HOUSE OF ASSEMBLY

Tuesday 14 July 2009

The SPEAKER (Hon. J.J. Snelling) took the chair at 11:00 and read prayers.

PUBLIC SECTOR BILL

Consideration in committee of the Legislative Council's amendments.

Amendment No. 1:

The Hon. J.W. WEATHERILL: I move:

That the House of Assembly agree to the Legislative Council's amendment No. 1 with the following amendment:

New clause 6A—Delete paragraphs (b) and (c).

Can I say by way of general remarks about the bill in its amended form that total agreement has been reached now between the government and the opposition, and I will set that out as we go through the various clauses.

This bill was conceived at a time when we regarded the role of the public sector as important, and we needed a bill which would enable the public sector to meet the challenges that were likely to confront it. Of course, at the time I do not think that we could have conceived of the significance of those challenges: the global financial crisis; a deepening and growing awareness of the challenges of climate change; and a deepening and growing awareness of issues such as the water crisis facing our state.

If anyone has doubted the central role of the public sector in meeting the challenges for our community, surely those doubts must now be dispelled. The rationale for this legislation is more important now than it was at the time when the legislation was conceived.

This bill is about giving us a high performing public sector, and it is based on a principle that is fundamental to the Labor Party; that is, that we value a strong public sector. We also believe that the most crucial way of ensuring that we have a strong public sector is to make sure that the standards and the principles that are set out in this legislation, which go to the question of a high performing and accountable public sector, are front and centre.

Much of the debate is swung around questions of discipline and performance in relation to this legislation, but can I say this: the overwhelming majority of public servants in this state do an extraordinary job for our community and we pay our respects to them. We believe that this is the legislation which they demand and which they want.

One of the things that has been made absolutely clear from the public servants to whom I have spoken during the course of the deliberations on this bill is that they do not want to work in an organisation that has anything less than an excellent reputation. They want to work in an organisation that is respected by the broader community. Almost to a person, people join the Public Service because they want to make a difference. They see it as a vocation. So, this legislation sets out those goals and aspirations and includes them in the legislation for the first time, and links all the things that we seek to do with respect to lifting the performance of the public sector to those principles.

I am very proud of this piece of legislation. I think it gives us the capacity to move forward as a public sector in this state, playing the leadership role it undoubtedly needs to play to meet the challenges for South Australia in the future.

Referring more specifically to this clause, throughout the debate in respect of these whistleblower amendments the government has maintained that substantive clauses relating to whistleblower protection should be contained in one piece of legislation and, consistent with that position, we are prepared to accept the amendment requiring agencies to designate a responsible officer. We do not accept the amendments setting out the responsibilities of those officers, which more properly belong in the whistleblower protection legislation.

Mr GRIFFITHS: I wish initially to speak broadly, while acknowledging the fact that negotiations on this bill have been quite extensive and also acknowledging the agreement that has been reached between the opposition and the government in relation to amendment No. 1. I

commend the minister and his staff on their willingness to sit down and talk about this bill. It has been some time in the making: I understand that a first draft was put out for consultation in November 2007, with consultation open until January 2008. There were some delays in the presentation of the bill to the house but, certainly, since that time the discussions that have occurred between all parties have been focused on ensuring that opportunities exist to give the public sector, which is a collection of wonderfully talented and dedicated people, the sort of legislation that they need and deserve.

The minister has referred to the issues facing the world, our nation and our state. It does demand that we have a public sector of some 79,000 full-time equivalents and over 90,000 people in total who work for the public sector to be provided with opportunities to show and demonstrate their problem-solving capacity. We all recognise that this state faces many challenges. While in the past criticism has been levelled at the Public Service for being far too risk averse, we now know that opportunities exist, and those opportunities need to be sought and taken up. This bill, which is the modernisation of a 1995 act, provides many of those opportunities.

I recognise that, within part 3, clause 5, 'Public sector principles', focuses on the positives, and I commend the minister for that. It has taken a lot of work to reach this stage, but I am very confident that, with respect to the 20 amendments, the negotiations that have occurred between all parties (whether it be members of the House of Assembly or the Legislative Council, where amendments were moved—and this is an amendment that was moved by the Hon. Ann Bressington from the other place) now allow an act to be in place that will support the needs of the government and of South Australians and, importantly, will provide the opportunity for those wonderful public servants to do their job properly, and that is what we all want to see. I indicate that, in the negotiations that occurred specifically on amendment No. 1, agreement was reached that paragraphs (b) and (c) no longer be pursued and that only new clause 6A(a) will remain.

Motion carried.

Amendments Nos 2 and 3:

The Hon. J.W. WEATHERILL: I move:

That the Legislative Council's amendments Nos 2 and 3 be disagreed to.

The government has consistently taken the view that this legislation should not provide a preference or an advantaged position for any one union and so does not accept amendment No. 2. The government does not accept amendment No. 3 which requires agencies to report the number of whistleblower disclosures in their annual report. For all other matters, the content of annual reports is set out in the regulations that the government commits to, including the requirement to state the number of whistleblower disclosures.

Mr GRIFFITHS: Amendment No. 2 was moved by the opposition in this chamber and in the other place. It relates to the need to consult in respect of all that has to occur with public sector employees before a decision is made or action is taken that will affect a significant number of public sector employees. That was because there was a concern that the necessary level of dialogue that would have to occur between departmental structures and the employees of the department may have been lacking in some ways.

However, I do recognise that, within the principles under employer of choice, there is a very strong focus on consultation with public sector employees and public sector representative organisations on matters that affect public sector employment. In recognition of that principle, even though there was a thorough debate (until yesterday, as it turns out) that the retention of this amendment would not indeed harm the bill, all the parties have recognised that within the principles there is sufficient coverage in place and, therefore, there is a willingness on the part of the opposition to accept the removal of that amendment.

Amendment No. 3 was moved in the other place by the Hon. Ann Bressington and it does relate to whistleblower protection, as do several of the member's amendments. The fact that a commitment was given by the government to include the requirement as part of the regulations is accepted by the opposition. It is not, from our point of view, an ideal circumstance. It would have been our preference for it to remain in the bill, but we understand that its inclusion in the regulations does provide sufficient cover for the issues identified by the Hon. Ms Bressington, and so the opposition supports the removal of amendments Nos 2 and 3.

Motion carried.

Amendments Nos 4 to 8:

The Hon. J.W. WEATHERILL: I move:

That the Legislative Council's amendments Nos 4 to 8 be agreed to.

Amendments Nos 4 to 6 give the Commissioner for Public Sector Employment the power to act on the commissioner's own initiative in certain matters and, while the government has stated its concern that these provisions may create some difficulties in the dynamic between the commissioner and agencies, it is not a concern of such significance that it should delay the passage of the major reforms contained in the bill.

Amendment No. 7 effectively deletes a provision drawn from the current act that has not been used as far as we are aware, so we are happy to accept the amendment. Amendment No. 8 was the government's amendment in the other place and is a powerful statement of the rights of public sector workers to participate in matters of public interest and, as far as we are aware, it is the first of its kind in Australia. It balances that right with sensible qualifications on that right.

Mr GRIFFITHS: First, I indicate that I am prepared to accept amendments Nos 4 to 8 in total, and I will speak briefly on each of them. I am very pleased that the government has resolved to accept amendments Nos 4 and 5 which relate to the opportunity for the commissioner, on his or her own initiative, to undertake an investigation.

This was actually an important issue for the opposition. We felt that the opportunity should always be there for a commissioner for public sector employment to be involved in a review of matters that come to his or her attention. I understand that there was some level of initial apprehension towards this and, certainly, when these amendments were moved in the House of Assembly during the earlier debate, they were not supported. I am pleased that, in the discussions that have occurred in the other place and in the discussions that have occurred since then, there is a consensus that providing the Commissioner for Public Sector Employment with this opportunity is, indeed, positive. So, I am pleased about that recognition from the minister.

Amendment No. 6 was moved by the Hon. Ann Bressington in the other house. Again, this amendment concerns issues related to whistleblower protection, and I am pleased that the minister has supported that. Amendment No. 7 was moved by the Hon. Robert Brokenshire in the other place for the deletion of all by the minister. So, again, I am pleased that the minister has accepted that.

I recognise quite strongly that amendment No. 8 was a proposal put to the opposition in the discussions that occurred in debate between the houses. I am grateful that the minister has chosen to support this amendment and moot it as an amendment from the government in the upper house. It was important to the opposition and certainly to the groups with which we consulted that there had to be an opportunity for public sector employees—given that they are so vast in number, so skilled in many of the areas and have a particular interest in so many areas—to have an opportunity to express an opinion about issues.

An example was quoted to us of a public sector employee who may have a relative, a close friend or an associate who suffers from some level of disability. If that person felt that their attendance at a rally (presumably being organised on the steps of Parliament House) to bring to the attention of South Australians the need for support to be provided to the disability sector was a sign of good faith in the issues of their relative, friend or acquaintance, they should be provided with the opportunity to be part of that without any concern being expressed about the tenure of their employment or any disciplinary action being taken. So, it is seen as a positive. The minister has already confirmed that it is somewhat groundbreaking as it relates to Australia, but certainly the opposition believes that it is a move forward, and it commends the government on being prepared to bring this amendment before the Legislative Council and now before this chamber.

Motion carried.

Amendments Nos 9 and 10:

The Hon. J.W. WEATHERILL: I move:

That the Legislative Council's amendments Nos 9 and 10 be disagreed to.

Amendment No. 9 cannot stand with amendment No. 8, as it covers most of the conduct falling within amendment No. 8, but applies different rules to that conduct. It abandons the sensible qualifications on conduct that amendment No. 8 carefully sets out. Amendment No. 10 is one of the

whistleblower amendments providing substantive protection for whistleblowers, which ought properly be a part of whistleblower legislation, if it is to exist; therefore, the government does not accept it.

Mr GRIFFITHS: I accept amendments Nos 9 and 10 being withdrawn. First, I will refer to amendment No. 9, which was an amendment prepared by the opposition as part of the discussion that occurred within the House of Assembly previously. A discussion took place at the time of amendment No. 9 being presented to the opposition for review, with a position that potentially amendment No. 9 would not be pursued. In fact, it was pursued in the upper house, but we recognise in the debate that has occurred since then between all the groups that, while it is a very important issue, the qualifications around which amendment No. 9 might in fact come into play were somewhat removed because of other circumstances. So, in recognition of the good intent from amendment No. 8, the opposition confirms its support for the withdrawal of amendment No. 9.

In regard to amendment No. 10, which was moved by the Hon. Ann Bressington in the other place, there was certainly a desire to retain it, but I know that, in my discussions with the chief of staff of the minister that, while a commitment has not been given to the sorts of issues specifically being addressed in other legislation, the comment from the chief of staff was that legislation is intended to be proposed within the Legislative Council which could include some debate about this sort of issue. So, on the basis that the Hon. Ann Bressington is given an opportunity to pursue this matter as part of other legislation, the opposition indicates its willingness for amendment No. 10 also to be withdrawn.

Motion carried.

Amendment No. 11:

The Hon. J.W. WEATHERILL: I move:

That the Legislative Council's amendment No. 11 be agreed to.

The government has wondered about the utility of this amendment, which effectively treats the code of conduct as a regulation. However, it has no strong view on it and so is prepared to accept it.

Mr GRIFFITHS: This amendment was moved by the Hon. Robert Brokenshire in the other place. The opposition supported it at that time, which is why it became one of the 20 amendments this place is now considering, and is pleased that the government has indicated its willingness to accept it.

Motion carried.

Amendment No. 12:

The Hon. J.W. WEATHERILL: I move:

That the Legislative Council's amendment No. 12 be disagreed to.

Similar to its position on amendment No. 3, the government does not accept the amendment to the bill but commits to making a relevant regulation.

Mr GRIFFITHS: This amendment was moved in the other place by the Hon. Ann Bressington and relates to the concerns she has about whistleblower protection being provided to public sector employees. The fact that it is to be considered by regulation supports the opposition's position to allow for the withdrawal.

Motion carried.

Amendment Nos 13 and 14:

The Hon. J.W. WEATHERILL: I move:

That the Legislative Council's amendments Nos 13 and 14 be agreed to.

These amendments reflect agreement between the government and the opposition in the other place.

Mr GRIFFITHS: Amendment No. 13 was an amendment moved by the opposition in the other place, and it is grateful for the government's support on that. Amendment No. 14 was a government amendment proposed in the other place, and the opposition is pleased to see it included in the bill.

Motion carried.

Amendment No. 15:

The Hon. J.W. WEATHERILL: I move:

That the Legislative Council's amendment No. 15 be disagreed to, and that the following alternative amendment be made in lieu thereof:

Clause 53—after subclause (2) insert:

(3) A public sector agency may not terminate the employment of an employee under subsection (1) on any ground unless the agency—

(a) has informed the Commissioner of the grounds on which it is proposed to terminate the employment of the employee and the processes leading up to the proposal to terminate; and

(b) has considered any advice given by the Commissioner within 14 days about the adequacy of the processes.

I think it is clear that the major difference between the government and the opposition on the bill has, up to now, been in respect of the right of chief executives to terminate employment. This principle has been non-negotiable for the government. It brings us into line with other mainland jurisdictions and in line with what occurs in the broader public sector here in South Australia. It also avoids the absurd situation where agencies that have both broader public sector workers and public servants can terminate their operational staff but not their administrative staff.

It will be one element working with other elements of the bill to facilitate better management of employees and so better services for the community, and I am pleased that the government and the opposition, through a positive approach taken by their new deputy leader, have now agreed to enshrine this principle. I understand the opposition will no longer press for the commissioner to be a person with the power to dismiss. Rather, we have agreed that, consistent with the commissioner's more general advising role, he or she will provide agencies with advice regarding the adequacy of the processes leading to the decision to dismiss.

Mr GRIFFITHS: There is no doubt that this was a key issue in the debate on the legislation, and I acknowledge the fact that the amendments previously moved in the House of Assembly—and, indeed, in the Legislative Council—by the opposition included wording which provided a very much unintended consequence in that they referred to the commissioner as being a person who had the ability to make that decision. That was not my intent, and I am pleased that the minister and I had a discussion about this after I made a brief contribution in the house via a grievance debate—which I probably should not have done, given that it was a bill before the house at that time. However, I saw an opportunity there.

To his credit, the minister immediately approached me and pointed out some differences between the position put in the amendments and my statements. Since then there has been much debate, and I put on the record the willingness of the Public Service Association, its chief industrial officer, its executive director and its president, to sit down and discuss the matter so as to allow the bill to move forward. There is no doubt that, as part of the consultation undertaken by the opposition, considerable concern was expressed about the opportunity, via the introduction of the original bill, for what could be considered inappropriate action taken to terminate the employment of a public sector employee. The amendment proposed now by the minister does put in place a review opportunity.

For me, the important issue has always been the fact that the process needs to be correct. I am a process-driven person who recognises that if you work through that process the best outcome is, in the main, always achieved. This opportunity now provides that, whenever a CE believes there is a need (as per the provisions included in clause 53 for termination to occur), a review is undertaken by informing the commissioner of the grounds upon which it is proposed to terminate the employment of the employee and the processes that have lead to the proposal to terminate. The commissioner then has the opportunity, within 14 days, to consider the advice given and to provide comment back to the departmental CE.

To me, that is an important process because it removes the possibility of a rash decision being made. It allows for a decision to be made in calmer times, to ensure that the decision being made in relation to the future of a public sector employee is, indeed, the best one, by a consideration to be given by the Commissioner of Public Sector Employment.

Yes, there have been somewhat vast differences of opinion in relation to clause 53, but I think that the amendment that we now have before us represents a significant step forward. It is the result of some very detailed negotiation between the minister and his staff, the opposition and, indeed, the PSA. I commend all parties on the maturity that they have brought to the debate on this particular amendment, because I believe it represents an opportunity for public sector employees to have confidence that the process will be right and to ensure that opportunities exist for them to have some surety. I commend the amendment.

Motion carried.

Amendments Nos 16 to 20:

The Hon. J.W. WEATHERILL: I move:

That the Legislative Council's amendments Nos 16 to 20 be agreed to.

Amendment 16 was supported by the government in the other place; amendment 17 was moved by the government in the other place. Amendment 18 requires that a transfer decision requiring relocation of a place of residence be reviewable by the Industrial Relations Commission rather than by the Public Sector Grievance Review Commission. This is not a matter of great concern, so it is now accepted. Amendment 19 was supported by the government in the other place, and amendment 20 restores the existing panel approach of the Public Sector Grievance Review Commission.

While there is a risk of adding time and expense to what could be relatively simple matters by the need to convene a panel, there is likely to be some benefit in some matters from being able to access particular public sector expertise or knowledge, which would generally offset the potential extra time and expense; so, the government accepts this amendment.

Given that this is the last clause, I would also like to make some remarks about the process that led to this bill. It has been an extraordinary task. It has occurred, as the honourable member has noted, through an extensive process of consultation over a number of years. There have been extraordinarily detailed discussions with the relevant unions, in particular, the Public Service Association, and very detailed discussions with the Deputy Leader of the Opposition.

In particular, I single out some officers for particular thanks for their commitment: Trudi McDonald, Jane Francis, Nick Atanasoff, Greg Parker and Craig Stevens from the Crown Solicitor's Office, and Christine Swift and Jo Ryan from parliamentary counsel. I also particularly acknowledge my chief of staff, Simon Blewett, for the role that he has played in having the burden of carrying out the negotiations with the PSA over an extended period and also with the Deputy Leader of the Opposition. Frankly, his expertise (he being an employment lawyer), the skill he has exercised in imparting the information, assisting people to understand the effects of the government's amendments and giving me some very sensible advice on how to chart a way through the process of reaching agreement around this bill has been extraordinary, and I thank him for that.

This bill is an extraordinary achievement and it is something of which everyone who has been associated with it should be proud, including the unions. I think the PSA is entitled to show this bill around now as enshrining a set of principles which elevate public servants in this state, and I think that is something of which they should be proud, as should every individual member of the public sector in this state. Thank you to all those who have been involved in making this legislation what it is.

Mr GRIFFITHS: I will make some brief comments in relation to the amendments before making my final summation. Amendment No. 16 was moved by the opposition in the other place and, from my point of view, involved the tidying of up some words. I am grateful the government has supported it. Amendment No. 17, as mentioned by the minister, was a government amendment in the upper house relating to the fact that, when a suspension takes place, that suspension is with remuneration. My recollection is that, previously, it said 'may be', so that is a step forward.

Amendment No. 18 was an amendment from the Hon. Rob Brokenshire. It was an important one because it inserts 'a decision to transfer an employee, or to assign an employee to a different place, that reasonably requires the employee to change his or her place of residence'. The Hon. Rob Brokenshire, who represents Family First, put this in as a very strong family focus opportunity, and certainly the opposition readily supported it. It is important that the government has also supported this amendment.

I know from my review of the shared services reforms that have taken place that, for many people, it has meant a potential dislocation if they are to retain their position; that is, they are being required to move their physical location. People grow roots in a society and in a community. They have intimate relationships with friends and family within that area. It was important that, in circumstances where a position is moved to another location which may require a person, individual or family to move, that this amendment was moved, and that is why the opposition readily supported it and recognises the government has also now chosen to do so.

Amendment No. 19 was an opposition amendment in the other place. We are pleased that the government has decided to support this. I must admit, amendment No. 20 was one of the last ones on which we formed a final opinion. For us it was also somewhat of a defining issue. The belief was based around the fact that the creation of a panel to review matters does improve things. Whilst it is recognised that a single commissioner brings many skills to the role, it was thought that the creation of a panel consisting of people drawn from a group of nominees who represent all sides of the debate and who have the relevant expertise would improve the review of disputes and grievances and would ensure that, in most cases, the decision was made within a very prudent time line.

The concern was that, with a single commissioner potentially requiring that additional information be provided before a final decision could be made, that may delay the process. The retention of the panel as it is, with the skills that the three people bring from varying areas, should ensure that a decision is able to be made during the first discussion on any issue which comes before it. The opposition always saw this as an important area. It was part of a lengthy debate that occurred between all the parties up until mid yesterday afternoon, but I was very pleased that the government decided to support amendment No. 20.

The opposition recognises the enormous contribution that the public sector not only has played but must play in the future of South Australia. We are responsible for the work ethic, the commitment, dedication and skill and the belief the public sector has in itself and in our state. There is a very strong desire to ensure the public sector is a career of choice for people. I was rather amazed, as part of the discussions that took place during estimates, to find that within the 90,000-odd people who work within the public sector and the 79,000 full-time equivalents there has, over the past three years, been a loss to the public sector that has been replaced by between 10,000 and 12,000 new people per year. I found that a significant turnover rate, for which there could be many reasons. Certainly younger people now, upon entering the workforce, tend to move around a fair bit.

We know that the state faces issues with a public sector involving an ageing demographic profile and, over the next five years, there is a strong risk of the loss of a lot of senior people who choose to go off into the wonderland and enjoy their opportunity to retire and travel and be with friends far more often than when they are in the workplace. This will create a lot of challenges. The opposition has always confirmed its support for the general principles of the bill and, by modernising the legislation, we will focus on providing a workplace opportunity that will ensure, as far as humanly possible, that the public sector becomes a career of choice, which is what we need it to be. We need the best people possible to be working within the public sector, providing services, coordinating infrastructure development and doing everything they can to make South Australia a great state.

I recognise the commitment given by the PSA and thank it for its constant support in consideration of this bill. There is a strong recognition of that assistance, and there is no doubt that, when Mr Simon Blewett—the person with whom I have had detailed discussions—comes to the table his knowledge and experience are invaluable in considering the issues and nuances of the provisions in this legislation. The minister's willingness to meet with me several weeks ago was greatly appreciated, and the fact that the minister has acknowledged that this bill and the debate that has occurred represent an opportunity whereby a bipartisan approach can been taken to ensure that the best possible legislation is enacted. All parties involved in this measure, be it the House of Assembly or the Legislative Council, and all the contributions made to the debate have moved it forward in a positive manner, and let us hope that we now provide an opportunity for the South Australian public sector to do the job before it, which is an enormous challenge, to make our state a great one.

Motion carried.

EQUAL OPPORTUNITY (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 18 June 2009. Page 3346.)

The Hon. R.B. SUCH (Fisher) (11:39): I will make some brief comments. I want to see the equal opportunity reform legislation through as quickly as possible, with one change that I have foreshadowed by way of amendment. The amendment 90(1) I will not pursue because it becomes redundant, given that I have on file 90(4). Both amendments deal with the same clause, but No.4 supersedes No.1. I commend the government on the fact that it modified the original bill. It has deleted certain things, which I thought would have been problematic, one being discrimination based on the area of residency and profession, which I thought was probably extending the boundaries of this legislation a little too far. Also, I certainly welcome the provision that allows that in an employment situation it is possible to require someone to show their face for the purpose of reasonable identification.

I was pleased that the Attorney brought about that change, because we know that in the United Kingdom there was a situation where teachers had their face covered so the children could not even see the face of the teacher. To me, that is just silly and ridiculous. Likewise, you could imagine what would happen in a retail outlet where someone under the previous provision could have their face totally covered and was trying to serve customers, so I think it was sensible to remove that.

There are also other grounds for concern that could still exist. For example, a person could go into a bank fully covered and you would have no way of knowing who that person is. Someone could come in and carry a gun under their outfit and have their face fully covered, pretending that they are a member of a particular religious faith, when they had an ulterior motive. There are some changes, in relation to employment, and I welcome those.

There is one provision in the bill as it stands before us now that I cannot accept, and that is to allow church schools to discriminate on the ground of sexuality. We know in the other place that an amendment was moved that meant those schools no longer have to put on the web the fact that they wish to discriminate. I find it outrageous that someone can be discriminated against on the ground of perceived sexuality—whether they are gay, lesbian, transsexual, or whatever—because I cannot see what it has to do with teaching maths. I have a close relative who is homosexual and who works in a Catholic institution (not a school), and he is fantastic and they love him and he does a great job. What is the difference between someone like that working in a Catholic hospital and ministering to those in need and someone working in a school? I have had a lot of interaction with some of the churches that I would categorise as more towards the fundamentalist end of the spectrum—I actually grew up in one of those churches, so I know a little bit about them—and I find it unacceptable—

The Hon. M.J. Atkinson: In that case, they have a lot to answer for.

The Hon. R.B. SUCH: Well, they do, because I turned out the way I did partly as a result of their influence. Most of what they do is good, but I do not accept discrimination on the ground of sexuality because I do not think it is relevant in terms of someone teaching in a school.

What is relevant is if a person seeks to behave or advocate in a way that could undermine the teachings or faith associated with that school. That is why I will move an amendment. It is written in legalese, but effectively it means that the church school could discriminate only in the sense of not employing or getting rid of someone if that person actively, publicly and explicitly went out to undermine the teachings of that church or church school. So, if someone is gay, lesbian or transsexual and doing their work in the school, not out there publicly advocating something contrary to the teachings of the church or school, I do not see why that person should be victimised and not allowed to work in that school. That is what I will seek to do with the amendment that I have tabled.

I think that is a fairer way to go about it. As I said, I have had a lot of interaction with people who are involved in some of the religions that take the Bible in a very literal sense, and it is fair to say that many of them seem to be happy with the approach I was taking. At the end of the day, it is up to them whether or not they agree with what I am proposing, but I think in terms of equal opportunity it is much fairer to say that you cannot be discriminated against because of your sexual orientation unless you actively, publicly and explicitly go out to undermine the teaching of the church or the church school.

It also raises the issue of how you know whether someone is gay, lesbian or transsexual. We know that people's sexuality varies in the sense that there are degrees of maleness and femaleness. How will you decide whether or not someone is of a particular sexual orientation? Someone sent out an email—this person writes a lot of letters to the paper, and it is not me who sent the email—saying that you can tell these lesbian and gay people because they have tattoos and particular hairstyles. That is fundamentally wrong. You cannot tell someone's sexual orientation by whether or not they have a tattoo. It is just silly.

The argument that is trotted out is that these people have an illness, but that is not backed up by the scientific literature that I read; in fact, the consensus is that people are born with a particular sexual orientation, which may be cultivated and allowed to have expression, but people do not become homosexual because their mother gives them a bit more attention than the other siblings. There is no evidence to back up those sorts of claims. To me, the suggestion that these people have an illness that can be treated is rather strange, because it is not backed up by any scientific evidence.

To discriminate on the grounds of someone's sexuality, to me, is in the same category as discriminating on the grounds of race. If you are born with a homosexual orientation, that is the way you are, and it is no different to someone being born black or some other colour. I do not think it has a place in an equal opportunity bill; it is a contradiction to suggest that you can discriminate against a person because of their perceived sexuality.

It would not apply just to Christian schools; I am sure that some other faiths would be seek to discriminate as well, but I would have thought that in a Christian faith there is a lot of emphasis on love, tolerance and compassion, not the harshness and rejection that some of these people want to perpetuate by way of rejecting up to possibly 8 per cent of the population.

I have a strong objection to this section of the bill that would allow a church school—and I note that some of these people are saying it should apply to church businesses—to discriminate because of someone's perceived sexuality. Would that mean that someone who is male who shows some effeminate characteristics or has the so-called female side to them would qualify as being in the category to be discriminated against? That is my fundamental objection.

