HOUSE OF ASSEMBLY

Thursday 30 April 2009

The SPEAKER (Hon. J.J. Snelling) took the chair at 10:31 and read prayers.

CORRECTIONAL SERVICES (PAROLE NO. 2) AMENDMENT BILL

The Hon. I.F. EVANS (Davenport) (10:32): Obtained leave and introduced a bill for an act to amend the Correctional Services Act 1982. Read a first time.

The Hon. I.F. EVANS (Davenport) (10:33): I move:

That this bill be now read a second time.

I advise the house that this is a very simple bill. It is one of three that I am introducing today to do, generally, with arson or bushfire. What this bill does is cancel automatic parole for those people convicted of arson offences who are serving less than five years. Currently, there is an automatic parole provision for people serving less than five years, generally. This bill provides that if you have been convicted of arson you should not receive automatic parole, you should have to go before the Parole Board and argue a case.

It is a very simple measure. I think we need to send the strongest possible message to the community, and to arsonists, that the act of arson is not acceptable. I note that the Premier is on the record as saying that arsonists are the equivalent of terrorists. If the Premier is sincere in that belief then you would have argue why you would give convicted terrorists sentenced to less than five years automatic parole.

What this bill does is simply provide that if you are convicted of arson then you would have to go before the appropriate authority and argue your case in relation to getting parole. It is a very simple bill. I do not need to hold the house any further, but I look forward, hopefully, to government and house support when it comes to the vote in future weeks.

Debate adjourned on motion of Mrs Geraghty.

BAIL (ARSON) AMENDMENT BILL

The Hon. I.F. EVANS (Davenport) (10:35): Obtained leave and introduced a bill for an act to amend the Bail Act 1985. Read a first time.

The Hon. I.F. EVANS (Davenport) (10:35): I move:

That this bill be now read a second time.

What this bill does is complement the first bill, in that it is sending a message to arsonists and the community that the parliament is serious about dealing with arson and related offences. This bill reverses the presumption of bail for those people charged with arson offences. Already under the act there is the ability, for certain offences, for the presumption of bail to be reversed.

This bill brings arson offences into that category of offences where the presumption of bail is reversed. The practical effect of it is that if charged with arson, rather than the prosecution having to argue why bail should not be allowed, the accused, through their lawyers, would have to argue why bail should be allowed. So, it reverses the presumption of bail in relation to arson offences.

Again, it is a very simple bill. It is about sending a message to the community and to arsonists that what they do is not going to be tolerated by the parliament. I think we should make it as tough as we can on the arsonists under the procedures we have available to us. Hopefully, when it comes to the vote the government and the house will support it.

Debate adjourned on motion of Mrs Geraghty.

CRIMINAL LAW CONSOLIDATION (LOOTING) AMENDMENT BILL

The Hon. I.F. EVANS (Davenport) (10:37): Obtained leave and introduced a bill for an act to amend the Criminal Law Consolidation Act 1935. Read a first time.

The Hon. I.F. EVANS (Davenport) (10:37): I move:

That this bill be now read a second time.

This bill addresses what I think is one of the more serious issues in relation to arson and bushfire generally. This deals with the issue of looting areas that are affected by bushfire and, indeed, this bill goes further to emergency declarations such as earthquakes and other disasters.

We have all seen the very bad fires in South Australia, Victoria and Western Australia over many years and, usually, one, two or three days after the fire, you have media reports of people scavenging through people's half burnt-out houses and businesses and stealing from them. I think people who do that are the scum of the earth, frankly, and I think we should be throwing the full force of the law at them. It is outrageous that these people suffer the loss of their property and livelihood only to find that some people seek to take advantage of it by ransacking what is left of their personal possessions.

This bill provides that where there is an emergency declaration under the Emergency Services Act and other acts, robbery and theft will be treated as aggravated offences and they will therefore incur a much higher penalty. The penalty for robbery, for instance, increases from 15 years to life imprisonment, and for theft from 10 years to 15 years. So, it sends a very strong message to looters that, if you are going to go into areas that are suffering disasters and try to take advantage of someone's bad luck, if you are caught, you are going to face a significantly higher penalty.

It goes further than that. The bill also covers areas that are covered when the appropriate authority—generally the CFS—makes a radio broadcast or public broadcast to put in place a bushfire action plan which generally may include evacuation. Let us say that the people of my electorate, Davenport, are advised to put in place their bushfire action plan which leads them to evacuate the district, those with criminal minds might say, 'Here's my chance to whiz into those areas. There will be very few people home and I will take advantage of the disaster of the pending fire by committing robbery or theft when they are not home.'

This bill provides for aggravated offences in not only the circumstance where the disaster has occurred but also where there has been a broadcast to put in place a bushfire action plan. This creates a disincentive for those who are inclined to commit robbery or theft in those areas covered by that public declaration. This bill will send a very strong message to those who may decide they want to take advantage of people's bad luck in emergency situations, and I think it sends a very strong message to looters that what they do is simply not going to be tolerated by the authorities or, indeed, by the parliament.

When people have a bushfire or an earthquake and their property is damaged, the parliament has a duty to offer them the strongest protection possible. By making theft and robbery in those sorts of areas an aggravated offence, the parliament is sending the strongest possible message that looting after a bushfire or other disaster (or, indeed, before a bushfire) will simply not be tolerated by the parliament. I hope that the parliament will show its support for this measure when it comes to the vote.

Debate adjourned on motion of Mrs Geraghty.

GAMING MACHINES (HOURS OF OPERATION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 13 November 2008. Page 933.)

The Hon. R.B. SUCH (Fisher) (10:43): I will make a very brief comment. I support the concept and the implementation of some restriction on when gaming machines can be played. If you look at the record, I did support the introduction of poker machines despite strong opposition from people, threats and so forth. I did so on the basis that I believe that, unless there is a clearly demonstrated ill-effect, you should not restrict people's rights to do things. A big caveat on that is, of course, if it applies to children. That is why we protect children from excessive violence; particularly, sexual violence and other activities.

However, when it comes to gaming machines, I believe people have a right to play them but, along with other aspects of our society, we have to have sensible rules about their operation. I cannot see why they need to operate 24 hours a day seven days a week. Therefore, I support sensible measures which would restrict the operating hours of these machines to periods when people can have their enjoyment and pleasure, if that is what they want to do, but I think they should be shut down for a period of time. I believe that would help those who are chronic gamblers, and I think it would also lead to a healthier situation in our community. I support what the member is doing.

I guess the question is: what hours should gaming machines be allowed to operate or, alternatively, shut down? I think there is a strong case for having a clear time during the day for the closure of those machines. I do not understand why people have to play them at breakfast time, for example; that eludes me. However, I am quite supportive if people want to play them for much of the day, but I do not think they should be available all day, even allowing for shiftworkers. I think we can come up with a sensible arrangement where there is a closedown period for part of 24 hours.

Debate adjourned on motion of Mrs Geraghty.

PARLIAMENTARY SUPERANNUATION (REDUCTION OF PENSION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 19 February 2009. Page 1648.)

Mr KENYON (Newland) (10:46): I rise to oppose this bill, mainly because of its potential to discourage former members of parliament to take useful roles once they are no longer members. The bill provides that former members would receive no remuneration for their service on a government board or committee and, in making any fee or allowance paid to a former member as a consequence of being appointed to a government board or committee, reduce their superannuation pension. This amendment would do little more than reduce the number of qualified people with the appropriate experience available to serve the community through government boards and committees.

It is somewhat surprising that it was the member for Mitchell who introduced this bill, given his background. Essentially, he is asking people to work for nothing. I am a strong believer in the concept of a fair day's pay for a fair day's work, but this bill discards that notion. The pension is not an ongoing salary for retired members of parliament; it is part of their salary package for their service when they were members of parliament.

Without remuneration, the incentive for former members to serve on government boards and committees would obviously be reduced, with many perhaps instead preferring not to offer their services at all. It is reasonable to suggest that this would result in government boards and committees not benefiting from the knowledge and experience former members have to offer.

The skills and experience former MPs can provide to boards and committees is invaluable, not just in their operation but in the positive impact they can have on all parts of the community. Individuals gain a unique knowledge of any number of issues while they are members of parliament, and we should do everything to ensure that this knowledge is available to help the community once they are no longer members, and that is true for any number of people.

Former members of parliament, former ministers and former premiers are all incredibly useful. We have seen former premier Dean Brown used on consultative committees in the Riverland and also at Strathalbyn and, just recently, we saw Rob Kerin's appointment. Of course, Dean Brown is also Chairman of the board of Hillgrove Resources, so his experience is such that he is able to work in the private sector, and it is not a bad idea to be able to use him from time to time in the public sector. It is unfair to ask people to work without paying them, particularly if that work is valuable—and obviously you do not ask people to do work that is not valuable.

The bill is likely to mean that this knowledge is no longer available to resource boards and committees in the future. When we should be doing everything we can to recruit the best and brightest to serve on these boards—and sometimes that is former members of parliament—this measure does little more than make recruiting suitable and qualified candidates even more difficult.

It also seeks to discourage former members from occupying positions in other jurisdictions, which is a bit rich. I disagree with the whole concept that somehow former members are like reserve officers whom we can just call back whenever we like and, for no consideration, they will just turn up, do what we want and then go away. It will not add anything to anyone to do that.

Mr HANNA (Mitchell) (10:50): I thank the member for his contribution. I note that the club continues to thrive.

Second reading negatived.

PARLIAMENTARY COMMITTEES (BUSHFIRES COMMITTEE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 5 March 2009. Page1865.)

The Hon. M.J. WRIGHT (Lee—Minister for Police, Minister for Emergency Services, Minister for Recreation, Sport and Racing) (10:51): The member for Davenport has introduced a bill seeking to establish a standing committee of the parliament to deal with bushfires. This government has, in the past seven years, demonstrated an ability to respond in a proactive and strategic way to the bushfire risk.

The 2003 Premier's Bushfire Summit called on South Australians to provide ideas and raise any concerns about bushfire preparedness across the state. This included the establishment of the Native Vegetation Council Fire Subcommittee, which has resulted in the streamlining of permit requests for native vegetation clearing for fire risk management. CFS representatives are on this committee, including the deputy chief officer. In relation to development and land use matters, the initiatives recognise the need to review the bushfire policy framework and development plans, update development controls in designated bushfire-prone areas, and consider extending the number of bushfire-prone areas.

Subsequently, a development assessment framework has been established, comprising of planning policies, building rules, and powers of direction to the CFS in high-risk areas for determining the appropriateness of development in these zones. Other significant initiatives to come out of the summit include the extension of the Community Fire Safe Program, the introduction of a rural addressing system across South Australia, and the development of strategic bushfire management plans by regional and district bushfire prevention committees.

I am pleased to say that, of the other reviews I have mentioned, all of their recommendations are complete or close to the final stages of completion. Since the devastating fires in Victoria, the state government has announced a review of current arrangements for managing the interaction of native vegetation and bushfire, with a particular emphasis on developments near urban areas and townships, a review of bushfire protection areas to determine whether the risk ratings need upgrading, and fast tracking the implementation of an all risk telephone-based warning system.

In addition, most recently, I informed the house of the formation of a specialist task force, consisting of experts in various fields, who will be working side by side to bring South Australia to a new level of bushfire preparedness. They will analyse key issues arising from the Victorian bushfires and look into immediate, medium and long term solutions needed to improve bushfire management practices and strategies in South Australia. The task force is headed by CFS Chief Officer, Mr Euan Ferguson.

I have been advised that no other state has a bushfire standing committee. That is not to say that there is not a role for parliament in bushfire mitigation and management. A number of parliaments around Australia, including this parliament, have in the past formed select committees to deal with contemporary issues, and I suspect that we will continue to do so in the future. Further, the Natural Resources Committee, an existing standing committee, already has the powers to inquire into bushfire mitigation, as evidenced in its recent examination of the management of native vegetation in South Australia.

I am sure this bill has been brought forward with good intent, and, although well-intentioned, if supported, there is a potential that agency heads, in particular the heads of CFS, MFS and DEH, will have another taskmaster. This could become a significant workload for them and their agencies and, in turn, place pressure on their precious resources. For those reasons, although I think this bill has been brought forward with good intent—and I have spoken to the member for Davenport about it—the government does not support the bill.

Dr McFETRIDGE (Morphett) (10:56): I rise in support of this bill, which the member for Davenport has put before the house, for a number of reasons. The most important reason is the fact that, from my experience with the aftermath of the Victorian bushfires, having talked to people over there and trying to contact people over there, it has been an absolute dog's breakfast.

People are trying very hard, but I think there is a real need to overhaul the whole of the management of bushfires, bushfire prevention and the aftermath of bushfires. The need for a parliamentary committee is genuine. The agencies may say that they have things in train and in place. I have a lot of faith in them, and I personally know a lot of them; but, at the same time there is a real need to have not a fallback position but a body that we can refer to when problems arise from bushfires and, hopefully, to prevent bushfires in the first place.

Let me just tell you about what is going on in Victoria. When the fires occurred, there was a lot of devastation through loss of property and life. An urgent call was put out by various groups for

livestock fodder. The response was not forthcoming as a general response, and that, in some ways, is understandable because it was a catastrophic event. However, we should learn from that. What happened was that some groups in Victoria (the Victorian and South Australian farriers associations) started coordinating, and they had hay going to Victoria within days. Unfortunately, the South Australian Farmers Federation and the Victorian Farmers Federation were not as quick to act. I am not apportioning blame at all, but systems need to be put in place. This is what this committee will look at; this is what this committee has been doing.

As recently as last week, I was still receiving requests from the Alpine Shire in Victoria. The senior ranger phoned me to tell me that they were getting snow that weekend and that they had cattle with no feed, and he asked me if we could send some across. Yet the messages we were getting (rightly or wrongly) from the Victorian Farmers Federation was that no hay was required. I have had two other requests from individuals over there to supply fodder for cattle and horses and other hobby farmers.

I contacted the Victorian Bushfire Reconstruction Recovery Authority. The poor girl on the other end of the phone had no idea at all. I asked if I could speak to Christine Nixon's office. She could not give me a phone number; she could not give me anything other than an obscure email address to the Department of Premier and Cabinet in Victoria. It is just not good enough. When you have people who have gone through a lot of stress and trauma, they should be given help if help is available. In particular, the volunteers at this end should be able to give their time, resources and materials if they want to and not be encumbered by what appears to be a dysfunctional process.

Hopefully, the Royal Commission in Victoria will sort out a lot of this, but it will happen here in South Australia one day. It is not if this will happen, it is when. So, we really do need to have a committee that will look at the consequences and outcomes of bushfires in South Australia—the Ash Wednesday fires in the 1980s, the Eyre Peninsula fires and now the Victorian fires.

We need to have in place a system so that, when a bushfire happens in South Australia, we will be in the best position, with protocols and systems, to make sure that everything that is needed for reconstruction and recovery—and, hopefully, prevention—is in place. My experience with the Victorian situation is that that is not happening, and I feel so sorry for those people in Victoria at both ends, because being responsible for quelling this fire and then organising a recovery and reconstruction is a mammoth task. So, it needs to be made smooth and protocols need to be put in place. There needs to be systems there that will reduce the trauma and outcomes for all of the—

The SPEAKER: Order! I am sorry to interrupt the member for Morphett. The gentleman in the gallery is not allowed to take photographs. The member for Morphett.

Dr McFETRIDGE: There needs to be systems in place that will make sure that the trauma that is suffered as a result of the bushfires will be reduced and, hopefully, prevented, but also, when it does happen, that it will be minimised. To have a standing committee will not be too much of an onerous task on members of this place. I think that people would volunteer, quite gladly, to be part of this committee. I do not think that heads of departments in emergency services should feel in any way affronted. I do not think that any committee in South Australia should feel affronted in any way about this.

The whole intent is one of goodwill, to make sure that the outcomes will be the best for all South Australians and, hopefully, it will be about preventing bushfires in the first place, because I do live in fear. I have a property at Meadows. I live in fear down there when the bushfire season comes. I am looking forward to a good winter this year to grow some hay, but I am not looking forward to each summer because we know that the risk is there. Let us do what we can to prevent it; let us do what we can to reduce the stresses on South Australians. A committee will not weigh too heavily on the burdens of members in this place.

Mr PENGILLY (Finniss) (11:01): I also rise to support the member for Davenport's bill. I believe that it is incumbent on this parliament to establish a committee to look into this issue. Members are listening to someone who had 100,000 hectares as part of their electorate burnt out just over 12 months ago. Members are listening to someone who has seen the full effects of bushfire and the loss of life, that is, the loss of Joel Riley on 6 December 2007; so, I am not speaking off the top of my head on this. I also point out that I spent five or six years as the presiding member of the former CFS board, and we grappled with this sort of thing all the time.

Indeed, I make the point that it is an ideal situation for the honourable member's bill to pass through this house and for the committee to look into this matter. What we are seeing, particularly

at CFS level, is a steady decline in the number of volunteers. I am still a volunteer. In fact, on Sunday I took the truck for a drive and did the radio test, and I will continue to do that.

I am concerned about where we are going with the handling of firefighting in South Australia. I have absolutely 150 per cent confidence in Mr Euan Ferguson. I would never doubt his capacity in any way whatsoever. He is an extremely good operator and we are very fortunate to have him. However, what I do see is an increasing amount of frustration, a situation of being fed up and a lot of other stuff with the volunteers, whether that be in the CFS, the SES or other organisations. They are bound up in bureaucracy; and, then, the bushfire prevention situation is becoming hideously over-bureaucratised.

What we are seeing in South Australia is the precedent for people being absolutely scared stiff of lighting a fire, so we are losing the experience in lighting fires and losing the experience of burning. I am sure that the member for Stuart, sitting back there, fully understands what I am talking about.

There are a few of us around the traps who are familiar with burning large patches of scrub. We are familiar with burning stubble (not that we do a lot of that these days), pasture or whatever. We are familiar with dealing with fires. However, just a fortnight ago, I needed to do a small burn of some material on my own property that I could not work back into the ground, unfortunately, for one reason or another. I was required to fill in a three-page permit to do this burning. Well, I have only been messing around since I was about 10 years old (about the last 50 years), running around helping to burn, burning scrub, burning pasture and burning whatever. So, I do know a bit about it.

But, no, the bureaucracy has got that crazy now that we are required to put in a three-page permit to burn—where the winds are going to be, what will happen, how many people I will have, and this, that and everything else. Let me tell you, Mr Speaker, that I have no intention of going out and burning and endangering anyone where ever possible, as other members in this place would know, particularly on this side of the house—because there is little, if any, experience on the other side. I recognise that and that is not their fault. When you are going out to do a burn you put everything into place to make sure that that burn does not get away.

If you get a whirly-whirly, a wind gust or whatever sometimes it defeats you. As the member for Morphett said, we have every sympathy for what has happened in Victoria. As the member for Davenport knows only too well, this will happen in the Adelaide Hills. I do not know when it will happen. It might happen next year. It is not going to happen this summer now. It is autumn, it is gone. However, next spring or next summer it could happen. It could happen in 10 years, but, when it happens, members in this place will need to have a pretty good look at themselves if they try to stop this committee looking into this situation.

We should be supporting this bill, and the government should come in behind because, I tell you what, if it happens next summer and we get another Ash Wednesday Mark III in the Adelaide Hills and we lose property, life and animals—stock losses, the whole lot—I will be looking straight back over that side of the house and saying, 'Well, we did tell you so. You wouldn't support it. You wouldn't support the member for Davenport.' It will rest on your heads, trust me. You can have all the bomber aircraft in the world and all the people in the world, but you have got to have commonsense, and there is no commonsense in this place by the Rann Labor government as far as rejecting this bill is concerned. It is an absolute nonsense. The government should rethink the situation. It would be acting in the best interests of South Australians if it did so and take on board what the member for Davenport wants to achieve.

I am hopeful that the member for Stuart and the member for Hammond will have a few words to say. As I said earlier, there are people amongst us who are familiar with these situations. We are getting into this over-bureaucratic, over-ruled, nonsensical world. You have to stop everything and employ more bureaucrats: you have to put laws in place and do this, that and everything else. Development is being stalled by over-bureaucracy and ridiculous planning laws and councils that have a problem dealing with them. Let us fix this one up. Let the government rethink and support the member for Davenport, and let us get on with doing something sensible that will produce a commonsense outcome for the people of South Australia.

Mr PEDERICK (Hammond) (11:07): I also rise to support the member for Davenport's motion to elect a standing committee from this place after the next election. I think it is very wise that he has portrayed it in that light.

We have to be very aware of the threat of fire. My own house has been at risk. However, it is on a farm, and we surrounded it not only with CFS units but also farm units and we managed to save it. It was 10.30 in the morning on a 45º day, and a fire was accidentally lit in a 14 bag per acre (or almost three tonne per hectare) wheat crop. If members have never seen a fire burn through a wheat crop, it is something to see, especially with a bit of wind behind it. We tried to catch it before it reached any native vegetation on our property but we could not get to the front in time.

Fire management is absolutely essential in this state. We have seen what has happened interstate recently. There was obviously a major problem with respect to notifying people, but there is a major problem with educating people in a broader sense about the risks and threats, especially in relation to where they live. If you live on the side of a hill, fires race uphill. I certainly acknowledge where the member for Davenport has come from in putting forward this motion. I have relatives who live at Blackwood and, if we experience anything like the fires in Victoria, God help them all.

Where I live on the Dukes Highway, anyone who travels through there (I know the Hon. Bernard Finnigan from the other place does) would know that you can go along a small section (about 25 kilometres) of road between Coomandook and Coonalpyn. A lightning strike lit up the scrub next to my property three years ago, and other fires have started from wheel bearing failure on trucks or trailers on the Dukes Highway. I am a member of the Coomandook CFS and, to their credit, my CFS colleagues get out there every time this happens and deal with it.

We must also acknowledge the contribution of farmers and their own units, and I hope that how farmers can fight fires does not get tied down in bureaucracy. I know there is talk about compensation for this and that. I have seen farmers' units get to a fire, because they are right there, and put out the main blast even before the CFS can get there. So, there has to be proper synchronicity between the CFS and farm units. After I had the fire on my own property 10 years ago I upgraded from an 800 litre firefighting unit to 4,600 litres and, I tell you what: you can put out some fire with that.

Mr Pengilly: Especially if the pump starts.

Mr PEDERICK: Yes; as the member for Finniss said, especially if the pump starts. I must admit, I have a very good little Honda pump on that unit. I remember that fire. I was a candidate and I was in my campaign office in Murray Bridge (so, it was in February three years ago), and it was all happening. I got Hayden, the man who leases my place, on the phone and he hooked up an articulated tractor and we had quite a unit, not only for access but also for hitting the front of the fire. The roadside trees on the Dukes Highway were blowing flames 25 metres into the air, and it was something to fight. The aircraft were flying straight down the highway putting it out, and semi-trailers turned around and got out of there because they could not see for the smoke and ash.

I certainly think that we should establish a standing committee on bushfires. As I indicated earlier, we have seen the carnage that happened in Victoria and we should never underestimate the threat of fire. It was not until we had the major event on Kangaroo Island that the government believed it needed to have an Elvis style air-crane in the state. It looked at bringing one in from Melbourne when we need it, but that is just too far away.

I read in the press recently that a 747 quick-loading fire tanker will be trialled. I know Bob McCabe and his team at Aerotech and other crop-duster pilots who are contracted. I know that Bob is contracted to the CFS, and there are other pilots around the state who have the ability to get off the ground quickly and get up there and fight fires.

However, in saying that, I also acknowledge the issues we had with the Port Lincoln fire, where a crop-dusting pilot who wanted to get off the ground became tied up in the bureaucracy, and he could have done a lot of work. I think we have to make sure that these people can act, and worry about the bureaucracy later. That is the biggest problem with fighting fire: the bureaucracy gets in the way and people become fearful of the consequences.

In the same period when my place burnt there was a fire at Ngarkat, which burnt for about eight or nine days. If only we had personnel—and I acknowledge that we had tired personnel on the Lameroo side of that fire. New South Wales units were brought in, but those people were used to fighting fire on hard ground and were getting bogged on the sandy tracks and paddocks and on the edge of the park. Essentially, we were better off without them, because we had to go in and rescue their vehicles.

The issue was whether we could have back-burned that morning, but people were wondering where they fitted in with the Native Vegetation Act and that sort of thing. They did not realise that, if they really needed to, they could have overridden that act as long as they went through the chain of command. It needed to come from the fire ground, because 90 kilometre winds were forecast, and that fire ripped out of the Ngarkat Conservation Park. The reserve line was the Lameroo road; the Mallee Highway. I have seen a few fires and I have seen 90 kilometre an hour winds: a highway was never going to stop that fire, let alone save the thousands of acres that would be sacrificed before it got out of there. We need sensible native vegetation management, and not just in the parks. More work has been done in recent years, but I ask whether it is enough. We need firebreaks of a decent width—firebreaks of at least 60 metres around the edge of national parks. Ngarkat Conservation Park—

Mr Pengilly: Six kilometres, I reckon.

Mr PEDERICK: Six kilometres. Ngarkat is like a magnet for lightning strikes. It is a natural event, and up it goes. The issue is that, when it does burn a fence line with farm land next to it, there is no guarantee at all that the farmers will get any compensation for fixing that fence. It is up to the government's discretion, so I think that rules it out. A property owner at Parrakie has a six-foot high fence, which is basically vermin proof, with netting on the bottom and cyclone and barbed wire on top of that. It costs probably $10,000 to $20,000 a kilometre to erect, and he had quite a few kilometres of that fence burnt.

I want to talk about what happened on Kangaroo Island. I went over there a week after those fires with a mop-up team from the Murraylands Strike Force, and those fires affected a massive amount of Kangaroo Island, as the member for Finniss has rightly acknowledged. There was a terrible loss of life with that young lad, yet we still get tied up in the bureaucracy. Many people were keen to help out on Kangaroo Island. They flew in from interstate. As to my team—which I did not lead, by the way—we were fine on the Saturday; we went over there for a weekend and put out quite a few spot burns around Vivonne Bay, but the next day we got turned back three times and, in the end, the crew just got cranky. When we were given the option to stay or go, because a plane was waiting to bring us back to Adelaide, they just said, 'Let's go. There is no direction.'

I acknowledge that it is very hard to sort out the amount of men and vehicles, but it has to get better because the numbers of CFS people has declined in recent years. We certainly need them on the ground; we do not want to put people off. These were people who were more than happy to give up their weekends (longer, in some cases) to go over there and do their bit for their fellow man, as I saw when I had my own fire three years ago. People from all over the South-East, including Strathalbyn, were only too happy to assist.

With those few words, we have to make sure that we do not put off our volunteers. We need to get rid of the inane bureaucracy that ties everything up and get on with the job, because we have put off our volunteers and we do not have a fighting force. I commend the bill.

The Hon. G.M. GUNN (Stuart) (11:18): I want to make some brief comments because I have attempted for a long time to get some sensible debate and discussion on this issue. The time has now arrived where no-one can say they have not been warned. If we get one of these terrible fires, everyone has had fair warning.

On the Natural Resources Committee, we have heard some most interesting evidence from people like the Mayor of Mitcham, the Mayor of the Adelaide Hills and across South Australia. The time is now for action. We do not need any more talk: we need action. If anyone gets in the way of people wanting to take preventive measures, they ought to be removed from any decision-making ever again.

The absolute nonsense of having laws in place that only allow a five metre fire break around a shed or a tank is an act of gross stupidity and only a fool would continue to insist upon it. In the past, people from the Native Vegetation Council have measured fire breaks put in by the CFS after the fire has been out and issued summonses to landholders. That is the sort of stupidity, arrogance and nonsense we are dealing with. They are endangering the public of South Australia. In certain societies they would be flogged. They are fools of the highest order.

We have to give those hardworking, dedicated volunteers who are attempting to protect the public all the tools they require. As the member for Finniss pointed out, the first thing is to let farmers and land managers reduce the hazard effectively by burning at the right time. I understand

that some burning off was done on Lower Eyre Peninsula last week and the fire got away. I wonder why it got away. Were the people experienced in these matters?

I might not know a lot, but I have had experience in lighting large fires, and I have done a lot of land developing in my time. Part of that was that you burnt the scrub. How do you do it? You make sure that you have decent breaks. You light against the wind; you make sure the wind is set. You do not do it at two o'clock when the wind is going to shift, you wait and then, once you make the decision to do it, you do it quickly and efficiently. You have to hold your nerve because, once you get it alight, it is quite safe. It will make smoke and a lot of noise, but you will do it. However, unless you have effective measures in place before you start, it will get away. A five metre fire break is insufficient, and it is unfair to expect people to go into fight fires unless they have the ability to get out.

I think the councils should be given more authority to make people clean up and accept their responsibility. It is unfair to expect firefighters to go into dangerous areas unnecessarily. So, this proposal put forward by the member is a very good opportunity to ensure that this parliament pays attention to these issues, but we need to take appropriate action. I am concerned that the minister has set up a committee comprised solely of public servants. As I said once before, I have no trouble with Euan Ferguson—we are lucky to have him. He is hardworking, dedicated and very responsible. I have all the confidence in the world in him.

I even said nice things about my good friend Allan Holmes. He has been a forester, so he understands. I told him the other day at a parliamentary committee meeting that he had been born again with his attitude. Why have they not included people such as the chairman of the Mount Remarkable council—they have had tremendous fires at Mount Remarkable. and they understand when fireballs come off the mountain—the Mayor of Port Lincoln and the Mayor of Mitcham? These people understand; they know what is going to happen. Put some outside influence on it. It is difficult when Sir Humphrey is talking to Sir Humphrey—not always do you get the best result.

The only thing I want to see is the right result, the public protected and taxpayers' money not used unnecessarily when the money could be better spent on doing other things. We spend a lot of money on fire trucks. As one of those who took a lot of flack when the emergency services levy was put in place—it was the right decision—let us make the other right decision: give the landholders and the land managers the powers and tools that they need to protect themselves, but, more importantly, do this for the public. I support the motion.

The Hon. I.F. EVANS (Davenport) (11:23): We are debating whether the parliament should set up a permanent committee to look at bushfire. I say to the minister, I think your position is wrong, and I think your position is wrong for these reasons. You have said that the Natural Resources Committee can look at the bushfire issue. I have the terms of reference for the Natural Resources Committee and they deal with only two things: the River Murray—and I have not seen a fire on the river yet—and natural resources, as in native vegetation and the natural ecosystem.

I say to the minister that the CFS will tell him that my electorate is the worst bushfire district in the world, and I am representing that district in moving this bill. These are the issues that relate to fire which the Natural Resources Committee cannot deal with: housing design; an early warning system; the broader issue of disaster planning; the question of when and where to evacuate; who has the authority to evacuate; and the capacity of the road infrastructure to evacuate my suburbs. I can tell the minister that the advice from his agency is that it does not have the capacity to evacuate. That is the advice that it has given me and, indeed, the council.

Other issues include: the question of whether the police or the CFS should have the power to evacuate; reinstating sirens as a community warning system; whether there should be tax incentives for bushfire prevention and preparedness for bushfire; and the training and development of volunteer and professional firefighters and emergency service volunteers. There is a whole range of issues that deal directly with the question of the community's preparedness to fight fire that cannot go before the Natural Resources Committee.

The position the minister put to the parliament is fundamentally wrong, because that committee cannot deal with all those issues, and that is why I have suggested setting up this committee after the next election so that the parliament can become educated about what the issues are through questioning the agencies. The minister says that the agency heads might have a second master, they might have to come before the parliament. Minister, that is happening now. Euan Ferguson comes before the Economic and Finance Committee and justifies the emergency

services funding regime. He says to that committee, 'We need changes to the Native Vegetation Act.'

We can call the agencies before the ERD Committee and talk about planning issues, we can call the heads of the departments before the Natural Resources Committee and talk about native vegetation laws, but there is no overarching coordinating body. One set of MPs is getting this information and another set of MPs is getting other information. We are not properly planning through one committee to prepare the parliament and the community on all the issues associated with fire.

My belief is that the minister's position is fundamentally wrong. I know I will lose this vote in this chamber because the government has 30 and we only have 15, but, minister, I will do you a favour. I will have it reintroduced in the upper house and we will win the vote there, and we will have the debate in here again. I am with the member for Finniss because, when there this a fire next summer—and there will be a fire somewhere next summer—this will come back to bite the people who voted against it.

I am going to give the minister and the government a chance to reconsider this issue. I am happy to speak to the minister privately and go through every issue in my electorate, because it is my electorate that is in the gun as far as fires are concerned and I will do everything I can to bring the parliament and the cabinet up to date on all the contemporary issues on fire, and this committee is the way to do it.

The house divided on the second reading:

AYES (16)

Brock, G.G.	Evans, I.F. (teller)	Goldsworthy, M.R.
Griffiths, S.P.	Gunn, G.M.	Hamilton-Smith, M.L.J.
Hanna, K.	McFetridge, D.	Pederick, A.S.
Penfold, E.M.	Pengilly, M.	Pisoni, D.G.
Redmond, I.M.	Such, R.B.	Venning, I.H.
Williams, M.R.		

NOES (27)

Atkinson, M.J.	Bedford, F.E.	Bignell, L.W.
Breuer, L.R.	Caica, P.	Ciccarello, V.
Conlon, P.F.	Fox, C.C.	Geraghty, R.K.
Hill, J.D.	Kenyon, T.R.	Key, S.W.
Koutsantonis, A.	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.	Thompson, M.G.
Weatherill, J.W.	White, P.L.	Wright, M.J. (teller)

PAIRS (2)

Chapman, V.A.	Rann, M.D.

Majority of 11 for the noes.

Second reading thus negatived.

SPEED LIMITS

The Hon. R.B. SUCH (Fisher) (11:33): I move:

That this house calls on the state government to carry out a statewide review of speed limits with a view to changing the speed limits where appropriate and to improve speed limit signage, including the painting of speed limits on main road pavements and special road situations where the speed limit is non-standard.

