HOUSE OF ASSEMBLY

Thursday 3 May 2012

The SPEAKER (Hon. L.R. Breuer) took the chair at 10:30 and read prayers.

SUMMARY OFFENCES (WEAPONS) AMENDMENT BILL

The Hon. J.M. RANKINE (Wright—Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety, Minister for Multicultural Affairs) (10:31): I move:

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

Motion carried.

CORRECTIONAL SERVICES (MISCELLANEOUS) AMENDMENT BILL

The Hon. J.M. RANKINE (Wright—Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety, Minister for Multicultural 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.

CITY OF ADELAIDE (CAPITAL CITY COMMITTEE) AMENDMENT BILL

Ms SANDERSON (Adelaide) (10:32): Obtained leave and introduced a bill for an act to amend the City of Adelaide Act 1998. Read a first time.

Ms SANDERSON (Adelaide) (10:32): I move:

That this bill be now read a second time.

I am reintroducing the bill due to the proroguing of parliament; I introduced it last year. The Capital City Committee is an intergovernmental partnership aimed at developing the City of Adelaide as the capital city of South Australia. The Parliament of South Australia established the Capital City Committee under the City of Adelaide Act 1998. In that act, in recognition that a thriving capital city is critical to the overall success of the state, the act establishes arrangements for intergovernmental liaison between the state government and the Corporation of the City of Adelaide for the strategic development of the city.

When it was initially brought in, there were three members from council and three from government. It was established by a Liberal government at the time and I believe there has never been a time that the member for Adelaide has not been a member for government, so I see that there is an inherent flaw that perhaps was overlooked when it was started.

The committee's role is one of facilitation and coordination, with formal decisions referred to the state cabinet and Adelaide City Council. Within this role the committee has broad functions to enhance and promote the development of the city with the powers to:

(a) Identify and promote key strategic requirements for the economic, social, physical and environmental development and growth of the City of Adelaide as the primary focus for the cultural, educational, tourism, retail and commercial activities of South Australia.

(b) To promote and assist in the maximisation of opportunities for the effective coordination of public and private resources to meet the key strategic requirements identified by the committee, and recommend priorities for joint action by the state government and the Adelaide City Council.

(c) Monitor the implementation of programs designed to promote the development of the City of Adelaide;

(d) Make provision for the publication (as appropriate) of key strategies, goals and commitments relevant to the development and growth of the City of Adelaide that have been agreed by the parties who are (or will be) required to undertake responsibility for their implementation or delivery; and

(e) Collect, analyse and disseminate information about the economic, social, physical and environmental development of the City of Adelaide, with particular emphasis on assessing

outcomes and identifying factors that will encourage and facilitate future development within the City of Adelaide.

These are issues that are not only of broad concern to South Australians, but more importantly they directly relate to and affect the lives of the people living in Adelaide. Inherent in democracy is the role of the member for Adelaide to voice the interests of my electorate. It is not for the government of the day to make decisions about the electorate—especially with regard to heritage buildings, CBD population, shared road use and CBD development—without consideration of the opinions of the affected constituents.

Jay Weatherill in his opening meeting as the chair described the Capital City Committee as holding a 'pivotal role in revitalising the city' and 'reaffirmed the committee's commitment to working together on real change agenda to enliven the City of Adelaide'. The people of Adelaide must also, through their elected member, have a pivotal role in the revitalisation of the city, not just a committee. When we say 'working together', working together includes the actual people who live in the city and their elected representatives, so it is a bit of a farce to have a committee designed around the future of Adelaide without the elected member for Adelaide being a part of the committee. Earlier this week on Tuesday, the Premier made a ministerial statement:

> The community expects its government to be open and accountable and should have confidence that decisions its government makes are for the right reasons.

Therefore why can't the elected member for Adelaide be a part of this committee? The member is not even able to be at the committee and, even worse, my office cannot even get copies of the minutes from the committee. They have set up another committee (Adelaide 5000+) which has seven council representatives; that is the Integrated Design 5000+. Four out of the seven councils that are represented are part of my electorate, and I am still not able to access the information nor am I able to be invited to these meetings which I think is a travesty.

All of the topics that are covered are of great concern to me and the people that I represent—for example, things such as the city's safety. I have personally participated in three of the night audits for the West End, the East End, and Gouger and Grote streets and, on behalf of my constituents, that is of great concern. I think that it is only fair that I not only am notified of what is happening in these areas but that I have a voice for my community. I am the person they ring when they have issues, so I am the one who needs to be able to pass on their concerns on their behalf.

The city activation, which is also a function of this committee, is concerned with residential buildings and conversions, public realm interventions and activating Adelaide's buildings. Every time the council or the government puts out a plan, whether it is the local heritage listings or the new development plans for the city, it is my office that people call to try to understand and make sense of what is going on. I should be part of this so that I can pass on that information.

All of the festivals in Adelaide are discussed through the Capital City Committee. They affect the residents who I represent. Again, it is my office they ring when they are concerned about noise issues, the road blocks, the Adelaide 500 and moving out of their homes during the time period, so I should be part of that committee that knows immediately—not after the fact, but when it is happening—so that I can put forward their views and their concerns.