I urge the people who are pushing for the rejection of these people on the grounds of their sexuality to take a bit of time to re-read the New Testament and have a look at some of the fundamental aspects of Christianity which, as I just said, are based on love, compassion, tolerance and acceptance. It does not mean you have to agree with someone, but I think to exclude them simply because you do not like their sexuality is harsh and, to my mind, unacceptable.

With those words, I look forward to the debate in committee. I do not know whether my amendment will succeed, because I am not one to go around lobbying people. I believe people in here are adults and the parties make their own decision when it is not a conscience matter. I want this bill to be passed but, at the moment, it has this flaw which I think we can address. I am sure the overwhelming majority of the population would say that it is time we moved on from discriminating against people simply because of their perceived sexuality.

I am sure Don Dunstan, if he were still around, would be horrified that we are putting a bill through parliament which enables a church school to discriminate on the grounds of perceived sexuality, because it could be used and abused to get rid of people who are not wanted. You have to ask the question: how do we categorise them as lesbian, gay or transsexual? I think it would be best to delete what is currently in the bill and adopt the amendment which I will put later.

Ms CICCARELLO (Norwood) (11:50): I rise today to speak in support of this bill. South Australia has a proud history of social justice and tolerance and, once upon a time, could boast that it led the way in providing equal opportunity protection to its citizens. The Equal Opportunity Act, enacted 25 years ago, was amongst the earliest comprehensive pieces of equal opportunity legislation in Australia and augured well for continuing our fine reputation. However, as we are all keenly aware, that is not enough. Legislation needs to be periodically monitored and reviewed and, if appropriate, it must be amended to remedy deficiencies, improve practices that have changed with time and technology and, most importantly, to ensure that the intention with which it was enacted remains relevant today. Previous governments have not borne this fundamental principle in mind and so, inevitably, what began as a charter for freedom and inclusion all those years ago now stands as testament to at best, inaction and, at worst, to prejudice.

Our status as a leader in equal opportunity has been consistently diminished by an act that is woefully outdated and which now fails to protect many South Australians against unjustified

discrimination. South Australia now lags well behind the other states so I am delighted that this government is taking the necessary action to bring us back to the pack. The need to amend this act has been clear for many years. In 1994 the Liberal government commissioned Brian Martin QC to review the legislation and, after extensive consultation, Mr Martin published a report containing many recommendations—so far so good.

However, the government then decided to consult again and again and again. An astonishing six years after the Martin report it decided to introduce a bill which only dealt with some of the recommendations. Two years after that, at the 2002 state election, the bill had not gone through even one house of parliament. After eight years of stalling and eight more long years of a bill that was already substandard and out of date, the Rann government went into the 2002 election with a clear policy to modernise the Equal Opportunity Act.

In 2003 it published a comprehensive framework paper setting out its equal opportunity reform agenda, and its unqualified position was best summed up by the concluding line in that paper which stated:

> The government is, however, mindful that changes in this area of law are long overdue and that many of these matters have already been the subject of extensive consultation and public debate both in the context of the Martin report and the lapsed bill. The government, therefore, wishes to legislate without undue delay.

Little did we know (but perhaps should have suspected) the opposition we would face in getting our proposals through. Our amending bill, introduced in 2006, faced insurmountable obstacles from the Liberal and minor parties, and lapsed in September of last year, with the result that the bill before us today sadly, but inevitably, is a compromise. I have read some reviews and criticism that this legislation is a pale imitation of our original bill and that now, having been amended by the other place, is weakened even further.

I remember the same criticisms when we introduced the domestic partners legislation a few years ago but I remind the detractors now, as I did back then, that it is better to get the vast majority of reform through rather than nothing. To use a cliché, don't throw the baby out with the bathwater.

Whilst this bill is not as strong as we had originally intended, I am also sure that the outstanding issues will live to fight another day. Most importantly, there is no doubt that the legislation before us today will make huge leaps forward in equal opportunity reform. The Attorney-General has already outlined these in great detail in his second reading speech, and I would like to take this opportunity to acknowledge the hard work that he and his department have done in making sure that this bill is, once again, before the parliament.

As time constrains me from talking about each new change (which I would love to do) I will focus my attention on a few in which I have had a particular interest and involvement. As a member of the Select Committee on Balancing Life and Work Responsibilities, I spent a great deal of time listening to people across the state telling stories about the difficulties they face in attempting to balance their professional and private obligations. Whether they were everyday Australians or representatives from larger organisations, they all came forward with the same fundamental message which was that work and family responsibilities must not be mutually exclusive concepts and that their co-existence could, in fact, only make for a happier and more productive workplace—and I completely agree.

If we want our state to be the state of choice for workers and their families and we want our employers and workplaces to attract the brightest workers by offering them innovative and understanding environments, we must lead the way in offering them exactly that, and that is why the select committee supported this government's intention to introduce legislation which provided for protection from discrimination on the grounds of life responsibilities associated with family and caring. The equal opportunity bill, for the first time, now recognises these caring responsibilities.

There was considerable comment during debate on the previous bill, particularly from the new Leader of the Opposition, that there was no need for these provisions since the commonwealth Sex Discrimination Act already covers the field in relation to family and caring responsibilities. That is patently wrong: the Sex Discrimination Act does not bind all South Australians and definitely does not cover the field. First, it does not bind the Crown in right of state and therefore does not apply to state instrumentalities; and, secondly, it is extremely limited in its scope. Its family responsibility provisions apply only to discrimination which results in dismissal from employment and only applies to employment and not any other area of public life and is limited to direct discrimination.

I argued in the select committee that these provisions were way too narrow and did not offer carers much protection at all. This is an untenable failing of the Sex Discrimination Act, especially given the invaluable role carers perform within our society. Their contribution to family and community life is immense, and this can be encouraged and maintained only through legislative protection. I am therefore delighted that, under this bill, any discrimination on the ground of caring responsibilities will now be unlawful across this state and will apply across all areas of public life. I am also pleased that it will take into account indirect, as well as direct, discrimination. As I learnt from my time on the select committee, it is indirect discrimination or the setting of unreasonable requirements which persons with caring responsibilities cannot possibly meet which affects them the most, and the key word here is 'unreasonable'.

The bill does not give carers any special privileges, such as leave during school holidays or exemptions from weekend work or an early minute from work to pick up children. What it simply means is that employers must have sensible reasons for the requirements they set, which in turn can only lead to a happier and more productive workplace, not to mention the promotion of South Australia as a family-friendly employment destination. To this end, the inclusion of breastfeeding as a specific ground of discrimination for providers of education and goods or services and the inclusion of association with a child as a specific ground for providers of accommodation and goods or services can only enhance that image.

One of the more controversial aspects of the bill, which unfortunately always seems to be the case, is that relating to sexuality discrimination. I have spoken on this topic many times before, yet it never ceases to amaze me what a barbecue stopper it continues to be. With South Australia enacting the domestic partners legislation in 2007 and the commonwealth removing same-sex discrimination from a raft of federal legislation late last year, one would think this would be fast becoming less of an issue, yet I received many more representations (as I am sure is the case with other members) on this particular aspect of the legislation. As a member of an electorate with a large number of same-sex individuals and couples, I consider it my responsibility to address the measures relating to them.

While sexuality discrimination is unlawful under the current legislation, there are some specific exemptions. The first is that any association, other than trade unions and employer groups, is allowed to discriminate on the ground of sexuality. There is no justification for this rule, and it serves only as a restriction of the rights of gay people to participate in many aspects of public life. I am pleased this exemption will be almost abolished. I say 'almost' because an association administered in accordance with the precepts of a religion can still discriminate on the grounds of sexuality. The second is that partnerships of six or fewer persons can refuse a person partnership on the ground of sexuality. This is an absurd exemption. If it is unlawful to refuse a person employment at a company because of their sexuality, it is nonsense then to say that they can be refused an opportunity of becoming a partner. This exemption is also being abolished.

The third and perhaps most controversial is the existing exemption for any institution that is run in accordance with the precepts of religion. I personally think this exemption is far too wide. Even if anecdotal or research evidence shows that the provision is only being utilised in relation to the employment of homosexual staff at religious schools, this all encompassing exemption still needs to be removed from the statute book. I believe there is overwhelming support for this view, although the argument remains as to whether educational institutions should still be included in this exemption. I can understand both sides and their point of view.

On the one hand, these schools receive, and accept, public funding. They, therefore, should be held accountable to the legislative standards set by the representatives of the people. If they do not like those standards, then do not accept the funds. On the other hand, these schools are also deeply committed to the teaching of their faith and religion, and they fervently believe that homosexuals should not teach in their schools.

Weighing up both points of view, I am inclined to support the first. I believe that endorsing the latter sends an implied, if not pretty blatant, message that homosexuals are not capable teachers, are a threat to the student populace and, indeed, a menace to the tenets of a school's religion. This is particularly so since the rationale of exempting schools, rather than an aged care facility run by a religious organisation which is now no longer exempt, must boil down to the fundamental issue of homosexuals teaching students.

In today's society I do not believe there are many people who think this is a problem. Would a parent at these schools condone the refusal of employment or sacking of an otherwise

qualified and experienced teacher simply because of whom he or she loved in their private life? Would a parent refuse to send their child to a school because a homosexual was teaching there?

I do not believe that anything close to the majority would—surely their decision would be based on the quality of the school and the expertise of the teacher—but in allowing the views of the school administration to ultimately prevail, the wishes and interests of the parents, not to mention the students, are ultimately ignored.

Again, I understand the realities of politics and, although I do not like the exemption, I am pleased that at least provision has been made for these policies to now be given to prospective employees and, on request, to anyone who asks for it. I would have preferred the original intention of this government that such policies be published on the school's website.

It seems to me that if a school so fervently believes that it has a right to discriminate based on its religious ethos, then it should not have a problem with making that belief readily and publicly accessible. However, I am sure, in any event, that it is only a matter of time before several internet sites emerge with details of each school's position on this matter. I just pose the question: would people like Michelangelo, Leonardo Da Vinci, Sappho, Socrates, or any of these people, have been discriminated against by schools and not be given the opportunity of passing on their knowledge?

The last aspect of the bill which I want to speak about is that relating to disability. Disability discrimination under the current Equal Opportunity Act consists of intellectual and/or physical impairment. However, these are defined quite narrowly. For instance, intellectual impairment only takes into account any condition that results in an actual diminution of intellectual capacity. It expressly excludes mental illness.

Physical impairment more takes into account the visible signs of disability, such as malformation, malfunctioning, disfigurement or the loss of a body function or part. However, the commonwealth Disability Discrimination Act has a much broader definition. It includes, for instance, psychiatric, neurological and learning disabilities and the presence in the body of disease-causing organisms.

It is true that all South Australians, including state government instrumentalities, are covered by the commonwealth act due to the fact that it binds the Crown in right of each of the states. However, due to the fact that the South Australian law is far narrower than the commonwealth law, complainants who are not covered under our legislation have had to take their complaints to the commonwealth body, the Australian Human Rights Commission, based in Sydney.

It has long been argued that our act should mirror the broader definition of disability in the commonwealth act and I am pleased that this bill does exactly that. Complainants now have a right of recourse to the Equal Opportunity Commission here in Adelaide. Mental illness is not a stigma and sufferers should not in any way be treated unfavourably in public life. Sufferers and their families already carry a weight that does not need to be laden any heavier.

I am also pleased that this bill will cover non-symptomatic physical conditions such as, for example, being infected with the HIV virus. Like mental illness, this is not a shameful condition, and people with HIV have as much right as anyone else to partake in a full life. Lastly, the bill adds 'learning disabilities' to its expanded definition. This is extremely important in the context of education and training and will provide additional protection to those who find learning more difficult than others.

There are other significant changes such as those relating to identity of spouse, religious appearance or dress and sexual harassment. All these reforms are worthy and reflect, more appropriately, the community standards of today. I only wish that I had more time to address them all.

The Equal Opportunity (Miscellaneous) Amendment Bill has travelled a tortuous path to be here today. Through intense lobbying, through hard-fought negotiations, and ultimately through compromise, this bill, while perhaps not encompassing everything that this government and I had hoped for, nevertheless represents a significant advancement in social justice and human rights.

I would, once again, like to compliment the Attorney-General, his office and his staff for the work that they have done in bringing this forward, and I commend the bill to the house.

Dr McFETRIDGE (Morphett) (12:05): This is not quite groundhog day, but I have vivid memories of debating mark 1 of this legislation on the last day of the last term of the last parliament. There were more keen spectators in the gallery than today, and I remember that passions were running high on both sides of the house that night. Certainly, while we should never acknowledge people who are in the gallery, at the time comments were being exchanged. It was an interesting experience for me to see the Liberal Party being blamed for stopping this legislation back then. As a result of the amount of work I had done on the legislation and talking to groups, I know it certainly was not us stopping or slowing down the legislation. We were not doing anything other than contributing to an advancement of social rights in South Australia; and this legislation is doing that. Don Dunstan is the champion of social welfare reform in South Australia, according to many people, and I think he would be pleased to be alive to see this legislation being debated and passed.

This is an important piece of legislation. While there is a lot of emphasis on discrimination on the grounds of sexuality, there are a lot of other issues on which we need to ensure that people are not being discriminated against. Yesterday afternoon in the Aboriginal Lands Parliamentary Standing Committee we were talking to some witnesses about the continual undercurrent of racial discrimination that still exists when Aboriginal people are seeking to go into rental accommodation. It is sad that in 2009 people are being judged on the colour of their skin and being stereotyped because some people act in antisocial ways and abuse the opportunities they have.

Racial discrimination and other matters, right through to whether there is some underlying disease process that does not inhibit the way in which you are able to function in society, are things about which we have to be very careful. On three occasions I have introduced private member's bills into the parliament—which have lapsed because parliament has been prorogued—to try to stop any discrimination on genetic grounds. Nowadays there is a myriad of genetic tests available to give some prediction of your susceptibility to disease processes in everything from breast cancer (which is most commonly talked about) through to bowel cancer and heart disease. There is now a range of diseases for which you can be tested and genotyped and, as a result of that genotype, be given a strong prediction of whether you are susceptible to a particular disease.

The health and welfare benefits of undertaking those tests are immense. If you can change your lifestyle and diet or go onto particular medication early in life, you may be able to prevent the predisposition to that disease becoming a full-blown disease. The savings on the health budget would be huge. There is a real reason for being able to use genetic testing at every possible opportunity.

The problem I have—and I have been assured by the equal opportunity commissioner that this will not be an issue under current federal and state legislation—is that people may suffer discrimination. If they have had a genetic test which discloses they are predisposed to, say, breast cancer or heart disease, they may have difficulty in finding employment, getting insurance or taking out a bank loan; and to be put in that position would be completely unfair. Someone who did not have the test may have the same genotype and be predisposed to the same disease, but they may not be discriminated against because they are not aware of the information. Discrimination on those grounds would be completely unfair. My private member's bill was aiming to stop that discrimination, but I am very pleased to be comforted by the information from the equal opportunity commissioner that that could not be done under either this legislation or the federal legislation.

The other area where there is some possibility for discrimination on genetic grounds (and I think that it will be an interesting one to watch) is in the sporting arena. I know that in the current Tour de France issues have been raised about genotyping the cyclists. Team members could possibly be selected on their genotype for their muscle type.

Certainly in football and in all sorts of sports there is a possibility for discrimination on genetic grounds. It is an area that we will have to watch. We will have to be aware of the changing technologies and make sure that, just as we have changed this legislation from when Don Dunstan introduced it, we do amend legislation as is appropriate so that we can ensure that people who, through no fault of their own, are put in a particular circumstance or advantage (perhaps if they are a sporting person) because of their genotype and that we are not getting discrimination—that we are not having an A team and a B team based on genetic grounds. It is something that we need to watch.

Some amendments have been made to the bill that I will be further considering. There are a number of conscience votes for members on this side, so I will probably be sitting on both sides of the chamber for different votes on this piece of legislation. I support the legislation in its intent,

and I hope that it does produce the outcomes that we all want, that is, for a fair and just society with no discrimination that is in anyway unjust.

The Hon. S.W. KEY (Ashford) (12:11): In 1975, South Australia was the first state in Australia to introduce the Sex Discrimination Act, and in 1984 the Equal Opportunity Act was one of the first pieces of legislation in the country to bring together different anti-discrimination laws in one act. Since that time, as the member for Norwood said, other states and territories and various federal governments have updated their equal opportunity anti-discrimination legislation.

I was very fortunate to be involved in looking at the 1984 act. As a group working towards that legislation we felt that one of the achievements was recognising sexual harassment as an issue, and also looking at making sure that people understood that people had different sexuality. In those days we were not quite up to the standard of looking at people's sexual orientation and transexuality, but certainly sexuality was on the agenda. I think that the group of people I worked with (as well as me) were very proud to be part of the campaign for the 1984 Equal Opportunity Act.

Since that time, as a trade union official in particular, I had the opportunity to advocate on behalf of people who felt they had reason to use the equal opportunity legislation in the areas of age, sexual harassment, sexuality gender and maternity. Quite often there were issues of indirect discrimination as well. For those reasons, and, I guess, because of personal experience, I felt very strongly about the fact that South Australia needed to keep up with the equal opportunity and anti-discrimination legislation that was happening all around us, but, sadly, not in this state.

I think that today has been a long time coming. As the member for Norwood has already eloquently said, this has a whole history for many of us in the Labor Party. At a very early Labor convention we introduced a Labor Party platform which talked about justice in the law and our rights and responsibilities of equal opportunity. We said:

> Labor will modernise the state equal opportunity and anti-discrimination legislation to ensure a comprehensive protection of South Australians against unjustified discrimination. Labor will provide for antivilification legislation to be extended to other groups within the community as appropriate.

We also said we would review the Equal Opportunity Act to enhance its effectiveness and, in particular, to:

- include an increase in the time for lodging complaints and the ability of the tribunal to grant extensions of time;
- extend disability discrimination to mirror the definition of the Disability Discrimination Act;
- amend vicarious liability provisions to place onus on the employer to establish that they take all reasonable steps to prevent discrimination, harassment or victimisation;
- ensure that provisions relating to age and industrial relations are enforceable;
- extend the grounds of discrimination, for example, to include discrimination on the ground of family/caring responsibilities, locational disadvantage, including indirect discrimination; and
- extend the areas covered by the act to include independent contractors.

We also said that we should ensure that same-sex relationships are recognised in the same way as heterosexual relationships, in terms of the provision of the act and that we would review the current avenues of complainant support and advocacy, including representation at a hearing in the tribunal; ensure the adequate resourcing of advocates to assist complainants; and ensure shorter response times for the resolution of complaints and inquiries, including timely conciliation proceedings, and whether the complaint is deemed to have sufficient grounds to proceed.

That policy went on, in our Labor Party convention in April 2002, to include (again, under this chapter) the removal of legislation discrimination. Labor supports a comprehensive review of all state legislation to remove discrimination against gay, lesbian, bisexual and transgender people. Under our social justice platform, the resolution was that Labor will implement its platform and remove discrimination against same-sex couples from state legislation following a review. I am pleased to say that this has been carried out by the Rann Labor government. The campaign has a long history attached to it to make sure that not only do we have Labor Party platform policy but also that it becomes a reality.

The reason why I am raising this in particular today is that I think tribute needs to be paid to the ALP members who have worked so hard (and there are a number of them) to try to make sure that our Labor government has appropriate anti-discrimination and equal opportunity legislation. I am very pleased that this sentiment has been taken up by the Rudd Labor government at a federal level, particularly the more recent changes with respect to same-sex couples.

A number of people in the Public Service have also worked very hard, along with our Commissioner for Equal Opportunity, Linda Matthews, and have assisted members on both sides of this house to make sure that we have up-to-date information and can look at legislation which not only takes a high moral ground but which is also useful and actionable. I would like to thank all those people for the great work they have done over the past few years, particularly since 2002, when I have had the opportunity as a minister and also as a campaigner on the back bench to see how they have assisted us. I thank them, and especially the commissioner, who I think has been very helpful to all parties in this debate and made sure that she has provided fearless advice, which has perhaps answered some of the questions—

Mrs Redmond: Frank and fearless.

The Hon. S.W. KEY: Yes; frank and fearless, as the member for Heysen said—to all those involved.

An honourable member: The leader!

The Hon. S.W. KEY: I was getting to that. This is also a good opportunity, in noting the interjection of the member for Heysen (which she is prone to do and it looks as though in her new role as the leader she will continue to do), to congratulate her on being elected as the first woman to lead a major party in South Australia. That is certainly wonderful news.

To return to the advice we have received, a number of people have tried very hard, particularly in the other place, to make sure that this day did not happen. I have been very impressed with the advice and the patience and tolerance demonstrated by both the various ministerial staff (particularly in the Attorney's office) and the commissioner, and I put on the record my thanks to the Attorney for the number of years in which he has also been campaigning for not only same-sex couples legislation but also equal opportunity legislation. I would like to publicly thank him for the work that he has done in that respect.

As the member for Norwood has said, both this legislation and the domestic partners legislation that we ended up with were not exactly what a number of us had intended, and I am personally disappointed that we were not able precisely, in my view, to enact the Labor Party platform. Having been someone who is very interested in policy, and also very interested in having policy that is actionable, I would like to think that we could deliver on the Labor Party platform. However, I think the point here is that we have legislation that is workable and that hopefully everyone in this chamber will see the sense of and support. Like many things, this is probably the best we are going to get at this stage.

I think that does mean, though, for a number of us in the Labor Party, that this will not be the end of the campaign for equal opportunity and antidiscrimination legislation. We might have to come up with different tactics to work out how we achieve our ideals, but I guess that is part of political life in any case. Congratulations to everyone who has worked so hard to get us to this stage. I would also like to take us back to why we have an Equal Opportunity Commission. As I said, I have had the pleasure of being involved with the Equal Opportunity Commission and various commissioners over the last 20 years, and I have been very impressed with the work they do.

The most recent annual report (2007-08) was interesting, and sometimes alarming, reading. When I say alarming, I was particularly disturbed but also appreciative of the case Colquhoun v the SA Trailer Boat Club 2007. Members in this house will probably remember from the media that, in 1979, Ms Colquhoun applied for membership of the SA Trailer Boat Club. She had been involved with the club since she was a child and her father was a life member. Ms Colquhoun was advised that the club was not accepting applications for female membership when she applied at various times.

I do remember, certainly in the early eighties, a number of cases where women were not allowed to join different clubs and associations just on the basis of their gender rather than their interest in the area, their merit (which is an issue that is often brought up) or anything else. It was just the fact that they were women that meant that they were not allowed to join. It was sad to see that case here in the 2007-08 report but there was resolution to that particular issue.

I notice in the report that there were 287 complaints lodged. The report states that a total of 258 people complained to the commission this year and 29 of them complained on more than one type of discrimination, totalling 287 complaints altogether. Of the 258 people, 146 had complaints that could be accepted and addressed under the South Australian equal opportunity law. It is worth mentioning who could not complain as per the Equal Opportunity Commission Annual Report, which states:

> Through our enquiry service, we made every effort to assist people wanting to make complaints, but there were a number of people we could not help. Often these were people who felt bullied in the workplace, but the bullying behaviour was not the type of discrimination which was unlawful. People were also unable to complain when they were treated unfairly because they needed to look after young children or old relatives, as this type of discrimination is also not covered by our current laws.

One of the things that I am really pleased about over the last 20 years is that we are now recognising that a number of us in the community have caring responsibilities, and this has certainly been taken up by the Rann Labor government on a whole lot of levels and, as I understand, by the federal government as well. So, I think that certainly is an advance forward but, as with other legislation that comes to this place, I guess it is what the chambers agree on that ends up being the legislation, and there has to be compromise. The two things that I find difficult about being an older member of parliament are the words 'moderation' and 'compromise'. I do not particularly like them or take either of them lightly, but I guess that is just something that we have to live with.

In summary, I would like to congratulate everyone who has been involved in campaigning for this legislation. I look forward to the next planning meeting that I am sure we will have shortly to work out the next stage of the equal opportunity and anti-discrimination legislation campaign in this state.

Mr PEDERICK (Hammond) (12:26): Regarding this bill, I want to read into *Hansard* some letters from constituents, mainly in regard to section 50, relating to religious bodies, and where people feel there are issues with the bill. I quote from a letter from Timothy Koch as follows:

> I am writing regarding the Equal Opportunity Bill 2008. Is the quote below accurate? Under the current SA Equal Opportunity Act, churches and faith-based organisations have the freedom to discriminate on the ground of sexuality in their choice of staff.
>
> However under the new Equal Opportunity (Miscellaneous) Amendment Bill 2008, churches would retain this freedom—but not para-church agencies or faith-based bookshops such as Word or Koorong. If so why is it OK to discriminate against people on their core faith belief but not on their choice of sexuality?
>
> As a Christian I'm getting the feeling that it is OK to be anything else, but for the state's sake don't be a Christian. Why does this bill protect everyone else's rights but neglects mine? Don't I have a right to believe in the Christian faith and to express it in my life—obviously not!
>
> As my representative I would ask you to seek to amend this bill which is so blatantly designed to attack Christianity. Please don't try and legislate religion, it always becomes a messy business. Allow people to express their faith frankly but with respect. Allow people the room to disagree. Please don't play God legislating what we can and can't believe.
>
> I would strongly encourage you to look at amending the bill to allow churches and faith-based organisations to have the freedom to express their differences showing respect to those they disagree with.

He makes further comments:

> Thank you for serving this community. May Christ bless you with wisdom in performing this important role. I certainly appreciate the political system we have in Australia, and the large amount of time and effort our representatives put into serving us as a community. Thank you.
>
> Yours sincerely,
>
> Timothy Koch.

I think that, especially in those final remarks, Timothy Koch is a fair-minded person just seeking to have the right protections for religious-based bodies, such as schools, to get on with the job that they wish to do. I will also quote from a letter along a similar vein from David Gordon, who writes:

> Dear Mr Pederick,
>
> I am writing to you as a representative of the people of South Australia to ask you to consider the implications of the new Equal Opportunity (Miscellaneous) Amendment Bill 2008. My concerns are as follows:

- my wish is to see religious freedom retained in South Australia;

- I support the changes to the Equal Opportunity (Miscellaneous) Amendment Bill 2008 made in the Legislative Council in April, but a serious problem remains as neither para-church agencies nor faith-based organisations will have the freedom to choose staff who uphold their beliefs.

Importantly, politicians have the freedom to choose staff with their political beliefs and faith groups should have the freedom to choose staff whose lifestyle upholds the group's religious beliefs.

So, I am asking that you please amend the Equal Opportunity (Miscellaneous) Bill in order to keep section 50(2) in the South Australian Equal Opportunity Act. This will allow faith-based groups to retain their current freedom to choose staff who uphold their beliefs and values regarding sexuality. Finally, thanks for carefully considering the concerns I have mentioned.

Another letter in a similar vein was received from Pam Morgan, a constituent from Geranium, who wrote:

Dear Members,

I realise this bill is about to be debated again by the parliament. Thank you for all the improvements which have been made to the bill so far.

I ask that you vote to amend the Equal Opportunity (Miscellaneous) Amendment Bill in order to retain section 50(2) in the South Australian Equal Opportunity Act, so that organisations based on a faith can retain their present freedom to choose staff who also uphold their beliefs and values regarding sexuality.