I will be very brief because I know that the Attorney wants to address his very important motion on genocide. The new Minister for Road Safety, the Hon. Michael O'Brien, has given a public

undertaking to review speed limits. I am delighted with that. I understand that he will put in train, shortly, the mechanism to do that, and I will be very pleased to see that process occur.

I do not need to go through this in great detail. We all know of situations where the speed limit is considered inappropriate. In my electorate I have parallel roads which are identical in terms of housing and so on, yet they have different speed limits. There is a similar situation in the Parklands, and so it goes on.

The related aspect is not only that some speed limits may be inappropriate, but also whether people know what the speed limit is. I should point out, and it is no secret, that I have a court case coming on shortly, but that has nothing to do with this question of a particular speed limit. That is not germane to my court issue.

The question of signage for the public is very important. We know that speed limits change frequently in the Adelaide Hills and elsewhere. The bulk of the population does not intend to speed; the hoons might but the bulk of the population does not. So, I think it is only fair and reasonable that people know what the speed limit is, and if they break that then they wear the consequences but, in fairness, they need to know what the speed limit is.

I think we need to look at some innovative ways of making sure that people can easily recognise and know what the speed limit is so that they do not inadvertently break that limit. I commend the motion to the house. As I say, I think the commitment by the new Minister for Road Safety has somewhat overtaken the thrust of this motion, and I am pleased that he has decided to call for a review himself.

Mr PENGILLY (Finniss) (11:36): I am pleased to support the member for Fisher's motion. There is nothing quite so frustrating as speed limits in the country, particularly, let me tell you. As a regular user of the road between here and Victor Harbor, I have never counted them but I would suggest that I go through about 100 different speed limits on the way down.

The Hon. R.B. Such: And not at the same speed.

Mr PENGILLY: No. One never knows where one is. I do not want to join the former minister for road safety with a list of speeding fines, so I am very careful to make sure that I observe the right speed limit. That is not to say that I will not cross the threshold at some time, but I hope I do not. It is a nonsensical way of dealing with speed limits in South Australia. They are all over the place, and I find it extremely frustrating. What I find even more frustrating is the way that speed limits have changed without any consultation. You go through one day and it is 80 and then before you know where you are it is changed down to 60, or even 50, and there is no public information circulated about what is happening.

There is a yellow sign, and the speed limit is changed. The speed zone is changed to whatever it says, and you are caught between a rock and a hard place. I find it nonsensical. I also find it—and I am sure that the member for Stuart has spoken about this—absolutely point-blank ridiculous that we are held to 110 km/h out on open roads where you are driving 100, 200 or 300 kilometres between destinations with you and a couple of other cars on the road. It is madness.

I do not intend that we should go to the speed limit that used to operate in the Northern Territory where there was no speed limit, but for heaven's sake! We have cars now that are extremely safe, fitted with all sorts of devices such as airbags and heaven knows what else to protect drivers. You cannot protect from idiots on the road. However, the fact of the matter is that they are safe and, at speeds of 110, sometimes you feel like getting out and walking.

I urge the brand new Minister for Road Safety to have a good look at the member for Fisher's bill. Unfortunately his predecessor is done and dusted and gone forever as a road safety minister, so I am hoping that the new minister may be able to pick up on it and deal with it sensibly. Clearly, he does not have the same level of offences as his predecessor, so that is a step in the right direction. I urge the government to support the member for Fisher's motion. Let us get on with it.

Debate adjourned on motion of Mrs Geraghty.

GENOCIDE OF THE ARMENIANS, PONTIAN GREEKS, SYRIAN ORTHODOX, ASSYRIAN ORTHODOX AND OTHER CHRISTIAN MINORITIES

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (11:39): I move:

That, whereas the genocide by the Ottoman state between 1915-1923 of Armenians, Hellenes, Syrian and other minorities in Asia Minor is one of the greatest crimes against humanity, the people of South Australia and this House –

(a) join the members of the Armenian-Australian, Pontian Greek-Australian and Syrian-Australian communities in honouring the memory of the innocent men, women and children who fell victim to the first modern genocide;

(b) condemns the genocide of the Armenians, Pontian Greeks, Syrian Orthodox and other Christian minorities, and all other acts of genocide as the ultimate act of racial, religious and cultural intolerance;

(c) recognises the importance of remembering and learning from such dark chapters in human history to ensure that such crimes against humanity are not allowed to be repeated;

(d) condemns and prevents all attempts to use the passage of time to deny or distort the historical truth of the genocide of the Armenians and other acts of genocide committed during this century;

(e) acknowledges the significant humanitarian contribution made by the people of South Australia to the victims and survivors of the Armenian Genocide and the Pontian Genocide; and

(f) calls on the commonwealth parliament officially to condemn the genocide.

I move this motion today to recognise an important historical event that continues to speak to us today. I know that what I say will draw anger from the Turkish establishment. I will refer to some specific criticisms of my remarks on this topic later.

The DEPUTY SPEAKER: Order! I draw the attention of the person who is holding something that is illuminated there to the fact that all filming in the chamber is out of order and does require removal.

The Hon. M.J. ATKINSON: Suffice to say, I make my contribution to the debate not as a newcomer but as a graduate in history and someone who has been close to nearly all South Australia's ethnic minorities. I respect and enjoy the company of local Turkish and Turkic-Australian communities. Senator Alan Ferguson (Liberal, South Australia) was wrong when he said that my remarks on this topic were an attack on the Turkish community in Australia.

Turkish Australians bear no responsibility for the atrocities of the past 120 years against Anatolian Armenians, Greeks, Syrian Orthodox, Assyrians and Nestorians, and it is wrong for Senator Ferguson to use the camouflage of a motion commemorating the anniversary of a bilateral agreement about Turkish settlement in Australia to promote the denial of Turkish ultranationalists such as the MHP about the genocide.

Some Turkish Australians came to Australia to escape the Republic of Turkey, its pockets of poverty, its tyrannical secularism, its melancholy (what Nobel laureate Orhan Pamuk calls Istanbul's Huzun) and laws such as Article 301 of the Turkish penal code which is used to prosecute hundreds of writers, including Orhan Pamuk for insulting Turkishness. The Turkish consul from Melbourne came to see me about this topic and, after a lively and fruitful conversation about this matter, gave me a copy of Orhan Pamuk's *Istanbul: Memories and the City*—a lovely gift which I am enjoying reading. I visited Istanbul and the old city of Constantinople last year staying near Taksim Square in Pera.

The slaughter at the end of hundreds of years of Ottoman rule on the Anatolian peninsula started on 23-24 April 1915, the eve of the landing of ANZAC troops at Gallipoli. In May 1915, a law known as the law for Tehcir law for 'regulation for the settlement of Armenians re located to other places because of war conditions and emergency political requirements' sought to legitimise the action.

There is much scholarship that demonstrates that these exterminations were centrally planned and administered by the Ottoman regime and local Ottoman officials against the entire Christian minority of Anatolia. It took place principally between the years 1915 and 1918 and then from 1920-1923. It is estimated that 1.5 million Armenians perished between 1915 and 1923. A further 300,000 Pontian Greeks and other Greeks and about half a million Syrian Christians were killed. Most Armenian political, religious and cultural leaders were arrested and murdered, beginning in Istanbul on 23 April 1915. More than one and a half million Pontian Hellenes fled to Greece. Three thousand years of Hellenic civilisation and history in Asia Minor, once a crucible of Hellenism, were extinguished in the catastrophe.

Many people were killed in their towns and villages or on death marches across Anatolia towards camps in the Syrian desert. Those Armenian, Greek and Assyrian males not executed

were conscripted into the Ottoman army, disarmed and put in special labour battalions. Most were either worked to death or killed when they had outlived their usefulness. The remaining populations of the elderly, women and children were rounded up and either forcibly converted to Islam or raped and killed.

Of the survivors, most were deported from their ancestral lands and exiled around the world. The very existence of the former Armenian population in Turkey was denied. Maps and histories were rewritten. Churches, schools and cultural monuments—and, yes, even cemeteries—were desecrated and, in the case of churches, converted to mosques. It was still going on in the 1980s as recorded by the author William Dalrymple in his book *From the Holy Mountain*.

Small children, who had been taken from their Christian parents, were renamed and fostered out to be raised as Turks. Thea Halo, in her account of her mother's life fleeing from the destruction, tells of the day and her infant aunt perished during the death marches, as follows:

'Mama,' I said calmly as I could, hoping my calmness would make everything all right, 'Maria looks funny.

'Mother looked up and burst into tears. Maria's face had turned ashen. Her eyes stared out at nothing like little doll eyes that were broken in an open position and her head rolled back and forth with each step.

'What's wrong?' Cristodula demanded in panic, 'What is it?'

We stopped in the road like a pile of stones in the river; the weary exiles ruptured out around us and continued their march. Mother took Maria from Cristodula's back and cradled her in her arms as her tears washed Maria's lifeless face.

'Move!' a soldier shouted as he trotted up to where we stood.

'My baby,' Mother said.

She held out Maria for the soldier to see, as if her shock and grief could also be his.

'My baby.'

'Throw it away if it's dead!' he shouted 'Move!'

'Let me bury her,' Mother pleaded, sobbing.

'Throw it away!' He shouted again, raising his whip. 'Throw it away!'

Mother clutched Maria's body to her breast as we stood staring up at him. Her face was gripped with a torment I had never seen before. Father reached for Maria, to put her down I suppose, but Mother clutched her even more tightly. Then she walked over to the high stone wall that separated the road from the town and lifted Maria up to lay her on the wall's top as if on an altar before the Almighty.

That night mother cried herself to sleep. And each time I closed my own eyes, I saw her holding Maria up to the heavens like an offering. The image of her lifeless body lying on the wall, like some gift in a pagan ritual, followed me even into my dreams and all through the next days. Each time I thought of my little sister left lying there alone in the burning sun, with the buzzards flying about waiting for us to pass, the sobs would come without my ability to control them.

Although a senator has disputed the relevance today of events that happened in the 1920s, I contend that, while the atrocities that occurred at about the time my parents were born, are denied it demeans the descendants of those people and does not create the climate for closure and the ability for communities to move on.

Alas, there have been many other acts of mass killings in the world since the Armenian, Syrian, Nestorian and Pontian mass killings and, to our shame, it is still happening in some countries. German Führer Adolf Hitler told his commanders on the eve of Germany's invasion of Poland, 'Who, after all, speaks today of the annihilation of the Armenians?' That was in 1939.

Besides recognising the obvious, even if Senator Ferguson says it occurred 100 years ago, we should support the motion to recognise the Armenian, Pontian Greek, Syrian Orthodox, Nestorian and Assyrian communities who flourish in Australia today. The Republic of Turkey, having dispersed these people to the point of the globe farthest from Anatolia, can hardly complain that, in the freedom of the Antipodes, they perpetuate the memory of their ancestors and their culture.

These Australians—and I remind Senator Ferguson that they are Australians with the full right of citizenship to talk about topics that Senator Ferguson considers too ancient and too controversial—came to Australia from countries, including Palestine, Egypt, Syria, Iraq and Lebanon, where they had settled after the genocide.

Senator Ferguson, in a post-prandial speech to the Senate on 18 March, criticised me for a speech I had made at the unveiling of a plaque at the Migration Museum in Adelaide commemorating the Pontian Greeks who were killed and exiled from Asia Minor. The Liberal senator said that the Turkish ambassador had called on him earlier in the week (his speech was given on a Wednesday) to complain about what I had said to Greek-Australians of Pontian origin. The Turkish ambassador is campaigning to have the plaque removed and has also made strong criticism of me.

Many of us have known people here in Australia who experienced the Turkish removal of the Greeks of Pontus and other Greeks of Asia Minor, especially from the Aegean coast near Smyrna. We have their testimony and the shocking accounts of diplomats and consuls serving in Turkey at the time. We have the admissions of officials of the Ottoman Empire For some of the very old, this is within living memory.

This senator cannot write off the suffering of Pontian Greeks and Armenians by saying that it occurred early in the 20th century, or that Pontians and Armenians were partly the authors of their own misfortune, or that murder, rape, pillage and exile had a different moral quality early in the 20th century. Let me try to look at the question from the standpoint of today's Turks.

The Ottoman Turks fought their way through Anatolia and into Europe as far as the gates of Vienna. They established an empire yet, with the exception of the Albanians and the Bosniak Slavs, they did not succeed in converting their subject peoples to Islam. They ruled an overwhelmingly Christian population in Europe and ruled an Asia Minor population that was one-third Christian.

Bit by bit, their Christian subjects in Europe rose up against them and threw them back into Ottoman Thrace, Istanbul and Anatolia. No doubt, the victors treated the Turkish people of those newly independent states atrociously and, moving forward 100 years, we all know that Bosnian Serb forces murdered about 8,000 Bosniak men and boys at Srebrnica and Potocari. I visited the places they were murdered and prayed at their graves. The Young Turks (their official name, the Committee of Union and Progress) decided that if the Turkish state were to fall back on Istanbul and Anatolia it could not afford to be rendered vulnerable by what it regarded as disloyal Christian subjects. So, from 1895, Starting in earnest with Sultan Abdul Hamid II, the Christian minorities were characterised as disloyal, potential subversives, and killed in advance of subversion.

Mr Ramazan Altintas, the President of the Turkish sub-branch of the Victorian RSL, wrote to me on 2 February to say:

> Yet, great nations don't cry, they bury the pain into history, do not even teach them to their children.

I think Mr Altintas captures the essence of the Turkish rejection of this motion. It is true that most of these atrocities occurred in the context of a war. Some of the atrocities occurred as the army of the Hellenic Republic sought to thrust eastward from its mandated territory around Smyrna. No doubt this army itself committed atrocities against some of the Turkish people it came up against, but nothing on the scale of what had been happening since 1895. And, in any case, the Pontian Greeks were enclaved hundreds of miles away from the fighting when they were massacred.

Even the diplomatic officials of Turkey's allies—Germany, Austria and Hungary—were shocked by the pre-emptive strikes off its ally against its own Christian civilians. Their reports to Berlin and Vienna comprised much of the evidence that backs this motion. Indeed, in the dying days of the Sultanate in 1920, the Turkish authorities brought criminal charges against leading Turkish officials for ordering the massacres.

I commend the motion to the house. Rest eternal, grant unto them, Oh Lord, and may light perpetual shine upon them. May they rest in peace and rise in glory.

Honourable members: Hear, hear!

There being a disturbance in the gallery:

The SPEAKER: Order, there will not be clapping from the gallery! The Leader of the Opposition.

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (11:55): I rise as leader of the state Liberals on behalf of all members on this side of the house to fully support the motion. Their plan was to deport the Greek population to the interior and expose them to severe weather conditions, hunger and illness. After executing many prominent Greeks in the Western Pontus, the

Turkish regime proceeded to deport a large number of the Greek population to the interior, Kurdistan, and as far as Syria.

With the commencement of World War I in 1914, Turkey called for a general mobilisation. Since Christian men were not allowed to bear arms, they were sent to labour battalions in the interior of Turkey, which were essentially battalions of death. Forced labour in the treacherous mountains and ravines, hunger and exposure to severe weather conditions killed most of those who served in these labour battalions.

Some of the survivors were able to escape to join those Greeks in the mountains who took up arms to protect themselves and their families. Hundreds of thousands of Greek men, women and children died as a result of these deportations and other atrocities.

In 1923, out of an approximately 700,000 Pontian Greek population, who lived in Turkey at the beginning of World War I, as many as 350,000 were killed and almost all the rest had been uprooted during the subsequent forced population exchange between Greece and Turkey. This was the end of one of the ancient Greek civilisations in Asia Minor.

As a consequence of the deliberate and systematic policy of ethnic cleansing at that time, the Ottoman Empire, it is estimated, killed more than two million Armenians, Syrians and Greeks, who were slaughtered outright or were victims of the white death of disease and starvation, a result of the routine process of deportations, slave labour and death marches.

After the genocide, there was an exchange of populations. Pontian Greeks primarily settled in Greece, with a significant community also settling in the former republics of the Soviet Union. In the 1950s and 60s, many emigrated to Germany, Australia, Canada and the United States, seeking a better life and more economic opportunities for themselves and their families.

Wherever they settled, the Pontian Greeks made it a point to preserve their religion, language, culture, and traditions. Several social clubs and federations were formed in the new homelands, with the purpose of establishing a hearth to keep alive their cherished customs and a sense of community.

As a man married to a Greek, with a son who is half Greek, who is Orthodox, this has very much touched me and my family. Let there be no doubt in the mind of any South Australian about my view and the view of the state Liberals of these terrible and tragic events.

I now turn my attention to the criticisms the Minister for Multicultural Affairs has just made of Senator Alan Ferguson in the Australian Senate. Senator Ferguson, in my view, made some very ill informed, very wrong, and offensive remarks in the Senate. I have spoken to Senator Ferguson about these remarks. I have expressed my view to him.

Since I spoke to Senator Ferguson, he has publicly, on radio and in other ways, apologised and recognised that his words and language were inappropriate. A few weeks ago, I stood up in the parliament and expressed my view on Senator Ferguson's remarks. They are the views of him and him alone; and, on reflection, he now realises that they were ill-informed and should not have been made. It is the events that follow that disappointment me. They disappointment me as a member of parliament—

The Hon. M.J. Atkinson interjecting:

The SPEAKER: Order!

Mr HAMILTON-SMITH: —they disappointment me as a person and they disappointment me as the leader of the Liberal Party. What happened was that copies of Senator Ferguson's address were sent out—I understand this, and he can correct this at the end of the motion if he chooses—by the Minister for Multicultural Affairs, or his auspices. They were sent out—and I have one in my hand; I am reading it, Mr Speaker—with a forged banner of the Liberal Party on top of it and with no recognition contained in the letter that it was from the Labor Party and from the minister, not from Senator Ferguson.

The Hon. M.J. Atkinson interjecting:

The SPEAKER: Order!

Mr HAMILTON-SMITH: The object was to incite anger and hatred. Another two letters I have sighted, one from Mick Atkinson MP (the member for Croydon) and one from Vini Ciccarello (the member for Norwood), have been sent out to Greek communities in their electorates, and they disparage Senator Ferguson's remarks, criticise him and then try to spread those remarks and

imply that they are the views of me and the state Liberals. I am making it very clear today that they are not our views. The letters sent out by the minister, Ms Ciccarello and others, I understand, state, 'Please remember this speech when Martin Hamilton-Smith tries to tell you something different.' They refer to the state election in March 2010.

The Hon. M.J. Atkinson: Good prediction.

The SPEAKER: Order!

Mr HAMILTON-SMITH: I am saddened when people use tragic, heartfelt events to make cheap political points—I am very saddened. I draw the attention of the house to an article in *Neos Kosmos*, described by some as Australia's leading Greek newspaper and the largest ABC audited ethnic publication. A featured article in the opinion section focused on this issue, I think on 30 March 2009. The editorial states:

> Playing ethnic politics is a dirty game that threatens to shatter social harmony quite a good deal more easily than referring to or interpreting historical events. The fact of the matter is that Australia's communities of diverse backgrounds have proven that they can co-exist peacefully in fruitful collaboration and ties of friendship because of our joint commitment to multicultural Australia. No cynical, irresponsible or misguided attempt to score points or votes off the backs of any arbitrarily chosen ethnic group should ever be permitted to bear the bitter fruit of discord.

The Hon. M.J. Atkinson: Keep reading it; it is about Senator Ferguson.

The SPEAKER: Order!

Mr HAMILTON-SMITH: Those remarks could apply equally to Senator Ferguson—

The Hon. M.J. Atkinson interjecting:

The SPEAKER: Order!

Mr HAMILTON-SMITH: —or to the Minister for Multicultural Affairs. Now, can I condemn, in the most definite way, the Ottoman regime and recognise the tragedies inflicted upon the Pontian Greeks. Can I also say this as someone who is very much part of a Greek family. In an observation, Steve Papadopoulos recounted a poignant story of one of the voyages as the Pontians fled. He said:

> Many children and elderly died during the voyage to Greece. When the crew realised they were dead they were thrown overboard. Soon the mothers of the dead children started pretending they were still alive. After witnessing what was done to the deceased they would hold onto them and comfort them, and if they were still alive they did this to give them a proper burial in Greece.

I commend the motion and I hope that we can all go on living together in harmony in the years ahead without making cheap political points out of what are very, very sensitive issues.

There being a disturbance in the gallery:

The SPEAKER: Order! The member for West Torrens.

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Correctional Services, Minister for Gambling, Minister for Youth, Minister for Volunteers, Minister Assisting the Minister for Multicultural Affairs) (12:04): The United Nations on 9 December 1948 officially defined genocide as follows:

> Genocide means any of the following acts committed with the intent to destroy, in whole or in part a national ethnical, racial or religious group, as such: (a) killing members of the group; (b) causing serious bodily or mental harm to members of the group; (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) imposing measures intended to prevent births within the group; (e) forcibly transferring children of the group to another group.

There is no doubt by any definition that what happened in Pontos and what happened in Anatolia was genocide, because 350,000 Greek Pontians were murdered, 1.5 million Armenians were murdered and hundreds of thousands of Syrians were murdered.

Modern nations, such as Germany and Japan, have apologised for past atrocities. Australia has apologised to its Stolen Generation. These genocides are the most well-recorded and photographed mass killing events of the 20th century. This government and other governments have not allowed visas or entry into this country of deniers of the holocaust of the Second World War. There are very few people now who deny the holocaust of the Jews by the Nazis in Europe, yet some people think that it is okay to deny this holocaust. I find that grossly offensive and completely reprehensible.

Ms Chapman: So do we.

The Hon. A. KOUTSANTONIS: I am not saying that you do not. I am very disappointed with Senator Ferguson's remarks. I do not think there is a person in this building today who can look that senator in the face, because I consider him to be on the same level as people who deny the holocaust. Of course, there are offences in place in many European countries for denying the holocaust, but Senator Ferguson sits nicely in red leather in the Senate. I find that offensive.

Today, oppressions are still being carried out by the Turkish regime. They say that these offences are in the past and are behind the modern Turkey. Let me remind the house of modern Turkey's record. There are 40,000 Turkish troops illegally occupying a European nation as we speak. Religious freedoms in Turkey are being held back. The spiritual leader of the world's 300 million orthodox are being oppressed. The School of Halki, the theological college, has been closed. The Turkish government is attempting to say that our patriarch is simply a local church leader rather than the spiritual leader of the orthodox world.

Turkey claims to be a secular nation yet discriminates against ethnic minorities in favour of Islam, and it still oppresses its Kurdish minorities. There are continued border incursions on Greek islands in the Aegean. This is a country that talks as though it is a western nation wishing to enter Europe, but they behave like barbarians. Until the modern country of Turkey understands that it must apologise unequivocally for its actions in the past and in the present it can never become a modern European nation. I now wish to quote from a book called *Not Even My Name* by Thea Halo, who wrote:

> There is no doubt that the genocide of the Greek, Armenian and Assyrian populations of Turkey was systematic and deliberate. According to American diplomatic reports, Kemal [Kemal Ataturk] himself was directly involved in the slaughter of thousands of innocent Greek and Armenian civilians and was present in Smyrna as his troops torched the city. It was reported that Kemal held congresses in Erzurum and Sivas in eastern Anatolia, in the summer of 1919, where a decision was made to attack 'all people from Rumeli and all the Hellenes'. During the time Kemal set up his provisional government in Ankara in 1919-1920, and prior to his successful ousting of the sultan, Cemal Musket, legal adviser of the sultan, collected various documents from the sultan's archive and wrote a report. It was found in the archives of the Foreign Ministry of Greece as reported by Professor Kostas Fotiadis, Professor of History at the Aristotelian University in Greece.

The document states:

> The government of Ankara decided that the Greeks of the regions of Atabazar and Kaltras, first, and later the Greeks of the Pontos, would be slaughtered and eliminated. He assigned Yavur Ali to burn down a Greek village which is near Geive and to kill all of its inhabitants. The tragedy lasted two days. The village, with its 12 factories and its nice buildings became a dump site. Ninety per cent of the population were slaughtered and burnt. The few who were able to escape in order to save their lives went to the mountains. In order to preserve his Chets, Mustafa Kemal had to find an area which he could attack.

For this purpose he went to the area of Pontos. The slaughter, looting, general elimination in this area lasted from February to August. The displacements and killings were conducted with the semi-official participation of the military and civic personnel. The Turkish authorities and the Turkish government of 1919 and 1920, including at the peace conference in Paris, attempted not to deny their actions but they attempted to put all the responsibility to the young Turks, in other words, to the government.

A United States consul, Leslie Davis, described the Armenian deportees passing through Harpoot Plain on the way to Dejour. The United States official records on the Armenian genocide 1915-1917 state:

> All of them were in rags and many…almost naked…emaciated, sick, diseased, filthy, covered with dirt and vermin…driven along for many weeks like herds of cattle, with little to eat…There were few men among them, most of the men having been killed by the Kurd before their arrival at Harpoot. Many of the women and children also had been killed and very many others had died on the way…Of those who had started, only a small portion were still alive and they were rapidly dying…Many Turkish officers and other Turks visited the camps to select the prettiest girls and had their doctors present to examine them…Several hundred of the dead and dying were scattered about the camp…the body of a middle aged man who had apparently just died or been killed. A number of dead bodies of women and children lay here and there…Old men sat there mumbling incoherently. Women with matted hair and sunken eyes sat staring like maniacs. One, whose face has haunted my memory ever since, was so emaciated and the skin was drawn so tightly over her features that her head appeared to be only a lifeless skull. Others were in the spasms of death. Children with bloated bellies were on the ground wallowing in filth. Some were in convulsions. All in the camp were beyond help.

Senator Ferguson needs to apologise to all these groups. If he had said those words that he said in the Senate about the Jewish holocaust in Germany he would be in prison. However, for some reason, he is a Liberal Party senator who is held in high regard. I find that offensive. It is offensive

to the Greek and Armenian populations of Australia and to all people who have suffered from genocide. I commend the Leader of the Opposition, the Attorney-General and the communities that will never let this issue die and will always remember those who have fallen and commemorate what they sacrificed.

There are people here today who have lost loved ones; family and relatives. To them it is not silly or merely a casualty of war. It was an active attempt to wipe them off the face of the earth simply because they were Christian and were not Turkish. This is the worst form of genocide. It is a disgrace. Modern Turkey has a lot to learn, and it will never reform itself until it accepts the tragedies of the past.

There being a disturbance in the gallery:

The DEPUTY SPEAKER: Order! I think people in the gallery have been advised by the Speaker that applause is out of order. Please desist, no matter what your feelings are. The member for Mitchell.

Mr HANNA (Mitchell) (12:15): First, I make a couple of preliminary remarks. Sometimes we have debates in this place about particular cultural groups or events overseas. Sometimes there are objections to this on the ground that it has little to do with the South Australian parliament. For example, when I raised the plight of the Palestinians, some members said, 'What has that got to do with us?' There is a very clear and simple answer to that. Our own citizens, our own Australians, bear witness to some of the horrible events which have occurred overseas, and although these people are Australians, they also bring with them their culture and their history, and that history should not be denied. It should certainly not be denied in the federal parliament of Australia.

Secondly, I make the point that it is unfortunate that politics has entered into the debate. Even today in dealing with this delicate and tragic issue, we have seen the Attorney-General aggressively interject when the Leader of the Opposition was speaking. Those sort of interjections are unnecessary and, unfortunately, they even cast a doubt on the sincerity of those who bring politics into the issue. We need to stick to what happened historically, to recognise it and encourage all Australians to accept it, but we do not need to do that in a partisan political way.

I turn then to the substance of the issue. We are dealing with the genocide that took place toward the end of World War I and after World War I of the culturally Greek people in what is now Turkey and the Armenians and the Assyrians. The debate understandably today has focused on the Greek speaking people, the Pontians and others, because we have a very substantial Pontian population in Adelaide and in Australia. The Armenians, we do not forget, because there is a present day Armenia: they have survived and now have their own nation. The Assyrians have fallen back into history. They originally came from an area which we would now call Iraq.

All of them suffered at the hands of Turkish nationalists some 90-odd years ago. It was as early as 1911 that plans were published for the elimination of Christians in the Ottoman Empire. Those plans were published and translated into English. They were available for those who could find them. Those documents are still there today proving the intention of the Ottoman government of the time.

There was an intense sense of nationalism after the events of 100 years ago in the Ottoman Empire. There was a determination on the part of Turkish politicians at the time to unify their country and to eliminate other than Turkish people. They proceeded, first, through the tehcir law (to which the Attorney-General has referred) by taking away property. Then they came and rounded up the leaders of those communities—and in Constantinople it was just over 104 years ago to the day that 300 leaders (political and intellectual leaders) were rounded up and put to death. They then proceeded to go right through the villages of what is now northern and western Turkey. The area bordering the southern edge of the Black Sea is Pontos and it has been a Greek civilisation for thousands of years, subject to the massacres which went on 90 years ago.

Many people do not understand in Australia that that part of the world was a Greek empire. Some of us learn in the history books about the Byzantine Empire. That was a Greek empire. It is sometimes called the Eastern Roman Empire, but it was a Greek empire based in Constantinople. And so, it is not unusual then that we find, for thousands of years, there have been Greek people living in Asia Minor and in Pontos. And so, even as late as 100 years ago, there was a huge Greek population in Constantinople. When the ANZACs landed on the Gallipoli Peninsula, there were Greek people living there. There were Turkish tax collectors, Turkish police and army, but there

were Greek villagers tilling the soil and living their lives. These are the people who were deported; these are the people who were massacred during World War I and after.

Other members of parliament have spoken about some of the horrible things which occurred. Entire villages were surrounded and burned. The male populations of many villages were simply taken out and shot. When Smyrna was entered, as a result of a military struggle in 1922, all the Christians were put to death, apart from very few who escaped. The remaining women and children, in hundreds of thousands of cases, were sent on death marches across the country. Some were sent on death marches as long as 800 miles—that is from here to Sydney—and on the way were prey to rape and starvation.

I am indebted to the research of Dr Panayiotis Diamadis, a scholar who researches these matters. It was due to the information I heard from him that I realised that this is an issue for South Australians, particularly because our own South Australian soldiers witnessed a lot of these deprivations. The soldiers who were taken prisoner at Gallipoli and in Syria, among other allied forces in Mesopotamia as well, were sent on death marches, too. They were sent to prison camps where they were forced to hard labour, as well. There are many memoirs of solders written about these times. They saw the hordes of Armenian and Greek women and children being forced along the countryside in death marches. They saw their pitiful, bedraggled state. They joined with them in some cases in the prison camps. The truth of the massacre and what happened to those Armenian-Greek people is undeniable. It is there in the records and even in the records of our own Australian soldiers.

I believe that one of the aspects of the motion moved by the Attorney-General is most commendable. He says that we should remember and learn from such dark chapters in human history. What then was the essence of the motivation behind these massacres? It was hatred—hatred in the form of racism. We have to ask in Australia today: have we overcome that hatred? Have we overcome racism in Australia? In Australia today how do we deal with people who are different in culture and religion? Of course, we do not massacre them and we do not put them in prison camps—although one has to look at Woomera and Port Hedland when we talk about that.

We do have those issues of living together in Australia today. On the whole we are able to do it fairly peacefully. At the same time we need to remember the depths to which humanity can sink if we allow racism and nationalism to take grip.

I finish on a conciliatory note. I must say that these events occurred around 90 years ago. I do not blame the current Turkish government or the current Turkish community. In Senator Alan Ferguson's motion there is much to be commended. Australia and Turkey can be friends; there is no reason why not. There is much to commend about what goes on in Turkey today, but history must not be erased or forgotten.

It seems to me that it is essential to move on from injustice, and it is only possible to move on from injustice if the truth is spoken. Sometimes in the face of injustice, especially in terms of what happened long ago, all we can do is remember and speak the truth. I believe that the political squabble which led to this debate has actually resulted in something very valuable—a recognition of a horrible slaughter which is still very real and very heartfelt by Pontians and other Hellenic people and by Armenians in Australia today. Lest we forget.

Mr RAU (Enfield) (12:25): I want to say a few words about this motion, and, hopefully, what I have to say is not too repetitious of the remarks that have already been made. I would like to pick up on the theme which the member for Mitchell took up towards the end of his contribution; that is, this needs to be seen in an historical context and it needs to be understood that these events must be remembered, but remembered in a way that enables us all to learn from the mistakes of the past and, hopefully, to avoid those mistakes in the future.

It is not productive, as the member for Mitchell said, to make derogatory remarks about the present government of Turkey. However, that is an entirely separate matter. As he said, these events did occur and are undeniable. Unfortunately, around the place these events are frequently denied. In some countries around the world, denial of events such as this is a criminal offence; and I am speaking here particularly of Germany.

The context in which these terrible events occurred was the context of the collapse of the sultanate of the Ottoman Empire, the collapse of the caliphate and the arrival of the young Turks (as they were described) on the scene. It has been mentioned already that these people were using nationalism as a way of dealing with the instability that was caused by the collapse of the

centuries old government of the Ottoman Empire which, after all, had been described for many years before that as the sick man of Europe.

It is important for people to remember that at this time the Armenian and Greek communities in what was then the Ottoman Empire had been there virtually forever. In fact, they had been there before the Ottomans were there. The Ottomans, in effect, had come in and progressively overwhelmed the eastern provinces of the Byzantine Empire, eventually capturing the capital; and later on they moved further to the west and eventually got as far as Budapest and Vienna.

So there was quite a movement of these people, but they were coming in from somewhere else. They were not the original occupiers of that territory. Of course, this has happened throughout history—one group of people has come in and taken over from another group of people. Often we hear in Australia about the consequences of that for the people who lived here before our ancestors arrived here.

