the moment it is quite lawful for any of the church-run hospitals around town to refuse to employ a homosexual nurse or even turn away a homosexual patient. It is quite lawful for a philatelic society or a gliding club to refuse to admit a homosexual person as a member. It is quite lawful for a small law or accounting firm to promote heterosexual staff to partnership while keeping equally deserving homosexual staff as employees purely on the ground of their sexuality. It astonishes me that the member for Heysen would support that kind of discrimination and say that it should still be lawful, in light of her voting record in this house.

The member for Heysen is also concerned about the proposal that sexual harassment should be unlawful among high school students; she thinks that at 12 or 13 a person is too young to have what she calls a 'legislative framework' apply to him or her; in fact, the age of criminal responsibility is 10 years. So a great many laws already apply to children by the time they reach high school, although we know from experience that the sexual harassment provisions of the act would very rarely be invoked on children of those ages. The member for Heysen is also concerned at the proposal to extend the time for making a complaint from the present six months to 12 months, and she noted that one has only three weeks to bring unfair dismissal provisions. There are obvious reasons why a claim of unfair dismissal is urgent: if action is not taken promptly the job will be given to someone else. For the remedy of re-employment to be available the complaint must be made without delay. Equal opportunity complaints are generally not as urgent as that and one reason for a 12 months time limit is that, in general, a complaint to HREOC can be made at any time but the president may decline a complaint on the ground that it is more than 12 months old.

The member for Heysen supports the proposed change in the commissioner's role so that the commissioner does not act as the advocate for the complainant before the tribunal. At the same time, she objects to the provision of legal aid funding to complainants as a substitute. From listening to debate, I wonder whether members realise that complainants have been publicly funded in the tribunal since the inception of this act. It is part of the commissioner's function, and it always has been, to represent complainants in the tribunal. I refer the member for Heysen to the Sex Discrimination Act 1975, which made that provision by section 40(6). A similar provision appears in the current act. If a complainant asks, as invariably he or she does, the commissioner must assist the complainant in the presentation of his or her case to the tribunal, either personally or by counsel.

That is not something new in this bill, and why, after being settled law for so long, it is now controversial is difficult to understand. Mr Martin QC did not consider it so. He did not recommend that this funding be abolished but only that it be delivered another way. That is what the bill does: it moves the responsibility to provide representation from the Commissioner to the minister. Members may have forgotten that, when the former Liberal government introduced the Equal Opportunity (Miscellaneous) Amendment Bill in 2001, its intention was exactly the same. The Hon. K.T. Griffin then said:

> One significant change proposed in this bill is the abolition of the Commissioner's present role as a representative of the complainants before the tribunal. Mr Martin QC considered that it was inappropriate for the Commissioner to act as conciliator between the parties, thereby gaining information from both sides, and then subsequently to act as advocate for one of the parties against the other. He said that this created a conflict of interest. Instead, he recommended that the Commissioner's representative role be removed, and the bill does this. However, it is still considered desirable that representation be provided in deserving cases by some other means at arm's length from the Commissioner, and to this end, the Government is negotiating with the Legal Services Commission to provide a

comparable avenue of representation for complainants in these matters.

That went before the Liberal Party room and not one of the members here who is complaining about it today raised it at the time. So, it was okay when it was a Liberal government measure, but it is bad when it is a Labor government measure. There are so many other misconceptions of members of the opposition about this that I may deal with them during the committee stage or at the third reading. I thank members for their contribution and examination of the debate. I commend the bill to the house.

Bill read a second time.

In committee.

Clause 1 passed.

Progress reported; committee to sit again.

FISHERIES MANAGEMENT BILL

The Legislative Council agreed to the bill with the amendments indicated by the following schedule, to which amendments the Legislative Council desires the concurrence of the House of Assembly:

No. 1. Clause 3, page 8, after line 41—
Insert:
entitlement under a fishery authority means—
(a) a gear entitlement; or
(b) a quota entitlement; or
(c) an entitlement of a prescribed kind.