We should all, no matter what business we are in, have the right to select staff whose lifestyles we admire and respect. Thanking you for your time and attention.

I have read those letters onto the record because they are from constituents of mine who are concerned enough with the passage of the bill through the houses to voice their opinion, and I think they do have some valid concerns.

Faith-based groups could be loose groups connected to religious organisations or even educational facilities. There are many church-based educational facilities in the private sector: Catholic, Lutheran, Anglican and others, and I can understand why people want the freedom to conduct their business in the way they want. However, in saying that, if an educational professional comes to them who does not fully concur with their religious beliefs, at the end of the day it is up to them (if they can see that person's educational qualities) as to whether they employ them. I doubt that they would, but I can understand why religious bodies, especially those in tandem with educational facilities, want that freedom and the knowledge that they will not be prosecuted for how they hire people in their line of business.

It will be interesting to watch the passage of the bill through the committee stage, and I note that section 50 requires a conscience vote by members on this side of the house.

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) (12:34): I commend the bill to the house, and indicate my strong support for it. I do not want to detain the house for long, but I do want to want to mention one story, that of a client I had the privilege of representing before the Equal Opportunity Tribunal. Sadly, for her, though, her case ended up being lost on a technicality, a technicality that will now be remedied by this bill. I want to spend a moment talking about this woman—I do not want to mention things that will identify her, even though the case was reported—to give you some appreciation of the gravity of the matters that we are debating.

This particular case concerned a woman who, over a long period of time, worked at a particular retail outlet, where she had for years endured sexual harassment, which probably could have even amounted to sexual assault. It had occurred over a period of time. Her circumstances and background meant that she needed to keep this job. In fact, she recounted in her evidence that she put up with the sexual harassment in her workplace because she needed to work to make the money to ensure that her children could go to school wearing the sorts of clothes that she wanted them to wear. She did not want her children to stand out from other children. She remembered, when she went to school, how humiliated she was as a person who stood out from the crowd because she had such poor clothing. So, she put up with the sexual harassment, which went on for a number of years.

She ultimately left that employment and went to other employment; but, once again, through economic circumstances, decided to go back to continue working at this workplace. What then occurred is that this person (her employer at the time) had returned to this workplace albeit in a different capacity. He was employed as a provider of services to this retail outlet. He was not the

employer of the woman and he was not a fellow employee; he was, in fact, employed as a contractor. He sexually harassed her again.

However, because she was out of time to claim the previous acts of sexual harassment, she could only demonstrate that she was within the province of this legislation by demonstrating a series of acts the last of which occurred within the relevant statutory period. However, this last act was precluded from being within that legislation because of this technicality. So, because the same man, who had sexually harassed her, was now at the workplace in a different capacity, this time as a contractor, it meant that, as a matter of technicality, she could not succeed.

I must say that I was very grateful to the tribunal in this case because it adjourned the case and came back and said, 'We believe this sexual harassment has occurred', despite the fact that all these awful arguments were levelled against her about why she had not complained, why she had put up with it and why she had gone back to the employer: all the same arguments that are always levelled against less powerful people when they do not feel they are entitled to claim in the circumstances. She endured all of that, and the judge, nevertheless, found that she was telling the truth, but he was troubled by the legal issue that he asked to be addressed on for further argument and, sadly, she lost on that technicality.

I committed myself, when that case occurred, to remedying that injustice, and I am very proud to stand here as part of a parliament that is doing something to remedy that injustice. The happy part of that story is that, even though she lost the case, the woman was very proud that the tribunal believed her. That was a very important thing for her, and it was a very important thing for her daughter, that she took this on and made that man stand in the witness box. I must say that I made him squirm, and he deserved to. So, there are some important benefits from this legislation: important for her self-respect, important for the message she sent her daughter, and important for all men and women to know that they are entitled to go to work in workplaces free from harassment.

Mr PISONI (Unley) (12:40): I suppose I could start this speech by saying I have a dream; that is, that we live in a society completely free of discrimination and a society that has equal opportunity for everyone. I speak very passionately on several grounds. I have had several conversations with my father about the discrimination and the lack of opportunity because of that discrimination when he arrived in Australia in 1952. The story of the birth of Australia as a multicultural nation, if you like, started with the Italian, Greeks and other southern Europeans of the post-war period in South Australia. It was not an easy task. My father looked slightly different. I think he only just scraped through under the white Australia policy when he arrived in Australia. He was a very sunny looking Italian gentleman, I must say, from the photographs I have seen of him as a young man.

Ms Portolesi: Do you take after him?

Mr PISONI: I am not sure whether or not I took after him; that is a judgment for others. I think it is fair enough to say that my father was a man who was interested in members of the opposite sex and it was not long before he found himself admiring very attractive, young Australian girls. In the end, he ended up marrying one. He told me the story about when he and my mother used to walk hand in hand down the street together and that, because they looked so different, they were sworn at and even spat upon because a wog boy had taken an Australian girl. I am so pleased to stand here 55 years later in a completely different society from the society into which my father arrived in 1952. Now we recognise the contributions that are made by those from all parts of our society, regardless of where they come from, their religious beliefs or their sexual preferences.

This bill is about legally removing those barriers in many areas. There are still areas of this bill that I do not believe have gone far enough, and I will talk about that a little later and examine it further during the committee stage. I go back to that story of my father and the discrimination and attitude about the unknown or, if you like, the attitude that was borne out of ignorance, and in this case it was ignorance of people from another culture not that different from that which we were used to in our very English Australia in the 1950s. It was also experienced by the Vietnamese community when they arrived in the 1970s. The Italians, Greeks and others broke the ice for a multicultural Australia, and by the 1970s Australians were realising what a great contribution they were making to society and how they were no different from them and, even though they had a different language and they looked slightly different, they were the same as them.

Then the Vietnamese refugees came along and had to go through the same discrimination and lack of understanding that my father and his generation went through when they arrived in

Australia all those many years ago. However, today the Vietnamese community is seen as an extremely valuable and contributing community in South Australia, and our very own Lieutenant-Governor is one of those members of the Vietnamese community who arrived here as a refugee in the 1970s. It was a very difficult time for them; getting here was difficult and dangerous and, when they got here, there was a very nasty section of the community who were prepared to believe any rumour about the advantages the Vietnamese refugees or community was getting over other citizens.

I can remember as a young boy in the mid-1970s where, on a family day out, the Holden Premier broke done and we had to call the RAA. The RAA guy was there, a fairly senior mechanic, fixing the car and a car load of Vietnamese pulled up next to the car and the cursing, swearing and outrageous accusations made by the RAA mechanic about the favouritism given to the Vietnamese community shocked me, even as a young man with little experience in the real world. I found it quite disturbing.

Those attitudes have changed. Today the challenge for us is ensuring that the refugees from Africa, who are so different in the way they look and in their culture and who have endured such terrible lives before escaping to Australia, are understood. Legislation like this goes a long way towards changing the rules. Changing the rules is not enough: you have to change community attitudes as well. I can remember a time when drink driving was not considered a serious offence, and where some members of the community would boast about not remembering how they got home. It is fair to say that these days those who are caught and convicted of drink driving find that it comes with a social stigma.

People are embarrassed about the prospect; it can jeopardise one's job, and it is certainly no longer a laughing matter. One could also argue that the same situation applies for speeding drivers: most people would be embarrassed about being an habitual speeder. Again, 20 or 30 years ago people would boast about how quickly they could get home, but now it is an embarrassment to get caught speeding, particularly if they are caught speeding time and again: it is not socially acceptable. That is a change of community attitude. Laws were put in place, but the real change did not happen until we saw a change in community attitude.

That is what we need on top of this legislation: changes to community attitudes. I will read into *Hansard* from a blog by a member of the gay community who describes himself as left leaning. He blogged about the domestic partners legislation, the shortcomings of which I know many Labor backbenchers were embarrassed about. He states:

> Saying it out loud feels suspiciously like deja vu, but this time it's for real. SA has finally caught up with the rest of the country, indeed world, and granted same sex couples rights five years after the Rann government promised to do so. Again, as I mentioned in last year's posting, full credit to Let's Get Equal and Ian Purcell [a constituent of mine], the lobby's engine, in particular. Somehow they managed to keep faith in the face of overwhelming adversity. Just have to be a Negative Narrelle for a few moments and get some frustrations out there, then I'll shut up about it. The Rann government and AG Michael Atkinson, especially—

and I will not use the language he has used—

> [mucked] this up royally. Not least the years they forced SA queers to wait for the very reforms they themselves promised in the lead up to the 2002 election, the way they stalled, sabotaged and devalued their own legislation is nothing short of offensive. By the time the Statutes Amendment (Domestic Partners) Bill was finally introduced this year—with less than four weeks of parliament sitting, no less—it was a markedly different style of legislation than the original SA (Relationships) Bill. The DP bill is more along the lines of Tasmania's legislation whereby multiple versions of non-conjugal couples can be classified as 'domestic partners' and qualify for legal rights and obligations accordingly.
>
> Which is exactly what Fundies First and other anti-gay pollies wanted. In fact, they claimed a 'victory' with the 'improved' bill because now that sexuality was taken out of the equation, it was no longer a 'gay issue', despite the reality that same-sex couples will overwhelmingly be the benefactors of this reform. But hey—God love the Fundie Fisters, both of them, they still voted against the bill anyway...So all that...Atkinson did to draft a Bill that would please them came to...

I will not repeat the language that is there. He goes on to say:

> And don't forget, Atkinson had no need to present a new bill. The original Relationships Bill had already—

The Hon. M.J. ATKINSON: Madam Acting Speaker, I have a point of order.

Mr PISONI: —passed the SA's upper house in 2005—

The ACTING SPEAKER (Hon. P.L. White): Order! Member for Unley, resume your seat, please. The minister has a point of order.

The Hon. M.J. ATKINSON: The member for Unley wilfully persists in referring to me by my surname only and not my ministerial title or electorate and, through you, Madam Acting Speaker, I ask him to comply with the time-honoured rules of the house.

The ACTING SPEAKER: Indeed, all members know that they should refer to other members by their title.

Mr PISONI: Madam Acting Speaker, I am quoting an internet blog. I am reading into *Hansard* an internet blog.

The ACTING SPEAKER: Is it a direct quote?

Mr PISONI: Yes, it is.

The ACTING SPEAKER: Proceed.

Mr PISONI: Thank you. Silly man, Attorney-General!

The ACTING SPEAKER: Order! The member has the call but should not invite interjections.

Mr PISONI: So he goes on to mention the disappointment he had with the fact that the bill simply could not bring itself to mention same-sex relationships. He then goes on to say:

> As Liberal David Pisoni argued—

and he has quoted my comments in *Hansard*; I will not repeat it because it is there for everyone to see in the *Hansard*. However, he particularly quotes the last paragraph:

> ...The Labor Party tells (same-sex couples) one thing in an election climate—that is, what they want to hear—but when the government is asked to deliver, it is a compromise [and] it is a cop-out.

Then he goes on to say:

> It's scary when the Libs make...more sense about queer issues than Labor.

He is right, because we have heard from a number of members on the other side who have expressed disappointment in this bill saying that it simply does not go far enough, particularly when it comes to same-sex couples.

I think I should stop to explain my reason for joining the Liberal Party in the very first instance; that is, we enable our members to vote on conscience issues, on both moral and religious issues, and also issues that affect our constituents. The Liberal Party is not a machine like the Labor Party.

The Hon. M.J. Atkinson interjecting:

Mr PISONI: It is the party first and then members second and constituents are third. They are third-last in Labor Party politics because they are all about winning elections and nothing else.

The Hon. M.J. Atkinson interjecting:

Mr PISONI: As a Liberal member, I can stand here proudly and put my constituents first on any issue, without being thrown out of the party. But you cannot do that in the Labor Party.

Mr VENNING: A point of order, Madam Acting Speaker: the interjections across the house from the Attorney-General are inane, distracting and continual.

The ACTING SPEAKER: All interjections, as members are aware, are out of order. The member for Unley has the call.

Mr PISONI: It is ironic that we are here today debating this bill when, for the first time, a major political party in South Australia is being led by a woman.

The Hon. M.J. Atkinson: What's ironical about it?

Mr PISONI: It is all about equal opportunity. I agree that it should not be a novelty for women to be in a position of leadership in South Australian politics. I stand here looking at the portrait of Joyce Steele who, after 65 years of women being given the right to vote in South Australia, was the first woman elected to the South Australian parliament in the legislative assembly. She was a Liberal member—again, another first for women on this side of the house. It took 65 years, and it goes back to the point I was making earlier: legislation was there but

community attitudes had to change. After women were entitled to be elected, it took 65 years before a woman was actually elected.

The Hon. M.J. Atkinson: How many women have been preselected for this round? Tell us how many women you have preselected as Liberal candidates.

The ACTING SPEAKER: Order!

Mr PISONI: It does not go past any of us here to understand that the only ex-ministers in the Rann government are women. The only Labor ex-ministers in the Rann government are women. How many men have they sacked? None. They have only sacked women.

Members interjecting:

The ACTING SPEAKER: Order!

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

Mr PISONI: I said Labor ministers. Pay attention, Attorney-General. Rory is Labor, is he? It is pleasing to be here supporting this legislation. I will ask some questions in committee for clarification, particularly in regard to rights for same-sex couples, so I look forward to participating in that debate.

Mrs PENFOLD (Flinders) (12:58): It is appropriate that this equal opportunity bill is on the agenda today in that this afternoon we welcome Isobel Redmond to the floor of the house as our new Liberal leader in South Australia. It is heartening for women to see a woman leading a major political party for the first time in South Australia. The Liberals in South Australia are continuing a grand tradition of leading the way in equal opportunity in many areas of our lives.

In recent days, we have also watched Barack Obama, President of the United States of America, on the world stage as a black man. Both occurrences were something I would not have dreamt of when, in about 1968, I attended my first political meeting in Tumby Bay where David Tonkin (former Liberal premier) was speaking. At the time, Tumby Bay had a women's Liberal branch and a men's branch, which combined to hear his speech. It was an inspiring speech that led to my lifelong interest and involvement in politics. It was David Tonkin who, in 1974, successfully introduced a private member's bill to outlaw sex discrimination, which was later amended by Liberal attorney-general Trevor Griffin in 2001. We have come a long way. It is amazing to look back on the history of women in South Australia. I seek leave to continue my remarks.

Leave granted; debate adjourned.

[Sitting suspended from 12:59 to 14:00]

UNEXPLAINED WEALTH BILL

His Excellency the Governor, by message, recommended to the house the appropriation of such amounts of money as may be required for the purposes mentioned in the bill.

CAMBRAI SPEED ZONE

Mr VENNING (Schubert): Presented a petition signed by 127 residents of Cambrai and greater South Australia requesting the house to urge the government to extend the 80 km/h speed zone at the southern end of Cambrai to include the Marne River Bridge and intersections of Redbanks, Bundilla and Mannum to Sedan roads.

ANSWERS TO QUESTIONS

The SPEAKER: I direct that the following written answers to questions be distributed and printed in *Hansard*.

WATER PRICING

30 Mr HANNA (Mitchell) (30 September 2008). Does national competition policy dictate that both supply and consumption charges apply for domestic water use and if so, what are the details?

The Hon. K.A. MAYWALD (Chaffey—Minister for the River Murray, Minister for Water Security): I provide the following information:

Yes.

SA Water's fixed charge adheres to the agreement signed by the members of the Council of Australian Governments (CoAG) where pricing regimes need to be based on the principles of consumption-based pricing as well as full cost recovery. That is, the water supply charge is based on the costs involved with the maintenance of the water infrastructure and the water use charge is to cover the amount of water used.

YOUTH JUSTICE PROGRAM COMMITTEE

34 Mr HANNA (Mitchell) (30 September 2008). Which of the recommendations of the review of programs in youth training centres, completed by the Centre for Applied Psychological Research at the University of South Australia in January 2008, will be implemented by the government?

The Hon. J.M. RANKINE (Wright—Minister for Families and Communities, Minister for Northern Suburbs, Minister for Housing, Minister for Ageing, Minister for Disability): I have been advised that all eight recommendations arising from the Review are being implemented by the Department for Families and Communities. To assist the implementation, Families SA has established the Youth Justice Program Committee.

REGIONAL GAMBLING HELP SERVICES

44 Mr HANNA (Mitchell) (30 September 2008). Will funding for regional and rural problem gambling services be maintained at current levels?

The Hon. J.M. RANKINE (Wright—Minister for Families and Communities, Minister for Northern Suburbs, Minister for Housing, Minister for Ageing, Minister for Disability): Funding for Regional Gambling Help Services, including rural areas, has been marginally increased from $1,909,700 for 2007-08 to $2,017,000 for 2008-09.

APY LANDS, ROAD MAINTENANCE

192 Dr McFETRIDGE (Morphett) (21 October 2008). How is compliance monitored and enforced on outback roads, particularly in relation to the installation of traffic management signs between Umuwa and Ernabella?

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy): The Minister for Police has provided the following information:

The Ernabella to Umuwa Road is situated on the Anangu Pitjantjatjara Yankunytjatjara (APY) Lands which are inalienably invested in the Anangu people by virtue of the Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981. As such, the Ernabella to Umuwa road is not part of the State road infrastructure, as maintained by the Department for Transport, Energy and Infrastructure (DTEI). Whilst Division 6 of the above Act allows for the undertaking of road works with the consent of APY, the daily maintenance of roads on the APY Lands is carried out by AP Services based at Umuwa.

In mid-2007 a Memorandum of Understanding (MOU) was entered into by Transport SA and the Department of Aboriginal Affairs and Reconciliation (Premier and Cabinet) for road audits on the APY Lands. Under this MOU, an audit was undertaken of the Umuwa to Ernabella Road. As a result, advisory and road warning signs were erected by Transport SA.

Section 42A (2) of the Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981 provides that both the Road Traffic Act 1961 and the Motor Vehicles Act 1959 apply to roads on the APY Lands.

The Ernabella to Umuwa Road is an unsealed road of approximately 25 kilometres. The road has no speed limit signs. Warning signs are displayed and indicate traffic direction around bends and through creek crossings. Apart from this the only signs displayed on this road indicate access roads to homeland communities.

As this road has no speed limit signs displayed, the default speed of 100 kilometres per hour is the maximum speed allowed. Notwithstanding, the road is normally in such condition that there is little likelihood of drivers travelling safely at this speed. It is still incumbent on drivers to drive with care and display reasonable consideration to other road users (section 45 of the Road Traffic Act 1961).

Police perform daily patrols of roads on the APY Lands including the Ernabella to Umuwa Road, providing a service attending to various enquiries and calls for assistance. In doing so police at times utilise various powers to stop, search and examine vehicles, sight drivers' licences, breath test drivers, inspect vehicles and take action where appropriate.

RURAL FREIGHT IMPROVEMENT PROGRAM

287 Dr McFETRIDGE (Morphett) (21 October 2008).

1. Why was there a $900,000 underspent on rural freight improvement in 2007-08?

2. What work will be specifically undertaken on rural freight improvement as part of the $7.7 million budgeted amount for 2008-09?

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy): I provide the following information:

1. The $0.9 million difference between the 2007-08 Budget and estimated result is due to delays in construction of Millicent Heavy Vehicle Bypass.

2. Works that will be undertaken on the 2008-09 rural freight improvement program are:

- overtaking lanes
- Barossa Valley Way—Seppeltsfield Road intersection upgrade; and
- level crossings.

OPERATING AND INVESTING INITIATIVES

317 Dr McFETRIDGE (Morphett) (21 October 2008).

1. What is the net lending breakdown per project of 'operating and investing initiatives' for the 2008-09 budget?

2. Which projects have contributed to the $1 billion increase in net lending within the department and by how much?

3. For each departmental government expenditure item, what percentage will be financed by borrowings in 2008-09 and each forward year?

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy): I provide the following information:

1. The net lending breakdown per project of 'operating and investing initiatives' for the 2008-09 budget is detailed in Table 2.9, pages 2.20 to 2.22 inclusive, of the 2008-09 Budget Statement, Budget Paper 3.

2. Details of the projects that have contributed to the $1 billion increase in net lending within the Department are provided in Table 2.9, pages 2.20 to 2.22 inclusive, of the 2008-09 Budget Statement, Budget Paper 3.

3. The Treasurer has provided the following information:

Over the period from 2002-03 to 2007-08 general government net debt reduced from $1.3 billion at 30 June 2002 to negative $276 million at 30 June 2008. The government is delivering record spending on infrastructure over the forward estimates. Borrowings are not attributed to agencies or individual projects. No information is available on the proportion of agency or project spending funded from borrowings.

Over the next four years the general government sector is forecast to spend $5.6 billion on infrastructure projects, with net debt estimated to grow to $2.2 billion by 2011-12 to accommodate this growth.

TRANSPORT INFRASTRUCTURE

348 Dr McFETRIDGE (Morphett) (21 October 2008). With respect to the 2008-09 budget papers—Program 2, transport infrastructure services, why is there a $24.199 million increase to 'depreciation and amortisation' for this program?

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy): I provide the following information:

I refer to page 6.27 of the 2008-09 Portfolio Statement Budget Paper 4 volume 2 showing a 2008-09 original budget of $169.103 million and a 2007-08 original budget of $144.904 million for depreciation and amortisation.

The 2008-09 depreciation and amortisation budget varies significantly to the 2007-08 budget due to an increased capital program in 2008-09 and the inclusion of rail assets transferred from TransAdelaide in 2007-08.

CORONERS (RECOMMENDATIONS) AMENDMENT BILL

365 Mr HANNA (Mitchell) (4 November 2008). Which of the Coroner's 2006 and 2007 recommendations have yet to be implemented?

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts): I have been advised that:

Of the findings handed down by the State Coroner in 2006 and 2007, there were a total of 50 recommendations made by the Coroner (including 21 cases).

All recommendations have been considered. Five recommendations are still in the process of being implemented. Four recommendations have been referred to the appropriate bodies for their action. One recommendation is yet to be implemented and is being addressed. All other recommendations have been implemented.

AUDITOR-GENERAL'S REPORT

407 Dr McFETRIDGE (Morphett) (2 December 2008). With respect to the Report of the Auditor-General 2007-08—part B, volume 2, page 513—Program Schedule—Expenses and Income for the year ended 30 June 2008—

(a) why were Information Economy grants and subsidies reduced by $336,000 from the previous year and which programs received reduced funding or were discontinued; and

(b) why has the State Government failed to secure any Commonwealth grant funding for Science and Innovation?

The Hon. M.F. O'BRIEN (Napier—Minister for Employment, Training and Further Education, Minister for Road Safety, Minister for Science and Information Economy):

(a) Information Economy grants and subsidies were reduced by $336,000 from 2006-07 to 2007-08 for two reasons:

1. A reduction in the number of applications to the State's Broadband Development Fund for Regional Broadband Infrastructure projects. This lack of activity was due to the uncertainty created by Federal Government Regional Broadband policy at the time. This resulted in a $95,000 net reduction in program expenditure in 2007-08.

2. A one-off grant ($245,000) to the University of Adelaide in June 2007 to establish e-Research SA, an entity to ensure that South Australia has an Information and Communications Technology (ICT) infrastructure capability able to service the needs of local and national researchers. This therefore inflated the 06-07 figure in comparison to the 07-08 figure.

(b) The Science and Innovation Directorate within DFEEST works to facilitate Commonwealth investment in South Australia's R&D and innovation capabilities. In most instances, Commonwealth grants and funding are provided directly to the organisation that undertakes the R&D such as a university or research institute.

In 2007 the Science and Innovation Directorate of DFEEST worked with the Commonwealth appointed facilitator for the National Collaborative Research Infrastructure Strategy program to identify research infrastructure investment priorities. DFEEST made a $206,000 payment to the facilitator and received full reimbursement from the Commonwealth. No similar eligible reimbursement opportunities existed in 2007-08.

There are, however, major opportunities for South Australia to leverage significant funding from the Commonwealth through various initiatives. Achievements in leveraging funds from the Commonwealth since 2003-04 include:

LEVERAGED FUNDS				
Committed Projects (with C/W leverage)	State Government Investment	Cwth Investment	Other Investment (Cash & In-kind)	Total Leverage of Cwth and Other Investments
National Collaborative Research Infrastructure Strategy (NCRIS)	$21.98 million	$30.6 million	$46.3 million	$70 million
Higher Education Endowment Fund (HEEF)	$10 million	$68.9 million	$27.8 million	$96.7 million
SABRENet (The South Australian Broadband Research and Education Network) Please note figures are approximate	$2.5 million (including $1.3m from Defence SA)	$7.5 million	$1.0 million	$8.55 million
Outback Connect (no Commonwealth funding received in 2008-09)	$0.54 million	$0.54 million	$0.02 million	$0.56 million
Port Lincoln, Whyalla & Port Augusta Coordinated Communications Infrastructure Fund	$1.25 million	$2.0 million	$1.37 million	$4.622 million
Regional centres of Berri, Murray Bridge and Pt Pirie—fibre and backhaul	$1.67 million	$2.32 million	$0.89 million	$4.88 million
TAFE SA 'Clever Training' project	$1.8 million	$1.1 million		$2.9 million
Clever Networks—Broadband Development	$0.186 million	$1.075 million		$1.26 million
Cooperative Research Centres (2004 round)	$4.2 million	$60.0 million	$60.0 million	$120 million
Cooperative Research Centres (2006 round)	$4.2 million	$156 million	$100 million	$256 million
Australian Minerals Science Research Institute	$2.5 million	$8.4 million	$22.1 million	$30.5 million
Federation Fellowships	$1.2 million	$1.5 million	$3.1 million	$4.6 million
Total	$52.026 million	$339.935 million	$262.58 million	$600.572 million

AUDITOR-GENERAL'S REPORT

408 Dr McFETRIDGE (Morphett) (2 December 2008). With respect to the Report of the Auditor-General 2007-08—part A, Audit Overview, page 17—what is the current status of the SMS project in relation to the Department of Science and Technology?

The Hon. M.F. O'BRIEN (Napier—Minister for Employment, Training and Further Education, Minister for Road Safety, Minister for Science and Information Economy): After a thorough two step procurement process incorporating an Open Market Expression of Interest and a Selective Request for Proposal, two suitable Vendors were shortlisted to provide a student management system solution. A preferred Vendor decision was made in November 2008. Due to probity requirements the name cannot be revealed until a contract is signed.

Since the preferred Vendor decision the Department for Further Education, Employment Science and Technology has engaged the preferred Vendor in contract negotiations under the guidance and advice of the Crown Solicitors Office. Negotiations concluded on 18/5/2009 and subject to some formalities I expect to be able to sign the contract in early June 2009.

It is expected that implementing the Student Information System Implementation (SIS) will be a three year undertaking once the vendor is secured.

SAFEWORK SA

451 Dr McFETRIDGE (Morphett) (24 February 2009). What procedures are in place to ensure that service records of industrial equipment inspected by SafeWork SA are accurate and that the servicing of inspected equipment has been carried out by qualified personnel?

