

HOUSE OF ASSEMBLY

Thursday 10 November 2011

The **SPEAKER (Hon. L.R. Breuer)** took the chair at 10:31 and read prayers.

SUMMARY OFFENCES (PRESCRIBED MOTOR VEHICLES) AMENDMENT BILL

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (10:32): I move:

That the sitting of the house be continued during the conference with the Legislative Council on the bill.

Motion carried.

LOCAL GOVERNMENT (ROAD CLOSURES—1934 ACT) AMENDMENT BILL

The Hon. M.J. ATKINSON (Croydon) (10:33): Obtained leave and introduced a bill for an act to amend the Local Government Act 1934. Read a first time.

The Hon. M.J. ATKINSON (Croydon) (10:34): I move:

That this bill be now read a second time.

The principle for which I have been arguing for so many years is that, if a local council seeks to close or impose traffic restrictions on a road leading from its territory into that of a neighbouring council, it should do so with the consent of the neighbouring council.

I persuaded the parliament to embrace this principle in debates over the City of Adelaide bill and the road traffic amendment bill in the late 1990s, and I achieved this from opposition, but the then Liberal government was careful to allow the Adelaide City Council to preserve its Barton Road temporary-closure resolution under section 359 of the old local government act by defeating my amendment to make the principle universal.

The usual provision for closing roads permanently is the Roads (Opening and Closing) Act. Under the act, a local government body may decide that it wants to close a road or part of a road permanently, and it then advertises its intention and gives notice to affected landholders. There is a period during which affected people can make submissions in writing to the council and lodge formal objections to the permanent closure of the road.

The council has to hear those objectors in person (if they wish to appear in person), and then after that natural justice procedure the council makes its decision on permanent closure. The council's decision under the Roads (Opening and Closing) Act is then referred to the Surveyor General, who in turn makes a recommendation to the minister on the question of whether the road should be closed permanently. The minister then either ratifies or does not ratify the council's decision.

In my opinion, that is a sensible procedure that balances the interests of residents with those of motorists and cyclists who wish to use the road. The mischief that this bill seeks to remedy is the use of section 359 of the 1934 Local Government Act by the Adelaide City Council to achieve the same effects as the Roads (Opening and Closing) Act provisions but without going through those procedures. The present wording of section—

Members interjecting:

The Hon. M.J. ATKINSON: Unanimously, the Labor Party supports this bill. The present wording of section 359 was introduced into the principal act in 1986, and at the time it was introduced it was represented by the government and the opposition as the temporary control of traffic or the temporary closure of a road. When the John Martin's Christmas pageant was due, the Adelaide City Council was able to pass a resolution providing for the streets along the path of the pageant to be closed for the duration of the pageant and a reasonable time before and afterwards.

If roadworks were to be done, then section 359 was used by a local council to close the road temporarily while the roadworks were completed. Most gazettals under section 359 provided that the road would close at such-and-such a date and reopen on another date, but there was no prediction about the duration of the Barton Road closure—no duration was placed on it.

That section of the 1934 Local Government Act was never intended to be used for permanent closures. The Beaumont Road closure is entirely different. At the time, section—

Ms Chapman interjecting:

The Hon. M.J. ATKINSON: Well, I would welcome that. At the time section 359 was modified (that is, in 1986), the clause note stated:

Clause 27 amends section 359 of the principal Act so as to allow part only of a street, road or public place to be closed on a temporary basis.

Section 359 of the 1934 act, which my bill seeks to amend, was never designed for the permanent closure of roads. There was a good reason for that. Section 359 contains no procedure for giving notice to the public of the proposed closure and contains no provision for notice to affected landholders who might reside nearby and use the road. It contains no provision for the council to hear representations for or against its proposal to close the road.

Importantly, it does not go to the minister, and it is not considered by the public in general, as the minister would on the public's behalf. Barton Road is an important road for western suburbs residents to access Calvary Hospital and Mary Potter Hospice; St Dominic's Priory school; St Laurence's church; the Women's and Children's Hospital; Helping Hand Aged Care; the many doctors, dentists, and specialists in North Adelaide; and the O'Connell Street shops and cafes.

We are not asking for a highway or a route to the central business district. On any day at the Barton Road bus lane, one can watch the North Adelaide residents—some of whom support the closure—driving through it as their private road, some on their way to and from the airport. Just as they fenced off the Parklands for their private tennis courts, their council recently drafted a leaflet about the Adelaide Oval that asserted that the Parklands were the property of North Adelaide ratepayers, as distinct from the property of the people of South Australia. The leaflet was pulped when the audacious claim was noticed by the city council's public relations adviser.

The bill is short but complicated owing to the risk that the city council will do anything to wriggle out of reopening Barton Road, such as renaming the roads in the area, or configuring them so as to claim that Barton Road does not run into the Charles Sturt Council. The bill is explained in the clause notes.

My intention is simply to lift the traffic restrictions on the Barton Road bus lane, leaving it to the city council to decide how to regulate traffic there, such as traffic lights and alternate one-way movement. I do not think that a simple lifting of the restrictions will lead to much congestion. One would not use Barton Road if one were a Bowdenite wanting to travel to the CBD or the eastern suburbs.

After 3,500 new residents move into Bowden Village in the next few years, the city council will find it increasingly difficult to corral us. And what if the redistribution puts Bowden Village in the state district of Adelaide? Then the member for Adelaide will be singing a different tune. The Adelaide City Council ripped up Barton Road in 1987 without any legal authority and constructed in its place a one-lane-width chicane that would allow buses through in alternate one-way movements. In constructing the chicane, the Adelaide City Council annexed parkland to the road surface without going through the procedure of acquiring it lawfully.

I think there was a valid traffic management reason for putting restrictions on Barton Road in 1987, and that reason was that the north-west ring route around the city had not been completed at that time. Motorists driving from Port Road way, and wanting to go to the northern or north-eastern suburbs could not travel along Park Terrace because the bridge over the northern railway at Bowden had not yet been built.

Instead, they drove east over North Adelaide Station Road opposite Gerard Industries, travelled north along War Memorial Drive (or Mildred Road as it was known at that point) and then turned right up Barton Road. That reason for the restrictions was lost in 1990 when the Bannon Labor government completed the bridge. When the bridge was opened, North Adelaide Station Road was instantly closed. I know. I was there.

That the Adelaide City Council has not gone through the proper procedure for modifying the road was exposed in a Supreme Court case in the early 1990s, when police sought to recover a traffic fine issued at the Barton Road bus lane to road-traffic crusader, the late Gordon Howie. Gordon's vehicle and a bus had driven into the bus lane from opposite directions, and neither would back up to let the other through. The bus driver did not know with whom he was dealing and, when the police arrived, also unaware of Gordon's tenacity, several buses and many frustrated people were halted on both sides of the bus lane.

On that occasion, the police patrol recognised Gordon and the police were not sufficiently reckless to issue him with a traffic infringement notice but, later on, some poor unfortunate copper did. Gordon took the case to the Supreme Court and his challenge prevailed because the Adelaide City Council had gone through no lawful procedure to modify the road in the way it had.

The city council then sought to close the road under Roads (Opening and Closing) Act. The member for Adelaide, Dr Armitage, who lived in Molesworth Street, North Adelaide, was a militant supporter of total closure, and we went head to head in debates. Hundreds of my constituents, other western suburbanites and dozens of North Adelaide residents signed our petition against closure. We also staged a drive-through at the bus lane. Ours was the biggest objection to a road closure in the history of the act. We demonstrated to the Surveyor-General—

Ms Chapman: You did nothing for 10 years.

The Hon. M.J. ATKINSON: No; two defeated cabinet submissions. We demonstrated to the Surveyor-General that Barton Road was reasonably required for use by the public. The Surveyor-General recommended to the minister for lands that he refuse the city council's application to close Barton Road under the act, and the minister accepted his recommendation.

The Surveyor-General's wicked sense of humour was revealed when, in the redistribution of electorates before the 2002 state election, the part of Ovingham most harmed by the closure was transferred from my electorate to the state district of Adelaide. After this, Dr Armitage, whose name was mud in that part of Ovingham for supporting total closure of Barton Road—and, yes, Armitage would have stopped even the buses—

Mr PENGILLY: Point of order. I am having trouble hearing the member for Croydon.

The SPEAKER: Generally, I would quieten down, with our new code of conduct; however, the member for Croydon is known to be quite vocal when other people are speaking so I thought I would wait for that to happen. Perhaps we had better quieten down, but it is certainly waking up the house, member for Croydon.

The Hon. M.J. ATKINSON: Dr Armitage did not seek preselection for Adelaide and instead claimed an affinity with Leabrook and sought preselection for Bragg. As one can see, Dr Armitage is not the member for Bragg in this house. Jane Lomax-Smith went on to win Adelaide at the 2002 election—as I always say, by the width of Ovingham—and her win, together with the defeat of Ralph Clarke in Enfield, the defeat of Murray De Laine in Cheltenham and the defection of Peter Lewis, enabled Mike Rann to form a government.

Returning to the 1990s, the city council then purported to close the road to motor vehicles and bicycles by passing a section 359 temporary closure resolution of the kind employed for street fairs and the Christmas pageant. Owing to a drafting flaw, this provision in the 1934 Local Government Act is not time limited. When the Liberal government recast the Local Government Act in 1999, it was careful to grandfather this provision to preserve the Barton Road closure.

The bill I present to you is designed to treat this closure in the same way as all other closures of roads running from the territory of one council to another council and to apply the principle that the first council should seek the consent of the other council to any traffic restrictions. Who knows? Possibly the new anti-Labor mayor of Charles Sturt, Kirsten Alexander, would arrange to give the city council permission to keep the restrictions on Barton Road. The mayor has already had a meeting with the member for Adelaide, who represents 300 Charles Sturt residents, but has not yet arranged a meeting with me, who represents 17,000. Rex Jory, in his Rex at Large column in *The Advertiser* last Monday, wrote:

North Adelaide residents may deny it, but the closure of Barton Road is a shameful piece of class discrimination. The upstairs and downstairs of the street directory. A case of money talking.

Rex finishes his column:

And what of those North Adelaide residents who oppose the opening of Barton Road? They can lobby MPs, particularly in the Legislative Council, they can lean on the city council not to bow to the wishes of the Charles Sturt council or, as a last resort, they can seek legal redress. In every case they will give the appearance of seeking to retain a privilege available to few other South Australians.

Mr HAMILTON-SMITH: Madam Speaker—

The SPEAKER: Member for Waite, I hope you are adjourning the debate; the debate needs to be adjourned.

Mr HAMILTON-SMITH: No; I want to speak to it, and then we can adjourn it.

The SPEAKER: Our standing orders say that it needs to be adjourned. You can have first try next time.

Mr HAMILTON-SMITH: Madam Speaker, the Hon. Lord Atkinson of Upper Ovingham-upon-Brompton has spoken. I would love to reply, but I will accept your guidance and adjourn the debate.

Debate adjourned on motion of Mr Hamilton-Smith.

LIQUOR LICENSING (SUPPLY TO MINORS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 28 July 2011.)

The Hon. R.B. SUCH (Fisher) (10:50): I will not be long. I have had a detailed look at this bill and I think the intention is good, but I do not believe it is workable in its current form because there are so many exemptions and special provisions about whether the adult guardian or spouse was intoxicated, whether the minor was consuming liquor at the same time as consuming food, whether the minor was intoxicated, the age of the minor and so on. I understand the member for Morialta might amend it.

We do have a problem with alcohol consumption in our society. I am not anti-alcohol. I enjoy a beer and other drinks, including wine, but I think as a society we really need to get a handle on the way in which alcohol is consumed, so that it is consumed responsibly and appropriately. To that end, I would suggest that maybe one of our committees, or alternatively the government, establish an expert panel group to have a look at the whole issue of alcohol consumption in our society and that that expert panel look at the issue based on proper research, rather than on emotion.

I commend the member for Morialta for his intention, but I do not believe this bill, if passed, would achieve much in relation to young people who should not be consuming alcohol getting hold of it. I do think we need a wider look at the whole issue and so I suggest that we get one of the parliamentary committees to have a look at this issue, or it would probably be quicker if the government established an expert panel to have a look at the question of alcohol use and abuse in our community with appropriate recommendations.

Debate adjourned on motion of Mr Pederick.

STATUTES AMENDMENT (PUBLIC ASSEMBLIES AND ADDRESSES) BILL

Adjourned debate on second reading.

(Continued from 20 October 2011.)

Ms SANDERSON (Adelaide) (10:53): I move:

That this order of the day be discharged.

Motion carried; order of the day discharged.

STATUTES AMENDMENT (PUBLIC ASSEMBLIES AND ADDRESSES) BILL

Second reading.

Ms SANDERSON (Adelaide) (10:54): I move:

That this bill be now read a second time.

I was not aware of how the procedure worked so I actually have a final speech ready here.

The SPEAKER: Only the clerks know, member for Adelaide.

Ms SANDERSON: Yes, that's it. I think most people in this house are aware of the situation that has been going on in Rundle Mall and I just have a few points to bring everyone up to speed. The shop owners, workers and most visitors to the mall, firstly, are not my constituents nor can they vote for me; however, they have been contacting my office and there are great concerns.

I have given a grievance speech on this, and I mentioned many situations, including that of a lady with cancer who was abused in the mall and told that because she looked like a male she would be going to hell. There are many others who have been offended or do not feel safe. Shops

are being forced to close early because they do not feel safe due to protesters, and customers are being walked to their cars for their own safety.

I have also had emails in which people say they are avoiding the area where there are large crowds and just walking along Grenfell Street or North Terrace to avoid the ruckus in Rundle Mall. I have had mothers with babies who say that, as soon as you see a large crowd, you avoid the area; whether they are peaceful or not peaceful, you definitely avoid the area. There are also many older people who also claim the same thing—that when there is a large group of protesters, whether or not they are vocal, it is actually quite confronting and they will avoid the area.

However, freedom of speech is one of our greatest rights in this country, and it is a constitutional right, so by no means am I indicating that I think that should be changed in any way. However, I do think that people have the right to shop and not be abused as they are walking past.

The Hon. C.C. Fox: We have the right to shop.

Ms SANDERSON: That's it. We do have the right to shop, and people have the right to trade and run their businesses in Rundle Mall. They pay a lot of money to be there, and they have the right to do so and run legitimate businesses. What we can legislate for, however, is amplification. We can also provide for areas where they can assemble, like the public speaking corners they have in Hyde Park.

I believe there used to be one at the end of Rundle Street and the council is in agreement that this is a good idea; that we should have a public speakers' corner where people are encouraged to express their views and, if they want to use amplification, that they actually apply for a permit. These speakers' corners would not be right in front of a shop—that would be very detrimental to the shop. The preachers are also actually quite in favour of this idea because they do want to be heard and they actually complain about other people trying to be louder than they are, so it just escalates the whole problem.

A by-law was rejected recently in the Supreme Court in *The Corporation of the City of Adelaide v Corneloup & Ors*. Due to that, we realised that the by-laws really are not as strong as a state law would be and, after having several meetings with the police, they have indicated that policing a by-law is seen as a low priority to them. It is with that in mind that we thought that, whilst the government by-law that is being proposed in the other house is certainly a great idea, and I am very supportive of anything that can help Rundle Mall, I think it does not go far enough.

I think that we need state laws that the police will enforce in order to stop the amplification of the speeches that are going on in Rundle Mall and restore some order back to Rundle Mall. I also think that the use of a by-law instead of a state law will just push the problem out into surrounding suburbs, as we know from newspaper reports that the Corneloups have already been out to Paradise church. They have also indicated to me personally that the Central Market would be the next best place that they would like to go, and what is to stop them going out to the front of the town hall or Rundle Street where the cafes are?

By bringing in a by-law that only covers Rundle Mall, we are really just moving the problem elsewhere, and that is even if you can enforce the by-law. As we know, council workers cannot require names and addresses, which is why the no-smoking ban in Rundle Mall was unsuccessful.

Whilst the by-law might help, the preachers have already got out of 29 out of 30 infringement notices, so they are very savvy, so I think that, knowing that the by-law does not have the right to ask for their name and address, they would not give it. I really think it is short-sighted. It might work for a couple of weeks and it might even get us through the Christmas period but, ultimately, we need a statewide solution that will work for the whole of the state and not just move it into other areas in the city or other council areas. We need a solution that will actually solve the problem.

We have received a letter from Mayor Stephen Yarwood stating his support for this bill, and I would like to read it into *Hansard*. It is dated 2 November, and it states:

Re: Statutes Amendment (Public Assemblies and Addresses) Bill 2011.

Thank you for taking the corporation's issues into account in redrafting your bill.

Any assistance that can be given to Adelaide City Council by the state government, the opposition and SAPOL is welcomed to abate the situation in Rundle Mall.

We still support a bipartisan approach to resolving this issue and see that any and all efforts to address this situation are most welcome.

We see advantages in both the model by-law and in your bill. In particular, the by-law provisions enable the corporation's authorised officers to take action (albeit limited) to satisfy the current perception by stakeholders that the corporation is taking no positive action. Your bill, on the other hand, has the benefit of enabling the police to take action to remove equipment, particularly public address systems.

It is important that we continue to work together to resolve this issue to the satisfaction of our stakeholders as the positive reputation of Rundle Mall as a premier shopping precinct in Adelaide is being detrimentally affected.

I look forward to support from all parties to resolve this issue with a satisfactory outcome for all stakeholders.

Yours sincerely, Stephen Yarwood, Lord Mayor.

So we do have the backing of Adelaide City Council and the support of the Rundle Mall Management Authority, and we are more than happy, if there are any flaws found or seen in the state legislation, to amend the bill because we want this to go through and we want peace restored in Rundle Mall and not merely have the problem shifted to other areas.

This bill passed the upper house last night, with the support of many of the Independents. It is upsetting that the Labor government did not support it. However, they have indicated that possibly, with some amendments, they would support it. I look forward to discussing further with government what the issues are and how we can solve them.

Basically, we have a by-law that will help Rundle Mall that will be going through the upper house today, I believe, that I am supportive of; and in a bipartisan way I would like the support of the government as well for our state legislation. It works against the amplification and makes it illegal to use amplification, but it is actually up to the police officers to ask you to stop using the amplification if it is causing a disturbance. It can be removed, and there is a penalty to have your amplification device given back.

The Public Assemblies Act also allows for speakers corners, so there is a carrot and stick approach where, if you use the designated areas and apply to use your amplification, you also have police protection if someone else comes in and disrupts your protest or rally.

Another point to make is that I have met with the administrator of the Facebook group Stop Rundle Mall Hate Speech, which has 5,000 members or friends, or whatever they are determined as in Facebook, and I asked: 'Why did this all start? What was the beginning of it?' It started at what was actually a peaceful rally. I believe it was a same-sex marriage ceremony in Victoria Square where families were present. The preachers took it upon themselves to interrupt that rally with their posters and very loud amplification. Then they had another peaceful march in front of Parliament House which was again interrupted by the preachers.

At the moment it could be seen as payback that that same group is now interrupting the preachers in the mall, and perhaps it is. However, if you think about it, the by-law would not protect the whole reason that this started because they were interrupted in Victoria Square and interrupted in front of Parliament House during a march. So, the by-law will not help them at all.

They are concerned that, with Feast opening this Saturday night (again, another peaceful march), it could be interrupted; and because the tempers are getting quite heated in Rundle Mall it could actually become violent. I do strongly believe that state legislation is the only way to solve this issue. I have spoken with the preachers and with the 'Love, not hate!' group and with the 'stop Rundle Mall hate speech' group, and they are all in support of our bill which removes amplification but which also gives speakers' corners. It not only takes away the difficulties but also it gives an incentive to do the right thing in the right area and have it monitored by the police.

The DEPUTY SPEAKER: The member for Fisher.

The Hon. R.B. SUCH (Fisher) (11:05): Thank you, Mr Deputy Speaker.

Members interjecting:

The Hon. R.B. SUCH: I know that spruiker from way back.

The DEPUTY SPEAKER: Member for Fisher, you have the call.

Mrs Redmond interjecting:

The DEPUTY SPEAKER: Leader of the Opposition, the member for Fisher has the call.

The Hon. R.B. SUCH: This measure may not be in its ideal form but I think that it is a step towards achieving some sensible outcome. As we know, in Rundle Mall there are spruikers who

are presumably registered and approved by council. Frank is one who does work for Harris Scarfe and others. I cannot tell you what the specials are this week, but I might find out later.

There is already amplification equipment used by registered people in the mall. There are also people who hand out religious material. Frank—another Frank, a different Frank—sits outside Woolworths in Army gear and hands out copies of the *Good News Bible*. I do not have a problem with that. He does not harass anyone, he does not intimidate anyone.

What we are talking about here is a group which, for some reason I am not quite sure of, has decided to take a fairly aggressive attitude; and we know that, by its very nature, evangelism is going to have a bit of oomph in it. I grew up in a fundamentalist church, so I have been subjected to plenty of hellfire speeches, and so on, but I do not think that Rundle Mall is a place where people should be intimidated and harassed by anyone irrespective of whether it is through religious motivation or whatever it is.

This measure might do something to help the situation. I do not think that the speakers' corner is the answer because, by their very nature, these people are trying to convert or warn the masses, not an individual person who might go down to the Botanic Gardens. I do not think that a speakers' corner is the answer. What you need is a sensible arrangement where people need permission to use amplification equipment appropriately, and, if they do not abide by the rules, then that equipment should not be allowed to be used.

I think that this is a step in the right direction. It is a pity that it has had to be done in haste because, sometimes, when you do things in haste like that you do not get it quite right. However, I think that the intention is good.

The DEPUTY SPEAKER: Member for Croydon, do you wish to speak on this matter?

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

The DEPUTY SPEAKER: If you wish me to recognise you, I would suggest that you remove the display.

Mr GARDNER: Point of order.

The DEPUTY SPEAKER: There is no point of order.

Mr GARDNER: I have a point of order on another matter. It is enough for us to put up with the inanities of the member for Croydon, but for the minister to take photos inside the chamber is directly against a number of the Speaker's rulings. The member for Mawson and the member for Newland have been taking photos, and I would ask you to deal with that.

The DEPUTY SPEAKER: People who live in glass houses, member for Morialta, should not throw stones. I still recall when you used your phone to take a picture in this place, too. I remember seeing that.

Mr GARDNER: I seek leave to make a personal explanation.

The DEPUTY SPEAKER: A personal explanation?

Mr GARDNER: At the time—

The DEPUTY SPEAKER: No, there is no personal explanation. You have moved a point of order. The member for Croydon has removed his display. He can speak if he wishes to speak in the proper way, and the minister will behave himself in future.

Mr GARDNER: I seek your ruling on the point of order and then I will make a personal explanation if I may.

The DEPUTY SPEAKER: The point of order, I have upheld in terms of—

Mr GARDNER: My point of order was to do with the taking of photographs.

The DEPUTY SPEAKER: And I just mentioned to the minister that he is not to do that.

Mr GARDNER: Okay, then I seek leave to make a personal explanation.

The DEPUTY SPEAKER: You can do it at the end of this debate.

Mr GARDNER: I will.

Mr PENGILLY: Point of order, sir, before you go on. Will you instruct the minister to delete the photograph from his camera before he leaves the chamber, as he was standing in the middle of the chamber which is entirely unparliamentary? The Speaker admonishes photographers who take photos of members not standing on their feet from the gallery, so I believe you have a responsibility to remove the photo.

The Hon. R.B. SUCH: Point of order, Mr Deputy Speaker.

The DEPUTY SPEAKER: Hold on. We have one point of order. There is no point of order there. Your point of order?

The Hon. R.B. SUCH: I don't believe the ruling regarding photography applies to members. As you know, we have a double standard in here.

Members interjecting:

The Hon. R.B. SUCH: No, we do.

The DEPUTY SPEAKER: I hear it every day.

The Hon. R.B. SUCH: We have privilege here, the people in the gallery do not, and we can take photos. I would like someone to show me a standing order that says it is prohibited for members.

The DEPUTY SPEAKER: I will ask the Speaker to make a ruling on that. Member for Croydon.

The Hon. M.J. ATKINSON (Croydon) (11:12): Alas, the government cannot support the bill. The Minister for State/Local Government Relations in another place has introduced a bill to the parliament that addresses the same issue that the member for Adelaide attempts to address through her private member's bill debated today. The bill in another place seeks to amend the Local Government Act 1999 to remove the current restriction in the act that prevents the council from adopting a model by-law until the time for disallowance has passed. This will allow the adoption of a model by-law at any time after it is published in the Gazette.

As the house would be aware, the model by-law, known as the Local Government (Model By-Law) Proclamation 2011, was published in the *South Australian Government Gazette* on 13 October 2011. This by-law was introduced in an effort to replace the disallowed by-law No. 6 in a shorter time frame than was available to the Adelaide City Council under the 1999 Local Government Act.

The model by-law was developed at the request of the council after its inability to control activities of groups within the Mall owing to the disallowance motion passed by the Legislative Council in September of this year. Well, who passed that disallowance motion? Yes, it was the parliamentary Liberal Party walking on both sides of the street. In the other place, they passed a disallowance motion, so the evangelism and the preaching and the conflict could continue in Rundle Mall because apparently that was a violation of free speech, but they took the equal and opposite position down here in the House of Assembly through the member for Adelaide. But look—

Members interjecting:

The DEPUTY SPEAKER: Members on my left.

The Hon. M.J. ATKINSON: As the former member for Unley the Hon. Mark Brindal once interjected from that side of the chamber—

An honourable member: Mark Brindal of blessed memory.

The Hon. M.J. ATKINSON: Yes, Mark Brindal of blessed memory—he interjected one day: 'It is the prerogative of Her Majesty's Opposition to have two bob each way.' The Liberal Party is doing that on this issue. Indeed, I was pleased to be the moderator of a Probus free speech forum at a hotel in North Adelaide recently.

Members interjecting:

The DEPUTY SPEAKER: Members on my left will have an opportunity to speak if they wish to on this matter.

The Hon. M.J. ATKINSON: Amanda Vanstone was there as a panellist and a very fine panellist she was. The member for Adelaide was sitting there in the front row and her contribution was to get up and complain about the preachers and say, 'Look, these preachers, they're terrible. They tell passers-by that they're going to die one day.' Amanda Vanstone replied, 'Look, love, just walk on by,' and I thought it was very good advice from Amanda Vanstone to the member for Adelaide. That is what Amanda Vanstone had to say.

The model by-law does not contain any of the words that were held to be invalid by the Full Court. It does, however, give a council the ability to regulate the use of amplification generally, the use of equipment such as platforms or stages—unfortunately, I was unable to erect one of those here today—and, importantly, prohibit the interference or disruption of any other person's permitted use of a pedestrian mall, such as Rundle Mall.

The amendments proposed in the minister's bill will enable the Adelaide City Council to have in place a by-law to manage the activities in Rundle Mall in the lead-up to the busy Christmas period.

Members interjecting:

The DEPUTY SPEAKER: Member for Norwood, you are not even in your place, so do not interject.

An honourable member interjecting:

The Hon. M.J. ATKINSON: Pergo-la and pergola.

An honourable member interjecting:

The Hon. M.J. ATKINSON: Indeed, all of that.

The DEPUTY SPEAKER: Can the member for Croydon continue with his speech or has he finished?

The Hon. M.J. ATKINSON: The amendment also provides that, in the event that the model by-law is disallowed, the model by-law adopted by the council will be of no effect on and after the date of disallowance. The member for Adelaide's bill has taken a different approach by making significant amendments to the Summary Offences Act 1953 and the Public Assemblies Act 1972. As I understand it, the Public Assemblies Act 1972 currently allows for an 'advance notification' system when a group wishes to assemble or rally.