The Greek and Armenian culture in what was then the Ottoman Empire was a deeply entrenched, rich, vibrant contribution to that society. It is well recognised that much of the culture, certainly much of the commerce, of what was then the Ottoman Empire was greatly enriched by the presence of those individuals and their contribution to that country, which for a great deal of time—it may not have been a country which said, 'We think it is terrific because we have this Christian group living within our borders'—did not persecute them in the way we are talking about in this motion.

The First World War was a tremendous tragedy for people all over the world, but very much so for the people in the Middle East and parts of the Ottoman Empire, as it had previously been. It is a sad fact of international politics and history that when great powers fight smaller communities, smaller powers are crushed; and that is exactly what happened in the First World War.

The Ottoman Empire became a plaything, basically, for the British and French who carved it up as early as 1916; Mr Sykes and Mr Picot sat down with a map, pulled out their pencils and started working out who would get what. Meanwhile, Lawrence of Arabia was promising the same bits to other people, and so on and so on. At the end of that terrible war the dismembered Ottoman Empire ultimately came to be under the control of Kemal Ataturk.

The period that is of most concern, obviously, is the period that commences much earlier with the particular treatment of the Armenian people, but then later right up until the twenties with the treatment of Greeks who lived particularly in Asia Minor. As a person who has had the privilege of being able to travel in that part of the world, it is so obvious, as you drive up the Aegean coast of Turkey, that so much of what is there has been contributed to by Hellenic culture.

The buildings which are there, the ruins in places like Myletus, even Ephesus—which I realise was a Roman city—I think had a Greek precursor. There are other places like Priene and various other places I could name, Didyma—all of these places where it is obvious that the culture is Greek. The buildings are clearly Greek even though they are in a fairly sad state. So, the contribution goes back a long way.

The other point I would make is that unfortunately this sort of thing has not only occurred to the Armenian and Greek people of what is now Turkey, or was the Ottoman Empire, but many other genocides have occurred in the 20th century, aside from the ones that I am talking about now.

Everyone has heard a great deal about what happened to European Jewry during the period 1939 to 1945, but what about the issue of the Ukrainians at the hands of their own government, where 10 million or so of them were starved to death because of government policy?

What about the Cambodians, who on a proportionate basis suffered a devastating destruction at the hands of an idiotic government—their own government? What about the more recent examples of Rwanda and what was Yugoslavia, the terrible carnage that occurred in the Balkans for nearly 20 years with people who had been neighbours for centuries shooting each other? Absolutely appalling.

So, that is a present day example that people, I think, of my age and our age in this chamber, can understand because we lived through it on the television, we saw it every day and we read about it in the newspaper. That is something like what it must have been like for the people who lived within the boundaries of the Ottoman Empire and wound up being persecuted for their beliefs or for their cultural position.

I would like to finish on this point, and I come back to what the member for Mitchell said. I would like to think that we can learn from all of this and that it will not happen again, but, unfortunately, events as recent as those in the former Yugoslavia do not give me a great deal of confidence that these things are impossible, in fact, we have to be constantly vigilant about these things.

The fact that this motion is before the parliament, the fact that we are debating this matter and we are talking about this matter is at least some modest way that we as legislators in what is, after all, only a provincial parliament—I should not really say that here, should I, but that is what we are—can make some contribution to raising public awareness, both of the terrible circumstances of this particular conflict, but also of the fact that these conflicts can and do and will occur again unless people are aware of these issues and take intelligent, statesmanlike solutions to these problems to hand.

The Hon. R.B. SUCH (Fisher) (12:34): I commend the Attorney-General for bringing this motion before the house, because it is important that we never forget what happened in the past and, as far as we possibly can, make sure that these sorts of heinous crimes are not committed again. What is important about this motion, apart from paying respect and acknowledging the tragedy of the past, is that it brings before us something that I have to admit I was totally unaware of. And that is after spending 16 years in tertiary study, at the university—eight years full-time and eight years part-time.

Nowhere in my student life did anyone ever raise this issue. It highlights the fact that in our schools and in our universities, we need to teach history. We need to make people aware of what has happened in the past. We have silly people going around denying, for example, the Holocaust, which was an evil series of acts against the Jewish people performed by that maniac Hitler, but it also took the lives of many gypsies and people with disabilities; we often forget that many of them died in their thousands as well.

As the member for Enfield said, there are plenty of other examples in history—some recent, many well in the past: in Africa; some of the things that were done for example by the Japanese in China and even against our own troops; I have mentioned Nazi Germany; Stalinist Russia; even South Africa where the British were involved in fighting the Boers. That is where the concentration camp was invented and developed by the British. When I say the British, I am not talking about some remote group; I am talking about members of my family who actually fought there on the British side. Harry Such was one of them. That is where the concentration camp was invented and developed.

I think the point that the member for Enfield was making is that we have to be careful that we do not fall into the trap of thinking that humans will never again be capable of evil acts like genocide. Whilst sometimes I am critical of some aspects of what is called multiculturalism in Australia, because I think some people politicise it, I think its great overwhelming strength is that it promotes tolerance. If you do not have that tolerance, understanding and empathy for others then ultimately you can get into this trap of the sort of evil that is reflected in what happened to the Armenians and others between 1915 and 1923.

It is very important that amongst our children we develop a sense of empathy, consideration and understanding of others. I recall that if we as kids ever, in ignorance, said anything about wogs, my late mother would always say, 'What about the Rosinis?' They lived in Upper Sturt when she was a child and were fantastic people. She would always counter our ignorance with a practical example to develop our empathy using the concept of putting yourself in someone else's shoes.

Likewise, I did not appreciate it at the time but Lois O'Donoghue, who now calls herself Lowitja, used to come to our house when she and Faith Coulthard were training at the Royal Adelaide. They were subject to quite a bit of racial intolerance in their training days. They used to come to our place when I was a little kid. I did not appreciate then that my parents were promoting this tolerance and understanding.

I say this because we all need to be not just on our guard but committed to promoting tolerance and understanding. If we sit back and say nothing then we are guilty of the crime that is committed by people through acts of genocide or other evil acts. That is what happened during and leading up to World War II and it happened, I suspect, in relation to the particular topic that we are debating today. People in parts of the world who knew what was going on did little or nothing; they

sat back and allowed people to suffer. That, in my view, is a crime, not as great as those who commit it first-hand, but it is still a crime.

We cannot afford to sit back and do nothing. We need to ensure that we are ever vigilant and that we promote tolerance and empathy, particularly amongst our children, so that we rid the world and ourselves of the evil that can be reflected in the sort of genocide and intolerance that is highlighted in this motion today. I commend the motion to the house, and I acknowledge, as I said at the start, the Attorney-General for moving it. I also acknowledge the heartfelt speech of the Leader of the Opposition.

The Hon. K.A. MAYWALD (Chaffey—Minister for the River Murray, Minister for Water Security) (12:40): I join with members of the house in supporting this motion moved by the Attorney-General, and I do so on behalf of the many Riverland families of Armenian, Pontian Greek and Syrian descent. The Riverland truly is a multicultural society, with families descended from over 50 different nationalities living together in harmony. We do so without conflict as a result of developing empathy and understanding and by developing great respect for and an ability to celebrate the many cultural differences of the families living in our community.

I, too, recognise the importance of remembering and learning from such dark chapters in human society to ensure that such crimes against humanity are not allowed to be repeated. I will not repeat the comments made by many in this house about the dreadful atrocities that occurred during this period, but I would like to recognise the importance of remembering and learning from such dark chapters.

There are many refugees from conflicts around the world, and there are many conflicts still occurring around the world. It is through understanding the hurt of and having empathy with those communities that have lived through these atrocities that we can hope that, in the future, we can bring to an end these kinds of dreadful crimes against humanity.

Mr PISONI (Unley) (12:42): I, too, rise to support this motion. I would like to talk about the discovery I have been through when learning about the Asia Minor genocide, a term that encompasses all those victims of the Ottoman Empire at that time, and I will pick up on a point made by the member for Fisher. I did not go through the university system, but I went through high school, and this is certainly an event of which I was not made aware. I think it is fair to say that not many people of non-Greek, Armenian or Pontian Greek heritage could say that they were familiar with what happened during this terrible time of world history.

At a lecture I attended on 22 April, which was sponsored by members of the Greek community, I learnt that it was very much part of Australia's history and part of the history of Gallipoli. The lecture was entitled, 'An SOS from beyond Gallipoli', and it was given that title because of just how much involvement Australia had—the diggers who landed on Gallipoli, those who were left behind and worked in the labour camps, those victims in the work camps, building roads, bridges and digging tunnels for the Turks, and those who were marched off to all parts of the Arab Peninsula as servants and slaves. Australian diggers were amongst those people. The 94th anniversary of the Armenian massacre was the day before ANZAC Day.

After my attendance at the lecture I was very interested to learn more about what we had learnt in that time and what has been put on the public record in Australia about the Armenian genocide. I recommend all members here who are sharing this moment to visit the Australian War Memorial website and look at the information there.

I was very interested in a thesis that was published on that site by Vahe Georges Kateb in 2003. The thesis is about the Australian press coverage of the Armenian genocide. The study compares news reports published on the Armenian genocide with acts of the United Nations Genocide Convention and finds that, indeed, they had communicated to the Australian public that Armenians were subject to genocide.

In the absence of the word 'genocide', Australian journalists would use early 20th century descriptions for the meaning of the word, such as 'destroying a nation', 'race extermination', 'policy of extermination', 'wiping out the Armenian nation' and other similar expressions. I think that, when we look at the dominance of this genocide in Australian media at the time, it is difficult to understand why it has not become part of Australian history.

I refer again to the Australian media. The most recent time when this was spoken about in the Australian media was, in fact, on 25 April 2008. I would like to use this opportunity to read some

parts of the story that was written for *The Australian* by Vicken Babkenian, who is a director of the Australian Institute for Holocaust and Genocide Studies. She starts her story by saying:

> At the same time as Australian troops landed at Gallipoli on April 25, 1915, another event of historical importance was taking place in Turkey: the Armenian genocide. The Gallipoli landing took place one day after the mass arrest of Armenian leaders in Istanbul, which is known as the beginning of the genocide.

I understand that, at that time, about 250 intellectuals and other community leaders were marched off by the Turks and massacred. She goes on to say:

> 'Who, after all, remembers the annihilation of the Armenians?' were Adolph Hitler's famous words when he embarked on his heinous crime of the Holocaust. One group who remember the Armenians are a handful of Australians who were at the forefront of the relief effort, yet their stories have been largely hidden. Not one Australian historian has devoted any attention to these remarkable Australians, who have been forgotten along with the 'forgotten genocide'.

I think we have discovered that Australian historians have taken this up, but, unfortunately, we do not get to hear that story from them. It is not a prominent enough part of our history. For example, Edith Glanville of Haberfield lost her son Leigh from the 1st Battalion who died in battle at Gallipoli, thus began her extraordinary journey with the Armenian people. Glanville was the first woman justice of the peace in New South Wales, and founded both Quota and the Soroptimist clubs in Australia. Most notably, she was honorary secretary of the Armenian Relief Fund of New South Wales from 1922, and became a driving force in raising more than $100,000 worth of supplies, which in today's terms is around about $19 million—a significant contribution from the people of New South Wales.

Other members of the relief fund included Sir Charles Lloyd Jones who was, in fact, the first chairman of the ABC, and Oscar Lines, the general manager of the Bank of New South Wales. Glanville was so concerned about the plight of the Armenians that she ended up adopting an Armenian orphan. A former Menzies cabinet minister and British high commissioner, Thomas White, was a prisoner of war during World War I in Turkey and, being a witness to Armenian genocide, he later returned home and joined the Armenian relief effort.

Another prominent South Australian was the Reverend J.E. Cresswell (and we heard about the work of Reverend Cresswell on 22 April). Reverend Cresswell was from Adelaide's Congregational Church (which is now the Uniting Church) and was national secretary of the Armenian Relief Fund of Australasia. After witnessing the plight of Armenian refugees in Syria in 1923 Reverend Cresswell said:

> Over 6,000 here. The sights within these caves are beyond words. No words seem adequate to describe the misery that must be the portion of these poor people.

The reverend oversaw relief programs from port to destination, including setting up an Australian funded orphanage for 1,700 children who survived the genocide, and that site is now one of the holiest for Armenians. In 1918, Sydney mayor James Joynton Smith set up the Armenian Relief Fund, which included prominent philanthropists and business people, such as the Griffith brothers, one of the largest suppliers of tea and coffee in Australia, and the Elliot brothers, one of the nation's biggest pharmaceutical groups.

The fund, with the help of many Sydneysiders, raised hundreds of thousands of dollars to help Armenians, when Australians were already sacrificing so much in World War I. Even prime minister Billy Hughes promised that free freight would be provided by commonwealth steamers for any contribution to the fund. I know from a lecture I attended that South Australia played a big role in supplying grains to the Armenian victims of this genocide. The newspaper article continues:

> These are just some of the hundreds of Australian stories of generosity, hope and moral decency that have been unearthed. In the words of Robert Mayne: 'In world history there is an intimate connection between the Dardanelles campaign and the Armenian genocide.'

It is for that reason that I have discovered, in the journey that I have taken over the last few weeks, the importance of this occasion and the importance of this motion. I commend the motion.

Dr McFETRIDGE (Morphett) (12:51): I rise in support of this motion, and I am delighted that His Grace Bishop Nikandros of Dorylaeon can be with us today, with many supporters. I enjoy the blessing of the waters in my electorate every year, where thousands of members of the Greek community are led by His Grace.

This is a very important motion and, as the shadow minister for Aboriginal affairs and reconciliation, I am very much aware of how history is sometimes rewritten and filtered (in fact, the next motion on the *Notice Paper* is one of my motions about internet filtering). That motion is there

because one should not be able to filter history and people's ability to examine information that is out there. Paragraph (c) of this motion states:

(c) recognises the importance of remembering and learning from such dark chapters in human history to ensure that such crimes against humanity are not allowed to be repeated;

Unfortunately, I am no student of history. I learnt mainly British history at Salisbury High School, with many of my Greek friends. We learnt to eat a lot of Greek food before it was popular, and I think I am all the better for it.

We must not filter or rewrite history. When I attend citizenship ceremonies (as do other members in this place), one of the things I enjoy saying to people is, 'You can be part of the Australian population and culture and part of this nation. You can wear your heart on your sleeve as a proud Australian, but you don't have to give anything up. You promise to obey our laws and respect our rights, but you don't have to give anything up. Part of not giving things up is recognising and valuing your culture and passing it on not only to your descendants but also to other Australians, recognising your history. And this is part of it—a dark part. There are some darker parts of history and there are some parts that we are more than proud to ensure that everyone celebrates. But you don't have to give up who you are and where you are from.'

This motion recognises a particular episode in the past that should not be forgotten, should not be filtered and should be recognised. I support the motion.

Ms CICCARELLO (Norwood) (12:55): I would also like to support this motion. I have been very aware from the time I was a child of what had happened because, in the First World War, my grandfather fought against the Turks and this was often spoken about in my family. In fact, my grandfather received a medal for his bravery during that time.

With the Attorney-General, I had the opportunity of visiting Srebrenica, Auschwitz, Birkenau and a number of other places, and recognise the atrocities that have happened in this world. This motion is commendable. We must certainly recognise history and hope that the brutal acts of the past are not repeated. I associate myself with all those people who have had tragic losses within their families and communities.

Motion carried.

INTERNET FILTERING

Dr McFETRIDGE (Morphett) (12:56): I move:

That this house condemns the federal Labor government's introduction of internet filtering.

The previous motion certainly was a very important motion and I am pleased it has occupied the time of the house that it has. In the few minutes left to me before lunch, I will speak to this motion and seek leave to continue my remarks. As we all know, the Rudd Labor government is proposing to introduce a system of internet filtering that will be compulsory. It will involve all Australians, all ISP providers. It will involve everyone in this nation and it will filter their ability to access information that should not be filtered.

We have just discussed a motion about past history that needs to be remembered. We need to access information that will enlighten us all on issues such as that, but there are other areas about which people also need to access information and, with the introduction of internet filtering by the federal Labor government, that will be severely restricted. There are some sites that genuinely need to be filtered and excluded. They are mainly the pornographic sites–and I will list some of those later on.

Let us see what the federal Minister for Communications, Stephen Conroy, said on the SBS *Insight* program on 31 March 2009 when asked about internet filtering. He said:

Look, if there's an argument that the internet should be unregulated we'll have to at the end of the day, agree to disagree. I'm a huge supporter of the civil society and the internet is the Wild West at the moment. I think—I repeat again—there's been, unfortunately a lot of misinformation spread about what our intent actually is. I was more than happy to accept to come on the show to make sure that people understood—we are talking almost exclusively about refused classification. Then we want to give parents an option…

There is no option in this, everyone will be included. Unlike the federal Liberal government plan for NetAlert, which was voluntary—you could opt into a filtering system—this is not an optional program. This is a program that will be forced upon all Australians and, while well meaning, the actual outcome will be a disaster for internet access in Australia.

I will talk about the countries that have introduced internet filtering in my next contribution because I only have a minute or two left before the luncheon break. Stephen Conroy said that they want to give parents an option. There is no option in this. This is the whole point of this plan by the Rudd Labor government. If it was an option, I would be wholeheartedly supporting it, provided it was not an option that was going to slow down the internet to the extent that I am advised it is. The federal minister is poorly advised on this and he should listen to public opinion. With those remarks, I seek leave to continue my remarks at the next opportunity.

Leave granted; debate adjourned.

DIVISION COUNT

Mr VENNING (Schubert) (12:59): I seek leave to make a personal explanation.

Leave granted.

Mr VENNING: During the division this morning, the opposition had one too many members voting. I had agreed to two pairs from the government and was not aware until too late that one of the members to whom I had given leave was actually present in this house, and for that I apologise.

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

PAPERS

The following papers were laid on the table:

By the Minister for Health (Hon. J.D. Hill)—

Central Northern Adelaide Health Service—Report 2007-08
South Australian Council on Reproductive Technology—Report 2008

By the Minister Assisting the Premier in the Arts (Hon. J.D. Hill)—

Tandanya—National Aboriginal Cultural Institute—Report 2007-08

By the Minister for Police (Hon. M.J. Wright)—

Death of Damien Paul Dittmar—Coroners Inquest Recommendations

SWINE FLU

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (14:01): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.D. HILL: Overnight the World Health Organisation upgraded its level of influenza pandemic alert from phase 4 to phase 5. Through this mechanism the World Health Organisation requests countries to activate their pandemic preparedness plans. I am advised that Australian authorities, including South Australia, have already set in train all the necessary procedures to ensure that we are prepared for a pandemic flu event.

The federal government over the past two days has announced further measures to enhance surveillance at our international airports. These measures include thermal imaging scanners, which will be used across the eight international airports across Australia, including Adelaide Airport. I understand that the federal government made that announcement in the last hour.

Health declaration cards are also being pre-deployed across Australia. Passengers on all international flights entering Australia are requested to present to authorities if they display flu-like symptoms. SA Health has deployed nurses at Adelaide Airport to assist in these border security measures, assisting international passengers with flu-like symptoms.

According to the commonwealth, worldwide there are currently 2,167 suspected cases of swine flu and 198 confirmed cases of swine flu. Eight deaths have been confirmed by the World Health Organisation and another 159 deaths are suspected to be due to swine flu. Last night the

first death from swine flu was confirmed outside Mexico, and eight countries have now had confirmed swine flu cases.

I want to stress that there are currently no confirmed cases of swine flu in Australia. I am advised that here in South Australia currently eight people, aged between the ages of 22 and 62, are being tested for swine flu. All these people have returned from travel in the United States, Canada and/or Mexico in the past week and are displaying flu-like symptoms. None has been hospitalised due to their illness. They have been requested to stay at home until they receive their test results.

Today we have confirmed that the Adelaide-based international student, who travelled on the same flight as three New Zealanders diagnosed with swine flu, has been given the all clear. This student was given a course of antiviral medication as a precaution. The IMVS labs in Adelaide have now completed the genetic tests and ruled out any infection of influenza A, which includes swine flu.

The IMVS is the state's only full testing laboratory for suspected South Australian cases of swine influenza. If a patient presents to either a hospital or their GP with suspected swine influenza symptoms, a nasal or throat swab or sputum sample is taken immediately and couriered to undergo testing. Specimens are collected at the time of consultation in order to keep the number of people who can potentially be exposed to the virus as low as possible. Once samples reach the IMVS, they are tested using the Polymerase Chain Reaction test (PCR), considered to be the 'gold standard' in testing due to near 100 per cent sensitivity and accuracy of results.

I would like to take this opportunity to thank the many front-line people working to prevent this flu from taking hold. Of course, they include GPs, hospital staff, SA Health staff and IMVS workers who play a key role in these very important testing procedures. I would also wish to reassure South Australians that our state is working closely with the commonwealth to protect our community from this threat.

GENOCIDE OF THE ARMENIANS, PONTIAN GREEKS, SYRIAN ORTHODOX, ASSYRIAN ORTHODOX AND OTHER CHRISTIAN MINORITIES

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (14:05): I seek leave to make a personal explanation.

Leave granted.

The Hon. M.J. ATKINSON: Before the luncheon adjournment, the Leader of the Opposition told the house:

I am very saddened. I draw the attention of the house to an article in *Neos Kosmos,* described by some as Australia's leading Greek newspaper and the largest ABC audited ethnic publication. A featured article in the opinion section focused on this issue—

Mr HAMILTON-SMITH: Mr Speaker, I rise on a point of order.

The SPEAKER: Order! Point of order.

Mr HAMILTON-SMITH: First of all, the minister is reflecting on a vote of the house. This matter has already been debated. Secondly, it is not a personal explanation. He seems to be re-entering a debate we had this morning. He is certainly reflecting on a decision the house has already made in private members' time.

The SPEAKER: Order! I have not heard anything the Attorney has said so far which is a reflection on the vote of the house. I do make clear to the Attorney that the purpose of a personal explanation is to show that he has somehow been misrepresented. It is not to re-enter the debate that was held earlier today. I will hear what the Attorney has to say, and if I think he is straying off, I will pull him up.

The Hon. M.J. ATKINSON: The Leader of the Opposition said:

A featured article in the opinion section focused on this issue, I think on 30 March 2009. The editorial states—

And the Leader of the Opposition then quotes:

Playing ethnic politics is a dirty game that threatens to shatter social harmony quite a good deal more easily than referring to or interpreting historical events. The fact of the matter is that Australia's communities of diverse backgrounds have proven that they can co-exist peacefully in fruitful collaboration and ties of friendship

because of our joint commitment to multicultural Australia. No cynical, irresponsible or misguided attempt to score points or votes off the back of any arbitrarily chosen ethnic group should ever be permitted to bear the bitter fruit of discord.

The *Hansard* will show the Leader of the Opposition went on to say those remarks applied to me.

Mr Hamilton-Smith: And Alan Ferguson.

The Hon. M.J. ATKINSON: Exactly—and you misled the house, because here are the words—

Members interjecting:

The SPEAKER: Order! It is okay; it is all right. The Attorney must withdraw the allegation.

The Hon. M.J. ATKINSON: I withdraw the allegation that the Leader of the Opposition misled the house. Here are the four paragraphs leading into that paragraph: 'Ferguson must be a very brave man'—

Mr HAMILTON-SMITH: Mr Speaker, I rise on a point of order.

Members interjecting:

The SPEAKER: Order!

Mr HAMILTON-SMITH: The Attorney has just selectively quoted what was said this morning. He has failed to mention that I then went on to say that those remarks applied equally to Senator Ferguson and him. He is debating an issue that has already been debated in the house. He had his opportunity—

The SPEAKER: Order! There is no point of order. I do not recall exactly what the Leader of the Opposition said. I presume that the purposes of the Attorney's explanation is to correct the record, as he sees it, insofar as the leader may be saying that those remarks apply to him, in which case he is within the realm of a personal explanation. The Attorney.

The Hon. M.J. ATKINSON: Sir, I was misrepresented by the Leader of the Opposition because the whole article entitled 'The Banality of Ineptitude' shows that those remarks are attached to Senator Alan Ferguson.

Members interjecting:

The SPEAKER: Order!

Mr PISONI: Mr Speaker, I rise on point of order.

The SPEAKER: Order! The Attorney will take his seat. The member for Unley.

Mr PISONI: The minister is going way beyond a personal explanation.

The SPEAKER: Order! The member for Unley will take his seat. I have already ruled on that.

Mr Pisoni interjecting:

The SPEAKER: Order! The member for Unley will take his seat. I have already made a ruling on the matter. The Attorney-General.

The Hon. M.J. ATKINSON: The words are, and this is a quote from *Neos Kosmos* leading into the paragraph quoted by the Leader of the Opposition:

> Ferguson must be a very brave man to so blatantly and artlessly exhibit his ignorance of the period in question. He is also brave for his frank revelation of the manner in which he views the place of historical events pertaining to Australians—

Ms CHAPMAN: I have a point of order, Mr Speaker.

The Hon. P.F. Conlon interjecting:

Ms CHAPMAN: Would you be quiet for just one moment? My point of order, Mr Speaker, is that, far from being a misrepresentation of what the Attorney has said, he is reading a quote that refers to Senator Ferguson.

The Hon. P.F. Conlon interjecting:

Ms CHAPMAN: It is nothing to do with you.

Members interjecting:

The SPEAKER: Order! The Attorney appears to me to be trying to correct the record insofar as he believes that the Leader of the Opposition was saying that these remarks in some way applied to him, and he is explaining to the chamber that the content of the editorial was, in fact, directed towards Senator Alan Ferguson. The Attorney has been given leave to do so. However, I think he should wrap up his explanation. The Attorney-General.

The Hon. M.J. ATKINSON: To concertina it, the last paragraph leading into the paragraph which the Leader of the Opposition said applied to me says:

> And in [Ferguson's] ridiculous, offensive and thoroughly sickening denial (to victims and descendants of the victims) of the Christian genocide, is he merely adhering to what appears to be his own jaded view of the use of ethnic groups in his electorate?

The SPEAKER: Order! I think the Attorney has made his point to the house.

NATURAL RESOURCES COMMITTEE

Mr RAU (Enfield) (14:13): I bring up the 27th report of the committee, entitled Water Resource Management in the Murray-Darling Basin—Critical Water Allocations in South Australia.

Report received and ordered to be published.

QUESTION TIME

WATER SECURITY

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:13): My question is to the Minister for Water Security. Why has South Australia's investment in water and sewerage infrastructure lagged behind national trends? In the latest report headed 'Engineering Construction (South Australia)' by Engineers Australia regarding this state's performance in developing water infrastructure, several statements have been made. They include:

> The sharp rise in engineering construction on water and sewerage facilities, evident in other jurisdictions in 2006, was much more muted in South Australia.

It also states in relation to national trends:

> Following a burst of activity in SA from 1998 to 1999, this changed in 2002-03 and, since then, the SA trend has lagged progressively further behind.

Ms Chapman interjecting:

The Hon. K.A. MAYWALD (Chaffey—Minister for the River Murray, Minister for Water Security) (14:14): Where are you sitting, Vickie? This is a really important question because it enables me to highlight to the house the fantastic work that the government is doing in relation to infrastructure and water security. We are in the grip of one of the most severe droughts—or the most severe drought—on record. It is an extreme drought event that has been going on for a number of years that is creating all sorts of hardship for communities in South Australia and, indeed, across the Murray-Darling Basin. It would augur well for the opposition to get on board and help communities instead of being divisive in the area of water. South Australia has a proud history—

Members interjecting:

The SPEAKER: Order!

The Hon. K.A. MAYWALD: South Australia has a very proud history in leading the nation in regard to water infrastructure.

Members interjecting:

The SPEAKER: Order!

The Hon. K.A. MAYWALD: South Australia has an extremely proud history in relation to leading the nation on water infrastructure. South Australia has over $2 billion currently under construction. Over the forward estimates, SA Water has, I am advised—

Members interjecting:

The SPEAKER: Order!

The Hon. K.A. MAYWALD: —around $3.5 billion on the books for infrastructure investment in the water space. This is a fantastic investment and building a platform for the future. It includes desalination and it includes recycling. We are leading the nation not by a little bit, but by a long shot in relation to—

Mr Williams interjecting:

The SPEAKER: The member for MacKillop!

The Hon. K.A. MAYWALD: —water re-use. As a state, we are leading the nation in regard—

An honourable member interjecting:

The Hon. K.A. MAYWALD: If you believe that, you are in dreamland. Obviously you are in dreamland.

The Hon. J.W. Weatherill interjecting:

The Hon. K.A. MAYWALD: If you haven't got a leader, you are not leading the nation. What we are doing in South Australia is quite extraordinary. The national average for water re-use is around 13 per cent. In recent times, the South Australian government has increased our re-use of water from 20 per cent to 30 per cent and, with projects under construction, we will be increasing that to 45 per cent.

In the last five years of the Liberal government, they struggled to actually invest in infrastructure for water use under SA Water's capital plan—the five years preceding the election of the Labor Party into government. The investment has increased substantially. In the last two years, since I have been water security minister, we have actually seen a huge increase—a 390 per cent increase in our investment in water infrastructure. That is a good thing for South Australians. It is building a platform for water security into the future. It is building a security that was never there in the past. South Australians will now look forward to a brighter future in relation to water because of the investment that we are undertaking right now.

Members interjecting:

The SPEAKER: Order!

VISITORS

The SPEAKER: I draw to the chamber's attention the presence in the gallery today of a trade union delegation from Japan, who are guests of the member for Ashford.

QUESTION TIME

CRIMINON

Ms BREUER (Giles) (14:18): My question is to the Leader of Government Business. Can the minister advise whether he has been able to determine if it was a Labor source who provided information on forged documents referred to in this house by the Leader of the Opposition?

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy) (14:18): I thank the member for Giles—

Mr Williams interjecting:

The Hon. P.F. CONLON: It is unsurprising that, despite their enthusiasm for the subject on Tuesday, they do not wish to hear any more about it.

An honourable member interjecting:

The Hon. P.F. CONLON: There's nothing to see here, folks; move along. But, regrettably, while the Leader of the Opposition—

Mr Goldsworthy: You didn't do a very good job yesterday.

The Hon. P.F. CONLON: No, the Leader of the Opposition—you are quite correct—did not do a very good job yesterday.

Mr Goldsworthy: No; I'm talking about you, Patrick.

The Hon. P.F. CONLON: That hasn't been the consensus viewpoint, can I say. The Leader of the Opposition has come back to the house to apologise for the use of, basically,

fabricated documents. However, he did put on *Hansard* a most serious allegation on Tuesday, on which he has remained deafeningly silent since then. On Tuesday, the Leader of the Opposition in reference to what we now know as the notorious forged emails—

Mr Hamilton-Smith interjecting:

The Hon. P.F. CONLON: Isn't that hollow laughter? Please, do that again for me. In reference to that, he refers to these emails. He said:

Mr Brown refers Mr Bolkus to a conversation he had with a man called Tom regarding prison education programs.

He then goes on to make what I consider to be a most serious allegation. He said:

Sources from within the Labor Party have advised the opposition that the man called Tom is the Minister for Correctional Services.

The Hon. M.J. Atkinson: Right, let's test that.

The Hon. P.F. CONLON: Okay. What that means is that the Leader of the Opposition has alleged that a member of the Labor Party (or a Labor source) has explained the contents of forged documents to him. Therefore, that Labor source must have known that they were forged; could not explain them otherwise. We have called upon the Leader of the Opposition several times today to identify this source. His evasive answer on media this morning was that he has to protect his sources. He has to protect a source—

An honourable member interjecting:

The Hon. P.F. CONLON: No, this is not a laughing matter.

Members interjecting:

The SPEAKER: Order!

Mr Pisoni interjecting:

The SPEAKER: The member for Unley!

The Hon. P.F. CONLON: The Leader of the Opposition exhibits no shame. He refers to the leaked documents I used to get—yes, I did pursue, when I was in opposition, some documents. As a consequence their premier lost his job. I am not embarrassed by that at all.

Mr Hamilton-Smith interjecting:

The Hon. P.F. CONLON: I will if you wish.

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: Let me make clear the difference between that and the allegation. The source that the Leader of the Opposition says he is—

Ms Chapman interjecting:

The SPEAKER: Order! The deputy leader will come to order.

The Hon. P.F. CONLON: The source that the Leader of the Opposition says he is protecting is not a whistleblower, helping him to find the truth. It is a person who has been dishonest to him explaining forged documents. That is not a source; that is someone who has done you a wrong. That someone is, allegedly, a Labor source. So the incredible thing the Leader of the Opposition would have you believe is that he is so enamoured of this source who misled him that he is going to protect him, or her.

The Hon. M.J. Atkinson: If there is a source.

The Hon. P.F. CONLON: The truth is that we, in the Labor Party, do not believe there is or has ever been a Labor source who explained forged documents. I invite the Leader of the Opposition—and I say this seriously—his claim on Tuesday is simply not credible. He has two options for this house: to identify this person who has wronged him—who has wronged him, by his account—or correct the statement he made to the house.

Does he stand by the statement he made on Tuesday that a Labor source explained these documents to the opposition? If he does, stand by it; if he does not, correct it—he has no other

choice. If he does stand by it, someone in the world please explain to me why he would not identify the Labor source. He has been quite happy to smear—

Mrs REDMOND: Point of order, Mr Speaker.

The SPEAKER: Point of order, the member for Heysen.

Mrs REDMOND: The member seems to have strayed into debate, sir. It hardly seems to be on the topic of the question that was asked.

Members interjecting:

The SPEAKER: No; I think it is on the topic.

The Hon. P.F. CONLON: The question asked was: have I been able to identify a source? There is only one person who could help me with that. I would love to identify the source. The only one person who could help me with that sits on the other side. I say this to the Leader of the Opposition—and I invite him to listen carefully to what I say because I do wish to offer him the opportunity to correct the record. He has already had to do it in regard to the documents being false. I invite him to correct the record about the statement he made on Tuesday. It is simply incredible that the Leader of the Opposition would be prepared to smear the reputations of five known members of the Labor Party, who have done nothing wrong, but protect someone in the Labor Party who has wronged him enormously, who has destroyed his credibility and who has destroyed his reputation. If he cannot name the source he should correct it, but he is not going to get away with leaving that comment on *Hansard*.