The Hon. P. CAICA (Colton—Minister for Agriculture, Food and Fisheries, Minister for Industrial Relations, Minister for Forests, Minister for Regional Development): I am advised that:

Under the Occupational Health, Safety and Welfare Regulations 1995, the owner of industrial equipment is required to ensure that the equipment is serviced, checked, tested and inspected regularly by competent person(s) suitably qualified by experience, training or both, to carry out the servicing and inspections to ensure the equipment is safe to operate and use.

When an inspector carries out an audit of an item of a plant, or when an inspector comes across an item which appears not to have been inspected or maintained in a safe condition, the inspection can ask to see the inspection or maintenance records.

Where appropriate, the inspector can also require the workplace or owner of plant to organise an inspection of the plant item by a competent person and/or review the records of the competent person. This regulatory action can be enforced by issuing an Improvement notice or a Prohibition Notice where there is an immediate risk to the health and safety of people working at, or near, the vicinity of the item of plant.

COMPUTER LICENCE AGREEMENT

466 Mr HANNA (Mitchell) (31 March 2009).

1. How is the Department for Education and Children Services paying for computer software licences for computers that are provided by the Federal Government?

2. Who pays the $25 disposal fee for old computers to be recycled which was payable last year in order to get a $250 rebate from the State Government on software licensing costs?

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): In May 2009, the Department of Education and Children's Services negotiated Microsoft licensing for all Round One computers provided through the Digital Education Revolution program to be covered by its existing contract.

No disposal fee was charged for computers as part of the Digital Education Revolution program.

SCHOOL BUSES

483 Dr McFETRIDGE (Morphett) (19 May 2009). How many school bus contracts are currently in operation, how many of these contracts are released for public tender and how many are not, and why are these contracts not released?

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): The Department of Education and Children's Services currently has 280 school bus contracts in operation.

All school bus contracts are for individual fixed term contracts of 5 years plus a 5 year right of renewal.

All school bus contract services are advertised for public tender when the existing contracts expire.

PAPERS

The following papers were laid on the table:

By the Premier (Hon. M.D. Rann)—

Public Sector Management Act 1995, Section 69—Details of all appointments to the Minister's personal staff

By the Minister for Industry and Trade (Hon. K.O. Foley)—

Department of Trade & Economic Development—Report 2007-08 Addendum

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

Gawler Police Station Report, Proposal to vary fencing at
TransAdelaide Corporation Charter
Regulations under the following Acts—
Harbors and Navigation—Restricted Areas
Motor Vehicles—Self-propelled Elevating Work Platform

By the Attorney-General (Hon. M.J. Atkinson)—

Electoral Commission SA—Frome By-election—Election Report

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

Deaths in Custody of Andrew Stephen Gill & Simon Schaer—Report prepared by SA Health of actions taken following the Coronial Inquiry dated 26 May 2009
Social Development Committee, 29th Report—The Review of the Department of Health's Report into Hypnosis—South Australian Government Response
Regulations under the following Act—
Nursing and Midwifery Practice—General

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

Australian Children's Performing Arts Company—Charter as at 28 April 2009

By the Minister for Environment and Conservation (Hon. J.W. Weatherill)—

Environment and Heritage, Department for—A Review of Nullarbor Regional Reserve 1999-2009

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

Regulations under the following Act—
Liquor Licensing—Streaky Bay High School

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

Deaths in Custody of Andrew Stephen Gill & Simon Schaer—Report prepared by the Department for Correctional Services of actions taken following the Coronial Inquiry dated June 2009

ABORIGINAL LANDS PARLIAMENTARY STANDING COMMITTEE

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) (14:06): I bring up the 2007-08 annual report of the committee.

Report received.

QUESTION TIME

ROBINSON, MR S.A.

Mrs REDMOND (Heysen—Leader of the Opposition) (14:08): My question is for the Attorney-General. Was he wrong when he claimed yesterday, on radio, that the District Court applied a discretion in the Shane Andrew Robinson case, when a statement today by the Acting Chief Judge of that court clearly states that no such discretion applied? Yesterday the Attorney-General stated on Radio FIVEaa:

Well, clearly, it's a bad day, as you say, for the justice system. Shane Andrew Robinson was on parole. The Rann government had passed serious repeat offender legislation to apply to people like him. It wasn't applied in his case.

When asked by the presenter why it had not been applied, the Attorney-General replied, 'That's a discretion for the court.' Today, Acting Chief Judge Malcolm Robertson issued a statement in which he states:

> Amendments permitting a judge to declare a person to be a serious repeat offender did not apply to offences committed before the date the amendments came into force, which was July 27, 2003.

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (14:09): One of the first bills on which I deliberated, on becoming Attorney-General, was the serious repeat offender legislation. What happened is that for generations our state had habitual criminals legislation, and it was no longer being applied—

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. ATKINSON: You haven't reformed, have you? It was no longer being applied by the courts. Indeed, it was no longer even being applied for by the Office of the Director of Public Prosecutions. My advice was that we needed to modernise habitual offender legislation, so we introduced—and, indeed, this parliament passed—the serious repeat offender legislation.

What that meant was that, if an offender committed three serious crimes in three separate courses of conduct, then the court was invited by the parliament to throw the book at that offender—what the public would expect actually. Therefore, the judge was guided by the legislation not to apply the proportionality principle but, rather, to put that out the window and to bring in a heavy sentence and a nonparole period which was three-quarters of the head sentence as a minimum. That is what the public would expect.

We had a seamless application for generations. For generations we had habitual criminal legislation. From early in the Rann government we had serious repeat offender legislation. I would think that somewhere between those two acts of parliament we would have found one that could have been applied to Shane Andrew Robinson because, if such legislation had been applied to him, he would still have been in gaol; he would not have been in a position to do what he did around Yunta last week. That is the point that the Rann government takes—and that is the point on which the opposition criticises us.

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. ATKINSON: The opposition leader has rallied, as she always did in the past, to Frances Nelson and the Parole Board, defending every decision they take. Shane Andrew Robinson, I am advised, had 80 offences—offences such as sieges, extreme violence, sexual offending against teenagers and dishonesty.

That is not the end of it. Here is a fact: the Office of the Director of Public Prosecutions went to court in the case of Robinson, I am advised, and made a submission that the serious repeat offender legislation applied. That submission was not successful.

Ms Chapman: It failed miserably.

The Hon. M.J. ATKINSON: The Office of the DPP failed miserably, according to the member for Bragg. Let me come back to that interjection; I will come back to that. The Office of the DPP applied to have the serious repeat offender legislation applied, or at least something that would lead to a longer than normal sentence. The Leader of the Opposition is right, and Acting Chief Judge Robertson is right. The submission was not successful; that is correct. It was not successful. I wish it had been successful because, if it had been successful, Shane Andrew Robinson would not have been in a position to do what he did.

I do not quibble with the right of a District Court judge to exercise his judgment in a particular way. He is independent. He made his decision—we accept that. By the way, returning to the member for Bragg's interjection that the Office of the DPP failed hopelessly—

Ms Chapman: You knew that; you said that on radio.

The Hon. M.J. ATKINSON: The Office of the DPP appealed against the sentence imposed on Shane Andrew Robinson on the grounds that it was manifestly inadequate. Remember this: the Leader of the Opposition—the new Liberal leader—is against the government ever giving

a direction to the Office of the DPP to appeal against manifestly inadequate sentences. Indeed, the new Leader of the Opposition believes that Paul Habib Nemer should not have spent one day in gaol—not one day in gaol.

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. ATKINSON: Mr Speaker—

Mr Goldsworthy interjecting:

The Hon. M.J. ATKINSON: The member for Kavel says, 'Everyone has turned off the Nemer case; they're no longer interested in it.' We'll see! The Office of the DPP, which the member for Bragg says 'failed hopelessly', appealed against this sentence on the grounds that it was manifestly inadequate and its sentence was upheld—

Ms Chapman interjecting:

The Hon. M.J. ATKINSON: The appeal was upheld, the sentence was set aside and a new—

Ms Chapman interjecting:

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

The Hon. M.J. ATKINSON: I thought that the member for Heysen was the leader. The appeal by the DPP was upheld and a longer sentence was imposed on Shane Andrew Robinson. I do not think that is abject failure: I think that is success by the Office of the DPP. It is true that, in this case, Judge Kitchen decided that the transition between the habitual criminals legislation and the serious repeat offender legislation meant that he could not apply the serious repeat offender legislation.

He made that decision, and no doubt the copper who got stabbed in the back, the woman who was sexually assaulted at the station and the stockman or farmer who was almost run down wish he had made a different decision.

Members interjecting:

The SPEAKER: Order!

VISITORS

The SPEAKER: I crave the indulgence of the house for a moment. I have instructed that the clock be stopped. We are honoured today to have in the gallery two former employees of the parliament, Miss Jean Bottomley, who will turn 100 on 25 July, and Miss Evelyn Stengert. Miss Bottomley commenced work as a housemaid/waitress in February 1942 (even before the member for Stuart) and subsequently rose to the position of catering manageress with the former joint house committee in March 1950, resigning in May 1964.

In those days the manageress lived at Parliament House in a self-contained unit, which is now where the building attendants are located. The unit had its own bathroom and lounge facilities. Miss Bottomley once described the four course meals served in the dining room as being:

> ...with plenty of variety of good, plain cooking...There is nothing free in Parliament House—everything is paid for by those using the services provided. It is a very necessary service because of the uncertainty of and duration of sittings.

Miss Bottomley was honoured to be the manager of the catering services on 23 March 1954 when the parliament entertained Her Majesty The Queen and His Royal Highness The Duke of Edinburgh at dinner—

An honourable member: And Prince Charles.

The SPEAKER: And Prince Charles, I am told. The menu consisted of grapefruit or mock turtle soup, fried fillet of whiting, chicken cutlets, roast beef and horseradish sauce with peas, baked tomatoes and baked and boiled potatoes, and Peach Melba followed by bacon fingers and coffee. Other dignitaries who visited Parliament House during Miss Bottomley's employment include former prime ministers of Great Britain, Sir Alec Douglas-Home, Sir Anthony Eden and Mr Macmillan, as well as Sir Donald Bradman and Lord Bruce of Melbourne.

Miss Stengert commenced at Parliament House in April 1952, working as a waitress under Miss Bottomley, progressing to assistant manageress in 1960. Miss Stengert resigned in 1964 to work as a governess in Alice Springs for five years, and subsequently returned to Parliament House as the manageress of catering in November 1968. In this position she served until 3 May 1982 when she retired. Both these ladies gave long and excellent service to the parliament. It is fitting that we should acknowledge their presence here today.

Honourable members: Hear, hear!

The SPEAKER: We are honoured they have been able to join us on the eve of Miss Bottomley attaining the age of 100.

QUESTION TIME

30-YEAR PLAN FOR GREATER ADELAIDE

Mr PICCOLO (Light) (14:19): Will the Premier inform the house about the 30-Year Plan for Greater Adelaide?

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:19): I am very pleased to receive this question from the honourable member for Light. The 30-Year Plan for Greater Adelaide was released in draft form for consultation last week. The plan was the key recommendation of the planning review and it has been undertaken in close collaboration with local government.

This plan follows a strong tradition of planning for urban growth in Adelaide. In 1837, Colonel William Light prepared the first urban plan for Adelaide. It stood this state in good stead for more than 100 years until the next planning review in the 1960s. Because of these plans, Adelaide is today regarded as one of the most liveable cities in the world. But the time has arrived to frame another updated planning strategy. This new vision for Adelaide needs to address issues such as population growth, shifts in demographics and lifestyle, climate change and the need for a new urban form.

The 30-Year Plan for Greater Adelaide will ensure that we maintain our strong economic growth, our lifestyle and our housing choices. It will ensure that we are well prepared for challenges such as our ageing population and climate change. It will ensure that Adelaide enjoys a competitive advantage in terms of energy and water consumption, and it will ensure Adelaide's future as a vibrant, liveable, climate change resilient city.

This plan complements the Water for Good strategy, which outlines how we are providing secure, sustainable water supplies for the expansion of our state's population base into the future. The Plan for Greater Adelaide will guide where people live, how South Australia will grow its population and how it will provide for jobs. The plan is about people but it is also an economic blueprint. It will protect key employment precincts and set aside more than 5,300 hectares of land designated for business expansion to enable job creation. This will allow for the ongoing expansion of our defence and manufacturing sectors and, crucially, protect our valuable agricultural land. In addition, a new program will be introduced to ensure a 25 year rolling supply of residential land. The plan will ensure that we have enough land for houses and for jobs to remain a competitive city that attracts and retains its people.

KPMG estimates that, when implemented, the plan will add $11 billion to South Australia's economic performance during the next 30 years. It will provide for 560,000 new residents, 258,000 new homes and 282,000 new jobs. Construction of the majority of new homes within metropolitan Adelaide will be encouraged within transit corridors, including 13 new transit-oriented developments (TODs) that are to be supported by an upgraded public transport system. These developments will incorporate world-class building design, sustainable energy and water use, a modern connective transport system, a network of green corridors, employment precincts and vibrant parklands and cultural hubs. The plan will cut development time frames by introducing more efficient planning instruments and by rezoning entire strategic corridors. This is important for developers, and we expect it to lead to significant new investment in our key transport corridors.

The plan, of course, is underpinned by an $11.4 billion investment in infrastructure to be spent during the next four years, to upgrade and modernise our transport networks, hospitals and schools and to supply the water needed to sustain population and economic growth. When Australia moves out of the global economic downturn, South Australia will be ready with land for

jobs and land for housing, new transport and infrastructure construction underway and a planning system that allows for certainty of investment and faster decision making while protecting heritage, character and biodiversity.

The government has developed what we believe is a world-class plan that will give South Australia the flexibility, competitiveness, sustainability and quality of life that will ensure prosperity for many generations to come. The launch of the plan has been welcomed by both industry and local government. The Property Council has welcomed the plan as a 'robust, long-term approach to urban growth for South Australia'. The Planning Institute of Australia calls it 'the most economically focused planning strategy in our state's history'. The Local Government Association has welcomed the plan as 'a plan to position Adelaide over the next 30 years as a vibrant, sustainable and liveable city'.

The government will continue to consult with local government and industry over the coming months and, through our public consultation process, we ask all South Australians to help us shape the plan's final policies and targets to make a lasting contribution to the city in which we live.

ATTORNEY-GENERAL

Mrs REDMOND (Heysen—Leader of the Opposition) (14:25): My question is to the Premier. Does the Attorney-General still have the full support of the Premier?

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:25): First of all, at the very start of question time, I want to take this opportunity to congratulate the member for Heysen on being elected Leader of the Opposition. The position of Leader of the Opposition—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: I think the member for Unley's role in the demise of the former leader of the opposition would mean that, today, he would be a little more humble. We want to congratulate the member for Heysen on being the first woman in the history of this parliament to achieve leadership of any major political party. We congratulate her. Obviously, the Leader of the Opposition's position is one that I know well, having served in that position for nearly eight years, the third longest serving opposition leader in the state's history.

There are many occasions when Premier and Leader of the Opposition have worked together for the interests of the state in a bipartisan way, and I am sure that will happen. I am aware of the member for Heysen's role as a keen supporter for the arts, and I look forward to joining her at arts functions. I believe that there will be many occasions where we can work together without any personal rancour whatsoever for the good of this state.

Members interjecting:

The Hon. M.D. RANN: And the answer is that I can assure you that the Attorney-General has not only my support but the undivided support of this side of the house.

Members interjecting:

The SPEAKER: Order!

MODBURY HOSPITAL

Ms BEDFORD (Florey) (14:28): My question is to the Minister for Health. Have any difficulties been encountered with the transition of Modbury Hospital back into the public health system?

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (14:28): I thank the member for Florey for this question and acknowledge her outstanding interest in the Modbury Hospital. As members would recall, when the Liberal Party was last in government, it privatised Modbury Hospital back in 1995, handing over the operation of one of Adelaide's key public hospitals to Healthscope, a private company based in Melbourne.

At midnight on 1 July 2007, the management of Modbury Hospital was transferred back into public hands by the Rann Labor government, fulfilling a key election promise to the people of

South Australia. Under the transition agreement between Healthscope and the government, employees were given the option of having their leave paid out or transferring their accrued leave to SA Health. Where staff chose to be paid out, this was facilitated by Healthscope, and no issues have been encountered. Where staff elected to transfer accrued leave, Healthscope provided the government with a record of leave entitlements for these employees as at 30 June 2007.

Some staff at Modbury Hospital have now raised questions about the accuracy of the information provided by Healthscope, with many staff members claiming that their entitlements have been underestimated. I have been working closely with the member for Florey and other members based in the north and north-eastern suburbs to resolve this issue. I want to make it absolutely clear that the government is absolutely committed to ensuring that the hardworking doctors and nurses within our health system receive their full leave entitlements.

The government wrote to all staff earlier this year requesting their authorisation to pursue their claims via a letter to Healthscope demanding full payment of employees' accrued entitlements. We also asked staff for authorisation to request the engagement of SafeWork SA to investigate and determine accrued entitlements. The government has guaranteed to honour the leave entitlements of staff where they can provide evidence that their leave balances transferred from Healthscope were inaccurate. However, we will not accept taking on a financial liability which belongs to Healthscope and which we believe exceeds $3 million.

The government has written to Healthscope on this and other matters relating to the termination agreement, and unless we receive a satisfactory response from Healthscope the government will consider taking legal proceedings on behalf of the relevant employees against Healthscope for the payment of the accrued leave entitlements. Such a process is time intensive, given that it incorporates a class action on behalf of employees, but proceedings can be launched quickly.

The government, on behalf of its employees, has made repeated efforts to resolve this issue commercially with Healthscope over the past two years. In fact, discussions are still continuing. The current situation has gone on for too long. I now take this opportunity to call on Healthscope to do the right thing by the staff for whom this has caused considerable and understandable anxiety. I want to make it clear that the only reason that the hospital staff and the government are in this position is because of the decision by the former Liberal government to privatise Modbury Hospital.

This government is committed to securing workers' proper entitlements. We are also committed to keeping public hospitals in public hands. By keeping clinical services under government management we are ensuring patients come before profits—unlike the opposition which still to this day would privatise the running of hospitals in our state.

ROBINSON, MR S.A.

Mr GRIFFITHS (Goyder—Deputy Leader of the Opposition) (14:32): My question is to the Minister for Correctional Services. Did the minister provide the public with the correct information when he told radio listeners this morning that the Parole Board had failed to act on every single occasion that Shane Andrew Robinson failed a drug test?

This morning on radio station FIVEaa the minister said that, in relation to Shane Andrew Robinson's five failed drug tests between December 2007 in June 2009, 'On every single occasion the Parole Board could have issued a warrant they didn't.' Earlier, on ABC Radio, Parole Board chair, Frances Nelson QC, said that Robinson had been returned to custody at least once since being paroled in December 2007 and that she had personally authorised the warrant on 22 June this year. Ms Nelson also said that after his release he was drug tested on 28 February 2008, returning a positive result to cannabis, and hence the board issued a warrant and brought him back into custody.

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (14:33): Mr Speaker—

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. ATKINSON: The advice from the Department for Correctional Services is that Shane Andrew Robinson was drug tested both in prison and outside prison. That is to say, he was tested in prison for drugs on eight occasions—that is our advice—and that on three of those

eight occasions he failed. Indeed, if we put together all the drug tests, we are informed by the Department for Correctional Services that he had in his urine heavy painkillers that were not prescribed, methamphetamines, amphetamines and cannabis.

I am not saying that that combination was found on every occasion. What we are advised is that over the period he was tested that range of drugs was found in his system. He was tested eight times in prison, and three times he failed. Indeed, Correctional Services did what is a normal response to someone in the pre-release cottages who fails a drug test: he was taken back into the main body of Yatala Prison. I am further advised by the Department for Correctional Services that he was incarcerated in G Division—the high security division—and subsequent to that he went to Port Augusta Prison. But, from there he was paroled by the Parole Board even though, clearly, the rehabilitation courses he had undertaken, regarding drug and alcohol abuse, had not had the desired effect.

Indeed, the Leader of the Opposition's first argument on this was that there were not sufficient rehabilitation programs in our prisons, but it turns out, contrary to what the opposition leader said, that Shane Andrew Robinson was given a whole battery of rehabilitative programs. He was in the pre-release cottages and was given work release, he was given anger management courses, he was given drug and alcohol courses, he was given victim awareness courses, and we all now know what the fruit of those rehabilitative programs was: he went on a rampage around Yunta. Moving to the second sequence of tests—

Mr Williams: Why was he in the pre-release cottages?

The Hon. M.J. ATKINSON: He was in the pre-release cottages because that is the trajectory through which prisoners go; that is to say—

Mr Williams: You reckon he should never have been released.

The SPEAKER: Order, the member for MacKillop!

The Hon. M.J. ATKINSON: Yes, because he failed his drug tests, and the Department for Correctional Services expressed its judgment on that failure of drug tests by putting him back in the mainstream prison system where the government—

Mr Williams interjecting:

The SPEAKER: Order! If the member for MacKillop has a question, I am more than happy to give him the call.

The Hon. M.J. ATKINSON: The Rann government believes that Shane Andrew Robinson should have stayed in the mainstream prison system. The opposition and the opposition leader, in particular, were happy for him to be released, and that is the difference between the government and the opposition. On the question—

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. ATKINSON: —of the five drug tests when Shane Andrew Robinson was on parole, we are advised by the Department for Correctional Services that five drug tests were done after the Parole Board released Shane Andrew Robinson into society and that he failed every one—each and every one of those drug tests. The inference this government draws from those test results is that he should have been returned to prison. That is the inference we draw, and we make no apology for it. At the moment, there is a disagreement about the substratum of fact between the Department for Correctional Services, on one side—

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. ATKINSON: —and the head of the Parole Board, Frances Nelson. That will be resolved in due course because truth will out. I hope that the media and the opposition in this state hold Ms Nelson to the same standards they hold the minister.

TAFE SA

Ms FOX (Bright) (14:38): My question is to the Minister for Employment, Training and Further Education. What is the government doing to improve customer service to clients of the TAFE system as part of the South Australian skills strategy?

The Hon. M.F. O'BRIEN (Napier—Minister for Employment, Training and Further Education, Minister for Road Safety, Minister for Science and Information Economy) (14:38): TAFE SA is South Australia's largest training provider and meets the needs of nearly 80,000 students a year, an increasing number of whom are international students. This large take-up is due in significant part to TAFE SA's excellent reputation for quality, particularly as it relates to international students. A recent student outcome survey shows a 92 per cent satisfaction rating by students. This compares with an 81 per cent national average. So, South Australia's TAFE is out there in front of all comparable VET training providers around the nation in earning the plaudits of its students.

The state government is committed to ensuring that TAFE SA actually works and maintains its focus on high-quality training, superior customer service and is able to continue to develop an integrated focus on e-learning and ICT systems to meet the skill needs of the future. I think this is particularly pertinent to regional SA where the smart thing to do in the future is to get courses that are only currently available in the metropolitan area out to regional TAFE centres through ICT.

That is why I am very pleased to be able to advise the house today of the introduction of a new $20.4 million Student Information System for TAFE SA to be rolled out over the next three years. This new Student Information System will provide modern and flexible web-based self-service, services to embrace 21st century technologies expected by students and employers from a training provider like TAFE SA. This is particularly applicable to international students and, I think, students in our regional centres. An extensive procurement process has recently been completed with the contract awarded to SunGard Higher Education, a leading international provider of software for further and higher education. This company has an extensive portfolio, delivering to over 1,600 institutions worldwide.

The new Student Information System will benefit current and prospective TAFE students. For the first time, students will be able to access online enrolment and web-based services, ensuring that TAFE SA is more accessible to the entire community. This will improve student access to all aspects of their learning progress and will particularly benefit those who are disadvantaged, including people with disabilities and students from regional and remote areas.

Our three major universities have embraced this particular form of ICT and it has made their courses and processes a lot more accessible to their students. It will mean that students will no longer need to physically attend a campus to enrol for courses, pay fees and access information. If you are in Whyalla, Port Pirie, Mount Gambier or wherever, the ability to do this is going to be of great benefit.

The Student Information System will also be a comprehensive database which is critical to TAFE SA's course management. The system will manage detailed information from an initial inquiry through to payment of fees, allocation to classes, and progression to course completion and the establishment of alumni. It will better enable TAFE SA to grow and change because it will be supported by a modern and flexible Student Information System which will be kept up to date with changes in technology. This will also allow TAFE to comply with changing legislative requirements at both state and federal level.

The purchase of the Student Information System is further evidence of this government's commitment to strengthening TAFE SA's customer service focus to support the delivery of skills for the South Australian economy.

PAROLE BOARD WARRANTS

Mr GRIFFITHS (Goyder—Deputy Leader of the Opposition) (14:43): My questions are to the Minister for Police. Can the minister confirm that there are more than 240 warrants outstanding for breach of parole and that 54 of these date back to 2005. What action has been taken on these outstanding warrants?

The Hon. M.J. WRIGHT (Lee—Minister for Police, Minister for Emergency Services, Minister for Recreation, Sport and Racing) (14:43): I am not sure that that figure is correct. I have spoken to the commissioner's office and it is doing some work on that figure. Once that work has been completed I will be able to advise the house accordingly.

Ms Chapman: Near enough?

The Hon. M.J. WRIGHT: No, not near enough; straight off.

ROBINSON, MR S.A.

Mr GRIFFITHS (Goyder—Deputy Leader of the Opposition) (14:44): My questions are again to the Minister for Police. What priority was given to the outstanding warrant for the arrest of Shane Andrew Robinson, and what is the system of prioritising the arrest warrants issued by the Parole Board?

The Hon. M.J. WRIGHT (Lee—Minister for Police, Minister for Emergency Services, Minister for Recreation, Sport and Racing) (14:44): Before responding to the member's question I would like to advise the house that the officer stabbed during last week's incident is recovering well and is now resting at home.

During the last couple of days the opposition leader has suggested that South Australian police do not do enough or did not give enough priority to executing a Parole Board warrant issued on Shane Andrew Robinson. Last week's incident had absolutely nothing to do with police resources, the endeavour by SAPOL, or the priority given to the execution of the Parole Board warrant.

I am advised by South Australia Police that on 22 June, after a visit and search of Robinson's last known address by Elizabeth CIB, it was clear that Shane Robinson was no longer residing at his last known address. This amounted to a breach of his parole conditions and also a breach of his ANCOR conditions, as he is required to notify both the police and the Parole Board if he changes address.

Robinson's parole officer was spoken to by telephone on the 22nd by the supervisor of the Elizabeth tactical team, and subsequently the supervisor sent an official email to the parole officer to advise the Parole Board of the breaches. The email stated, 'I have serious concerns that he is a risk to public and police safety at this time.'

Concerns raised by SAPOL were included in a minute sent to the secretary of the Parole Board later that day. In fact, it was recommended that one of the considerations given to revoking his parole was concerns for community and police safety. Two days later, on 24 June, a warrant was issued for the arrest of Shane Robinson.

As a result, SAPOL systems were flagged and police continued to actively seek Robinson. This included attending addresses and speaking with known associates and relatives, including his father, and friends. It also included circulating photos of Shane Robinson at caravan parks where he was known to stay.

In summary, SAPOL were very proactive in seeking out Shane Andrew Robinson. It is simply wrong for the opposition even to suggest that last week's incident was in any way attributed to police resources or SAPOL's prioritisation of the execution of warrants.