The general idea is that the public can demonstrate and assemble, unless the authorities object to the particular notification, at which point the court decides the merit of the application. We on the Labor side think that is a good system. The Public Assemblies Act 1972 arose out of the September moratorium demonstration of 1970 and looks to enshrine the rights of protesters. I will explain the moratorium movement to the member for Adelaide afterwards.

The member for Adelaide's amendments to the Public Assemblies Act seem to set aside restricted areas for protected assemblies, for example, providing for designated speakers' corners. The government believes that the member for Adelaide's amendment runs against the spirit of this legislation, a spirit which the Hon. Stephen Wade supported in another place.

The government believes that the member for Adelaide's amendments would be highly likely to be subject to constitutional challenge in the courts. The amendments proposed in the minister's bill provide a solution to the immediate problem and will enable the Adelaide City Council to adopt and implement the model by-law before Christmas this year.

I welcome the input of all interested parties to develop the best solution possible. However, this bill has a much broader application and greater consequences than the amendment proposed to the 1999 Local Government Act by the government.

Members interjecting:

The DEPUTY SPEAKER: The member for Croydon has the floor. If anybody else interrupts—the member for Croydon.

The Hon. M.J. ATKINSON: It is disappointing that the member for Adelaide—

The Hon. C.C. Fox interjecting:

The DEPUTY SPEAKER: Minister!

The Hon. M.J. ATKINSON: It is disappointing that the member for Adelaide has brought her proposed bill to a vote so quickly. This is complicated legislation that could have wide-ranging consequences across the entire state. I would encourage the opposition to consult widely with interested parties, such as South Australia Police, the Law Society, the South Australian Council for Civil Liberties and the Adelaide City Council, if it intends to reintroduce the bill at a later date.

Although the government is not able to support the bill at the present time, I am advised that the honourable minister is prepared to work collaboratively with members to look at the longer-term options and potential benefits of a different approach to this issue.

Mr GARDNER (Morialta) (11:19): I am pleased to hear the member for Croydon indicate that the government is interested in working collaboratively, because with about 10 minutes left before the end of private members' bills today, and a number of other people with contributions to make, I suspect we may not get to a vote today. I do urge the government, in working collaboratively, to look at the extensive range of consultation that the member for Adelaide and the Hon. Stephen Wade in another place have already undertaken. In fact, I was looking at some of the Legislative Council *Hansard* earlier, and the range of people of different views who are supporting this bill already suggests the range of people with different view in the community who support this bill.

The member for Adelaide, in putting this bill forward, has managed to get the preachers on side, she has managed to get the Love Not Hate group on side, she has managed to get the Adelaide City Council on side, she has managed to get Family First on side, and she has the Liberal Party's support—I think she has done a tremendous job of consultation. She has the Hon. Ann Bressington on side, and the Hon. Kelly Vincent was supportive of this. The Greens have suggested a minor amendment, and they are supporting it in-principle, and I look forward to the Labor Party—the last group of 26 people in this state coming on board—to support the member for Adelaide's bill.

This is an important issue because what is going on in Rundle Mall is to the detriment, I think, of not only the ambience of Rundle Mall and the trade of the Rundle Mall traders, but it is actually a blight on society, and it does no credit to those undertaking it. The member for Adelaide and the Hon. Stephen Wade's bill that we are debating at this point will make some important adjustments to lower the volume (both literally and figuratively) of the arguments that are going on in Rundle Mall. As the Hon. Dennis Hood has said elsewhere:

I think their methods are very questionable, to say the least. I think all of us have concerns. I have not seen, but I am hearing of incidents of direct insults being made at people walking past. How that falls under the banner of Christianity, frankly, I just do not understand. That sort of behaviour, I think, is regrettable, to say the least.

We have heard from the member for Adelaide of the number of her constituents and other interested parties who have contacted her; we have a very clearly established problem. This is one that was brought home very clearly to me several weeks ago, because my sister-in-law happens to be—while not a member of the SDA—she is in fact working in retail in Rundle Mall, and works on Friday nights and Saturday mornings, and is regularly harassed by this group.

Now, it is of great concern to us, because when she is walking alone through Rundle Mall at night, I do not think that she should do so fearing that she will be coming under the personal insults and denigrations of people standing next to and over her with loudspeakers, for goodness' sake. I wish they would just desist from this sort of behaviour altogether, but we can in fact reduce the tenor of the problem by removing their amplification. If they are not able to undertake their activities with amplification without a permit, I think this will contribute greatly.

The preachers, I would note, I heard on radio yesterday also coming out in support of this proposition, because from their point of view they feel that if those protesting against them do not have amplification, then they will not need it themselves in the first place; frankly, it is sensible.

The government has come forward with the idea that the by-law can sort out everything. There are two issues with this—and I note that the opposition will be supporting the government in its endeavours to get this done, but the by-law itself has been shown that it cannot support everything, because council officers do not have the right to seek names and addresses from those whom they might apprehend.

They have no ability to enforce the by-law as fully as the police could if the police were enforcing it, but the police will not be going around making their primary cause of business the enforcement of council by-laws. So, clearly, the police need to be given their own power, which this bill will do.

The Adelaide City Council, in supporting it, have said that they need both; they want both. I saw them on the television last night calling for both to be supported. The member for Adelaide read out the letter from the Lord Mayor, the Honourable Stephen Yarwood, reinforcing the same point.

The opposition has moved through the Legislative Council and got the Legislative Council's support in a timely fashion. Having heard horror stories of what happens in the Legislative Council, I am very pleased to see them acting so expeditiously. Time is a factor. I hope that when we come back in two weeks' time for the last private members business of the session, we can deal with this, perhaps with amendments from the government if they feel the opportunity is there. If they feel that this is genuinely something that they think needs to be fixed, they will bring amendments and, if they say that amendments can fix it, we will work collaboratively with them, and the member for Adelaide will work collaboratively with them.

With the Christmas session coming up, those Rundle Mall traders deserve some opportunity to make their living. The people working in Rundle Mall deserve the opportunity to make their living without fear of harassment and without fear of getting caught up in the crossfire between the two very vocal groups who are behaving in the way they are at the moment. The thousands upon thousands, upon tens of thousands of citizens of our state who want to go to Rundle Mall and do their shopping for Christmas, for goodness sake, should be able to do so, free from any fear that they are going to get caught up in what could become quite an ugly melee.

Of course, the beneficiaries of failure to act on this will not be the preachers, and they will not be the people who are arguing against the preachers. The beneficiaries will be other tourism destinations who will reap the benefit of return trade from people who will not want to come to Adelaide in the future having had bad experiences in Rundle Mall. The traders in non Rundle Mall shops may well do quite well out of it because I am certain that, if this is not resolved, then people will not be going back for a second visit to the mall at Christmas shopping time, and that is going to put a lot of livelihoods at risk—livelihoods that are clearly of concern to many people in this chamber.

I support the member for Adelaide. I think she has done a great job in consultation. I think the government, with its new edict of debate and then decide, would do well to look at the member for Adelaide's example, where she has gone out to all sorts of people and managed to get two very diametrically opposed sides of a debate to come together and support the bill: it is an extraordinary achievement. I commend her for her work, and I commend the bill to the house.

PHOTOGRAPHS

Mr GARDNER (Morialta) (11:27): I seek leave to make a personal explanation.

Leave granted.

Mr GARDNER: Earlier, I took a point of order against the member for Newland and the member for Mawson taking photographs and, you, sir, took the opportunity to suggest that people in glass houses should not throw stones on the basis of a point of order you took against me some year ago, in which the Speaker ruled that she had not seen a photo being taken. I make the point that at the time no photo was taken, and I leave it at that.

STATUTES AMENDMENT (PUBLIC ASSEMBLIES AND ADDRESSES) BILL

Debate resumed.

Mr VAN HOLST PELLEKAAN (Stuart) (11:27): Thank you, Mr Deputy Speaker.

The DEPUTY SPEAKER: At least you got the gender right.

Mr VAN HOLST PELLEKAAN: It is hard to get out of the habit of saying 'Madam', but I am sure I will. I stand here to support the member for Adelaide in this very good work that she is doing on this issue, and I would like to highlight what a big job it is to be the member for Adelaide when, in this sense, you are representing all of your 22,000 or 23,000 constituents—the people who live and vote in your electorate, as we all do—while simultaneously doing the best you can to represent the City of Adelaide, which belongs to all South Australians. That is a very difficult job, and I think she does it exceptionally well.

This is another one of those issues where the member is trying to support both groups of people: the people she represents and also all other South Australians. I can tell you that when the good people of Stuart regularly come down to do their shopping, their trading, visiting friends and

relatives, commuting, whatever it might happen to be, and they go to Rundle Mall or even other parts of Adelaide they do not want to be harassed by these idiots who are getting up there with their microphones, loudspeakers and, in my opinion, verbally and physically abusing people—because there is a physical side to this.

When you create congestion and you make it very difficult for people—and I do not think that this is a sexist thing to say—particularly for women trying to work their way through a very difficult, semi-aggressive crowd, I think that is dreadfully unfair. I do not believe that any South Australians, whether they live in the City of Adelaide, the seat of Stuart or anywhere else, need to face that sort of thing. I am a very strong advocate of free speech, as I am sure is every other person who works in this place. But let me tell you, free speech does not include, in my opinion, the right to profanity, and it does not include the right to harass people as they pass by.

I do not really care whether people are doing what in my opinion are very positive things, like calling for extra resources for country hospitals or small schools, or perhaps vigorously barracking for the mighty BMW Lions football and netball teams, but if they are doing what in my opinion is irresponsible, which is trying to ram particular views about religion or sexual preference or ancient ethnic divisions down people's throats, to me that is irresponsible. Talking about those issues is their right, and I will support that wholeheartedly, but when it comes to the stage of actually doing it in an abusive fashion that makes life very difficult for people, I do not support that style of free speech. I seek leave to continue my remarks.

Leave granted; debate adjourned.

INTERNMENT CAMPS

Mr PICCOLO (Light) (11:31): I move:

That this house:

- (a) notes that 1 June 2011 marked the 70th anniversary of the opening of the internment camps at Loveday during the Second World War for the purpose of detaining 'enemy aliens' and prisoners of war;
- (b) acknowledges that amongst the 'enemy aliens' interned were people who were either permanent Australia residents, born in Australia or had become British subjects in accordance with the federal immigration and citizenship laws of the day;
- (c) accepts that the overwhelming majority of the people interned at the camps were law abiding, had made a valuable contribution to Australian society and posed no threat to the security of the nation or its people;
- (d) believes that most people were primarily interned in the camps on the basis of their cultural heritage on the mistaken belief that it posed an unreasonable risk, and not for any demonstrated or validated criminal or security concerns;
- (e) is aware of research and personal histories that demonstrate that the internment experience had a long term detrimental impact on the health and welfare of many of the people interned;
- (f) recognises the pain, suffering, grief, and hardship experienced by the people who were interned and their families and, in particular, the impact on mothers and wives who were left to care for children, homes, farms or businesses without government assistance;
- (g) congratulates those internees and their families who made the decision to remain in Australia and rebuild their lives following their internment;
- (h) celebrates the lives of those former internees and families who, despite their internment experiences, went on to make a significant contribution to the economic, social and cultural development of Australia;
- (i) asserts that, while the internment policy was implemented in the circumstances of a national emergency, it nevertheless acknowledges that the injustice experienced by some Australians was unnecessary and avoidable; and
- (j) hopes that as a maturing nation we have learnt from the World War II internment experience to ensure that future generations of migrants to this country are treated with justice and equality before the law and are not discriminated against on the sole basis of their cultural heritage.

Tomorrow we remember those who have given their life in the service of their country, and the grief felt by their families. My heart goes out to all those people affected by war; in particular, the returned services men and women and their families.

War affects people in different ways. Today I wish to bring to the attention of the house the experiences of another group of people whose lives were also affected by the war but whose story

has yet to be recorded in any meaningful way in the history books written about Australia. While World War II impacted on millions of people from Europe to the Pacific, today I would like to talk about the relatively untold story of thousands of Italo-Australians right here on our shores.

While this motion is relevant for all those who were interned—whether of Italian, German or Japanese backgrounds, amongst others—my speech will address the Italo-Australian community, as that is the one I most familiar with. However, in doing so I do not wish to diminish in any way the experience of other migrant groups.

Across Australia 16,757 people were interned in camps during World War II at Cowra, Gaythorne, Harvey, Hay, Liverpool, Rottnest Island, Tatura, and here in South Australia at Loveday. Of these 16,757 internees 4,727 were Italo-Australians, or one-tenth of the Italian population, who were sent to internment camps. This included 2,107 from Queensland, 1,346 from Western Australia, 170 from Victoria, 65 from Tasmania, 806 from New South Wales and 173 from South Australia. Many of these people were falsely accused of being fascist sympathisers when, in fact, their opposition to that political ideology was one of the reasons they actually left Italy.

While we should recognise the circumstances of a national emergency when the internment policy was enacted, this nevertheless does not in any way diminish or justify the suffering caused. It is time we acknowledged that the wartime internment policy was a mistake, and recognise the impact it had on thousands of individuals and their families. It is time we acknowledged the ongoing hurt and suffering felt by the internees and their families.

It is time we acknowledged the trauma, pain and personal anxiety that the separation caused. It is time we acknowledged the personal embarrassment and loss of dignity that internees were forced to endure. It is time we acknowledged the humiliation felt by internees in front of their family, friends and neighbours when their houses and offices were ransacked, leaving lifelong scars, and it is time we acknowledged the women and children who were left to fend for themselves in a hostile environment.

Many internees were sent to the Loveday camp near Barmera in South Australia. Established in 1941, Loveday held the largest number of internees during World War II. At its peak in May 1943, there were nearly 5,500 internees in the camp and over 1,500 army personnel. While there were only 173 internees from South Australia, the local Italian population was heavily affected. I visited Loveday for myself and was able to see the camp, learn more about the history and meet some of the families and relatives of internees.

When Italy entered the war on 10 June 1940, the lives of many migrants to this country changed forever, despite them having no connection to the war in Europe and elsewhere. Amongst the internees were not only permanent residents but also citizens of Australia. Researcher Ilma O'Brien has posed the question of the meaning and value of citizenship when citizens can be arbitrarily detained for long periods of time with no recourse to the courts. The majority of people interned at the camps were law-abiding, making a valuable contribution to Australian society, and posed no threat to the security of the nation or its people.

Most Italo-Australians were primarily interned in the camps on the basis of their cultural heritage and not for any substantiated criminal or security concerns. The heightened level of insecurity resulted in many migrants being interned on weak and unsubstantiated intelligence information. Membership of, or association with, a fascist organisation was sufficient grounds for internment. While on the face of it this seems like a reasonable reaction, when you delve into the issue more deeply and rationally you soon come to realise what an unreasonable response it was. Many of the Italians saw their membership of a fascist-related organisation—

The SPEAKER: Order! Could members please keep the background noise down?

Mr PICCOLO: —as a social activity rather than a political one. Many Italians were not formal fascist members and attended events for their social and cultural benefits rather than political affiliation.

The Molfettesi community of Port Pirie is an example. They made up 12 per cent of the South Australian Italian population, yet accounted for 47 per cent of the state's internees. The Molfettesi were hardworking people, mainly fishermen, of southern Italian origin, but the state was concerned they would actually bring their secrets offshore.

The manner in which people were rounded up was often crude and embarrassing, reminiscent of the European theatre of war. Police knocked on the door and arrested people without proper justification. People were dragged away in front of their families or co-workers. Men

were shoved into open trucks like cattle, marched onto trains and transported thousands of miles away from their families and homes. They were thrown into prison cells and temporary camps and the internment was unedifying and humiliating, stripping them of their dignity. Many internees never returned to their home towns in Australia to avoid the shame.

While it does not appear that Italian women were actually interned in South Australia, many recall the war years as lonely times of fear and hardship, with many suffering poor physical health and depression. They were left to take care of children, families and businesses and deal with the hardship of being identified as an enemy alien.

A few original internees are still alive today. I have had the pleasure of meeting two of them and I would like to briefly outline their stories. The first I met was Tommaso (Tom) D'Orsogna. Tom, now aged 93, spent four years, four months and two days in internment camps during World War II, on Rottneest Island, at Harvey, and then at Loveday.

Tom was born in Italy in 1918 and came to Australia aged 15 in 1933, where he worked on the mines in northern Western Australia at Wiluna. There he secured a job with the Wiluna Meat Supply, where he began developing his skills in making smallgoods, which later formed the basis of the successful D'Orsogna family business, which today is a leading smallgoods manufacturer based in Western Australia with 450 employees.

When war was declared with Italy on 10 June 1940, Tom was working at the gold mines at Wiluna. He was down the mine shaft when the police arrived to round up all the Italians on the site, including his brothers. Tom was put in a truck with half a dozen other Italians who had all been arrested and they were still covered in dirt from their work in the mine shaft. Without any reason, they were arrested and put on trucks. Tom was destined for the Harvey internment camp, but spent some time on Rottneest Island first.

The second internee I met is Natale Ieraci. His story is very similar to Tom's; in fact, they know each other. Natale arrived in Australia in 1939. He is now aged 90. Prior to the outbreak of the war he worked on a potato farm in Western Australia. During the war the police came and took him away. He was put on a truck with about 40 other Italian people. He too spent time at Rottneest Island, Harvey and Loveday.

After the war, Natale tried his hand at a number of jobs. He went to work with the Plaistowe Chocolate Factory, Lamberti Restaurant and as a chef at the Sirros Nightclub in Collins Place, Melbourne. He then went back to Italy to visit family, married and returned to establish his own business—Campoli Continental Foods. This family company has been very successful and today boasts 65 employees. At 90, he still goes to work every day. Despite their experiences, these two people have found success in Australia.

I have also had the opportunity to talk to some family members of those who were interned. There is a Gawler-belt resident in my electorate, Mario Vaiana, whose father was interned in northern Queensland. Despite being a British subject at the time, he too was sent to Loveday. Mario tells the story of how his father never spoke about the internment, yet it was quite clear from the way he related to his father that it left a mark on his life.

There is also the story of Pietro Cesare Padovan who was born in Italy as well and came to Australia. At the beginning of World War II, Peter was interned. He was marched into the camp at Tatura on 17 June 1940 and was later moved to Hay, Liverpool and Loveday. His wife was left behind with three children. They had to be put into a convent because she could not care for them.

There is the story of Pasquale Ganza, who was born in Italy in 1906 and came to Australia at the age of 21. He headed off to Ingham where there was a lot of work to be found. From 1932, he ran a hotel with his brother at Trebourne and, in 1938, started working at the Mount Fox sawmills, where he cut silk wood, oak and gum trees. Despite being a resident of Australia for 13 years, he was interned without notice in 1942. Despite his protestations, he was actually interned because he was seen to be sympathetic to the fascist cause.

In these camps, unfortunately, the authorities thought all Italians were the same. The killing of Mr Francesco Fantin at Loveday brings back memories for those many internees who saw one of their own killed. Mr Fantin's killing reflected the authorities' view that all Italians were the same. In reality, they were as diverse as any other community. His death did lead to changes in the management of internees, recognising that they all held various diverse political views.

However, for Pasquale, he was so ashamed of his internment that he legally changed his name to Percy to distance himself from the experience. He only spoke once about his internment to his family, which is a common theme for many of those who have been interned.

There are a number of stories which can be told but time does not permit me today. What is common is that these people have not been able to tell their story until recent times. In fact, they have not even discussed it with members of the family as they are so ashamed and hurt by the experience.

Having said that, the evidence also suggests that, in the camps, the guards and the internees got along quite well. I have two families in my own electorate whose fathers were guards and they actually have good stories to tell about their time in internment.

This motion is not the first resolution to recognise the treatment of Italians during World War II in Australia. In 1990, the late Liberal senator for Western Australia, John Panizza, put a motion before the federal parliament to recognise internees. His five-part motion noted the grave injustices, the false accusations of fascism and the suffering of the innocent. The motion received bipartisan support, and I hope this motion does today. The then prime minister, the Hon. Bob Hawke AC, in a letter to internees, said at the time:

I am proud to state that your mistaken internment in the 1940s was based on community attitudes of the time and would not occur in the multicultural Australia of 1991.

I hope he was right.

The story of internees has been documented by various researchers but, generally, has not been discussed in the public arena—that is changing. Time has created the space to allow the stories to be told without fear and to be heard with empathy and understanding. In this regard I would like to mention the short film *Restare Uniti*, which translates as 'We stick together.' Producer and writer Daniel Tenni has drawn together an impressive package which is a confronting representation of internment experiences. The short film, which has its origins at Curtin University, has had considerable international and national critical success, and there are plans to extend it to a full-length feature film.

With the influx of post-war Italian migration to Australia, this period in Australia's history seems like ancient history, but it should in no way diminish the unfair treatment of Italo-Australians during the war period. For many years, internees were not able to speak about their experiences in the camps, as the memories were too raw. As a consequence, neither their families nor the nation has had the benefit of learning the lessons from that policy. Even today, some family members cannot talk about their memories without emotion.

This motion acknowledges their experience of grief. As the years passed and internees moved on to rebuild their lives, their stories have slipped between the pages of history. I hope that this house today helps put that part of their story on the record. I commend the motion to the house.

Mr HAMILTON-SMITH (Waite) (11:46): I also commend the member for bringing this matter to the house and give him the full support of members on this side of the chamber in his wish to acknowledge, to accept, to indicate our belief in and our awareness of the pain and suffering of all those who were interned unjustly during World War II. It is a time to celebrate the lives of those who survived the war, including those who survived the terrible internships.

The member has given the house an accurate account of the suffering of the Italians in Loveday who were treated so terribly as a consequence of war. Of course, these were terrible times for the country and terrible times for the world. From all of those experiences we endured during World War II, including this example of pain and suffering, there are lessons to be learned for the future.

During the Second World War, Australia, indeed, interned thousands of men, women and children deemed to be a threat to national security. The overwhelming majority of the internees had been classed as 'enemy aliens', that is, nationals of countries at war with Australia. Australian internment camps also accommodated enemy aliens interned by British authorities in Palestine, Persia, the Straits Settlement and Great Britain and transported to Australia.

Of course, there had been a precedent during World War I. Shortly after the outbreak of World War I, the Australian parliament passed the War Precautions Act 1914, which granted far-reaching powers to the military authorities. These included the power to intern aliens. In 1939, two

days after Germany invaded Poland, prime minister Robert Menzies announced that Australia had declared war on Germany. Anticipating the war, the security services had prepared a list of potentially dangerous Australian residents. Many of these people were arrested within days of the beginning of the war and interned.

The number of enemy aliens resident in Australia in September 1939 far outweighed the number of those resident in Australia at the beginning of World War I. Not least because of the costs associated with large-scale internment, the Menzies government initially decided to adopt a more selective internment policy than its World War I predecessor. Only some 400 enemy aliens were rounded up in the first weeks. Most of them were Germans suspected of strong Nazi sympathies. They included only seven women and no children. But, as the military situation worsened, the Australian government authorised the internment of larger numbers of enemy aliens. Most of them were German and Italian nationals.

After Japan entered World War II in spectacular fashion with the surprise bombing of Pearl Harbor, yet more people who could be suspected of aiding the enemy were locked up. A total of 1,141 local Japanese men, women and children were interned, representing 97 per cent of all registered aliens of Japanese descent living in Australia. In comparison, less than a third of Australians of Italian and German descent were interned during World War II. With the notable exception of Japanese nationals, internment during World War II was not as comprehensive as it had been during World War I, but it was still vicious.

Australia also accommodated internees from the United Kingdom and from the Dutch, British and French colonies in the Pacific and South-East Asia. A total of 8,000 overseas internees were accommodated. As the member has noted to the house, the South Australian story is particularly sad. Our main camp located at Loveday near Barmera on the River Murray was supported by control centres at Bordertown, Clare, Lameroo, Maitland, Mount Gambier, Mount Pleasant, Morgan, Murray Bridge, Naracoorte, Tumby Bay, Willunga and Woodside, and a transit camp at Sandy Creek near Adelaide.

Italians deployed as farm labourers were administered from these centres. In addition, Italian and Japanese internees were detached as paid labour to harvest wood at Katarapko, Woolenook and Moorook West, and 300 Italian internees were employed as railway workers at Cook on the Trans-Australian line. This was a matter that touched the whole state.

The Loveday internment camp accommodated German, Italian and Japanese internees from various states of Australia, and internees and prisoners of war from the Netherlands, East Indies and the other countries I have mentioned. The camp comprised six compounds and accommodated people of the 25/33 Garrison Battalion who provided the camp guard. The maximum number of internees (almost 4,000) was reached in March 1942. Of those interned in 1942, 528 were Japanese who were subsequently repatriated to Japan. One POW and 134 internees died at Loveday.

It is a very, very sad story but in the context of an even sadder global story. We need to remember that, at this very time, millions of Jewish people were being rounded up into concentration camps and being exterminated in ovens. We need to remember the persecution of minorities by the Nazis and by others. We need to remember the suffering of soldiers on all sides of this conflict. We need to remember that, in countries like Poland, 20 per cent of the population at the end of the war was dead—20 per cent of the people living in the country in 1939 were no longer alive by war's end.

We need to remember the bitterness, the sadness and the evil of those years, and we need to view the terrible events of internment in Australia in that global context. Having just returned some weeks ago from walking the Kokoda Track, I was proud to see the number of Italian and Greek names amongst the dead. At the very time we were interning their mothers and fathers, some of these young boys were fighting.

It is a terrible thing to be torn between your family, between the love for your country of birth and between the love for your adopted country and your country of citizenship. It is like a civil war—a civil war of the heart. Many of those interned at Loveday were so torn. We need also to remember, though, that there were terrible collaborations in occupied countries. There were terrible acts of sabotage and of espionage, and there was fear, and fear begets horrors and inhumanity.

In all of this we need to look for a positive, and that is why I welcome the member's motion, and that is why members on this side embrace it, because even today we are still living with these fears. We live in a world awash with terrorism, and there are people who would hate a particular

ethnic or religious group or community within this country and others by virtue of their ethnicity because they think that, because those people are Middle Eastern or Muslim, or whatever the case may be, they must be linked to the terrorism.

That is no more true than the conclusion reached by our forefathers during World War II, that because people were Italian or Japanese or German they were linked with the evil of Nazism and the occupying armies of World War II. Just like us, they loved their families, they loved Australia and they wanted to be free.

If there is a positive lesson to be drawn from this motion, it is a lesson to embrace cultural diversity, to accept one another, to understand that this is a great nation comprised of great people and that when this country faces challenges, shocks and horrors as we did during World War II, we should not fly to take it out on any particular group in the community based on ethnicity or religion or birth.

We must focus on people's actions and what they stand for and not their place of birth or their ethnicity. I think that is the positive message that we can draw from this. Proud as we are of our Italian, Greek and Japanese communities within this great nation, through passing this motion unanimously we share their grief, we understand their pain, we recognise their suffering and we draw strength from the lesson of the entire experience for the future. I commend the motion to the house.

Mr WHETSTONE (Chaffey) (11:56): I, too, rise to support the motion and to commend the member for Light for bringing this important but relatively unknown part of South Australia's past to the attention of the house. The Loveday Internment Camp represents a dark chapter in the annals of the nation's wartime history. The forced internment of so-called enemy aliens was deemed as an essential security measure in wartime. It was a practice which took place not only in Australia but in almost every combatant country during the Second World War. The tragedy was that it was unnecessary and that it had a lasting detrimental effect on many of the internees and their families who were in no way a threat to Australia's security.