There is also another function of this committee which is to provide a watching brief on initiatives and major projects that are happening in and around the City of Adelaide. These include the Adelaide Oval. As we know, the Adelaide Oval and the Royal Adelaide Hospital site were two big issues at the last election, and clearly the residents of Adelaide were not happy with the government's plan for the Adelaide Oval and the Royal Adelaide Hospital or it would not have had a 14.7 per cent swing against its sitting member.

The Hon. M.J. Atkinson: But the rest of the state was happy.

Ms SANDERSON: No, they weren't. Issues concerning the Adelaide Oval are, again, issues that are called into my office continually, namely, the destruction of the seating in the latest stadium where we saw all the chairs and everything falling out of the building. In respect of the lack of access to footpaths, areas and monuments around Adelaide Oval, it is my office they contact, so it is important that I am part of all this and that I am informed of what is going on so that I can inform my constituents.

The issues also cover things such as the Royal Adelaide Hospital, the South Australian Health and Medical Research Institute, the Riverbank (again), the Convention Centre, the Festival

Centre, the Intercontinental and the Casino. These are things that directly affect the people living in my electorate. Workers and business owners also contact me about Rundle Mall, Victoria Square, public transport (another huge issue that is continually called into my office) and Victoria Park, about which I get many calls a week.

Again, it is extremely important that I am informed of what is going on and that I am part of those discussions and can provide feedback on behalf of the residents as to how their lives are affected directly by these decisions. I also mention the Urban Forest, the Parklands Master Planning, the UniSA City West Campus expansion and even the Bowden Urban Village.

The Hon. M.J. Atkinson: That's not in your electorate.

Ms SANDERSON: They are all things that affect the people in my electorate because, as the member for Croydon would know, the Liberal policy is to build a second campus for Adelaide High on the Bowden Urban Village to accommodate the students in Prospect and Walkerville who, for 10 years of a Labor government, have been denied a suitable high school in a suitable location. I think that it is basically a common-sense piece of legislation. It is obvious that the member for Adelaide should be part of a committee the basic role of which is to determine outcomes for the people who live in the City of Adelaide and for the future of the city. I commend this bill to the house.

Debate adjourned on motion of Mrs Geraghty.

CORONERS (RECOMMENDATIONS) AMENDMENT BILL

Ms CHAPMAN (Bragg) (10:42): I move:

That the bill be restored to the *Notice Paper* as a lapsed bill pursuant to section 57 of the Constitution Act 1934.

Motion carried.

SELECT COMMITTEE ON THE ROAD TRAFFIC (EMERGENCY VEHICLES) AMENDMENT BILL

Mr VAN HOLST PELLEKAAN (Stuart) (10:43): On behalf of the committee's Chair and as a committee member, I move:

That the time for bringing up the report of the committee be extended to Thursday 14 June 2012.

Motion carried.

Mr VAN HOLST PELLEKAAN: I move:

That the committee have leave to sit during the sitting of the house today.

Motion carried.

EXPIATION OF OFFENCES (SPEEDING OFFENCES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 1 March 2012.)

The Hon. J.M. RANKINE (Wright—Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety, Minister for Multicultural Affairs) (10:47): The government opposes this bill. The Expiation of Offences Act 1996 currently allows a wide variety of matters to be dealt with by expiation notice, the timely payment of which means that no conviction is recorded and the penalty is a fixed sum below the maximum allowed by law.

In the words of the then attorney-general and cabinet colleague of the member for Fisher (the Hon. Trevor Griffin) when moving the original legislation, 'the system offers a premium to save trouble.' The expiation system regularly saves trouble for the police, the courts and, significantly, the alleged offender. This bill seeks to make speeding a special class of expiable offence that requires different information to be provided to the alleged offender and prevent speeding from being included on a notice with any other offence.

By way of comparison, up to three expiable offences may currently be recorded on a single notice. For example, a person may be reported for speeding, not wearing a seatbelt and failing to give way. Under this proposal, the officer would be required to complete two separate notices and spend additional time simply re-entering identical information.

The current act provides that an expiation notice must be in the prescribed form and must specify that the expiation fee is to be paid within 28 days from, and including, the date of the notice and must specify to whom the expiation fee is payable.

The prescribed form set out in the regulations already includes much of the information requested in the bill. A heading identifying the notice is issued under the Expiation of Offences Act 1996; the notice number; the date and time of the alleged offence; the name of the issuing officer; an allegation and description of a specific offence; the alleged offender's full name, address and licence details; the registration number, make, model and colour of the vehicle; the location of the alleged offence; the alleged speed of the vehicle and the speed limit; the amount of the fee and any associated levy; to whom and by when the amount must be paid.

As I advised the house in my previous contribution in relation to a similar bill that the member for Fisher has put up, the next print run for expiation notices will include the serial number and calibration date of a traffic speed analyser in the section provided to the alleged offender. This is a great example of police varying their processes in response to community feedback.