Last night the Leader of the Opposition was quoted as saying, 'I think it's a bit of presumption to decide who has been doing their job and who hasn't.' Yet she was quick to announce a new policy that will tell police how they should prioritise the execution of warrants. This proposal by the opposition leader is not only an insult to the state's highest ranking officer but to the thousands of men and women in uniform.

The day-to-day operations of South Australian police have traditionally, and appropriately, been the police commissioner's responsibility. He and his senior officers are best placed to make such decisions, and for the opposition leader to question or doubt their expert judgment and ability is appalling.

The fact is that South Australian police already prioritise warrants, and the matter in question was treated as a high priority. The opposition leader is endeavouring to demean the great reputation and record of one of the finest police forces in Australia.

ROBINSON, MR S.A.

Mrs REDMOND (Heysen—Leader of the Opposition) (14:47): My question is to the Attorney-General. Has he sent a memorandum to the police commissioner regarding the Shane Andrew Robinson case, what did the memorandum state, and will he table a copy of the memorandum? This morning on radio the Attorney-General stated:

I've sent a memo to the commissioner about it, but the police minister came out yesterday and enumerated all the things the police did to try to recapture him, and the public can make their judgment on those things.

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (14:48): I do not understand how the new Leader of the Opposition could make her debut by blaming South Australia Police for something that is clearly not their fault.

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. ATKINSON: Yes, I shall table it, because I sent it off yesterday, just as I sent off an equivalent memo to the chairman of the Parole Board, and I shall look forward to the reply. But, as I said on radio this morning, I think the answers given by the Minister for Police in the public arena more than adequately answer the question I pose in the memo. But I promised to send the police commissioner a memo, and I did, and I will table it.

ROBINSON, MR S.A.

Mrs REDMOND (Heysen—Leader of the Opposition) (14:49): I have a supplementary question. Will the Attorney-General indicate when he will table the memo?

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (14:49): I shall go back to my office after question time and obtain a copy for the member.

DISABILITY FUNDING

Ms PORTOLESI (Hartley) (14:49): Will the Minister for Disability advise the house of recent recipients of important disability grants and update the house on state government commitments to disability funding?

The Hon. J.M. RANKINE (Wright—Minister for Families and Communities, Minister for Northern Suburbs, Minister for Housing, Minister for Ageing, Minister for Disability) (14:50): In 2006 the Rann government announced $1 million for the Richard Llewellyn Arts and Disability Trust to support projects and initiatives that develop and celebrate the artistic aspirations of people with disabilities in South Australia. It is named after Richard Llewellyn who was a tireless supporter of the arts and enthusiastic advocate for disability access and inclusion in the arts sector.

Recently the state government released the third round of funding, where almost $180,000 will be provided to 16 individuals and nine organisations. The Richard Llewellyn Trust Fund has a short but proud history, funding the successful theatre productions *Steak 'n' Chelsea* by Rachel High and *Tom the Loneliest* with No Strings Attached. The trust is also responsible for the first movie ever produced by an artist with a disability in Australia. Rachel High was able to produce *Brown the Dirt* from a short notice grant.

This year, amongst the successful applicants was artist Jungle Phillips, who has received about $4,000 to present at three Sydney art galleries; and I am particularly interested to see what the harbour city thinks of his amazing work. Kyra Kimpton has received $10,000 for development of a solo dance piece *Prelude*; Phil Spruce has received $5,100 to draft a novel, *All that you can be*; and Ink Pot Arts Inc. has received over $8,000 for Tutti artists to work with The Gathering Wave choir to develop a concert performance. That is a small snapshot of people who have received grants.

The Richard Llewellyn Trust Fund is another example of the Rann government's strong commitment to the disability sector. Central to this massive commitment is the fact that $100 million more per year is now spent than under a Liberal government for disability services. We are proudly delivering services to 2,000 more people than those helped under the Liberal government. The Rann government can proudly boast that disability funding has risen every year of this government.

With the knowledge of this record, I have to say that I was somewhat surprised and dismayed to hear the new Leader of the Opposition claim on television that the government has not only failed on disability but also ripped millions of dollars out of the budget. In a television report she claimed that 'we took $31 million out of the disability budget and put it into a tram from Victoria Square to North Terrace'. The Leader of the Opposition would have the people of South Australia believe that this government cruelly ripped $31 million in capital expenditure out of the disability budget and slipped it over to transport. That is simply not true.

How does that fit with the report in *The Australian* yesterday which refers to criticism that she is too honest for her own good? In fact, the leader is quoted as saying 'if it was my undoing

that I was too honest wouldn't that be a terrible legacy'. How can she possibly claim that we have ripped $31 million out of disability when she knows that is not true. That is incredibly disappointing. Does she really think any government could pull $31 million out of the disability budget and no-one would notice? It might be a trick those opposite might try to pull off, but it is not our track record. The Richard Llewellyn Trust Fund is a wonderful project, and I congratulate all this year's successful applicants.

PAROLE BOARD

Mrs REDMOND (Heysen—Leader of the Opposition) (14:54): My question is to the Attorney-General. What does he understand by the term 'intimidation' and does he accept that members of the Parole Board would have been intimidated by his public statements that their positions were under review in light of the Shane Andrew Robinson case?

The Hon. M.J. Atkinson interjecting:

The SPEAKER: Order!

Mrs REDMOND: The Attorney-General wrote a comment just after midnight last night (one might say: get a life!) on the news website, Adelaidenow, that:

> Frances Nelson's claim that I have used intimidating and threatening language is false. I defy Frances Nelson to produce any such words from anything I have said.

On Monday on ABC Radio, the Attorney-General was asked by presenter David Bevan during an interview relating to the Robinson case, 'What are you going to do about this?', to which the Attorney replied, 'I think it might be time for some new members of the Parole Board.'

On radio this morning, Ms Nelson said that government comments about the board were 'unfortunate', and, '...to hold that sort of threat over people is wholly unfair and totally inappropriate'.

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (14:55): The new Liberal leader is true to form: she is sticking up for the criminals and against the victims. She is with the Parole Board in making a spectacularly mistaken decision. Now, let us deal with being on the Parole Board. Let us get the Parole Board into perspective. I appoint judges, and lawyers all over town are saying 'Pick me, pick me, pick me,' but no-one ever says, 'Appoint me to the Parole Board—pick me, pick me.'

The Hon. I.F. Evans: Tim Bourne did.

The Hon. M.J. ATKINSON: Well, he didn't, actually, and I will come to that. The fact is that positions on the Parole Board are lowly paid. It is tremendously stressful work. I know that the members of the Parole Board work very hard indeed. Very few people in Adelaide want to be on the Parole Board. This is the first government to have looked beyond lawyers and appointed to the Parole Board retired police officers and representatives of victims of crime, and Law Society types pillory us for that. They say, 'Oh, yes, these retired police officers, these victims' representatives, they can't do the work.' It's exclusively legal work, they think. Well, that is not right, and I will be pleased to appoint more people of that kind—lay men and lay women—to the Parole Board.

I was asked by David Bevan on ABC Radio what I was going to do and I said, 'It might be time for some new members of the Parole Board.' Well, strike me pink! Blow me down! They'd be quaking in their boots about that, wouldn't they? Attacking them with the comfy pillow! Given how lowly paid and difficult working on the Parole Board is, I think that many of them will be happy to be relieved of their duties at the end of their appointed term.

One meaning of that—and I think the principal meaning of that—is that we can appoint more people to the Parole Board, create a new panel and get people onto the Parole Board who believe that people such as Shane Andrew Robinson should not be released early from prison when they have failed five drug tests in a row. Those kinds of people, that is who I am thinking of.

For Frances Nelson to say that I was using intimidating and threatening language is completely false, and she should be held to account for saying something that is completely false. Indeed, yesterday, the substrata of fact on which this was based were media reports saying that I had called for heads to roll on the Parole Board and that I had called for the Parole Board to be

sacked. Of course, the Leader of the Opposition and her ever trusty staff, John Lewis and Kevin Naughton—

An honourable member: Are they still there?

The Hon. M.J. ATKINSON: —I believe they have been renewed for a fortnight—no doubt went through the transcript of what I said, and the best they could find of intimidating and threatening language was, 'It might be time for some new members of the Parole Board.' Is that all there is, Leader of the Opposition?

As to the question of Tim Bourne, what I can tell you is that when Tim Bourne was first appointed to the Parole Board the cabinet submission for that came from the late Terry Roberts: it did not come from me. The first I knew of it was when I opened that particular cabinet submission, and I immediately retired from cabinet deliberations on the matter. When Mr Bourne was reappointed, it was by minister Zollo: it had nothing whatever to do with me, and being appointed to the Parole Board is not a reward for anything.

PAROLE BOARD

Ms CHAPMAN (Bragg) (15:01): My question is also to the Attorney-General. Will the Attorney now apologise to the chair of the Parole Board, Frances Nelson QC, for his personal remarks on Friday, when he said on the evening news that Ms Nelson was 'on holidays and perhaps she should get off her high horse and explain'? It was confirmed yesterday that Ms Nelson was attending a family bereavement, and also had not been chairing the Parole Board that made the decision in respect of the release of Shane Robinson.

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (15:01): The first thing to say is that, in an email from the Parole Board to me yesterday, it was said that Ms Nelson was away on business and, secondly, that she accepts full responsibility for every decision of the Parole Board.

Ms Chapman: Are you going to apologise?

The Hon. M.J. ATKINSON: No, I will not be apologising, because this decision is a wrong decision. It is a decision that really Ms Nelson should accept responsibility for in the public arena, and it seems to me she is evading doing that. She has no idea what the public feeling about this is. She does not give common-sense responses to questions that are asked of her about this. There is no call for an apology. I wish that Ms Nelson's remarks about what I have said and done were accurate, and I would hope that the Leader of the Opposition and the opposition hold Ms Nelson to the same standard of accountability for truthfulness to which they hold me and other ministers in this parliament.

PAROLE BOARD

Ms CHAPMAN (Bragg) (15:03): Mr Speaker, I have a supplementary question, also to the Attorney-General. Why is the Attorney continuing to ask the chair of the Parole Board to be responsible for this decision when he well knows that she did not chair the panel that made the recommendation for release?

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (15:03): Ms Nelson seems to have a clearer vision of her responsibility than does the member for Bragg. Ms Nelson has said that, as chairman of the Parole Board, she accepts responsibility for each and every parole decision, and she has gone into the public arena to argue with the government about the merits of this parole decision. Ms Nelson believes the decision to release Shane Andrew Robinson is correct and the Rann government believes it is wrong. We have been having a public debate about it, and I am surprised at how sooky sooky la la the opposition has become about this public debate.

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. ATKINSON: Apparently, it is intimidating and threatening, and something that the opposition cannot cope with, that I say it might be time—

Ms Chapman interjecting:

The Hon. M.J. ATKINSON: —for some new members of the Parole Board. Well!

The Hon. K.O. FOLEY: On a point of order, Mr Speaker, the member for Bragg is obviously not in high spirits today, but to refer to the Attorney-General as a coward is unparliamentary, and I ask that it be withdrawn.

Ms CHAPMAN: I am happy to withdraw, Mr Speaker.

The Hon. M.J. ATKINSON: All through my career in politics, the context in which I have met Ms Nelson has been at the races. I understand that she is a very proficient rider of horses and that she hunts to hounds, something I admire greatly.

PAROLE BOARD

Dr McFETRIDGE (Morphett) (15:05): My question is to the Attorney-General. In light of his previous answer, does the Attorney-General, as the relevant minister and the chief legal officer of the state, accept responsibility for the actions of the Parole Board, given that he has recommended and reappointed current serving members, including Tim Bourne?

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (15:05): Let us get this right. The Parole Board members are appointed on the nomination of the Minister for Correctional Services—by cabinet, but on the nomination of the Minister for Correctional Services. For one set of appointments I was not in the room because I absented myself, and now I am responsible for the Parole Board and all its defects. I am the Attorney-General, but I am not the minister for the Parole Board. So, sorry—

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. ATKINSON: I know there is some turmoil on the opposition side. I know that they are not quite sure what their portfolio responsibilities are today, but when I checked into work this morning, I was the Attorney-General, the Minister for Veterans' Affairs, the Minister for Multicultural Affairs. So, I am not quite sure in which capacity I am being asked this. Is it perhaps veterans' affairs? There are some retired guys on the Parole Board; you know, Dennis Edmonds and Dave Haebich used to be police officers.

Dr McFetridge interjecting:

The Hon. M.J. ATKINSON: No, you asked it of the Attorney-General. The trick in being a shadow minister is to ask the correct minister. I did not appoint the Parole Board. Indeed, I had no participation whatsoever in the appointment of Mr Bourne because I, quite correctly and in accordance with precedent, left the room and did not participate in the deliberations. In fact, there are a few things that Frances Nelson and I agree on about this episode. One of the things that Frances Nelson and I agree on—

Dr McFetridge interjecting:

The Hon. M.J. ATKINSON: Thank you very much. Measure me up for jodhpurs.

Dr McFetridge interjecting:

The Hon. M.J. ATKINSON: Thank you. Touché. I do not expect that of any member of the house. There are a couple of things that Frances Nelson and I agree on. One is that it matters not a jot that Tim Bourne has been my solicitor. It is just simply irrelevant to this matter entirely. I think that, even though Rosanna Mangiarelli was trying to lead the Leader of the Opposition into the trap of denouncing the connection between Tim Bourne and I, I think she actually evaded it and made a dignified maintenance of her previous principle, that it is the cab rank rule, and lawyers have to act for anyone, even me—even the Attorney-General. But he is a very fine lawyer.

The second thing is that Frances Nelson agrees with me that it does not matter how the Parole Board is comprised, she as chairman of the Parole Board accepts responsibility for all the decisions of the Parole Board. Indeed, the Parole Board emailed me yesterday (I think Ms Nelson was the author) saying that it would be very wrong if the composition of the Parole Board in this particular decision—in the case of Shane Andrew Robinson—were released publicly. As a matter of fact, I agree with her about that. I just wonder who has released the fact that Ms Nelson was not the chairman on that occasion but Mr Bourne was.

CORRECTIONAL SERVICES MINISTER

Mr PISONI (Unley) (15:10): My question is to the Minister for Correctional Services. Why is the minister speaking on law and order issues when the minister himself has shown no respect for the law, committing 60 traffic offences?

The SPEAKER: Order! That question is entirely debate. I will give the minister the appropriate scope in answering it.

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) (15:11): I would say to the member for Unley that he has destroyed one leader already with his folly. I think these sorts of questions just show what sort of person he really is.

GRIEVANCE DEBATE

GOMERSAL ROAD

Mr VENNING (Schubert) (15:11): I, too, congratulate the member for Heysen on her elevation into history in South Australia. To be the first woman leader of any major parliamentary party in South Australia is fantastic indeed. I am sure that the Hon. Joyce Steele, up there, would be very proud indeed of the member for Heysen today, and she would approve wholeheartedly, as we all do. We wish her the very best in this office, and may she be the first female premier of South Australia.

I have made numerous speeches in this place about Gomersal Road. Sir, you are sick of hearing about Gomersal Road, but I have to raise it again. The current unsafe condition of the road, sadly, has led me to raise this matter again after a brief period of time. In the past few weeks the potholes along the road have become increasingly worse. More and more appear each day and they are growing in size and depth, posing a huge safety risk to motorists travelling along that road.

My office has been inundated with complaints over the last two weeks from constituents. People are firstly concerned about the safety of those using this road, and, secondly, they are angry about the damage being caused to their vehicles as a result of driving through these large, deep potholes in the asphalt surface of the road. Some of the potholes are so large that I believe they could cause a fatal or serious car accident. People are having accidents, and people have hit them, blowing tyres and destroying wheels.

The road has become increasingly busy since the Liberal government, under minister Laidlaw, had it bituminised and upgraded in 2002. It has been a very busy road ever since. However, I do not think anybody could have predicted that it would serve such volume of traffic as it is—over eight times the predictions. Trucks, school buses, local commuters and tourists, who are unfamiliar with the road, all travel along it on a regular basis. Gomersal Road—

An honourable member interjecting:

Mr VENNING: History is repeating itself: we have ex-speaker Gunn in the chair, and it is great to see you there, sir. Gomersal Road—

Members interjecting:

Mr VENNING: Yes, I am overcome by this, sir. Gomersal Road can now be classed as a major arterial road. I am sure that once the Northern Expressway is completed it will become even busier, if that is possible. The 14 kilometre road is largely managed and maintained by the Light Regional Council and a small portion by the Barossa Council. These councils are constantly repairing the road and trying to plug the potholes that are continually appearing. However, to use the words of my constituents, doing this is like putting a band-aid over a shark bite.

I observed council's road crew out in the rain on Saturday filling wheelbarrow-sized holes with hot bitumen mix. The dirt that they put in got wet, and it was all being squished out, so they had to replace it with bitumen. It is becoming increasingly evident that maintaining the condition of this road to appropriate standards is well beyond the capacity of the council. The state government needs to reclassify this road straight away and take over its care and maintenance.

In January this year the Light Regional Council put in a submission for the 2009 special local roads funding round for road pavement and bitumen sealing rehabilitation works along Gomersal Road. I wrote a letter of support to go with its application, which sought $1 million. Its

application was ranked No. 3 on the list of funding priorities but, to date, it has not yet found out whether it has been successful.

In May, the transport department agreed to contribute $250,000 towards the rehabilitation of Gomersal Road, if the council was successful with its application and provided that the local councils of Light and Barossa also contributed funds. This is a copout and an insignificant amount compared with what is needed.

Between 2001 and 2002, the former Liberal government spent $5.624 million on Gomersal Road; the Rann Labor government, between 2002 and 2003, invested a measly $110,000, and there has been nothing major since then. However, whether the Light Regional Council is successful in obtaining the money through the local road fund is not the point; the issue is that the council does not have the capacity to undertake the ongoing maintenance required to keep Gomersal Road to an acceptable safe standard.

The road needs to be transferred immediately to state government control, and in the past I have written to the minister about this, both in October last year and again very recently. He said that Department of Transport officers had met with both councils to discuss a potential transfer arrangement, and he anticipated that a joint proposal will be submitted to the Local Roads Advisory Committee by the end of this year. It is not good enough for the safety of South Australians.

BUILDING THE EDUCATION REVOLUTION

Ms CICCARELLO (Norwood) (15:16): Over the past few weeks, all we seem to have heard about is the Liberal Party and its desperate attempts to reclaim some relevance on the political landscape. Whilst this may serve as entertaining grist for water-cooler conversation and the media, I would rather talk about the positive messages and programs out there—and there is none greater than the Building the Education Revolution program.

While this program tends now to have been relegated to the pages of school newsletters, it should never be forgotten that it is the biggest single school infrastructure investment in the history of not only our country but also our state. The phrases 'record spending' and 'biggest investment' are bandied about quite often but, in this case, they are undeniably true.

What I am talking about here is a $14.7 billion investment across Australia to build and modernise its 9,540 schools. Not only will it deliver much-needed funding for infrastructure and school refurbishment projects but it will also play an important part in creating immediate support for over 4,500 local jobs and helping to protect the Australian economy against the winds of global instability.

I am delighted that South Australian schools have received almost $1 billion of funding, with more to come. In my electorate, 12 schools have already received funding of $20.4 million, and four of those schools will receive many more millions with the announcement of the final round of the Primary Schools for the 21st Century program. This is one of the three components that make up the Building the Education Revolution initiative.

National School Pride is a $1.3 billion investment for minor infrastructure and refurbishment projects, with up to $200,000 allocated to every school in South Australia. Primary Schools for the 21st Century is a $12.4 billion investment for large-scale infrastructure; including libraries, multipurpose halls and new classrooms, with up to $3 million going to every school in South Australia.

The Science and Language Centres for 21st Century Secondary Schools is a $1 billion long-term investment to build around 500 new science laboratories and language learning centres in schools with a demonstrated need. I was particularly delighted last week when it was announced that Marden Senior College, in my electorate, received almost $300,000 for a new science centre.

I have spoken in this place before about Marden Senior College and the fantastic work it does in setting its students upon meaningful and manageable pathways to employment and further study, so it was enormously satisfying to see its role in the community rewarded with such a substantial grant.

Over the past few months, I have visited many schools in my electorate, and I am thrilled to see so many plans are finalised and works well underway. It is a great experience as a local member to see at first hand the enormous impact these developments will undoubtedly have upon the schools and their communities.

Whilst it is entirely appropriate to celebrate the commitment and vision of the federal government in delivering fantastic education outcomes, we must not forget that the Rann government also plays an integral part in ensuring that our schools are appropriately maintained. It is worthwhile noting that the National School Pride program component of the federal investment is, in fact, modelled on our very own $36 million School Pride initiative, which we pioneered in 2004.

Education has always been a top priority of the Rann government, and this is clearly shown by its unwavering commitment to its rebuilding program, which includes the $216 million Education Works initiative. As members are no doubt aware, this fantastic program is delivering six brand-new schools in the Adelaide metropolitan area, as well as establishing trade schools, children's centres and investing in schools that voluntarily restructure their services.

However, this is only one of the ways in which we are investing in school redevelopment. Major school redevelopments are funded annually through the state budget schools capital works program and, as the Presiding Member of the Public Works Committee, I am always very interested and pleased to hear about the major school works projects. I am also very pleased that, since the Rann government came to office in 2002, we have invested more than $790 million into school redevelopment, maintenance and improvement. We have always recognised that education and the infrastructure needed to support its quality delivery are a top priority. Our partnership with the federal government in delivering better schools for South Australia's children only reinforces this.

The ACTING SPEAKER (Hon. G.M. Gunn): The member for Unley.

GEORGE STREET, PARKSIDE

Mr PISONI (Unley) (15:20): Thank you, Mr Acting Speaker. This must be the feeling that members had in the Brown government when you were the Speaker. Hopefully, you will be easy on me.

I have spoken in this house on numerous occasions about the need for upgrade to roads in my electorate of Unley, including the lack of action taken by the Rann government regarding the Young Street and Unley Road blackspot intersection—to take an example. It is well documented that when the Rann government came to power in 2002 it shelved the plans that were developed by the previous Liberal administration and the Unley council to address significant traffic flow, pedestrian safety and commercial problems associated with Unley Road. In seven years it has consistently refused to revisit the issue.

Now we have a situation where the council has undertaken extensive roadworks along Duthy Street and George Street, with the latter still in progress and causing what can only be described as a series of safety hazards. There seem to be numerous faults with this project and a simple drive down George Street reveals many of them. For example, two stop signs placed on the junction of George Street/Maud Street and Duthy Street/Maud Street by the engineering consultant to form part of a traffic control have caused confusion amongst residents, road users and the council itself.

Advice provided by SA Police led to a review of these signs followed by a traffic impact statement assessing the recommended revisions for the signs at these junctions. In March this year I was advised that this impact statement was being prepared in conjunction with DTEI and would be subsequently installed. To date, both the signs and the confusion remain. Heading north along George Street, bus stops which were once recessed to avoid stoppages have now been brought forward preventing any traffic from passing a bus when it is stationary, which creates a build-up of traffic behind it.

George Street has been narrowed to the extent that there is not enough physical space to accommodate both a cyclist and a vehicle alongside each other, and buses negotiating the bend from Duthy Street to George Street must veer onto the wrong side of the road. There has been a widening of footpaths along George Street which now causes parked vehicles to be closer to traffic and this has seen the removal of parking bays outside homes and businesses. There are now curved footpaths at some bus stops that causes the elderly or the incapacitated, or even able-bodied residents with parcels or children, to step into the gutter. Buses which have been designed to lower for the ease of disembarking cannot be utilised. This would appear to be in direct contravention of the government's commitment to helping the aged and those with disabilities.

Reversing out of residences on George Street is now more dangerous due to the impeding bays that force a wider turning arc of a driveway. All vehicles turning left from either Young, Robsart or Leicester streets into George Street are forced on to the other side of the dividing road lanes due to the wider arc. Motorists are forced into compromising and dangerous situations. The bicycle slipway is rendered obsolete as, in practice, very few cyclists use it mainly due to the 'loose feel' of the path itself and the Stobie pole abutting the entry point.

A lot of time and money has been spent on this portion of the road and I look forward to these issues being addressed before these problems escalate and we are forced to spend further taxpayers' money fixing them. As a general observation, the current roadworks seem to create far more problems than they solve. Ratepayers who live in the area are forced to park on the new widened footpaths because they have nowhere else to park their vehicles. Taking away car parks and making vehicular traffic onerous is not a solution but adds to the problems of George Street.

George Street is a narrow street and is busy for one hour in the morning and again in the evening. A far simpler solution may have been to enforce the Unley 40 km/h limit, with random speed cameras. Four or five speed checks on a weekly basis would quickly send out the message to slow down on George Street. One could buy a lot of camera hours for the million plus dollars already spent. As a result of the concerns that I have received I am currently surveying local residents for their views and will be holding a public meeting on the issue shortly.

The ACTING SPEAKER (Hon. G.M. Gunn): The member for Morialta.

CODAN LIMITED

Ms SIMMONS (Morialta) (15:24): Thank you, Mr Acting Speaker, the honourable member for Stuart. Last week I was lucky enough to attend the 50th anniversary celebrations of one of this state's most successful companies, Codan Limited, based at Graves Street, Newton, in my electorate of Morialta.

Codan was founded in 1959 by three university friends: Ian Wall, Jim Bettison and the late Alistair Wood. I was delighted to meet and chat to both Ian and Jim on the day. Ian told me that he had only retired from the board on 30 June this year, and Jim reminisced about another large picnic that Codan had held in my favourite park at Morialta Falls.

The original company was the Electronics, Instrument and Lighting Company Limited. Two years later it released its high frequency radio, specifically designed to meet the needs of the School of the Air and the Royal Flying Doctor Service networks operating in the Australian Outback.

These high frequency radios became a lifeline for communities, households and emergency services throughout Outback Australia. A decade later, this radio equipment was being exported to the USA and Papua New Guinea. In 1980, the United Nations made a major purchase of Codan radio equipment for use with its relief work in Uganda.

By the middle of the 1980s, the name Codan became synonymous with high frequency radio and the term, 'I'll call you on my Codan,' was common place in many African countries. Today, Codan is recognised as the world's leading supplier of communications equipment to humanitarian organisations.

In 1981, Codan received a commonwealth grant to develop Australia's first domestic satellite system and this provided a quantum leap in Codan's growth. The 1990s saw the Codan development of the world's first fully sealed satellite transceiver, and the company's global profile was further lifted with the launch of the world's first commercial modem for fast and automatic high frequency fax and data transmission in 1993.

This century, Codan has continued to lead and diversify by acquiring other companies under its banner, such as: Mitec Limited, specialising in microwave radio frequency technology; Minelab Electronics Proprietary Limited, a world leader in metal detection equipment, also used for the clearance of mines by humanitarian and military organisations; and Locas Microwave Incorporated, specialising in X band satellite communication products for government and military communications.

Codan has so many firsts and won so many awards, but, in closing, I must say that it was the caring and family approach to the staff that stuck with me most on this day. The celebrations were attended by 1,000 past and present staff. The honour board in the foyer is dedicated to the

staff who have served the company for 20 years or more, and the managing director, Mike Heard, told me that they need a new board for those who have served over 30 years.