The Loveday Internment Camp, built to house not only internees from Australia but also Britain, was opened in 1941 and closed in 1946. In that time, many thousands of internees were detained there, and in 1943 there were about 5,500 internees and 1,500 personnel at the main camp and a number of scattered work camps. The camp played a major but not well-known role in the development of the Riverland region.

Very little remains of the Loveday Internment Camp. When it closed, many of the buildings were sold and, sadly, the land was subdivided. I have toured the area many times, but particularly earlier this year I viewed a few of the ruined cell blocks located on private properties, and the headquarters buildings are all that remain.

It is through the tireless efforts of a handful of Chaffey constituents that this part of our history is being preserved and brought to life. I note the efforts of the Loveday Internment Camp Museum Steering Committee and its chair, Riverland historian Rosemary Gower. Ms Gower, with the assistance of many other people and a range of organisations, has been collecting artefacts, live footage and photographs for more than 25 years. These have often been on display at the Cobdogla Irrigation and Steam Museum.

The steering committee is now working on the establishment of a dedicated museum at the old headquarters building in the Loveday area. With the assistance of organisations, including the Department of Environment and Natural Resources, the Berri Barmera Council, Regional Development Australia and the RSL, it is hoped that this museum will be established soon. Ms Gower is also negotiating with the Department for Education and Child Development to conduct information sessions about the internment camp to selected schools in the Riverland. I consider that there are many ways the government can assist in the efforts of Ms Gower and the steering committee and I urge them to do so. The committee will need considerable funding and in-kind support.

Mr PENGILLY (Finniss) (11:59): I also rise to support the member for Light's motion and acknowledge his comments in his speech and the comments of the members for Waite and Chaffey. It was a period in Australia's history when, like the rest of the world, people were nervous and many good people were put into internment camps around the world. It is good that we now, some 70-odd years later, recognise the things that happened and try to make some peace with our past. I would also suggest—and I think the member for Light would support me—if you were going to be interned as a so-called enemy alien, you were far better off being interned in Australia than

elsewhere around the world. Indeed, I read a book recently on the Japanese nationals and people of Japanese ethnic origin who were interned in the United States after Pearl Harbor, and it was an absolutely horrendous story. It is worth your while reading it.

Interestingly enough, as things turn out, the Loveday camp has a relationship to my electorate because much of the Loveday camp was actually pulled down because of a lack of resources, taken to Kangaroo Island and turned into the Parndana camp for the war settlement scheme—the land development executive—at Parndana, which I recall. There are many photos of it around.

The camp was a very basic place, and those buildings that the former soldier settlers—whether they came from Navy, Army, or Air Force was irrelevant: they were called soldier settlers—lived in were what was formerly used by the internees at Loveday. I am not sure whether the member for Light was aware of that, but there are photos around of the buildings that were reassembled.

I think it is appropriate that we support it, and I have no doubt that the house will unanimously support this motion, member for Light, and there are possibly other members who want to make contributions. But they were terrible times, and, indeed, around the world now there are terrible times. There are people imprisoned around the world now; there are internees in their own countries.

The Kurds have suffered in places, and the Koreans suffer in Thailand and Burma particularly. They are imprisoned and, unfortunately, while humanity does some wonderful things, it also does some damn stupid and terrible things from time to time, and I guess as long as we walk this earth it will continue to happen. With those few brief words, I would once again like to support the member for Light's motion.

The Hon. R.B. SUCH (Fisher) (12:02): I support this motion because, whilst this was something that happened in our past, I think it is important that people should know the history of their land and of this state. Wise people have often said that if you do not know your past you will not have long in the future, because you will not learn from the past.

I think it is understandable—and the member for Finnis made this point—that if you were going to be interned, it was a lot better to be interned here than probably most other places throughout the world. Certainly, many of our soldiers in World War II interned in POW camps did not survive and were subjected to brutal treatment. It is not surprising that, as a result of that, there have been long-lasting hatreds towards especially the Japanese and to a lesser extent towards the Germans.

I do not believe anyone really wins as a result of any war. I think the highest achievement of anyone in elected office is to avoid what I would call unnecessary wars. Sometimes you have to fight to protect yourself but, in many cases, wars are not fought on the grounds of self defence. They are fought for other reasons. If members look back beyond World War II, they will see that a lot of the people in the German community in South Australia (the Lutherans who came from Silesia because they were persecuted) got a pretty rough ride in World War I.

In fact members would know that the names of many of our towns were changed to remove any suggestion that they had any German connection. There was quite obvious and quite explicit hatred. They had slogans like 'Hate the Hun' and all this sort of stuff and pictures of German soldiers bayoneting pregnant women—all those emotive type messages intended to intensify the hatred and obviously engender local support. In my own family, my uncle, who was part of 2/27 Battalion, was killed in New Guinea. As a result of that, my grandparents always had a deep hatred of the Japanese and would not buy anything that was remotely connected with Japan or its people.

Over time, we tend to get things in perspective; the hatred diminishes, and the dislike diminishes. There is not point in maintaining it because all it does is run the risk of further conflict down the path. It is diminishing but, sadly, amongst some of our communities in South Australia, there is still a deep and abiding dislike (and, in some cases, hatred) of other ethnic communities because of what has happened in the past.

It is important that those communities and the total community move on. I have argued this before, but in my view we do not have a multicultural society; what we have is a multicultural process, which is really based on tolerance and acceptance of people who come from different backgrounds, and who have contributed significantly to the society and nation we are today. I can

understand why people were interned during World War II. It looks harsh looking back now, but I can understand why it was done.

I think people should not forget that the federal government runs pretty severe internment policies now. We are locking up people, 95 per cent of whom will never be sent back. They will be accepted and become part of our community, yet they are being put through a system where many of them will have their mental health affected forever. We should not be too smug and say, 'Look, this happened years ago; it was a bad thing.' We can say that, but we also need to remind ourselves that we are currently treating other human beings in a way which I think is inappropriate and excessively harsh.

If we have people from overseas we suspect are a security risk, or at risk of committing a crime, we have ways and means of keeping an eye on them. We do not have to lock them up, or their families, and incarcerate them for years on end, and literally cause serious mental illness. I do not think we have advanced as far as we might like to think we have in terms of how we treat people humanely and appropriately.

I think this is a good motion; it reminds us of part of our history. Sadly, very little of our history is taught in any of our schools today. I think if you asked most young people whether they knew about the internment of people in World War II, they would not know what you were talking about, and they probably would not know that during World War I anyone of German background in South Australia and Australia was treated pretty harshly.

I commend the member for Light for reminding us of this part of our history and what has come out of it, and let's make it a celebration of the positive aspect of the contribution of these people, many of whom migrated to Australia—even, I guess, before it became Australia—and were worthwhile and good citizens long before World War II, and in many cases, even before World War I. I commend this motion, and I intend to support it.

Dr McFETRIDGE (Morphett) (12:08): As the shadow minister for veterans' affairs, I rise to support this motion and commend the member for Light for bringing it to the house. The main comments have been made in the excellent speech by the member for Waite. His knowledge of military history is extensive, as is his experience of military service.

It is also interesting to learn a bit more about our history from other members in this place, such as the member for Finniss, who has the connection with Kangaroo Island, and also obviously the member for Chaffey, in whose electorate Loveday is situated. The comments of the member for Fisher are also very important in highlighting how we are treating Australians today. I remember debating the anti-terrorism legislation in this place, legislation that was really going to restrict civil rights in South Australia, locking people up incommunicado, basically, for weeks at a time.

So, have we learnt as much as we would have liked to learn from this? The question is there. We should make sure that we are aware of the history, aware of the issues, aware of the long-term problems and consequences of our actions—it is so important. That is why this motion is worthwhile, and I urge all members in this place to support it.

Motion carried.

BATTLE OF LONG TAN

Ms BEDFORD (Florey) (12:10): I move:

That this house acknowledges the 45th anniversary of the Battle of Long Tan and recognises the extraordinary efforts of D Company 6 RAR and supporting arms and services and all who served in Australia's deployment to Vietnam.

As all present will know, tomorrow is Remembrance Day. It is a special day when we pause to remember the over 102,000 men and women who have given their lives in defence of our nation—in every conflict in which Australia has been involved, from the Boer War to the current day.

Remembrance Day is observed on 11 November to recall the official end of World War I. Hostilities formally ended at the 11th hour, on the 11th day, of the 11th month in 1918, with the German signing of the armistice.

Tomorrow, services will be held at war memorials and in schools all over Australia in suburbs and towns. *The Last Post* will be sounded and a minute's silence observed. In the north-eastern suburbs, ceremonies have been held at the Banksia Park school and more recently at Modbury High School for many years.

Moreover, a similar observance will be undertaken in every country of the commonwealth, and in many countries outside the commonwealth. Hundreds of thousands, perhaps millions of people, will pause to silently express their gratitude to those who volunteered their lives for a cause they believed in. As is often said, 'They offered their today for our tomorrow.'

This Remembrance Day will hold greater significance for me than any other, and that is consequent upon my recent return trip from Vietnam. Just under three months ago, I was privileged to represent the Hon. Tom Kenyon, the then minister for veterans' affairs, and escort seven members of the South Australian Vietnam veteran community to Vietnam, to take part in the observance of the 45th anniversary of the Battle of Long Tan.

The Vietnam War was unique. Until recently, it was our longest war. It remains (and I suspect it will always remain) our most controversial war. It is the controversial nature of the war and the bitterness shown to our returning soldiers who did nothing more than the bidding of their government, that shines a special light on those who served there.

Like many, I remember every service man and woman each Remembrance Day, and some close to me, especially my own father who returned from service in Africa at Tobruk and Papua New Guinea on the Kokoda Track; as well the father of my children, a national serviceman whom I met not long after his return in 1970; and also a man I never knew, Charles Matters, the brother of Muriel Matters, and I have come to learn that he died at Gallipoli eight weeks after landing.

I think, too, of my local RSL at Tea Tree Gully and its members, many no longer with us, particularly Mick Ramage who, along with his wife Lois, has always been so kind and generous with their time and dedication to the RSL, and represent everything to be admired in their generation's commitment and example.

This year, however, I will remember through the prism of the Vietnam War and, in particular, the Battle of Long Tan. The Battle of Long Tan in 1966, together with the more sustained battle of the fire support bases, Coral and Balmoral in 1968, were the truly defining military engagements of the Vietnam War. Of the two battles, I think Long Tan was particularly noteworthy because it occurred so soon after Australian troops had joined the war effort.

Indeed, 6 RAR had only been at the Australian Task Force Base at Nui Dat for nine weeks at the time of the battle—talk about a baptism of fire! For the benefit of the house, the Battle of Long Tan took place in a rubber plantation not far from the Australian Task Force Base. At 2.43am on the morning of 17 August 1966, the Task Force Base had been mortared. Eighty two enemy mortar rounds impacted the base, wounding 24 Australians and damaging vehicles and equipment. In response, D Company of 6 RAR was sent to try and find the enemy mortar base plate position. The company, with a New Zealand forward artillery observation party, comprised 108.

Late in the afternoon of 18 August, the men contacted a vastly superior enemy force comprising D4.4.5—the local Viet Cong Battalion—together with the troops of 2.7.5—Main Force Regiment of the North Vietnamese Army 45 Regiment. In total there were 2,650 plus enemy pitted against our small group of 108 Australian and New Zealanders—odds of 26 to one in favour of the enemy. The battle commenced in the afternoon. The majority of the battle, which lasted 3½ hours, was fought in a blinding monsoon thunderstorm over an area not much bigger than two football fields.

The stated aim of the enemy at the Battle of Long Tan (as heard later from enemy captured on the battlefield and from captured documents) was to lure an Australian battalion out of the task force base to destroy it and then to attack the Australian base. Wiping out the task force base at Nui Dat would force the Australians to leave Vietnam. Well, that was the enemy plan. What is now documented, in fact, is that the 108 men of Delta Company, while on patrol late on 17 August, ran into the North Vietnamese and Viet Cong forces who were massing in the area about to attack the Australians. It is fair to say that both sides got quite a shock.

The battle that raged in the later afternoon and evening was extraordinary because of its intensity. The artillery support, combined with crucial RAAF ammunition resupply dropped from helicopters under heavy fire, and the men of 3 Troop and 1 APC Squadron (who arrived on the battlefield in the nick of time), were instrumental in bringing victory to the Australians.

The artillery of the Australians, the New Zealanders and the Americans was devastating. It was the first time that a regimental fire mission (which involved all 18 Australian and New Zealand artillery guns firing at once) had been mounted; such a manoeuvre had not been used since the Korean War. Some 3,500 artillery rounds were fired that day. Later in the contact, this involved the

artillery forward observer, Captain Maurie Stanley, 'walking' the curtain of artillery fire into and almost upon the Australian positions to destroy the enemy forces that were about to overrun them.

The VC and the NVA were defeated by a vastly smaller force. D Company fought tenaciously and was supported by members of other companies of the battalion. Of the 108 men, 11 national servicemen and six regular soldiers were killed. One member of the relief force from 3 Troop was also killed. In total, 21 members of D Company were wounded. Of the North Vietnam Army and Viet Cong forces, it is estimated that up to 800 were killed and more than 1,000 wounded. The NVA and VC had underestimated the leadership, bravery and determination of our young men and paid a brutally heavy price. The Battle of Long Tan weakened the enemy in Phouc Tuy Province, and they never again posed a serious direct threat to the Nui Dat base.

On Long Tan Day this year, 18 August, I was privileged to lead a group of Vietnam veterans to the Service of Commemoration. We were joined by other Vietnam veterans, their families, and diplomatic staff. A poignant ceremony was held amongst the rubber trees in that area, and I have it on good report that it looks very similar to the Long Tan of 1966. The group I led comprised six veterans and one war widow, who were nominated by the senior ex-service organisations in South Australia that have significant Vietnam veteran membership.

Perhaps the most senior, in terms of service, was Alan Fraser. Alan is one of two South Australians who were part of D Company 6 RAR who fought at the Battle of Long Tan. The other is Barry Magnussen of Port Augusta. Regrettably, Barry was prevented from attending the trip due to ill health. Alan was a member of 10 Platoon, and he had not previously returned to Vietnam. Alan distinguished himself on this trip, as he did on his first 45 years ago.

A man of great dignity, he seemed to have taken much of this conflict, of this defining battle, in his stride. He was always quite happy to talk to others in attendance and shared his recollections. I personally recall one of Alan's most striking memories. He said that at the height of the battle, in the early evening of 18 August, he was under heavy fire, lying as low as possible. He said it was the first time he had realised that tracer ammunition came in different colours. Only a few feet above his head he saw what was a thick spider web of different coloured tracer, so thick it seemed almost impenetrable. He said laconically, 'Soldiers always fire high in the dark.'

Michael Benyk from the Vietnam Veterans Association was also part of the delegation. Mike had not set foot in Vietnam before, as his service was rendered offshore as a member of the Royal Australian Navy. Eric Ciracovitch is the Vice President of the Vietnam Veterans Federation, and he served in Vietnam between 1968 and 1969 as a member of 2 Transport Platoon. Greg Dwiar is a member of the RAR Association and saw service with 5 RAR on that unit's second tour between 1969 and 1970. He was a rifleman who was present at the Battle of Binh Ba.

Graham Nybo is a former deputy state president of the RSL. He was a member of 1 Field Regiment. He served in Vietnam between 1966 and 1967 and was an integral part of the artillery support that saved D Company and helped turn the tide at Long Tan. Bill Denny was a second lieutenant and became the officer commanding 86 Transport Platoon in Vietnam. He served from January 1971, departing with the last Australian troops on HMAS Sydney in early 1972.

Meredith Wyles represented the Legacy Club of Adelaide on the trip. Meredith is a legatee and a war widow. Her husband Tony served in 6RAR during its second tour between 1969 and 1970 and I was particularly grateful she was there. I felt very privileged to be given the opportunity to travel with this exceptional group.

Their recollections varied one from another. Some had only the vaguest memory of the country, its people and the locations in which they served. Others, after 45 years, could identify all of Nui Dat, down to their individual tent lines. What was consistent among them was their sense of comradeship, loyalty and compassion.

It was special to share this trip with them and it gave me a greater heightened appreciation of the experiences and camaraderie that they and the other regulars and natis shared and endured so far away from home. After all these years they still mixed easily together, shared many a joke and took time to call into and show care for the local orphanages—in particular one orphanage that some of them had links with during their war time service some 40 years ago.

Before we left, many in the veteran community heard about our delegation on that iconic Sunday morning radio show Macca's *Australia All Over*. I would like to acknowledge and thank Ian McNamara, who kindly spoke with me before departure, alerting all of Australia to the approaching anniversary and our trip. With the help of his very efficient producer, he also took a call from me

while we were in Vietnam, the Sunday after the service, to let his listeners know about the Long Tan anniversary commemoration. I should also mention Peter Goers, a great friend to the veteran community throughout the state, who does a great deal to promote and discuss veterans and their issues.

This delegation story is about a small number of veterans from one recent conflict. Other veterans we met during our time in Vietnam assisted our delegation and showed the same qualities. We thank them for their help. I am confident these veterans represent comprehensively all those who have served our nation and particularly those we remember on this 92nd remembrance day. They did their duty and they did us proud. I acknowledge their service and I particularly remember all others who have died serving our nation and those who returned, some wounded physically or mentally, all with lives changed forever. What better reason to work for and want world peace. We will remember them, lest we forget.

Mr HAMILTON-SMITH (Waite) (12:22): I am very proud to support this motion and to signal the complete and total empathy with the motion from members on this side of the house. As a former member of the 6th Battalion in the Royal Australian Regiment, I remember well as a young lieutenant, wet behind the ears, fresh faced and thinking I knew everything, arriving at the battalion gates in January 1976 to be posted to A Company 1 Platoon.

Of course, it was D Company who had so famously fought for their lives at Long Tan. Warrant officer Bob Buick at the time was CSM of D Company. He had been the platoon sergeant of 11 Platoon during the heat of the battle, and there were other veterans of the battle still serving. In fact, in my first platoon the youngest was 18 and the oldest was 39. About a third of them were Vietnam veterans. Within a few months we were on operations in Malaysia.

It was a very sobering experience for a young 22 year old to serve in such good company. You learn when you join a battalion like the 6th Battalion and a regiment like the Royal Australian Regiment about the character, not only of the people, but of the battalion and the regiment from which they have sprung. 6RAR was raised in Brisbane at the Enoggera barracks on 6 June 1965 under the command of Lieutenant Colonel C.M. Townsend. The battalion was formed by dividing 2RAR into two tropical establishment battalions.

Following an intensive period of collective training for war, the battalion flew by Qantas aircraft from Amberley to South Vietnam in 1966. The battalion arrived in time to celebrate its first birthday at Vung Tau before moving forward to join 5RAR at Nui Dat in Phouc Tuy province, commencing operational service as part of 1 Australian Task Force.

During the period from June to August 1966, 6RAR conducted two major operations: Operation ENOGGERA, which was a search and clearance of the previously unsettled village of Long Phuoc, and Operation HOBART, which was a five-day search and destroy mission. The two operations accounted for 36 enemy casualties. Operation HOBART also saw the battalion come into contact with the enemy provincial Mobile D445 Battalion, which was subsequently met and defeated at Long Tan.

The Viet Cong had achieved dominion in the province and decided to inflict a politically unacceptable defeat on the Australians. Many have heard about the battle of Khe Sanh—the near annihilation of the American forces that occupied the hilltop. It is thought that the plan was to annihilate the base at Vung Tau, and I ask the house to just imagine what the consequences would have been. The bodies would have been counted in the hundreds. Their plan was to lure the Australians from their base by firing recoilless rifles and mortar shells into it. They figured that the Australians would sweep the area around the base in an attempt to stop attacks and the Viet Cong would ambush with sweeping forces.

On the night of 16/17 August 1966, the Viet Cong fired a barrage of shells into Nui Dat, wounding 24 Australians. Prior to this event, we had become aware from radio intercepts and sightings of a large enemy force operating near the base. It was on 18 August that D Company 6RAR was patrolling with New Zealand artillery soldiers in the area of the Long Tan rubber plantation when at about 3.15 the lead platoon, 11 Platoon, commanded by Lieutenant Colonel Gordon Sharp—a national serviceman who was shot in the early moments of the encounter—ran into a small group of Viet Cong who fled, leaving one of their number killed by the Australians.

The aggressive patrolling continued until about 4.08pm. The main body of the Viet Cong 275 Regiment was encountered. The Viet Cong attacked vigorously with mortars, rifle and machine-gun fire. In pouring rain, the Australians returned fire with platoon weapons and artillery which was firing from the Nui Dat base some five kilometres to the west. Close air support, so vital,

was also called for but could not be used because the target was unable to be identified accurately in the conditions, thus delivering risk to our own people.

At 5pm, D Company's commander, Major Harry Smith—who, coincidentally, had preceded me as OC 1 Commando Company at an earlier time—radioed for ammunition resupply. Two RAAF Iroquois helicopters, which happened to be at Nui Dat to transport a concert party, were tasked to fly at treetop level into the battle area where they successfully delivered the sorely needed boxes of ammunition.

The combination of aggressive fire from D Company soldiers, plus devastating artillery fire from Nui Dat, had swung the battle in the Australians' favour, but the Viet Cong continued to manoeuvre to gain the upper hand. Meanwhile, A Company of 6RAR had been ordered to move to the support of the beleaguered D Company. They did so mounted in armoured personnel carriers from 1 APC Squadron, which forded the flooded stream and then shortly afterwards encountered a substantial enemy force; 2 Platoon of A Company dismounted and advanced on the enemy, who fled.

Although the Viet Cong could still be seen massing in failing light at 6.55pm as the relief force arrived in the D Company area, the enemy force melted away as darkness descended. The battle of Long Tan was over. The Australians consolidated their position for the night and then commenced evacuation of the wounded, using the lights from the APCs to guide in helicopters. During the night, the Viet Cong cleared many of their wounded and dead from the battlefield. A number of the wounded Australians lay there all through the long and terrifying night as the Viet Cong moved around them, clearing their own wounded.

Morning revealed that the Viet Cong force, estimated at 2,500 people, had been badly mauled. Two hundred and forty-five Viet Cong bodies were found in the battle area, apart from those that had been removed by the enemy. It was apparent that the Viet Cong commanders had failed to appreciate the effectiveness of artillery fire, and the determination of 6RAR, and had paid dearly as a result. The Australians had lost 18 killed: 17 from D Company, including the young platoon commander of 11 Platoon, and one from the 1st APC Squadron, with another 24 wounded.

I remind the house that we tend to count the dead but I say you must also count the wounded, not only the physically wounded but also the psychologically wounded and emotionally wounded. Many of these men suffered for years in terrible pain.

We remember the sacrifice of our soldiers with this motion. The infantryman's life is a miserable one—tired, hungry, miserable, fearing for one's life, often wondering why you are there, bleeding and in pain, fighting for your country, fighting for your regiment or your battalion, but, most importantly, fighting for your mates. As I said, it is a miserable life but it is a very proud one.

It has been said that Australia's baptism as a nation occurred on the beaches of Gallipoli. As I mentioned earlier, having just returned from walking the Kokoda track and seeing the kilometres of suffering and the buried, one could argue that our confirmation as a nation was on the track in 1942. In a sense, Long Tan was communion, where the infantrymen of 6 RAR shared the body and the blood of the Anzacs who had preceded them.

I would use this motion to remind the house that, as we stand here and debate this motion, soldiers of our Royal Australian Regiment are still serving us today. I note there were two more wounded from Second Battalion of the Royal Australian Regiment overnight. There are 32 dead, and 209 wounded so far in the decade-long conflict in Afghanistan going through the same experiences, feeling the same emotions, the same bodies being torn apart, the same people wondering why. That communion goes on as we speak.

This is a proud motion. The house should feel strongly, fondly and proudly of the men who have preceded us and kept us free. I commend the motion to the house and look forward to the contribution by the shadow minister for veterans, my friend the member for Morphet, and other members, and look forward to its swift passage.

The Hon. T.R. KENYON (Newland—Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for Recreation and Sport) (12:32): I would very much like to add my support to this motion, and I am very pleased that the member for Florey was able to represent me on this trip because she is a longstanding supporter of veterans in South Australia and that is particularly well-known in my area around the Tea Tree Gully area and also my sub-branch of the RSL at Tea Tree Gully.

She has a particular support for Vietnam veterans, and all the Vietnam veterans in my area of Tea Tree Gully and also in the northern area of the VVA and the VVF are very well aware of the member for Florey's support for them. It was particularly apt, therefore, that she went on this trip. I have no doubt that she carried out her functions admirably. In fact, everyone on the trip said that she did, and in keeping with the respect that we should be paying veterans, particularly Vietnam veterans.

The member for Florey and the member for Waite have ably gone through the details of the battle, but it just takes one quick look at the numbers (which gives you no feeling for what actually happened) to outline some of the challenge that was faced. Usually, 108 men versus 2,650 does not result in a victory for the smaller force. It is just an ironclad rule of battle, essentially, that larger numbers win battles. For 108 men to come away with that victory is a substantial achievement.

Obviously, it is in no small part due to D Company themselves, but also the support they received from the artillery and the resuppliers, especially the resuppliers. You can only carry on foot so much ammunition. I recently had the great privilege of being down at Warradale where someone outlined exactly the weight of standard issue ammunition you need to carry. That was just 5.56, which, of course, is a smaller round than the 7.62 they were carrying at the time. It highlighted just the amount of weight you have to carry. I worked out how many rounds they had on them at the time, and you would always want to carry more and you would always want more. They were resupplied by helicopter in what was driving rain. The very difficult flying conditions, with low visibility and a low cloud ceiling, was a feat in itself.

I would not be surprised if there were words at base about whether that operation or that mission should even happen. It is a credit to those who made the decision at the time that it went ahead because it was a risky mission. If it had not gone ahead, it is likely that the outcome would have been much less successful for D Company. Another thing it shows, along with the artillery, is the way in which the Army, the Air Force, and, of course, the Navy at the appropriate time can operate together. It shows the way in which the services operate together when they need to. That achievement is incredible just by itself.

I also point out that, eventually, the Vietnam War was lost. The North Vietnamese won and defeated the south. To commemorate this battle, we are going back to another country which regarded what we did as an invasion (and this is true of Gallipoli, of course, too), yet they still have the magnanimity to allow us to remember our dead—those who served in their country—and to go into their country to do that.

That displays a certain generosity of spirit to be able to do that, because I suspect that we would have some qualms about allowing the Japanese, for instance, to hold a memorial service in Sydney to commemorate the Sydney dead, or even in Darwin. I just acknowledge that point. Again, I thank the member for Florey and those who participated overseas representing because you can never pick enough people. Those men and women who went on the trip just recently carried the burden of being responsible for representing the whole veterans' community in South Australia, and I thank them for doing that.

I thank them for taking on that task and representing us, and the veterans particularly, so well and commemorating the whole time of our service in Vietnam on behalf of all veterans. I commend the motion to the house and urge all members to support it.

Dr McFETRIDGE (Morphett) (12:37): I rise as the shadow minister for veterans' affairs to give this motion my strongest support; and, once again, the member for Waite has given us the benefit of his knowledge both of military history and of his personal experiences that relate to what the soldiers at Long Tan must have been going through. I am old enough to have been in one of the conscription drafts. I was lucky to have missed out. My birthday is 27 January and the 26th and the 28th came out. I was prepared to go if I had to go, but it would have been at the end of the Vietnam War.