No. 2. Clause 3, page 9, after line 36—
Insert:
gear entitlement under a fishery authority means the maximum number of devices of a particular kind that the holder of the authority may lawfully use at any 1 time for the purpose of taking fish pursuant to the authority;

No. 3. Clause 11, page 16, lines 11 to 13 (inclusive)—
Delete subclauses (2) and (3) and substitute:
(2) Subject to subsection (3), the Council consists of—
(a) the Director (*ex officio*); and
(b) at least 9 other members appointed by the Governor on the nomination of the Minister, being persons chosen from a list of persons submitted by a selection committee (the *Ministerial Selection Committee*).
(3) A member of the Ministerial Selection Committee cannot be chosen or nominated as a member of the Council.

No. 4. Clause 11, page 16, line 28—
Delete 'consider' and substitute:
submit

No. 5. Clause 11, page 16, line 29—
After 'notice' insert:
to the Ministerial Selection Committee for its consideration

No. 6. Clause 11, page 16, after line 29—
Insert:
(7) The Ministerial Selection Committee consists of 7 members appointed by the Minister of whom—
(a) 1 must be a person selected from a panel of 3 persons nominated by a body that, in the Minister's opinion, represents the interests of the seafood industry; and
(b) 1 must be a person selected from a panel of 3 persons nominated by a body that, in the Minister's opinion, represents the interests of the commercial fishing sector; and
(c) 1 must be a person selected from a panel of 3 persons nominated by a body that, in the Minister's opinion, represents the interests of the recreational fishing sector; and
(d) 1 must be a person selected from a panel of 3 persons nominated by a body that, in the Minister's opinion, represents the community interest in the conservation of aquatic resources, aquatic habitats and aquatic ecosystems.
(8) The Ministerial Selection Committee must submit to the Minister a list of persons considered by the Committee to be suitable candidates for appointment as members of the Council.
(9) The Ministerial Selection Committee must, in preparing the list—
(a) consider any expressions of interest for appointment to the Council submitted by the Minister under subsection (6); and
(b) have regard to the qualification requirements of subsections (4) and (5).
(10) Members of the Ministerial Selection Committee will hold office on terms and conditions determined by the Minister.

No. 7. Clause 16, page 17, line 24—
Delete 'by the Minister' and substitute:
under this Act

No. 8. Clause 40, page 25, line 27—
Delete 'variation' and substitute:
amendment

No. 9. Clause 40, page 25, line 31—
Delete 'a variation' and substitute:
an amendment

No. 10. Clause 43, page 26, lines 34 to 37—
Delete paragraph (h) and substitute:
(h) specify the share of aquatic resources to be allocated to each fishing sector under the plan; and
(i) prescribe a method, or establish an open and transparent process for determining the method, for adjusting allocations of aquatic resources between the different fishing sectors during the term of the plan; and
(j) provide that compensation will be paid to persons whose licences or licence entitlements are compulsorily acquired in order to reduce the share of aquatic resources allocated to the commercial fishing sector and increase the share allocated to another sector.

No. 11. Clause 43, page 26, before line 38—
Insert:
(2a) In determining the share of aquatic resources to be allocated to a particular fishing sector under the first management plan for an existing fishery, the share of aquatic resources to which that fishing sector had access at the time the Minister requested the Council to prepare the plan (based on the most recent information available to the Minister) must be taken into account.

No. 12. Clause 43, page 26, after line 39—
Insert:
(4) In this section—
existing fishery means a fishery constituted under this Act by virtue of clause 5 of Schedule 1.

No. 13. Clause 44, page 28, line 9—
Delete 'person' and substitute:
persons

No. 14. Clause 44, page 28, lines 12 to 16—
Delete subclause (7) and substitute:
(7) The Council must consult with and consider the advice of the persons and bodies referred to in subsection (3)(a) on—
(a) the provisions of the draft management plan; and
(b) all matters raised as a result of public consultation under this section; and
(c) any alterations that the Council proposes should be made to the draft management plan.