Honourable members: Hear, hear!

CARBON POLLUTION REDUCTION SCHEME

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:24): My question is for the Minister for Environment and Conservation. Has he reviewed the impact of the federal government's proposed carbon pollution reduction scheme on environmental emissions and economic activity in South Australia's regional centres?

The Centre for Independent Studies report titled 'Review of the proposed carbon pollution reduction scheme' released today indicates that the government's scheme will tax Australia's largest exporters and employers, damaging their competitiveness and putting jobs at risk, without any analysis of these immediate costs.

In addition to that report, recent additional research commissioned by the New South Wales Labor government found that regional centres around Australia, including Whyalla and Port Pirie, would shrink by over 20 per cent under the scheme. The South-East is also exposed through the impact on Kimberly-Clark.

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy) (14:25): Can I indicate to the house that the South Australian Labor Party, it is no surprise, supports an emissions trading scheme as the best way to deal with reducing carbon emissions into the future. We have supported this commonwealth government in moving to an emissions trading scheme. My understanding is that the Liberal Party essentially does not have a policy on it. I would love to be disabused of that, but it does not have a policy.

I understand that there are discussions, in fact, at COAG today, some formal or informal discussions about the nature of a scheme. The difficulty is that we have all these conflicting views about it. We know that the Liberal Party remains the last safe haven for climate change deniers. We recognise that; they are entitled to have that view.

Ms CHAPMAN: I rise on a point of order. This is debate. The question was asked as to whether there has been a review of this proposal on South Australian regions. It is nothing to do with what the Liberal Party's view is.

The SPEAKER: There is no point of order.

The Hon. P.F. CONLON: I simply point out that the federal government has attempted to introduce an emissions trading scheme. We have had discussions about the nature of that scheme. Regrettably, there are people pulling in one direction in the Senate and people pulling in another, so it is hard to know exactly what the Senate will deliver us. But I will tell you this, we do believe that the best way for our future, for our children and for our economy is a properly instituted emissions trading scheme, and we will continue to support one.

Members interjecting:

The SPEAKER: Order!

WASTE MANAGEMENT

Ms CICCARELLO (Norwood) (14:27): My question is to the Minister for Environment and Conservation. How is South Australia leading the nation in waste management practices?

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Environment and Conservation, Minister for Early Childhood Development, Minister for Aboriginal Affairs and Reconciliation, Minister Assisting the Premier in Cabinet Business and Public Sector Management) (14:27): As members may be aware, we have set an ambitious target in South Australia in our Strategic Plan to reduce our waste, or landfill, by 25 per cent by 2014. To achieve that target we have established a number of innovative projects, not the least of which is the establishment of Zero Waste SA, an initiative of the former minister for environment, the honourable member for Kaurna.

Through Zero Waste we support community schools, councils and businesses to reduce and recycle their waste. Of course, this builds on the historic work that occurred back in 1977 with the introduction of the nation's first container deposit legislation. That one simple initiative alone has reduced one of the main components of litter and significant addition to landfill, that is, beverage containers, and it has been stunningly successful.

When he was here earlier this year at Clean Up Australia Day, Ian Kiernan pointed out that among the states South Australia has by far the lowest plastic bottle littering in our environment. It has a great degree of popularity; 92 per cent of people thought that South Australia's scheme encouraged and promoted recycling.

The Hon. I.F. Evans interjecting:

The SPEAKER: The member for Davenport!

The Hon. J.W. WEATHERILL: This is reflected in the percentage of containers returned for refunds. While recycling rates have always been high relative to the rest of the country, this government increased the deposit in August 2008 to encourage more people to recycle, and that has made an extraordinary difference.

In the three months after we increased the deposit from 5¢ to 10¢, the number of containers returned and refunded increased by more than 19 million. This was a 20 per cent reduction in the number of recyclable containers being dumped to landfill, which obviously saved litter and reduced the energy that was embedded in that.

Today, I am also pleased to note that, while South Australia was the first state or territory to implement the container deposit legislation, it now appears likely that we will not be the only state. Only two weeks ago, the Northern Territory Minister for Natural Resources, Environment and Heritage (Hon. Alison Anderson) visited South Australia to look at our scheme. She was impressed with what she saw here about our container deposit legislation—so impressed, I understand, that the Northern Territory is seriously considering the introduction of the container deposit scheme, and I understand that a big announcement about this is imminent.

The advice I have received is that the scheme in the Northern Territory is largely modelled on the South Australian scheme, where cans, bottles and cartons attract a 10¢ refund. The Premier has written to the Northern Territory government offering our support, and we look forward to assisting Territorians if they take this step towards a cleaner environment.

South Australia is justifiably proud not only of our container deposit legislation but of all our waste management innovations. Thirty years ago, our adoption of container deposit legislation was received with scepticism in other states, to say the least. South Australia has always been regarded as ahead of the country in this regard. Next Monday, just like 30 years ago, we will be taking another step on our own with the banning of plastic bags. Once again, we think that will be another practical step in the right direction.

We are very proud of the leadership role we have played in environmental matters in this state, which has largely been done on a bipartisan basis. We look forward to that continuing bipartisan support.

McLAREN VALE POLICE STATION

Mr PENGILLY (Finniss) (14:31): My question is to the Minister for Police. What are the government's plans for the staffing and resourcing of McLaren Vale Police Station beyond 30 June this year? Can the minister guarantee that there will be no reduction in services and no reduction in operating hours?

The Hon. M.J. WRIGHT (Lee—Minister for Police, Minister for Emergency Services, Minister for Recreation, Sport and Racing) (14:32): I will need to take some advice. I will speak to the commissioner and bring back some details for the member.

MOUNT GAMBIER HOSPITAL

The Hon. R.J. McEWEN (Mount Gambier) (14:32): Sorry, Mr Speaker; I was too busy reading to the bitter end. I will send it down when I have finished with it. My question is to the Minister for Health. What is the government doing to expand services at the Mount Gambier Hospital? What is the minister's reaction to the recent claims regarding health services in Mount Gambier?

Mr Speaker, you would be aware, as we all were, that last week the Deputy Leader of the Opposition had to come back into the house and apologise for a concocted story around a kidney transplant. She also sent that story to the media and, I might add, failed then to withdraw that press release from the media, which has made them particularly angry. However, she knows no shame because then she made another claim, that claim being that the budget for the Mount Gambier Hospital, particularly for elective surgery, had been savagely cut.

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (14:33): I thank the member for Mount Gambier for his question, and I am reminded by it of that great rock and roll band, Frank Zappa and the Mothers of Invention. It strikes me that the Leader of the Opposition should be known as Frank Zappa because he is absolutely sitting next to the mother of invention.

The Hon. P.F. Conlon: What was the name of that album—*Thick as a Brick*? Didn't they have an album called *Thick as a Brick*?

The Hon. J.D. HILL: They may well have. That was Jethro Tull, I think. In *The Border Watch* on 17 April, the Leader of the Opposition wrongly claimed that elective surgery could be 'slashed to the bone', as she put it, at Mount Gambier Hospital. This was, of course, only one week after, as the member for Mount Gambier reminded us, she wrongly claimed in this house that a patient had missed out on a kidney transplant. As is often the case, the truth is somewhat different from the deputy's claims.

The deputy says a kidney is wasted because a slack ambulance officer caused a man to miss a plane and consequently miss out on surgery. The truth is: ambulance officers work very hard, a man does catch the plane, he receives surgery and no kidney is wasted. The deputy leader says surgery could be cut. The truth, in relation to Mount Gambier Hospital, amongst other hospitals, is that surgery is increasing. Once again, the deputy leader demonstrates a pattern of behaviour involving recklessness with the truth. The truth, I am advised by the hardworking staff at Mount Gambier Hospital, is that they have already performed almost 100 more elective surgeries this year compared to this time last year—more elective surgery.

I remind the house that last financial year our major metropolitan hospitals undertook a record 39,962 operations. This was 4,376 (12 per cent) more compared to the last year of the former Liberal government. Today, I can announce that, as of 31 March this year, we were 1,325 procedures ahead of where we were at the same time in 2008. That is almost 5 per cent more surgery performed.

The increase in surgery at Mount Gambier can largely be attributed to having—and this is to the first part of the member's question—10 procedural resident specialists and two registrars, of whom three are dedicated resident general surgeons, who are doing a great job of getting surgery to people who need it.

In this term of government, the past three years, the Rann Labor government has appointed at Mount Gambier Hospital—it is worth going through the additions—a director of emergency services; four general practice supervisors to provide support and teaching to the junior medical staff in accidents and emergency; two full-time paediatricians; two specialist physicians,

with the recruitment of a third underway; a resident psychiatrist; and we are currently recruiting two specialist anaesthetists.

We have also opened a coordinated cancer care network, based in the hospital, and an intern program with six Australian graduate interns on the program this year, three of whom are South-East residents who are expected to stay in the region at the completion of their training. So, that is terrific news.

Importantly, we have allocated land for the construction of the Flinders University Rural Clinical School and involvement in first-class teaching and training programs across both campuses. We have also recently started paediatric surgery at the hospital, and we are currently undertaking a $400,000 upgrade of the sterilisation facilities within the theatre complex and developing a hospital-based urological surgical service.

I would like to take this opportunity to reassure the residents of Mount Gambier and the South-East that, despite whatever the deputy may claim, there have been no cuts at the Mount Gambier Hospital, and no cuts are planned.

The deputy leader's claims about health services in Mount Gambier are a baseless political attack designed to get support for the Liberal's local candidate. For the Liberals to be playing politics like this with people's health is just appalling. I understand that the local candidate, who exhibits some free spirit from time to time, is appalled by the deputy leader's continuing intervention in his campaign.

The Mount Gambier community deserves better from the opposition and its local candidate. The deputy leader has demonstrated a willingness to needlessly alarm the residents of that city and slander the hardworking staff of the hospital and ambulance service in order to score cheap political points. The opposition has a duty to the people of South Australia to act in an honest, responsible and accountable manner. Both the leader and the deputy leader time and time again have failed to live up to this standard.

FREEDOM OF INFORMATION

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:38): My question is the Minister for Mental Health and Substance Abuse.

Mr Bignell: More lies.

The SPEAKER: Order!

Ms CHAPMAN: Was the Premier's approval sought—well—

Members interjecting:

The SPEAKER: Order! The member for Mawson will withdraw.

Mr BIGNELL: I withdraw, Mr Speaker.

Ms CHAPMAN: Was the Premier's approval sought before it was decided that the Department of Health would appeal the South Australian Ombudsman's decision to grant the release of documents under the Freedom of Information Act in the District Court? This is in respect of the correspondence between the department and the Chapley Retail Group about the Glenside Hospital.

The Hon. J.D. LOMAX-SMITH (Adelaide—Minister for Education, Minister for Mental Health and Substance Abuse, Minister for Tourism, Minister for the City of Adelaide) (14:40): I thank the member for her question. I think she misunderstands how the freedom of information system works. In fact, it is not a political process at all; it is carried out by officers within the department, who perform their role in a fair and equitable way. In my experience they are not directed in any way politically; it is just carried out at an official level.

The Hon. P.F. Conlon: It would be improper to ask the Premier what should happen.

The Hon. J.D. LOMAX-SMITH: Absolutely. As I understand it, that does not occur. It may have occurred when the opposition was in government. They may well have edited, doctored or chosen what was released, but that is certainly not something that occurs now.

In the case of the information that the honourable member is describing, I understand that she wanted some information that related to a third party outside government. It may have been necessary under those circumstances to seek their permission. In my experience that often delays

the release of documents. If a third party is involved in some material, whether it be letters or other factual documentary information, it is quite proper that their consent be sought before the papers are released. However, in our government this is done at a bureaucratic officer level and it is not interfered with by the political arm.

FORESTRY

The Hon. R.J. McEWEN (Mount Gambier) (14:41): Will the Minister for Forests outline the ongoing commitment of the state government to the forestry industry? On Tuesday morning the people of the South-East awoke to some disturbing news that approximately one-third of the employees at Carter Holt Harvey's laminated veneer lumber plant at Nangwarry would be offered voluntary redundancies. The community immediately began to consider the plight of the 90 employees and their families and put in place support in terms of seeking jobs or training or supporting people into retirement. Within an hour the community was shocked to hear the member for Hammond bellyflop into the political sewer and sheet the blame at lack of investment by the government.

Members interjecting:

The SPEAKER: Order!

Mr WILLIAMS: I have a point of order, sir.

The SPEAKER: Order! I think I know what the member for MacKillop's point of order might be, and the member for Mount Gambier is out of order. The Minister for Forests.

The Hon. P. CAICA (Colton—Minister for Agriculture, Food and Fisheries, Minister for Industrial Relations, Minister for Forests, Minister for Regional Development) (14:42): I acknowledge the honourable member's understanding of the matter, having had stewardship of this important portfolio for a number of years and thank him for setting the scene for that question without notice.

The state government recognises the significant contribution made by the forestry industry to the economic and social wellbeing of the South-East region of this state and, indeed, the South Australian economy as a whole. That is why the Rann Labor Government has committed significant levels of support to the industry through Forestry SA.

The member for Mount Gambier is quite right to be disturbed about the comments made by the shadow spokesperson for forests, as all members of this place should be. I am sure the shadow spokesperson's attempt—

An honourable member interjecting:

The Hon. P. CAICA: I am sure the honourable member on the other side has a lot of dealings with the forestry union and I expect—

An honourable member interjecting:

The Hon. P. CAICA: Does he?

An honourable member interjecting:

The Hon. P. CAICA: Yes, that's right. I am sure the shadow minister's attempt to cast a shadow of doom and gloom over the future of the forestry industry has been welcomed by neither the industry itself nor the good people of the South-East. I offered to arrange a briefing for the shadow spokesperson about this government's ongoing and firm commitment to forestry, and I understand it is booked for 14 May—a little late to save him from his ill-informed comments on South-East ABC Radio last Tuesday, where he attempted to link the difficulties in which some companies find themselves to the level of government support for the industry.

Not only is that wrong but also, amazingly, the shadow spokesperson tried to relegate the impact of the global financial crisis on those circumstances as being of relatively minor significance. As the interviewer pointed out, since the beginning of the global financial crisis, mills have closed in most jurisdictions around Australia. Japanese pulp and paper sector markets have experienced about a 20 per cent decline, which has impacted significantly on Australian export woodchip sales, and the number of dwelling unit commencements nationally has declined by about 20 per cent between December 2007 and December 2008. If the shadow spokesperson wants to deny the impact of the global financial crisis which has hit most sectors of the economy, let him attempt to

examine the facts—and this is important—about the investment made by the government through Forestry SA and argue that the Liberal Party in government did more.

Of course, I would remind the shadow spokesperson that it was his party (when in government) that sold off the Nangwarry mill which was in question there. I was also interested to learn through the media commentary and his contribution to the wireless station down there that the Liberal Party policy regarding sale of rotations currently being considered by this government will not be supported by his party. It is nice to learn of your policy over the airwaves.

An honourable member interjecting:

The Hon. P. CAICA: I do listen and I offer you some advice: perhaps you should listen in the future.

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: I do take—

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: I do take notice of where my emails come from. Just getting back to the point in question—that is, this government's support for the forestry industry—between 2000-01 and 2004-05, the expenditure authority provided to Forestry SA to conduct—

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. Atkinson interjecting:

The SPEAKER: The Attorney will come to order!

Mr Goldsworthy interjecting:

The SPEAKER: The member for Kavel will come to order!

The Hon. P. CAICA: I was attempting to explain that between 2000-01 and 2004-05, the expenditure authority provided to Forestry SA to conduct its activities was $3 million per year, a figure which was doubled to $6 million per year between 2005-06 and 2007-08, before again being doubled by this government to $12 million in 2008-09 and 2009-10. In terms of having trees in the ground, this government's commitment can be clearly understood. Between 1998 and 2005, Forestry SA's new plantings and replanted area after clear-felling was constant—about 10,172 hectares in total (or a yearly average over that period of 2,543 hectares). What is of particular note is that, in the last three years—2006 to 2008—Forestry SA's total new plantings and replanted area after clear-felling jumped to 10,203 hectares (or a yearly average over that period of 3,401 hectares).

Yes, there are challenging times ahead for the forestry industry, like most sectors and most industries, but this government is about ensuring that we maintain a strong forestry industry and that we will be in a position to respond nimbly to take advantage of improved economic conditions nationally and, indeed, internationally. At another time in this place, I will be happy to report back to members about some of those specific initiatives and, indeed, by that time, I am sure the shadow spokesperson, as a result of the briefing he will be provided, will be far better informed than he was on Tuesday.

FREEDOM OF INFORMATION

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:48): My question is to again to the minister—

The Hon. R.J. McEwen interjecting:

The SPEAKER: The member for Mount Gambier will come to order!

Mr Venning interjecting:

The SPEAKER: The member for Schubert will come to order!

Ms CHAPMAN: My question is to the Minister for Mental Health and Substance Abuse. What budget has been approved by the Department of Health to challenge in the District Court the Ombudsman's decision to release these documents?

The Hon. J.D. LOMAX-SMITH (Adelaide—Minister for Education, Minister for Mental Health and Substance Abuse, Minister for Tourism, Minister for the City of Adelaide) (14:49): I do not think the deputy leader was listening when it was explained to her that our level of government does not actually deal with FOI requests. It is not a level of decision making that comes through the minister's office. Properly, it is not something that ministers should interfere with and, unlike the previous government, we do not filter the requests. Unlike the previous government, we do not decide what information will be released. Unlike the previous government, we allow the process to go through according to the criteria set down. It is not a decision made by myself. In fact, we are very generous in allowing significant sums of money to be spent on fulfilling the requests of those opposite.

CHAPLEY RETAIL GROUP

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:50): My question is to the Attorney-General. Does the Attorney-General agree with the decision of Mr Ken MacPherson, as Acting Ombudsman, to release correspondence between the Department of Health and the Chapley Retail Group and, if so, does he support the Department of Health's appeal against that decision lodged in the District Court this week?

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy) (14:50): Can I repeat the answers that have been given? If I understand it correctly, what has been alleged is that there is now a matter of appeal in the District Court. Can I therefore offer my considered legal opinion that, regardless of the Attorney's opinion, I think the District Court judge will probably prefer his or her own.

ALPINE CONSTRUCTIONS PTY LTD

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:51): My question is to the Minister for Housing. Has the construction of Housing SA properties been delayed or abandoned following the collapse of Alpine Constructions? Documents provided to the opposition under FOI show six contracts valued at over $3.8 million and involving 29 Housing SA properties were pending at the date of the application, that is, 20 March 2009. Alpine Constructions is a partner with the government in the Newport Quays development and went into administration on 6 March 2009 with debts of more than $4 million.

The Hon. J.M. RANKINE (Wright—Minister for Families and Communities, Minister for Northern Suburbs, Minister for Housing, Minister for Ageing, Minister for Disability) (14:51): Alpine Constructions has had an administrator appointed, as understand it, and the South Australian Housing Trust has some contracts with Alpine Constructions. I am told it is to build 55 houses under 10 contracts, and these contracts range between $315,000 and $1.6 million. Upon receiving advice about the administrator being appointed, I sent a letter to the administrator asking that our contracts be proceeded with as quickly as possible.

Ms Chapman interjecting:

The Hon. J.M. RANKINE: I have not yet received an answer.

WATER SECURITY

Mr PEDERICK (Hammond) (14:52): My question is to the Minister for Environment and Conservation. Why was no reference made in the two reports entitled 'Management Options for Acid Sulphate Soils in the Lower Murray Lakes' dated December 2008 contained in the draft environmental impact statement for the proposed weir near Pomanda Island? The draft environmental impact statement for the proposed weir near Pomanda Island, submissions for which closed on 9 April 2009, gives the possible acidifying and tainting of the river above Wellington as a major reason for constructing a weir at Pomanda Island. These December 2008 reports describe adding limestone to the lakes to minimise the effects of acid sulphate soils as 'a feasible option from both a technical and economic perspective', yet there is no reference to them in the EIS.

The Hon. K.A. MAYWALD (Chaffey—Minister for the River Murray, Minister for Water Security) (14:53): I will take most of that question on notice and refer to those two reports so I can

bring a detailed response to the member. Acid sulphate soils are referred to in the EIS significantly as part of the reason for having to construct a weir if drought conditions continue.

The whole purpose of doing the work necessary to build a weir if we have to is so we have the contingency in place to call upon to protect water supplies for Adelaide and other communities that get water from below Lock 1. Any government that did not take responsible steps to secure our water supplies against the risk of salinisation or acidification would be an irresponsible government, indeed. What we have done is acted responsibly with the Murray-Darling Authority. There is a real-time management strategy in place that we are working with the Murray-Darling Authority to ensure that we can protect water supplies. Any opposition member who says we should not protect those water supplies needs to look closely at themselves.

BUSHFIRE MANAGEMENT PLANS

Mr KENYON (Newland) (14:54): My question is to the Minister for Emergency Services. What was done to protect our state and our community during the fire danger season?

The Hon. M.J. WRIGHT (Lee—Minister for Police, Minister for Emergency Services, Minister for Recreation, Sport and Racing) (14:55): Today officially marks the end of the fire danger season across all 15 fire ban districts. Five of the 15 fire ban districts initially commenced restrictions early due to the continuing drought and low rainfall. Fires were reported as early as September, with significant fires occurring in October in the west of the state.

South Australia experienced a spate of unprecedented hot sustained weather in late January and early February. During this period, several substantial fires occurred across the state, and we know of the tragic events that occurred across the Victorian border.

I am advised that, since 1 July 2008, the Country Fire Service has responded to 6,393 incidents, with another 4,439 support responses. Of these incidents, 1,900 were rural fires. Some of the more significant fire events included: a hay processing plant fire at Paskeville, resulting in approximately $15 million worth of damage; grass and scrub fires at Penong, Danggali, Naracoorte, Wirrabara, Cobdogla, Onkaparinga Hills, Gawler River and One Tree Hill, with a combined total of approximately 26,700 hectares being burned; and a fire at Port Lincoln in Proper Bay involving approximately 250 hectares with damage to tuna factories, the waste depot and houses.

Throughout the fire danger season, the Country Fire Service utilised aircraft in support of fire management. These aircraft were generally contracted for an 84 day period, with the number being extended to cover the prolonged fire season and risk. In total, aircraft were tasked approximately 130 times and proved an effective tool in supporting firefighters on the ground.

I would like to take this opportunity to thank the men and women who turned out to the 10,000-plus callouts. The contribution made by Country Fire Service and Metropolitan Fire Service members, as well as the Department for Environment and Heritage (DEH) and Forestry SA (FSA) to the state and to our community has obviously been great.

I would also like to take this opportunity to thank South Australia Police for their efforts. In recent months, through Operation Nomad, they have been working tirelessly to ensure that our state is as safe as possible from the risk of fire. Operation Nomad uses highly visible policing strategies and community education to underpin a zero tolerance approach to reckless and illegal fire-causing behaviour. On high risk days, our police visit potential offenders identified through intelligence and maintain a highly visible patrol presence in areas of bushfire risk.

Police have found that, on days of extreme fire danger, the number of calls to the Police Communications Centre increases—not only the reporting of fires and signs of smoke, but also suspicious behaviour. Calls are received about dangerous behaviours, such as people using angle grinders, burning off in hazardous conditions, rubbish fires, and the like. The engagement of the public has been vital to the success of Operation Nomad.

We have also found that the number of serious bushfires in South Australia continues to decrease as the number of apprehensions for fire-related offences rises. The precise impact of Operation Nomad is, of course, impossible to quantify, but we do have empirical data that shows fire numbers are down and fire-related apprehensions are up.

There have also been examples of Nomad patrols catching people lighting bushfires. For example, in January this year, a Nomad patrol saw a male crouching in bushes at the roadside actually lighting a fire. He was arrested and charged. Similarly, in 2008, a Nomad patrol in the

Riverland of South Australia paid a visit to a Nomad person of interest, but could not find her at home. They drove to a known fire risk area and found her in the process of lighting a fire. She was also arrested and charged.

Nomad patrols have also been the first to sight smoke or fire, giving the fire services an early opportunity to intervene swiftly. For example, a Nomad patrol was the first to see the Port Lincoln Proper Bay fire on 13 January this year.

During the 2008-09 fire danger season, 166 persons have been arrested or reported by police for offences related to bushfires, including deliberately lighting a bushfire, and lighting or maintaining a fire during the fire danger season. In addition, 87 persons have been issued with fines for breaches of the Fire and Emergency Services Act. All those involved in protecting our state during the fire danger season should be congratulated for their efforts.

FORESTRY

Mr PEDERICK (Hammond) (14:59): My question is to the Minister for Forests. Will he instruct or advise Forestry SA not to pursue the export of unprocessed round logs? We have been advised that Forestry SA is considering selling unprocessed round log for export. Given the recent announcement by Carter Holt Harvey that it will retrench some 90 workers, all of whom were employed in the secondary processing industry, and in consideration of the fact that that industry constitutes almost 30 per cent of the South-East's economy, it would seem inappropriate for such exports to occur.

The Hon. P. CAICA (Colton—Minister for Agriculture, Food and Fisheries, Minister for Industrial Relations, Minister for Forests, Minister for Regional Development) (15:00): I thank the honourable member for his question. He would be aware, as would anyone in this chamber, that Forestry SA operates as a GBE (government business enterprise) and conducts its business according to what is the best approach for it to take from a business perspective. I know that you, too, have offered help in whatever way you can down there, and I know that people in the South-East appreciate that. However, I have also spoken today to Mr Epp from CHH about the situation down there, and I will continue to liaise with him very closely during this time.

It is not just about the welfare and wellbeing of those people who are going to be out of work as a result of the commercial decision but also other aspects that relate to the provision of produce (if that is the right terminology for wood) to that sawmill. At this point in time I will continue to do that and do whatever it is that is in the best interests of the forestry industry in the South-East.

Members interjecting:

The SPEAKER: Order!

GLENSIDE HOSPITAL REDEVELOPMENT

Mrs GERAGHTY (Torrens) (15:01): My question is to the Minister for Mental Health and Substance Abuse. Will she provide an update on the work being done during the transition phase of the Glenside redevelopment?

The Hon. J.D. LOMAX-SMITH (Adelaide—Minister for Education, Minister for Mental Health and Substance Abuse, Minister for Tourism, Minister for the City of Adelaide) (15:02): I thank the member for Torrens for her question and her continuing advocacy for those who have a mental illness. As members would know, following the Social Inclusion Board's Stepping Up report in 2007, the Rann government began the task of rebuilding, reforming and redesigning our mental health system with services and facilities across the entire state. This includes community recovery centres, new hospital wards, supported accommodation and modern drug treatment centres so that people with mental health and substance abuse issues can return to lead normal lives within the community.

A key part of this process is the $130 million being spent on the redevelopment of the Glenside Hospital site. In April 2008 the Glenside Campus Redevelopment Master Plan was released as the starting point for the government's plan to construct a state of the art 129 bed entirely new hospital for both mental health and substance abuse patients.

Improvements on such a massive scale require the need for services to be temporarily moved whilst the new hospital is under construction on the southern side of the campus. To ensure minimal disruption, the department consulted with staff, patients, their carers and families, patient and consumer groups, as well as the unions, in undertaking these temporary moves in an open and sensitive transition phase.

The first clinical move associated with the construction of the new hospital was undertaken on Tuesday 7 April this year. This involved the short-term relocation of 13 patients from the Karingai Ward to the existing Greenhill Ward. I have been advised that the move went smoothly and that the ward is now fully operational and functional. Parents and their families, I understand, are happy with the new accommodation.

The next transition is scheduled for late May/early June with the Cleland inpatient unit of 20 beds being moved to the Cedars north-west area where building works are currently in progress to ensure the ward is at a high standard for continuing patient care.

At the same time, the engineering and building services, as well as the cleaning services, have been moved from the old transportables at the back of the campus to the refurbished supply building at the eastern end of the campus. A critical move of the planning of the transition phase is ensuring that transition accommodation is of an appropriate standard not only for clinical care and safety but also for those other staff who work on site in office accommodation.

This initial move and the ongoing accommodation for patients is designed to give good quality accommodation during the interim period when the whole site is being redeveloped. Each area of the campus has a focus group of senior staff which coordinates the details of movements for their area, with work on the Cleland Clinical Focus Group and planning for relocation to the Cedars Downey House currently occurring.

Our government is committed to providing South Australians with a high quality mental health service, and the construction of a new facility at Glenside is a really significant move, a very large investment and an important part of our reform agenda.

SCHOOLS, REPORTING

Mr PISONI (Unley) (15:05): My question is to the Minister for Education. When will parents be able to access data and analyse results on individual schools online?

Members interjecting:

The SPEAKER: Order! The member for Unley.

Mr PISONI: Thank you, sir. Would you like me to start again?

The SPEAKER: I think you might have to.

Mr PISONI: My question is to the Minister for Education. When will parents be able to access data and analyse results on individual schools online, and does this mean that parents will be able to choose the school of their choice for their child regardless of zoning? At the Ministerial Council of Education, Employment, Training and Youth Affairs in Adelaide on 17 April 2009, the federal Minister for Education and the state minister signed off on a report of school reporting proposals based on WA website Schools Online where parents can compare results from different schools to enable them to obtain reliable, clear information about what is happening in their schools.

The Hon. J.D. LOMAX-SMITH (Adelaide—Minister for Education, Minister for Mental Health and Substance Abuse, Minister for Tourism, Minister for the City of Adelaide) (15:06): I thank the member for Unley for the question. I have to say that he is in a very weak position in discussing public schools, because if you remember his last public comment about public education, and I quote—

Ms CHAPMAN: I rise on a point of order.

The Hon. J.D. LOMAX-SMITH: —he said it was rotten to the—

The SPEAKER: Order! The Minister for Education will take her seat.

Ms CHAPMAN: The question was very simply about whether a certain program is going to be introduced pursuant to an agreement. There was no comment made about public schools.

Members interjecting:

The SPEAKER: Order!

Ms CHAPMAN: It is clearly debate.

The SPEAKER: Order! Yes, the minister cannot debate the question.

The Hon. J.D. LOMAX-SMITH: The member's question related to the assessment and the capacity of parents to assess the quality of public schools in South Australia. As you would all recall, the member for Unley has said, and I quote, 'Public education in South Australia is rotten to the core.'

Ms CHAPMAN: I rise on a point of order.

Members interjecting:

The SPEAKER: Order!

Ms CHAPMAN: That is clearly defying your order and going back to the question of public comment on public education, and that is in complete defiance of your order.

Members interjecting:

The SPEAKER: Order! I am not sure what the quote—I cannot second guess the minister. Sometimes things that may not be apparent to the chair as being relevant to the question end up being quite relevant to the question, in the same way as often explanations from members asking questions, their relevance to the question at first may not be apparent. But I always give members an opportunity to complete their explanation so that in case that relevance is not apparent I might be able to determine so. I am sure this quote has something to do with the question; I am sure the minister will do so.

The Hon. J.D. LOMAX-SMITH: I thank you, sir, for your ruling. It is quite clear that whatever information goes on the website, the member for Unley has made up his mind. His view of public education is derogatory.

Ms CHAPMAN: I rise on a point of order. This has now gone beyond debate. This is now accusation about the view of the questioner.

The SPEAKER: Order! Yes, whatever the views of the member for Unley, I do not think they have anything to do with the question. The Minister for Education.

The Hon. J.D. LOMAX-SMITH: The reality is that the federal government is, in fact, involved in a massive reform agenda in education across the country and is investing an extraordinary amount of money, not just in the general level of funding to schools but in building, capital works and maintenance, also targeting low SES schools, literacy and numeracy and teacher equality. This massive agenda requires that the money that is spent is assessed properly and audited. I think it is quite appropriate that the schools should have a similar format—

Ms CHAPMAN: Again, this is nothing to do with funding: it is a question about the implementation of an agreement the minister has signed about accessing data.

The SPEAKER: Order! There is no point of order. Has the minister completed her answer?

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. LOMAX-SMITH: Thank you, sir. It is quite apparent that when very large investments of money into the public system, as well as the non-government systems—both independent and Catholic—are concerned one does need to have the capacity to assess and document the impact of that spending reasonably across schools and compare particularly like schools. The system the MCEETYA group agreed on was not one I am sure the member opposite would like, that is, league tables, because he thinks all public schools are rotten to the core.

Mr PISONI: On a point of order, I have asked the minister a question, but she keeps referring to me. Honestly!

The SPEAKER: Order! The member for Unley will take his seat. The minister is now debating.

MOTORCYCLE GANGS

The Hon. P.L. WHITE (Taylor) (15:11): My question is to the Eternal—

Members interjecting:

The Hon. P.L. WHITE: Mr Attorney-General, can you inform the house of the progress of the national approach to serious and organised crime and outlaw motorcycle gangs?

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (15:11): I can, and it will not be so long until I am the longest serving attorney-general in the history of this state. The Standing Committee of Attorneys-General met in Canberra on Thursday 16 and Friday 17 April.

Mr Williams interjecting:

The Hon. M.J. ATKINSON: The member for MacKillop twice told the house that I was a dead man walking—that was a few years ago. Much of the agenda was focused on a national approach to dealing with organised crime gangs. South Australia has led the way in legislating to give the authorities powers to deal with both the individuals and the organisations involved in serious and organised crime. Indeed, we lead the nation in our approach.

At previous meetings of SCAG, this government's approach to serious and organised crime was resoundingly criticised by some states and territories. My mind goes back to the Barossa Valley last year and, in particular, the Victorian attorney-general. They said we were going too far, that we were attacking a problem that did not exist and that the various police services around the country had adequate powers to deal with organised crime. They said that we had taken unnecessary draconian measures. Well, they were wrong.