Many of my mates who are a bit older than me did go, and some of the stories that I have heard from them and from my dealings with the veterans as part of my shadow ministry are unbelievable. To have had those experiences, such as on the night of 18 August in Vietnam at Long Tan, must have been just something that would have been—well, I am glad I was not there, let's put it that way.

Mr Griffiths: Indescribable.

Dr McFETRIDGE: Indescribable. The after-effects, not only from the physical wounds but the mental wounds, were touched on by the member for Waite. Can I just say that my other portfolios of health, mental health and substance abuse have an unfortunate synergy with veterans' affairs. Many of the veterans I am dealing with do have numbers of problems because of the legacy of their experience.

It is good to see the President of the Vietnam Veterans' Association in the gallery today, Mr Michael Benyk. I certainly appreciate his support in my role as the shadow minister.

One of the other Vietnam veterans I have a fair bit to do with is Mr Barry Heffernan. At this moment in time, Barry is trying to get funding for a men's shed at Glenelg North which will help veterans overcome some of the longstanding problems they have. Believe me, they are longstanding problems. Just go to Ward 17 at the Repat Hospital and talk to the guys down there. It is so important.

We must never forget the individual battles. As a shadow minister, Long Tan is just one of a number that I commemorate and, as long as there is one veteran alive, we should commemorate those battles with those veterans and even then, once that last veteran has passed on, we need to remember their experiences. This country would not be what it is today if it wasn't for the courage, the dedication and the mateship that was exhibited during those battles and that is being exhibited now by members of the Vietnam Veterans Association and other military groups. It is just so important that we do that. I am glad that the need to fund veterans associations is being picked up by this government. The support that veterans are being given at state level, not just at federal level, is important. So, I commend the government on providing funding for this trip.

Veterans normally is a completely bipartisan area. I must say that I was a little disappointed that members of the opposition such as the members for Waite and Schubert (who is a conscript) were not invited to go along, but that is a minor detail. What is most important is that the veterans themselves are able to go back—not relive, although they probably did relive—to remember and hopefully to lay to rest some of the ghosts of the past. They are able to celebrate the effort, the courage and the determination of their mates, some of whom did not come back alive; many came back injured and some are still suffering now. We have this motion today and Remembrance Day tomorrow. We should never forget. I think Remembrance Day is aptly named. We must always remember. With that, I support this motion.

Mr PENGILLY (Finniss) (12:42): I, along with others, strongly support the motion of the member for Florey and I also acknowledge the work she does with veterans of all conflicts and her relationship with the Vietnam boys. When I was doing the shadow minister for veterans role, I quite often went to functions and the member for Florey was there. On one particular occasion I did not have a wreath and she passed me a book to lay at a memorial service.

The Vietnam War and Long Tan are synonymous with our generation. After a quick count around the chamber—and I stand to be corrected—the members for Morphett, Schubert, Fisher, Napier and I were all eligible for national service. My marble never came up; I am not sure about the others, whether they were deferred or what happened. My marble never came up but the next day did. It was an extremely traumatic time for Australia.

The Vietnam War was the first television war. Within a couple of days we had the television footage back in Australia of what was going on. I well recall the Long Tan battle coming through in the papers and on the television and not really understanding the traumas that those boys were going through but fully cognisant of what was taking place.

I have considerable numbers of veterans of all conflicts in my electorate, as do many others. I have some 700 at last count. I have the South Coast Vets down at Victor Harbor who do a wonderful job. They are very supportive of one another and ably supported by their wives. Indeed, every Long Tan day we have a service down there to commemorate those Vietnam veterans who fought and died at Long Tan.

Tomorrow on Remembrance Day most members in this place will be attending services. Remembrance Day has certainly come back from where it was a few years ago and is now significant. Indeed, in my electorate, Remembrance Day is now organised by the Vietnam vets. I think that is really important to note. They have picked it up and taken off where they had to, as sadly time takes over from the World War II boys. Troops from the other conflicts—the Korean War, the Vietnam vets, Iraq and more latterly Afghanistan—all pick up on these things that we have to remember.

I have heard about the Battle of Long Tan on numerous occasions. I have spoken a couple of times to a Long Tan survivor, and it is firmly imprinted in my mind. I note very carefully the detail the member for Florey went through and also the member for Waite, so I do not need to go through all of it again.

I have said in this place before, and I think it is worth repeating, that Timothy Charles Turner was a Kangaroo Island nasho who was killed in Vietnam on 15 June 1969. We had a farewell party for him a couple of weeks before he went away, and a few weeks later he was killed, and that really impacted very heavily on those of us who were not called up or did not go into the services, and of course we lost Jamie Larcombe from Kangaroo Island on 19 February this year in Afghanistan. I was speaking to his family early this week. Steve and Trish and the girls are going to Canberra. They are on their way there today for the unveiling of Jamie's name on the Afghanistan plaque.

Coincidentally, for those who probably do know the area, you can put your hand on the corner where the Vietnam honour roll is and put your other hand on where the Afghanistan boys are and, as fate would have it, Timmy Turner's name is within reaching distance of where Jamie's name will be. That is very significant for me. It will be a tough day tomorrow for Steve and Trish and the girls and of course the other families of the Afghanistan boys who have been killed this year. They do all that on 11 November, so it will be very significant day.

Equally, what the member for Florey has put up here is very significant, and I am strongly supportive of it. I know that she wants to get it to the vote, so I will conclude my remarks in a very short time. I will always support ex-service men and women and the veterans and their wives. I am a legatee. I still have six widows I look after on Kangaroo Island. It is never going to go away but, as the Vietnam boys get older, we are going to have to be looking after more and more of them.

My great mate David Mancer, who won the Military Medal in Vietnam and who used to walk around and call all the members of his platoon malingerers, in the best possible terms, as they slowly went on TPIs, is now a TPI himself. He was the last one. I know Dave is a great advocate for the veterans and over the years has been president of the RSL branch and whatnot. I have great pleasure in supporting the motion of the member for Florey in relation to Long Tan and the 45th anniversary and the boys of D Company 6RAR, and I conclude my remarks.

The Hon. R.B. SUCH (Fisher) (12:48): I support the motion and commend the member for Florey not only for bringing it to the house but for her ongoing commitment to ex-service men and women. I was one of those who did not get called up; many of my mates did. Fortunately, none of them was killed, but I think—it is a while ago now—the first South Australian who served in Vietnam to be killed was Errol Noack, if I remember correctly, born in North Adelaide, and I can still remember reading the comments of his father on that very sad occasion. He was one of many. I stand to be corrected, but I think that something like 80 South Australians died in the Vietnam conflict. It is important that we remember them and acknowledge the service they gave, whether they were conscripts or whether they were members of the regular Army.

Not all those who served were treated well when they came back. I will not identify this person too precisely, but there is a person who has a bakery, whose first name is Mark, and he will not march on ANZAC Day or take part in any ceremony because when he returned to Sydney from the Vietnam War he was spat on. That has had such an impact on him that, even though the RSL has offered to help, he cannot bring himself to participate in any ceremony involving commemoration.

We know that anyone who serves in conflict—and as I said, fortunately I have not had to do that, but I do not think any of them escape without some mental and emotional impact, let alone physical impact. They might keep it to themselves, but they do carry those scars for the rest of their lives, as do their families, because the families often bear some of that burden as well.

In respect to this motion acknowledging those who served, and in particular were involved in the battle of Long Tan, and the others who served in Vietnam, we acknowledge their service and pay tribute to them.

Mr MARSHALL (Norwood) (12:50): I also rise to speak on this motion, brought to the house by the member for Florey, that this house recognises the 45th anniversary of the Battle of Long Tan on 18 August 1966. I certainly commend the member for Florey for bringing this motion to the house.

The Battle of Long Tan is, of course, one of the most well-known battles of the Vietnam War. It was held, as I said, on 18 August 1966, and was a battle where 108 Anzacs took on a numerically superior force of the Viet Cong, estimated at around 2,500 men. Against all odds, the Anzac forces were successful on that day.

Other members here today have already spoken about the battle; it really was a story of great heroism, great courage, and great success and victory over the odds. It is a great story that needs to be remembered, and needs to be told to the next generation. I would like to confine my remarks today to the work that is done by several organisations around my electorate in commemorating this most important battle of the Vietnam War.

In particular, I would like to acknowledge the work of the Royal Australian Regiment, whose group is domiciled in the Burnside area. I think the member for Florey might have a significant role as patron or something—I am not 100 per cent sure—but I have attended some of their services to commemorate the Battle of Long Tan in the past, and it is an excellent day; it is very moving. I attended last year—it is great to have Catherine Lambert always there to sing the national anthem, and to sing the hymn of the Royal Australian Regiment, and it is certainly moving for all of those present; it is always a packed house.

The 6th Battalion of the Royal Australian Regiment actually received a US Presidential citation for the heroism of those in the Battle of Long Tan, and this is always read out during that service. Last year it was read by Chad McLaren, who is the fitness coach at the mighty Norwood Football Club. It is a fantastic citation, and very well deserved.

A little bit closer to home for me is the work done by the Payneham sub-branch of the RSL. Every year, this sub-branch puts on an incredible effort to recognise the Battle of Long Tan. In fact, in recent years, they have established the Long Tan memorial lawn, and a very handsome stone which commemorates those 18 very brave Australian soldiers who made the ultimate sacrifice for their country.

This year, the Payneham sub-branch held the Long Tan Memorial Day on 14 August. It is always an excellent service, held by Father Allen Winter from the local Catholic parish. It is organised with military precision by the secretary of that sub-branch, Reg Yorke-Simpkin, who is also the father of the president of that sub-branch, Mark Yorke-Simpkin. They have a service and then a barbecue. This year, more than 100 people attended, and the barbecue was put on by a lot of volunteers at the club, including Garry Jones, John Curry, Julie Edwards, Jan Yorke-Simpkin and Evonne Rayson.

I also acknowledge some of the other people who contribute to making this an excellent event each year. First of all, Tracy Venning, who every year is out there on the bugle. She is at virtually every event held by the Payneham Sub-Branch, and she does an excellent job as the bugler. This year, as in many other years, the full Payneham City Concert Band came along to support the barbecue and recognise the importance of the event.

Cadets from the 47th Australian Army Cadet Unit, under the tutelage of Captain Dave Reding and Lieutenant McKay, provide a catafalque party, and this really adds another dimension to the service. This year, a cadet piper from the 413th Pipes and Drums marched on the catafalque party for the important service. I would also like to acknowledge that the Payneham Sub-Branch includes all the other sub-branches in the immediate area and invites them to this important commemoration of Long Tan.

It was great to see Trevor Fendt, the immediate past president of the St Morris RSL Sub-Branch, and his wife, Val, at this important event, which was also attended by Brigadier Tim Hanna, representing RSL headquarters in South Australia. It was also great for me earlier this year, when our leader of the Liberal parliamentary party, Isobel Redmond, came to Norwood, that the club gave me permission to take her to the RSL and show her the lawn. She was very impressed with it. It is a great club, and it is still serving its people extremely well.

We should never forget the sacrifice made by the Australians during the Vietnam War and during the battle of Long Tan. The Long Tan Memorial is not just to commemorate those who fought at Long Tan but, indeed, all those people who participated in the Vietnam War. Lest we forget.

Mr PEDERICK (Hammond) (12:57): I, too, rise to support this motion of the member for Florey that this house acknowledges the 45th anniversary of the Battle of Long Tan and recognises the extraordinary efforts of D Company 6RAR in supporting arms and services and all who served

in Australia's deployment to Vietnam. We have heard graphic descriptions of what happened that fateful night at Long Tan and Nui Dat. From all reports, the 108 on the ground who took the battle head on against a force, estimated to be about 2,500 Viet Cong, were well and ably supported by people manning the artillery back at the Nui Dat base.

I believe that there was a concert party in progress or about to be in progress that night. In some ways, the timing was fortunate, in that two Iroquois helicopters were there that could resupply the boys on the front line when they needed more ammunition. We have heard the story of how the armoured vehicles brought up reinforcements. The helicopters helped out and, from what I understand, all hands were on deck, including cooks and other normal noncombatants, who were passing ammunition and helping man the artillery because the base was in dire threat of being overrun.

I, too, would like acknowledge, as the member for Waite rightly did, that it is not only the people who are killed—and they certainly need to be acknowledged—but it is also the ones who are wounded and the ones who are damaged, but you cannot see that damage. My family has had quite a bit of experience over the last century with members going off to war, the most recent being my brother, Chris, who recently retired after 23 years in the armed services. He went to Rwanda on United Nations service—I think it was around 15 years ago—which, in the last few years, was upgraded to war service. Some of the stories he came back with about the things he saw and what he had to deal with over there—and I am sure that he has kept a lot to himself—are quite horrific. I seek leave to continue my remarks.

Leave granted; debated adjourned.

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

AQUACULTURE (MISCELLANEOUS) AMENDMENT BILL

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

REMEMBRANCE DAY

The SPEAKER (14:01): Honourable members, tomorrow is Remembrance Day, and many of you will be attending services throughout the state. However, I believe it is fitting for this parliament to recognise the day's significance, and therefore I call on the member for Waite.

Mr HAMILTON-SMITH (Waite) (14:02): Ladies and gentlemen, please stand.

They went with songs to the battle, they were young

Straight of limb, true of eyes, steady and aglow.

They were staunch to the end against odds uncouth,

They fell with their faces to the foe.

They shall grow not old, as we that are left grow old:

Age shall not weary them, nor the years condemn.

At the going down of the sun and in the morning,

We will remember them.

Lest we forget.

A minute's silence was observed by members standing in their places.

VISITORS

The SPEAKER: Members, I draw your attention to the presence in the gallery of a group of students from Woodville Primary School, Years 3 to 7, who are guests of the Premier. Welcome, it is very nice to see you here. Earlier today we had a group of students from Seaford School, Years 6 to 12. I apologise to the health minister that I was not able to welcome them at the time, but I hope they enjoyed their time here today also.

VICTOR HARBOR SCHOOLS AMALGAMATION

Mr PENGILLY (Finniss): Presented a petition signed by 285 residents of Victor Harbor and greater South Australia requesting the house to urge the government to take immediate action to stop the amalgamation of the Victor Harbor Junior Primary School and Victor Harbor Primary School.

PARLIAMENTARY SECRETARY

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (14:04): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.W. WEATHERILL: I am pleased to announce that today His Excellency the Governor in Executive Council appointed Mrs Leesa Vlahos, the member for Taylor, as Parliamentary Secretary to the Premier. The member for Taylor was elected to this parliament in March 2010 and is passionate about growing the prosperity of our state. Mrs Vlahos has often spoken to me about her desire to build employment and skills opportunities, particularly in the warehousing, manufacturing and defence industries. As Parliamentary Secretary, I have asked Mrs Vlahos to assist me in building on our image as a defence state and maintaining liaison with the defence industries that have been establishing and are expanding in South Australia.

The electorate that Mrs Vlahos represents is home to a number of these industries, including the RAAF Edinburgh base, and I know that she fully understands the importance of these industries to the South Australian economy.

In addition I have asked her to work with me on my government's engagement and dialogue with communities, particularly multicultural communities, to ensure that their voices are heard in shaping government decisions. I take this opportunity to congratulate the member for Taylor on her appointment to this important post.

I am also pleased that Mr Leon Bignell, the member for Mawson, will continue in his role as Parliamentary Secretary to the Minister for Health and Ageing, and in particular continue with his important work in meeting with people right across the state in regional communities about their healthcare needs. In this work Mr Bignell has visited just about every region in the state, working hard to reconnect this government with the regions and to understand how people are experiencing our health services. It is vital work for our government.

I will also take this opportunity to congratulate Mr Tony Piccolo, the member for Gawler, on his—

An honourable member: Light.

Members interjecting:

The Hon. J.W. WEATHERILL: —I think he regards himself as the member for Gawler at times—on his appointment to the position of Deputy Speaker. I offer to him, and I ask all members of this house to give him in the chair the respect that I said yesterday is owing to the Speaker of this important place.

Members interjecting:

The SPEAKER: Order!

PAPERS

The following papers were laid on the table:

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

Classification Council, South Australian—Annual Report 2010-11

Director of Public Prosecutions—Annual Report 2010-11

Serious and Organised Crime (Unexplained Wealth) Act 2009—Annual Report 2010-11

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

Food Act 2001—Annual Report 2010-11

Health Advisory Council—Port Augusta Roxby Downs Woomera Annual Report 2010-11

Health and Community Services Complaints Commissioner—Annual Report 2010-2011

By the Minister for Sustainability, Environment and Conservation (Hon. P. Caica)—

Dog and Cat Management Board—Annual Report 2010-11
Environment Protection Authority—Annual Report 2010-11
Marine Parks Council of South Australia—Annual Report 2010-11
Wilderness Advisory Committee incorporation the Wilderness Protection Act 1992—Annual Report 2010-11

By the Minister for Water and the River Murray (Hon. P. Caica)—

Stormwater Management Authority—Annual Report 2010-11
Upper South East Dryland Salinity and Flood Management Act 2002—Annual Report 2010-11
Water, Department for—Annual Report 2010-11

LODGE, MR D.

The SPEAKER (14:09): Before we start questions without notice, can I just acknowledge that we are losing one of our staff today, Mr David Lodge, our travel clerk. Particularly for country members, we could not have done without him, and I am sure that a lot of people who have done other travel have felt the same. We wish him luck in his venture.

QUESTION TIME

HEALTH DEPARTMENT

Mrs REDMOND (Heysen—Leader of the Opposition) (14:10): My question is to the Treasurer. Will the Treasurer confirm that at the end of the financial year 2010-11 the health department's financial accounts were in such a state, as a result of a new financial system approved by the Minister for Health, that private consultants PKF had to be appointed to fix the problem?

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (14:09): I know that rolling out any IT system anywhere in government is, of course, notoriously difficult and notoriously prone to cost overruns. That is not unique to this project.

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: It is something that happens across governments right across the country, indeed, right across the world and, in fact, is not unique, even to the public sector. It happens in the private sector as well. As to those particular details about whether they had consultants, it is really a question which would be more appropriately directed to the Minister for Health.

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: I will be more than happy to get a report and get back to the house.

Members interjecting:

The SPEAKER: Order! I just remind the leader also that the question was somewhat inflammatory and ask her to watch her questions.

Members interjecting:

The SPEAKER: Order! The member for Taylor.

REMEMBRANCE DAY

Mrs VLAHOS (Taylor) (14:10): My question is to the Minister for Veterans' Affairs. During this important time of remembrance in our ex-service commemorative calendar, can the Treasurer tell the house about how Remembrance Day will be commemorated in South Australia?

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (14:10): I thank the member for Taylor for the question, and I also congratulate her on her important appointment and look forward to working very closely with her in my capacity as Minister for Defence Industries. Remembrance Day commemorates the sacrifice of members of the armed forces and civilians in times of war. It is observed on 11 November to recall the end of World War I on that date in 1918.

I am encouraging all South Australians, wherever they are at 11 o'clock tomorrow morning, just to stop what they are doing for one minute, to pause and to reflect on the commitment made by those men and women who served in times of war. I will also encourage all South Australians to wear a poppy tomorrow as a symbol of remembrance and of new life. Last month, my predecessor, the Hon. Tom Kenyon, wrote to all cabinet ministers, encouraging them to request chief executives in the Public Service to arrange a formal acknowledgement of Remembrance Day within government departments this year.

The first veterans community function I attended after being sworn in as Minister for Veterans' Affairs on 21 October was a well-attended veterans community meeting held last week at the Torrens Training Depot. The meeting gave me the opportunity to hear first-hand the matters of concern and suggestions that our veterans have for their community. I would like to pay tribute to the previous minister Kenyon for arranging this valuable meeting and for his energy, interest in, knowledge of and genuine concern for the veterans community.

Veterans SA has been examining ways to increase public awareness of Remembrance Day in South Australia. Part of this campaign has been the production of a CD giving the entire format of a Remembrance Day ceremony in one package. The voice of Bill Schmitt AM, reciting *The Ode*, is used on the CD, and the front cover features naval veteran Mrs Jean Copley, Squadron Leader David Leicester DFC and Bar OAM, and Bill Schmitt AM. I would like to take this opportunity to publicly thank these three fine South Australian veterans for being a part of this project. The CD has been very well received in the veterans community and schools, and it will be played across the state tomorrow.

Tomorrow, I will have the privilege of attending a Remembrance Day service at the Australian Imperial Forces section of the West Terrace Cemetery. The AIF Cemetery was officially opened in 1920, soon after peace was declared in the Great War 1914-18. It was dedicated exclusively for the burial of ex-service personnel. This project was the first soldiers' burial ground in the commonwealth and contains the graves of 4,155 ex-service personnel, including four Victoria Cross recipients.

Remembrance Day services will be held at war memorials and schools across our state and a minute's silence observed on the day when millions of people around the world pay a silent tribute to the service and sacrifice of ex-service men and women and their families who have given so much to enable us to live the way of life we are so fortunate to enjoy. We remember them not only on Remembrance Day but, indeed, every day. Lest we forget.

Honourable members: Hear, hear!

HOSPITALS, REMEMBRANCE DAY

Dr McFETRIDGE (Morphett) (14:14): My question is to the Minister for Veterans' Affairs. Why has the government instructed public hospitals not to broadcast this year's Remembrance Day service? The opposition has been given an email that was distributed in the health department that says, 'With the exception of the Repat, observance of Remembrance Day should not be broadcast over the hospital public address system.'

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (14:15): The mock indignation on the other side is a bit galling. Madam Speaker—

Members interjecting:

The SPEAKER: Order! Treasurer, sit down. Order! Thank you, Treasurer.

The Hon. J.J. SNELLING: Madam Speaker, I am not aware of such an instruction but, if there is such an instruction, I imagine that there would be very, very good reasons for such an

instruction being made. I do not know if the opposition realises that there are sick people in hospitals. It might have something to do with their treatment, or—

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: —their sleeping. There may well be a very good explanation for such an instruction being made. I would be more than happy to, first, verify that the instruction is, in fact, correct as the member for Morphett claims, and secondly, return to the house and provide an explanation if, in fact, such an instruction has been given.

Mr Pengilly interjecting:

The SPEAKER: Order! Member for Finniss. The member for Lee.

DIPLOMATIC TOUR 2012

The Hon. M.J. WRIGHT (Lee) (14:16): My question is to the Premier. Can the Premier inform the house of his plans to show the world what South Australia has to offer the international community?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (14:16): On Tuesday I had the great pleasure of meeting with the federal Minister for Foreign Affairs, the Hon. Kevin Rudd. At that meeting we agreed that South Australia will host the 2012 Diplomatic Tour.

Mr Marshall interjecting:

The SPEAKER: Order, the member for Norwood! You are warned.

The Hon. J.W. WEATHERILL: Nearly 100 ambassadors and other representatives from countries around the world will tour South Australia for three days, learning about our state and all that it can offer overseas businesses, investors, students and tourists. It is a fantastic opportunity to showcase the strength of our state—our mining, our advanced manufacturing industries, our defence industries, our clean tech industries and, of course, our fantastic social services and education, as well as what the state has to offer in terms of tourism, food and wine.

They will be senior representatives of the international community. This will allow us to make some very important links. Of course, we will be showcasing the Olympic Dam and Woomera Prohibited Area, which have now been opened up for mining, and our exciting projects such as the shale gas in the Cooper Basin or nation-leading wind energy generation. The new Tonsley Park precinct, which we have designed as a renewable energy and green tech hub, will also be an appropriate institution to show off, as well as the Bowden Urban Village, our newest urban living project and, of course, Techport, our world-class maritime industrial precinct.

Also, we will be showing them our fabulous food and wine regions. I am sure we will be able to persuade the member for Mawson and also the member for Light to show off some of the beautiful wine growing regions in our outer areas. Our economy has made huge strides over the last decade. South Australia has become reinvigorated with new confidence about our prospects, and we want to share that new confidence with the world. There is enormous potential for international investment here.

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: Madam Speaker, the only people who do not seem to be sharing this enthusiasm for South Australia's success are those opposite. We think that the diplomatic tour will be a wonderful opportunity to showcase the many opportunities that the South Australian economy has for investors around the globe. We know that there are investors seeking a secure and safe investing haven. We know that there are certainly investors' funds that are available, but there are precious few opportunities worldwide for stable investments, and South Australia provides a wonderful opportunity. This could not come at a better time.

It will not all only be about future business opportunities. It will be about showcasing our energetic, innovative and friendly state and showing people the wonderful lifestyle here, which is another key attraction to businesses and business leaders. I am sure that South Australians will join with us in assisting to entertain these guests and show off all that we have to offer.

I will be inviting the Leader of the Opposition to participate in a number of these events with me if she is prepared to do that. I am looking forward to working with business, community and industry groups and the people of South Australia to make it a memorable visit for the diplomatic corps as they visit South Australia.

HEALTH DEPARTMENT

Mrs REDMOND (Heysen—Leader of the Opposition) (14:19): My question, again, is to the Treasurer. Will the Treasurer confirm that, at the end of the financial year 2010-11 there were over \$200 million worth of unexplained transactions in the health department as a result of the new financial systems approved by the Minister for Health?

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (14:20): Again, that is more a question that would be better directed to the Minister for Health. I am not quite sure why the opposition would wait for a day when they knew the Minister for Health was not going to be here. When they knew—

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: —that the Minister for Health was not going to be here, I am sort of scratching—

Members interjecting:

The SPEAKER: Order! Treasurer, can you sit down.

Members interjecting:

The SPEAKER: Order! I have got no idea what the Treasurer is saying. I cannot hear the words.

Members interjecting:

The SPEAKER: Order!

Mr Pengilly: Babes in the woods!

The SPEAKER: Member for Finniss, you are warned. The Treasurer.

The Hon. J.J. SNELLING: I am scratching my head, Madam Speaker, wondering why the opposition would wait to ask these questions on a day when they realised that the Minister for Health was not going to be here. Nonetheless, I am aware that there have been issues with the implementations of new IT systems in the Department of Health, but, as to the details and amounts, I am more than happy to come back to the chamber with a full report.

BOWDEN URBAN VILLAGE

The Hon. M.J. WRIGHT (Lee) (14:21): My question is to the Minister for Transport and Infrastructure. Can the minister respond to comments made by the opposition about the LMC's Bowden development?

The Hon. P.F. CONLON (Elder—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (14:21): I thank the member for Lee for this important question, because it does give me the opportunity to respond to some comments that have been made by the Hon. David Ridgway, and it does very much go to the matters spoken about by the Premier on Tuesday relating to the standards of political debate. On the radio today the Hon. David Ridgway said to Leon Byner about the Bowden development:

Leon, this information we've uncovered...it just does uncover that recommendations from the EPA that indicate 'they would have difficulty accepting a change in land use from industrial to residential'...for example, they discovered that a polycyclic aromatic hydrocarbon at 7,100 times greater than the guideline level...

Now, Madam Speaker—

Members interjecting:

The SPEAKER: Order! Would members stop chatting; I cannot hear.

The Hon. P.F. CONLON: —to use the term 'uncovered' would be to suggest that something had been covered, and that—

Mr Pisoni: He's got a messy desk; he just lifted something up and found it. He uncovered it.

The Hon. P.F. CONLON: I will continue when the member for Unley has control of himself.

Mr Pisoni interjecting:

The SPEAKER: Order, member for Unley!

The Hon. P.F. CONLON: Oh, there's a standard for you, isn't there? There's a standard.

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: I will continue when they have control of themselves. As I say, to suggest 'uncovered' would be to suggest that something was covered. The opposition was briefed in 2010 on contamination of the Clipsal site and the gas company site. In February 2010 the Land Management Corporation set aside \$30 million for remediation of the site. The polycyclic aromatic hydrocarbons that were uncovered were on the website of the Land Management Corporation in a document co-authored by the LMC, the health department and the EPA.