No. 15. Clause 47, page 29, line 8—
Delete 'Any' and substitute:
Subject to this section, any

No. 16. Clause 47, page 29, after line 11—
Insert:
(3) If—
(a) a management plan is due to expire in 6 months or less; and
(b) a draft management plan to replace the existing plan has not yet been adopted by the Minister under this Part,
the Minister must, by notice in the *Gazette* published before the expiry of the plan, extend the term of the plan for

a period specified in the notice (being a period of not less than 12 months and not more than 5 years).

(4) The Minister may not extend the term of a management plan under subsection (3) more than once.

(5) If the Minister has extended the term of an existing plan under subsection (3), the Minister must ensure that, during the extended term, he or she adopts a replacement management plan to come into effect on the expiry of the existing plan.

No. 17. Clause 49, page 29, line 24—
Delete 'amended or replaced' and substitute:
amended, replaced or reinstated without amendment

No. 18. Clause 49, page 29, after line 28—
Insert:

(5) If a report under this section recommends that a management plan should be reinstated without amendment on its expiry, the plan may be so reinstated without following the procedures set out in section 44.

(6) If a plan is to be reinstated under this section, the Minister must—

(a) adopt the plan; and

(b) cause notice of that fact to be published in the *Gazette*; and

(c) in the *Gazette* notice adopting the plan, fix a date on which the plan will take effect.

No. 19. Clause 56, page 33, line 30—
Delete paragraph (b) and substitute:

(b) —

(i) if it is in respect of a fishery for which there is a management plan—until the management plan expires or is revoked; or

(ii) in any other case—for a period (not exceeding 10 years) specified in the licence.

No. 20. New clause, page 35, after line 25—
Insert:

57A—Acquisition of licences etc by Minister

(1) If under a management plan for a fishery, the share of aquatic resources allocated between different fishing sectors is adjusted so that the share allocated to holders of licences in respect of the fishery is reduced and the share allocated to persons who do not hold such licences is increased, the Minister may, for the purpose of giving effect to the adjustment, acquire licences in respect of the fishery or entitlements under such licences.

(2) An acquisition under subsection (1) must be made in accordance with the regulations.

(3) Regulations made for the purposes of this section may—

(a) provide for a scheme of acquisition by the Minister and include in the scheme provision for compulsory acquisition and the payment of compensation to persons whose licences or entitlements are compulsorily acquired; and

(b) prescribe the method of calculation of amounts payable for the acquisition of licences or entitlements or as compensation for their compulsory acquisition; and

(c) provide for a process of objection and appeal in relation to the payment of compensation under the regulations.

No. 21. Clause 102, page 64, line 5—
After 'spouse' insert:
or domestic partner

No. 22. Clause 102, page 64, line 7—
After 'spouse' insert:
or domestic partner

No. 23. Clause 102, page 64, line 12—
After 'spouse' insert:
or domestic partner

No. 24. Clause 102, page 64, after line 17—
Insert:
domestic partner means a person who is a domestic partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

No. 25. Clause 102, page 64, line 24—
After 'spouse,' insert:
domestic partner,

No. 26. Clause 102, page 64, lines 28 and 29—
Delete the definition of *spouse* and substitute:
spouse—a person is the spouse of another if they are legally married.

No. 27. Clause 127, page 81, line 32—
After 'fishery' insert:
(other than by way of adjustments in allocations of aquatic resources referred to in section 57A)

No. 28. Clause 127, page 81, lines 34 to 44—
Delete subparagraphs (i) to (iv) (inclusive) and substitute:

(i) provide a scheme for the acquisition of licences or entitlements under licences by the Minister and include in the scheme provision for compulsory acquisition and the payment of compensation to persons whose licences or entitlements are compulsorily acquired;

(ii) prescribe the method of calculation of amounts payable for the acquisition of licences or entitlements or as compensation for their compulsory acquisition;

(iii) provide for a process of objection and appeal in relation to the payment of compensation under the regulations;

(iv) provide for the imposition of levies for the purpose of funding the costs of acquiring licences or entitlements;

No. 29. Clause 127, page 82, line 36—
Delete 'for the management of a fishery or'

No. 30. Clause 127, page 82, lines 38 to 40—
Delete subclause (4)

ADJOURNMENT

At 9.51 p.m. the house adjourned until Thursday 22 February at 10.30 a.m.