Most recently, the decision of this parliament has been proved correct, and I commend the parliament, and members on all sides of this and the other place, for passing our serious and organised crime legislation. The recent breakouts of violent crimes and murders, and a recognition by the states of a national problem, saw New South Wales pass its serious organised crime legislation in a record two days. Much of the New South Wales bill was a cut-and-paste of the South Australian model, with some exceptions.

Moves by Queensland, Western Australia and Tasmania to consider the implementation of similar legislation are well underway. Victoria, as it has on the River Murray and the national water crisis, tried to hold out for as long as it could. It became a real fear that a national approach would fail. We want those involved in organised crime to have nowhere to run and nowhere to hide; however, Victoria's intransigence was threatening a national approach to failure. It was looking like Victoria would become the home of criminal bikie gangs, for which the writers of Channel 9's new miniseries, *Underbelly 3: Bikie Wars,* would be forever grateful. Victoria denied there was a problem and pretended its existing laws were sufficient. However, the pressure of the other states and the leadership of South Australia and, most recently, the commonwealth prevailed, and an agreement on a national approach was reached.

At the meeting, jurisdictions agreed on a raft of measures by all states to tackle serious and organised crime. Of note, the attorneys-general agreed to the commonwealth developing an organised crime framework. Ministers also agreed to a commonwealth package of legislative amendments to strengthen criminal asset confiscation, including unexplained wealth provisions; preventing a person associating with another person who is involved in organised criminal activity as an individual or through an organisation; enhanced police powers to investigate organised crime; facilitate greater access to telecommunication interception for criminal organisation offences; and address the joint commission of criminal offences.

Ministers also agreed to push towards interoperability and mutual recognition of the declarations under each jurisdiction's organised crime legislation. In addition to the decisions taken at the national level, members would be aware that on 16 April the Premier and I announced a second phase of legislative reforms to tackle organised crime. Legislation will be introduced that will create a new offence of participating in or contributing to a criminal organisation's activities. The offence will target those people who knowingly participate in or contribute to the activities of a criminal organisation, knowing that it is a criminal organisation, and intending that their participation or contribution enhances the organisation's ability to commit serious offences.

Another new offence is aimed at members of an organised criminal group who instruct others. This will target members, particularly senior members, of criminal organisations who instruct others to commit offences for the benefit of, or at the direction of, or in association with the criminal organisation.

Serious and organised crime is not just South Australia's problem; it is a national problem. South Australia has pioneered the legislative crackdown, and we will continue to do everything we can to eradicate the influence of serious organised crime.

Madam Deputy Speaker, so question time for this week ends with a whole question time with no questions to the member for West Torrens. So it ends with a whimper not a bang.

GRIEVANCE DEBATE

GLENSIDE HOSPITAL REDEVELOPMENT

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:18): The Liberal opposition has made absolutely clear its objection to the government's sell-off of 42 per cent of the Glenside Hospital, announced by the former minister for mental health and the Premier in September 2007.

We have since that time expressed our despair, disquiet and anger at the government's decisions, which have included: tipping out patients from the hospital; bulldozing a heritage-listed laundry; the relocation of patients across the campus; the decision to make the premises on the site into a movie hub, and spending $42 million on that when we have a great financial crisis in the state; and the decision to delay the mental health redevelopment for two years. These are just a few concerns raised by all members across the community.

In particular, the sale of 42 per cent to the preferred purchasers, the Chapley Retail Group, which is the owner of the Frewville Shopping Centre, takes the cake. After a year of applications under the Freedom of Information Act for the disclosure of correspondence between the government and Chapley Retail Group, which were directed to be produced, what do they do? They turn up to the District Court this week to appeal against carrying out the determination by the Acting Ombudsman, Mr Ken MacPherson, who directed this government to produce these documents contrary to decisions made internally by freedom of information officers and the director of the department.

This takes the level of secrecy to a new height. This is the first case of its kind in the 18 year history of the freedom of information legislation in this state where an allegation has been made in an appeal that there has been an error by the Ombudsman on the basis of his determination in the interpretation of the equitable relationship between the parties. He made a determination, and this government is now spending taxpayer's money to rush off to the District Court in order to try to stop the disclosure of all these documents. Isn't that typical of this government? Talk about being secret, devious and desperate to protect the details of a deal with a prominent land developer! It will fight to the better end in the District Court in order to prevent the release of important documents concerning the land at Glenside Hospital.

It is bad enough that the government has decided to sell this land—to which we strongly object. It is worse that it then says that it is justified in selling it to its preferred purchaser. Local government cannot buy it, other people cannot buy it and other retailers cannot buy it: it must go to its nominated preferred developer. This is prime real estate along Fullarton Road and part of the 42 per cent of the total site of this asset that is being sold off. It is a public asset which is owned by the people of South Australia.

It is not only selling it and giving it to its identified person but also keeping secret the correspondence between the two relevant parties, keeping secret from the people of South Australia the basis for this preferential deal. The documents would clearly explain that.

We have had meetings with the Chapley Retail Group and the government in respect of the disclosure of any document that would justify the decision to give this preferential deal to this particular company, and not a single document has been produced, other than two emails under FOI—not by them—and a press release to tell us what we already knew was in the public arena.

It has a duty to the people of South Australia to disclose this, and it is a wicked waste of money that the government should be fighting in the District Court to try to protect those documents when it does not need to do so. The Chapley family is doing its own appeal, so the government does not need to do it. It cannot even provide a continuation of dental and podiatry services to patients at the hospital. It cannot get on with building its new hospital yet it will waste thousands of dollars down at the District Court to keep those documents secret. The sooner we have an ICAC in this state the better.

Time expired.

EKBLOM, MRS A.

Ms BREUER (Giles) (15:23): Today I want to pay tribute to a number of people in my electorate who have passed on recently. I particularly want to pay tribute to Aileen Ekblom, who was mayor of Whyalla for many years and, sadly, passed away last week, only three or four weeks after her beloved husband died.

Aileen Ekblom was somewhat of a legend in Whyalla. She retired in February 1991 after 22 years in local government. She will be fondly remembered by the people of Whyalla as mayor between 1975 and 1991. She was a genuine lady who was passionately proud of her city of Whyalla and much is owed to her. She took us through some very trying times in Whyalla.

She was certainly a true pioneer for women in local government. She was very well known and a gracious civic leader. As a pioneer for women in local government, she led the way for me and my career path through local government and then into this place. I remember when I got preselection I was told that there was no possibility of winning Whyalla because it was a man's town. I pointed out that we had had a woman mayor for many years—so she certainly was a leader for us.

She left Whyalla with a heavy heart after retirement and settled in Adelaide, but her parting words to the future leaders of the city were that they should continue to fight for more developments in the city. She did not want any farewell dinners or gifts, but she was happy to have the year marked—1991—on the mayoral honour roll to show her term of office. I certainly pay tribute to her and thank her for the people of Whyalla.

I also want to pay tribute to another person who was a very dear friend of mine and whom I was very sad to see go, Celia Sultan—or Cissy as we all knew her—and whom we loved. Cissy was the daughter of Harry and Eva Dare. They were a large Aboriginal family who worked on stations in the region of Whyalla. Their first three children were removed by the government from South Gap Station in 1915, charged with being 'neglected' children. The accompanying documents said that the child was wandering about in company with Aborigines. The mother and father are half-caste and frequently wander about with Aboriginals, but both are sober persons. As Cissy clearly stated, 'Well, they were Aboriginal children, how could they not mix with Aboriginal people—they lived together in the camps.' Cissy never ever saw those siblings.

Cissy lived in various places around our part of the state. Much of the her time was spent in Iron Knob. She was living in Whyalla in 1940 when Whyalla was beginning to boom because of the war effort. Local Aboriginal people, including Cissy and her family, were removed from the campsite and taken to Iron Knob. Cissy was the first Aboriginal student in school in Whyalla, and I believe in the state. She was the first Aboriginal student to attend a white school, Whyalla Town School, but she moved on to Iron Knob. She lived in Whyalla for many years, as well as in her later years.

She was much loved by the people of Whyalla, the Aboriginal community, and particularly by the young people. She was wonderful to them. She consistently urged them to do better and to make something of their lives, and I know that they all loved her. We are all very sad. Her funeral was a big funeral. People were very sad to see her go. She was a friend of mine. She regularly had a cup of tea with me and I will miss her. She never sought recognition but we loved her dearly, and I pay tribute to her and express my sympathy to the family, and particularly Rita, her sister, whom she loved dearly.

Also Tjunmutja Myra Watson, a woman of the APY lands, recently passed. She was a leader for her people. She was instrumental in organising the land rights movement in the 1970s and became a major figure in the formation of the Pitjantjatjara Council and the subsequent land rights victory of 1981. She was one of the first to become an accredited translator in Pitjantjatjara and Yankunytjatjara. She was a very knowledgeable woman. She was a staunch Pitjantjatjara woman and the welfare of her people and the land was at the heart of all that she said and did. She recently passed on and I give my sympathy to her family. She will be remembered for her wit, her kindness and her generosity of spirit.

Today I also want to pay tribute to Phil Stone who has not passed on—I certainly hope he has not; I have not heard in the last few hours. He has run our snapper competition in Whyalla for many years. Although he is a paid staff member of council, he certainly did his job beyond the call of duty. He worked for hours and hours, and I am sure our snapper competition in Whyalla would

not be as popular as it is if it were not for Phil Stone. Other organisers, Gail Rostig and Rebecca Lichtenberger, and Jenny Byrne from the Whyalla Visitors Centre, played an integral part in running this competition over many years. It is now about to be handed over to new organisers, but I want to say how we in Whyalla appreciate the work of those people, and particularly Phil Stone, our wonderful tourism officer.

EASLING, MR T.

The Hon. I.F. EVANS (Davenport) (15:28): I wish to speak about a corrupt police investigation. Imagine if you were charged with an offence and, when it went to court, you asked for the notes of the police interviews and the police said, 'Well, we didn't actually keep notes of those interviews because the witnesses were saying positive things about the accused and so we didn't think that was important.' Imagine a police investigation where the police officers give sworn testimony that they took notes of certain interviews but then decided to shred them because they were pushed for time, and so they were not available to the prosecution or the defence.

Imagine a police investigation where the police officers did not tape interviews or only taped parts of interviews. While the tape recorder was not on, imagine the police officers advising the people they were interviewing of the name—especially if it was a sex abuse case—of the person they were investigating, naming other people that person allegedly abused, describing the type of abuse that that person was accused of, the places it might have occurred, the pattern of the behaviour of the accused, and then advising the alleged victim or the witness that compensation was available. Imagine a police investigation where the police officers gave the victims cash and brought the victims mobile phones and organised significant gifts and benefits from government and, in the process, that witness went from five times saying someone was not guilty to saying that someone was guilty.

The reason I raise this is that if any of that happened in a police investigation—and let me say to the house that none of that happened in a police investigation—the house would be outraged that police had shredded evidence or given gifts and benefits to alleged witnesses, or named people accused of child abuse, or named people who had been abused, or simply not taken notes. There would be an outrage. The reason I raise this today in the context of the police doing it is that I ask the house to consider this question: what is the difference between that happening (an outrage if the police did it) and the fact that it did happen in a case under the Special Investigations Unit with Tom Easling? It all did happen. What is the difference? The Special Investigations Unit was investigating Easling with a view to prosecution. The police investigate with a view to prosecution. I know, technically, it was not a police investigation but, when you are investigating with a view to prosecuting, particularly sex abuse crimes, surely there has to be a standard.

It has been eight months since Easling's lawyers wrote to the government saying there needs to be a royal commission into his investigation and associated matters. I have raised on a consistent basis issues to do with the investigation, and not once has the government come back and said I am wrong. The government's habit is to come straight back into the house and say, 'The member has raised an issue and he is wrong' (we have seen that this week), but not once on this issue has the government come in and said, 'You are wrong.'

As I have just done in this speech, I have raised a whole range of issues. We know about the media tip-offs; we know about subpoenaed documents not being released by the government; and we know that the Mitcham council has written saying its officers impersonated police. How much more does the government need to hear before it makes a decision that what happened to Tom Easling was simply wrong? How much longer does it need to make a decision?

The Attorney-General has had eight months and he has not said no, which is a good thing, but I implore him to say yes, because I think the evidence is crystal clear to the house that the investigation of Tom Easling was biased and corrupt.

AUSTRALIA-ITALIA MP FORUM

Mr PICCOLO (Light) (15:33): Today I bring to the attention of the house a forum in which I am involved—in fact, I am its national convenor. I bring to the attention of the house the Australia-Italia MP Forum, which is made up of members of the Australian state, federal and territory parliaments who have a direct Italian ancestry. In addition, the forum is also—

Mr Pengilly: Pisoni can be the secretary.

Mr PICCOLO: Pisoni could not be the secretary: he is not very good with documents, I understand. In addition to state MPs participating in our forum are MPs of the Italian parliament

who are based in Australia, and also members of the consular network who provide valuable information and support to the forum.

The forum is a bipartisan group and at the moment has 35 eligible members from across Australia, 30 coming from state and territory parliaments and the balance from federal parliament. As a bipartisan group, the forum focuses on those issues which we have in common and how we can work to support the Italo-Australian community. I understand that this bipartisan group is the only forum of its kind in the world, so we are quite unique in that respect in this country.

The key objective of the forum is to promote and strengthen cultural, educational and economic ties between Australia and Italia. In particular, the forum seeks to strengthen relationships between Italo-Australians and Italians, and vice versa. We have tried to do this partly by promoting contemporary as well as traditional Italian culture in Australia.

Importantly, the forum works alongside existing Italo-Australian organisations and institutions and supports them in achieving their aims and objectives. The forum seeks to promote a common agenda amongst Italo-Australian organisations and institutions and not develop a separate agenda of our own. Over the years, there has been a fragmentation of groups, which has actually diluted the ability to influence government decisions.

In this regard, we seek to work with the next generation of Italian Australians. We see them as critical to the long-term Australia-Italia relationship and the Italian identity in Australia. Accordingly, the forum is working actively with GIA, the Italian youth organisation. We are keen to work alongside them to identify key issues of the next generation of Italian Australians. We encourage members of the Italo-Australian organisations and institutions to work alongside each other and to seek the support of our forum members in their respective states.

As mentioned, we strongly believe that we need to develop a common agenda and purpose if we are going to continue to have some influence as a community in Australian society, in particular, at the political and governmental level.

Interestingly, Italian is the second most spoken language in the home after English in Australia; yet, according to some Italo-Australian organisations, they are concerned that the Italian language and cultural programs are under constant threat from funding cuts from both governments here and overseas as governments seek to make savings in view of the global crisis.

The forum recently met in Melbourne. At this point, I would like to acknowledge the valuable contribution of Co.As.It. in Melbourne, the Victorian Parliament and the Italian Chamber of Commerce in Melbourne for their wonderful support of our meeting. The forum had a number of guest speakers to bring to our attention a number of issues important to the Italian and Australian community.

We had a presentation from the Melbourne Consul-General, Francesco DeConno, who put into context the current Italian government policy in relation to a number of issues. We then heard from Mr Antonio Marino, who is the Vice President of GIA, the national network of Italo-Australian youth. He spoke to us about the conferences they had and the issues facing young Italian Australians. We then had a presentation from Mr Franco Papandrea and Mr Francesco Pacalis, who are representatives in Australia of CGIE, which is the overseas organisation representing Australians to the Italian government, in addition to the Italian MPs.

We also heard from Mr Vincenzo Volpe and Mr Ricardo Schirru, who spoke on Com.It.Es, which is an elected body representing interests in various states. Importantly, we also had representation from Mr Enzo Sirrna, representing Entri Gestori Australia, who spoke about education issues.

Time expired.

NURIOOTPA RAILWAY STATION

Mr VENNING (Schubert) (15:38): This has just come across my desk. I have been advised that the Nuriootpa Railway Station is to be demolished. I have to say from the outset that I am extremely disappointed and upset about this. The railway line that runs from Gawler to Angaston, and the stations along there, are owned by the government and leased by Genesee & Wyoming Australia. I have been informed today that the transport minister has given Genesee & Wyoming permission to demolish the station. If this is true, I ask: where was the public consultation about this? None, none at all. This is totally out of the blue.

The local Barossa community feels extremely connected to their local heritage, and they have been lobbying for the past few years for the Rann Labor government to reinstate a passenger railway service from Adelaide to the Barossa, or to at least trial a passenger service. I have advocated very strongly on their behalf, as the house would know.

This decision was made without any consultation at all, nor was any information provided to the public. This is a slap in the face for the Barossa community, and it ignores the importance of local heritage. I think it demonstrates that the state Rann Labor government has no intention of trialling or ever reinstating a passenger rail service to the Barossa.

I helped restore this building in the mid to late nineties, when the local youth group used it for a drop-in youth centre, aptly called Track 4. I helped them to paint it—it was a great community effort and it was well used. When they moved to another venue the building became the victim of vandals. It ought to have been fenced off and protected but it was not. I am extremely disappointed that the station has been allowed to fall into a state of disrepair. What was once a beautiful heritage station has been allowed to become an eyesore: it is covered in graffiti, the walls are smashed in and it is inhabited by pigeons. However, it is of local heritage significance and, if it is demolished, it will be lost forever. To bring it back to a useful respectable condition would not be at great cost as most of the damage is superficial, on the outside of the building, mainly to the cladding.

It is my understanding that part of the lease agreement between the government and the lessee includes the condition that Genesee & Wyoming Australia must keep all buildings—which I believe refers to the stations along the line—in good condition. This agreement was formed in 1997, but the Nuriootpa Railway Station has been left to rot. The question needs to be asked: why has the government allowed this to happen?

Mr Piccolo interjecting:

Mr VENNING: I note that the ex-mayor of Gawler has just interjected and says we sold out. I will ask him if he will come and help me with this, if he is dinkum. When the Liberal government was in, the railway trains were running. The then minister Laidlaw introduced the wine train. This station was a very important hub for the transport buses to come in and pick up people from the train. So do not tell me what the Liberal government did—we did very well. Since the government changed it has all gone backwards at 100 miles an hour. It is a disgrace.

Why has the government allowed this to happen? Why has it deliberately been allowed to be run down? I am aware that the Barossa council has been inundated with inquiries today from local community members and train enthusiasts about the station's proposed demolition, but they have no power in this situation—I presume the station is owned by the government. I call on the Rann Labor government, specifically the transport minister, the Hon. Mr Conlon, to not allow this to happen. I call on him to instantly make a phone call and to stop this straightaway.

Genesee & Wyoming Australia should be made to fix up the station and restore it to its condition in 1997 when they began leasing the line and the buildings from the government. At least they should do renovation work to bring it back to a presentable and safe condition and save it for the community. I plead with this company to do this for the sake of the community. When a company runs a big business I think there are some responsibilities for that company to say, 'Hang on, this mightn't be a profitable venture, but we are going to fix this up, freshen it up for the community as a community service.' I make that plea to them, because obviously they will get a copy of this—I will make sure that they do. As a community service, hear this plea and save our railway station. I also ask the minister to interfere and try to help us. Thank you.

EARTHQUAKE, ITALY

Ms CICCARELLO (Norwood) (15:43): In the week leading up to Easter, the beautiful and historic city of L'Aquila in the Abruzzi region was torn apart by a powerful and destructive earthquake. The main quake struck around 3am on 6 April and lasted just six seconds; 289 people lost their lives and tens of thousands of people were injured or left homeless. They were forced to gather what possessions they could salvage and make their homes in the freezing cold in a makeshift tent city.

Anyone who witnessed the heart wrenching pictures of the mass funeral that was held in L'Aquila's main plaza on Good Friday will never forget the scale of this tragedy. The Italian government estimates that more than $2.4 billion will be needed to rebuild and repair damaged buildings in the region. Many of the buildings in L'Aquila are of great historical and religious significance. The transept of the early mediaeval basilica of Santa Maria di Collemaggio—site of

the coronation of Pope Celestine V in 1294—has collapsed. Stones also fell from the city's cathedral which was rebuilt in 1703 after a previous earthquake.

Of course, here in South Australia we have experienced the terrible tragedy and upheaval wrought by natural disasters: the Ash Wednesday bushfires of 1983 and the 2005 bushfires on our West Coast come hauntingly to mind and, as a nation, we are still coming to grips with the horrific fires in Victoria earlier this year. On all of these occasions, and in the wake of other catastrophic events, the support that our communities have received from others around the world has been immediate and heartfelt. That is why, on the day that news of the Abruzzo region earthquake broke, the Premier announced in state parliament that the South Australian government had donated $100,000 to the relief appeal on behalf of the South Australian community. This money has been pledged to Red Cross Australia appeal for the earthquake victims.

I have a sense of the affected area and the way in which people must be responding to the disaster. It is similar to Irpinia, the area where I was born, which is also earthquake prone and which was devastated in 1980, with 3,000 lives lost.

Approximately 2,000 South Australians were born in the Abruzzo region. When events like this earthquake take place on the other side of the world, we might, at first, feel unable to help, at least to ease the suffering of those on the ground but, of course, we can make a genuine long-term difference by digging deep and donating to an appeal which has just been launched, the Abruzzo Italian Earthquake Appeal, which was launched last Sunday and which has both the Premier, the Hon. Mike Rann, and Dr Tommasso Coniglio, the Consul General in South Australia, as joint patrons.

At the launch the Premier pledged that for every dollar raised by the appeal, the state government, on behalf of the people South Australia, would contribute an equal amount up to $100,000. I am pleased to be a member of the committee. The president of the Abruzzo Club, Mr Simon Di Francesco, is the chairman of the appeal committee, which also includes both the mayor and the deputy mayor of the City of Prospect. That is because Prospect has a sister city relationship with the City of Aquila, which was signed approximately 10 years ago. Other prominent members of the South Australian community are also part of the appeal.

Donations to the Abruzzo Italian Earthquake Appeal can be made through any Commonwealth Bank branch in South Australia. Receipted donations are fully tax deductible and can also be made at the Abruzzo Club Incorporated, which is situated at 86 Churchill Road, Prospect.

All donations will be held in a trust account specifically designated for relief and will be committed to an approved project in the devastated city of Aquila itself or in the Abruzzo region affected by the earthquake. This will help ensure that members of South Australia's Italian community, many of whom have relatives and friends affected by the earthquake, play a direct role in the rebuilding of L'Aquila and other centres.

It was pleasing to see that on the first day of the relief appeal more than $37,000 has been donated, and the generous response has been overwhelming. It is often the bonds created through tragedy and trial which are those that best grow and prosper, and it is a defining characteristic of Australians that in times of crisis we all pull together for the greater good.

Heartfelt, yet practical, responses such as this earthquake appeal are worthy of enormous praise and recognition. Our prayers are with the people of central Italy and especially with those South Australians whose relatives and friends have been seriously affected by the earthquake. These losses, and the devastation, is felt over many years, and our prayers are with the affected people.

STATUTES AMENDMENT AND REPEAL (FAIR TRADING) BILL

Received from the Legislative Council and read a first time.

PRIVATE CERTIFIERS

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (15:51): I move:

That this house establish a select committee to inquire into the functions and duties of private certifiers in the state of South Australia with the following terms of reference—

1. The operation of part 12—Private Certification of the Development Act 1993, and in particular—

(a) the framework under the Development Act 1993 to handle complaints made against private certifiers;

(b) the current process of accrediting private certifiers in the state of South Australia;

(c) whether current methods of accreditation for private certifiers is appropriate and/or whether other streams of accreditation should be considered;

(d) the appropriate qualifications required by private certifiers to undertake tasks related to the structural integrity of buildings;

(e) the system of auditing approvals provided by private certifiers and adequacy of the current processes of enforcement in the event of a breach to the Development Act 1993; and

(f) any other matters directly relevant to this part of the Development Act 1993.

2. Whether the Building Advisory Committee or any of its members have been placed under any undue influence in the performance of their statutory duties.

I am pleased today to move this motion in favour of establishing a House of Assembly select committee of parliament to inquire into the functions and duties of private certifiers under part 12 of the Development Act 1993. For some time now, there has been a debate about the appropriate roles and functions that private certifiers should play in certifying the structural integrity of buildings in South Australia. Central to the government's position in this debate is the safety and wellbeing of South Australians. Clearly, the member for Bragg disagrees because she says that this motion is an abuse of process.

All South Australians should have the confidence to enter a building knowing that the soundness of its structural integrity has been properly assessed by professionals with appropriate qualifications. The most contentious issue in this debate is the extent to which professional engineers should be appropriately included in the building assessment process to ensure that buildings are assessed with the highest standards of quality control. This government holds the view that this proposition requires an in-depth inquiry. The select committee of parliament to be established by this motion shall conduct its inquiry in accordance with the terms of reference.

On 1 June 2005, a coronial inquest into the deaths of Ms Johanna Heynan and Ms Marilyn McDougall handed down its findings about the collapse of a roof over the dining room at the Riverside Golf Club on 2 April 2002. The Coroner's recommendations were clear and unequivocal on the question of the building's assessment and what action needed to be taken by the government. Among a range of recommendations, the Coroner stated:

> I recommend that the Minister for Local Government conduct an assessment to ascertain the extent to which Local Government is not enforcing conditions imposed on grants of development approval, not enforcing the laws in relation to Certificates of Occupancy, not conducting an independent appraisal of the structural engineering aspects of the roof of proposed buildings...

In response to the recommendations of the coronial inquest, the government established the Ministerial Task Force on Trusses during May 2006 to examine and report to the government a possible way forward, given the recommendations handed down by the coronial inquest. The purpose of the task force was to identify possible reforms aimed at ensuring rigorous yet practical measures, that they be developed and implemented in conjunction with industry to prevent further tragedies such as the Riverside Golf Club roof collapse.

The task force identified areas where industry practice was very poor in defining the various roles, responsibilities and accountability of individuals engaged in the approval and construction process of buildings. I am advised that the Department of Planning and Local Government is currently working on the implementation of the recommendations handed down by the task force in November last year.

As part of the broader issues about an assessment of building structures, the Building Advisory Committee also turned its mind to the duties and functions of private certifiers in a discussion paper provided to the Minister for Urban Development and Planning entitled 'Checking of structural engineering calculations' in April 2008.

The Building Advisory Committee is a longstanding and well-respected committee created under statute to advise the Minister for Urban Development and Planning on the administration of the Development Act 1993. The Building Advisory Committee in its discussion paper recommended that the government consider the appropriateness and extent to which a professional engineer should be involved in the checking of building calculations.

Of great concern to the Building Advisory Committee in its discussion paper was that the Development Act 1993 appeared silent on the limitations of building surveyors in exercising their responsibilities under the act. Under the current legislative framework it appears that building surveyors, as a profession, are entitled to self assess their own professional limitations. I will repeat that: they are entitled to self assess their own professional limitations. And, yet, when the Rann government moves to do something about this, the member for Bragg deplores it.

The Building Advisory Committee discussion paper argues that this could lead to poorer assessment of buildings, thus putting the community at risk. Central to the establishment of this select committee of parliament is the need to explore all these issues and assess the extent to which professional engineers should be involved in the building assessment process.

Some members of the industry advocate that the status quo should be retained, that to reform part 12 of the Development Act would add additional cost to the industry or consumers. The select committee is being entrusted with the task of assessing the degree to which a monopoly exists over the accreditation practices for private certifiers.

Any accreditation process needs to embrace the principles of continuous improvement. All industries experience change from time to time and it is important that private certifiers, like many professions, adapt to changes to their industry. In essence, the committee is being asked to identify whether there are at present any vulnerabilities in the current accreditation framework and consider ways in which to strengthen the accreditation process.

The Building Advisory Committee provides an important function for government. It needs to be able to operate in an environment free from external or negative consequences to its members stemming from the advice provided to the government. It is the view of this government that differences of opinion when exercised appropriately strengthen the quality of debate. The government would be most concerned if a member or members of the Building Advisory Committee were subject to any punitive action simply for providing advice that is contrary to the prevailing view of the professional body. We hold that view, despite the member for Bragg's denouncing our initiative as an abuse of process.

Ms Chapman: I will be saying a lot more about it, too.

The Hon. M.J. ATKINSON: Well, the member for Bragg says that she will be saying more by way of deploring what the government has done. The select committee will be asked to explore this issue in detail, report to the government the degree to which this may or may not be occurring and propose a possible course of action. I wish the committee every possible success in pursuing its investigation into these issues of community concern and look forward to receiving its findings.

Debate adjourned on motion of Ms Chapman.

EQUAL OPPORTUNITY (MISCELLANEOUS) AMENDMENT BILL

Second reading.

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (16:04): I move:

That this bill be now read a second time.

The Equal Opportunity Act is now more than 20 years old and by today's standards its coverage is inadequate. The need to extend it has been apparent for years. It was more than 14 years ago that the Liberal government of the day commissioned Mr Brian Martin QC (as he then was) to review it. Mr Martin consulted extensively and made a report recommending many amendments. The government then consulted further on the report and, more than six years later, introduced an amending bill. That bill had not, however, passed even one house of parliament when the parliament was prorogued for the 2002 election.

It was the election policy of the government at that election to modernise the Equal Opportunity Act to ensure comprehensive protection of South Australians against unjustified discrimination. In pursuit of that policy, we published, in 2003, a framework paper setting out proposals for a reform and we introduced, in 2006, an amending bill. That bill—

Mr Hanna: Are you doing this again?

The Hon. M.J. ATKINSON: Yes, as the member for Mitchell interjects, I am doing it again. It sounds like he—

Mrs Redmond: Deja vu.

The Hon. M.J. ATKINSON: Deja vu all over again as—

Mr Hanna: I admire your determination—

The Hon. M.J. ATKINSON: I thank the member for Mitchell for admiring my determination for such a good bill. That bill lapsed in September 2008 and the present bill is in substitution for it. It is substantially similar, but some of the provisions that proved most controversial have been removed or reduced.

Mr Hanna: New Labor.

The Hon. M.J. ATKINSON: No, our bill was amended in another place and certain clauses were removed, or about to be removed, and we just accepted the will of the other place. What would the member for Mitchell have us do? Beat our head against the wall of the other chamber, perhaps.

Mr Hanna: Or abolish it.

The Hon. M.J. ATKINSON: Or abolish it, yes. Some parts of the bill are now about parity with the commonwealth. The revised bill reflects the government's response to the concerns raised by minor parties and Independents, the opposition also and other interested persons, but it is nonetheless an important improvement to the act. I seek leave to have the remainder of the second reading explanation inserted into *Hansard* without my reading it.

Leave granted.

Equal opportunity law exists to allow all South Australians to take part equally in public life. Everyone should have equal opportunity in the fields of work, education, qualifications, access to goods and services, lodging, landholding, and membership of associations. No-one should be excluded from taking part in society because of the prejudices of others. No-one should be harassed or victimised in the exercise of these rights. This Government is committed to these values and so proposes some important expansions of 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 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. The Bill proposes many changes to our present Act, which will take some time to outline.

The Bill would expand the Act's present protection against disability discrimination. Martin recommended that our Act should mirror the definition of disability in the Commonwealth *Disability Discrimination Act*. This Bill follows that recommendation. Members will realise that the *Disability Discrimination Act* already applies in South Australia. South Australian employers, traders, schools and others are already obliged to avoid disability discrimination as it is defined in that Act. This amendment will mean that there is now also a remedy in the South Australian Equal Opportunity Commission. As a result of the amendment, there will be a remedy with our Equal Opportunity Commission for some conditions not now covered by the Act. First, our Act will now cover discrimination on the ground of mental illness just as it has always covered physical illness. Mental illness is not the sufferer's fault, it is not shameful and there is no justification for treating sufferers unfavourably. To do so only adds to the burden on these people and their families.

The Bill proposes also to cover non-symptomatic physical conditions, such as being infected with a virus. The Act will, therefore, now protect people infected with the HIV virus, for example. A person should not be treated unfavourably because he or she is infected with a disease, even one that is greatly feared. At the same time, this law should not hamper the actions necessary to prevent the spread of any illness. As is the case in Commonwealth law, therefore, the Bill creates a defence for reasonable measures to stop the spread of an infectious disease.

The Bill proposes also clearly to cover learning disabilities, even where they are not traceable to intellectual disability, an important addition in the context of education.

The Bill also matches the effect of s. 23 of the Commonwealth *Disability Discrimination Act* about access for disabled people to premises. Once again, because of the *Disability Discrimination Act*, most South Australian offices, shops, restaurants and other premises open to the public must already be accessible to disabled people, unless to give such access would impose unjustifiable hardship. Much has been achieved in recent years towards making such access a matter of course. Again, because the provision in this Bill is similar in scope to the Commonwealth provision, this amendment will not add any new burden on South Australian employers or service providers but will give disabled South Australians a remedy in their own Equal Opportunity Commission, rather than having to look to the Sydney-based Human Rights and Equal Opportunity Commission.

Members will notice that, throughout these provisions, the Bill proposes to change the language of the Act from 'impairment' to 'disability'. This is consistent with the language of the Commonwealth legislation and with modern usage.

The Bill would also extend the coverage of the Act to carers. It is, perhaps, only in recent years that society has awoken to the immense contribution made by carers. There are the adults who take frail elderly parents into their homes and try to fit in the provision of care around the demands of work and of their own children. There is the husband or wife who becomes the main carer for a spouse who develops a debilitating disease. There are the grandparents who, at a time when they expected to be finally at leisure, find themselves caring for their grandchildren because the parents are unable to do so. Caring responsibilities can arise for both sexes and at any time of life. Many of us will, at some time in our lives, be called upon to care for someone or, perhaps, be in need of care ourselves. That should not change our legal right to take part in society. The Bill, therefore, proposes that it should be unlawful to discriminate against a person on the ground of his or her caring responsibilities.