Mr Ridgway goes on to suggest that, perhaps, the EPA does not approve of this project when the EPA is co-authoring documents about the release of land there, and where the opposition has been briefed that the land will not be released without the sign-off of the EPA, and the EPA is working with the Land Management Corporation on the remediation. All this is known to the opposition. All this is known to virtually everyone.

Despite that, Mr Ridgway persists. He actually says at the end that, to try and market housing product in the middle of a remediation and construction zone, 'I think the government is going to find it very difficult.' That is nothing less than a comment that damages the interests of the taxpayer at the Bowden site. It is not true.

In a press release, entitled 'Bowden Village: poisoned chalice', he even contradicts himself and says that the remediation bill has blown out from \$30 million to \$43 million. That is despite having been briefed and having been told by the head of the Land Management Corporation that the \$43 million description is merely the \$30 million in 2009-10 dollars adjusted for inflation over the 12 years of the project—absolutely, clearly, and he had been told that but he ignored it.

The reason I say about standards is what is most galling about this is that members of the opposition attended this launch. It is an outstanding project which will remediate land, but Mr Ridgway's comments when enjoying the hospitality of the Land Management Corporation with the group there were somewhat different. He said this: 'I hate to admit it, but I think we are very near bipartisan on this project.' So, I just come back to what the Premier has said. Are we going to have a debate on the substance of the issue or are we going to play cheap politics?

HEALTH DEPARTMENT

The Hon. I.F. EVANS (Davenport) (14:27): My question is to the Treasurer. Is it the case that some of the accounts giving rise to the over \$200 million worth of unexplained transactions in the health department relate to invoices which have been paid twice?

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (14:27): Again, this is an issue which is better asked of the Minister for Health—

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: —who will be across all the fine details of this matter.

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: I am more than happy to come back to the house with a report.

Members interjecting:

The SPEAKER: Order!

Ms Chapman interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! Member for Port Adelaide.

OLYMPIC DAM EXPANSION

The Hon. K.O. FOLEY (Port Adelaide) (14:28): I shall be heard in silence, I assume, Madam Speaker? One would hope so.

An honourable member interjecting:

The Hon. K.O. FOLEY: Where's yours?

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: Casual Friday, isn't it?

Members interjecting:

The Hon. K.O. FOLEY: Thursday. Friday. It's all the same to me.

The Hon. T.R. Kenyon interjecting:

The Hon. K.O. FOLEY: Well, I notice a number of members not wearing ties. My question is to the Minister for Manufacturing, Innovation and Industry. Can the minister—

Members interjecting:

The Hon. K.O. FOLEY: I have never asked a Dorothy Dixier in this house.

Members interjecting:

The SPEAKER: Order! Member for Port Adelaide, we will miss you but can you please get to the substance of the question?

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: Can the minister please inform the house of the steps the government is taking to maximise local participation from the Olympic Dam expansion project?

Members interjecting:

The SPEAKER: Order!

An honourable member interjecting:

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Manufacturing, Innovation and Trade, Minister for Mineral Resources and Energy, Minister for Small Business) (14:29): You were a bit tired and emotional this morning, weren't you? Thank you for that question without notice. I appreciate the member for Port Adelaide's keen interest. Indeed, last night I did get an opportunity to thank the member for Port Adelaide for his efforts in bringing Olympic Dam to life. I think his role and that of the opposition's working together is one that I think future generations will look back on with a great amount of pride. As the proposed Olympic Dam expansion—

The Hon. K.O. Foley interjecting:

The Hon. A. KOUTSANTONIS: Yes; there was a moment last night which is burnt on the back of my brain: it was the sight of the member for Bragg and the member for Port Adelaide embracing. I am not sure who kissed who; it is their little secret.

The Hon. P.F. CONLON: Point of order.

The SPEAKER: Point of order.

The Hon. P.F. CONLON: I would desperately like the minister to return to the subject.

The SPEAKER: I uphold that point of order, minister. We are all tired and emotional.

The Hon. A. KOUTSANTONIS: As the proposed expansion gets near, it is important that we as a government get the strategies right to ensure that local skills, local manufacturing companies, local innovators and local entrepreneurs are ready to benefit from this expansion.

The Olympic Dam task force over the last six years has done a magnificent job in its varied ways of making sure that the project gets the one-stop shop management that it deserves. What we are doing now is making sure that we have an active approach to building value. That value chain has to go right down the sector, right down to the people who are supplying food and vegetables, people supplying services, people supplying clothes, services, training—whatever it might be—for the proposed Olympic Dam expansion and of course other aspects of the mining industry as a whole.

We have to make sure that as a state we maximise the benefit to the people of South Australia because of the mining boom. Only today, in my own electorate, I was at Adelaide Airport opening Boart Longyear's new plant. Boart Longyear is a North American drilling company that was established in the 1880s and now is a global leader in mining exploration services and products operating in 40 countries around the world. I was delighted that they have chosen Adelaide to be their headquarters for their Asia-Pacific operation, servicing Australia as well as large mining economies in countries such as Indonesia and Laos. They have chosen Adelaide, and why did they come to Adelaide? They came to Adelaide because they see a regulatory framework that governs mining that is the best in the world.

They see what is going on with the Olympic Dam indenture and of course other mining projects around the Woomera Protected Area, Yorke Peninsula, Eyre Peninsula and the rest of the state, and they are seeing great opportunities for a boom, so what have they done? They have brought their manufacturing base here, as well as their research and development. This is a real example of how we are going to help manufacturing and mining co-exist, because the most important thing about South Australia is not just our people, and it is not just our minerals in the ground: it is our ability to innovate and manufacture.

I want to congratulate the Premier for bringing all those aspects together into one department, because I think it is very important that we get the maximum benefit for the people of this state. Boart Longyear is just one example of what we can do. Of course, the government has a program called the Thinkers in Residence program to which we brought Professor Goran Roos. Goran Roos is an expert in the field, and I think many members of the parliament and indeed academics of the state have met with Professor Roos and have found his insight into how to build a manufacturing base very revealing. He is pushing the state government, and we have accepted the challenge and I would like to offer the opposition any briefings on some of his views.

That is why the state government is establishing a new arm of the Olympic Dam task force to focus on industry participation and skills development. We want to give industry a voice within the Olympic Dam task force. That is, we want to hear from them and BHP so we can coordinate and make sure that we can match manufacturers, innovators—

Mr Pisoni: They're telling me they want kids to be able to read and write.

The Hon. A. KOUTSANTONIS: Sorry?

Mr Pisoni: They're telling me they want kids to be able to read and write: industry—that's what they want when they take them on.

The Hon. A. KOUTSANTONIS: That's great, and you're a great example for that, too. What we are trying to do is to make sure—

Ms Chapman interjecting:

The SPEAKER: Order!

Ms Chapman interjecting:

The SPEAKER: Order, the member for Bragg!

The Hon. A. KOUTSANTONIS: What we want to do, when BHP or any other mining company have an issue that may need some innovation or may need some manufacturing skills, is show them what capability we have here in South Australia and help them with their pre-approval process. Staff from DMITRE and DFEEST will be embedded into the office to make sure that we engage in the processes properly.

This new area of the Olympic Dam task force will have a particular focus on monitoring and facilitating the use of local industries, services and materials, including the implementation of BHP's Industry and Workforce Participation Plan, which I have to approve as indenture minister. The government's role in preparing a skilled workforce within the state suitable for the project is very important; that is why DFEEST is being embedded inside the Olympic Dam task force to make sure that we get the right skills that we need, and I want to thank minister Kenyon for making all of this possible.

Supporting BHP Billiton in developing their service industry hubs or clusters is just one small piece of the proactive work that the government is doing to try and help coordinate industry and mining. What we don't want to see is what is going on in some other jurisdictions in Australia and around the world, where the minerals boom is pretty much lost on the rest of the population. South Australia has a proud manufacturing base. We want to make sure that our manufacturing base booms with the miners and make sure that they can co-exist together.

AUDITOR-GENERAL'S REPORT

Mrs REDMOND (Heysen—Leader of the Opposition) (14:35): My question is again to the Treasurer. In light of the Treasurer's answers given to the earlier questions, can the Treasurer advise: did it not occur to him that there might be a problem about which he as Treasurer should inquire when the Auditor-General reported that he could not provide the audit of the accounts of the health department?

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (14:35): Again, I can only say that I have not been—

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: I have not been advised of any of the allegations which the opposition have been making. With regard to the Auditor-General's report—

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! Treasurer.

The Hon. J.J. SNELLING: With regard to the Auditor-General's report, I am not advised that there are any particular issues in Health about which I need to be particularly concerned. Of course—

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: Of course, in a \$15 billion budget, there are always many issues; it is not unusual for the Auditor-General to point things out to the government on which it needs to act. But with regard to the earlier questions—

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: With regard to their earlier questions, I have not been advised of any such \$200 million blow-out that the opposition have come into the chamber this afternoon claiming.

Members interjecting:

The SPEAKER: Order! The member for Norwood, you are warned for the second time. You must not bellow out across the chamber. Treasurer, have you finished your response? I could not hear the end.

The Hon. J.J. SNELLING: I have finished, madam.

The SPEAKER: Thank you. Member for Torrens.

SERIOUS AND ORGANISED CRIME

Mrs GERAGHTY (Torrens) (14:37): My question is to the Attorney-General. Can the Attorney-General please inform the house about progress that is being made regarding the government's new approach to dealing with serious and organised crime?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (14:37): I thank the honourable member for her question. Madam Speaker—

Members interjecting:

The SPEAKER: Order!

The Hon. J.R. RAU: Madam Speaker, on 21 August, the government released a paper entitled 'Combating serious and organised crime'. The government has been consulting on the associated draft bills with SAPOL, the Crown Solicitor's Office, the Director of Public Prosecutions and the courts. Additionally, the government has provided the bills externally to the Law Society and the Bar Association.

The feedback has been essential in making sure the bills have the right balance between empowering our police with the tools they need to tackle bikie-related crime and other organised criminal groups and ensuring that law-abiding citizens remain unaffected. Further to the direct efforts we took to consult with any interested party, the bills were freely available on the AGD website for a period of six weeks.

In addition, on 9 September we sent the opposition copies of the bills. We are firmly committed to dealing with this matter, and we wanted to give everybody (including the opposition) plenty of time to be involved in the process. It may not surprise the house to learn that, to date, I am advised that no response has been received from any of the members opposite or their counterparts in the other place.

When we bring these important bills to the house, we want everyone to know exactly how these bills have taken shape. We have given everyone with a clear interest in this legislation the right, and, indeed, an ample opportunity, to raise concerns and shape the legislation for the better. Next Thursday, I will be attending the next Standing Committee of Law and Justice meeting in Launceston, which is a successor to what used to be called SCAG. This one is unpronounceable so I will call it the standing committee—

The Hon. M.J. Atkinson: What?

The Hon. J.R. RAU: SCLJ—I think I will just call it the standing committee. I am attending the standing committee next week, and I have added the important topic of how best to tackle serious and organised crime at national level to the agenda. This will build on work done here in Adelaide at the last meeting of the standing committee to ensure that the entire country is able to deal with the scourge of serious and organised crime. I expect to have the final bills ready within weeks.

TEACHER EMPLOYMENT EMAIL

Mr PISONI (Unley) (14:40): My question is for the Minister for Education and Child Development. How many student and contract teachers have been advised in writing that they are shortlisted for a permanent teaching position within a government school, only to be told the next day it was a mistake and that they have not been shortlisted? The opposition has been advised that student and contract teachers have been receiving emails that read, and I quote:

You have been shortlisted for the position...We recommend that you advise your referees and that the panel will be contacting them.

The following day the applicant receives another email advising them that the first email was sent in error and they were not shortlisted.

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (14:41): I do thank the member for this question. I am familiar with the material in the question because I believe the member for Unley wrote to me about this matter. Did you receive a letter from me?

Mr Pisoni: I didn't write to you about this.

The Hon. G. PORTOLESI: I am certain I received a briefing about this matter. I do not seek to speak about the specifics of this particular situation. I think that is unfair to the officer in question.

Mr PISONI: Point of order: the minister says that I wrote to her about this issue; I didn't write to her about this issue.

The SPEAKER: That's not a point of order, member for Unley.

Mr PISONI: And this is widespread; it is not one person.

The SPEAKER: Order! She said she thought you had. That was not a point of order. You can do a personal explanation afterwards if you feel you need to. Minister.

The Hon. G. PORTOLESI: Thank you, Madam Speaker. Actually, I think the document to which I am referring—I saw it late one night in my bag—is, in fact, a document that the member for Unley had written to an officer in my department, and it may be a briefing that I am referring to. In any case—

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: —I am familiar with the matter to which he refers and there is a perfectly rational explanation for it.

Members interjecting:

The SPEAKER: Order!

Mr PISONI: Can we please have the explanation, minister? If it is so simple, can we have it?

The SPEAKER: Order! As I don't have the same knowledge that the minister does, I am not going to ask her to respond—if she's answered in the manner she chooses.

Mr PISONI: Can I ask a supplementary question, if I may?

The SPEAKER: A minister can answer a question in any way that they choose. We may completely embarrass someone.

Mr PISONI: May I have a supplementary question, Madam Speaker?

The SPEAKER: Supplementary.

TEACHER EMPLOYMENT EMAIL

Mr PISONI (Unley) (14:44): Will the minister confirm that some student and contract teachers have had this happen at least twice?

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (14:44): I will inquire as to whether this—

Members interjecting:

The SPEAKER: Thank you. I will count that as a question. It wasn't a supplementary.

Members interjecting:

The SPEAKER: Order! We are all tired and grumpy today but please try and have some order.

Members interjecting:

The SPEAKER: Order!

The Hon. T.R. KENYON: I rise on a point of order: members on your left are repeatedly interjecting, even as you speak, ma'am.

The SPEAKER: Yes, I am very aware of that, thank you.

Members interjecting:

The SPEAKER: Order!

Ms Chapman interjecting:

The SPEAKER: Member for Bragg, you're warned. I call the member for Reynell.

ELECTRONIC WASTE DISPOSAL

Ms THOMPSON (Reynell) (14:45): My question is to the Minister for Sustainability, Environment and Conservation. Can the minister advise the house about the support the government is providing to assist in the safe disposal of electronic waste?

The Hon. P. CAICA (Colton—Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:45): I thank the member for Reynell for her very important question and acknowledge the role that she has played within her community on all matters of sustainability. The safe disposal of electronic waste is a high priority for the government and, indeed, is an issue of national and international concern.

Old televisions, computers and other unwanted electronic items, known as e-waste, contain useful elements, such as nickel, zinc, aluminium, gold and copper but also can contain hazardous materials, such as lead and mercury. The Environment Protection (Waste to Resources) Policy 2009 contains provisions which ban the disposal of various materials to landfill. Computer monitors and televisions, as well as other electrical and electronic equipment, will not be able to be disposed to landfill in metropolitan Adelaide from 1 September 2012, with this prohibition being extended to other areas of South Australia from 20 September 2013.

At the national level, the commonwealth government has implemented legislation to establish a national recycling scheme for televisions and computers which will require industry to take responsibility, including financial responsibility, for taking back and recycling these products at the end of life. This national recycling scheme is expected to be in place in mid to late 2012. In the meantime, the state government has assisted councils with funding to collect e-waste from householders throughout our state, with 19,086 televisions (equating to 428 tonnes of e-waste) having been collected from across regional South Australia by early 2011, and some 515 tonnes of e-waste for recycling through metropolitan collection.

I am pleased to announce that on Saturday 3 and Sunday 4 December 2011 Zero Waste SA, together with several councils and with industry backing, will host another two-day e-waste collection—

An honourable member: What date was that?

The Hon. P. CAICA: It's Saturday 3 and 4 December 2011. I would suggest that you should put it in your diary. It will host another two-day e-waste collection across metropolitan Adelaide. The government supports industry led and funded recycling initiatives and welcomes opportunities to host other e-waste events that could be sponsored by major brand owners. In this case, we thank Apple for its involvement in this particular process. This initiative and others orchestrated through Zero Waste SA support the government's numerous commitments to achieving a sustainable future for all South Australians.

ADELAIDE HIGH SCHOOL

Ms SANDERSON (Adelaide) (14:48): My question is to the Minister for Education and Child Development. Why has the government broken its election promise to expand Adelaide High School by 2013 without encroaching on the Parklands, given that the project has now been delayed until beyond 2014 and over 2,300 square metres of Parklands will be lost?

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (14:48): Thank you, Madam Speaker. I thank the honourable member for her question. It is a curious question coming from the member for Adelaide, given that she participated in the governing council that endorsed the option of encroaching upon the Parklands. I would have thought that—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: —if she had had some difficulty with the proposition—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: I would have thought that if she had had some difficulty with the encroachment on the Parklands, she might have been able to make herself—

Mr Pisoni interjecting:

The SPEAKER: Order, the member for Unley, you are warned!

The Hon. J.W. WEATHERILL: We were only sitting across the table from one another. It would have been a simple matter to simply say, 'I think this is a difficulty,' but she in fact participated in the decision, and that is—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: And frankly, Madam Speaker, that is why we did consult very broadly, because we did say that at the election. We explained that we were unable to achieve the results that we wanted to achieve because of the options that were—

Mrs Redmond interjecting:

The SPEAKER: Order, Leader of the Opposition, you are warned!

The Hon. J.W. WEATHERILL: It is important to actually understand the sequence of events here, because it was in fact the very governing council upon which the member for Adelaide sat that developed a number of options, the preferred ones of which were acceptable. Both of the preferred options that were chosen by the governing council encroached upon the Parklands.

Mr Pisoni: All five of them encroached!

The SPEAKER: Order! Member for Unley, you are warned for the second time. I cannot hear the Premier.

The Hon. J.W. WEATHERILL: In seeking to give expression to the wishes of the governing council of Adelaide High School, we had to choose an option which encroached upon the Parklands. We freely acknowledge that. We said very openly that there was a small encroachment on the Parklands. It was not ideal. It was not something we wanted to do, but nevertheless we put that forward.

I must say, having discussed it with the Adelaide City Council and the Parklands Authority, which we did do when we sought to propose this design, there seemed to be very little concern about it. There are some interests and demands by Adelaide City Council and the Parklands Authority about other ambitions they have for the western Parklands, but they really were not particularly exercised by the fact that there was a small encroachment on the Parklands.

Members interjecting:

The SPEAKER: Order! The member for Mitchell.

TAXI DRIVER OF THE YEAR AWARDS

Mr SIBBONS (Mitchell) (14:51): My question is to the Minister for Transport Services. Can the minister inform the house about the recent 2011 Taxi Driver of the Year Awards?

Ms Chapman: Tom Koutsantonis!

Members interjecting:

The SPEAKER: Order! The Minister for Transport Services.

The Hon. C.C. FOX (Bright—Minister for Transport Services) (14:51): I thank the member for Mitchell for this question. No; this year it was not the member for West Torrens, but I am sure it could have been in the past.

Members interjecting:

The SPEAKER: Order!

The Hon. C.C. FOX: I recently had the pleasure of attending the 2011 Adelaide Airport Taxi Driver of the Year Awards, my first official event as transport services minister.

An honourable member: Hear, hear!

The Hon. C.C. FOX: Thank you, and may I say that I was welcomed most graciously, not just by the Taxi Council South Australia, but by the shadow member for transport services, Mr Griffiths.

Members interjecting:

The Hon. C.C. FOX: He is a decent man.

Members interjecting:

The SPEAKER: Order!

The Hon. C.C. FOX: Some people have no friends. I understand the awards have been conducted over the past 10 years, and they are a key event within the taxi industry. A lot of people go to this event, and it really is the taxi industry's night of nights. I had a very good time and I met a lot of people who have worked for 30 or 40 years in the industry. It is really easy for people who take taxis to bag taxi drivers. It is a very easy thing to do, but actually they offer us an extraordinary service.

The people whom I met on that night were extraordinary people. The winner of this year's award was one Mr Casimir Fung, who, I believe, has won in the past. He won a substantial amount of money, and the speech that he made was astonishing. The story that we heard about his nomination was that someone who had travelled from overseas to Adelaide was picked up by Mr Fung in the cab—

Mr Griffiths: New Zealand.

The Hon. C.C. FOX: Well, New Zealand is overseas.

Mr Griffiths: Yes, I know. I just wanted to make sure—

The Hon. C.C. FOX: I see. Yes, it's overseas. It's the one with the sheep. He was picked up at the airport by Mr Fung and was so impressed by the service he had during the 15-minute ride that from New Zealand he nominated Mr Fung, and indeed Mr Fung won.

Honourable members: Hear, hear!

The Hon. C.C. FOX: It was actually very moving. It was a very enjoyable evening. The taxi industry employs people who have been driving for 40 years, and it has been a great employer of those who have not lived in our country for a very long time. I met many different kinds of taxi drivers on that night. I had a wonderful time, and I would like to thank the taxi drivers of this state for doing the work that they do.

Honourable members: Hear, hear!

PUBLIC TRANSPORT

Mr GRIFFITHS (Goyder) (14:54): Thank you, Madam Speaker. My question is for the Minister for Transport Services. What is the minister's strategy to reverse the 4.2 per cent drop in public transport use for the 12 months to 31 August 2011? The minister confirmed to the house this week that she is responsible for 'strategies to increase public transport patronage in metropolitan Adelaide', but for the 12-month period to 31 August boardings across the public transport network were actually down by 4.2 per cent or 2,838,000 boardings.

The Hon. C.C. FOX (Bright—Minister for Transport Services) (14:54): The member for Goyder is correct: there has been a drop in public transport use. However, there is a reason for that and the reason is this: over 10 years, the state government is spending \$2 billion on updating a system that was not invested in for some 20 years—by people who shall remain nameless.

So, we have something called a rail revitalisation scheme. What that involves, member for Goyder, as I am sure you are aware, is actually taking up old bits of railway and putting in new ones, and we are doing that all around the state—once again, to the cost of some hundreds of millions of dollars.

The Hon. P.F. CONLON: Point of order: courtesy. I cannot hear the answer and it is a subject in which I am deeply interested.

The SPEAKER: Members on my left will behave.

An honourable member interjecting:

The SPEAKER: Order!

The Hon. C.C. FOX: So, given that this has occurred, a number of railway services have actually been dropped during the time that those rail tracks are being replaced. As a result of that, people have not been able to receive the service they were before and they are taking the trains—

Members interjecting:

The SPEAKER: Order!

The Hon. C.C. FOX: —less than they were before. There are more people travelling on trains now than there were some 20 years ago, and I suspect that in—

Mr Griffiths: The population is a lot larger too, Chloe.

The Hon. C.C. FOX: Per capita—and I suspect that in two years' time this reduction will have been of itself reduced. I am quite confident that we are going to see people back on that public transport.

Ms Chapman interjecting:

The Hon. C.C. FOX: I can hear the noise opposite; and once again—

The SPEAKER: The member for Bragg, you are warned a second time!

The Hon. C.C. FOX: —I would say: \$2 billion over 10 years, compared to nothing from those opposite for a very long time.

EARLY CHILDHOOD EDUCATION

The Hon. S.W. KEY (Ashford) (14:56): My question is directed to the Minister for Education and Child Development. Minister, would you update the house about South Australia's progress in meeting targets under the National Partnership Agreement on Early Childhood Education?

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (14:57): I would like to thank the member for Ashford and acknowledge her work in this important area. South Australia has long been recognised as a national leader in the field of early childhood because we do recognise how important quality early childhood is to the future of our children and our state. So, I am very pleased to advise the house today that South Australia is making very good progress in meeting national targets in relation to early childhood education access.

In 2009, 84.5 per cent of all four-year-old children attended preschool in South Australia. I am very pleased to advise that, by 2010, this figure had increased to 87.7 per cent. I am also advised that, once the rules for counting enrolments are brought into line with the rest of the country, our enrolment figure will, in fact, be closer to 92 per cent, which exceeds our target.

As part of our national partnership agreement with the commonwealth, we are rolling out universal access to preschool and increasing the entitlement from 11 hours per week to 15 hours per week—a very, very important initiative. South Australia has exceeded its target for the number of children receiving this additional entitlement by 3.8 per cent, to 28.8 per cent, just two years into the five-year project.

We know that early childhood education is particularly important for children from disadvantaged backgrounds; that is why we have put a particular focus on getting those children access to more preschool hours. I am pleased to advise the house that South Australia has maintained 100 per cent enrolment of four-year-old Aboriginal children. These children, and Aboriginal children in preschools in low socioeconomic sectors of the community, have been targeted for the initial rollout of the increased preschool hours. Over two-thirds of South Australia's most disadvantaged government preschools now provide 15 hours a week.

We are also increasing the quality of the education that is provided to our children in preschool through increasing the qualifications of our preschool teachers. These results are very

encouraging and outstanding markers of our progress to ensure that every child in our community has the best start in life.

TRANSPORT, SENIORS CARDS

Mr GRIFFITHS (Goyder) (15:00): My question is again to the Minister for Transport Services. When South Australian Seniors Card holders catch free public transport between 9am and 3pm on weekdays, is it the scheduled time of arrival or the actual time of arrival that determines whether that trip is free? The opposition received a complaint from a Seniors Card holder whose bus, which was due before 3pm, arrived after 3pm and the senior was required to pay the fare.

The Hon. C.C. FOX (Bright—Minister for Transport Services) (15:00): I thank the member for Goyder for his question.

The Hon. P.F. Conlon: How much free transport did they get under the Libs?

The Hon. C.C. FOX: Yes, the Minister for Transport and Infrastructure muses: how much free transport did the people in question receive under the last Liberal government? I think the answer would be: none. We, of course, introduced that particular free service. As I understand it, it is the time of boarding which should be taken into account.

Mr Griffiths interjecting:

The Hon. C.C. FOX: Indeed. I have had a similar issue raised with me by one of my own constituents. We went to the private operator in question and their answer to me on that particular matter—and, obviously, I do not know the specifics of the person the member is talking about—was that the bus driver should have had the discretion to realise that, because his service was late, he should have made the call to make sure that—

The Hon. G. Portolesi: Common sense.

The Hon. C.C. FOX: It was common sense, and it was courtesy. That is what I would expect. Now that the member has raised this particular matter and it is obviously not just my constituent, I would appreciate it if, perhaps afterwards, you could tell me about your particular person's instance and we can chase it up.

I think it is very easy to say, 'You can't fix this, you can't fix this,' but, through the kind of conversations that we are having now—and they are conversations—we can go through these things incident by incident. I am quite happy to do that. That's what I am paid for. That's why I am here.

ABORIGINAL ADVANCED MANUFACTURING SKILLS

Ms BEDFORD (Florey) (15:02): My question is to the Minister for Employment, Higher Education and Skills. Can the minister outline to the house how the South Australian government is assisting Aboriginal South Australians to gain advanced manufacturing skills?

The Hon. T.R. KENYON (Newland—Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for Recreation and Sport) (15:02): Ma'am, I will give it my best shot. I thank the member for Florey for her question, and many people in this house will happily acknowledge her longstanding interest and advocacy on behalf of Aboriginal people and, indeed, the link to training and a bright future for them.

The state government is working with the commonwealth, industry and Aboriginal communities to halve the gap between employment outcomes for Aboriginal and non-Aboriginal people by 2018. I am pleased to be able to inform the house that, through a targeted project developed by the state government and industry, up to 69 Aboriginal job seekers will have the opportunity to undertake training, leading to employment opportunities in the advanced manufacturing sector.