Over the last 50 years, Codan has employed more than 2,000 people, mostly in South Australia. It estimates that it has injected about half a billion dollars into our economy via its wages and produced about $1.5 billion worth of world leading, high tech products sold across the world.

Codan's global reputation is one of innovation and ingenuity. Locally, we celebrate the company as a manufacturing icon, with a commitment to transforming the way we do business. My thanks go to my hosts, Mike Heard and Alan Gobolos, and my congratulations to the whole Codan team, especially Ian Wall, Jim Bettison and the family of Alistair Wood.

GLENSIDE HOSPITAL REDEVELOPMENT

Ms CHAPMAN (Bragg) (15:29): Today, the French celebrate Bastille Day. It is an occasion on which I make the observation of the oft quoted, 'The more things change, the more they stay the same.' Samela Harris wrote in *The Advertiser* on Wednesday 17 February 1999, which is over 10 years ago, in respect of a proposal submitted to the then government to sell the Glenside Hospital site. She made this observation in her article, 'But now it's the age of deinstitutionalisation.' Further:

> Many people have written about it. Few, if any, have found merit in it, since it is another of the compassionless blows of economic rationalism which puts money first and people last. So now we have a government looking for ways to 'deinstitutionalise' its sick. It is acting on a model which enjoyed some popularity overseas. Briefly. Hearing from the United Kingdom, deinstitutionalisation has been judged a disaster.
>
> However, once the bureaucrats and pollies make up their minds, a project must and will go forth. And I see the juggernaut now, mowing down Glenside and all who rested in her. I see it, without a backward glance, justifying its actions with lots of lovely rhetoric about community care, prevention, support...Its plan to set up Extended Care Services with Mobile Assertive Care services and forensic services. It also talks of services to the elderly.

Later she says:

> ...and thus should we all be worrying. This sort of government action should not be taken passively. It is time everyone pricked up their ears and cared about the fate of the mentally ill—or the potential consequences of having severely disturbed people shunted out to the 'burbs to rely on house calls.
>
> Whatever it says, the government wants to close Glenside and damn the consequences.

Here we are again—10 years later—with a government that is actioning just that promise. The previous government did not follow that recommendation and maintained the site. This government has decided to sell off half to build a new supermarket and private housing and to shove people out into the community.

Already we have had a select committee that says this is wrong. The design is wrong and the approach is wrong. The property should not be sold. There are urgent and pressing needs for mental health services. We have a DPA which suggests that 10,000 vehicles a day will go in and out of this site and that it will chop up 200 significant trees and interfere with up to 2,000 trees and native vegetation on the site. It is a travesty by anyone's assessment.

The only people who are keen on this project are the property developers—with whom we are in court at the moment because they will not produce documents, under the direction of the Ombudsman—and the government. They are the parties that want to press ahead with this proposal.

Well, there are human consequences, and I want to reiterate a couple of them today. During estimates the Minister for Mental Health and Substance Abuse confirmed that the chapel, which has been the place of worship for over 50 years at the Glenside Hospital site, is to be taken over, renovated and converted for use by the film corporation. We know about the Premier's $43 million toy, his little play thing, to set up a film hub. I suggest that it is absolutely obscene that even God is now being evicted from the chapel! All the patients are out. The services have to be moved out because they need it for a film corporation.

A more pressing need would be for the patients and the staff who work under those stressful circumstances to be able to continue to occupy their own chapel. The minister said that it doesn't matter; it will happen in a couple of months and we will build them something else. Well, there is nothing in the Public Works Committee report for a place of worship to replace this chapel.

If that is not bad enough, just this week I heard about the plight of a mother in Port Lincoln. Her 47 year old daughter has been in institutional care, in and out of Glenside, since she was 19.

They have placed her in a flat at Port Adelaide, without any supervision overnight. She has run away twice. She has a history of a serious schizophrenic condition. What is the government doing? It is throwing her out on the street. That is exactly the warning Samela Harris gave the community 10 years ago—and it is exactly what is happening today.

It is an absolute disgrace and I want this parliament to be aware that we will continue to fight this in the District Court. It can be Department of Health v Chapman. I will go all the way to the High Court, if necessary. We will oppose this sale and this obscene throwing out and decanting of people from this site—even out of their own church. It is an absolute, obscene, disgusting approach by the government, and we will do everything we can to stop it.

HAMPSTEAD PRIMARY SCHOOL

Mrs GERAGHTY (Torrens) (15:34): I am not going to comment on the member's contribution—but I see a future in another career here. Recently, I had the great pleasure to attend a lunch put on by Hampstead Primary School for Stephanie Alexander's visit to the school. Stephanie was visiting to inspect the progress the school has made to establish a garden and kitchen, which it is able to do as a result of a grant it received from the Stephanie Alexander Kitchen Garden Program. It is a fantastic program—and the member for Ashford agrees.

When we arrived, two students welcomed Stephanie and me to the school. We were then escorted to the lunch venue where we were met by the school's choir who welcomed us with a fantastic rendition. The students were seated at all these little tables and there was a beautifully prepared smorgasbord of nutritious food supplied by the school community. With the assistance of the children and the principal, Angela Falkenberg, Stephanie toured the site and helped some of the students to plant some vegetables in the new garden beds. We also had a look at the partly renovated classroom that is to become the kitchen area, and progress on that is well underway.

The Stephanie Alexander Kitchen Garden Program is a federal government Healthy Active initiative which is being conducted over four years and which is intended to involve up to 190 government primary schools nationally to develop kitchen and garden facilities. The initiative is focused on primary school students in years 3 to 6 and aims to have children learn how to grow, cook and share fresh food. It is hoped that this approach will provide a better chance of positively influencing children's food choices and also assist in addressing the growing problem of childhood obesity.

Health professionals and educators are increasingly concerned about the growth of childhood obesity. The Stephanie Alexander Kitchen Garden Program is a wonderful initiative that seeks to influence the food habits of our children both now and for future generations. Hampstead Primary School is an ideal location for the Stephanie Alexander Kitchen Garden Program as the school works proactively to support the needs of students and families, especially those experiencing poverty, unemployment and those with the challenge of settling into a new country or experiencing family crises, such as domestic violence and family illnesses.

The school also undertakes many other programs, such as its walking group and volunteer community mentoring program. I say again that it is a fantastic school. As I have previously raised in this house, the Minister for Early Childhood Development (Hon. Jay Weatherill) announced that the trial preschool at Hampstead had been so successful that the preschool would continue on the site. The school very strongly lobbied the state government, showing a real need for such a service. It is certainly testament to the school community's determination to provide the best outcome for students in its care.

Hampstead Primary School has also been successful in gaining a Community Natural Resources Management Grant which will be used to plant an indigenous garden that will be used to grow native herbs, fruits and vegetables. The school has a significant indigenous population, and this grant is a perfect adjunct to the Stephanie Alexander Kitchen Garden School Grant. I have had first-hand experience of the tremendous contribution that Hampstead provides in the education of our young children. I really do want to congratulate the parents and particularly the staff of Hampstead for their ongoing efforts to provide an excellent educational environment for the students at the school.

Finally, thanks must go to Stephanie Alexander for her patronage of this wonderful initiative being undertaken in our schools. I was absolutely delighted to have the opportunity to meet her. She is a truly committed woman, constantly encouraging children to eat a healthy and balanced diet. The students were absolutely proud to have her visit their school.

Time expired.

ECONOMIC AND FINANCE COMMITTEE

The SPEAKER (15:39): I advise the house that I have received the resignation of the member for Goyder from the committee.

The Hon. M.F. O'BRIEN (Napier—Minister for Employment, Training and Further Education, Minister for Road Safety, Minister for Science and Information Economy) (15:39): I move:

That the member for Waite be appointed to the committee.

Motion carried.

ROBINSON, MR S.A.

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (15:39): I table a minute from me, in accordance with my undertaking during question time:

To the Hon. Michael Wright MP, Minister for Police.

Subject: Shane Andrew Robinson.

I am advised that a Parole Board Warrant was issued on 24 June for Mr Shane Andrew Robinson's arrest but it was not able to be executed by SAPOL. Could you please have the Commissioner of Police provide details of the steps taken by SAPOL to locate and apprehend Mr Robinson, so that I can answer media queries on this matter?

Michael Atkinson, Attorney-General, 13 July 2009.

EQUAL OPPORTUNITY (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 3441.)

Mrs PENFOLD (Flinders) (15:40): It is amazing to look back on the history of women in South Australia. In 1847 in a hotel on the Port Road a man is said to have auctioned his 25 year old wife for a pound. In 1881 it is recorded that in Naracoorte a man leaving the district sold all of his possessions, including his tent and his wife, for a few pounds. From settlement in South Australia until 1876, the age of consent for girls was 10. From then until 1885, when it was raised to 16, it was 12. In 1884, the Married Women's Property Act was passed. Until then, all married women's possessions, including any money (unless it was a marriage settlement) belonged to her husband.

Soon after this followed the Taxation Act, allowing women to pay tax. It occurred to me that this was a great pity, as women would have been far more highly valued and looked after if they had remained tax exempt. However, it was another 10 years before women's status as non-citizens, along with children, the insane and criminals, was rectified.

The battle for women's equal opportunity to vote really began in 1883, when the Ladies Committee of the Social Purity Society, led by Mrs Mary Colton, Mrs Rose Birks and Mrs Mary Lee, resolved to 'urge by every legitimate means the course of women's suffrage in this colony'. They were followed by the Women's Christian Temperance Union in 1887. This was the year of the state's 50th Jubilee; the 50th anniversary of Queen Victoria's reign. Then in 1888 the Women's Suffrage League was formed. The first president was Dr Stirling, with Mrs Mary Lee and Mrs McLellan as honorary secretaries. It is interesting to note that their third objective states, 'that while women's suffrage is desired no claim is put forward for the right to sit as representatives'.

Finally, in 1890, the Working Women's Trade Union was formed and, again, Mrs Mary Lee is prominent as the secretary. This powerful woman had come to Adelaide from Ireland at the age of 58 to nurse a sick son, one of her seven children. He died within a year, and for the rest of her life she worked for social and political reform in the colony.

Then, only 115 years ago, in 1894, our constitution was amended to clarify the meaning of the word 'person' to include women as well as men. What a simple change, which meant so much for women, who until then were considered chattels. There is a great deal of significance in this amendment, made on 18 December 1894. It was the last step required to give women over the age of 21 the same rights as men to vote in the House of Assembly and the Legislative Council elections in this state, the first Australian state to allow women to vote. It had taken nine years of

political struggle and six unsuccessful amendments before, finally, the seventh was successful. Only the week before this successful vote, one of our Australian members of parliament stated:

> It is a grave mistake and crime against the next generation for women, who hope some day be mothers, to spend their physical and nervous vitality in study or labour—vitality that should be stored up as a kind of natural bank account for the credit of their children. Every woman who uses up her natural vitality in a profession, business or in study will bear feeble, rickety children and is indeed spending her infant's inheritance on herself.

His statements would be hard to believe by young men and women of today. There would be no doubt about how he voted when the bill finally passed with the absolute majority required for a constitutional bill of 28 of the 54 members. Another quote that conjures a wonderful visual picture is the man who claimed that women would be unsexed by being given the vote. He said:

> The woman who goes shrieking on the stump and roaring, hustling and pushing at the polling booth cannot help getting rougher and coarser than if she had been home darning stockings or superintending her household.

At the same time South Australian women were given the right to vote, they were also given the right to stand for parliament, which was a world first. However, we in South Australia did not follow this good start through, and we were the last state in Australia to elect women to parliament. This only happened 65 years later when Liberal Mrs Joyce Steele was elected to the House of Assembly and another Liberal, Mrs Jessie Cooper, to the Legislative Council.

There had been no country women until 1993, when Caroline Schaefer was elected to the Legislative Council after a casual vacancy occurred during the year and I came in at the election at the end of the year. So it took 99 years for country women to be represented in our parliament.

Women's suffrage meant that we could vote but, until we had women in parliament, it was still very difficult to change many things. In addition, both Caroline and I believe that having country women is very important, because we bring quite a different perspective to the parliament than our city-based counterparts. Being country women is very much an added bonus, because we are able to speak when decisions are being made that will become the law of the land and on policy and expenditure decisions that often affect country people quite differently from city people.

It was not easy being a woman in parliament when I came in, but it would have been much worse for Joyce Steele and Jessie Cooper. The whole system was designed for men. Originally, they used to sleep in the building when parliament was sitting and had housekeepers to look after them. It was fascinating to have two former female staff members in the house today. One former housekeeper, Miss Jean Bottomley, is about to turn 100 years old.

A large pool room and a bar are still available, although their usage is now much changed. There were also practical difficulties for women in parliament. Senator Karin Sowada could not open the heavy doors of the federal house and, on the local scene, it was a long time before there was a ladies loo on the ground floor, which I well remember.

I believe women work differently from men. This is changing as men are becoming so much more involved with raising their children and activities such as nursing as a profession, once considered only female occupations. Women tend to see things from not only the point of view of women—our interests, aspirations and differences—but of families. I think because we are women, we are hearing about many more problems relating to women and families because other women feel that they can talk to us and we will understand. This applies particularly to older, immigrant and Aboriginal women. I believe that more women in politics as both members and in the party can only be a good thing.

The fact that we are discussing equal opportunity matters is an indication of our progress in this area and also as a democracy. It is unfortunate that many of the equal opportunity issues have to be put into law. However, that is the nature of our society, which has become quite litigious.

It is a sober fact that parliaments pass laws but it is our courts that interpret laws. We must therefore err on the side of caution so that, in attempting to do good, we do not inadvertently do evil. It has been interesting to read the speeches of our leader, the member for Heysen, in this respect. Her instances of the possible application of specific wording brings home the above point. For example, it seems a complete nonsense only to accept men who are six feet or more in height as a requirement in an advertisement until one reads that it could be a legitimate requirement for a men's basketball team.

We are still struggling with sex. There is no doubt that discrimination against women simply because they are women still exists, and the issues of chosen gender and sexuality are still being dealt with. There are many other issues covered in this bill, among them those relating to disability,

sexual harassment, independent contractors, agents, contract workers, partnerships, associations, charities, religious bodies, race, education, pregnancy, provision of goods and services, and advertising. Many of the issues are complex and some are conscience issues for each one of us. However, broadly speaking, I am supportive of the bill and have sympathy with some of the amendments proposed.

Mr GRIFFITHS (Goyder—Deputy Leader of the Opposition) (15:49): It is my pleasure to make a contribution to this bill. I commend the Leader of the Opposition for her efforts in this debate, on the review she has conducted, on the briefing that she has provided to the joint party and on the very detailed notes that will assist all opposition members to contribute to the debate.

I think it is fair to say that, within the Goyder electorate, there are some quite conservative people and they have been very alarmed about the potential of this bill. I have been contacted, in total, by some 52 people. I have received letters and emails from people from within Goyder really putting their case as to why they are trying to encourage me to vote in a particular way, where they believe there are opportunities for amendments to occur, and where the concerns really lie for them, because of experiences that have occurred in other states.

I want to take this opportunity in my brief contribution to put on record the details of some of the letters that I have received, which I think really do reflect upon the concerns that not only the people of Goyder have raised with me but also the concerns that many people within South Australia have expressed to probably all members of this chamber and, indeed, the other place, when debate on the bill has occurred. I have five or six letters that I will put on the record. One that I received early in the piece–January 2007—from Mrs Yvonne Webb of Port Vincent states:

> Re: Equal Opportunity (Miscellaneous) Amendment Bill. I am writing about the above bill and wish to register my strong opposition to it.
>
> My objections to the bill, but are not restricted to, are the following points.
>
> - Australia's rule of law of presumption of innocence until proven guilty is ignored, and therefore has the effect of eroding our treasured heritage values.
> - Liability for exorbitant legal fees even where proven innocent of charges laid, rest with the innocent.
> - The bill has the effect and supports discrimination against the specific value-based skills whether Muslim, Christian, Jewish...
> - Cases in other states where a similar law has been passed have created hostility and undermined basic freedom of speech, the very opposite of that which it purports to do.
> - In another state under a similar bill a matter upheld by the Supreme Court was referred back to the Tribunal from whence it came. This suggests that the Tribunal may be seen as a power higher than the legal system. It seems that a cyclic process could be set in motion with a huge backlog occurring.
>
> I submit that we need men and women of strong moral and ethical principles to defeat this proposed bill so I encourage you to consider the points that I have raised and advise me how you propose to vote and why you have taken this stand.

I do note, for the record, certainly, that since being first proposed considerable changes have occurred to the bill that we are now considering, and the debate that has occurred has been fruitful. In 2007 I received another letter from a lady also from Port Vincent. It states:

> Dear Sir,
>
> I am writing in regard to the Equal Opportunity (Miscellaneous) Amendment Bill to register my opposition to this bill.
>
> I am particularly concerned that this bill has been brought forward in the SA parliament without fully notifying the South Australian public.
>
> As a loyal citizen of South Australia I believe that we have the right to be held innocent until proven guilty and that the person against whom the charges have been laid should not be liable for exorbitant fees where proven innocent.
>
> The bill has the effect of destroying all the values in our society that have been held in stead since foundation, including the swearing-in on a religious book, such as the Bible or Koran, the very fabric of which this bill degenerates.
>
> Cases in other states where similar laws have been passed have created anger and hardship and undermines our basic freedom of speech.
>
> This bill also discriminates against specifically based schools, not only the Christian schools but other religious sects too.

It grieves me to see the strong foundation that my forefathers laid on which to build a stable, caring and respected country, falling into such obscene disrepute.

As an enrolled member of the Goyder electorate I implore you to stand firm and fight to defeat this bill to allow us freedom of speech and the way of life that we have all had the privilege of enjoying.

If there is any reason for you to vote in favour would you please advised me [about that].

The Hon. M.J. Atkinson: Why read them out when you're not going to vote with them?

Mr GRIFFITHS: I am intending to vote, in the conscience area.

The Hon. M.J. Atkinson: You're voting against their intentions, so why read them out?

Mr GRIFFITHS: I'm reading the comments that are provided to me, Attorney. I received another letter also. This one is more recent, and it reflects some of the changes that have occurred. This is from a resident of Maitland, and it states:

As a parent of children in a Christian school I am very concerned about the impact of this bill on our school.

The removal of the exemption for our school in relation to actions involving students will preclude the school from being able to provide moral teaching to students in relation to sexuality without the threat of a complaint to the Equal Opportunity Tribunal. In choosing a Christian school for our children we wanted an education that supported the values and beliefs we teach in our home. This was our freedom and our right. This bill effectively removes that choice and imposes an unacceptable restriction on our freedom of religion and belief. So much for equal rights, and so much for anti discrimination.

This bill is more about instilling fear of speaking out, into those who stand up for moral standards, while allowing those who want to break down moral standards, to carry on with the backing of the law regulators. It also legally prevents us from isolating people with such decadent standards, from eating into education systems, by way of student and staff access. The end result is subtle forced indoctrination to accept standards to which we are opposed. Indeed, the proposed law is discriminatory itself, by discriminating against those who are upholding the very moral standards that help build this nation to what it is today. Much of Western society helped instil the very basic of Christian Standards, namely the 10 commandments, into what we see today, as a benchmark of acceptable human standards. Lawmakers are now pulling down those standards, and allowing an influx of moral decay and decadence to flourish, thus sending us back to the caveman standards. Effectively such laws would put a muzzle on us speaking out for upholding moral standards, and allow decadence to thrive. One only has to look at previous fallen empires, to see that this was one of the common features of their demise.

As humans, we are all uniquely different. This is part of our natural characteristics, which make our habitation of this earth so pleasant. If we were all the same, it would be as if we were all zombies. Hardly a nice place to be. The very use of such wording as 'equality' wreaks of the statements of those professing the Communist manifesto. Look at how the system has failed dismally over time. Just as we do require laws to control unacceptable behaviour, and allow the freedoms so hard won in past history, Christianity, likewise, looks to instil standards, which, while some have abused, and others reject, have stood the test of time in promoting highly acceptable standards for the majority of those who believe in those standards; even non Christians. One of the very reasons that many parents send their children to Christian Schools, is due to the values taught and maintained in those schools. By introducing this law as it stands, will prevent us from continuing that path, and allow deterioration of standards in our society.

Another email I received was from a chap in Balaklava. It states:

I am writing to you as a member of parliament to ask that you please consider some of the changes being made to the up coming amendment of the Equal Opportunities Bill.

The Hon. M.J. Atkinson: Why are you voting for the bill if you are reading all this out?

Mr GRIFFITHS: I think that it is important to reflect upon the opinions conveyed to me, Attorney. The email continues, as follows:

As I understand it, politicians have the freedom to choose staff with their political beliefs and so I would ask that faith groups should have the freedom to choose staff whose lifestyle upholds the group's religious beliefs. I think that most people, especially in your electorate, would think this is only fair.

I received an email from someone who also lives in Maitland, and it was forwarded to the Premier. It states:

Dear Mr Rann

We are writing to express our concerns about some aspects of the *Equal Opportunity (Miscellaneous) Amendment Bill 2008* that is shortly to be debated in the House of Assembly. Our concerns relate particularly to the parts of the Bill that will make it unlawful for many Christian organisations to refuse to employ persons who do not hold to Biblical standards of sexuality.

We believe that if this Bill is passed into law in its current form, it will have a detrimental effect on religious freedom in South Australia. One only has to look at the history of countries like the former Soviet Union to see the damage that is caused when the State imposes restrictions on religious freedom.

For many years, operators of Christian bookshops, charities and other faith-based organisations have had the freedom to include considerations of conformance to religious values (including those values that relate to sexuality) in the process of selecting job applicants. There is nothing wrong or untoward about this freedom. It is no more wrong for a Christian group to refuse to employ a homosexual person than it would be for you as a Labor MP to refuse to employ a staff member because that person happens to be a passionate supporter of [a different political party]. A Christian organisation will, by its very nature, seek to promote Christian values set out in the Bible, and it is not unreasonable for the organisation to seek to employ people who also hold to these same values.

Contrary to the perception that often abounds in the media, Christians such as ourselves do not oppose the homosexual lobby because we harbour hatred towards these people. Jesus taught his followers to love their neighbours as themselves, and to even love their enemies. Therefore, we do not condone acts of violence towards homosexuals. It is the lifestyle and actions of these people that we oppose, because we believe that God's Word shows it to be sinful.

Generations of hard-working Christians have helped bring prosperity and wealth to this State. We work hard, we live honestly, and we pay our taxes. We try to look after ourselves, and we do our best to avoid being a burden to other taxpayers. We also try to help those in need, and there are numerous Christian charities and service providers that exist as testament to the Christian belief in helping the poor.

If this bill was to become law, there is every chance that some of those Christian groups will face prosecution because of their religious beliefs. Some of those groups may be forced to close because they cannot operate under the new restrictions that will be placed upon them. And consequently, those who were previously supported by these groups will turn instead to the Government for assistance.

In this way, laws that reduce religious freedom also have a negative impact upon the economic health as well as the moral health of this State.

Also, from the community of Bute comes the following statement, 'I would like to express my concern about the Equal Opportunity Bill—'

The Hon. M.J. Atkinson interjecting:

Mr GRIFFITHS: Yes, and which is about to go into Frome in the 2010 election, too, Attorney.

The Hon. M.J. Atkinson interjecting:

Mr GRIFFITHS: The Attorney notes that that is bad news because that might, indeed, have an effect upon the vote for the electorate of Frome. This letter states:

I would like to express my concern about the Equal Opportunity Bill which is being debated in the South Australian House of Assembly. I am grateful to the Liberal Party for some good amendments in the Upper House last April, and I encourage you to stand firm in support of those amendments.

However, there was an important amendment which the Liberal Party did not support.

I think, in the interests of fairness, I will put this on the record:

It has to do with what is surely a Liberal principle to uphold religious freedom and freedom of association. I would urge you to support the freedom of faith-based groups, including Christian Bookshops and welfare organisations, to employ people who adhere to the principles of their faith. It is not good enough to say that people who disagree with a particular religion would not seek employment there...Please continue to oppose this dangerous bill.

Lastly, there is a letter from some residents of Moonta which states:

I have some serious problems with the equal opportunity bill now being debated in the SA lower house of parliament.

There were some good amendments made by the upper house, and I ask you to support these. In particular, please support the amendment to remove the clause giving the Equal Opportunity Commissioner the power to investigate anything she or he likes, regardless of whether there has been any complaint. This clause would give a Commissioner the right to pursue an ideologically-motivated 'witch-hunt'.

These are the words of others. The letter continues:

But there is another problem which the upper house failed to correct. The bill would prevent faith-based groups such as Christian welfare groups and businesses (e.g. bookshops) from discriminating in favour of employees who have biblical values and lifestyle in regard to sexuality. The clause of the bill would undermine the religious freedom of South Australians.

These letters that I have read today reflect the comments that were received by my electoral office. I can understand that there is a diversity of opinion on this and I know that considerable work has been undertaken to improve the bill. I am certainly very aware of the briefing provided by the Leader of the Opposition that, in the majority of cases, the bill reflects existing laws of the commonwealth. I think that is correct. Yes, the member for Hartley is nodding her head so I am grateful for the indication that that is correct.

I know it has taken some time to reach this stage and I know that the debates that have occurred within the upper house have been lengthy. No doubt many will make contributions with regard to this bill, but I do hope that we move forward and that the comments that are relayed by the opposition to the government about the concerns expressed by people within their communities are, indeed, listened to.

Mr HANNA (Mitchell) (16:03): I will be brief in speaking to this equal opportunity legislation. When I look at my notes I see that I have been involved in preparing the groundwork for this legislation on and off since 1998, and there are some honourable members of this house who have been concerned with these issues ever since then.

Parliament is a marketplace of ideas, in a way, and you only actually come away with what the majority will agree with. This is, indeed, a watered-down version of a truly superb set of amendments and recommendations which were put forward many years ago. It goes right back to the report by Brian Martin QC, as he then was, in the early 1990s. Both Liberal and Labor attorneys-general have put forward bills previously. It seems that this time we will finally get some legislation through.

I do need to speak briefly because I have also received many submissions from people in my electorate (and outside my electorate) regarding the bill. The essence of the submissions which I am talking about is that it is an evil and dangerous piece of legislation. The point I would like to make is that this legislation is about equal opportunity; it is not about equalisation. It is not saying that everyone in society is or should be the same but it is saying that everyone should have the same opportunity regardless of certain characteristics they might have.

In this legislation, we are expanding the categories of race and gender and so on to include some important areas which have been neglected for the past few decades, and longer—for example, in relation to disabilities and in relation to carers' responsibilities. It seems to me that the people who have written to me have misunderstood what the legislation is about. There is one element of it which deeply troubles them, and I appreciate their concerns, but to lobby for rejection of the bill is to lobby for a continuing discrimination on the basis of people's disabilities, and it is to lobby for continuing discrimination on the basis of people's caring responsibilities in the home—and this is anathema to me

It seems to me that the correct path of parliamentary reform, when you strongly object to one element of a bill and yet there are many good parts to it, is to lobby for amendment to the bill not for outright rejection. So, I have written back to some of these constituents and asked: 'Who told you that that is what the bill is about; where did this come from?' I will not go into all the answers, but the point is that a number of people, I think, have been misled by people who should know better about the parliamentary process and about how to lobby effectively for a desired change.