An expiation notice needs to provide sufficient information so that a person can make a reasonable decision about paying the fee or taking the matter to court. It also needs to be simple enough to be understood by people of many backgrounds and avoid unnecessary contacts to police call centres to explain confusing items. I note the current act provides significant flexibility to amend notices following feedback from the community, and this has occurred a number of times since the original legislation was passed.

Conversely, listing more required information in the act reduces the flexibility to redesign notices without having to amend the legislation, which itself can be a costly and time-consuming process. When deciding to include additional information there needs to be a balance between providing information that will help an alleged offender make an informed decision and the administrative consequences.

As this bill will increase the number of notices and the amount of information on each notice, there will also be an increase in the chance of an inadvertent error or simple difference of opinion when entering information. For example, an alleged offender may view a puddle nearby as indicating a wet road, whereas an officer may view the remaining dry surface as a dry road. Increasing the complexity of the expiation notice is also likely to increase confusion by recipients and drive up costs to respond to queries, even though the extra information may not be of practical use to the alleged offender. If a person chooses to take a matter to court then additional information is disclosed in the preparation for a hearing.

I stress that there is and must remain a clear distinction between the expiation process and an adversarial court process. The expiation process is administrative. A police officer makes an observation, comes to the view that an incident constitutes an offence and issues a notice. People may choose to pay the notice or seek to have the notice withdrawn because the offence was trifling, or for an administrative reason. There is no cost to the public in seeking a review and SAPOL conducts many thousands every year.

If a person believes that an officer acted improperly then, again with no cost, the issue may be raised with the Police Complaints Authority. However, if a person wishes to dispute the facts of an allegation, that an offence did not occur or that the police made an error, then it is appropriate for the court to make an independent judgement. This bill seeks to move that dividing line between the very different processes of the expiation system and the court system. The government is happy to continue discussions with the Hon. Dr Such and any other member of the community about improving expiation notices.

I also seek to respond to several points raised in earlier debate on this bill. With regard to members of the public being shown the speed recorded on a particular device, SAPOL advises the commissioner has issued an order for this to occur. However, some devices have a self-correct feature which causes them to automatically reset after a given period. This is a safety feature that seeks to prevent a previous reading from being applied to another vehicle. If, however, there is a delay in a vehicle being stopped, or the driver talking with the police officer, then this may prevent the speed being shown to the driver.

I also reject the assertion that the expiation system is designed to ensure a steady flow of income into the Treasury. As noted above, the expiation system sets penalties below the maximum allowed by law, so it may have the effect of reducing the income to Treasury. However, this is a deliberate feature of the current system as it balances the reduced penalty with the reduced costs

for prosecution and court processes. The police commissioner has publicly stated that about one-third of expiation notices issued by individual police—that is, not camera issued—result in cautions. As such, it appears that police are exercising their discretion appropriately.

The total expiation revenue is around 15 per cent of the cost of road trauma in South Australia every year. This government established the Community Road Safety Fund in 2003 so that revenue from speeding offences is reinvested in road safety projects, and I understand more than $600 million has been used in this way to date.

Debate adjourned on motion of Mrs Geraghty.

AUNG SAN SUU KYI

Ms CHAPMAN (Bragg) (10:58): I move:

That this house congratulates Aung San Suu Kyi on her election to the Burmese parliament.

It is with pleasure that I move this motion to congratulate Aung San Suu Kyi on her election to the Burmese parliament. I am sure many of the female members—I know this is true of the member for Ashford, for example—have watched the life and sacrifice of Aung San Suu Kyi who, as many other members would be aware, has been a Nobel Prize laureate and has championed the cause of her own people in Burma in her role as a veteran dissident but also a democracy campaigner.

It has been very important to her, having come from a family of leadership, that she devote her life, which she has demonstrably done, to the plight of her people. I am sure many other members would be aware that, after nearly 60 years of civil war in Burma, and now, I think, nearly 50 years in total of military rule in that country, it is a country which is really at the beginning of a long road to democratic leadership and government.

I think it is fair to say that the current President, Thein Sein, has really invoked the development of the opportunity for democratic rule and the release of oppression of the Burmese people, and I think he has to take some credit. I do not give him a lot in this presentation today because I think there has been very significant international pressure, particularly from western countries, to really ensure that Burma moves in this direction, but it seems as though he has listened and, under his rule, we have seen some relaxation in the oppressive management of that country. We have seen some relaxation in the censorship laws; and we have seen some opportunity now for there to be a political protest without persecution or prosecution.

That has been a very rocky road, and those of you who have followed Aung San Suu Kyi with admiration as I have, acknowledge her sacrifice of really 15 years of imprisonment by the military junta and continued periods of house arrest. During that time, she saw the death of her husband and the capacity for her to be able to be with her sons (who were living, I think, at that stage in England) was aborted because she knew that if she were to leave that house arrest, if she were to leave the country, she would never have the opportunity to go back and help bring some deliverance to her people. That is an extraordinary sacrifice. Her sons grew up and were educated, largely without their mother on a day-to-day basis. This is an enormous personal sacrifice and, for that alone, she deserves applauding around the world. She continues to fight on, and at 66 years of age, on 1 April this year, she contested one of the many by-elections that were held that day in Burma and won, to hold a seat in the 664 seat parliament in Burma.