Training will be provided by three training organisations, including TAFE SA, and will be tailored to the needs of industry. This training will be in a range of certificate II qualifications, including engineering, electrotechnology and sustainable energy. The project is worth \$567,000 and is funded through the Productivity Places Program and will help job seekers enter the labour market with skills and qualifications that are in high demand by industry.

This project was developed collaboratively by the state government, the Australian government and the Australian Industry Group through the Advanced Manufacturing Industry

Cluster, one of seven clusters formed through the government's Aboriginal Employment Industry Champions Network in 2010. The network comprises large South Australian employers, organised into clusters, who have committed to supporting commonwealth and state training and employment targets. Employers from the Advanced Manufacturing Industry Cluster (including Sage Automation, Australian Submarine Corp, Jurlique, AVK Valves and E&A Contractors) have committed to offering employment opportunities to suitable graduates.

The Productivity Places Program for Job Seekers also supports the state government's jobs strategy to create 100,000 additional apprenticeships and training places. The program is part of the state government's commitment to assist people experiencing difficulties entering or staying in the workforce to participate in learning and work. The program also supports our moves to create a fairer and more flexible and modern vocational education and training sector through our Skills for All reforms. Applications for the final round of the Productivity Places Program for Job Seekers closes on 23 November 2011.

PENALTY RATES

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (15:05): My question is to the Premier. Does the Premier stand by his assertion that the Australian Hotels Association was 'positively disposed to the change' with regard to the shop trading hours, when the AHA's General Manager, Ian Horne, said this morning on radio that the changes are, and I again quote—

The Hon. P.F. CONLON: Point of order.

The SPEAKER: Order! Point of order.

The Hon. P.F. CONLON: It is orderly, if you wish to explain a question, to seek the leave of the house.

Mr WILLIAMS: This is the question.

The Hon. P.F. Conlon: No, it's not; it is an explanation.

Mr WILLIAMS: It is a question. I will start again, Madam Speaker.

Members interjecting:

The SPEAKER: Order!

Mr WILLIAMS: Does the Premier stand by his assertion that the Australian Hotels Association was 'positively disposed to the change' with regard to shop trading hours, when the AHA's General Manager, Ian Horne, said this morning—

The Hon. P.F. CONLON: Point of order.

Mr WILLIAMS: —that it was a 'pig of a deal'?

The Hon. P.F. CONLON: I am not quite sure what those pig noises he was making were, but that was explaining the question without the leave of the house.

The SPEAKER: Yes, I think that you were right, minister. Premier.

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (15:06): Thank you, Madam Speaker. I thank the honourable member for his question, and the answer is yes, because they told us so.

Members interjecting:

The SPEAKER: Order!

HOSPITALS, REMEMBRANCE DAY

Mr BIGNELL (Mawson) (15:06): My question is to the Minister for Veterans' Affairs. Can the minister explain the full contents of the email earlier referred to by the member for Morphet?

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (15:07): Thank you, Madam Speaker, and I can. I have been provided with the full text of the email which the member for

Morphett rather selectively quoted from, in a disgusting attempt to politicise something as important as—

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: —Remembrance Day—

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: —and to try—

Mr WILLIAMS: Point of order.

The SPEAKER: Order! Point of order.

Mr WILLIAMS: Point of order, Madam Speaker. I know that the Treasurer has had a bad day, but he is clearly debating this answer, and he is totally out of order.

The SPEAKER: I think that, about 10 seconds into the answer, you cannot say that he is debating at this stage. Treasurer.

The Hon. J.J. SNELLING: A cheap and nasty attempt—

Members interjecting:

The SPEAKER: Order!

Mr WILLIAMS: Point of order, Madam Speaker.

The SPEAKER: Order! Sit down, Treasurer. Point of order.

Mr WILLIAMS: When the Treasurer uses emotive language and says things like 'disgusting'—

The SPEAKER: Thank you.

Mr WILLIAMS: —he is debating.

The SPEAKER: Thank you. Sit down. I think that you are the pot calling the kettle black there, deputy leader. However, Treasurer, can you please get to the substance of the question and, perhaps, keep the language out it.

The Hon. J.J. SNELLING: I can, ma'am. I will read the full text of the email, which, I think, on any fair reading would not be interpreted as an instruction for Remembrance Day not to be observed in our public hospitals. It reads:—

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: I continue:

We have had a request from—

I will not mention the name—

on switchboard in relation to observing Remembrance Day. I've been in discussion with the Communications Division at the Department of Health last week and raised it for discussion at this morning's Regional Communications Teleconference. It's been agreed that (with the exception of The Repat) observance of Remembrance Day should not be broadcast over the hospital public—

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: —address system. This decision has been taken because the PA system has the potential to be very intrusive on patients and families, particularly as they don't have an option to opt out of the broadcast. Last time the observance—

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: —was broadcast—

The SPEAKER: Order!

The Hon. P.F. CONLON: I am standing right next to the Treasurer and, because the member for Morphett can't control himself, I cannot hear him properly.

The SPEAKER: Thank you. I uphold that point of order.

Members interjecting:

The SPEAKER: Order! Can we listen to the email, please.

The Hon. J.J. SNELLING: I continue:

Last time the observance was broadcast we also received correspondence from a veteran who strongly complained about incorrect protocol being followed in relation to the material used. For these reasons, observance is not to be broadcast over the hospital public address system on 11 November. Observance—

Members interjecting:

The SPEAKER: Order!

Dr McFetridge interjecting:

The SPEAKER: Order, member for Morphett!

The Hon. J.J. SNELLING: Settle down mate, settle down. Your name will be mud among the veterans when they hear about this, mate. Your name will be mud.

Members interjecting:

The SPEAKER: Order! I want to hear this email. Treasurer.

The Hon. J.J. SNELLING: The email continues:

Observance by staff is however encouraged, and an alert will be sent out to all staff via email. The use of a pop-up reminder by ICT on computer desktops is also being explored. Please communicate this decision to [the person concerned] and the Switchboard team.

A blatant attempt by the member for Morphett, who has history on these sorts of things—

Mr WILLIAMS: Point of order, Madam Speaker: the Treasurer is again straying into debate because he has been caught out. I suggest the Treasurer go back and read the *Hansard* and he will see he was totally wrong.

The SPEAKER: Thank you. We don't need an explanation from you. Question time has finished.

GRIEVANCE DEBATE

ADELAIDE HIGH SCHOOL

Mr PISONI (Unley) (15:11): We heard in question time today the member for Adelaide who has been a very strong advocate for her constituents, particularly in the northern part of her electorate in Prospect, Nailsworth, Collinswood, Fitzroy and Thorngate, about how they cannot get their students into—

The Hon. M.J. Atkinson interjecting:

The SPEAKER: Order, member for Croydon!

Mr PISONI: —Adelaide High School. Of course, at the last election the Liberal Party proposed a second campus of Adelaide High School to be built on the Bowden site. What we find out today is that a report in *The Messenger*—and I congratulate the local *Messenger* for following this issue because it is a very important issue for those living in the inner north of Adelaide who wish to send their children to a government school and feel it is inappropriate that they go all the way out to Gepps Cross, which is the solution that the government has offered them in the building of the super school.

The planned expansion of the Adelaide High School will not meet its 2010 deadline, it reports, but of course when the government made the promise during the election climate, it was supposed to open in 2013. The report continues that in order to build this extension:

The government is also seeking endorsement from the custodians of the parklands—the City Council—to build onto 2300sq m of Ellis Park.

Let's go back to what the Premier said earlier in deliberately deceiving those who have been involved in this debate by suggesting that the governing council chose sites that needed to encroach on the Parklands. The facts are that the governing council were presented with six options for the extension of Adelaide High School. Five of those options provided by the department needed the building to encroach on the Parklands—five out of six of those options. The sixth option was dismissed as being far too expensive.

It is the Premier (when minister of education) who has been deceiving South Australians living in the inner northern suburbs about the real reasons why the government has broken its promise not to build on the Parklands. We have to look at why the government even had this policy in the first place.

I will take you back in a quick history lesson because on 27 February 2010 the Liberal Party, under Isobel Redmond, released a policy to build a second campus for 1,000 students of Adelaide High School at the Clipsal Bowden site—overwhelmingly accepted as a great policy and seen as very valuable for the members of those living in the inner north. Of course, when Isobel Redmond released that policy, we had 70 or 80 members of the community out there at the news conference endorsing the policy.

For those living in Prospect, many of whom were old scholars of Adelaide High School, this had uniform and anonymous support because we know that since 2002 the government has been advised and been looking for sites for an extra city high school. But instead of admitting that the Liberal policy was right, it went out and cobbled together a policy in response to the Liberal Party policy. That was released on 16 March 2010.

What is interesting is, if you read a few paragraphs down that are specific to Adelaide High School, the then premier and the then education minister visited Adelaide High School to unveil plans. What did the Premier say in question time today? He said that there were options presented, but the plans were revealed before the election, apparently, according to the government. Plans were released to the school.

The release goes on to state that 'Adelaide High School, the state's first free high school, will be expanded to cater for up to 250 more students from 2013'—that was when students were moving in—'without encroaching on Park Lands.' Here we have the Premier who says he wants to do business differently to the former premier, Mike Rann, caught out in parliament today trying to disguise the fact that the choice for building on the Parklands was that of the school community.

The facts are that it was a promise that was cobbled together that could never be delivered. It was a failed attempt to try to save Jane Lomax-Smith in the seat of Adelaide and, of course, the member for Adelaide identified the need for a high school in the inner northern suburbs as a candidate when she was doorknocking. She made me aware of how important that policy was and we drafted that policy. That was a good policy and it won the seat of Adelaide for the Liberal Party. That is how important it is.

The Hon. M.J. Atkinson: Alas, not the election.

Mr PISONI: I know the member for Croydon is very pleased to see the end of Dr Lomax-Smith. However, we are very pleased to welcome the member for Adelaide into this parliament in South Australia. This is not the only issue, of course. There were many other education issues and service issues that were important to those living in the electorate of Adelaide. But we cannot go past the fact that, again, this government has deceived the people of Adelaide. The report in the *Messenger* today states:

In an email response, an education department spokeswoman said the government was continuing to work with the school governing council on the expansion. She declined to answer why the project had been delayed, when work would commence and when the expansion would be completed.

So, here we are: a rock-solid guarantee before the election; 18 months after the election, no idea.

SHINE SA

The Hon. S.W. KEY (Ashford) (15:17): In the most recent Sexual Health Information Networking and Education South Australia (SHine SA) annual report, I noticed an article that acknowledged 40 years—I think it will be 41 years—of SHine's contribution to South Australia.

Some of us will remember when SHine was in fact the Family Planning Association of SA and in the article there is mention of the first premises, a rented cottage in Unley in 1970, and although I do not remember that place, I do remember a premises in the old Queen Victoria

hospital. I should point out that in the report there is a great photo of some of the SHine staff—Jo, Bianca, Annie and CEO Kaisu Värttö—and the member for Florey, who was obviously at the celebration.

In 1998, the name changed to reflect the work being done by SHine staff and its network and outreach services. Due to the limited time I have today, I would just like to refer to a couple of the projects that SHine has led. One of the projects is aimed at education, prevention and early intervention to reduce teenage pregnancies.

In 2003, SHine rolled out what they called the SHARE program after they received an additional grant of \$250,000 from the government. This allowed them to have a 15-school pilot for three years which included the development of a comprehensive model of respectful relationships and sexual health to train teachers in these schools; support, mentor and resource these teachers; engage university partners for the evaluation of the program, methodology and impact on students and teachers; and to engage parents.

I am told that despite the efforts at derailing the program (and some of us in this house will remember some of the, I think, quite unfair accusations that were made about these programs), the pilot schools all stuck with the program and, in the 2006 evaluation of the program and the impact, SHine SA was approached about actually expanding the program to additional schools.

As at October of this year, there were 100 state secondary schools (years 8, 9 and 10) involved in the Focus Schools program, and by the end of this school year, SHine expects that there will be more participating. I am told that there are 18 Aboriginal and Anangu schools and the Aboriginal Sports Academy of South Australia involved in the Aboriginal Focus schools program from years 5 to 10, and 18 communities involved in the peer education/health promotion program called 'Investing in Aboriginal Youth'.

Private schools are sending teachers for teacher training in implementing the program in the private school sector because of the success in the public school sector. Teachers who work with children with disabilities are also seeking training from SHine so they can better support students around their rights, responsibilities and sexual health. In the first term of 2012 they will celebrate 10 years of comprehensive, respectful relationships and sexual health education for young South Australians.

I have had a lot to do with SHine over the years, particularly in the electorate of Ashford, and I have to say they have been very helpful in all of our schools (both public and private), and also in providing information to young people about their sexual health and making sure that people understand some of the outcomes of the responsibilities and decisions they make on their sexual health.

There are many other programs in which SHine is involved, and I would just like to take this opportunity to congratulate Kaisu Värttö and the team for the fantastic work that they do and also the networking that they are involved in throughout our community to make sure that we are better informed. As they say, information is power, so good on you, SHine.

SOUTH AUSTRALIAN TOURISM AWARDS

Mr TRELOAR (Flinders) (15:22): I rise today to speak quickly about the recently held South Australian Tourism Awards. The South Australian Tourism Industry Council is the state's peak tourism body, and the recent awards recognised excellence in the tourism industry. They are certainly a significant promotional tool for regional tourism and for the state's tourism sector generally.

Eyre Peninsula and the West Coast have a vibrant regional tourism industry, and this has been reflected in the number of award winners in the various categories at last week's event. My congratulations go to Adventure Bay Charters, which were the winners of the Adventure Tourism category, recognised for their southern bluefin tuna tours and, in more recent times, the extraordinary opportunity to swim with the tuna, as well as cage-diving with great white sharks.

The Hon. S.W. Key interjecting:

Mr TRELOAR: It appeals to some, Steph. Adventure Bay Charters were also recognised with silver in the New Tourism Development category. In the Adventure Tourism category also, congratulations to silver award winners, Calypso Star Charters—once again, a one-day shark cage-diving event. Calypso Star Charters also took out the bronze in the Major Tourist Attraction category. Also in the Adventure Tourism category, bronze went to Swim with the Tuna.

Modra's Apartments at Tumby Bay were recognised with a bronze in the Standard Accommodation award category. The Port Lincoln Hotel won the silver in the Deluxe Accommodation category. Tanonga Luxury Eco Lodges were bronze award winners in the Luxury Accommodation category and silver award winners in the Ecotourism category.

Mr Acting Speaker, bear with me; there are just a couple more winners. Also in the Ecotourism category, Wilderness Wanders won the bronze, and Coodlie Park, from near Port Kenny, won silver in the Qantas Award for Excellence in Sustainable Tourism. My congratulations go to all these award winners who, from Eyre Peninsula, competed very well in the recent awards.

Very obviously, the electorate of Flinders is the sustainable tourism capital of South Australia, and the adventure tourism capital of possibly Australia. Add to the fact that we are South Australia's seafood capital, and it is clear to see the contribution that the region makes to the state's tourism industry and the economy generally. Well done to all the award winners and congratulations to the whole of the Eyre Peninsula and West Coast tourism community for your efforts in 2011.

I would like to touch on one other subject. Last weekend was the celebration of the 60th birthday of the fishing vessel, *Tacoma*, a wooden vessel which was built originally in Port Fairy in Victoria by the Haldane family and steamed across to Port Lincoln in 1951 with the entire 19 family members aboard. The family settled in Port Lincoln and were the pioneers of the tuna fishing industry in Port Lincoln.

The *Tacoma* is a majestic vessel and it looks very good for its 60 years. It is an entirely wooden boat that has been carefully maintained and looked after. It is still owned by the Haldane family and has fished not only tuna, but also, I believe, prawns, salmon and probably other fisheries not known to me. It was my real pleasure on the weekend to join Ross and Rob Haldane and members of the *Tacoma* Preservation Society.

We steamed out to Taylor Island, which is some 15 nautical miles southeast of Port Lincoln and, in a really nice touch, we unloaded two replica Scottish fishing skiffs from the deck and loaded 14 bales of wool from Taylor Island onto the deck. Taylor Island is one of just three islands, I believe, that still run sheep off the Eyre Peninsula. We loaded the entire wool clip of 14 bales onto the *Tacoma* and it steamed back to Port Lincoln, and just a few of us who were brave, or quite mad, hopped into the fishing skiffs and rowed and sailed our way back to Port Lincoln.

It was a memorable day, and we were a bit sunburnt and stiff on Monday morning, but it was a thoroughly enjoyable weekend. I wish the *Tacoma* Preservation Society congratulations in their effort to find a permanent home for the *Tacoma*. The historical value of that ship to Port Lincoln and this state, generally, is immeasurable.

KESAB SUSTAINABLE COMMUNITIES AWARD

Mrs VLAHOS (Taylor) (15:27): I would like to speak about an event at which I recently represented minister Caica, the KESAB Sustainable Communities Award which was held at the Semaphore Palais. These original awards were a presentation ceremony to winning towns and communities that represent all corners of South Australia. It is South Australia's longest serviced and largest community environmental initiative. KESAB has now been operating for over 45 years, and the Sustainable Communities program recognises environmental sustainability action which is taking place in our communities.

There were over 200 category entries in 2011, showcasing hundreds of thousands of volunteer hours and efforts valued at more than \$20 million, which work towards environmental sustainability, action and improvement in our lives and communities. Local projects delivered on the ground by rural communities embrace water and energy conservation, waste diversion, litter reduction, and recycling and biodiversity. The Playford City Council, one of the councils in my area, won an award for biodiversity. Schools, councils and business community groups and individuals were also represented at the award ceremony.

The overall winner for the 2011 KESAB Sustainable Communities Award is Mount Gambier, and this is the 11th time Mt Gambier has won since the inception of the tidy towns program in 1978. Mount Gambier won the national tidy towns award twice and is the only place in Australia to have done so. They will also now go on as a state representative and compete against other states and territories to the Keep Australia Beautiful Australian Sustainable Communities Awards, previously known as tidy towns awards, which will be held in 2012.

I would like to place on the record a special thanks to the many people who made this event particularly memorable on the day: Colin Hill, Patron of KESAB, and I had a lovely time chatting to him about his long-term commitment to sustainability and KESAB, in fact, it goes back over the 45 years of my life that he has been involved in KESAB which is truly amazing; Ashley Watson, Chair of the KESAB board; KESAB board members; John Phillips OAM, the Executive Director of KESAB; mayors and chief executives from all around the state; and many children and families who came in from the regional areas of South Australia.

Indeed, we were very lucky to be able to participate in the ceremony. I would like to name some of the awards that were given out on the day that were particularly noteworthy. The Charles Sturt community council won a fantastic award about biodiversity and conceptualising for their whole community in many, many different ways on the great works that they can make their lives more green as a community.

Roxby Downs Council won an award for the Outback region of South Australia for initiatives they were making. The Water Infrastructure Commendation went to the Balaklava area, which is close to one of the boundaries in my electorate. I congratulate them on that.

In closing, I would like to congratulate the Sustainable Community Award winners. I look forward to seeing the awards in 2012. Congratulations to KESAB for continuing to do the wonderful work you do for our state.

SPEED LIMITS

Mr GOLDSWORTHY (Kavel) (15:31): I want to make some comments in relation to the announcement made by the road safety minister on Tuesday—and can I point out: the fifth road safety minister in the last 2½ years—where he announced that speed limits will be reduced to 100km/h on 45 rural road sections within a 100 kilometre radius of Adelaide and on the Yorke Peninsula.

Speed limits should not be reduced on our rural roads to compensate for this government's neglect of our road network. Instead of lowering speeds this government should be addressing the state's \$200 million backlog in road maintenance. While the Labor government has shuffled around the road safety portfolio from minister to minister—five times in the last 2½ years—South Australian roads have been deteriorating. On our road maintenance, as I said, the backlog has reached a stunning \$200 million.

One of the best ways to improve road safety is to improve the standard of our roads. There is little doubt that the conditions on our local road system contribute to the number of crashes and fatalities. Regional South Australians should not be penalised by reduced speed limits because this Labor government has neglected our road network.

Recent results from some of the local newspapers in those areas, which have been running a poll, show that 92 per cent of respondents to the poll (being run by a local newspaper on the Adelaide Plains, called the *Plains Producer*) have been answering no to the 100km/h speed zones—92 per cent of respondents are not in support of the government's proposal to lower the speed limits on these rural roads.

That is corroborated by some responses that the RAA have made in relation to this announcement. This is the peak motoring body here in South Australia, and they have warned that 'lowering speed limits is not a substitute for improving roads'.

The Hon. T.R. Kenyon interjecting:

Mr GOLDSWORTHY: Can you just share that with us again, previous road safety minister? It's a union for—what did you say? Was that a disparaging comment about the RAA?

The Hon. T.R. Kenyon interjecting:

Mr GOLDSWORTHY: Well, if you've got something to say, say it so that everybody can hear it. The RAA warns that:

...lowering speed limits is not a substitute for improving roads...changing speed limits is not the [only] one single solution to bring down the road toll. These changes need to be made in conjunction with improving [our] roads.

I had a look at some of the local regional papers just this week in the library and came across an article in *The Barossa & Light Herald* dated 2 November. The Light Regional Council has stated, and I quote from the article:

Light Regional Council...will object against a State Government plan to reduce speed limits on [the] rural roads in its area.

Continuing the quote, it states:

...Council delegates authority to the Chief Executive Officer (who in turn may delegate authority to the General Manager Infrastructure and Works) to formally write to the Minister for Road Safety objecting against the proposal and citing reasons for Council's opposition to the proposed speed limit amendments.

So there you have it: we have the peak motoring body making statements that do not necessarily support the reduction in speed limits.

I have drafted a letter to the road safety minister, and I want to know from the minister and the Premier: in how many of those crashes that occurred over the five years the minister stated were the drivers were travelling at the speed limit, that is, 110 km/h? I also want the police reports from those crashes that state that if those motorists had been travelling at 10 km/h less—that is, from 110 ks to 100 ks—the outcome of those crashes would have been different. There has been some public comment in relation to this, where the causes are likely to be drink-driving, speeding, inattention and not wearing your seatbelt.

WESTFIELD MARION CAR PARKING

Mr SIBBONS (Mitchell) (15:35): Westfield recently lodged a development application to introduce paid car parking at its Marion shopping centre. I certainly want to put on the record that I am totally opposed to this application. I recognise that car parking is a valuable resource and that businesses need to manage their parking spaces as they see best fit. However, the Marion triangle is a unique precinct. This precinct is much more than just a retail hub. It is a base for essential health and community services. Located in the centre are Medicare, financial institutions, banks, employment providers, rehabilitation services and community organisations, such as Relationships Australia. The Australian Electoral Commission and Australia Post are also located within Westfield.

The Marion Domain on which the shopping centre sits is home to a community library, a medical and dental centre, the GP Plus, the Inner South Community Mental Health Centre, the blood donor centre, Service SA and the South Australian Aquatic and Leisure Centre. The Domain is the site of the Marion Cultural Centre, which hosts art exhibitions, plays, concerts, cabaret events, award presentations and more. These organisations all provide essential community services. Incredibly, Westfield's website blames the aquatic centre for the application. It says:

At peak times during events, parking arrangements at the SAALC—

which is the aquatic centre—

are not adequate to cope with the increased demand for car park spaces. Westfield has agreed to support the SAALC during these peak times by making a number of parks available to swimming patrons and has successfully trialled a manual system. However, the manual system is not practical in the longer term. Westfield believe that an automated system will be a more efficient and practical solution for customers, swimmers, tenants and their staff.

The aquatic centre has hosted the Australian Short Course Championships and the Australian Masters Games, and I understand that, despite concerns flagged by Westfield, car parking proved adequate. However, if Westfield pursues this application, the aquatic centre, with its own multistorey car park, has no choice but to follow Westfield's lead. If it does not, shoppers will park free at the aquatic centre, making it impossible to access for swimming centre users.

While aquatic centre patrons will continue to access free parking, I have grave concerns about the flow-on effect should this application succeed. Organisations nearby include Families SA, Centrelink, Marion council, the Salvation Army and the Marion Sports and Community Club, which is home to more than a dozen local sporting clubs. All these groups stand to be impacted as people seek parking where they do not have to pay.

Then there are concerns for local residents regarding congestion in surrounding streets. It is certainly a coincidence that Westfield has just introduced a paid parking scheme in south-east Queensland, just a couple of weeks ago in the suburb of Chermside. The impact on local residents was immediate, with surrounding streets filled with parked cars as workers and customers sought to avoid the fees charged by shopping centres. The surrounding suburbs have many narrow streets. If people flock to park in local streets, as in Chermside, every rubbish collection may prove impossible.

Westfield Marion can be accessed by Diagonal, Morphett and Sturt roads. Traffic volumes on these roads are already a major concern for commuters and residents. If boom gates cause

further hold-ups, this could create dangerous traffic congestion and increase the likelihood of accidents. It is important that the impact on local traffic is considered before any planning permission is granted.

I note, while Westfield Marion's proposal has a two-hour grace period before charges accrue, Chermiside customers get three hours before they part with their dough. Westfield claims that 90 per cent of visitors will not pay for parking, as the majority do not spend more than two hours shopping. A study done by GE Money states that women spend almost 400 hours each year shopping, nearly 50 hours of that just working out what to buy.

There are other costs to consider for young retail workers casually employed for a few hours a week, people seeking a cool spot to shelter on a hot day and for those who need more than two hours to go to the bank, renew their rego, go to the medical centre and do the weekly shop. I call on Westfield to do the right thing by its community and withdraw the application.

LIVESTOCK SLAUGHTER

The Hon. P. CAICA (Colton—Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:41): I table a ministerial statement made in another place by my colleague the Hon. Gail Gago.

WATER INDUSTRY BILL

In committee.

(Continued from 8 November 2011.)

Clause 58.

Mr WILLIAMS: I have a couple of questions on this. I was really concerned about this and I asked officers of the department why this clause was in here. To be quite frank, I was not convinced, with the answers I got, that we need to have this particular power, and it somewhat disturbs me that it is here.

The bill is licensing water entities to be a retail service provider, and then it is giving a power for them to, under certain circumstances, desist from providing the full service. What I think we are endeavouring to move towards, what I would like to think we are moving towards, is a system where water entities have a contract between themselves and their clients, but this seems to me, at least, to give an out where they can walk away from that contract. I do not know why we would be putting that sort of power in the legislation and I would like the minister to explain to me why.

I would have thought that, if the water service or the water entity was supplying a water service to a client or a range of clients, there would be a specific contract between them. This is the way business is normally done and, generally, if there is some risk to the continuation of that service—24/7, 365 days a year, forever—it is written into the contract. Most contracts have out clauses in them and I do not see why we would be putting this in the bill.

There are other clauses in the bill which allow the minister to make decisions to impose water restrictions on water users where there is a serious need for that, such as a lack of water due to drought—something we are all very familiar with. I would love the minister to give the committee a really good explanation for this; otherwise, I have to inform the committee that the opposition will be opposing this particular clause.

The Hon. P. CAICA: This is a procedural amendment affecting the technical regulator and publishing of standards. Clause 58 provides the powers for water industry entities to respond to a set of circumstances that may impact their ability to provide a reliable or safe service. Under this clause an entity may restrict or discontinue supply in accordance with any requirement stipulated in the regulations, for example, if the quantity is insufficient to meet demand, if the quantity or quality is below standard, or the capacity of the water infrastructure is insufficient to cope with demand. This should not be confused with the water conservation provisions in clause 90 which prohibit certain types of water use and the time of use.