The essence of the bill is to provide equal opportunity, regardless of what, at the end of the day, are external characteristics. We are all equal in the eyes of the law and we are all equal before God. What that means is that there is to be a respect for the common humanity of every one of us, and that should be followed through in the provision of goods and services, in the provision of accommodation, and in the provision of housing—those things which are spelt out in our equal opportunity legislation. Things such as gender, income, race, or even religion, are things which differentiate us, but they should not necessarily be the basis upon which we are refused the basic services and facilities of life.

Not only will I support the legislation but I will be moving an amendment which I know is controversial. It is something that I have moved before and it is because of a sincerely held belief that the adherence to a religion should not itself be the basis for lawful discrimination when it comes to the basic provision of goods and services and the like. I will address that issue further when we get to that point in the debate.

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (16:08): I thank honourable members for their contributions to the second reading debate. I must correct the member for Flinders when she said that Caroline Schaefer was the first country woman MP in the South Australian parliament in 1993. Not so. In 1989, when I was elected, Colleen Hutchison was the elected member for Stuart, based on Port Augusta and Port Pirie, So, I trust that the member for Flinders, who argues that women are persons, regards a Labor woman as a woman.

The member for Goyder read into the record letters from constituents opposing the bill. He will now vote for the bill on the voices, though, because there will not be a division, I think. The member for Goyder's vote will not be recorded. Does the member for Goyder think that he appeases his constituents by reading out their letters in their entirety and then voting in opposition to what they say?

The Hon. R.B. Such interjecting:

The Hon. M.J. ATKINSON: Apparently, the member for Fisher and others say that it is the democratic process. What I find misleading is to read them out and to then not disclose to the chamber, on the *Hansard* record, how he is going to vote. The member for Heysen—

Mr Hanna interjecting:

The Hon. M.J. ATKINSON: Yes, I can call a division but then I would have to vote against the bill, and it seems, after all these years, a great pity for its mover to vote against it. The member for Heysen, in her extensive contribution, asked about the amendments dealing with sexual harassment of school teachers by students. She wondered why there was no requirement that these matters be first dealt with by a school conciliation process before a formal complaint can be made to the Equal Opportunity Commission.

The answer is that this is because the teacher is an employee of the education authority and as an employer the authority will owe a duty to ensure that the system of work is safe and to protect staff from hazards; thus the school could not be a neutral conciliator between the teacher and the student and it would be problematic to require the parties to use a school conciliation process before being at liberty to take a complaint to the commission.

The member for Heysen also expressed the concern that the private household exemption is deleted from the act and argued that people should be free to discriminate in hiring people to work for them in their own homes. Indeed, the bill preserves that liberty. Yes, the member for Heysen gets her wish and places in South Australia can be like whitewashed mansions in the Old South. The reason for this is that these days quite a few people run businesses from their homes. If you are running a business, then whether it is from home or—

Mrs Redmond interjecting:

The Hon. M.J. ATKINSON: Frankly, Mr Speaker, the member for Heysen doesn't give a damn! If you are running a business, then whether it is from home or from a separate business address, you should not be allowed to discriminate on race, age or other irrelevant matters in hiring staff.

The bill would, therefore, amend the act to distinguish, instead, between the case where you are employing or engaging someone to provide a service that is not in connection with the business you run, and the case where the hiring is for a business. In the former case the discrimination laws will not apply, as the Leader of the Opposition wishes.

Similarly, the member expressed concern about the scope of the exemption for lodgings. The bill proposes to narrow the current exemption. At present, one can discriminate in letting lodgings if one lives on the premises and the lodging provided there is for no more than six people, apart from you and your family. Thus, if you own a small group of units and live in one of them, you can discriminate in letting the other units.

The bill proposes to reduce the exemption so that one can discriminate if one will be offering lodging in one's own household, for instance, if you take in a border; but if one commercially lets out premises and happens to live on site, one cannot discriminate in commercial letting.

The member also wondered why we need to cover discrimination on the ground of characteristics of a person's associate. An example may help. I say to the leader: suppose that a young family takes a seat in a fashionable cafe intending to order refreshments, but the owner asks the family to leave because the mother is nursing a baby. Under the bill, any one of them can complain.

Mrs Redmond interjecting:

The Hon. M.J. ATKINSON: Yes. Did I use an Americanism? May I apologise abjectly to the Leader of the Opposition, and I ask her not to diminish her pedantry merely owing to her elevation.

Members interjecting:

The Hon. M.J. ATKINSON: We have all these years, lonely days and nights here, chaperoned only by the Speaker—

Members interjecting:

The Hon. M.J. ATKINSON: The member also expressed concern about the provision of the bill that imposes liability on both owners and occupiers of premises. I understand this to be a reference to clause 45, amending section 76. The member wondered whether this might mean that a person who does no more than let premises to a business could be made liable for a discriminatory hiring decision by the business. The answer is no. The provision is about access to premises. The effect of the provision is that if access to the premises is refused for a discriminatory reason then a complaint can be made against either the owner or the occupier, as is relevant.

I thank all other members for their contributions to the debate and their expressions of support for this bill. I indicate that, on reflection and contrary to what I foreshadowed earlier, it is no longer my intention in the committee stage to move the amendment standing in my name. In the interests of speedy passage of this long overdue measure, the government will not contest the amendments made in another place.

Bill read a second time.

In committee.

Clauses 1 to 3 passed.

Clause 4.

Mr HANNA: I move:

Page 5, line 5—After 'race,' insert:

religion,

In order to explain my amendment, I will just briefly cover the ground of the system set out in the equal opportunity legislation. Before we even get to that, one can say that everyone discriminates every day of their life in making choices as they interact with other people. Then we say, as a parliament and as a society, that it is not right to discriminate on the basis of certain characteristics of other people.

Our legislation does two things: it sets out a range of human activities or interactions which are the fields where discrimination can be made unlawful. For example, with the characteristics that are set out in the legislation, it is unlawful to withhold goods and services; it is unlawful to prevent someone from joining an association or a club; it is unlawful to refuse employment; and it is unlawful to refuse housing.

Then it comes to the actual characteristics of people which may not be the basis for refusing one of these goods or services. There are things, such as ethnicity, which are common ground through our society; that is, ethnicity should not be a basis for not giving someone a job or for not giving someone housing. At least most people in the community agree with that—and certainly that is the current law.

I sincerely believe that adherence to a particular religion should not be the basis upon which one can refuse things, such as employment, housing, or goods or services—those fields of activity which are already set out in the legislation. Although I have several pages worth of amendments, the concept is extremely simple, and it adds religion in the various parts of the legislation as it goes through those different fields of human activity. For example, where the legislation (as it stands) talks about employment, where it talks about associations, where it talks about goods and services, I have amendments to add religion as a ground upon which it would be unlawful to discriminate.

Although it looks like a lot, it is a simple concept. I draw attention to the exemptions. I think they are of great interest to people, and I have sought with some fairly broad exemptions to assuage the concerns of people who want to discriminate on the basis of religion, even though I accept that there are a number of important situations where religion is quite rightly the basis of discrimination. The most obvious one is where it is a question of employing someone to officiate within a certain religion, so it is quite right for a Roman Catholic church or Jewish temple or a

Buddhist temple to hire people in the role of priest or rabbi or monk (as the case may be) who adheres to that particular religion. Everyone accepts that should be so.

Because I am putting forward this amendment as a test amendment, I am going into some detail and then, if the amendment fails, I will not have to explain other parts. In relation to employment, I draw members' attention to that part of my amendment where it provides that this division does not apply to discrimination on the ground of religion in relation to employment or engagement for which it is a genuine occupational requirement that a person be of a particular religion, or in an educational or other institution operating under the auspices of, or in accordance with the precepts of, a particular religion. That aspect of my amendments will probably be the subject of debate in relation to educational institutions because I know that the member for Fisher has amendments in store for us which cover that particular point. I will not dwell on that topic now. I will go to the other general exemptions which are written into this set of amendments and which I am putting forward.

Under new sections 65M, 65N and 65O, I have set out a number of exemptions. They cover the areas of charities, projects to benefit people of a particular religion and certain exemptions in relation to religious bodies. Charities, for example, where there are funds for a particular religion (it might be the Catholic benevolent society, the Jewish national fund, the protestant poor people's relief fund—whatever it might be) which confer benefits mainly on people of a particular religion are untouched by the amendment I am putting forward; and also where there are projects for the benefit of people of a particular religion, and I think the obvious one is building a school, a temple or a church for a particular religion.

That work—for example, the adornment of a temple—might need to be done by people who are adherents of the particular religion, and my amendments would not cover that situation. So, there is an exemption there because it is a project for the benefit of a particular group of people of a particular religion. In relation to religious bodies generally, I will read out my new section 65O because it is important:

> This part does not render unlawful discrimination on the ground of religion in relation to—
>
> (a) the ordination or appointment of priests, ministers of religion or members of a religious order; or
>
> (b) the training or education of persons seeking ordination or appointment as priests, ministers of religion or members of a religious order; or
>
> (c) any other practice of a body established for religious purposes that conforms with the precepts of that religion or is necessary to avoid injury to the religious susceptibilities of the adherents of that religion.

Having set out those exemptions, I think that most of the objections put forward (and I have heard some pretty strong objections from certain elements of Christian society) should be pretty well assuaged. The concept of including religion as an unlawful basis of discrimination has been discussed—it was in the consultation process of the government; it was one of the proposals that was put out for community consultation. I notice that quite a significant number of those religions which might be considered minority religions in this time and place in South Australia were in favour of this proposal, at least in principle.

Of the three major Christian denominations, I must say that I did have strong support from one of them. The point of the legislation from the very beginning in the 1980s and the first thinking about it in the 1970s is that it is a protection largely for those people who have traditionally been the subject of unfair discrimination. Generally speaking that means minority groups, but, of course, it also importantly includes women who cannot be considered a minority group.

The whole purpose of these amendments is primarily to protect people from other than Christian religions, and I do not deny that. However, it does not make it any less unfair because a person is of a religion other than Christian religion; it is just the fact that, apart from secularism, our society is seen as a Christian society in the mainstream and therefore Christians are unlikely to suffer discrimination in most of the daily contexts we could think of. However, people of other religions will often find discrimination in the daily activities in which they engage.

It comes back to the fundamental point that I think it is unfair for a Jewish person to be denied entry to a club on the basis that they are Jewish, I think it is wrong for a Muslim to be refused accommodation on the basis that they are Muslim, and so on. I do not think it is fair, and this whole equal opportunity legislation has always been about fairness and granting respect to

those who are not necessarily of the mainstream. I put forward this amendment to the definitions clause of the bill and take it as a test amendment for all the amendments that I have on file.

The Hon. R.B. SUCH: The explanation given by the member for Mitchell is, I think, sensible. He is not seeking to put in a widespread provision relating to religion and discrimination. By its very nature religion is discriminatory. It has to be. As far as I know, you cannot belong to several faiths and retain any credibility or even retain membership, or whatever those various faiths require. I will support this amendment, but I make the point briefly that we have the unusual situation where churches themselves—often through their schools—exclude and discriminate.

A couple of years ago I wrote to the then federal minister for education asking why it was the case that a church school could discriminate and exclude people from enrolling in that school, particularly in light of the fact that, to a large degree, the community funded the school. I think this is where things become somewhat grey, because if the community is funding a church school I believe there is an obligation on whoever operates that school to essentially abide by the general tenets of society. Obviously, there has to be some specific provision for the worship of their particular faith but in other respects they should not be a law unto themselves, in effect. Currently, we allow that. We allow people to say, 'Even though you are funded by the taxpayer, to a large extent, we are going to let you exclude people from going to your church school.' I appreciate that that is an issue that will not be dealt with here, but I think what the member for Mitchell is putting forward is reasonable and sensible, and I intend to support him.

Mrs REDMOND: We are dealing with the first amendment and, as I understand the situation, the member for Mitchell has spoken about the whole thrust, because although it appears first in the order of the amendments to be considered, in fact, his amendment is dependent upon the major part of his amendments that deal with introducing a prohibition on discrimination on the ground of religion.

I want to put on the record, as I have on a number of occasions in the course of the debate on this bill and its earlier incarnation, the strange situation we have where under our legislation it will be lawful to discriminate against someone on the ground of their religion but not lawful to discriminate against someone on the ground of what they are wearing, in terms of their religious dress or adornment. That seems to me to be a little odd.

However, I am, if nothing else, a pragmatist and, as a politician, an incrementalist. In the interests of getting this through, whilst I have great sympathy for the words of the member for Mitchell and the credibility of his argument, my feeling is that the best thing we can do at the moment is to make sure that this bill at least in its current form gets through as quickly as possible. So, although I agree that it is desirable that we have a more consistent approach on this issue, I indicate that I will not be supporting this amendment. However, I also indicate that these issues generally will be conscience issues for the members of our party.

The Hon. S.W. KEY: The member for Mitchell discussed the major part of his amendment, which is discrimination based on the grounds of religion. Does that include people either as possible consumers or as workers having no religion?

Mr HANNA: There has been some case law on what constitutes religion. I am going on memory now, because it is not in front of me, but I think there was a famous case concerning the Scientologists in the 1970s, where it was discussed in the High Court. That was the decision which I think arose from a tax argument which suggested that Scientology was a religion, according to law. So, bearing that in mind, it is possible to define what religion is—indeed, there are some circumstances where we have to do that.

In the case of people who are not religious, the common-sense interpretation I would offer is that where someone says, 'I'm not going to give you this job because you're not religious enough' or 'You're not of my religion', whether it be that you hold another religion or whether it be that you hold to no religion, that would be discrimination on the basis of religion. So, I think the answer is yes.

I suppose ultimately that would have to be tested in the courts, if it ever came to that. However, it seems to me that the common-sense answer is that, where the decision is made to refuse something covered by the act and it is because the person has either a different or no religion, surely that is discrimination on the basis of religion.

The Hon. S.W. KEY: In some of the contributions we have had in this debate a point has been made not only with respect to educational institutions and faith and religion but also to the

provision of services, such as bookshops. I am wondering whether the member for Mitchell's proposed amendments would cover someone who was, in my view, eminently suitable to work in a faith bookshop by having studied theology, for example, and having librarian skills and maybe even skills from working in a different sort of bookshop, not deemed appropriate because they have no identified faith but rather have a knowledge of the goods and services in the area in which they would be working.

Mr HANNA: I think that is a very good question, which goes to one of these borderline areas. So, I appreciate the question from the member for Ashford. As I have said, the amendments that I am putting forward cover all the mainstream activities that are already covered by the legislation, such as employment and the provision of goods and services.

In relation to employment, I have the exemption drafted which says it would not apply if it is a genuine occupational requirement that a person be of a particular religion. Working in a temple, for example, one could easily imagine circumstances where adherence to the religion would be a necessary part of the job because of involvement in ritual and so on. However, working in a bookshop, I would suggest—in the sort of bookshop that most of us are familiar with—it would not be strictly necessary to adhere to the religion of the bookshop owner. It may well be a genuine occupational requirement that a person is thoroughly versed in the scriptures and the doctrines of a particular religion. However, that would not necessarily require the person to be an adherent of that religion.

So, I suggest that, in that average sort of situation—I suppose it would apply to Christian bookshops around town; that is probably the most common sort of scenario that is conjured up by the member's question—it seems to me that the important thing is that, for an inquirer coming into the shop, the retail staff ought to be well versed in the scriptures and doctrines of Christianity. I suppose it would be a reasonable requirement that they at least be sympathetic to those doctrines. You could not have someone in the shop who is there to turn other people away; that would be an absurdity. So, some sort of affinity with, sympathy for, or appreciation of the doctrines would probably be a genuine occupational requirement, but I cannot see how it would be strictly necessary in the same sense that it would be for someone working in a church or a temple.

The Hon. M.J. ATKINSON: The amendment proposes to include in the long title of the act mention of the proposed new ground of religion. The act does not presently cover discrimination on the ground of religion. The government consulted the public about that possibility in 2002. We learnt that it was highly controversial. It appears that at least some religions and Christian denominations, far from wanting the protection this would confer on them, are concerned that it would cut down their freedom to practise their religion and, in particular, to preach against other religions, proselytise, and compete for adherence.

Most of the people whom the member for Mitchell seeks to protect by this provision do not want his protection, and we have that on the record. I think most of the Christian denominations feel that enacting this provision would leave them at the mercy of militant secularists in society using these provisions against them. So, for this reason, the government has not included in the bill any proposal that the act should be extended to cover the ground of religion and, accordingly, we do not support this amendment.

Mr HANNA: I think the Attorney-General's criticism is a little unfair, because a substantial number of faiths supported in principle this sort of protection. It is probably fair to say that the majority of Christian sects do not support it, but, then again, this legislation has always been there not for the mainstream but for the minority, the ones who really need protection.

In relation to the potential for militant secularists—as the Attorney-General terms them—to take advantage of such protection to cause trouble, I really believe that the fears are overstated and unfounded. I am very well aware of the Catch the Fire litigation in Victoria, but there is nothing in these amendments to create that same sort of storm.

Let us bear in mind that the issue of vilification has been taken right out of this legislation. There is then no question of other religions being vilified and the preacher being considered unlawful as a result of that. It is primarily about accommodation, employment, goods and services, or joining a club or an association, and that is where people need protection if we are to have a fair society.

The committee divided on the amendment:

AYES (4)

Brock, G.G.	Hanna, K. (teller)	Pisoni, D.G.
Such, R.B.		

NOES (35)

Atkinson, M.J. (teller)	Bedford, F.E.	Bignell, L.W.
Breuer, L.R.	Caica, P.	Chapman, V.A.
Ciccarello, V.	Conlon, P.F.	Evans, I.F.
Foley, K.O.	Fox, C.C.	Geraghty, R.K.
Goldsworthy, M.R.	Gunn, G.M.	Hamilton-Smith, M.L.J.
Hill, J.D.	Kenyon, T.R.	Key, S.W.
Koutsantonis, A.	Maywald, K.A.	McFetridge, D.
O'Brien, M.F.	Pederick, A.S.	Penfold, E.M.
Piccolo, T.	Portolesi, G.	Rankine, J.M.
Rann, M.D.	Redmond, I.M.	Simmons, L.A.
Snelling, J.J.	Venning, I.H.	Weatherill, J.W.
Williams, M.R.	Wright, M.J.	

Majority of 31 for the noes.

Amendment thus negatived; clause passed.

Clauses 5 to 18 passed.

Clause 19.

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

Page 11, lines 24 to 41 and page 12, lines 1 to 4 [clause 19, inserted section 34(3)]—Delete subsection (3) and substitute:

(3) This division does not apply to discrimination on the ground of chosen gender or sexuality in relation to a term of a contract of employment or engagement for the purposes of an educational or other institution that is administered in accordance with the precepts of a particular religion if the term of the contract governs the public behaviour of the person employed or engaged in a manner that is consistent with the precepts of that religion and is necessary to avoid injury to the religious susceptibilities of the adherents of that religion.

I indicate that I originally had two amendments on file. Amendment 90(1) is redundant because it is superseded by 90(4). I am talking to the second amendment in relation to clause 19. I am seeking to move away from what I think is blatant discrimination, where a church school can say, 'We believe you're homosexual, lesbian, transsexual, and therefore you won't be employed,' or, if you are employed they could move to get rid of you.

I have been told that a school, by way of contract, could do something similar to what I am proposing here, but I am trying to make quite explicit in the bill what I think is a better alternative to what the bill currently allows; that is, you cannot discriminate in relation to chosen gender or sexuality unless the person on whom you are focused is acting in a manner which is, in essence, undermining the teachings or faith of that school or that religion. So, if the person happens to be homosexual, lesbian or transsexual and they keep that to themselves as a private matter then I do not believe that the church school, on the basis of perceived sexuality, should be able to get rid of them or not employ them.

As I said in the second reading, I think it is a misnomer to say that it is an equal opportunity bill when you are denying, in effect, equal opportunity because someone is perceived to be homosexual, lesbian or transsexual. The answer that I have been given over time is that the schools will be able to determine if someone is in one of those categories by their overt behaviour.

Mr Hanna: How do you tell?

The Hon. R.B. SUCH: Well, you would have to get an electronics engineer, and maybe Madam Acting Chair, who has expertise in electronics, could give me some guidance on how, with a meter at the gate of the school, you could determine whether someone was homosexual, lesbian or transsexual. To answer the member for Mitchell's question, I do not know how you would do it.

Contrary to what a lot of people believe, you cannot determine someone's sexuality, in many cases, simply by looking at them. Many fallacies exist in the community, and one is that gays are not married (some of them are) and another is that they cannot and do not have children; that is all scientific nonsense, as they do. You can be a footballer and be gay, and you can be all sorts of things.

What being a homosexual has to do with teaching history or maths, for example, I do not know. It is irrelevant, and it should not be tolerated via this bill. If this bill is passed as it is, a church school will be able to say, 'We don't want you because we think you're a homosexual, a lesbian or a transsexual.' I find that absolutely abhorrent and offensive, especially—and this adds to the point I made earlier—given that, without exception, these church schools also receive government funding. The community is funding the schools, yet we are giving them the right to exclude people simply on the basis of perceived sexuality.

What people do in their temple, synagogue, church or whatever is up to them; the government or the community do not fund those. I do not have a problem with their practices but, when it comes to employing someone as a teacher, it is quite unacceptable to discriminate on the basis of perceived sexuality.

This point does not relate specifically to the issue of gender, but I find it quite fascinating that the Exclusive Brethren do not employ Exclusive Brethren as teachers in their schools, and the reason is simple: they do not allow their people to go to university, so they never have people qualified to teach in their schools. In this whole maze of church school practice, we have some very unusual examples. To allow people to discriminate on the ground of perceived sexuality is outrageous, and I am strongly opposed to it; hence, my amendment.

The Hon. M.J. ATKINSON: This amendment proposes to remove from the law entirely the longstanding exception that has permitted religious schools to decline to hire homosexual staff. The exemptions existed through the 25 year life of the act. I expect that all members here will have received representations from supporters of this exemption. Plainly, there are some schools, and, in particular, the South Australian member schools of Christians Schools Australia, who hold that their faith requires them to decline to hire such people to work in any capacity in the school. Indeed, the argument was put to me in my office that this should apply also to groundsmen, greenkeepers and handymen.

Instead, the amendment would permit an educational or other institution administered in accordance with religious principles to enter into an agreement with a homosexual employee stipulating that the employee's public behaviour must be consistent with the precepts of the religion. It seems likely that it would already be possible for a Christian school or other Christian employer to make such a stipulation as a term of the contract. The government does not know whether any schools do this.

One can speculate about what limitations such a contract might set and what behaviour might be considered public. It might seek to impose extensive restrictions on an employee's behaviour, such as not being seen in the supermarket shopping with one's partner, not attending any public gathering with a partner, not stepping out or promenading with a partner and so on.

The government does not see any merit in the proposal. If this is proposed as a compromise with Christian schools, I doubt whether it would be acceptable to them. From discussions with Christian Schools Australia, I understand its position to be that it does not wish to have such persons on the staff of its schools, even on terms of silence and secrecy about their homosexuality.

It was put to me that these schools wish to engage only staff who demonstrate what the school considers to be a Christian lifestyle, both at work and in their private life. The government does not seek to deprive Christian schools of their freedom to refuse to hire homosexual staff where the tenets of the religion so require. The bill retains the exemption for these schools in their hiring practices. As amended in another place, it ensures that prospective employees are made aware of the school's position so that they make an informed choice about proceeding with the application to work.

The government does not support going further than this in removing the exemption. As I explained in the second reading stage of the debate, one of the thorny difficulties of equal opportunity law is to balance the competing public interests in social equality and in religious freedom. What the government has done in the bill is to strike a compromise between them: on the one hand, we have improved the exemption where it is, in fact, not used or wanted, and there

appears no case for us to extend it to such institutions as aged-care homes, hospitals or welfare agencies; on the other hand, we have retained it for the thing for which it seems to be primarily used, that is, to permit religious schools to screen potential employees as to their sexuality.

Like any compromise, this cannot please all: some wish to see the exemption restored or even widened; some commentators would like to restore the current permission for religious schools to discriminate against students who identify as homosexual, which the government does not support; and some would also like to see the exemption expanded to permit discrimination also on the ground of marital status, which the act has never permitted. The government does not support that either.

On the other hand, some, like the member for Fisher, would like to see the exemption abolished entirely. The government is opposed to that proposal. The bill, as drafted, represents what the government believes to be a reasonable compromise between the competing interests. For these reasons, the government does not support this amendment.

I think the committee should be aware that, if the member for Mitchell's amendments had prevailed, or had the member for Fisher's amendment prevails (and that is about to be supported strongly by the member for Unley), this bill would never pass.

This bill has been in the pipeline for 15 years. It is gridlocked between the two houses. I am supporting the compromise because it is the only way to get the rest of the bill through. Make no mistake, the members for Mitchell, Unley and Fisher, if they prevail, the bill is lost; it is gone—and they know that. They know that what they are saying and doing in this house is a drama, a passion play, something they hope to get published in *Blaze* or some other august journal. They know that the bill would be lost. They moved these amendments in the sure and certain knowledge that it would be lost—and the villain is, as usual, the Attorney-General. Yes, the member for Mitchell points to me: round up the usual suspects, it is the Attorney-General who saved the Equal Opportunity Bill—bad, bad, naughty, wicked Attorney-General.

Mr PISONI: I am very sympathetic to this amendment, and I speak to support it, not for the reasons that the Attorney-General has raised. I think if the Attorney-General were honest he would say that if these amendments were successful it would not get through because Don Farrell would not let it happen. If he were honest, that is what he would say.

The Hon. M.J. Atkinson interjecting:

Mr PISONI: You outnumber this chamber two to one. You outnumber it two to one, and we have an ability to vote for our conscience in this party. We have the ability to do that; we are not locked into a party vote as your members are; your poor members are left there to be browbattered into the directions—

The Hon. M.J. Atkinson: Browbeaten not battered.

Mr PISONI: I choose to use the word 'battered'—battered into submission by Don Farrell and his cronies on the right of the Labor Party. As a true libertarian I simply ask the question: how does one know? I remember seeing a report that Ian Thorpe is gay. Does that mean that Ian Thorpe would not be able to teach in a religious school, because there was a newspaper report that he was gay? What is the criteria? Is it a questionnaire that people have to fill out? If they walk with a limp wrist, is that the criteria?

I would argue that it would be more than reasonable for a religious school not to employ somebody if they behaved openly in a promiscuous manner. I do not have any problem with that at all. However, I do have difficulty in understanding—and most of the people who I have spoken to who send their children to religious-based schools agree with this—that people do not choose to be homosexuals. I do not remember going through my teen years and then seeing a fork in the road and saying, 'Now, am I going to be heterosexual or homosexual? Which one shall I choose?' That is the way that we are wired when it comes to sexual preference. It is not a choice.

There are those on the religious right who would like you to believe that it is choice but it is not a choice, Attorney-General, it is the way you are wired. For religion to be used as an excuse to discriminate against people because of the way they are wired is not acceptable in this day and age. If we were to argue that it is good enough to use religion to exempt certain people from discrimination, then why do we not allow bigamy in Australia? That is a religious act in some religions. Why do we not allow that? Why do we not allow female circumcision, because that is a religious act in some countries and some religions?