I recognise the president's relaxation of those rules—they are even allowed to have unions now in Burma. These are very important initiatives which come with the democratic process, ensuring that the institutions of representation and the capacity for the public not only to speak individually but also through their own agreed representatives—whether it is a union or an association, but a representative body—without fear that they are going to be gaoled, etc.

In the interests of time, I will briefly read from *The Weekend Australian* of 31 March-1 April just to formally place on record the initiatives of the new political parties that occurred during that by-election for some of the seats, and I quote:

A total of 17 parties, including six new to politics, will contest by-elections in Burma tomorrow, with opposition leader Aung San Suu Kyi standing for parliament for the first time. The parties are fielding 160 candidates alongside eight independents running for 45 seats vacated by legislators appointed to government positions.

The main parties: National League for Democracy (I am sure well known) Aung Suu Kyi's own party was founded (by her) in 1988 after a popular uprising against the military junta that left thousands dead. Two years later the party won elections in a landslide, but the results were never recognised by the regime. The NLD boycotted a 2010 election that swept the army's allies to power, saying the rules were unfair, and was stripped of its status as a

legal political party. Observers believe the regime want Suu Kyi to win a seat in the polls to give its reformist program legitimacy and spur the West into easing sanctions.

Union Solidarity and Development Party: The military-backed USDP—which won about 80 per cent of the seats available in 2010—is contesting all 45 seats, but will keep its majority whatever the outcome.

National Democratic Force: Formed by a group of breakaway NLD members, the NDF's decision to stand in the 2010 elections put it at odds with Suu Kyi. It won a handful of seats in parliament and is fielding 11 by-election candidates.

Shan Nationalities Democratic Party: The party is counting on the support of the Shan, the second-largest ethnic group in Burma, in the three constituencies it is contesting. Widely known as the White Tiger Party, it is headed by a prominent ethnic Shan leader Sai Aik Paung.

Members will know that the people of Burma came to admire Suu Kyi at such a high level. She became known as Mother Suu and Aunty Suu and is colloquially known as the The Lady.

She has had international recognition. She formed part of a group which, through their own personal sacrifice and perseverance, has brought about, I think, the plea to the West, to which it has responded with sanctions and is now considering the withdrawal of some of those sanctions to allow Burma to develop into a democratic country, to provide peace and prosperity to their people and to ensure that they have an opportunity to become members of the world community again. These are very important steps to assist Burma to its place in the world which it will enjoy, I think, with The Lady taking her place in the parliament.

Members may also be aware that, under the constitution in Burma, if a member of parliament elects to become a member or is offered a place and accepts a position in the governing party in the government, then they have to forfeit their right under their constitution to sit in the parliament. Aung San Suu Kyi has made it very clear that, having fought so long to be a member of the parliament, she would not even accept a position with the government if it meant sacrificing her right in the parliament.

I think that again is a very important demonstration of this lady toward her people having the protection of parliament against any wanton excesses of government where, in a military-backed circumstance, they have perpetrated such oppression on the people during the last 50 years. What an extraordinary woman! What an international leader! She deserves our congratulations.

I feel sure that other members in the parliament will join me in this motion. I look forward to others having an opportunity to speak on it because I think we need to send a message to Burma to say that they are on the right track. They have deservedly elected someone who has been their patriot, an international champion, all her life and she will be rewarded with a place in parliament.

I understand that when she was asked recently what her dream was—which is often asked of those who are martyrs in these circumstances of bringing about reform in their countries—she said, 'We don't dream. We set out to get what we want.' Is that not a true indication of someone who is committed to outcomes to deliver for the people and not just sitting there with some idle vision? Good on her, and we wish her well in her very large battle of being one voice in a 664-seat parliament, but she certainly has my congratulations and I hope the parliament will join me in sharing that with her.

The Hon. S.W. KEY (Ashford) (11:09): I would like to congratulate the member for Bragg on bringing this motion to this chamber. Aung San Suu Kyi has always been a 'she-ro' of mine and someone I have followed. I have followed the work that she has done and the international position that she has held for quite some time. In fact, one of her most famous speeches, entitled Freedom From Fear, begins:

It is not power that corrupts but fear. Fear of losing power corrupts those who wield it and fear of the scourge of power corrupts those who are subject to it.

She also believes that fear spurs many world leaders to lose sight of their purpose. She also said:

Government leaders are amazing. So often it seems that they are the last to know what the people want.

Burma's long-time democracy icon, Aung San Suu Kyi, was yesterday, 2 May 2012, officially sworn in as a member of parliament, taking office for the first time after spending much of the past two decades under house arrest. The Nobel laureate took the oath of office to enter Burma's lower legislative house, ending a parliamentary boycott that had threatened to interrupt the country's political reform process.