I guess the best way of summarising this—and I could go on for a while but we might be able to manage this a lot more efficiently by just addressing the concerns expressed by the member for MacKillop—is that, technically, he is right and, of course, I presume his concerns are about water companies walking away from their customers and, in turn, not supplying water. The

thrust of this is to be able to respond to, for example, emergency situations and the like, and I think the concerns being expressed are unfounded because that is not the thrust behind it.

There are a number of examples where the powers in clause 58 would be used by SA Water and other entities. As I mentioned earlier, it might be a lack of supply or the quantity or quality of the water is below standard or if the capacity of the water infrastructure is insufficient to cope with demand. This clause is about dealing with those types of circumstances, not as was advanced by the member for MacKillop.

Mr WILLIAMS: As I said, I am still not convinced. I think the clause is totally superfluous. I cannot see any purpose or any need for this particular clause. As I said, water entities will be entering into a contractual arrangement with their clients and I think they could write all the necessary clauses into those contracts to cover those things that are contemplated here.

Again, I will raise one of my favourite topics. This also gives powers for the making of regulations so, again, there is a possibility for regulations which certainly have not been contemplated by the opposition at this point because we do not have a full understanding of exactly what the government is trying to do with this clause. I do not think there has been a satisfactory explanation.

I would say to the minister that I would have thought that, if you can justify having this clause, it should, indeed, have another subclause in it with a reporting function where, if a water entity did take action here, there would be a public reporting function within the clause, too. So, if you are going to insist on this—and you have certainly got the numbers in this place—I would suggest you consider that.

At this stage I am unconvinced of the necessity for this. You talked about emergency situations and if there was a lack of supply. All of those things we have been through in recent years and they are all adequately handled by other parts of the bill, just as they have been handled quite adequately over the last few years. I think that it is right and proper that decisions to cut off supply outside of contractual arrangements be done with the minister's approval, and that is the way it would happen under the other clauses in the bill that do allow for reduction in supply under certain circumstances and restrictions and so on. I do not see why we need this clause as well; so, the opposition will be opposing the clause.

The Hon. P. CAICA: I will try to help the member for MacKillop by being a bit clearer. Importantly, the powers similar to those in clause 58 have been afforded to SA Water in the past under section 33 of the Waterworks Act, and they will now be available for other water entities. Of course, we know that licence water entities will be obliged to provide certain standards of service as a requirement for and of their licence, and this would include matters such as continuity of supply.

However, this clause is about unforeseen circumstances, and I will go through them because it might add clarity. For example, the first instance is about lack of supply. A number of SA Water's rural systems have been developed to provide water for domestic and stock watering purposes. Without the ability to restrict supply, experience has shown that some customers have taken much higher volumes of water, for instance, to store water by filling large dams. This then interferes with the system's ability to provide water to downstream customers and has the potential to exhaust water allocation, potentially making SA Water noncompliant with its licence requirements.

I will mention another example. The powers in clause 58 would also be used in situations of poor water quality. Drought conditions typically lead to a deterioration in water quality, such as higher salinities and the potential for toxic algal blooms. Whilst this has been managed in the past, issues with salinity or nutrient levels could lead to the need to discontinue supplies should the water become unsafe to drink.

Finally, on the topic of short-term system failures, the powers in clause 58 could also be used in situations where there are such system failures. Circumstances arise from time to time that require the water supply system to be shut down. For example, in 2005 SA Water lost pipelines on Eyre Peninsula due to bushfires and supplies were severely interrupted for two weeks, with water supply subsequently restricted. It is examples like those that this clause deals with.

As I said earlier, for those water entities that are licensed, ESCOSA's codes could place conditions on how the statutory powers in clause 58 might be exercised, such as requiring

additional steps to be taken prior to discontinuing water supply; for example, phone calls and leaving letters or notices at the supply address.

If ESCOSA does adopt a similar code for water as it does for electricity (and I do not want to go down the road of comparing electricity with water because we have had that particular debate), we can expect that it will cover disconnection in this way. Furthermore, the extent to which conditions might be imposed around this power will be the subject of public consultation on any industry code as required under part 4 of the Essential Services Commission Act 2004.

The government will certainly argue that the absence of powers such as those in clause 58 would mean that each water industry entity would need either to provide sufficient infrastructure to guarantee continuous supply under all situations regardless of costs or allow systems to run dry when available water was exhausted. I think that this is a very sound provision within the bill. I hope that has clarified the situation for the member for MacKillop.

Clause passed.

Clauses 59 to 64 passed.

Clause 65.

Mr WILLIAMS: I move:

Page 49, line 33—Delete paragraph (b)

I am aware of the time we are taking on this and I have given an undertaking to the minister that we can get through this fairly quickly, so I will endeavour to do that. I have said this a number of times already in the debate on this bill. Clause 65(10) provides that subsections (5), (6) and (7) do not apply—and they are about the establishment of a code, variations to a code and the publication of those variations. Subclause (10)(a) basically says that if the minister certifies on the advice of the technical regulator, those subclauses (5), (6) and (7) do not apply—that is, if it is only a minor variation and you do not have to go through all the notifications and publications for a minor variation as per those clauses.

Paragraph (b) says 'in any other circumstances prescribed by the regulations'. Again, why would we give the power to make a regulation such that subsections (5), (6) and (7) do not apply? I do not know what is contemplated here and I question the sensibility of giving a power to make regulations when we have no understanding of what is contemplated. The opposition has moved this amendment in order to delete paragraph (b).

The CHAIR: Minister, do you wish to respond?

The Hon. P. CAICA: Yes, I think I do because I think it is wise that if I am going to oppose an amendment that the member for MacKillop understands why. This is a procedural amendment affecting the technical regulator and publishing of standards. This amendment forces the technical regulator to cause a copy of a standard to be laid in both houses of parliament in any instance other than when a standard is classed as a minor variation.

There are instances where a standard may not be considered a minor variation but has been adopted from a national set of standards. In these instances, these standards have usually gone through significant assessment and consultation on being adopted to promote consistency across jurisdictions. To subject these standards in these instances to the process outlined in the subsections that are referred to is unnecessarily bureaucratic and would cause inappropriate delays including on matters related to improvements or perhaps improvements to safety.

It was the government's intention to prepare regulations that prescribed the circumstances on which the subsections (6), (7) and (8) will not apply to these non-minor variations. These regulations were to be brought before parliament next year and can be disallowed. It is there for that particular reason. As I said, we will not support it, and I hope that clarifies things.

Mr WILLIAMS: I accept the example that the minister gave. Why didn't he put that in under those circumstances and then dispense with the much broader power of making the clause apply in other circumstances prescribed by regulations? If the government is aware of a further circumstance or even a number of further circumstances, I suggest that they specify them and put them in the bill and it will be much more acceptable. I continue to find it unacceptable that we give powers to make regulations on things that we have not contemplated, so I will leave it there. We will not be supporting it.

The Hon. P. CAICA: I will just say this. We are dealing with an industry that we wish to reform and we both support that. We are dealing with very complex matters with respect to the issues related to the water industry and, of course, with respect to what the member for MacKillop said that might well be the outcome. But I think as opposed to putting it in the legislation at this point in time, it requires further consultation with industry and potential entrants into the industry, and we would get a better outcome than pre-empting what it might be that arises from that consultation.

The CHAIR: Just before I put the question, I draw members' attention to a clerical error in subsection 10 of clause 65 that needs to be acknowledged. Where it says 'subsections (5), (6) and (7)', it should actually read '(6), (7) and (8)'. Does that change anything for you, member for MacKillop?

Mr WILLIAMS: It may.

The CHAIR: I am happy to give you a moment to gather your thoughts.

Mr WILLIAMS: Thank you.

The CHAIR: I apologise; I should have raised it with you earlier. Member for MacKillop, parliamentary counsel are happy to talk to you, if you wish.

Mr WILLIAMS: Thank you, Mr Chairman. It does make a material difference and I was unaware of that until right now. I will have a look at that between houses and we may change our attitude. At this stage, we will let the clause stand as printed. I withdraw my amendment.

Clause passed.

Clauses 66 to 79 passed.

Clause 80.

Mr WILLIAMS: Hopefully, this is in order: can I move both amendments Nos 28 and 29 together?

The CHAIR: Yes.

Mr WILLIAMS: I move:

Page 59—

Line 2—Delete 'Subject to subsection (2), a' and substitute:

A natural

Lines 5 to 23—Delete subclause (2)

Again, this is one that I bang on about quite regularly. It is about self-incrimination. We continue to put powers in our statutes, particularly in the case of environmental law, that are more stringent than the powers we give to our police—more stringent than we give to sworn police officers. The principle of having the right to remain silent to protect one from self-incrimination is a fundamental in our law, in my opinion, and I think we have been trampling all over that fundamental in this state, and I am certainly going to continue my campaign to put a stop to it.

Interestingly, we have just spent the last couple of days in this house debating the Roxby Downs (Indenture Ratification) Act, and in that act the self-incrimination—no, I won't go there, it is a bit different. But I will say that this goes hand-in-hand with the powers of authorised officers to collect evidence, and in that ratification act to the Roxby Downs indenture, the powers assigned to authorised officers are incredibly mild compared with the powers that we have been putting into particularly our environmental law.

I am sure that in the discussions that were held between the government BHP Billiton, BHP Billiton won the day on that. I am on the side of BHP Billiton; I think that we have been giving far too much power to authorised officers, and one of them is to demand information from people where that might create a situation of self-incrimination. I think that this is totally unfair, and it is something that I don't think this parliament should be contemplating. So, with the first amendment, it would thus read:

A natural person is not required to give information or produce a document under this part if the answer to the question or the contents of the document would tend to incriminate the person of an offence

The second amendment (No. 29) deletes all of subclause (2) because it would no longer be necessary. Subclause (2) also provides that if a person is a body corporate—I think we already have case law in Australia which has taken away the right of corporations to remain silent under these circumstances. I am not a lawyer, but I don't know that we need to repeat that in here; I think that is an accepted part of our case law.

The Hon. P. CAICA: Clause 80, as proposed in the bill, already includes appropriate protections, and balances these against other policy outcomes. Notwithstanding that, I know from the Natural Resources Management Bill that we were dealing with, some of the difficulties associated with this particular clause, and I have given publicly a commitment with regard to what would happen with that in the passage between this and another place, if that bill is indeed to be debated for the end of the year.

I would like to give some examples, because I think this is an important clause, and to that extent, I will be opposing the opposition's amendment here, and we will see what happens between here and the long road to the other place. So, for example, if a natural person is required to provide evidence that is incriminating, then that evidence cannot be used against them in court; however, the information obtained could still lead investigators to other evidence that could be used to prosecute a person.

Clause 80 also provides protection in the instance where a company is required to produce evidence that is incriminating. Again, that evidence cannot be used against them in court, but the information obtained could lead investigators to other evidence that could be used to prosecute a company director. The effect of this opposition's amendment would be to remove this clause in relation to companies.

If evidence or information cannot be obtained in this way then it may not be possible to prevent continuing harm, or to manage risk of harm, to persons, the environment or the public. We are talking about a very important essential service being provided to people. I cannot support the opposition's amendment, but I will finish off by making this point. Interestingly, in April this year the opposition supported self-incrimination provisions in the Safe Drinking Water Bill that were similar to the provisions in clause 80 of the Water Industry Bill.

In fact, the provisions offered less protection for a person who has to produce documents or provide information. I make no reflection on why the opposition supported that clause within that particular bill, but I would presume it was because it was an important clause, and I argue that this clause is equally important in the context of what we are dealing with and seek their support for it.

The CHAIR: You may be disappointed, minister.

Mr WILLIAMS: Thank you, Mr Chairman. I can inform the minister that the opposition is in the process of looking at a raft of statutes that have these sorts of clauses in an effort to standardise them. That is something that myself and some of my colleagues are doing. You confirmed my point, minister, when you said that the evidence given, if it would tend to create a situation of self-incrimination, could not be used in a court against a person, but it may well lead to other evidence which could be used against them, technically.

Minister, it is that very evidence which has created the self-incrimination. This sort of legislation is turning on its head the principle that a citizen should not be required to provide evidence against themselves which would self-incriminate them. That is a longstanding principle in our law and, until I have seen a very good reason why that fundamental principle should be overturned, I do not think that we should be trampling that principle in this manner.

The reality is that you are giving authorised officers, in the case of environmental-type legislation, more powers than the sworn police have to investigate a murder. That is the reality of what we are doing here. I think it is poor law making. I think it is a very poor principle. I know that it is all well and good for departments who want to be able to get prosecutions to go to the executive government and say, 'Ministers, we are having trouble getting convictions. There are some really bad people out there, and we want you to make it a lot easier for us to get convictions.'

That is what this is about. It is not about protecting the community or the environment before the act, and that is the impression you are trying to give us, minister. This is about gathering evidence after the act in order to get a conviction, and that is why I do not accept your argument that it is important to be able to gather this evidence. This evidence is all about getting a conviction, it is not about preventing something from happening, so I am unconvinced by your argument, and the opposition will continue with its proposal of amendments Nos 28 and 29.

The Hon. P. CAICA: I will recap a few matters because I am not sure that the member for MacKillop necessarily heard what I was saying the first time around. The last comment about convictions, and the comments that were made about officers who would be discharging their responsibilities, is actually a nonsense.

If you had heard me the first time, I said that if evidence or information cannot be obtained in this particular way then it may not be possible to prevent continuing harm—and I repeat the words 'continuing harm'—or to manage risk of harm to persons, the environment or the public, and that is the thrust behind this. I will recap, and I acknowledge that the Deputy Leader of the Opposition said that he is doing a forensic (and I use the word 'forensic') analysis of the statutes to see where this exists elsewhere.

I will make this point, because he might not have heard me the first time around. In April this year the opposition supported self-incrimination provisions for the Safe Water Drinking Bill that were similar to the provisions in clause 80 of the Water Industry Bill. In fact, the provisions offered less protection for a person who has produced documents or provided information. So, I would just suggest that forensic analysis needs to also be undertaken to a bill that was recently supported by the opposition in April this year. This is an important clause that we are promoting.

Amendment negatived; clause passed.

Clauses 81 to 86 passed.

Clause 87.

Mr WILLIAMS: I move:

Page 64, lines 27 and 28—Delete subclause (2)

We have been through this issue previously, too, and I do not think the government supported it the last time. I have not checked, but it was a fair while ago that we did all of this. Again, it is about having a power to on-delegate a delegation. I put down the reasons for it quite strongly earlier in the debate on this thing.

Basically, I have no problem with the minister being able to delegate a function or power conferred on the minister, but then I think that if the person to whom that power has been delegated is no longer able to carry out that function, or there is a belief that the delegation should be made to somebody else, the delegation should be revoked—the power is there to revoke the delegation—and a new delegation be made rather than quite simply on-delegating to somebody else and then on-delegating to someone else, because you lose track of where the function is.

I think I cited last time one of our statutes (from memory think it was the Mining Act) that I asked the agency who had delegated authority for certain functions, and it was almost impossible to provide the information. I have not had the privilege of being a minister and I am not quite sure how the agencies manage this, but it seems to me, from trying to get my head around who has delegated powers, that we use a very clumsy system. I think it would be a much better system if we stopped this on-delegating and just revoked the delegation and re-delegated it to the new person who was going to carry out the function.

The Hon. P. CAICA: I will be very quick. This is similar and has a similar effect to amendment 9 that was the subject of some debate earlier. I was not persuaded by the reasoning of the member for MacKillop and now I am not persuaded by his latest contribution. My position is the same as dealing with clause 9, that we will not be supporting this amendment.

Amendment negatived; clause passed.

Clauses 88 to 90 passed.

Clause 91.

Mr WILLIAMS: I move:

Page 68, after line 30—Insert:

(11a) This section does not apply in relation to land—

- (a) if the land is not supplied with water by a retail service provider; or
- (b) if water supplied to the land by a retail service provider is supplied as part of a water supply system that is not in any way connected to a water resource that is sourced (directly or indirectly and wholly or in part) from the River Murray.

This amendment would reflect a policy of the opposition. It wouldn't surprise me if the government opposes the amendment, but the amendment simply provides an exclusion from paying the Save the River Murray levy to those citizens in South Australia, or particularly those SA Water customers, whose water supply has no connection to the River Murray, for instance SA Water customers on Kangaroo Island.

Not one thing that those customers do can have any influence on the River Murray. They can change their habits, their water use practices, their whole culture and the way they live, but it will have no impact on the River Murray. They question why on earth they should contribute towards the Save the River Murray fund.

Although the government did promise that they would not introduce any more new taxes all those years ago and then broke that promise by introducing the Save the River Murray levy, I can understand why you could make an argument that those householders and businesses who are connected in some way to the River Murray should have some obligation to ensure the sustainability of that waterway and that river system.

That is, I think, an argument that can be made and sustained, but how you could impose such a levy on, as I said, the people from Kangaroo Island, is a nonsense—or the people down in the southern part of my electorate. There is a pipeline from the Murray all the way to Keith, but once you get beyond that, you go to Bordertown, Naracoorte, Lucindale, Penola, Millicent and Mount Gambier (outside of my electorate), but down in the Lower South-East, and also SA Water supplies all those towns along the coast, Robe, Kingston, Beachport, Southend, Carpenter Rocks, generally from groundwater systems. There is no connection to the River Murray at all.

It is worth noting that we have our own unique environmental issues in that part of the world and my constituents have been paying levies for other things which nobody else in the state has contributed to. So I question the rationale for imposing this levy on SA Water customers whose water use has no impact on the River Murray whatsoever.

The Liberal Party took this policy to the last election and I have taken the opportunity to propose an amendment which would exempt those SA Water customers, those householders who have no connection to the River Murray. I think it is a defensible position. The opposition believes that this is a very sensible matter and it would tidy up a glaring anomaly in the Save the River Murray levy.

The Hon. P. CAICA: Of course, the government will be opposing this particular amendment. The River Murray is an iconic part of the social and environmental fabric of South Australia. Its value goes well beyond its function as a water supply for large parts of South Australia. We do not believe that it is unreasonable to ask South Australians to contribute to the preservation of one of our great state assets. The amendment, of course, would also negatively impact on the revenue available to save the River Murray. I do acknowledge, just like—

An honourable member: How?

The Hon. P. CAICA: No, I am not going to go there. The member for MacKillop talked about either no connection to or cannot make a difference in those areas that are not supplied, but indeed they can make a significant difference. They can make a significant difference to the health, welfare and wellbeing of and indeed contribute to the preservation of one of our great state assets, and that is a responsibility of not just all South Australians but a responsibility of all Australians, so we will not be supporting this. It is money collected for a very, very worthwhile purpose.

Mr WILLIAMS: The minister may well be able to give the committee some information, and I am quite happy for him to take this question on notice. Exactly how much would be forgone if this amendment did get up, because I strongly suspect it will get up in the other place? The minister also might contemplate this: he just said it was the responsibility of all Australians, so why does he not get his mates in Canberra to pass a law to impose a levy on all Australians?

The reality is that at my home in the South-East I am not a customer of SA Water. I am a very proud South Australian, and I certainly want to see the River Murray in good health, but because I am not a customer of SA Water I do not contribute to the Save the River Murray levy. A large number of the people living in rural South Australia, certainly in the southern part of the state, do not contribute, and a significant number of people living throughout the Adelaide Hills, particularly on rural properties, do not contribute, so this is quite selective in one sense.

I have admitted that I think it is a reasonable argument to say that those people who are relying on the River Murray for their potable water supply have a greater responsibility to the

ongoing health of that water supply than those people who are not; that is the point I am trying to make. I think that is a very strong argument, and I think it is a nonsense that people on Kangaroo Island or in Mount Gambier and Naracoorte have to pay the Save the River Murray levy. It is just a nonsense, and that is why I am moving the amendment and it will be moved very vigorously in the other place.

The Hon. P. CAICA: I have no doubt that it will be moved very vigorously in the other house. I would just reinforce the point that the Save the River Murray levy is an extremely worthwhile, long-lasting contribution to restoring and maintaining the river's health. The money raised through the levy is vital, from our perspective, in ensuring long-term sustainability of the waterway in many areas. We are not going to support the opposition, of course. We are going to oppose that, and it will be dealt with in another place.

Amendment negatived; clause passed.

Clause 4—reconsidered.

Mr WILLIAMS: Amendment No. 2 is consequential on a number of other amendments which the government, at least in this place, has foolishly decided not to support, so I withdraw the amendment.

Amendment withdrawn; clause passed.

Remaining clauses (92 to 111) passed; schedules and title passed.

Bill reported with amendment.

The Hon. P. CAICA (Colton—Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (16:33): I move:

That this bill be now read a third time.

I thank everyone who has been involved in the work that has been undertaken on this bill. I also thank the opposition for the way in which they have approached this bill, particularly the member for MacKillop. I can understand why he was unanimously selected as the deputy leader, because he has shown outstanding skill here today. Notwithstanding that, we do not support a lot of the amendments that have been proposed but he has put them forward in good faith and on the basis that he thought it would make the bill a better bill than it was. I want to thank him for his contribution.

It is also important, too, to thank parliamentary counsel. This is very significant reform that we are undertaking in this bill. They have worked very well, as have those who have advised me from the various departments, as well as the officers from my office.

It is a long road and we are only halfway through it. It is a long march now to the other place and through the other place. I hope that, with the information that we will provide to them between now and their contemplation of this bill, we will see this bill go through the other place in the form in which they receive it.

Bill read a third time and passed.

NATURAL RESOURCES MANAGEMENT (COMMERCIAL FORESTS) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

WORK HEALTH AND SAFETY BILL

In committee.

(Continued from 19 October 2011.)

Clause 2.

The Hon. I.F. EVANS: I bring to the attention of the committee that I think that both an old set and a new set of amendments have been tabled. As far as the opposition is concerned, the amendments that we will be working off are 113 draft (3). They have actually tabled draft (2) and draft (3). Draft (2) can be thrown away. It is 113(3) that we will be working off, just so it is as clear as mud for everyone.

The CHAIR: What about draft (4), member for Davenport?

The Hon. I.F. EVANS: And (4), that is fine, but (2) is out.

The CHAIR: We are moving with (3) and (4)?

The Hon. I.F. EVANS: We are doing (3) and (4) when I get to them.

The CHAIR: So, (2) is withdrawn?

The Hon. I.F. EVANS: Which is nothing new to the government; we have not changed since we tabled them the last time.

The CHAIR: I understand.

The Hon. I.F. EVANS: Clause 2 deals with the commencement of the act, which is on a date to be fixed by proclamation. The government had previously been advocating the commencement of this act and the associated provisions in it to start from 1 January 2012; so, four or five weeks' time. My understanding is that the New South Wales' government in the last fortnight has announced that it is now putting on hold the commencement of its equivalent act, and Western Australia and Victoria have put on hold their equivalent acts. Can the minister please advise the government's intention as regards the commencement date of this act?

The Hon. J.J. SNELLING: My advice is that the only states that have not committed to the commencement of 1 January 2012 are Western Australian and Victoria. It is the government's intention for the commencement to be on 1 January 2012.

The Hon. I.F. EVANS: Has the government finished its consultation on all the draft codes? Are all the codes finalised ready to go in five weeks' time?

The Hon. J.J. SNELLING: All the priority codes have been signed off and there has been extensive consultation undertaken.

The Hon. I.F. EVANS: In between houses, can the minister provide us a list of what the priority codes are? I don't need it now but just so that we know which ones are priority codes and which ones are not priority codes and when will the non-priority codes be signed off.

The Hon. J.J. SNELLING: The codes that are to commence on 1 January 2012 are how to manage work health and safety risks; consulting workers; consulting and cooperating and coordinating with others on work health and safety matters; managing the work environment and facilities; managing noise and preventing hearing loss at work; hazardous manual tasks; confined spaces; how to manage and control asbestos in the workplace; how to safely remove asbestos; how to prevent falls in the workplace; labelling of workplace hazardous chemicals; and preparation of safety data sheets for hazardous chemicals.

Clause passed.

Clause 3.

The Hon. I.F. EVANS: Clause 3 sets out the objects of the act. In amongst the objects of the act there is a new word brought in. It is in clause 3(1)(c): 'assisting persons conducting businesses or undertakings'. I understand what a business is. 'Undertaking' is a new concept in legislation to South Australian occupational health and safety law. There is no case law on it as far as we are aware. I am wondering whether you can describe to me how an undertaking is different to what is done by way of a business.

The Hon. J.J. SNELLING: It is simply to reflect the change in the workplace over the last several years. Originally occupational health and safety was predicated on an employer/employee relationship but our workplaces have changed and you now not only have employer/employee relationships but you also have relationships such as labour hire, franchisor/franchisee relationships, partnerships, and the term 'undertaking' is meant to be all encompassing to take into account the various types of relationships which this bill proposes to cover.

The Hon. I.F. EVANS: I'm sorry, minister; you are going to have to walk me through this. Franchises are businesses, franchisors are involved in businesses, partnerships are involved with businesses, labour hire is involved with businesses, so all of those are covered by the business wording, which is 'persons conducting businesses'. All of those things you have just described are people conducting businesses. What I want to know is: what are people conducting undertakings that are outside businesses? That is what I cannot define or have clear in my mind—what we are actually talking about.

The Hon. J.J. SNELLING: An example of an undertaking that is not a business is a not-for-profit organisation.

The Hon. I.F. EVANS: I'm sorry, is the advice from the government that a not-for-profit organisation, because it is not making a profit, is not a business, it is an undertaking? I cannot believe that is the answer because, for instance, all the not-for-profits—Minda, Red Cross, Amnesty International—are running significant enterprises employing hundreds if not thousands of people. They are all registered with OCBA and the various government agencies as businesses.

There is nothing in the definition that says businesses have to be profit-making or for profit. Red Cross, Amnesty and all of those not-for-profits are covered under the existing occupational health and safety legislation because they employ 300, 100 or 200 people or whatever it is. Meals on Wheels is another one, with their employed staff. What I cannot get my head around—and we have been here 15 minutes on this very simple concept; it is one of the biggest changes in the bill—is that somehow—

The Hon. J.J. Snelling interjecting:

The Hon. I.F. EVANS: No, it is because it flows—

The Hon. J.J. Snelling interjecting:

The Hon. I.F. EVANS: The minister smiles, but the word 'undertaking' flows through to every duty, every liability, every responsibility in the act. Now, if the minister cannot explain to me what an undertaking is, and the shadow minister cannot explain what an undertaking is, then how is the business community, in the next five weeks, meant to understand what an undertaking is? A not-for-profit-entity is not defined as an undertaking; many of them are still businesses. So, what is an undertaking? I ask the minister the question again: give me an example an undertaking that is not a business—that is not already covered under 'the persons conducting a business'.

The Hon. J.J. SNELLING: One that immediately springs to mind is a trade union, which I do not think would consider itself a business but obviously would have the same obligations put under it with regard to the health and safety of its employees as a commercial business. With regard to—

The Hon. I.F. Evans interjecting:

The Hon. J.J. SNELLING: Obviously, because he does not really understand the bill, the member for Davenport is just trying to cause a bit of a distraction because he wants to argue for the rest of the afternoon basically about the number of angels that can dance on the head of a pin, with regard to what may be an undertaking and what may not. The simple concept is to broaden the range of entities that would be covered by this legislation. We simply introduce a new concept, that being 'an undertaking'.

With regard to the examples that the member for Davenport was talking about, sure, those organisations would have aspects of their operation which would be considered to be businesses, but the operation itself, I think, would not strictly have a definition of being a business. I do not think an organisation like a trade union would consider itself to be a business as such, but rather 'an undertaking' would be a better definition.