My point is that if we are true libertarians—and I made this point earlier in my second reading speech—it would be nice when that does not matter, when we live in a society where people do not have pre-formed opinions on what you must be like if you are wired to be same-sex attracted.

I have a very close friend. We did our apprenticeships together and we used to spend hours stocktaking in the timber racks at Norman Turner and Nottage. I think he was about the age of 19 when he finally realised that he was attracted to men—he was same-sex attracted. I was the very first person he shared that information with. It was a very difficult time for him. He tried going out with girls because that was the expectation. He grew up in Millswood with very conservative parents and there was an expectation that he would, in fact, have a girlfriend.

After several years of soul searching he finally realised that that was not the way he was wired. He said to me a couple of years ago, 'I wish, David, that I was not homosexual because life would be so much easier. There is so much discrimination I have to put up with in my life simply because of the way I am wired.' However, he went on to say, 'Now that I have been in this loving relationship for 24 years, I am pleased with the situation I'm in because if I was not homosexual I would not have had the opportunity to meet such a beautiful man'—as his partner of 24 years.

I cannot stand here and accept that it is good enough to cast judgment on somebody simply because of the way they are wired. It is on that basis—

The Hon. M.J. Atkinson: You are happy to lose the bill.

Mr PISONI: Let us show some leadership here, Attorney-General. You say, 'Happy to lose the bill.' Let us show some leadership here: if you were somebody who had the full support of your party perhaps you could make some changes for fairness and for what is right. It is on that basis that I am happy to support this amendment.

The Hon. R.B. SUCH: I indicate that if this amendment does not get carried which, reading between the lines, looks as though that is what its fate will be, I will not be pushing for an amendment to clause 62. I have a couple of points. I do not think that the parliament, or the wider community, should pander to bigotry. As the member for Unley said, to discriminate against someone who is born with a particular sexual orientation, I think, is as wicked and evil as it is to discriminate on the ground of race.

I have had a lot of experience in that area, because Lowitja O'Donoghue, who was discriminated against when she was nursing at the Royal Adelaide Hospital, used to come to our place as a refuge because of the way that she was treated as an Aboriginal person, along with Faith Coulthard, because of the bigots in our society. Yet, we continue the bigotry now against people who have a particular sexual orientation.

I would put the Attorney on the spot: because the schools are going to be able to discriminate, give me the criteria of a homosexual, a lesbian and someone who is transsexual. Give us the guidelines so that schools can say, when someone goes through the gate, 'You're out because we don't like your sexuality.'

As with the fight for getting rid of slavery and to give women a fair go in our society, you have to reject the bigots and those who delight in and thrive on prejudice. I think it is time we stopped pandering to this small minority. As I said earlier today, I grew up in one of these fundamentalist churches. I know how they operate. There are some fine people in there, and some of them I would actually regard as practising Christians; many of them I would not. Some of them call themselves Christians, but I do not think that they actually uphold the teachings of Christ.

Why should we pander to their bigotry? I do not want to see this bill held up. It has taken 20 years to get to this point. I know that this amendment will not be accepted today. As I mentioned earlier today, Don Dunstan would turn in his grave if he saw that we were pandering to bigots in this day and age. South Australia used to lead in a lot of reforms. I think that we are pandering to people who should be ignored.

Mr HANNA: I have a quick comment in response to the Attorney-General's remarks. I do not think it is helpful to cast aspersions around the chamber about who might be holding the bill up, and who might be causing it to fail, etc. I see that as a sort of political bullying. I am aware that there are issues around the delay, and no doubt some people who might not want to see the legislation pass have contributed to some of the delay. That may be so, but I am certainly not one of those people, so the Attorney-General was unfair in his remarks.

Secondly, as a matter of principle, if a member of this place has an amendment which they sincerely believe should be put forward then I do not think that the charge of delaying or jeopardising the future of a bill holds any water in comparison to the right of each one of us to put forward something which we believe should become law.

Finally, I comment on the lack of logic, as I see it, in the position put forward by the Attorney-General. I honestly cannot distinguish between the case of discrimination against a student who is overtly homosexual, whatever that means, and discrimination against a teacher who is overtly homosexual.

The Attorney-General was saying that his position, and his party's position, as I understand it, is that it is okay to discriminate against an applicant for a teacher position because they appear to be gay, but it is not acceptable to discriminate against a student because they appear to be gay. I cannot see how there can be any difference of principle in those two situations.

Amendment negatived; clause passed.

Remaining clauses (20 to 78), schedule and title passed.

Bill reported without amendment.

Bill read a third time and passed.

PETROLEUM (MISCELLANEOUS) AMENDMENT BILL

Received from the Legislative Council and read a first time.

STATUTES AMENDMENT (PROPERTY OFFENCES) BILL

Adjourned debate on second reading.

(Continued from 5 February 2009. Page 1448.)

Mr GRIFFITHS (Goyder—Deputy Leader of the Opposition) (17:16): I am acting on behalf of the Leader of the Opposition in the short-term carriage of this bill. I also indicate that the opposition supports the bill and I wish to make some comments. The bill, which was introduced by the Attorney-General on 5 February 2009, seeks to amend sections 84 and 85 of the Criminal Law Consolidation Act 1935 and, specifically, those sections dealing with general criminal damage offences, including arson. In 1986 the act was amended to cover arson offences, with a structured series of offences sorted by three definitions: whether or not the damage was by fire or explosives; whether or not the offence was completed or merely an attempt; and the value of the property damaged or attempted to be damaged.

Since then further amendments have introduced a graduated offence by reference to the value of the property affected. Members of the house would recall that the government separated out and created a new offence for lighting a bushfire on the basis that the monetary value of the loss of a national park, for instance, could not be ascertained for the purpose of an arson offence.

The Model Criminal Code Officers Committee examined the issue of criminal damage and the principles upon which penalties should be determined. Damage to valuable property may be trivial in extent, but the consequences of the damage could be vast and costly. A valuation of the property damage is not necessarily co-extensive with the real seriousness of the offence.

The Model Criminal Code Officers Committee recommended the enactment of a general criminal damage offence with a maximum penalty of imprisonment for some 10 years, which matches the current general theft maximum penalty. The intention is not to have all offences that should be dealt with as major indictable offences:

> As with theft, the Summary Procedures Act 1921 should classify offences as summary, minor indictable and major indictable for the purposes of court jurisdiction, and the only sensible way of doing this is by value—as is the case with theft.

There is one aspect of the Attorney-General's explanation which has puzzled the Leader of the Opposition. The Model Criminal Code Officers Committee recommended restricting arson as an offence to setting fire to structures or conveyances. That was its historical and general limit before expansion to the general destruction or damage to a wide and varied range of, for example, crops—and beyond—in the middle of the 19th century. Setting fire, say, to brush fences should not be regarded as arson and punished with a maximum of life imprisonment. Destruction of buildings and conveyances is quite another, much more serious matter and the committee took the view that there was no sense in the provisions about monetary limits and separate penalties for attempts.

It seems that a brush fence is a structure. However, new section 85 provides that a person will be guilty of arson if the person, without unlawful excuse, by fire of explosives, damages property that is a building (defined in section 84) or a motor vehicle (defined in section 5) whether the building or motor vehicle belongs to the offender or another person. The penalty for arson is imprisonment for life.

The new legislation will have the effect that, if the value of the item you blow up is $2, it will be charged on the basis of the $2 value but be referred for sentencing to an appropriate court for the value of the damage caused. Subsections (2) and (3) provide for lesser offences (unnamed, but not arson) with penalties of 10 years: (2) is for damaging another's property being a building or motor vehicle other than by fire or explosives and (3) is for damaging another's property not being a building or motor vehicle but by any means including fire or explosives. Interestingly, the offence of threatening to damage another person's property then follows with three levels of penalty for the offence:

- Basic—five years' imprisonment;
- Aggravated—seven years' imprisonment; and
- Aggravated by a threat to commit arson—15 years' imprisonment.

This creates the curious anomaly that the maximum for 'threaten to kill' is 10 years but the maximum penalty for 'threat to commit arson' is 15 years. With those words, I indicate that the opposition is supportive of the bill and looks forward to its passage through the house.

Mr VENNING (Schubert) (17:22): I want to say a few words in support of this bill. I think that it is very important that we continually upgrade these matters. Over the years, when people have damaged property, there has often been no consideration of the value of the damage they have inflicted. I know that this act has been continually amended for quite some time. I note, too, that in 1986 (four years before I got here) the act was amended to cover arson offences with a structured series of offences sorted by whether or not the—

The Hon. M.J. Atkinson interjecting:

Mr VENNING: Pardon?

The Hon. M.J. Atkinson: I doorknocked Hamley Bridge against you.

Mr VENNING: And I got here in spite of all that.

The Hon. M.J. Atkinson: We now win Hamley Bridge.

Mr VENNING: That is only because I am no longer the member. As I said, the act was amended to cover arson offences with a structured series of offences sorted in accordance with whether or not the offence was committed or merely attempted to be committed, as well as the value of the property damaged or attempted to be damaged.

Nowadays, we have a lot of vandalism that does end up in quite extensive property damage, particularly brush fence fires. Vandals light up these brush fences and, in some instances, end up destroying homes. I also mention bushfires. We have seen the government amend this part of it to take account of the devaluation caused when a person lights a fire deliberately, for example, in the destruction of a national park, because it must have a value so that it can be assessed for damage.

As a landowner, you are always concerned about the big threat (particularly close to harvest time) of being burnt out—and this can be deliberate. I cannot support this bill more, because someone who does not like a particular person, for whatever reason, can destroy a person's livelihood purely by lighting a fire and burning them out. There must be strong disincentives. A criminal damage offence attracts maximum penalties, including imprisonment for 10 years, and I welcome that. I do not think the penalty can be severe enough.

I know what damage from a severe fire can do. In 1950 when I was a boy of five we had a massive fire and we lost everything except the house and the car. Everything was gone and it took some years for us to regroup and get on with it. Those sorts of fires are often seen as accidents. Well, history will probably prove that this fire was not really an accident. It was careless neglect. We had some visitors and one was a smoker. We were into hay in those days and we had a huge chaff factory. The smoker came over to borrow a part off a tractor and everything got burnt; the whole lot went up.

I certainly commend this bill to the house. At times I can be criticised for saying, 'Legislation for the sake of legislation', but, in this instance, I think it is commonsense that we look at these sorts of offences, because society is forever changing. Some people do all sorts of malicious things, such as coining motor cars and pushing over people's motor bikes into the gutter. The member for Morphett has a nice motor car, but you just cannot park these cars on streets anymore because somebody will key or coin it.

These are the sorts of malicious deeds that misguided people do, and they do them for all sorts of reasons. I am pleased that these offences are there. The Attorney might want to include this, but does this include the misuse or the stealing of motor vehicles? In America this is called grand theft—

The Hon. M.J. Atkinson: Grand theft auto.

Mr VENNING: Grand theft auto. I believe that we have been far too soft in this country, and particularly in this state, in relation to these offenders. They do steal motor cars. They smash their way in. In fact, it is worse now: they open the door of the car while the driver is in it. They intimidate the driver—in fact, they throw them out or push them into the car—and drive off in full view of the owner. They then wreck the car and often burn it. I believe that we must have a lot more lenient penalties in relation to these matters.

The Hon. M.J. Atkinson: No, heavier not lenient.

Mr VENNING: Heavier penalties.

The Hon. M.J. Atkinson: Lenient is what you are leaning on.

Mr VENNING: You are right: heavier penalties. For once, the Attorney-General is right. I will give him that. There are so many things right across the community that we can be looking at and putting in place penalties that say, 'Well, hang on, if you're going to do these crazy deeds and cause great inconvenience and hurt to people, we will make you pay for it.' I think, in this instance, that all offences should be dealt with as major indictable offences. As with the offence of theft, the Summary Procedure Act 1921 should classify these offences as summary offences, minor indictable and major indictable, for the purposes of the court jurisdiction, and the only sensible way of doing that is according to the value of the theft.

I will be interested to hear what the Attorney-General has to say about grand theft auto, because in America it is a big crime and it is out of control here. Does that come into this bill? I have not read the fine print to find out. To save me reading it, the Attorney can tell me. We certainly support this bill.

Dr McFETRIDGE (Morphett) (17:28): I rise in support of this bill. I would like to make a few comments. The actual deed is not the big issue, it is the consequences of that deed that really need to be considered when you are looking at property damage or any crime. How can you have a minor assault that imposes a lifetime of mental damage on someone? In this case we are talking about property offences. It may just be a letterbox or someone's fence that is graffitied, but the effect on that person can be absolutely traumatic. We need to make sure that the deterrents are there, and this bill seeks to increase the penalties and, hopefully, deter any person from contemplating perpetrating a property offence.

At Somerton Park just recently there was a lady who lit a series of fires in brush fences. The intention was not to destroy large amounts of property (I think it was more to attract attention to herself; she had some mental health issues), but in one case she destroyed a family home and it had a devastating effect on that family. So, the bill needs to look not only at the intent but also the effect, and that is what this bill does.

We also need to look at the other major aspect of deterring people from committing offences, and that is making sure that they will be caught. I am no criminologist, but I read a report a number of years ago that talked quite expansively about the issue of whether a potential criminal is put off by the penalty or the chance of being caught.

The Hon. M.J. Atkinson: It's the latter.

Dr McFETRIDGE: Absolutely. As the Attorney-General said, it is the latter that puts people off committing crimes; the chance of being caught. After those words from the Attorney-General, I would strongly encourage him to reinstate the local crime prevention funding that was withdrawn a number of years ago.

The Hon. M.J. Atkinson: We have a crime prevention program. We give grants. They have been advertised.

Dr McFETRIDGE: To local government?

The Hon. M.J. Atkinson: Local government can apply.

Dr McFETRIDGE: Local government used to have a crime prevention officer (I know that the City of Holdfast Bay had one), and they had to share it—

The Hon. M.J. Atkinson interjecting:

Dr McFETRIDGE: That is right; as the Attorney-General said, they had to share that money. It worked exceptionally well when it was given to individual councils. I would like to see the government pay more attention to putting in place a system to deter people from committing crimes rather than just ramping up the penalties. However, at the same time, I will not back away from having strong penalties that will at least act as a deterrent. I am not so sure whether they are as effective as crime prevention programs. This bill goes at least some way to trying to cope with the problem of people committing property offences and I support it.

Mrs REDMOND (Heysen—Leader of the Opposition) (17:32): I will not hold the house long on this bill. I understand that in my short absence from the chamber a number of people have already spoken to the bill and indicated the opposition's support for it. It seems to me that it is in fact almost an extension of a bill that we passed some years ago which, again, was very sensible. Members may recall that we had an arson offence, which was referred to, I think, in the second reading on this bill by the Attorney, and the damage caused by arson was based on the value of the property damaged. The government introduced a change (I thank it for that and I acknowledge the benefit of its introduction) and said, 'We are going to have a special category for bushfires, because you cannot easily assess the value of a national park if it is wiped out in a bushfire.'

Similarly, this legislation changes things. Under the old English law way back there were separate offences for every single little thing. If you damaged a house it was one offence, if it was a warehouse it was a different offence, if it was a factory it was a different offence and if it was something else it was another offence again. That was changed, but it was changed to a system that basically said that if you damage something by fire or arson that would be one category of offence: if you damaged something or attempted to damage it that would be a different thing, and then we will look at the value of what you have damaged.

As the Attorney indicated in his second reading, that was an improvement on the previous system but it was still not optimal. I am not sure that we will ever have an optimal system, but it is self-evident that sometimes you could damage something which is relatively minor in cost but which has a massive impact in terms of its consequences.

In the personal injury work that I used to do there were often situations involving industrial matters where something might cost a very small amount to adjust but if it went wrong it could cost a massive amount, in terms of lost production and so on, and I am sure we can all think of examples where that might be the case. I think the Attorney is right to want to adopt—what is it; the model—

The Hon. M.J. Atkinson: Criminal Code Officers Committee recommendation.

Mrs REDMOND: The Model Criminal Code Officers Committee recommendations.

The Hon. M.J. Atkinson: Known as MCCOC.

Mrs REDMOND: I do not think I will say that. The various officers have got together and come up with, I think, a rational approach to this matter. I think it makes more sense to be able to assess the nature of the damage caused rather than simply saying 'the value of the property damaged'. To that extent I think it is an improvement and, therefore, as the lead speaker for the opposition I indicate on behalf of the opposition that we will support the legislation—which I think was introduced by the government in about February this year. So, it has been a fair while coming through, for no apparent reason, but it is probably a good thing that we tidy it up before we end our session this week.

Mrs PENFOLD (Flinders) (17:36): It is appropriate and necessary that our laws be continually brought up to date to take account of changes, whatever those changes might be. Property values, for instance, and money itself change over time. However, the crime of arson

should be, as the dictionary definition of arson states, 'the intentional and unlawful burning of a building or other property'.

Brush fences should not be excluded. We have had numerous instances of brush fences being set alight and the fire spreading to buildings and other property, causing great damage. It is the trend nowadays for house blocks to be smaller in size, thus bringing buildings closer together and, where brush fences are built, to have them touching houses. In some developments, brush fencing is set down as a condition of the development. Any of those brush fences that are deliberately set alight pose a great danger to the adjoining houses. We are fortunate that we have had few instances of this type of criminal behaviour.

One such event in Port Lincoln set the house alight, and it was only the quick response of the local fire brigade that saved the building from being gutted. A fire started through the setting alight of a brush fence, then setting a house alight. It could easily have ended in the death of anyone in the house at the time. A fire could grow quickly, as has been recorded with some house fires, endangering the lives of those in a building. We frequently hear stories of families who have got out of burning buildings with nothing but what they were wearing.

An article in *The Advertiser* on Saturday 16 May stated that it was 'sheer luck' that deliberately lit fence fires had not caused fatalities. I quote from the article as follows:

> Only luck has prevented a series of deliberately lit brush-fence fires in the northern and north-eastern suburbs from causing a death.
>
> Five cases of arson on brush fences, including three on one night in March at Golden Grove, have residents unnerved and police on alert. A special operation has been mounted in the area to locate those responsible.
>
> There's little to suggest the fires at Para Hills, Salisbury East and Golden Grove are linked. But until the arsonists are stopped, a tragedy is possible. On March 3, an elderly, bedridden woman was lucky to escape uninjured after a deliberately lit brush-fence fire at her Anika Court, Salisbury East home.
>
> Neighbours extinguished the blaze with garden hoses before firefighters arrived at about 12.40am...At Para Hills, on February 19, a sleeping woman, 72, was 'extremely lucky', police said, to escape unhurt when the fire spread from a brush fence and gutted her Williamson Road home about 2.30am.
>
> Police said her cat alerted the woman...Meanwhile, Golden Grove residents say they are living in fear after a series of brush-fence fires.
>
> Mother-of-two Suheyla Ahmed said she feared for her children's lives when a brush fence burst into flames near her home in Bennett Court. Her husband, Khaled, and neighbours doused the flames but not before it had spread to a shed adjoining the family's car port. The same night, the Metropolitan Fire Service put out two more brush-fence fires in a laneway that runs behind houses off Anne-Marie Court.

We are constantly bombarded with comments about the dire state of the earth through carbon emissions and global warming, yet the only response we can come up with is to remove deliberately lit brush-fence fires from being dealt with as arson, all but preventing people from using brush as fencing. With that proviso, I support the bill.

Mr PEDERICK (Hammond) (17:39): I rise to support the bill. I applaud the heavy penalties that can be meted out, especially as people like myself, who live in a regional area, have witnessed the carnage of bushfires, whether deliberately lit or, as is often the case, lit by lightning. Either way, it can cause a vast amount of damage. If a bushfire is ignited by a lightning strike, that is a part of nature, and that is how this country has been for hundreds of years—areas get burned. However, vandals who light up property, fencing and buildings deserve the highest penalty applicable.

It is distressing to see the damage that thrillseekers do when they light up brush fences, which are very popular for a lot of people not just in the city, but in some regional towns and cities as well. Through thrillseeking, they light up a fence. Brush is not something that is come by easily. A lot of it is harvested from my electorate out in the Mallee. It is a resource that we have to keep sustainable. We have to have a good deterrent, and this bill has that. It has fines and penalties of up to 10 years in gaol to stop people doing these terrible acts.

I will talk about another thing that happens in rural areas. We have seen it in Freeling in recent years, where someone's haysheds have been deliberately lit on several occasions. Hay fires are some of the worst fires to fight, because you cannot really put them out. You just have to pull the stack apart, whether it is in a shed or outside a shed. It ties up CFS and MFS personnel and other volunteers and landowners for days, if not weeks, tackling the blaze, and a major use of resources is needed. Not to lessen the amount of financial and feed damage for the person

involved, a lot of these fires happen in major export sheds, which has ramifications right along the way. I certainly support the bill along with the others on this side of the house and hope for its speedy progress.

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (17:43): To respond to the speakers in this debate, I shall begin with the Deputy Leader of the Opposition. It is true that there appears to be the anomaly suggested by him. All that can be said is that this kind of anomaly may be more apparent than real. There are more or less serious examples of each. However, it must be conceded that, as a general proposition, the maximums across the statute book could not withstand careful comparative examination. We concede that.

My response to the second point raised by the member for Goyder is that the government would say in any event that the maximums in each case are enough on their own terms. My response to the third point he raised is that the government does not agree that a structure is a building for these purposes. Section 84(1) covers a structure that is used for residential purposes. A brush fence is not, in our opinion, used for residential purposes. One does not live in a brush fence.

To respond to the member for Schubert, the bill has nothing to do with motor vehicle theft: it has everything to do with motor vehicle damage. The member for Schubert asked, as so many late-night talkback callers do, why we do not have the offence of grand theft auto in Australia. In the life of the government we have increased to 10 years the maximum penalty for theft, and that was roughly in line with recommendations of the Model Criminal Code Officers Committee.

We have also changed the definition of theft in the Criminal Law Consolidation Act to make it easier for the prosecution to prove theft beyond reasonable doubt. It is the common practice of police to charge what the layman would regard as theft of a motor vehicle as illegal use of a motor vehicle. The reason police do that is that it is much easier to prove illegal use of a motor vehicle than it is to prove theft in court. For the police it is less time, fewer witnesses, less hassle to charge illegal use of a motor vehicle, and they do so, and they do so even after we have changed the definition of theft.

I do not quibble with the police's operational independence and their decision in this regard. It is for the police prosecutions how they deploy their resources. All I can say to the member for Schubert is that we have made it easier for police and, indeed, the DPP to charge theft instead of illegal use of a motor vehicle and to make that charge stick with a 10 year maximum imprisonment penalty. I do not believe that we can usefully do more. To try to compel the police to charge theft rather than illegal use of a motor vehicle would, I think, be an unfortunate interference in their operational independence.

I was mildly surprised to hear the member for Hammond calling for increased penalties, calling for a tough law and order regime in the course of this debate, calling for condign punishment. Well, the member for Hammond has not been here long, but I do use a quote from him in my standard form letter to people calling for tougher penalties—and it is on *Hansard*, and I hope it can be delivered to me before I sit down—where he says that people calling for tougher penalties in our criminal law are like children crying at a supermarket, demanding increased penalties, who should not be rewarded with the granting of their wish.

I am sure that if *Hansard* is searched using the term 'crying' or 'supermarket', they will find the quote. I find it a very good quote to send to constituents and, indeed, to all who write to the Attorney-General to illustrate the tremendous resistance we have in the Liberal opposition to increasing penalties under the Criminal Law Consolidation Act and the Summary Offences Act. And, of course, it makes an outstanding companion quote with the Leader of the Opposition's quote that had she been Attorney-General at the time of the Paul Habib v Nemer case, she would not have directed an appeal against that on the grounds of manifest inadequacy.

I am glad to have the support of the Leader of the Opposition and the member for Hammond today, but I will continue to use their quotes in illustrating to the public of South Australia the difference between the government's policies and the policies of the Liberal opposition. But, it is good to have them with us on this occasion. The answer to the member for Schubert's question is: grand theft auto—no chance of introducing it in South Australia because the Leader of the Opposition is opposed to it on principle because it violates her notions of the separation of power of procedural fairness of the independence of the various organs of the justice system.

Mrs Redmond: When has that ever held you back?

The Hon. M.J. ATKINSON: The member for Heysen interjects, 'When has that ever held you back?' It has many a time. So, the answer to the member for Schubert is that there is no chance of getting grand theft auto through the South Australian parliament because the Liberal Party would join together with its natural allies on the criminal justice debate—namely, the Democrats and the Greens—to prevent the passage of such a bill. So, there you have it, sir: an answer to each of the questions raised in the second reading.

Bill read a second time.

In committee.

Clauses 1 to 5 passed.

Clause 6.

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

Page 3—

Line 7 [inserted section 85(1)(a)]—Delete 'the'

Line 9 [inserted section 85(1)(b)]—Delete 'the'

Line 14 [inserted section 85(2)(a)]—Delete 'the'

Line 16 [inserted section 85(2)b)]—Delete 'the'

Line 21 [inserted section 85(3)(a)]—Delete 'the'

Line 23 [inserted section 85(3)(b)]—Delete 'the'

These amendments are all the same and remove the definite article, 'the', from offences in the bill. It is possibly the influence of a Yorkshireman or the Slavic people who work in my ministerial office—is bill, is good.

The amendments all have the same effect. The offences refer to intending to do damage to 'the' property throughout. After some consideration, it has been decided that this is too specific. If Victor Vandal throws a brick at a house intending to hit a window, it should not matter which window he actually hits or whether he hits a car instead. The principle is right: of course it should not matter. There is sufficient authority for the proposition that, even with this wording, it does not matter; even so, it is to be noted that the current offences do not use the definite article, and it is better to be safe than sorry; hence, the proposed amendments. I commend them to committee.

Mrs REDMOND: I am just quickly getting my head around what the Attorney said. At the moment, I note that it provides that a person who, without lawful excuse, damages property, intending to damage the property or being recklessly indifferent as to whether or not the conduct does damage the property, is guilty of or whatever the offence may be in the various clauses.

So, there is quite a difference created, in fact, by the removal of the definite article, as the Attorney put it, because what will now be the case is that, whereas this currently provides that, if a person does certain things intending to damage the property, that is an offence; now it will provide that, if a person does certain things intending to damage property, regardless of which property they damage, it will be the same offence. Is that—

The Hon. M.J. ATKINSON: Correct.

Mrs REDMOND: I have had very little time to consider this, but I think that it is probably not of consequence and should not have any unintended consequences in terms of the implementation of the legislation we are supporting. Therefore, for the moment, unless we see any problem with it between the houses, I indicate the support of the opposition.

Amendments carried; clause as amended passed.

Remaining clause (7) and title passed.

Bill reported with amendment.

Bill read a third time and passed.

OUTBACK COMMUNITIES (ADMINISTRATION AND MANAGEMENT) BILL

Received from the Legislative Council with a message drawing the attention of the House of Assembly to clause 21 printed in erased type, which clause being a money clause cannot originate in the Legislative Council but which is deemed necessary to the bill. Read a first time.

At 17:58 the house adjourned until Wednesday 15 July 2009 at 11:00.