For more than a week, the 66-year-old opposition leader and her National League for Democracy had refused to take the oath because it required them to safeguard the constitution which was drafted by Burma's former military rulers. However, the NLD earlier this week agreed to take the pledge while vowing to push for constitutional change through legislative action. Aung San Suu Kyi said, after taking the oath, that she had no qualms about sitting next to Burmese military members, who still make up the bulk of the country's parliament, but she said that she would like to see the country's legislative bodies be more democratic. She said:

> We would like our parliament to be more in line with genuine democratic values. It's not because we want to remove anybody, as such. We just want to make the kind of improvements that would make our national assembly truly democratic.

Parliament member Win Oo, of the military-backed Union Solidarity and Development Party, praised Aung San Suu Kyi's decision to back down from her parliamentary boycott. He said:

> The fact that Suu Kyi has come to the parliament is good because, as we have said so many times, if we want to achieve things for the benefit of people and the country we should let sleeping dogs lie.

The NLD won 43 of 45 seats available in the 1 April by-elections and now has become the main opposition party in Burma's bicameral legislature that is still dominated by military-backed political parties. Observers say that the NLD is not likely to have enough power to effect much immediate change to the constitution which sets aside a quarter of its seats in parliament for unelected military members.

Aung San Suu Kyi's party won a landslide victory in the general elections in 1990, but military leaders at the time refused to relinquish power and the victors were refused entry into parliament. Since 2010, President Thein Sein said his nominally civilian government had enacted a series of democratic reforms, including easing press restrictions and releasing hundreds of political prisoners. The international community has responded to reforms by lifting many of the longstanding sanctions against Burma, but some rights groups are reacting to the reforms with guarded optimism.

While international calls for the release of additional political prisoners in Burma have been muted following the release of several high-profile activists in May 2011, rights groups estimate that there are still hundreds of prisoners of conscience who are yet to be released. Obviously, the struggle continues, and it is great to see that we now have Aung San Suu Kyi in a position where she can speak and make sure that we understand what is happening in that country. I commend the motion.

Mr BIGNELL (Mawson) (11:14): I rise today to support this motion. I returned from Burma on Monday and, while it is an exciting time for all the Burmese people, who are extremely pleased with the election result, where the National League for Democracy won 43 of the 45 seats up for grabs in the by-election, there is a lot of work still to be done. We went to the office of the National League for Democracy and met with one of the newly-elected members, U Win Htein. Win Htein is a 71-year old man who has spent more than 20 years in gaol. He was tortured many times along the way and lost many of his close friends and colleagues, who were executed because of their political beliefs.

Burma has had centuries of oppression and brutality inflicted upon it going back to the invasion of the Mongols and others who have come in, such as the English in 1885. The Burmese people fought against the English, and then of course they have had their own civil war in their fight against the Burmese military over the past several decades. There is a window here where people can finally look at a future for their country, for Burma, a beautiful country full of rich resources such as teak, rubies, uranium and other minerals, and they are very much looking forward to a peaceful life.

However, there is a danger in the fact that the National League for Democracy is now moving from a group of dissidents who have been out there fighting for democracy in the country, and now needs to transform into a political party that can work within the political system of Burma to achieve results. They will need to have policies, and during next three years, until the next general election, they will need to put up strong cases for change, give good reasons why those changes should come about, and present good policy to move Burma forward and return it to its rightful place in the international community.

From what I saw at the headquarters of the National League for Democracy, they have a lot of work to do. There were no computers in the office and it seemed fairly disorganised. When I met with U Win Htein—we spent about 45 minutes together—he had to excuse himself four or five

times to answer the phone because there were no support staff there. He was sharing a desk with another MP, and the desk was packed high with correspondence and envelopes that had not been opened.

We need to give these people in the National League for Democracy a hand. One of the undertakings that I gave to U Win Htein was that we would seek to support them in any way we could, including providing computers, so that they can actually set up an office that can function in the way that a modern political party needs to operate, as well as getting support from our party, the Australian Labor Party, which was formed on the basis of looking after the underdog. And if there is ever an underdog in the international community at the moment it is Burma and the people of that beautiful country.

Since I returned on Monday I have spoken to many people within the party, from people in Young Labor, who might be university students or young lawyers, to colleagues in this place, right up to the Premier. Every one of them has pledged to do whatever they can to support the National League for Democracy. I have written to Aung San Suu Kyi to ask what it is she would like for her party and what we can do to help them. That might involve sending people from here over to Burma to train people, or it might mean that they want to send officials or MPs from their party to Australia so that we can provide training for them.

If we do not help them over the next three years and they do not improve their stocks as a political party, if they go to the election in 2015 and have the widespread victory that we saw on 1 April during the by-elections, then the country may well have a political vacuum. If there is a political vacuum there, it can give cause to the military to come back in with their guns and say 'This democracy thing really didn't work after all, because you elected a party that has no platform, it has no policies and therefore we need to step back in.'

We saw that happen in 1988 after what started out as peaceful demonstrations in Rangoon at the university, and it led to the killing of thousands of people, those protesters. That is where we saw Aung San Suu Kyi emerge as the leader for a democratic Burma. After several weeks of bloodshed, the army at that time said, 'Okay, it's time for us to back away. Put up your hand. Who wants to lead this country?' There was no real viable option there. No-one put forward a viable option to lead the country, and so the military stepped back in.