Another example would be a local government entity—a council—which would not strictly be called a business. The point is not that these other non-business entities have not been covered by the previous legislation, of course they have, but the whole purpose of the legislation is to try and establish a new concept about workplace relationships with the concept of PCBU, which is a person conducting a business or undertaking. It is meant to be more all encompassing. I am amazed that the member for Davenport could find it so controversial.

The Hon. I.F. EVANS: Well, Treasurer, chip away with your little remarks, that is fine, but, having run a business, I know how words can have different meanings in different circumstances. I am going to ask questions, and the fact that we have had to sit here for 15 minutes trying to work out what an 'undertaking' is, is damning in itself.

The reality is that local government is covered by the current act, unions are covered by the current act, and the word 'persons' according to the Act Interpretations Act includes companies and a whole range of things if you look it up. All of those things that you have just mentioned are covered. You are trying to broaden the net and we cannot get a clear example, and the simple point I make (and I will move on from this clause) is that it is not clear to anyone what a person—

whether that is an entity or an actual person, it can be either—is doing when they are conducting an undertaking.

[Sitting extended beyond 17:00 on motion of Hon. J.J. Snelling]

The Hon. I.F. EVANS: The point is, that people out in the community are going to be going about their normal activity, whether that is in volunteer organisations, in unincorporated associations, or in informal groups and, if they are conducting an undertaking, they inherit certain responsibilities and obligations under the bill. If they do not know that they are conducting an undertaking for the purposes of the bill, then they are exposed to liabilities and duties to which they have no knowledge. That is where I am coming from. I think I have made my point. I have no need to hold the committee any longer. We can put this clause to the vote, Mr Chairman, and go on to clause 4.

The Hon. J.J. SNELLING: I cannot really add much more to what I have already said; that is, simply there are examples of entities, where the laws of occupational health and safety have to be observed, which I think strictly speaking would not normally be described as entities. I think of the Crown, local government organisations, and not-for-profit organisations such as trade unions, which I think would generally not be considered to be businesses. That is not to say that previously occ health and safety laws have not applied in those non-business entities, but this is just simply a refinement of the language to reflect new realities.

Clause passed.

Clause 4.

The Hon. I.F. EVANS: There is an amendment in my name, which is amendment No. 1 and as amendment No. 4 is consequential—it is to do with the volunteer issue—I will speak to the principle of both on the basis I will lose the amendment, because I think the government will be opposing them. That will knock out two amendments in one. I am speaking to amendment No. 1, which inserts the words 'volunteer association means a group of volunteers working together for one or more community purposes;'.
'

One of the issues raised with this bill is its treatment of volunteers. The definition of volunteers according to the government's bill is 'a volunteer association means a group of volunteers working together for one or more community purposes when none of the volunteers, whether alone or jointly with any other volunteer, employs any person to carry out work for the volunteer association.'

We seek to amend that by putting in a different interpretation. The different interpretation we seek to put in is 'volunteer association means a group of volunteers working together for one or more community purposes'. What is effectively deleted from the government's bill is 'where none of the volunteers, whether alone or jointly with any other volunteer, employs any person to carry out work for the volunteer association'.

To make it simpler for the committee I will leave my contribution there. I will let this go to a vote, which I understand I am losing, and then when we get to clause 5 I will quiz the minister about the government's definition. That will make it quicker and simpler for the committee. Can you clarify this for me, Mr Chairman: if I lose the amendment, can I then come back and ask questions on other portions of clause 4? Clause 4 at that point is unamended and not passed.

The CHAIR: You need to ask them now.

The Hon. I.F. EVANS: Do I ask them before or after I have moved the amendment?

The CHAIR: I think you need to ask them before, because I think it will be treated as one clause and you will be struck with the three question rule. However, we need to deal with the minister's amendment first. That comes first, so we need to do that one first. Sorry; I should have picked that up earlier.

The Hon. J.J. SNELLING: I move:

Page 15, after line 1 [clause 4]—Insert:

or

(j) a law of another Australian jurisdiction corresponding, or substantially corresponding, to this Act; or

- (k) a law of another Australian jurisdiction brought within the ambit of this definition by the regulations;

The amendment alters the definition of the term 'corresponding WHS law' in clause 4. This amendment will ensure that model WHS legislation in other states, territories and the commonwealth is recognised for the purposes of the South Australian model act. This recognition is relevant, as it will allow inspectors appointed in other jurisdictions to be recognised in the South Australian jurisdiction where that is appropriate.

Originally the bill contemplated recognising other model WHS legislation by regulation. It has been agreed nationally that this recognition is better placed within the body of the act, which is consistent with the New South Wales Work Health and Safety Act passed on 1 June 2011 and the Queensland Work Health and Safety Act passed on 26 May. The intent and outcome of the provision remain the same.

Amendment carried.

The Hon. I.F. EVANS: I just want to make some comments in relation to clause 4. Clause 4 is the definition clause. Of course, by changing the definition slightly, all those definitions then flow through all the various meanings in the clauses in which they appear and change the act accordingly. I just bring to the attention of the house some of the more interesting or key changes.

One, in particular, is a new definition of what is going to be covered by the word 'health', which is now going to include psychological health, which will be another battle for employers who are now going to be more prescribed in their obligations in relation to psychological health and their duty about that.

The other issue is to engage in conduct. They have defined engaging in conduct to also mean not doing something or omitting to do something. So, for non-action—doing absolutely nothing—you can be seen to be actually, in fact, for the purpose of the act, engaged in a conduct.

I note with interest that they have defined an association of independent contractors as a union. I am sure that Ken Phillips will be very impressed that he is now heading up a union of independent contractors. I am not sure what a non-independent contractor would do. I am not sure why the word 'independent' is in there. It brings in a whole new legal meaning—for what purpose, I am not sure.

There are about 17 or 18 other changes. I will not go through them because of the lateness of the hour, but they are probably the two or three key ones that I think will have some impact on businesses down the track.

I also notice they have introduced a definition of substance which includes any natural substance. Employers are now going to be responsible for some results of injuries that occur through the result of natural substances. We will come to that question in due course when we get to that clause, but maybe, Mr Chair, we can go to a vote on my amendment and that will be enough for clause 4. Accordingly, I move:

Page 17, after line 26—Insert:

volunteer association means a group of volunteers working together for one or more community purposes;

The Hon. J.J. SNELLING: The government is opposed to the amendment standing in the name of the member for Davenport. The bill states that volunteer associations are not considered to be conducting a business or undertaking for the purposes of the bill—that is contained in clause 5 of the bill—except where they employ a person to carry on work for the association. Once they employ someone, the duties under the bill apply to both employees and to volunteers.

Under the proposed amendments, a volunteer association that employs a person would need to ensure, so far as is reasonably practicable, the health and safety of its employees but not its volunteers. This is an equally absurd result, and surely the health and safety of volunteers is equally as important as that of paid employees.

Further, the volunteer association would need to ensure, as far as reasonably practicable, that the health and safety of other persons is not put at risk by the work of the people it employs but not its volunteers. Surely an association should ensure that its volunteers do not put the health and safety of others at risk when they carry out work for the association. These amendments would result in the lowering of community safety.

Amendment negatived.

The Hon. I.F. EVANS: I move:

Page 17, lines 27 and 28—Delete the definitions of *WHS entry permit* and *WHS entry permit holder*

This is actually the first line in the bill where the government introduces union rights of entry to every workplace in the state, even those activity centres that are simply doing undertakings, whatever they are. The unions, under this bill, will be able to go in. We do not have union rights of entry in South Australia under OH&S legislation. This is simply an intrusion into every business by every union for membership recruiting and the like. We all know the game. We have always opposed it in South Australia. It will be nothing new to the government that we are proposing this amendment to abolish it from the bill.

So we are crystal clear, in the occupational health and safety legislation there are government-employed independent inspectors to look after the safety of workers. Hear, hear! The taxpayers pay for them as a service so there is the right balance of safety and activity on all sorts of worksites and I will call them 'undertaking centres'. The reality is there is no need for the unions to have rights of entry in relation to occupational health and safety. The taxpayers fund an independent service.

This particular provision is the first provision within the bill that brings in the union rights of entry. All that is going to happen if this occurs is that there will be conflict between employers and employees—and, indeed, the independent inspectors, because what is the role, ultimately, of the independent inspector versus the union representative? There is simply no need for it.

This comes from the Eastern States where the militant unions, on the back of Labor governments there in the last decade, have done over the system and won themselves entry rights into the workforces. This is one of the areas where Business SA, the motor traders, the Hotels Association, the Restaurant & Catering Association (because we talked to them) and a whole range of business associations are absolutely opposed to this—and so they should be. There is absolutely no reason why the unions should be getting special rights of entry into every workplace and, under the government's provision, indeed, every area where there is an undertaking being conducted.

If you read very carefully the definition of clauses, it very carefully tries to explain that unions cannot get access to your workplace if it is in an area that is being used solely for a residential purpose. The reality is that if you have got a home office, if you look at the definition of 'workplace', it is actually anywhere someone is working or is likely to work. Say you have an architect's business running from home and you have a home office, you are likely to work right through that premises. You will be taking phone calls in the kitchen, the printer will be in the other room and you will be all through the house doing your work from time to time and, because of that, the union will get access to that area.

It is very carefully worded. I commend the drafting of the explanation of clauses. It is very carefully worded, but it says, 'Don't worry; the unions won't get access to where it's solely used as a residence.' Well, as if that is some concession; neither they should. But, hello: you may be doing an undertaking, whatever that is. You may be a house cleaner. Is a house cleaner being paid? Is that an undertaking? Can the unions come in Friday and chat to my cleaner, my gardener or whatever is happening in my home? On the basis of this the answer is yes, because it is not solely being used for a residential purpose.

I know that I am being a bit picky. I am picking out all these words, but they layer like a cake. What happens is that they say, 'Well, the unions can access where there is business activity.' If you are running a home office or someone is working in your home, it is clearly going to be defined as a workplace. Certainly, it will be an undertaking, whatever that is.

The opposition is absolutely, totally opposed to this issue of the unions getting access to the workplace when we have an independent, taxpayer-funded, properly-trained inspectorate, and their sole job is not to recruit members but their sole job is to make sure that the workers and the employers have proper safety systems in place. We move the amendment and we totally oppose the unions getting access.

The Hon. J.J. SNELLING: The government opposes the amendment standing in the name of the member for Davenport. The model Work Health and Safety Act includes union right of entry for work health and safety purposes. Other states and territories also provide for a union right of entry for occupational health and safety purposes. Right of entry is an important feature of the

nationally harmonised legislation because it extends the opportunity for effective representation on workplace safety.

It is not sufficient to rely on health and safety representative arrangements in existing legislation, because those powers and responsibilities are confined to the work group and do not extend to the broader workplace. HSR is not available in all workplaces, and the right of entry provisions ensure that workers have an additional source of advice on occupational health and safety issues.

The bill provides that a union official may enter to inquire into a suspected contravention, inspect employee records and consult and advise workers in relation to work health and safety. Prior notice is not required to inquire into a suspected contravention. Before exercising a right of entry, a union official must have undergone prescribed training and must have a permit issued by the authorising authority, which in this state will be the Industrial Relations Commission of South Australia.

There are protections in place for misuse of right of entry. Disputes about right of entry can be referred to an inspector or the authorising authority. Union right of entry provisions are consistent with current right of entry provisions for industrial relations purposes in the commonwealth Fair Work Act 2009. Union officials are already entitled to enter workplaces in South Australia under the commonwealth Fair Work Act 2009 and the state Fair Work Act 1994.

The bill simply provides that an appropriately-trained union official who is already entitled to enter workplaces for industrial relations purposes may also enter workplaces for work health and safety purposes. Opposition to the right of entry provisions in this bill appear to be predominantly ideological.

The committee divided on the amendment:

AYES (14)

Chapman, V.A.	Evans, I.F. (teller)	Gardner, J.A.W.
Goldsworthy, M.R.	Griffiths, S.P.	Hamilton-Smith, M.L.J.
Marshall, S.S.	Pederick, A.S.	Pisoni, D.G.
Sanderson, R.	van Holst Pellekaan, D.C.	Venning, I.H.
Whetstone, T.J.	Williams, M.R.	

NOES (20)

Atkinson, M.J.	Bedford, F.E.	Bignell, L.W.
Breuer, L.R.	Caica, P.	Conlon, P.F.
Foley, K.O.	Fox, C.C.	Geraghty, R.K.
Kenyon, T.R.	Key, S.W.	O'Brien, M.F.
Odenwalder, L.K.	Portolesi, G.	Sibbons, A.L.
Snelling, J.J. (teller)	Thompson, M.G.	Vlahos, L.A.
Weatherill, J.W.	Wright, M.J.	

PAIRS (8)

Pengilly, M.	Rankine, J.M.
Redmond, I.M.	Hill, J.D.
McFetridge, D.	Rau, J.R.
Treloar, P.A.	Koutsantonis, A.

Majority of 6 for the noes.

Amendment thus negatived; clause as amended passed.

Clause 5.

The Hon. I.F. EVANS: Clause 5 tries to explain the meaning of a person conducting a business or an undertaking. Within clause 5 is this provision:

A business or undertaking conducted by a person includes a business or undertaking conducted by a partnership or an unincorporated association.

Does the word 'association' mean that you actually have to have a constitution or a set of rules? I know what an incorporated association is: that is something that is incorporated under the Associations Incorporation Act and there is a constitution, but what is an unincorporated association for the purposes of the law? It is not defined anywhere.

'Unincorporated' is clear. It is something that has not been incorporated as per the Associations Incorporation Act, so one can only assume that it is an informal group of people. There is a concern in my view about what that is. The real concern for me—

An honourable member: He's not even listening.

The Hon. I.F. EVANS: He is getting advice. The real concern for me is indeed when we get down to subclauses (7) and (8) of this particular clause, that is, 5(7) and 5(8). Clause 5(1) provides:

(1) For the purposes of this Act, a person conducts a business or undertaking—

Subclauses (7) and (8) provide:

(7) A volunteer association does not conduct a business or undertaking for the purposes of this Act.

(8) In this section—

volunteer association means a group of volunteers—

so it cannot be one; it must be a group—

working together for one or more community purposes where none of the volunteers, whether alone or jointly with any other volunteers, employs any person—

And 'person' under the Associations Incorporation Act means entities, companies and a whole range of things, as well as people—

to carry out work—

which is not defined—

for the volunteer association.

I raised a whole range of questions in my second reading contribution in relation to this issue, and the minister has not come back with any clarification, so we will do it in committee.

There are a whole range of issues with this, as I see it. One is that if you are part of a national association that employs a chief executive officer, and the chief executive officer is in Sydney but the national association has branches everywhere, do the volunteers in South Australia whose memberships contribute to the employing of that chief executive inherit then—are they covered? Do they then come into the act? This is not a new question. I put this on the record two or three weeks ago. That has not been clarified to me.

The other issue is the issue of—and I will specifically ask this question because one of my local netball clubs has asked me to—the employment of coaches. Does that mean all the netball volunteers come in? If they employ a netball coach, do all the netball volunteers come into it? To my mind, the real danger here is what happens, for instance, to your local community football. If the footballers are paid \$5,000 or \$10,000 for a season (\$250, \$500 a match), and some of the footballers declare it as hobby income (and therefore not employment), and other footballers declare it as income (and therefore employment income), how does the football club know?

If the football club or netball club are employing their players on a hobby income basis, and the player then declares it as employment income for their tax purposes, does that then mean that the netball or football club comes into the provisions of the act?

The other issue I raised in my second reading contribution was out-of-pocket expenses. In the explanation of clauses—not in the bill—there is a bit of an issue, and it is this: in relation to costs for a volunteer, you are allowed to pay a volunteer out-of-pocket expenses, so they must have expensed something, and you can reimburse them; that is the nature of out-of-pocket expenses. The clause note provides:

'out-of-pocket expenses' are not defined but should be read to cover expenses an individual incurs directly in carrying out volunteer work (e.g. reimbursement for direct outlays of cash for travel, meals and incidentals) but not any loss of remuneration—

This is the catch:

Any payment over and above this amount would mean that the person was not a volunteer...

I have served on plenty of committees where the honourable secretary has received an honorarium. It is not a reimbursement for expenses: it is simply a contribution because they recognise that there is a workload. For instance, it might be the hall secretary having to take the bookings and go down and unlock the hall, and go back at 1.00am on Saturday night after the 21st and relock the hall. So, it is an honorarium rather than an expense.

The bill is silent and unclear, and the way the explanation of clauses reads is that, if someone receives an honorarium, it is not an out-of-pocket expense and they are no longer a volunteer. The issue for me is that this clause is very confusing. We have done sporting clubs, we have done the honorarium and the issue of community groups who employ one employee, and I think I heard the Treasurer right in saying that if they employ any one employee, then the whole organisation and all of the volunteers come into OH&S provisions.

I just want to get this clear: the surf lifesaving clubs who employ a CEO and then conduct their activity on the beaches have to provide a safe environment as far as reasonably practicable on the beach because, according to this act, they have to provide it where others may go near the workplace. I just want to make sure I am getting this right: that they will actually inherit some liability and duty under this act.

I also want to clarify what happens to my local cricket association, which pays cricket umpires. Does that mean then, because they are paid umpires for cricket for 15 or 20 Saturdays, that they inherit an OH&S responsibility for those organisations? None of this would be new to the Treasurer, but I was hoping he might have brought back an answer at the start of this session, so I have re-asked the questions.

The Hon. J.J. SNELLING: Because we went straight into committee there was not an opportunity to provide an answer, but I do have answers, and I am happy to answer the member for Davenport's questions with regard to volunteers. A volunteer will retain volunteer status if the honorarium is not in the form of director's fees or other fees for services rendered. Clause 5 of the bill makes it plain that a volunteer association is not a PCBU unless they employ a person.

Simple payment of a genuine honorarium is not, in employment law, considered to be employment. So, the short answer to the member for Davenport's question is no. The other question is with regard to volunteers: whether, with employers or workers, the key legislative criterion in the bill for whether a volunteer association is a PCBU is whether a volunteer association employs a worker. The bill only places duty of care obligations on volunteer organisations to protect workers when they become employers.

Those duties will apply for the period of time that the association is an employer. Critical points are: every employee should have occupational health and safety protection whomever they are employed by; volunteer associations that employ staff have similar health and safety duties under the current occupational health and safety act; the bill reduces red tape by removing the confusing responsible officer provisions in the current act; and a volunteer officer of an association cannot be prosecuted for a breach of officer duties.

The CHAIR: Member for Davenport, does that clarify?

The Hon. I.F. EVANS: No; it clarified only one thing. Treasurer, can you explain to me the circumstances in the example I gave, where a national or state association employs one chief executive paid for by the memberships of members? What is the OH&S liability of the clubs? I will give you an example. Let's say that Lions South Australia employs one employee. Blackwood Lions Club, through its volunteers, runs a second-hand mart, and through their membership fees the chief executive is employed by the state Lions committee, but is the CEO of the whole organisation, and they are affiliated. Does that mean that the Lions mart then becomes, in essence, caught by all the provisions in this act?

The Hon. J.J. SNELLING: The short answer to the question is yes. If you had a national organisation which employed one chief executive, comprising various branches consisting of volunteers, then, yes. There is an employment relationship that would make the organisation a PCBU and therefore it will come under the ambit of the bill or the act. However, the responsibility for ensuring the compliance with the provisions of the act would be held by the national organisation.

The volunteer normally could not be prosecuted for a breach of the provisions of the act, certainly not prosecuted in the sense that an officer could be prosecuted. The responsibility for ensuring compliance though the whole organisation would rest with the national organisation, with the head office, so to speak, of the association.

The Hon. I.F. EVANS: Sorry, Treasurer. In relation to the examples of the various sporting clubs, they have asked me to clarify how this applies to your cricket umpires, your netball coaches. What are the implications for the volunteer groups?

The Hon. J.J. SNELLING: Are you asking about honorariums? Is that what you are trying to get at?

The Hon. I.F. EVANS: You have answered on honorariums. No, the issue is the Hills Cricket Association employs umpires. As the association employs the umpires, how does the act apply to the association president, who is a volunteer, and the committee that employs the umpires, and what obligations then does the umpire have in relation to the people around the umpire?

Then you can go to your football coach or your football player and the other issue I raise, and I will ask you this question and then get the advice on both: what happens when the players are paid \$250 a game, the club understands they are declaring it as hobby revenue and therefore not income, but the player for some reason declares it as income for tax purposes? Does that then bring the liability back because they have suddenly become an employee because they have declared it as income for tax purposes? How do those two issues pan out under this legislation?

The Hon. J.J. SNELLING: I will start with the question about what happens if a footballer for some reason declares his income an honorarium. The fact that that footballer has declared it as part of his income tax does not change it from being an honorarium. It just means he has made a declaration of income that he did not need to declare. Under the case law it still remains an honorarium and therefore nothing is altered by the fact that he has made a declaration.

With regard to volunteer presidents and how they might be liable, volunteers generally cannot be prosecuted for a breach under the act of officer duties and so, if the president is a volunteer, then the provisions in there for volunteers would apply to them, and so under those circumstances the president could not be prosecuted.

With regard to the responsibility of the umpire or coaches—I think the member for Davenport talked about the Hills Cricket Association—if it is an employment relationship and the association is employing the umpires, the umpire has the same responsibilities as any other worker under the act which are, basically, to take appropriate care of themselves.

The Hon. I.F. EVANS: For the sake of the record, I do not need to speak to it, but I will move the amendment standing in my name:

Page 18, lines 19 to 24—Delete subclauses (7) and (8) and substitute:

- (7) A volunteer association does not conduct a business or undertaking for the purposes of this Act except to the extent (if any) that it employs a person to carry out work for the volunteer association (and, in such a case, a volunteer will not be taken to be a worker carrying out work for the purposes of the business or undertaking).

Amendment negated; clause passed.

Clause 6.

Progress reported; committee to sit again.

LOCAL GOVERNMENT (MODEL BY-LAWS) AMENDMENT BILL

Received from the Legislative Council and read a first time.

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (17:57): I move:

That this bill be now read a second time.

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

Leave granted.

Currently, s250(4) of the *Local Government Act 1999* prevents a council from adopting a model by-law and exercising the powers underneath that by-law until the period allowed for disallowance under the *Subordinate Legislation Act 1978* has passed, and the model by-law has not been disallowed.

The Subordinate Legislation Act provides that a regulation (including a by-law) must be laid before both Houses of Parliament, and may be disallowed by resolution of either House passed following a notice of motion given within 14 sitting days on the regulation being laid before the House.

As members would be aware, a *Model By-law for the Management of pedestrian malls* was gazetted on 13 October this year. This by-law was developed at the request of, and in consultation with, the Adelaide City Council. The Model by-law, once adopted by the Council, will restore the powers conferred by the by-law that was disallowed, by the Legislative Council on 14 September 2011, because it contained references regulating preaching, canvassing, haranguing and distributing literature. The disallowed by-law was drafted prior to the judgment of the Full Court, invalidating these words, by reason of the infringement of the implied freedom of political communication.

The Model By-law does not contain any of the words that were held to be invalid by the Full Court. It does however, give a Council the ability to regulate the use of amplification generally, the use of equipment, such as platforms or stages, and importantly prohibit the interference or disruption of any other person's permitted use of a pedestrian mall such as Rundle Mall.

Adoption of the Model by-law will enable the Adelaide City Council to control the conduct of the preachers and the protestors, and will assist in meeting the concerns of the Rundle Mall retailers, and generally balance the competing interests of Rundle Mall users.

The Model by-law is still subject to disallowance under the Subordinate Legislation Act. However, Parliament under its current sitting schedule will not sit 14 sitting days from the day the Model by-law was tabled until sometime next year. This means, without the amendments proposed in this Bill, the Adelaide City Council will be unable to adopt this Model by-law until next year, well past the imminent busy Christmas period.

Consequently, the Adelaide City Council will be unable to regulate the interference or disruption of an individual's permitted use of the mall until sometime next year.

The amendments I am proposing will remove the current restriction in the Local Government Act that prevents a council from adopting a model by-law until the time for disallowance has passed, and enable adoption of a Model by-law any time after it is published in the Gazette. The amendment also provides that, in the event that the Model by-law is disallowed, the adopted by the council will be of no effect on and after the date of disallowance.

The *Model By-law for the Management of pedestrian malls* is the first model by-law to be made since the commencement of the Local Government Act in 2000.

As members would appreciate, the Subordinate Legislation Act provides that regulations, including by-laws, generally do not come into effect until 4 months from the day they are made. The 14 sitting day disallowance period gives the Legislative Review Committee and both Houses of Parliament an opportunity to scrutinise subordinate legislation and to move a motion to disallow where that is considered to be appropriate.

However, the Subordinate Legislation Act does provide for the early commencement of regulations where the responsible Minister responsible signs a certificate of early commencement, and give reasons for the need for early commencement in a report to the Legislative Review Committee.

Currently, there is no similar provision allowing early commencement for 'ordinary' council by-laws, and I consider that this is appropriate.

However, model by-laws are distinct from 'ordinary' council by-laws in that model by-laws result from a process similar to regulations, that is, Cabinet recommends to the Governor in Executive Council a proclamation be issued to make the Model by-law followed by gazettal of the by-law. In contrast, by-laws made by individual local government councils must follow the process specified in the Local Government Act.

Model by-laws are still laid before Parliament and subject to disallowance.

The amendments proposed in this Bill will mean that it may be possible that a Council adopts a model by-law which is disallowed by Parliament at a later date. In that event, the adoption by the Council will be of no effect on and after the date of disallowance. This is the case currently for any by-law that has come into operation due to 4 months passing without there having been fourteen (14) Parliamentary sitting days.

I commend the Bill to Honourable Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Local Government Act 1999*

3—Amendment of section 250—Model by-laws

Currently, subsection (4) of section 250 prevents adoption by a council of a model by-law until after the disallowance period has passed. This clause repeals that provision and replaces it with a subsection allowing councils to adopt the model anytime after it is published in the Gazette but providing for the adoption to cease to have effect if the model is subsequently disallowed.

Schedule 1—Transitional provision

The transitional provision makes it clear that the amendment applies to model by-laws made before commencement of the measure.

Debate adjourned on motion of Mr Pederick.

SA HEALTH

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (17:58): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.J. SNELLING: I rise to make a ministerial statement to provide further detail to a series of questions about the reconciliation of SA Health accounts. I have been advised that the new enterprise-wide financial system, Oracle, was implemented across all SA Health entities to create a single general ledger for the health portfolio. This has led to greater consistency across the health portfolio and will allow for greater accountability for individual sites. The Oracle system replaces the older legacies disparate accounting systems across the portfolio. As planned, the new system was rolled out in a two-staged approach across the Department of Health and several health entities during the 2010-11 financial year.

PKF is a finance firm that has been engaged by SA Health to help with some of the transition work required with the implementation; in particular the closing of legacy bank accounts associated with the old financial systems and moving the cash balances over to the new bank accounts. PKF is also assisting with the clearing of the cash at bank reconciliation of the old Central Northern Adelaide Health Region and the old Southern Adelaide Health Region to Adelaide Health region.

Currently, there are some significant unreconciled amounts of approximately \$50 million in Central Northern Adelaide Health Region and approximately \$10 million in Southern Adelaide Health Region that are progressively being cleared daily. The reconciled amount is continuing to fall daily. SA Health is endeavouring to reconcile the differences to zero.

This does not affect the health year end position. It is simply about ensuring the expenditure is recorded to the correct account in the general ledger. Those questions might have been better directed to the Minister for Health, who the opposition granted a pair last week to be absent today from question time to represent South Australia's interests at the Australian Health Ministers' Conference in Brisbane.

At 18:00 the house adjourned until Tuesday 22 November 2011 at 11:00.