The Martin report acknowledged that the Act should cover caring responsibilities. Martin proposed, however, that coverage be limited, initially, to direct discrimination. That would arise where, for instance, an employer declines to hire or to promote a person because of a caring responsibility. In practice, however, such discrimination is unlikely. The real problem is indirect discrimination, that is, the setting of unreasonable requirements that are especially difficult for people with caring responsibilities to meet. The Bill proposes to cover both direct and indirect discrimination on the ground of caring responsibilities. In this respect it will be wider than the Commonwealth law. Further, the Commonwealth law only covers discrimination that takes the form of dismissal. This Bill would cover all types of discriminatory actions.

As is usual in indirect discrimination provisions, however, the setting of a reasonable requirement will not break the law. If the requirement is reasonable, the respondent has done no wrong and the carer cannot complain. It is where the requirement is unreasonable that the complaint is well-founded and a remedy is appropriate. For this reason, the Government does not believe business has anything to fear from this amendment. The Bill does not entitle carers to special treatment. It does not mean that employers cannot require shift work or weekend work or travel away from home. It does not mean that carers must be allowed to leave work early to collect children from school or that they are entitled to take leave at school holiday times. It simply means that employers must have sensible reasons for the requirements they set. An employer can comply with this law, then, by acting reasonably.

In conjunction with the coverage of caring responsibilities, the Bill also improves protection for nursing mothers. It proposes that it should be unlawful to discriminate in the provision of education services against a breastfeeding mother. It further proposes that is be unlawful to discriminate against a person in the field of providing goods and services on the ground that he or she is associated with a child, that is breast feeding or bottle feeding an infant or accompanied by a child.

As recommended by Martin, the Bill would also extend the Act to cover discrimination against independent contractors. Changes in the workplace have meant that many people are now engaged under contracts for services rather than contracts of employment. There is no justification for discrimination against these contractors where it would be unlawful to discriminate against an employee. The Bill therefore extends the coverage of the Act so that, in hiring an independent contractor, discrimination on the grounds of sex, race, age, disability and so on will be unlawful.

The present law exempts the case where a person is employed in a private household. For instance, one can discriminate in hiring a nanny for one's children. In the Bill, this exemption is reflected in an exemption where a person is employed or engaged for purposes not connected with the employer's or principal's business. That will cover employing staff or engaging independent contractors in one's home, for example, engaging a music tutor or a babysitter, for non-business purposes. It will also cover employment or engagement outside the home, as long as it is not for a business purpose. An example might be engaging a person to teach one to play tennis. The Bill does not, however, permit discrimination when engaging the services of contract workers through an intermediary. This is because the intermediary, as an employer or principal, may not discriminate in hiring its staff, even if they are to provide services in a person's home. Likewise, the Bill would mean that if a person runs a business from his or her home, so that he or she employs staff of the business at the home premises, there can be no discrimination in that employment.

The Bill also proposes to add to the Act new grounds of discrimination. Only one of these derives from the Martin report. This is the ground of identity of spouse. The Government thinks it unfair that anyone should be treated unfavourably by others because of the identity of that person's spouse. For example, it would be wrong if the husband or wife of any Member here were to be refused service in a shop because the shopkeeper disliked the Member. Martin said that 'in principle, it is generally unfair to discriminate against a person because of the identity of that person's previous or current spouse'. In general, the identity of a person's spouse is irrelevant to that person's participation in society, for example, their suitability for a particular job or their eligibility to enter a particular course of study. There are, however, exceptions. Martin said that 'there may be circumstances, however, where that discrimination is not unreasonable because of the occupation of the spouse.' The Bill would therefore permit such discrimination where it is reasonably necessary to protect confidentiality, to avoid a conflict of interest or nepotism or for the health or safety of any person. As an example, a woman should not, in general, be treated unfavourably because she is the wife of a convicted pederast. If, however, she were to apply for approval to run family day-care in her home, the risk posed to children by the presence of the husband could be lawfully taken into account.

The Bill also proposes to cover discrimination on the ground that a person, for religious reasons, wears particular dress or adornments or presents a particular appearance. Examples include the hijab worn by Muslim women, the turban worn by Sikh men or the cross worn by some Christians. It could include any kind of dress, adornment or other features of a person's appearance that are required by or symbolic of the religion. The Bill proposes that it should be unlawful to discriminate against a person on this ground in the fields of employment and education. Exceptions are made, naturally enough, for genuine safety reasons or inability to perform the inherent requirements of the job. There is also an exception for the case where it is reasonable to ask a person to show his or her face for the purpose of identification.

This is not to introduce the ground of religious discrimination in general. The Government in 2002 consulted on this idea and learned that many South Australians strenuously oppose it. We decided not to do it. The purpose of the present amendment is simply to ensure that people who dress or present themselves in a particular way for religious reasons are not debarred from participating in school or work activities. We pride ourselves on being a multi-cultural society. We do not expect people to give up their cultural or religious identity to become South Australians.

The Bill also proposes to extend the Act to cover discrimination on the ground of past and presumed characteristics, as recommended by Martin. Wherever the Act makes it unlawful to discriminate on the ground of a characteristic that the person now has, the Bill proposes that it should also be unlawful to discriminate because the person had that characteristic in the past, or because the person is mistakenly thought to have the characteristic. Future characteristics are also covered where applicable. For example, discrimination on the ground of a disability that may exist in the future is covered, as it is in Commonwealth law.

The Bill would also extend the Act to cover discrimination against a person based on the characteristics of his or her associates. This refers to characteristics covered by the Act, such as age, disability and so on. If it is unlawful to discriminate against a person because of his or her disability, it should also be unlawful to discriminate against a person because he or she is accompanied by, or associates with, someone who has a disability. Otherwise, the Act can be circumvented. The Act already covers such discrimination when it occurs on the ground of race, and it makes sense, as Martin argued, that it should cover other grounds.

This does not mean that *no* characteristics of an associate can be considered. There are many Acts, for example, where the character of a person's associates will be taken into account in assessing the person's suitability to hold a licence or some other privilege. These amendments do not affect such provisions. They refer to characteristics covered by the *Equal Opportunity Act*. Again, this was recommended by Martin and is, in the Government's view, only common sense.

The Bill would change the sex-discrimination provisions of the Act in three ways. First, the Bill would delete references to 'transexuality' and refer instead to 'chosen gender'. In the case of a transgender person, this refers to his or her self-identification as a member of the sex opposite to his or her biological sex. 'Chosen gender' also covers people with intersex conditions. These are medical conditions in which a person is born with a physical or chromosomal makeup that does not exactly fit either the usual male or female pattern. In that case, the person's chosen gender is his or her self-identification as a member of one or the other sex. In either case, the effect of the Bill is that a person must not be treated unfavourably in the fields to which the Act applies because of the person's gender, even if that gender might not appear to others to match the person's sex. This was thought clearer than the present Act, which speaks of 'transexuality', that is, assuming characteristics of the other sex. It also removes any doubt about whether the Act covers intersex conditions.

Second, the Bill extends the coverage of the Act to 'potential pregnancy', that is, the possibility that a woman might become pregnant. It can be argued that this is already covered because it is a characteristic of women in general, but express reference avoids doubt. The provision is similar in substance to the Commonwealth law.

Third, the Bill removes discrimination on the ground of marital status from the sex discrimination provisions and covers it later, in Part 5B, where other matters such as identity of spouse and caring responsibilities are covered. This is a rearrangement, without change to the substance of the protection. The provision is, however, expanded to include the status of living in a domestic partnership, consistently with the 2007 amendments to the *Family Relationships Act 1975.*

On the topic of sexuality discrimination, I point out that the Bill would change the present law about the rights of religious institutions to discriminate on the ground of sexuality. By section 50(2), the present law provides an exemption for an institution that is run in accordance with the precepts of a religion. Such an institution can discriminate in its administration on the ground of sexuality, if the discrimination is founded on the precepts of the religion.

At present, this exemption is used chiefly by religious schools to avoid hiring homosexual staff. Indeed, the Government's consultation on the framework paper did not disclose any other use of this exemption. The wording of the exemption, however, appears broad enough to allow many other uses. For instance, it could allow a religious school to expel a homosexual student or to restrict that student's participation in school activities. A church-run hospital could use it to refuse to employ a homosexual doctor or nurse. An aged-care home associated with a church could use it to refuse places to homosexual applicants for lodging.

The Government gave much thought to whether such an exemption should be allowed to continue. Our law says that discrimination on the ground of sexuality is wrong. Moreover, religious schools receive public funding. An argument can be made that those who accept public funding should comply with the standards set by the public through legislation. At the same time, the Government acknowledges that independent schools make a great contribution to the education and pastoral care of South Australia's children. This contribution is possible, in part, because of the commitment of the school community to its faith. The Government accepts that some South Australians are taught by their religion, and sincerely believe, that homosexuals should not teach in schools. In general, the State ought not to interfere in the practice of religion and ought not to compel any person to act against his or her conscience. Consequently, the government proposes to limit this exception to the case for which it is primarily used. It should not be available to all institutions run on religious principles, but should be limited to schools. It should not apply to the treatment of students but only the hiring of staff. Further, it is proposed that these schools should publicly disclose this policy on request and also give it to persons who are being offered work. That way, both parents and prospective staff will know where the school stands.

We are doing this out of respect for religious freedom. I wish to emphasize that the Government does not believe that homosexual people pose any greater threat to children than do heterosexual people. The threat to children comes from pederasts.

The Bill would also abolish the present exemption that allows associations (other than trade unions and employer groups) to discriminate on the ground of sexuality. Associations include charities, service clubs, sports clubs, cultural groups, environmental organizations, political parties and others. This exemption, then, has the potential to exclude homosexual people from participation in many aspects of public life. In general, there is no justification for such a rule. It is a baseless restriction on the rights of homosexual people. Some commentators, however, expressed special concern for religious associations. It was argued that these should be able to exclude people in accordance with the tenets of the religion. Accordingly, the Bill would make an exception for associations administered in accordance with the precepts of a religion.

The Bill also reduces two other current exceptions relating to sexuality. The Act at present provides, by s. 33(2), that a partnership of five people, or fewer, can refuse a person partnership on the ground of sexuality. This will apply to many small firms, such as law firms or accounting practices, that trade as partnerships rather than companies. The Government sees no reason why a person, who could not be refused employment at the firm on the ground of sexuality, should be precluded from partnership on that ground.

The other example concerns lodging. The Act presently provides, by s. 40(3), that a person can discriminate on the grounds of sex, sexuality, pregnancy and marital status in the provision of lodging, if it is lodging where the provider or his or her family reside and no more than six other persons are given lodging on the premises. The Government thinks this exception too wide. Doubtless, people should be free to decide whom they will take in as guests in their own homes. It is another thing to say that they can exclude people from commercial lodging, on the ground of sex, sexuality or pregnancy. The Bill would amend this section to make clear that it is only lodging in one's own home that is intended.

The Bill makes some changes to the law about sexual harassment. First, it proposes to adopt the Commonwealth definition in s. 28A of the *Sex Discrimination Act*. Comment on the framework paper suggested that it would be helpful to employers if the State and Commonwealth laws matched on this point. It is clear that they are both aimed at the same conduct. It is therefore helpful if they use the same words, so that employers do not have to try to conform to two different rules at once.

Second, the Bill extends the coverage of the Act to the various relationships listed by Martin as requiring coverage. In particular, it extends the Act to harassment of the providers of goods, services and lodging, just as it now covers harassment by those providers.

Third, the Bill changes the present rules about vicarious liability for sexual harassment. At present, although in Commonwealth law, employers are vicariously liable, they are not so in State law. An employer can only be vicariously liable for damages for sexual harassment if the employer authorised, instructed or connived at the harassment. Needless to say, that almost never happens. As Martin observed, this exclusion 'cuts a huge swathe through the number of cases for which an employer could be found vicariously liable'. Martin said that it was important to provide an incentive for employers to create an environment free of sexual harassment. It may be true to say that an employer ought not, automatically, to be held responsible for sexual harassment in which he or she had no part. It is equally true, nevertheless, that a workplace will be what the employer allows it to be. The law can reasonably expect employers to create workplaces in which men and women can work together without fear of harassment of this kind.

That is already the effect of the Commonwealth law. The *Sex Discrimination Act* applies to private-sector employers in South Australia. It creates vicarious liability for sexual harassment, subject to a defence. There is no liability if the employer shows that he or she took all reasonable steps to prevent the employee from doing the acts complained of. Martin recommended a similar approach in State law.

The Bill, therefore, creates vicarious liability unless the employer has taken reasonable steps to prevent the harassment. The employer is free to decide what those steps should be. As long as they are reasonable, there is no vicarious liability. The Bill goes further, however, and provides one certain way of establishing the defence. The employer must have in force an appropriate policy and must take reasonable steps to carry it out. That includes reasonable steps to make it known to the staff and prompt action if a complaint is made. As long as the employer does these things, he or she avoids vicarious liability. He or she may, however, avoid it by other reasonable steps. Once again, this should not add appreciably to the obligations that now fall on South Australian employers under Commonwealth law.

Further, the Bill covers sexual harassment in schools. Martin thought that senior students, those aged 16 and over, should be liable for sexual harassment of their fellow-students or the staff. The Bill thus provides that a student or staff member who is sexually harassed by a student aged 16 or over can complain to the Equal Opportunity Commission. There is, however, a requirement that the student first use whatever conciliation process may be provided by the school. It may well be that the matter can be sorted out in the school without recourse to the Equal Opportunity Commission. So much the better for everyone.

If, however, the school conciliation process does not succeed, or the complainant can demonstrate to the Commissioner that the school process should not be used, a complaint can be made to the Equal Opportunity Commission. This will lead to a conciliation process run by the Commissioner and, if that fails, to the matter's being heard by the Tribunal. This shows that the law regards this conduct as serious. Sexual harassment in school can make life miserable for the victim. It can disrupt his or her studies or even force him or her out of the school. The harm it does is at least as serious in its way as some of the offending that brings young people before the Youth

Court. It is not an over-reaction to take these matters to the Commission and the Tribunal. It is an appropriate response to the gravity of the behaviour.

That is not to say that the full force of the Act should be visited on children as it is on adults. Martin made clear that children, even those who may have breached the Act, need special protection. He recommended that the parties' names should be protected from publication and that the Tribunal not be able to order a child to pay monetary compensation. The Bill adopts those recommendations.

The Bill also covers harassment of teachers by students. This is treated similarly, except that there is no requirement to use the conciliation process offered by the school in that case. The school could not be neutral in a matter involving its employee.

The Bill does not go so far as to hold the school responsible for the behaviour of its students, nor does it propose a remedy against the school because sexual harassment has occurred. It does, however, require that a school adopt a policy against sexual harassment. The Commissioner for Equal Opportunity plans to work with schools to help them meet that obligation.

The present time limit of six months to lodge a complaint is extended by the Bill to 12 months. This is similar to other Australian jurisdictions and is as recommended by Martin. The Bill goes beyond what Martin recommended, however, in that it also allows extensions beyond the usual 12-month limit. The Commissioner can grant the extension. He or she must be satisfied that there is good reason why the complaint was not made in time and that an extension would be just and equitable in all the circumstances. Any prejudice to the respondent can therefore be taken into account. If an extension is refused, the Tribunal can review that decision.

The Bill also changes the role of the Commissioner in some respects. As Martin recommended, the Bill would limit the Commissioner's investigation of a complaint to what is necessary for the purpose of deciding whether the complaint should be accepted and if so proceeding with conciliation or referral to the Tribunal. Further, the Bill provides for the Commissioner to assist the Tribunal with its leave or at its request, in any matter. This will be a help to the Tribunal, for example, where there is legal argument about the interpretation of the Act. It is not an authority one would expect to see used often, but there will be some cases where it is valuable. It also proposes that the Commissioner should be able, by leave of the Industrial Relations Commission, make submissions and present evidence to the Commission in proceedings under the *Fair Work Act*. This might occur, for instance, when an award is being set or an enterprise agreement approved. The Commissioner will be able to make submissions on the matter before the Commission from an equal-opportunity perspective. This will help to ensure that conditions of employment are not discriminatory.

Further, in the interests of neutrality, the Bill would permit the Commissioner to require documents from any person, not just the respondent. After all, the complainant or a third party may hold relevant papers. The Bill would, however, protect records of counselling or therapy and also notes of a party's advocate. The privilege against self-incrimination and legal-professional privilege are also preserved. Once a document is produced, unless it is confidential, the Commissioner can, in her discretion, show it to the parties in the conciliation.

Further, the Commissioner will be able to decline a complaint before it reaches the Tribunal, either because there is no reasonable prospect of an order in the complainant's favour or because the complainant has no reasonable prospect of bettering an offer already made in conciliation. This will not prevent the complainant taking the matter to the Tribunal. That is his or her right.

The conciliation powers are elaborated to make clear that the Commissioner can conciliate without bringing the parties into direct contact, which might be useful when emotions run high. The Commissioner can also, where different complaints against the one respondent raise similar questions of fact or law, arrange to conciliate them jointly. Also, the Commissioner will be able to compel the complainant, as well as the respondent, to attend conciliation.

The Bill also amends section 10 of the Act to reinforce the independence of the Commissioner. On the one hand, the Commissioner is, and should be, responsible to the Minister for the general administration of the Act and, in that sense, is under the general direction and control of the Minister. Sub-section (2) is reworded, however, to make clear that this does not entitle the Minister to direct how a particular complaint is to be handled, nor to require the Commissioner to disclose information identifying a party to proceedings.

There are smaller changes. Sections 12 and 101 of the Act have never been proclaimed. Martin thought they should be repealed because they contribute to conflict in the role of the Commissioner. There was no dissent on this in submissions to the framework paper and the Bill proposes to repeal them. The Bill would also repeal ss. 41 to 44, dealing with sex discrimination in superannuation. These provisions have also never been proclaimed. The regulation of superannuation, other than State superannuation, is now largely a Commonwealth matter.

A change is made to the rules about disabled persons being accompanied by guide dogs. This protection is expanded to cover assistance dogs and any animal of a class prescribed by regulation. The review heard from Assistance Dogs Australia, a non-profit organization that trains dogs to assist people with disabilities, for example, people in wheelchairs. Having regard to this work, it seemed that the present provisions, limited to guide dogs, are too narrow.

The Bill also adopts Martin's recommendation to change the wording of s. 85K, dealing with the charging of different fees to people of different ages. This provision is meant to allow concessions based on youth or age. It is not meant to allow surcharges to those groups because they have the benefit of other concessions. The provision has therefore been reworded to focus it more clearly on fee reductions to benefit particular age groups.

This Bill makes important and long-overdue changes to the Act, including covering discrimination on the grounds of caring responsibilities and of mental illness which, from today's perspective, appear glaring omissions from our present law. The Bill proposes to protect independent contractors in the same way that the Act has always protected employees. It offers an equal-opportunity remedy for sexual harassment in schools. The Bill also promotes the role of the Commissioner as an independent guardian of equal opportunity in our State.

This Bill fulfils the Government's election promise to amend this Act to give South Australians more comprehensive protection against unjustified discrimination. It does so, the Government believes, in a way that is fair to both complainants and respondents. It is not difficult for business to keep these proposed laws. What they require is that we act reasonably in the fields covered by the Act. We must disregard irrelevant personal characteristics. We must make sure our requirements are reasonable. We must take reasonable steps to prevent unlawful conduct by those under our control. No-one is asked by this Bill to accept unjustifiable hardship. No-one is expected to compromise on health or safety. No-one is required to act against conscience. Equal-Opportunity laws, of all laws, ought to be fair. The Bill seeks to enhance equality of opportunity in a way that is fair to all.

The Government proposes to move some amendments to the Bill as it has reached us from another place. Clause 12, in its present form, proposes that the Tribunal should be able to award costs if, in its opinion, there are 'other good reasons for doing so'. The clause as it stands is ambiguous, because it does not make clear whether this is intended to give the Tribunal only an expanded power to deal with abuses of process, or whether it is intended to make the Tribunal generally into a cost-recovery jurisdiction. The Government has no difficulty with the former but cannot support the latter and will seek to amend the clause accordingly.

Clause 26 was amended in another place to insert a provision granting an exception from the general law for the 'administration of a body established for religious purposes'. The Government has been unable to identify the meaning or use of the provision and thus proposes to delete it.

Clause 69 was amended to delete a provision originally proposed by the Government that would have authorised the Commissioner to investigate a suspected contravention of the Act, even if no-one lodged a formal complaint. The Government will seek to amend this clause to propose a compromise solution in which the Commissioner could launch such an investigation only if so authorised by the Tribunal on application.

Finally, the Government will also seek to amend the Bill so as to remove proposed clause 95C which would permit the Commissioner to represent both complainants and respondents before the Tribunal.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Equal Opportunity Act 1984*

4—Amendment of long title

This clause amends the long title to reflect the proposed new grounds of unlawful discrimination to be added to the Act.

5—Amendment of section 5—Interpretation

This clause defines a number of terms required as a consequence of the proposed new provisions. In particular—

assistance animal is defined to mean a dog that is an accredited guide dog, hearing dog or disability dog under the *Dog and Cat Management Act 1995* or an animal of a class prescribed by regulation;

a person has *caring responsibilities* if the person has responsibilities to care for or support a dependant child of the person or any other immediate family member who is in need of care and support. An Aboriginal or Torres Strait Islander person also has *caring responsibilities* if the person has responsibilities to care for or support any person to whom that person is held to be related according to Aboriginal kinship rules or Torres Strait Islander kinship rules;

potential pregnancy of a woman is defined to mean that the woman is likely, or is perceived as being likely, to become pregnant.

This clause also proposes removing the term *transexual* from the Act and replacing it with the concept of *chosen gender*. *Chosen gender* is defined to mean that a person is a person of a *chosen gender* if—

- the person identifies on a genuine basis as a member of the opposite sex by assuming characteristics of the opposite sex (whether by means of medical intervention, style of dressing or otherwise) or by living, or seeking to live, as a member of the opposite sex; or

- the person, being of indeterminate sex, identifies on a genuine basis as a member of a particular sex by assuming characteristics of the particular sex (whether by means of medical intervention, style of dressing or otherwise) or by living, or seeking to live, as a member of the particular sex.
- Under the current Act it is unlawful to discriminate against a person on the ground of that person's physical or intellectual impairment. It is proposed to change the terminology to make it unlawful to discriminate on the ground of a person's *disability*. *Disability* is defined to mean—
- total or partial loss of the person's bodily or mental functions; or
- total or partial loss of a part of the body; or
- the presence in the body of organisms causing disease or illness; or
- the presence in the body of organisms capable of causing disease or illness; or
- the malfunction, malformation or disfigurement of a part of the person's body; or
- a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or
- a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgment or that results in disturbed behaviour.

Under the current Act it is unlawful to discriminate on the basis of *marital status*. It is proposed to widen this to include a domestic partner.

This clause also proposes widening the definition of *race* to include the past or proposed nationality of a person.

6—Amendment of section 6—Interpretative provisions

Clause 6 proposes a new subsection to section 6 to provide that if a person who is alleged to have committed a discriminatory act did so on the basis of a mistaken assumption (for example, a mistaken assumption that another person was of a particular sexuality or a particular race or a person of a chosen gender) the act will still be regarded as a discriminatory act.

7—Amendment of section 10—Administration of Act and Ministerial direction

Section 10 of the principal Act provides that the Commissioner is subject to Ministerial direction in the administration of the Act. This clause proposes a new subsection (2) to provide that the Minister must not give a direction in relation to the manner in which action should be taken on a particular complaint or seek information tending to identify a party to proceedings under the Act.

8—Amendment of section 11—Functions of Commissioner

Clause 8 reflects the proposed new grounds of unlawful discrimination to be added to the Act.

9—Amendment of section 14—Annual report by Commissioner

Clause 9 brings the date of the Commissioner's annual report into line with the *Public Sector Management Act 1995*.

10—Amendment of section 23—Conduct of proceedings

Clause 10 inserts a new subsection into section 23 to provide that the Tribunal may, when constituted only of the person presiding over the proceedings, deal with preliminary, interlocutory or procedural matters or questions of costs or questions of law.

11—Amendment of section 25—General powers of Tribunal

Clause 11 updates the penalty provision.

12—Amendment of section 26—Tribunal may not award costs except in certain circumstances

Section 26 of the principal Act provides that the Tribunal may make an order for costs if the Tribunal is of the opinion that the proceedings are frivolous or vexatious or that the proceedings have been instituted for the purpose of delay or obstruction. The proposed amendment adds—or if there are other good reasons for doing so.

13—Substitution of heading to Part 3

Clause 13 reflects the proposed change of structure of the Act (see clause 14) and the addition of the ground of chosen gender.

14—Amendment of section 29—Criteria for discrimination on ground of sex, chosen gender or sexuality

Section 29 of the principal Act provides the criteria for establishing discrimination on the ground of sex, sexuality, marital status and pregnancy. Clause 14 proposes removing the grounds of marital status and pregnancy and including them as part of the new Part 5B and adds the criteria for establishing discrimination on the ground of chosen gender. Clause 14 also proposes broadening the conduct that might amount to discrimination on the ground of sex or sexuality by including the situation of a person treating another unfavourably—

- because of the sex or sexuality of a relative or associate of the other person; or

- because of the person's past sex or past sexuality.

15—Substitution of heading to Part 3 Division 2

Clause 15 reflects the proposed inclusion of independent contractors within the scope of the Act.

16—Amendment of section 31—Discrimination against agents and independent contractors

Section 31 of the principal Act provides that it is unlawful for a principal for whom work is done by agents remunerated by commission to discriminate against those agents on the grounds covered by Part 3. Clause 16 proposes extending the section to make it unlawful for a principal to discriminate on the same grounds against independent contractors engaged under a contract for services.

17—Amendment of section 32—Discrimination against contract workers

Section 32 of the principal Act makes it unlawful for a principal to enter into an arrangement with an employer of contract workers under which the employer is to discriminate against a person. The proposed amendment extends the provision to cover workers who work under a contract for services and provides for the situation where there are a number of people linking the principal and the worker. ie, a principal who engages a contractor who engages a subcontractor who employs a worker.

18—Amendment of section 33—Discrimination within partnerships

The principal Act provides that if a firm consists of less than 6 members it is not unlawful to discriminate on the ground of sexuality in determining who should be offered a position as a partner in the firm. The proposed amendment removes this exception to unlawful discrimination on the ground of sexuality.

19—Substitution of section 34

Section 34 of the principal Act provides that certain conduct that would amount to unlawful discrimination on the grounds of sex, sexuality, marital status or pregnancy in the area of employment is exempted from the provisions of the Act. As a consequence of the proposed new ground of chosen gender, the proposed new structure of the Act, and the proposed inclusion of independent contractors, these exemptions have had to be altered.

Currently, section 34 provides an exemption relating to employment in private households. The proposed expansion of the Act to include independent contractors necessitates a change to this provision to provide that it is not unlawful for a person to discriminate if the person employs another, or engages another as an independent contractor, for purposes not connected with a business carried on by the person.

This clause also proposes an expansion to the exemption in section 34 of the principal Act that provides that a person can discriminate on the ground of sex in relation to employment for which it is a genuine occupational requirement that a person be of a particular sex. The proposed clause expands this to include the grounds of chosen gender and sexuality.

This clause also proposes 2 new subsections. Proposed subsection (3) provides that it is not unlawful to discriminate on the ground of chosen gender or sexuality in relation to employment or engagement for the purposes of an educational institution if—

- the educational institution is administered in accordance with the precepts of a particular religion and the discrimination is founded on the precepts of that religion; and
- the educational authority administering the institution has a written policy stating its position in relation to the matter; and
- a copy of the policy is given to a person who is to be interviewed for or offered employment with the authority or a teacher who is to be offered engagement as a contractor by the authority; and
- a copy of the policy is provided on request, free of charge—
    - (i) to employees and contractors and prospective employees and contractors of the authority to whom it relates or may relate; and
    - (ii) to students, prospective students and parents and guardians of students and prospective students of the institution; and
    - (iii) to other members of the public.

The proposed subsection (4) provides that it is not unlawful to discriminate on the ground of chosen gender in relation to employment or engagement if the discrimination is for the purposes of enforcing standards of appearance and dress reasonably required for the employment or engagement.

20—Amendment of section 35—Discrimination by associations

The proposed amendments to section 35 make it unlawful for an association to discriminate on the ground of sexuality and provide for single sex associations to be covered by the Act. An exemption is proposed that provides that an association that is established for persons of a particular sex, or persons of a chosen gender or persons of a particular sexuality (other than heterosexuality) will not be unlawful and, consequently, such an association may discriminate against an applicant for membership so as to exclude from membership persons other than those for whom the association is established.

21—Repeal of section 35A

Clause 21 is consequential on the proposal that it be unlawful for associations to discriminate on the ground of sexuality.

22—Amendment of section 40—Discrimination in relation to accommodation

Clause 22 proposes to alter the exemption currently in section 40 to provide that the section does not apply to discrimination in relation to the provision of accommodation if the person who provides the accommodation, or a near relative of that person, resides, and intends to continue to reside, in the same household as the person requiring the accommodation.

23—Amendment of section 45—Charities

Clause 23 is a consequential amendment as a result of the proposed inclusion of the ground of chosen gender and the proposed restructure of the Act.

24—Repeal of section 46

Clause 24 is a consequential amendment as a result of the proposed restructure of the Act.

25—Amendment of section 47—Measures intended to achieve equality

Section 47 provides that it is not unlawful for an act to be done for the purpose of carrying out a scheme or undertaking intended to ensure that persons of the one sex, or of a particular marital status, have equal opportunities with persons of the other sex, or of another marital status. Clause 25 removes the reference to marital status as is required by the proposed restructuring of the Act, and extends the provision to include schemes or undertakings intended to ensure that persons of a chosen gender or persons of a particular sexuality, have equal opportunities with persons who are not persons of a chosen gender or persons of another sexuality.

26—Amendment of section 50—Religious bodies

Clause 26 proposes repealing an exemption in relation to sexuality for educational and other institutions that are administered in accordance with the precepts of a particular religion. The exemption is partially reinstated (in relation to employment in educational institutions) by proposed new section 34(3)—see clause 19.

The clause also provides an exemption in relation to the administration of a body established for religious purposes in accordance with the precepts of that religion.

27—Amendment of section 51—Criteria for establishing discrimination on ground of race

Section 51 of the principal Act provides the criteria for establishing discrimination on the ground of race. Clause 27 proposes broadening the type of conduct that amounts to discrimination on this ground to include the situation where a person treats another unfavourably because of the race of a relative of the other person.

28—Substitution of heading to Part 4 Division 2

Clause 28 substitutes the heading to Part 4 Division 2 to reflect the proposed inclusion of independent contractors within the scope of the Act.

29—Amendment of section 53—Discrimination against agents and independent contractors

Section 53 of the principal Act provides that it is unlawful for a principal for whom work is done by agents remunerated by commission to discriminate against those agents on the ground of race. Clause 29 proposes extending the section to make it unlawful for a principal to discriminate on the ground of race against independent contractors engaged under a contract for services.

30—Amendment of section 54—Discrimination against contract workers

Section 54 of the principal Act makes it unlawful for a principal to enter into an arrangement with an employer of contract workers under which the employer is to discriminate against a person. The proposed amendment extends the provision to cover workers who work under a contract for services and provides for the situation where there are a number of people linking the principal and the worker. ie, a principal who engages a contractor who engages a subcontractor who employs a worker.

31—Amendment of section 56—Exemptions

Section 56 of the principal Act provides an exemption relating to employment in private households. The proposed expansion of the Act to include independent contractors necessitates a change to this provision to provide that it is not unlawful for a person to discriminate if the person employs another, or engages another as an independent contractor, for purposes not connected with a business carried on by the person.

32—Amendment of section 62—Discrimination in relation to accommodation

Clause 32 proposes a new exemption in relation to the ground of race discrimination in the area of accommodation. The exemption provides that the section does not apply to discrimination in relation to the provision of accommodation if the person who provides, or proposes to provide, the accommodation, or a near relative of that person, resides, and intends to continue to reside, in the same household as the person requiring the accommodation.

33—Amendment of heading to Part 5

Clause 33 is consequential on the proposal to alter the terminology from discrimination on the ground of impairment to discrimination on the ground of disability.

34—Amendment of section 66—Criteria for establishing discrimination on ground of disability

Section 66 of the principal Act provides the criteria for establishing discrimination on the ground of disability. This clause proposes broadening the type of conduct that amounts to discrimination on this ground to include the situation where a person treats another unfavourably because of a disability that may exist in the future or because of the disability of a relative or associate of the other person.

Clause 34 also proposes broadening the type of conduct that amounts to discrimination by providing that a person may discriminate on the ground of disability if he or she—

- fails to provide a safe and proper means of access to, or use of, a place or facilities for a person who requires special means of access to, or use of, the place or facilities as a consequence of the person's disability; or
- treats another unfavourably because the other requires special means of access to, or use of, a place or facilities as a consequence of the other's disability,

to the extent that he or she is able to effect the provision of access or use.

Section 66 of the principal Act states that discrimination may occur if a person treats another unfavourably because a person possesses or is accompanied by a guide dog. Clause 34 proposes broadening this by changing the reference to guide dog to an *assistance animal*.

35—Substitution of heading to Part 5 Division 2

The substitution of the heading reflects the proposed inclusion of independent contractors within the scope of the Act.

36—Amendment of section 67—Discrimination against applicants and employees

Clause 36 is consequential on the proposal to alter the terminology from discrimination on the ground of impairment to discrimination on the ground of disability.

37—Amendment of section 68—Discrimination against agents and independent contractors

Section 68 of the principal Act provides that it is unlawful for a principal for whom work is done by agents remunerated by commission to discriminate against those agents on the ground of disability. Clause 37 proposes extending the section to make it unlawful for a principal to discriminate on the ground of disability against independent contractors engaged under a contract for services.

38—Amendment of section 69—Discrimination against contract workers

Section 69 of the principal Act makes it unlawful for a principal to enter into an arrangement with an employer of contract workers under which the employer is to discriminate against a person. The proposed amendment extends the provision to cover workers who work under a contract for services and provides for the situation where there are a number of people linking the principal and the worker. ie, a principal who engages a contractor who engages a subcontractor who employs a worker.