My great fear is that Aung San Suu Kyi and the National League for Democracy have been given this opportunity to stand for election on 1 April in the by-election with an enormous amount of support right throughout the country, and the work that needs to be done in the next three years by that party is indeed an immense body of work. As I have said, I am prepared to help them in any way I can, and there are many members in the Labor Party who are prepared to help them and offer any help they could possibly need.

We must pay tribute to those people within the Burmese government who have allowed things to change. The member for Bragg mentioned the current President, Thein Sein, who in the face of great international pressure did allow the National League for Democracy to stand, and indeed allowed Aung San Suu Kyi to stand, in those by-elections on 1 April. There are also five or six ministers who realise that the old way is not the correct way, so we should not throw the baby out with the bathwater.

There are 10 or so ministers who are dyed-in-the-wool military people who want Burma to go back to the bad old days of just a few months ago. They are the ones who need to be ousted, but there are some people in the ministry who are forward thinking and progressive, and I think it is up to the National League for Democracy to work with those ministers for a brighter future for Burma.

It was interesting when I was there to look at the local newspapers. Things that could not be printed just six months ago were on the front page: images of the National League for Democracy flag and pictures of people who are now MPs but who were at that stage candidates. People who are members of the National League for Democracy Party were allowed to be photographed in images where they were joyous and celebrating their victory. In the past, the only time their photographs were allowed to be published, or they were allowed to be mentioned in the paper, was when they were being sent to gaol.

It is great to see progress being made, and I think the world is looking on in hope that things will improve even further over the next six to 12 months and, indeed, in the lead-up to the next general election in 2015. It does worry me a little that Burma is so rich in resources that some countries who will be lifting their sanctions will also be having an eye on ripping out many of those

resources. We have seen China doing it over the years because they have not had sanctions in place against Burma.

Burma has 80 per cent of the world's teak forests, and the Chinese have taken that teak over the Chinese border, being aided and abetted by the Burmese military in many cases. It would be a great pity to see all these resources taken out of Burma before it has a chance to get on its feet economically, so I think some of the first legislation that the Burmese parliament should be looking at is some sort of sovereign fund, or some other way that allows the rest of the world in but keeps a lot of the money in the Burmese economy for the good of the Burmese people well into the future. They are going to need to have a strong economy to back up what, hopefully, will be a strong political system in their country.

I wish Aung San Suu Kyi and all the members of the National League for Democracy all the very best in their quest to make Burma an even better place.

Ms BEDFORD (Florey) (11:24): The contributions have been excellent, and I just want to put some more information on the record to put into context Aung San Suu Kyi's contribution so that people who read today's debate will have more of an understanding. She was born in Rangoon (now named Yangon), and her father, Aung San, founded the modern Burmese army and negotiated Burma's independence from the British Empire in 1947. He was assassinated by his rivals in the same year.

Aung San Suu Kyi grew up with her mother, Khin Kyi, and her brothers, Aung San Lin and Aung San Oo, in Rangoon. Aung San Lin died at the age of eight, when he drowned in an ornamental lake in the grounds of the house.

She was educated at Methodist English High School—now the Basic Education High School No. 1 in Dagon—for much of her childhood in Burma, where she was noted as having a talent for learning languages. Suu Kyi's mother, Khin Kyi, gained prominence as a political figure in the newly formed Burmese government. She was appointed Burmese ambassador to India and Nepal in 1960.

In 1988, the long-time military leader of Burma and head of the ruling party, General Ne Win, stepped down. Mass demonstrations for democracy followed that event on 8 August 1988, or 8.8.88, which is obviously seen as a greatly auspicious date in the Chinese calendar and so forth. The uprisings were violently suppressed in what became known as the 8888 Uprising.

On 26 August 1988, Aung San Suu Kyi addressed half a million people at a mass rally in front of the Shwedagon Pagoda in the capital, calling for a democratic government. However, in September, a new military junta took power. Influenced by both Mahatma Gandhi's philosophy of nonviolence and more specifically by Buddhist concepts, Aung San Suu Kyi entered politics to work for democratisation. She helped found the National League for Democracy on 27 September 1988, but was put under house arrest on 20 July 1989. Offered freedom if she left the country, she refused.

In 1990, the military junta called a general election in which the National League for Democracy received 59 per cent of the votes, guaranteeing the NLD 80 per cent of the parliamentary seats. Some claim that Aung San Suu Kyi would have assumed the office of prime minister. In fact, however, she was not permitted. She did not stand as a candidate in the elections, although being a MP is not a strict prerequisite for becoming prime minister in most parliamentary systems.

Instead, the results were nullified and the military refused to hand over power, resulting in an international outcry. Aung San Suu Kyi was placed under house arrest at her home on University Avenue in Rangoon, during which time she was awarded the Sakharov Prize for Freedom of Thought in 1990 and the Nobel Peace Prize the year after. Her sons, Alexander and Kim, accepted the Nobel Peace Prize on her behalf.

Aung San Suu Kyi used the Nobel Peace Prize's $US1.3 million prize money to establish a health and education trust for the Burmese people. I think everyone agrees that she is an outstanding person and a great example to everybody. I commend the motion.

Ms CHAPMAN (Bragg) (11:27): I am indebted to other members for their very worthy contributions to this debate and indication of support for the motion. I am delighted that there has been such due consideration given to recording the outstanding 66 years that Aung San Suu Kyi has already given to the world for which, I think, she will be revered by her people in perpetuity.

I will say that I think that, with the indication of support from other members of the house across political parties, it would be very important for our new foreign minister, the Hon. Bob Carr, to take up leadership in this. He knows that he will have the clear support of the people of this parliament across the political persuasions to assist Burma in its recovery and to look carefully at the sanctions which have been imposed by Australia, quite properly, during preceding decades. He will know that, at least from South Australia, there will be support for the rebuilding of that relationship.

Some of our own forebears have spent extensive time in Burma through a very sad period during World War II. So, some Australians are already familiar with very dark times for Burma from a very long time ago, but when one appreciates the work of Aung San Suu Kyi and the plight of her people over generations, we understand how inestimable her contribution has been, and we wish her well.

I also thank the member for Mawson for raising the importance of countries assisting others on the road to democracy. Just recently, I mention for members, there have been years of dealing, I suppose in my generation, with the freedom and democracy in South Africa and the bringing down of the Berlin Wall in Germany. More recently, in the late 1980s, there was the development of democracy in Mongolia. Australian institutions, of which I was a representative, assisted in the development of the Mongolian Constitution on its road to democracy, which ultimately culminated in a democratic constitution being passed in the parliament, and it is now effective. I think it is now in its 20th year, having passed in 1992. Mongolia has had 20 years of democratically elected parliaments.

I am sad to say, for the ladies of the parliament, that there are only three female members in the Mongolian parliament. There were great expectations that in Mongolia, being a country where the overwhelming majority of positions in the legal and medical world are filled by women, there would be a much higher representation of women in that parliament. That has not come to pass yet but, nevertheless, one can only look to the future.

Burma is a new democracy and it deserves our support, and today we recognise a true saint of democracy for the country of Burma. I hope the motion will pass without dissent.

Motion carried.

JOHN MCDOUALL STUART SOCIETY

Ms CHAPMAN (Bragg) (11:31): I move:

That this house congratulates the John McDouall Stuart Society for celebrating the 150th anniversary of John McDouall Stuart's successful expedition that crossed the Australian continent from south to north, passing through the centre, and returning without loss of life.

Members may be aware that the John McDouall Stuart Society Inc. is run by a voluntary committee in South Australia. It has a number of members across Australia and, in fact, in Scotland, England, USA, Canada and Hong Kong. Members who follow this society may also be aware that there is a 'Stuart Collection' located at the Masonic Centre at 254 North Terrace, Adelaide, and tours are conducted there every Thursday. There is also a remembrance ceremony held annually on 25 July at Stuart's statue in Victoria Square, Adelaide. I commend that event to members if they wish to attend, which I think is important.

I will read now from John McDouall Stuart's story, as published by the society. As I said, it is the 150th anniversary this year since John McDouall Stuart and his party arrived at the north coast of Australia in July 1862, so it is a year of celebration. Their summary of his life and the results of his expeditions I think are worthy of note by this chamber. Stuart was born in Scotland in 1815 and arrived in South Australia in January 1839. He was employed as a surveyor's labourer in the government's survey department. I quote:

In August 1844 Stuart joined Captain Charles Sturt's expedition to explore Central Australia and determine the nature of the country in that region.

In 1858 Stuart embarked upon the first of three expeditions (as leader) primarily to search for new grazing land, for minerals and to survey leases for his sponsors, James and John Chambers and William Finke. Then followed three successive attempts to cross the continent...Over three transcontinental expeditions, Stuart finally created a route across Australia's arid heart and reached the north coast in July 1862.

There are many arduous stories and I will not recount them today, but his achievement was hailed by the Adelaide press on his triumphant return in December 1862. On 21 January 1863, Stuart and his companions were feted by the greatest public demonstration in Adelaide's history to that date—

and I will identify them, because it is often the leaders that get recognised in history and some others are overlooked. Some names may be familiar to members: William D. Kekwick, the second-in-command; Francis W. Thring, third officer; William P. Auld, assistant; Frederick W. Waterhouse, naturalist; Heath Nash, cook; John McGorrery, shoeing-smith, Stephen King Jnr; James Frew; and John W. Billiat.

Sadly, Stuart's reward had effectively amounted to nothing, so there was no great financial benefit as, I suppose, one enjoys in exploration today. Sadly, he died at the age of 50 on 5 June 1866 in virtual poverty in London. I think that, other than the provision of a headstone by his sister, his funeral party consisted of just seven people, so a sad end. These are the achievements, which I think we need to recognise, of this extraordinary feat. As a result of Stuart's expeditions:

- the riddle of the geographical nature of the centre of Australia was solved;
- South Australia gained control of the area now known as the Northern Territory;
- South Australia established a settlement at Darwin, and vast areas of the north were opened for pastoral and mineral development;
- the Overland telegraph line, linking Australia's isolated colonies to the rest of the world via Port Darwin, was constructed along Stuart's route;
- the original Central Australia Railway (the Ghan) and the new line to Darwin followed a similar route; and
- the Stuart Highway, linking Adelaide to Darwin, was constructed and named in his honour.