39—Amendment of section 70—Discrimination within partnerships

Clause 39 is consequential on the proposal to alter the terminology from discrimination on the ground of impairment to discrimination on the ground of disability.

40—Amendment of section 71—Exemptions

Section 71 of the principal Act provides an exemption relating to employment in private households. The proposed expansion of the Act to include independent contractors necessitates a change to this provision to provide that it is not unlawful for a person to discriminate if the person employs another, or engages another as an independent contractor, for purposes not connected with a business carried on by the person.

41—Amendment of section 72—Discrimination by associations

Clause 41 is consequential on the proposal to alter the terminology from discrimination on the ground of impairment to discrimination on the ground of disability.

42—Amendment of section 73—Discrimination by qualifying bodies

Clause 42 is consequential on the proposal to alter the terminology from discrimination on the ground of impairment to discrimination on the ground of disability.

43—Amendment of section 74—Discrimination by educational authorities

Clause 43 is consequential on the proposal to alter the terminology from discrimination on the ground of impairment to discrimination on the ground of disability.

44—Amendment of section 75—Discrimination by person disposing of interest in land

Clause 44 is consequential on the proposal to alter the terminology from discrimination on the ground of impairment to discrimination on the ground of disability.

45—Amendment of section 76—Discrimination in provision of goods and services

Section 76 of the principal Act makes it unlawful for a person who offers or provides goods or services to which the principal Act applies to discriminate against another on the ground of disability. The proposed clause 45 provides that in relation to services comprised of access to or use of a place or facilities that members of the public are permitted to enter or use, both the owner and the occupier will be taken to provide the service.

46—Amendment of section 77—Discrimination in relation to accommodation

Clause 46 proposes a new exemption in relation to the ground of disability discrimination in the area of accommodation. The exemption provides that the section does not apply to discrimination in relation to the provision of accommodation if the person who provides, or proposes to provide, the accommodation, or a near relative of that person, resides, and intends to continue to reside, in the same household as the person requiring the accommodation.

47—Amendment of section 78—Discrimination in relation to superannuation

Clause 47 is consequential on the proposal to alter the terminology from discrimination on the ground of impairment to discrimination on the ground of disability.

48—Amendment of section 79—Exemption in relation to remuneration

Clause 48 is consequential on the proposal to alter the terminology from discrimination on the ground of impairment to discrimination on the ground of disability.

49—Insertion of section 79A

Clause 49 proposes inserting a new exemption into the principal Act. The exemption provides that an act will not be regarded as discriminatory on the ground of disability in relation to infectious diseases if it is directed towards ensuring that an infectious disease is not spread and it is reasonable in all the circumstances.

50—Amendment of section 80—Exemption for charities

Clause 50 is consequential on the proposal to alter the terminology from discrimination on the ground of impairment to discrimination on the ground of disability.

51—Amendment of section 81—Exemption in relation to sporting activities

Clause 51 is consequential on the proposal to alter the terminology from discrimination on the ground of impairment to discrimination on the ground of disability.

52—Amendment of section 82—Exemption for projects for benefit of persons with particular disability

Clause 52 is consequential on the proposal to alter the terminology from discrimination on the ground of impairment to discrimination on the ground of disability.

53—Substitution of section 84

Clause 53 proposes a new exemption as a consequence of the proposed expansion of the principal Act to make it unlawful to fail to provide a safe and proper means of access to or use of a place or facilities. The proposed exemption provides that a person does not discriminate on the ground of disability if the provision of access or use would impose unjustifiable hardship on the person. In determining what constitutes unjustifiable hardship, all relevant circumstances of the particular case are to be taken into account including—

- the nature of the benefit or detriment likely to accrue or be suffered by the persons concerned; and
- the effect of the disability of the person concerned; and
- the financial circumstances and the estimated amount of expenditure required to be made by the person claiming unjustifiable hardship.

54—Amendment of section 85—Exemption in relation to insurance

Clause 54 is consequential on the proposal to alter the terminology from discrimination on the ground of impairment to discrimination on the ground of disability.

55—Amendment of section 85A—Criteria for establishing discrimination on ground of age

Section 85A of the principal Act provides the criteria for establishing discrimination on the ground of age. Clause 55 proposes broadening the type of conduct that amounts to discrimination on this ground to include the situation where a person treats another unfavourably because of the age of a relative or associate of the other person.

56—Substitution of heading to Part 5A Division 2

The substitution of the heading reflects the proposed inclusion of independent contractors within the scope of the Act.

57—Amendment of section 85C—Discrimination against agents and independent contractors

Section 85C of the principal Act provides that it is unlawful for a principal for whom work is done by agents remunerated by commission to discriminate against those agents on the ground of age. Clause 57 proposes extending the section to make it unlawful for a principal to discriminate on the ground of age against independent contractors engaged under a contract for services.

58—Amendment of section 85D—Discrimination against contract workers

Section 85D of the principal Act makes it unlawful for a principal to enter into an arrangement with an employer of contract workers under which the employer is to discriminate against a person. The proposed amendment extends the provision to cover workers who work under a contract for services and provides for the situation where there are a number of people linking the principal and the worker. ie, a principal who engages a contractor who engages a subcontractor who employs a worker.

59—Amendment of section 85F—Exemptions

Section 85F of the principal Act provides an exemption relating to employment in private households. The proposed expansion of the Act to include independent contractors necessitates a change to this provision to provide that it is not unlawful for a person to discriminate if the person employs another, or engages another as an independent contractor, for purposes not connected with a business carried on by the person.

60—Amendment of section 85K—Discrimination in provision of goods and services

Section 85K of the principal Act provides that it is unlawful to discriminate on the ground of age in the provision of goods and services. Subsection (2) provides that it is unlawful to refuse to supply goods or perform services to another on the ground that the other person is accompanied by a child. This clause proposes relocating subsection (2) to the proposed new Part 5B under the new ground of association with a child.

61—Amendment of section 85L—Discrimination in relation to accommodation

Section 85L of the principal Act provides that it is unlawful to discriminate on the ground of age in relation to the provision of accommodation. Subsection (2) provides that it is unlawful to refuse accommodation on the ground that the other person intends to share the accommodation with a child. This clause proposes relocating subsection (2) to a new section 87A—Sharing accommodation with a child.

62—Insertion of Part 5B

Clause 62 proposes to insert a new Part 5B into the Act to prohibit discrimination on a number of grounds that have not previously been unlawful. The new proposed grounds of discrimination are the grounds of identity of a spouse or domestic partner, association with a child, caring responsibilities and religious appearance or dress. It is also proposed that the Part include within it the grounds of marital or domestic partnership status and pregnancy which were previously included in Part 3 of the Act.

Each of the proposed new grounds makes it unlawful to discriminate in particular areas. In relation to the ground of identity of a spouse or domestic partner, it will be unlawful to discriminate in the area of work, by associations or qualifying bodies, in education, in relation to land, in the provision of goods and services and in relation to accommodation.

In relation to the ground of association with a child, it will be unlawful to discriminate in the provision of goods and services.

In relation to the ground of caring responsibilities, it will be unlawful to discriminate in the area of work, by associations and qualifying bodies, in education, in relation to land, in the provision of goods and services and in relation to accommodation.

In relation to religious appearance or dress, it will be unlawful to discriminate in the areas of work and education.

The proposed new Part provides for some specific exemptions and some general exemptions in relation to charities and measures intended to achieve equality.

63—Amendment of section 87—Sexual harassment

Section 87 of the principal Act provides that sexual harassment is unlawful in certain situations. Clause 63 proposes that sexual harassment also be unlawful in the situations where—

(a) a person to whom goods, services or accommodation are being offered, supplied, performed or provided by another person subjects that other person to sexual harassment; or

(b) a member of an authority or body empowered to confer an authorisation or qualification subjects an applicant for the conferral of such an authorisation or qualification to sexual harassment; or

(c) a member of the governing body of an association subjects a member of the association, or a person applying to become a member of the association, to sexual harassment.

Clause 63 also proposes substituting the definition of conduct that amounts to sexual harassment to provide that a person sexually harasses another if—

(a) the person makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to the person harassed; or

(b) engages in other unwelcome conduct of a sexual nature in relation to the person harassed,

in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the person harassed would be offended, humiliated or intimidated.

64—Substitution of section 88

Section 88 of the principal Act makes it an offence to separate a person from his or her guide dog. Clause 64 proposes extending the operation of this section to include other animals prescribed by regulation. The clause also proposes 3 new sections. New section 87A is the relocation of the provision in the principal Act that makes it unlawful to refuse accommodation to a person on the ground that the other person intends to share the accommodation with a child. New section 87B makes it unlawful for an educational authority to discriminate against a student by denying or limiting access to the educational services provided by the authority on the ground that the student is breast feeding an infant or proposes to do so. New section 88A makes it unlawful for a person to be refused accommodation on the ground that the person intends to keep a therapeutic animal at that accommodation. A therapeutic animal is defined as an animal certified by a medical practitioner as being required to assist a person as a consequence of the person's disability.

65—Substitution of section 91

Section 91 of the principal Act provides for the vicarious liability of employers and principals for discriminatory or unlawful acts of agents or employees. Clause 65 removes the subsection that provides that a person is not vicariously liable for an act of sexual harassment committed by an agent or employee unless the person instructed, authorised or connived that act.

66—Substitution of heading to Part 8 Division 1

Clause 66 is a drafting amendment.

67—Amendment of section 93—Making of complaints

Clause 67 proposes to amend section 93 of the principal Act to increase the time within which a complaint must be lodged from 6 months to 12 months and provides that the Commissioner may extend the time for lodging a complaint.

68—Amendment of section 94—Investigations of complaints or matters referred to Commissioner

Clause 68 proposes amending section 94 of the principal Act to provide that in the course of an investigation by the Commissioner, the Commissioner cannot, without the consent of the person concerned, require production of records of counselling or therapy sessions or records or notes made by an advocate for the person.

69—Substitution of section 95

Clause 69 proposes substituting section 95 of the principal Act for sections 95, 95A, 95B, 95C and 95D. The proposed new section 95 deals with the conciliation of complaints lodged with the Commissioner. New section 95A sets out the circumstances in which the Commissioner may decline to recognise a complaint as one on which action should be taken by the Commissioner. New section 95B details the situation in which the Commissioner must refer a complaint to the Tribunal for hearing and determination. New section 95C provides that the Commissioner may provide representation for the complainant or respondent in proceedings before the Tribunal but in doing so must apply public funds judiciously, taking into account—

- the capacity of the complainant or respondent to represent himself or herself or to provide his or her own representation;
- the nature and circumstances of the alleged contravention;
- any other relevant matter.

New section 95D provides that a matter referred to the Commissioner may be referred to the Tribunal for hearing and determination.

70—Amendment of section 96—Power of Tribunal to make certain orders

Section 96 of the principal Act provides for the Tribunal to make certain orders. The proposed clause 70 provides that in awarding compensation the Tribunal must take into account the amount of damages or compensation awarded in other proceedings in respect of the same act, and that an award of compensation may not be made against a child.

71—Insertion of section 96A

Clause 71 proposes a new section 96A to provide that a person must not publish a report of proceedings under the Act to which a child is a party if the report identifies the child or contains information tending to identify the child.

72—Amendment of heading to Part 8 Division 2

Clause 72 is a consequential amendment.

73—Insertion of section 96B

Clause 73 proposes a new section 96B as a consequence of the new provision allowing the Commissioner to extend the time within which a person may lodge a complaint. New section 96B provides that where the Commissioner refuses an application for an extension of time, the applicant may apply to the Tribunal for a review of the decision.

74—Amendment of section 100—Proceedings under *Fair Work Act 1994*

Clause 74 proposes a new subsection to section 100 to provide that the Commissioner may, with leave of the Industrial Relations Commission of South Australia, make submissions and present evidence in proceedings before the Commission under the *Fair Work Act 1994*.

75—Amendment of section 102—Offences against Commissioner

Clause 75 updates the penalty provision.

76—Amendment of section 103—Discriminatory advertisements

Clause 76 updates the penalty provision.

77—Substitution of section 104

Clause 77 proposes a new section 104 to provide for the service of documents.

78—Amendment of section 106—Regulations

Clause 78 updates the fines that may be imposed for offences against the regulations.

Schedule 1—Further amendments of *Equal Opportunity Act 1984*

Schedule 1 makes statute law revision amendments to the principal Act.

Debate adjourned on motion of Mrs Redmond.

ELECTORAL (MISCELLANEOUS) AMENDMENT BILL

In committee.

(Continued from 29 April 2009. Page 2515.)

Clause 8.

The CHAIR: My recollection is that we had started and proceeded some distance with consideration of clause 8, but there were still matters outstanding.

Mrs REDMOND: In relation to clause 8, I seem to recall that yesterday the Attorney, in response to an earlier question, suggested that his advisers have to learn to run the four minute mile. That is not what he said, but they are caught unawares on a regular basis on this bill, it seems. However, maybe the Attorney can help with this particular question.

The Attorney suggested that the provisions of clause 8 are primarily directed towards homeless people, and I want to ask him how it is that he asserts that this clause is primarily directed towards homeless people, since it does not have any definition within the clause that refers to homelessness specifically, and it seems to me to be just as applicable to a whole range of other people.

The Hon. M.J. Atkinson: Grey nomads.

Mrs REDMOND: As I suggested yesterday, and the Attorney interjects, grey nomads come to mind. First, can I ask him: in what way is this primarily targeted towards homeless people, given that the clause itself is silent on the matter and could be equally applicable to a whole range of people?

The Hon. M.J. ATKINSON: One never knows whether a clause in a bill will operate in practice with great precision, and clauses have unintended consequences. All I can say is that we were attempting to repeat the commonwealth provision which made provision for homeless people, and that is how, on the whole, it has worked in practice. All I can say to the member for Heysen is that my intention is that this will apply to homeless people. If it applies principally to grey nomads, I am happy.

Mrs REDMOND: I want to know, though, how it will apply, for instance, if I had a son who decided to leave home. I have had one son leave home and I live in hope that eventually my children will leave home.

The Hon. M.J. Atkinson: How many more have you got?

Mrs REDMOND: Another son and a daughter at home. I love them dearly, but they are just very messy individuals to live with.

The Hon. M.J. Atkinson: Why does that happen in our portfolio?

Mrs REDMOND: I do not know why I have this yearning to come home to a tidy house, but I do. Let us assume my son, who is enrolled to vote, leaves home (so, home is no longer his principal place of residence) and he moves to a friend's house for a month, or even goes house

sitting. I remind the Attorney that the Electoral Act as it exists requires that 'an elector whose principal place of residence changes from one subdivision to another must, within 21 days of becoming entitled to be enrolled for that subdivision' notify the electoral registrar of that change. In common with many other youngsters, let us suppose my son leaves home for a couple of months and comes back, leaves home and goes somewhere else for a couple of months and comes back, and leaves home and does house sitting for a couple of months and comes back. Is my son, then, an itinerant person and will the provisions of new section 31A apply to such a person?

The Hon. M.J. ATKINSON: It may do. My old law lecturer, Geoffrey Walker, used to say that if the law were applied in every case in the fullness of its meaning to every person, we would live in a totalitarian society.

Mrs Redmond: And we would all be in gaol.

The Hon. M.J. ATKINSON: Yes, and we would all be in gaol; and I think the member for Stuart appreciates that and says perhaps that occurs sometimes already.

The Hon. G.M. Gunn interjecting:

The Hon. M.J. ATKINSON: I was probably in breach of the law back in the mid-1970s, because I left home to go and study at the Australian National University. I was enrolled in the federal division of Boothby, the state district of Mitcham.

Mr Goldsworthy: Is that what makes you so kooky—going there?

The Hon. M.J. ATKINSON: I went to the Australian National University. The member for Kavel interjects, 'That's what made you so kooky.' I will offer that to the next alumni publication. I spent more than 21 days—or whatever the threshold was—at Bruce Hall, the residential college at the Australian National University. I probably should have enrolled three times a year for the federal division of Fraser, but I did not, because I could not care less about ACT politics or who the federal member for North Canberra was. So, I stayed enrolled in Boothby so I could vote—

Mrs Redmond interjecting:

The Hon. M.J. ATKINSON: No; well, there is probably a statute of limitations on it. I stayed enrolled in Boothby—at 19 Claire Street, Lower Mitcham—so that I could vote for Robin Millhouse and—

Mrs Redmond interjecting:

The Hon. M.J. ATKINSON: No, I worked on Robin Millhouse's campaigns—so I could vote for an unemployed race caller, Alf Gard, at the Boothby by-election created by—what was it created by? Gunnie, can you remember? Anyway, there was a by-election in Boothby, and I voted for Alf Gard. Do you remember Alfie Gard?

The Hon. G.M. Gunn: I do, yes. I also remember my friend, John McLeay.

The Hon. M.J. ATKINSON: John McLeay.

Mrs Redmond interjecting:

The Hon. M.J. ATKINSON: Yes. Well, maybe he stepped down or got an appointment from the Fraser government, or something. Anyway, there was a by-election in Boothby. Perhaps it was Steele Hall doing something. No, Steele Hall was trying to get in there, wasn't he?

An honourable member: Is this relevant?

The Hon. M.J. ATKINSON: No, it's not relevant. The point I am making is that no-one enforces these provisions in the Electoral Act to the nth degree. My son Hugh left home. He moved a couple of blocks on the other side of South Road into Ridleyton from Croydon.

Mrs Redmond interjecting:

The Hon. M.J. ATKINSON: No, he is still in the Croydon electorate. But, by crossing the road, just a couple of blocks away, he goes from the federal division of Port Adelaide to the federal division of Adelaide—from a very safe seat to a marginal seat. So, I have been at him to enrol to vote there so he can vote for Kate Ellis, but I am not making any impact. I do not think anyone is going to prosecute him and, by the time they do, he will be back home—there is nothing more certain than that. So, I just think that these provisions are applied with common sense.

Mr PISONI: I am just interested in the words 'who is in South Australia' in subsection (1)(a), as being a requirement, or someone who qualifies, to be an itinerant person on the roll. I note that they would also qualify for enrolment, because they do not qualify under section 29(1)(c). That section provides that they need to be in a residence for a continuous period of at least one month. So, my question is twofold. It also refers to a division, and I just want to know whether that enrolment in a division is actually in the same state, and if there are resources for the State Electoral Office to check to see whether somebody is an itinerant person—say, for example, a campervan of Young Labor people coming over from Victoria or Western Australia. How long do you have to be in South Australia before you can qualify to be an itinerant voter? Also, when you are referring to districts or subdivisions in the act and in the bill, are you referring to subdivisions of South Australia or are you referring to any subdivision in Australia?

The Hon. M.J. ATKINSON: Let me help Mr Criminon with this provision.

Mr PISONI: I take a point of order. I do not know what the number is, but members are to be referred to by the district they represent. I ask that the Attorney-General respect that standing order.

The Hon. M.J. ATKINSON: For the benefit of the member for Unley, who so recently introduced the house to the documents about Criminon, the provision is quite clear: the Electoral Commissioner assesses the claim for enrolment, subjects it to analysis, and decides whether it should be granted or not. He looks into the matters enumerated in the clause.

The member who occupies so much of the house's time with hatred and fanciful scenarios based on a hatred of the governing party, tries to tell us that the Australian Labor Party is going to send campervans of Young Labor members from the other five states of Australia into the marginal state districts of South Australia—like Unley or Norwood. This will be dealt with by the Electoral Commissioner guided by the clear provisions of the clause. One of them is: a person who is in South Australia and—I leave out the irrelevant parts—he or she does not have a fixed place of residence, whether within the state or elsewhere.

One of the obvious questions for the Electoral Commissioner to ask is: do you have a fixed place of residence? If the answer is no, whereas in fact they live in a leafy crescent in Canberra, then that will expose them to the risk of criminal prosecution under the Electoral Act, which has done so much to blight forever the careers of certain Queenslanders. I do not think any Young Labor people (or Young Liberal people) in this day and age have not learnt from what occurred in Queensland in the 1990s. They will not wish to have themselves in breach of the Electoral Act and with criminal convictions on their record that will blight their future political careers. I just do not think any of them will attempt it.

Frankly, I do want to make this remark about the Liberal Party's approach to the Electoral Act. It has long been the case, since the early 1990s, that certain members of the Liberal Party—not all of them but some of them—have taken the view that there is a gigantic conspiracy in electoral enrolment in Australia, and that the Labor Party is moving around throngs of people, over state borders, over federal division borders, over state district borders, and that it is the movement of these nomads, these Bedouins of socialism, who are affecting the result in general elections and leading to the very narrow defeat of coalition candidates.

This is a delusion. All of our experience tells us that the only place this occurs is in internal party ballots because you cannot get enough people on the move to affect the result in a federal division, which has an average of what, 100,000 people, or a state district with an average enrolment of 25,000 people. But you can make a difference in an internal party ballot.

Mrs Redmond interjecting:

The Hon. M.J. ATKINSON: But, member for Heysen, look at the proportions here. Do you seriously suggest that party activists in Australia are moving people around between state districts and federal divisions or across state borders to try to influence the result in electorates of 100,000 people or 25,000 people and risking criminal convictions by so doing? You only have to state it to know that it is ridiculous.

Where people have been caught is that they have done just this to try to get into preselection ballots they should not be in and into party ballots for the election of delegates, whether the Liberal Party, the Labor Party or other parties, and it is then that they have been caught because the number of voters in those ballots are so small it becomes worth it, proportionate, to take the risk.

Mrs REDMOND: The Attorney will be pleased to know that I am not a conspiracy theorist and I do not think that the Labor Party, or any party, has people going around doing this, but what I want to explore is the possibility because you say that the person would be exposed to serious criminal conviction, having, in the answer to my previous question, said that the Electoral Office does not actually pursue all these people, à la the example of your son or my son moving out, and so on.

So, you have already told us, in answer to one question, that the Electoral Office does not pursue these people. To make the point, though, I can well understand that it would be an offence if someone had a flat, for instance, and they maintained a lease on that flat, and they then dodged over here and said, 'I am entitled to enrolment,' because their statement would then be false, or if they owned a home and then came over here and tried to get enrolment.

But if they are like one of my kids who does not own a home and who just sets off on the road, à la a grey nomad in the older generation, then surely there is no breach possible. If someone simply comes over the border, without a fixed place of abode, they do not have a leased or rented property, they do not own a property, they have been living at home with mum and dad or the grey nomads have sold their property, then surely that is the very person who is going to be entitled to enrolment under this provision. Is that not the case?

The Hon. M.J. ATKINSON: The answer to that is, plainly, yes, but the member for Unley's question came from a different angle. The member for Unley's question was premised on the assumption that this was happening in the dozens, or hundreds, and that people were doing it for an improper purpose. That is an entirely different matter.

Where there is a hotly contested party ballot for delegates, or for a preselection, then there are going to be quite a few jealous eyes on these movements. When I first got involved in Labor Party politics, John Trainer used to go out and doorknock, in, I think, the electorate of Walsh, every new member of the Australian Labor Party to make sure that they answered the door and that they lived where they said they lived. I admired that reasonable paranoia.

Mr Goldsworthy: It's just good auditing.

The Hon. M.J. ATKINSON: Indeed, as the member for Kavel says, that is just good auditing. That will occur in party ballots to make sure that these provisions are not abused. Similarly, if a candidate loses a federal election or a state election by a tiny number of votes, his or her supporters will be scouring the electoral roll to look for bodgie votes to take to the Court of Disputed Returns. So, I agree with the member for Heysen that on the whole the attitude of the Electoral Commission and society to people, like Mr Redmond and Mr Atkinson so recently moved, is to take a relaxed approach to that matter because their movement is not going to make any difference to a federal election or a state election.

The member for Unley might interject, 'Well, it might. One vote might be the difference.' It might, but where the scrutiny will come in—and the scrutiny will naturally follow—is in internal party ballots and in very close results.

Mrs REDMOND: Attorney, the point is that no amount of scrutiny will make the circumstance unlawful or improper if a person chooses to rent or own house but go in their campervan from electorate to electorate as elections occur around the country and go into the provisions to allow for the registration of an itinerant voter. That is the point. The point I understand the member for Unley to be making is that, under this provision, it is possible lawfully to plant people, provided they are not breaching any other provision or falsely answering the question of whether they have a principal place of residence elsewhere, to come into an area, become registered under this provision, participate in a vote and then immediately move their Combi Van onto the next caravan park at the next convenient place. That is perfectly possible, is it not?

The Hon. M.J. ATKINSON: Of course; it is Antony Green on wheels. I understand where the member for Heysen is coming from, but I do not think very many Australians suffer the malady of politics so greatly that they will get in their campervan and move around between the Australian states and territories so that they can vote eight times in an electoral cycle.

The Hon. K.A. MAYWALD: I put on the record that I have absented myself from cabinet in accordance with my agreement with the Premier to act as a minister within the current government. I have done so because there are a number of elements of this bill about which I have concerns, and I will be raising those concerns during the course of the debate.

I ask this question on the clause because I have been listening to the debate and I am a bit miffed as to where the Electoral Commissioner will decide to enrol that person, in which district, and how they will determine in which district that person will be entitled to vote.

The Hon. M.J. ATKINSON: The relevant part of the clause, subsection (3), provides:

> The form approved by the Electoral Commissioner may require the applicant to specify an address that may be taken to be the person's principal place of residence for the purposes of this Act.

However, if they are homeless or a grey nomad, they will not have a 'principal place', so it is a nominal 'principal place'. I would think that, for homeless people, that principal place might be St Vincent de Paul, Whitmore Square, or Baptist WestCare, or it might be a Salvation Army lodge or a caravan park. Subsection (5) provides:

> The Electoral Commissioner may, in connection with the operation of subsection (4) and after taking into account any address specified under subsection (3), include on their roll an address in the subdivision that is taken to be the person's principal place of residence for the purposes of this act and any other act or law relating to the enrolment under this act.

I think that even the member for Heysen and the member for Unley can see that if you are genuinely homeless person you will either have an absurdly frequent series of new enrolments or, more likely, you will not be enrolled at all. And the latter is what we are trying to overcome, to give people a base even though they do not have a principal place of residence.

The member for Unley is insinuating that the government is doing this in order for camper vans—and he said it—of Young Labor people to descend from other states at the close of enrolment. I reject that suggestion. Furthermore, I would say to the member for Unley that this provision has been in the commonwealth legislation for, I would think since Mick Young's time as special minister of state, so you are looking at something 25 years. During the entire period of the Howard government it was not taken out. Clearly, the federal Parliamentary Liberal Party did not share the member for Unley's anxiety.

Mrs REDMOND: For the benefit of the member for Chaffey, before she leaves, I would like to clarify what the Attorney did not seem to cover in what we discussed yesterday, that is, the regime that is in place as to the order in which the Electoral Commissioner deals with things, which I understand to be that, if the elector was previously enrolled, that is the first option. But, if there was no previous enrolment in this state they then go to the enrolment of the next of kin. If there is no next of kin in this state they go to the place of birth. If there is no place of birth in this state then they go to the place of connection. Can the Attorney expand upon how that works?

The Hon. M.J. ATKINSON: Sure, I can expand upon it. We are talking about the itinerant electors provision of the Commonwealth Electoral Act 1918. Here is the hierarchy of considerations:

> The Australian Electoral Officer shall cause the name of the applicant to be added to the Roll:
>
> (a) for the Subdivision for which the applicant last had an entitlement to be enrolled;
>
> (b) if the person has never had such an entitlement, for a Subdivision for which any of the applicant's next of kin is enrolled;
>
> (c) if neither paragraph (a) nor paragraph (b) applies, for the Subdivision in which the applicant was born;

which would put me in Davenport—

> (d) if none of paragraphs (a), (b) and (c) applies, the Subdivision with which the applicant has the closest connection.

In our regulations I imagine we will give the Electoral Commissioner somewhat more flexibility than that, but I think that will be the hierarchy of considerations in this state also.

Mr PISONI: I take it then, Attorney-General, that you could unequivocally tell this committee that nowhere in Labor Party preselections has the itinerant roll at a federal level been used to stack Labor Party branches for preselection. Are you confident to make that claim in the chamber? No; I did not think so. My question—

The CHAIR: Order! Member for Unley, that question does not relate to the Attorney's responsibilities in relation to this bill and is therefore out of order. I do not want it to stand on the record for you to then cite in later campaign material. Proceed with your question.

Mr PISONI: I didn't. It was raised by the Attorney-General, and why wouldn't he want it the question? He can answer the question.

The CHAIR: Order! Debate with the chair is disorderly. Please take your seat. The Attorney-General has generously indicated he will make some remarks.

The Hon. M.J. ATKINSON: Madam Chair, you ruled the question out of order, rightly, because it was not relevant to the bill; then the member for Unley decided to put words into my mouth when I did not have an opportunity under standing orders to answer, so that he can then later circulate that I refused to answer the question. I did not refuse to answer the question. It was a question which was out of order.

The CHAIR: Exactly. Member for Unley, do you have a question that is in order? I remind all members that standing orders provide for three questions. I have been extraordinarily generous, so I do ask that questions conform to standing orders and seek new information. Member for Unley.

Mr PISONI: Thank you, chair. I am interested in the provisions that the minister has explained about how to identify where people are enrolled and how it works with section 29(1)(d) of the act. A person cannot enrol if they are not of sound mind. Obviously, in the first instance, a previous place of enrolment would be the relevant address, but that is not relevant if it was interstate.

If it does not exist, then the current enrolment for the next of kin will be the relevant address. Again, if that is interstate, it is not relevant. The third option is the place of birth. Again, if it is interstate or overseas it is not relevant. If it was overseas would it be where the naturalisation process took place? Finally, it is the closest place of connection. Other than the fact that the person was enrolled interstate or was born interstate or overseas, what is the definition of 'unsound mind'?

As a simple person, I would suggest that, if someone could not answer those questions and tell the Electoral Commissioner where they were last enrolled or where they were born or their next of kin, it is unlikely they would be of sound mind. Will the minister clarify the definition of 'unsound mind' that the Electoral Commissioner will be instructed to use?

The Hon. M.J. ATKINSON: No-one of sound mind would have introduced the Criminon forgeries to parliament, but I think you will find there is extensive case law on the question of unsound and sound mind. I refer the member for Unley to the AustLII website and suggest he do a search on sound mind and unsound mind.

Mr PISONI: I have asked what the Electoral Commissioner would be using.

The Hon. M.J. ATKINSON: The Electoral Commissioner would be guided by the law, as she always is.

Mr GRIFFITHS: I want to ask a question about division 3, new section 32. Many regional families send their children to Adelaide for education and, therefore, they become boarding students. In many cases, those students are in year 12 and turn 18—or they are at least 17—and they are sent a preliminary notice about the need to enrol. My daughter in year 12 at Loreto has gone through that process. I was not sure where she should be registered to vote. Will the minister give a clear direction on that?

The Hon. M.J. ATKINSON: It is a good question from the member for Goyder, a common query. The member for Heysen and I discussed it earlier. The act provides that if you are at a place for 30 days you should then lodge an application for enrolment there. I think that would lead to absurd results for your daughter because three or four times a year she would be required to enrol at Loreto which is in the Norwood state district. Then, if she spent long enough back on the peninsula, she would be required to enrol for her dad's electorate. She would be going back and forth.

My way of resolving that, when I was in a similar situation, was to enrol for my parents' address where I spent the university vacation—namely, federal division of Boothby, state district of Mitcham—and not to enrol in the federal division of Fraser in the ACT. As I said earlier, I was probably in breach, but it just seemed a common-sense solution. If I were your daughter, I would be sticking with dad's electorate and holding her vote over him in financial negotiations.

Mrs REDMOND: This seems to me to be getting pretty confusing, because we have the Attorney-General advising across the chamber for someone to commit a known breach of the Electoral Act. I appreciate what the Attorney says; that is, common sense dictates that the member

for Goyder's daughter should enrol in his electorate, but that is not what the act says. I am curious that the Attorney keeps talking about her having to re-enrol three or four times a year. He has made that reference twice and I ask what prompts him to make that suggestion. If she is living at a boarding house in Adelaide and only returning home occasionally for a weekend—so never getting to the point—then surely this act says she has to enrol in Adelaide and—

The Hon. M.J. Atkinson: No, Norwood.

Mrs REDMOND: Wherever it is. I am just taking a generic example of a youngster from the country who is at boarding school and who qualifies by way of age to enrol to vote. The act says that the person has to enrol where their principal place of residence is and they are going home for an occasional weekend. I think what the Attorney said about common sense is absolutely right; that is, notionally, that person should be able to enrol where their heart is, basically. However, it seems to me a nonsense that we are debating a bill on the basis that it is going to say one thing, when we know that the Electoral Commissioner is not going to enforce what the bill says, that common sense dictates that people will not behave according to the bill.

The reality of the situation is so far away from what the bill is requiring that it would be sensible to try to draft it, even to the point of putting a special provision for a student. To have the Attorney-General of the state telling a member of this parliament across the chamber that the appropriate thing is to ignore what the acts says and do what is common sense seems to me an untenable position for an Attorney-General.

The Hon. M.J. ATKINSON: It is not untenable at all, and it goes back to the remarks I made at the very beginning of our debate on this today; that is, if the law was enforced to the nth degree against everyone, then we would be living in a totalitarian state. I stand by my recommendation to the member for Goyder's daughter. It is quite possible, as the member for Heysen says, that the member for Goyder's daughter will not be back to Yorke Peninsula long enough to establish an entitlement, except during the Christmas holidays, but even so, even if the change back and forth is only once a year, why would you do it?

Presumably, the member for Goyder's daughter will go onto tertiary education, may stay at one of the university colleges near the University of Adelaide, or live in a group house, and keep going back to Yorke Peninsula all through her tertiary education—the same considerations apply. The provision is there to be used in the worst and most blatant cases of malpractice, and that is where a person falsifies their electoral enrolment for an improper purpose.

An improper purpose would be nominating an address at which he or she does not live, ever, for the purposes of becoming eligible for an internal party ballot. That would be an example of malpractice. No-one is going to complain about the member for Goyder's daughter maintaining her enrolment in Goyder when, in fact, she is living much of the year at the Loreto boarding school, and no-one is going to complain about my son being enrolled at Thomas Street, Croydon when, in fact, for most of the time, he is bedding down at William Langman Circuit in Ridleyton, because no-one cares. It does not affect anything. It is a question of where their heart is and what is the practical result.

However, if the member for Heysen's other son moves into Bragg and gives an address in Bragg when, in fact, he is living in Newland, for the purpose of being in an internal ballot, I reckon there might be a few people who would dob him in. They would say, 'There's a Redmond living in Toorak Gardens. We will go around and doorknock that one!' Like John Trainer. So, let's use some commonsense.

Mrs REDMOND: I want to ask a question about division 3 that the member for Goyder was talking about, and that division of this clause deals, of course, with compulsory enrolment and transfer. In a way, it relates to what we were talking about before, that is, the itinerant persons—it is all within the same clause. As I read the itinerant persons provisions, putting aside all the other things we have been discussing, if someone is an itinerant person and they apply and get enrolled to vote, if they do not then vote their name is struck from the register but that appears to be the only consequence. If they later want to vote, they have to go through the process of re-enrolling, but there is no penalty attaching to a failure to vote if you are itinerant, and that is sensible.

However, if I had an 18 year old son in the circumstances I earlier described, who classified himself as itinerant and enrolled under the provisions of the itinerant persons because he is moving—he spent two months somewhere else and came back home like a boomerang kid and went somewhere else and came back home, and so on—I think the Attorney agreed earlier that he could classify as itinerant. On that basis, would the Attorney agree that it would be possible for a

young person who was so minded to avoid the provisions of the compulsory enrolment by classifying as an itinerant voter and then not voting?

The Hon. M.J. ATKINSON: Itinerants would receive an apparent failure to vote notice at their principal place of residence.

Members interjecting:

The Hon. M.J. ATKINSON: All I can say is, in the weeks after the declaration of the polls, there will be a welter of apparent failure to vote notices going to St Vincent de Paul, Whitmore Square, and the likelihood is that none of them will be enforced. However, once an itinerant person enrols to vote, they are subject to the same regime as the rest of us.

Mr WILLIAMS: The Attorney may have already addressed this question, but I just heard him say that, if an itinerant fails to vote, they would get a notice addressed to their principal place of residence. That has to be an oxymoron. How can they be defined as an itinerant if they have a principal place of residence, Attorney?

The Hon. M.J. ATKINSON: The member for MacKillop has not been listening. The principal place of residence for an itinerant person is the place that the Electoral Commissioner deems it to be, the itinerant person having filled in an enrolment form and nominating a place, which might be any number of places. It might be St Vincent de Paul, Whitmore Square; it might be a caravan park; it might be the rented premises they were last in; it might be their next of kin's residence—any number of places. Having received the application, the Electoral Commissioner studies it, subjects it to a hierarchy of tests as to where the principal place of residence is, and nominates one in the sure and certain knowledge that it is a fiction.

The CHAIR: Member for MacKillop, there is a convention in the British parliament that members must be present for the whole debate to be entitled to a question. I will ask you to be cognisant of that.

Mr WILLIAMS: That is a delightful convention, Madam Chair, and it is one that really interests me, because I happen to know that there are only enough seats in the British parliament to accommodate about a third of the members.

The CHAIR: Correct. It has always been sufficient.

Mr WILLIAMS: It is a most interesting and quaint convention.

The Hon. M.J. Atkinson: There's no shortage of chairs here, Mitch.

Mr WILLIAMS: Madam Chair, my understanding is—

Members interjecting:

The CHAIR: Order! This debate has been going for a very long time. I ask members to really focus and not waste the time of the committee. Member for MacKillop, please proceed immediately to your question.

Mr WILLIAMS: Thank you, Madam Chair. If I recall the Attorney's words correctly, he said that, once an itinerant person has registered with the commissioner and appears on the roll, they will be subject to the same provisions of the act as any other enrolled voter. Does that mean that, if the itinerant person changes their principal place of residence, as deemed by the commissioner, within—is the period one month or three months?

Mrs Redmond: One month.

Mr WILLIAMS: One month. So, within a month of changing their principal place of residence, they are obliged to notify the commissioner?

The Hon. M.J. ATKINSON: Yes.

Mr WILLIAMS: And if they do not notify the commissioner?

The Hon. M.J. ATKINSON: The member for MacKillop picks me up well. There is no penalty for itinerant electors who obtain a genuine principal place of residence, namely, they are in the same place for 30 days. They do not get penalised for not notifying that they have one but, then again, who does?

[Sitting extended beyond 17:00 on motion of Hon. M.J. Atkinson]

The Hon. I.F. EVANS: When an itinerant voter is in another electorate and wishes to do an absentee vote, how does he prove his residential address to the satisfaction of the clerk on the day, given that he will not have any identification of a fixed address?

The Hon. M.J. ATKINSON: It is a declaration vote. Being a declaration vote, the envelope would be analysed subsequently to make sure that they are enrolled for where they say they are voting.

Mrs REDMOND: I genuinely did have two more questions on this.

The CHAIR: The member for Heysen's maths is failing her.

Mrs REDMOND: Yes, I know, but my failing maths was of great advantage to the Attorney yesterday.

The Hon. M.J. Atkinson interjecting:

Mrs REDMOND: Probably, but it is a long section.

The CHAIR: The rules do not change.

Mrs REDMOND: Subsection (6) of new section 31A states that the Electoral Commissioner will also annotate the roll so as to indicate that the person is enrolled, so there is some sort of little asterisk that will say that this person is enrolled as an itinerant voter. Is that going to be somehow discretely done so that only the Electoral Commissioner knows that and can use the provisions of the section, or is that going to be, for instance, on the copy of the roll made available to members of parliament?

The Hon. M.J. ATKINSON: This question was asked yesterday (on the same clause) and the answer is that I intend for itinerant electors to be marked on the roll as itinerant. I did that in response to a question from the member for Unley. As I recall, the member for Unley wanted them indicated on the electoral roll—I could be wrong about the member but it was someone on the opposition side—because he did not want to be sending direct mail to an address where the elector was unlikely to be. I indicated that it was my intention that they be indicated on the roll as itinerant and I am informed that that is the effect of the clause and that will put it beyond doubt in regulations. I am told that, under the federal system, what comes up on the roll is 'no fixed address'. It is a bit like the people whose names are suppressed. They are on the electoral roll and their address is known to the Electoral Commission but it is not published.

Clause passed.

Clause 9.

The CHAIR: We have two sets of amendments to this clause before us: one lodged by the member for Mitchell and one lodged by the Attorney-General. In general, I will take the approach of inviting the member for Mitchell to move his amendments first. However, in considering whether the amendment to be moved by the Attorney gives the committee a clearer choice, I will invite the Attorney to move his amendment first. In this case, in relation to amendment No. 1 from the member for Mitchell and amendment No. 1 from the Attorney, I consider the committee will have a clearer choice if we consider first the amendment moved by the Attorney-General. Then we will have a clause in the form desired by the mover of the bill and then we can consider the amendment of the member for Mitchell. Is the committee clear on that? Attorney, I invite you to move your amendment first on the grounds that it will give the committee a clearer choice.

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

Page 8, line 17 [clause 9(1), inserted definition of eligible political party, (b)]—Delete '500' and substitute:

200.

My amendment deletes the number 500 and inserts the number 200.

Mr Hanna interjecting:

The Hon. M.J. ATKINSON: It is circulated.

The CHAIR: It has been circulated for several days.

The Hon. M.J. ATKINSON: It went around yesterday. This is my concession to the minor parties in this chamber and in the other chamber. We had proposed to put it up to 500, and we

were proposing to do that because that was roughly proportionate to what it was in other states, considering their population and our population, and perhaps the increase in population that had occurred in the years since the Electoral Act was passed.

The government accepts that increasing the minimum number will make it more difficult for new political parties to obtain registration and, indeed, that was the intention because members will recall, I think in the late eighties or early nineties, there were a series of parties beginning with the word 'overtaxed': the Overtaxed Motorists, the Overtaxed Smokers.

The Hon. I.F. Evans: The Happy Birthday Party.

The Hon. M.J. ATKINSON: The Happy Birthday Party takes us back to 1973 and to Susie Creamcheese's challenge to Gil Langley in the state district of Unley. Oh, how I wished that I had been able to vote at that time, because I was in fact living in the state district of Unley, but 15 year olds are not allowed to vote.

Members interjecting:

The Hon. M.J. ATKINSON: Susie Creamcheese challenged Gil Langley in the state district of Unley. I am pretty sure it was the 1973 general election. It could have been the 1975 general election. Can the member for Davenport help me there?

The Hon. I.F. Evans: Well, I was only 14 at the time. It was '73.

The Hon. M.J. ATKINSON: '73 you think?

Mr Hanna interjecting:

The Hon. M.J. ATKINSON: Teenage nerds, member for Mitchell, that is what the member for Davenport and I were, letterboxing at that tender age.

The Hon. I.F. Evans: Either that or no pocket money.

The Hon. M.J. ATKINSON: I accept that interjection. The member for Davenport said it was either that or no pocket money. So, we were trying to stop the registration of bogus political parties, parties that would just run interference in the campaign. It was aimed at preventing the registration of sham political parties. The government believes the current number of 150 is too low. It has not been changed for 24 years.

It has been argued by my colleagues from minor parties that 500 is too many, so the government suggests a much more modest increase from 150 to 200, owing to the enormous weight that the National Party carries in the coalition. The government believes this figure should satisfy concerns about setting the threshold beyond that which would be achievable by a new political party formed without a high profile.

For instance, I do not think that the FREE Party, set up by the Gypsy Jokers Motorcycle Club, would have any difficulty going from 150 to 200. As it is, they are in on the ground floor at 150, and that registration will be respected.

Mr HANNA: I appreciate the Attorney-General's concession in relation to this. The thrust of the bill, as I see it, is to make it more difficult, in many ways, for Independents and minor parties to succeed and flourish. However, although I will not be supporting the Attorney-General's amendment and I will be moving my amendment if the Attorney-General's amendment should fail, I do appreciate that concession.

I would say that there is one other factor not mentioned, and that is that although the population has increased, I think we also need to recognise that social participation in groups has decreased markedly in the past few decades. That applies to church groups, sporting groups, political groups and so on. So, that figure of 150, although the population has increased, is still a fairly big ask for anything more than a tennis club.

The Hon. M.J. ATKINSON: The member for Mitchell makes a very good point, and I agree with him. However, what I do disagree with him about is that it in any way affects Independents. Given that the member for Mitchell, the Hon. John Darley and the Hon. Ann Bressington will run as Independents at the next general election, and ran as Independents previously (if you include Nick Xenophon as John Darley's predecessor), it will make no difference to them at all because they do not require party registration.

It is not so long ago, if we go back before the 1985 act and the 1984 act federally, that there was no point to registration because you put your name on the ballot paper without a party designation. It did not say that you were Labor or Liberal, and you relied on your party workers handing out how-to-vote cards to tell the voters which party you were from. That seemed to work, by and large. I remember my mother boasting one day that she had voted Labor ever since the day she was enrolled to vote, which must have been for the 1943 general election. She then said, 'Oh, except in the 1951 election, when I had moved out of home to another electorate and I was not sure who the Labor candidate was.' We have overcome that with registration.

The biggest benefit that registration gives is that you can put the name of the party on the ballot paper. Really, if you are not registered, and you are running for a state district, it is not a great penalty not to be registered because all you do is use the old technology of having your supporters hand out how-to-vote cards outside.

Mrs REDMOND: First of all, I welcome the Attorney's change of heart in relation to the numbers, and I agree with the comment made by the member for Mitchell—and, indeed, endorsed by the Attorney-General—that it is harder to get people to participate. Given the size of our state, I think it is an appropriate concession, so I welcome that.

I have one question in relation to subclause (4), and it is somewhat technical. I realise that we have not reached that point yet, and I am happy to wait. However, I am anxious that we not move on from clause 9 before I have a chance to ask the question.

The CHAIR: I will deal with the two amendments in relation to clause 9(1) first and then deal with other issues. Does that help you, member for Chaffey?

The Hon. K.A. MAYWALD: Yes; I appreciate that ruling, Madam Chair. I would also like to acknowledge the concession made by the Attorney and the government in relation to this. I was supportive of the amendments to be moved by the member for Mitchell. However, knowing how numbers work, I think that 200 is a very good concession from 500. Being a leader of a minority party in this parliament—a party that currently has only one parliamentary member—I think it is important that I look out for the future of my party. The ask of 500 members in the context of declining participation in civic matters in our community is a very tall ask, so I appreciate the concession that has been made in this regard.

The Hon. I.F. EVANS: I would like to clarify the Attorney's answer, as I am not sure that I heard him correctly. I think he said that the benefit of registration is that you get your party name on the ballot paper.

The Hon. M.J. ATKINSON: Yes.

The Hon. I.F. EVANS: Does a non-party candidate get the word 'Independent'?

The Hon. M.J. ATKINSON: Yes; not only do they get the word 'Independent' on the ballot paper but, if they want to, they can have five other words on the ballot paper following it saying what kind of Independent they are.

Mrs Redmond interjecting:

The Hon. M.J. ATKINSON: Yes; that is one possibility—Independent Farmer for Free Firearms. Another actual entry on the ballot paper was from Mark Aldridge, now a candidate for the FREE Party, who ran, I think, in the 2002 general state election as the Independent Liberal Labor Democrat Alliance. I will have provisions in a subsequent clause dealing with that matter.

Amendment carried.

The CHAIR: I invite questions and comments in relation to the other parts of the clause.

Mrs REDMOND: I want to clarify one issue. I think I am pretty clear in that, under section 36(4)(a), basically, a person cannot be enrolled in two different parties. As I read subsection (4)(a), a member who is relied on by two or more political parties to nominate, but have to—

The Hon. M.J. Atkinson: They can't be relied upon.

Mrs REDMOND: Right. So, when your are registering, and you have 200 members, if there are two different parties registering, even if they are completely unrelated with unrelated issues—one is the Free Marijuana party and one is Family First—you cannot choose to belong to

two separate parties as the equivalent of a charter member, that is, a person who is actually on the registration for the formation and registration of that party.

My question is really more technical to the representative from the office of the Electoral Commissioner. How is this checked? Is there some sort of manual checking or is there computerised checking? How do they go about checking?

I was contemplating this question when we were talking about 500 members, and it seemed to me that there are a lot of people in a list of 500. How do they pick up the fact that someone might be on both lists, especially if it is a person who is a member of an existing registered party, and then a new party comes along?

The Hon. M.J. ATKINSON: In about 1973, there was an office holder in the Young Labor contingent, who was also an office holder with the Liberal Movement, and she got rumbled and turfed. I am told that in the age of computers it is much easier to cross check, and that is how they will do it. They will run a computer search. The vice that we are trying to deal with here is the Overtaxed Motorists, Overtaxed Smokers, Overtaxed Etcetera Party, using the same 150 people to register sham parties to run interference.

The Hon. K.A. MAYWALD: That raises another question. If you have a party that has three, four or 14, members in the parliament, is it possible for a member of that party to be the person registered for another party for the purposes of that section? For example—

Mrs Redmond interjecting:

The Hon. K.A. MAYWALD: That's right. Liberal Party registration requires only one member in the parliamentary party for registration purposes. Does that mean the other 13 members could endorse the Overtaxed parties?

The Hon. M.J. ATKINSON: It was a splendid question. The answer is that if a party is relying on its parliamentary representation for registration it does not have to lodge 200 names and addresses of people who are members, but it might do so out of an abundance of caution, lest its parliamentary representation be swept away or defect. If that registered party was relying solely on its parliamentary representatives and it did not rely on some of those parliamentary representatives as members for the purposes of registration extra parliamentary, then they would be free to support the registration of a second political party of which they were a member. I would think that the rules of the first political party would prevent their doing that, but it may be that the party has split or it may be that the party is in transition to a new shell; who knows? The member for Chaffey is right in thinking that this is possible.

The Hon. K.A. MAYWALD: For the purposes of the direction of preferences, for example, a party that had a number of members could establish registration on the basis of parliamentary members' representation, using their members within the house? For example, a member of the Liberal Party could also be a member of the Overtaxed Motorists Party and endorse that party for registration purposes, if they were running a candidate in a particular seat that might be useful to them. Is that possible?

The Hon. M.J. ATKINSON: I think it is possible. I suppose that the person doing that would risk exposure. Also, I suppose it is possible that members of the Parliamentary Liberal Party could covertly be members of the National Party and use it for the registration of the National Party.

Clause as amended passed.

Clause 10.

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

Page 9, line 5 [clause 10, inserted paragraph (f)(i)]—Delete '500' and substitute:

200

Amendment carried; clause as amended passed.

New clause 10A.

Mr HANNA: I move:

Page 9, after line 23—

After clause 10 insert:

10A—Amendment of section 40—Order in which applications are to be determined

Section 40—after subsection (2) insert:

(3) If, during the period of 2 months immediately preceding the day on which a general election must be held under section 28(1) of the Constitution Act 1934, an application is received by the Electoral Commissioner for registration of a political party, that application must not be determined until after the general election.

The Attorney-General and the government were obviously concerned that parties could spring up shortly before an election and tactically surprise other candidates or parties contesting the election, and so he is seeking to set a period of six months before the election and have some requirements about parties essentially giving notice that they will be contesting an election.

I can see some merit in the argument, but I think it is unnecessarily prohibitive to require that six month period. My amendment is cast in the same terms, but it simply stipulates a period of two months. If a group wants to register as a political party, their application has to be received by the Electoral Commissioner at least two months before the election, otherwise it will not be determined until after the general election. That is what my amendment says.

It seems to me that, in the period leading up to an election, there may well be issues of considerable public interest and controversy. It is hard to predict what they might be. There might be some development to do with the River Murray or some development to do with a public works project that becomes controversial, and so I think we need to allow parties to emerge (based on those issues) as late as possible close to an election. At the same time, the balancing factor is that there should not be anything sneaky about the registration of a political party in order to create a tactical surprise and some sort of unfair benefit arising from that.

I can understand that the motivation behind the Attorney-General's amendment is a genuine consideration. At the same time, I think it is more important that we allow political parties to emerge on issues surrounding issues of the day until a fairly late period in the peace before an election, hence my amendment.

The Hon. M.J. ATKINSON: And well might the member for Mitchell canvass this amendment because we all recall that, when he was running for Mitchell last time as a Greens Party candidate, he was heading for oblivion and then he resurrected himself by adopting a new political designation which was tremendously successful and got him something like 25 per cent of the primary vote. That is the experience of the member for Mitchell; namely, that political circumstances in the state district of Mitchell changed quite dramatically very close to polling day.

The member for Mitchell's amendment seeks to insert a new subsection into section 40 that prevents the Electoral Commissioner determining an application for registration by a political party that is received within two months of the day on which a general election must be held under section 28(1) of the Constitution Act. Effectively, the member for Mitchell's amendment will require a party seeking registration to lodge its application at least two months before polling day.

Requiring political parties to register a reasonable period of time before an election is one of the mechanisms in the bill aimed at preventing the registration of sham parties. Currently, clause 11(2) of the bill addresses this by an amendment to section 42 of the act that provides that registration will not have effect for the purpose of parts 8, 9 and 10 of the act until six months after the publication of the notice of registration in the *Gazette*. This means a party must have obtained registration at least six months before polling day.

I have consulted the Electoral Commissioner about the member for Mitchell's proposal. She advises that the Electoral Commission would need up to five months to process an application for registration under the new provisions. Given the need to vet declarations of membership and the possible need to deal with objections—the objection process—to registration, two months is not enough time. The commissioner advises that, to be safe, were the member for Mitchell's proposal that the cut-off date be a date by which applications for registration must be lodged rather than the date by which gazettal of the party's registration must occur, that date must be at least six months out from polling day.

Having considered the member for Mitchell's amendment and the advice of the Electoral Commissioner, the government proposes that the bill be amended in line with his amendment so that the deadline be a date by which applications for registration must be lodged but that this date be six months rather than two months before the date on which the general election must be held under section 28(1) of the Constitution Act. This will provide certainty to parties considering registration, while ensuring that the commission has sufficient time to process the applications before an election.

Mrs REDMOND: I think at this stage at least, we support the member for Mitchell's amendment. Members may recall that during the second reading debate we indicated that, in our view, whilst we understand the need to allow for processes to be gone through, as the member for Mitchell indicated, there could be circumstances which arise in a very short time before an election which give rise to the need for people to form a political party. Indeed, we suggested in the course of the second reading debate that we thought that the period of two months should be sufficient to allow an appropriate assessment of the bona fides of the applicant and the application for registration. So we were minded to support that.

I hear what the Attorney says about his discussions with the Electoral Commissioner, and I would invite the Attorney to arrange for us to have perhaps another meeting with the Electoral Commissioner between this place and the other place in order to go over the details of that because it may be, for instance, that those discussions were held while the assessment was still going to be at 500 people rather than the now 200 people. The Attorney answered in response to my previous question that they now have computer systems for checking whether there is doubling up of people. So I would like to know some further detail.

We may indeed be persuadable on this issue but, at the moment, on the face of it, it appears to us that, to check the bona fides and do an appropriate assessment, two months should be sufficient to allow for that job to be done and that would not be unnecessarily cumbersome. I think that the mechanism by which the member for Mitchell has achieved the purpose, and which the government has accepted within the terms of the drafting, is a good one. I endorse the idea that we need to allow for people to register a party and contest an election, and to do that with a registered party on a particular issue—whether it be the Save Glenside Hospital Party or the No More Freeways Party, or whatever might come up as—

The Hon. M.J. Atkinson: The Open Barton Road Party.

Mrs REDMOND: Or the Open Barton Road Party that the Attorney may himself establish. There could be a hotly contested issue that comes up within six months of an election and, in our view, it would be unreasonable to stop a party forming to contest that upcoming election on that issue, using whatever the name is that alerts people to that issue.

As I said, our inclination is to support the proposal by the member for Mitchell. However, I take note of the Attorney's indication that he has discussed the specific issues about the need for the assessment being likely to take longer. If we can be persuaded of that between the houses we may change our position, but at this stage we believe that two months should be, on any reasonable assessment, sufficient to assess 200 people as to the bona fides of the application and the eligibility for registration.

The Hon. M.J. ATKINSON: I think the member for Heysen's position is a reasonable one. The clause will go through on the government's numbers but, if the member for Heysen has time to meet with the Electoral Commissioner, I am sure that the Electoral Commissioner has time to meet her. All I will say is that, under the fixed election dates—which as I recall was introduced by the member for Mitchell as a private member's bill; he may recall—the Premier could go to the Governor and have the writ issued as far out as 55 days from polling day, in which case, two months will not be sufficient. So, just bear that in mind.

Mr HANNA: In response to the debate so far, I would suggest that the principles that I put forward are the correct ones to consider. It is really a very important consideration that parties should be allowed to emerge between two and six months before an election. So, my preferred approach would be that the two-month provision be carried either in this chamber or in the other place, and then we can work out a way that it can work. We can work out a way for the Electoral Commission to be able to do its job and vet and consider objections as quickly as possible. Even if we need to amend other things in some sort of conference between the houses, or further government amendments, I would suggest that that is what we need to do, because it really does seem to me to be working against the democratic process to forbid parties to set up between two and six months before an election, effectively.

The Hon. K.A. MAYWALD: Just a question on possible future scenarios that could occur, having been in this place under a number of different governments and a different mix of numbers in the house. This is being based on the two months or six months preceding the day on which a general election must be held under section 28(1) of the constitution. There is a provision, however, that a parliament could lose confidence in a government at any time, and it could call an election sooner. It could be on a major issue that a party may like to get up and running on to

actually contest that election, not knowing what might happen in the future, long after we have all gone from this place. Does this preclude any party such as that actually being able to establish that?

The Hon. M.J. ATKINSON: Again, an excellent question from the member for Chaffey. Let me illustrate the point by reference to an historical example. In 1955, owing to sectarian and other tensions in the Australian Labor Party in Victoria, the Labor government of John Cain Senior fell apart. There was a vote of no confidence in John Cain's government, in which members of the self-styled ALP (Anti-Communist) crossed the floor and voted for a motion of no confidence in John Cain's government, bringing it down and bringing on an early election. In that election—although there was a dispute about who the real Australian Labor Party was—the party led by John Cain ran as the Australian Labor Party and the party led by Barry (who I think was the member for Carlton) ran as the Australian Labor Party (Anti-Communist).

The election was a triumph for the Liberal Party, and Henry Bolte was able to govern at the head of a Liberal Party government without the need for Country Party support. Most of the remaining Labor seats were held by members loyal to John Cain Senior, but Frank Scully held his seat of Richmond for the Australian Labor Party (Anti-Communist).

Had these provisions applied, the registered Australian Labor Party would have been that led by John Cain Senior and those candidates would have the Australian Labor Party name on the ballot paper as the registered party and the ALP (Anti-Communist) would have been unregistered, would not have had time to register and, therefore, would not have had their name on the ballot paper.

Of course, there being no registration provisions at the time, neither Labor Party candidates had their name on the ballot paper. The interesting thing is that, subsequently, in a Supreme Court case called Cameron, the Victorian Supreme Court held the Australian Labor Party (Anti-Communist) to be the legal Australian Labor Party in Victoria.

Mr Hanna: Well, they run the Labor Party now.

The Hon. M.J. ATKINSON: Be that as it may, I do not think their victory in the Supreme Court was of much use because, clearly, the ALP (Anti-Communist) would much rather have been the ALP at the time of the 1955 general election. The member for Chaffey is right, and I suspect that if those circumstances were repeated there would be an immediate statement of claim issued in the courts and the true registration would be decided very quickly as a case in the courts, because the breakaway party would not have an opportunity to be registered in the circumstances of an early election. The member for Chaffey's question is an outstanding question and I think I have given the correct answer. There would be an enormous bunfight as to who controlled the registered shell.

New clause negatived.

New clause 10A.

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

Page 9, after line 23—After clause 10 insert:

10A—Amendment of section 40—Order in which applications are to be determined

Section 40—after subsection (2) insert:

(3) If, during the period of six months immediately preceding the day on which a general election must be held under section 28(1) of the Constitution Act 1934, an application is received by the Electoral Commissioner for registration of a political party, that application must not be determined until after the general election.

New clause inserted.

Clause 11.

Mr HANNA: I move:

Page 9, lines 25 to 39 and page 10, lines 1 to 21 [clause 11(1)]—Delete subclause (1)

One of the interesting things about the state of the law, I think at present and certainly under the government proposals, is that one would not be allowed to use a substantial part of the name of an existing political party in setting up a new party. I am not persuaded that that is right. I think if somebody wants to run as Independent Labor or Independent Liberal they should be able to

because those descriptions would actually give a very clear indication of what that candidate is about. I think it is a legitimate part of the process for a person to be able to run under such a banner and, hence, the amendment which deletes a government provision.

The Hon. K.A. MAYWALD: Can the Attorney please explain whether or not this particular section, 42(3)(iii), only applies to the registration of a political party, and if someone wanted to call themselves, as an unregistered member, an Independent National or an Independent Liberal for the purposes of the election they could still do so?

The Hon. M.J. ATKINSON: I think the member for Chaffey is right, that all this would do is prevent the name 'Independent Labor' or 'Independent Liberal' being printed on the ballot paper but it would not prevent the person from having 'Independent Labor' or 'Independent Liberal' on his or her election signs or handing out how-to-vote cards to that effect.

The Hon. K.A. MAYWALD: Further to that, given that the clause refers to an 'application for the registration of a political party', if an Independent currently has the opportunity to register their nomination for election, not as a party but as a candidate, and they chose 'Independent' and then had the opportunity for five different words after that, could they not still put 'Independent Liberal, Independent Labor, Independent National', because they are not applying to be a registered party, they are just making a nomination as a candidate and not as a member of a political party?

The Hon. M.J. ATKINSON: There are two things here. First of all, we are trying to prevent political parties being registered using a key part of the name of a registered political party. You could call yourself the Australian something or other without offending the Australian Labor Party, but if you use the term 'Labor' you would not get registration under our proposal. If you call yourselves 'Liberals for Forests' you would not get registration under our proposal.

Secondly, my intention is that you would not be able to get your name on the ballot paper as 'Independent Labor' or 'Independent Liberal' or 'Independent Greens' because we would forbid the use, after the word 'Independent' of an integral part, a key part, of the name of an existing registered political party.

The Hon. K.A. MAYWALD: Just so that I have this straight in my mind, if I am an Independent, I have not registered a party, I am a candidate running in the election and I wanted to register my nomination as an 'Independent National'—I do not belong to the National Party—I would be unable to do that. Is that what you are saying?

The Hon. M.J. ATKINSON: That is right, with this one qualification, that if the National Party consented, in writing, to your running as an Independent National, then you could. So, while a National Party remains validly registered in South Australia, people cannot run for parliament as Independent Nationals, as they will not get that name on the ballot paper unless they have the consent of the National Party. Alternatively, they could forgo the word 'national' on the ballot paper and just run as an Independent but popularise themselves away from the polling booth outside or elsewhere as Independent National to give some idea to electors what orientation they have.

Mr HANNA: There is perhaps some confusion about the difference between two different issues, and I think that I contributed to that confusion. There is the question of the naming of political parties, and that is pertinent to the clause before us now, and there is also the question of the name to be published on the ballot paper. My next amendment, which concerns clause 19, relates to the issue of the name on the ballot paper.

Both issues are under the same umbrella of what we can call ourselves if we are going for election. Personally, I do not see the problem with new parties or Independent candidates being able to appropriate part of the name of existing political parties. I am quite prepared to admit that there needs to be a qualification, that is, it should not be misleading. I will give two examples.

If there was a name for a political party, the 'Real Labor Party', that might be considered misleading and I would not be so comfortable with it. If somebody applied for the name, the 'Independent Labor Party', it would be quite a clear message to voters that a certain set of values was held by that party but, at the same time, there was a clear distancing from the Australian Labor Party. I think the key issue is whether the name is misleading and not whether it appropriates part of the name of an existing political party.

Mrs REDMOND: First of all, I thank the member for Mitchell because the very point I was going to make was that we seemed to be discussing something that was in a different clause, and I wanted to clarify that this clause deals only with the registration.

The CHAIR: We are dealing with an amendment moved by the member for Mitchell.

Mrs REDMOND: I appreciate that, but my question is to the Attorney because I need an answer from the Attorney about clause 1 in order to decide whether to support it.

The CHAIR: I understand, member for Heysen. I just wanted to see who had to listen.

Mrs REDMOND: They all have to listen, Madam Chair. My question relates to the note and the thrust of this clause that will prohibit someone from registering a party using the word 'democrat' and so on. It seems to me that there is something of a problem in the sense that there are liberals who are Liberal Party, and there are people who call themselves liberal because they are liberal. Equally, there is a remarkable number of people in the community who spell the word Labor, l-a-b-o-u-r, and many of them are even members of the Labor Party.

My question is double-barrelled: how do you overcome the problem of someone who considers themselves democratic but not a Democrat or liberal but not a Liberal, and how do you deal with someone who decides that they will call themselves 'Independent Labour' as opposed to 'Independent Labor'? Can the Attorney enlighten me as to how those issues will be dealt with?

The Hon. M.J. ATKINSON: In spelling it as 'Labour', you would not get an Independent Labour candidate over the line. I think that will be too close to the registered party name. Similarly, spelling 'liberal' in lower case will not get that Independent candidate over the line either. I think the application of the provision is reasonably clear, but no doubt there will be cases at the margin as this law comes into practice.

I should add that my recollection from history is that the Labor Party changed its name to the spelling 'Labor' in about 1905. The reason we did that is that all things American seemed progressive at the time and, as Labor was a progressive party and did not want to be tied to the apron strings of England, it decided to adopt the American spelling.

Mr Kenyon interjecting:

The Hon. M.J. ATKINSON: Yes, it has distressed me ever since. I am still trying to get over it. I should add as a coda to my assertion that someone running as Independent Labor or Independent Liberal could hand out how-to-vote cards and propaganda, but could not have that designation printed on the ballot paper, that I will be putting up, in clause 39, an amendment which would not allow a person to distribute electoral advertisements or how-to-vote cards that identify a candidate by reference to the registered name of a registered political party, or a composite name or a set of words, without the consent of the party. So, we can stop, if we wish, the distribution outside the polling booth of that kind of material, depending on our attitude to clause 39.

Mrs REDMOND: In response to the last point that the Attorney made by way of coda, does that mean—and I appreciate that it is not really under this clause—that it will be prohibited, for example, for someone to put out publicity about themselves, saying, 'Well, I consider myself to be a very liberal thinker', and deleting the entitlement of the world at large to use the word 'liberal' in its normal context because they happen to be a political candidate?

The Hon. M.J. ATKINSON: Indeed, proposed section 112B(3) provides:

> Subsection (1) does not prevent the publication of background information, a personal profile, or a declaration of policy, by or in relation to a candidate.

Members may recall, in the 2002 election in the state district of Enfield, Ralph Clarke describing himself as the 'real' Labor candidate, and having a picture of Mike Rann on his principal election leaflet, saying, 'Mike Rann supports me' and, indeed, a picture of me, saying very nice things about Ralph Clarke. This would not really prevent any of that. A candidate could say, 'Look, I'm the real labour candidate' or 'I'm very liberal in my thinking, unlike the Liberal candidate.' That is all ok.

Progress reported; committee to sit again.

At 17:58 the house adjourned until Tuesday 12 May 2009 at 11:00.