Members, I also draw to your attention that the patron for the John McDouall Stuart Society is none other than South Australia's most famous current explorer, namely, Dr Andrew Thomas AO, who, of course, ventures into space now via—

Mr Pengilly: The shuttle.

Ms CHAPMAN: —the shuttle, but courtesy of USA government funding. Nevertheless, he is South Australia's own and he is a revered patron of the society. I have grown some affection for the great stories of John McDouall Stuart because as I grew up I spent many occasions in my maternal grandmother's art gallery and bookshop in the Northern Territory. She always proudly displayed, for 50 years, the books about the story of John McDouall Stuart and the significance he had for both South Australia and the Northern Territory.

We know, of course, that it had much greater significance in linking Australia with the rest of the world through the telegraph at the time. My grandmother held him in great esteem, as do our fellow Australians in the Northern Territory. This is a very significant part of our history. Some members will know that I am a great advocate of renewing the relationship with the Northern Territory and restoring our rightful partnership as a central state; however, it will be probably a long time before we see that come to fruition. I think we need to recognise the importance of John McDouall Stuart.

My maternal grandmother has since passed away, but I just record, for her great commitment to this extraordinary explorer, that when she was very sick and in the nursing home a number of our family were at her bedside and we were talking about the gallery and the things that she had done, and this came up. One of my family said, 'Yes, but what about John McDonnell Stuart? She used to go on about him.' She was laying in bed and she said, 'It's John McDouall Stuart.'

I was used to her correcting my grammar and so on from time to time, but she actually said this and corrected us, as really some of the last words she spoke to all of us, to make sure that this fine explorer is properly remembered. Although he had a lonely ceremony at his parting from the world, he will be forever remembered in this state.

Ms BEDFORD (Florey) (11:39): John McDouall Stuart is arguably Australia's greatest inland explorer. The noted latter day explorer and historian, Ernest Favenc, wrote:

> Stuart's victory was all his own. He had followed in no other person's footsteps: he had crossed the true centre, and he had made the coast at a point much further north than his rivals.

Having read that, I noted with some interest that Ernest Favenc had a role in the life of the noted female explorer—in fact, the only female Australian explorer—Emily Caroline Barnett, who was born in 1860 and died in 1944. She was born on 1 November and married an Irishman, Harry

Alington Creaghe. In December 1882, she and her first husband, Harry, left Sydney by steamer to join Ernest Favenc and his wife on Thursday Island. Favenc planned to explore a region in the Northern Territory bounded by the Nicholson River, Powells Creek and the McArthur River. The two women were to be a part of that expedition.

Travelling by sea, the party landed at Normanton on 17 January 1883. There Elizabeth Favenc became ill, and her husband escorted her to Sydney, while Caroline accompanied Harry and four other men on a 200 mile (322 kilometre) ride south-west of Carl Creek station, which they reached at the end of the month. One man died of sunstroke en route. Ten weeks later, they retraced their steps as far as Gregory Downs Station, where Favenc and Lindsay Crawford were waiting.

On 14 April, the explorers set out westwards. Battling thirst and flies, with food supplies dwindling, they were frequently exhausted and occasionally in fear of attack by Aborigines, but they reached the telegraph station at Powells Creek on 14 May. After a few days rest, Harry and Caroline, who was pregnant, drove the weaker horses through to Katherine Telegraph Station. Favenc and Crawford pushed east to inspect the country near the McArthur River. Accompanied by Alfred and Augusta Giles of Springvale Station, the Creaghes made a leisurely journey then to Port Darwin and left for Sydney by sea on 22 August. From 1 January 1883, Caroline kept a diary of her adventures, which contained descriptions of topography and vegetation, observations of frontier life and comments on the relations between white people and Aborigines. It is very good reading. It has been edited by Peter Monteath, and it is available through Adelaide's Corkwood Press.

With regard to the significance of the last of Stuart's expeditions, I note that Stuart's successful north-south crossing of the continent, without the loss of life of any of his party, was a significant achievement in itself, opening up the lands, which we have just heard other people have also traversed. It stands as a contrast to the tragic outcomes of the rival expedition of Burke and Wills, which left from Melbourne. It also paved the way for the survey and construction of the Overland telegraph line a decade later, a development which placed Adelaide at the hub of colonial communications with the rest of the world. Stuart's route became 'the track', an enduring communication and transport route, which positioned South Australia as the base for colonial expansion into Central Australia, notably in the areas of mining and pastoral settlement. History SA has a significant collection of items relating to Stuart and others of his party. They will be shown in an exhibition later in the year.

The John McDouall Stuart Society is celebrating the 150th anniversary with special tours of the society's collection during the About Time: South Australia's History Festival, and a number of commemorative events throughout the year. The society itself has an interesting history. In July 1962, the Royal Geographical Society of Australasia (South Australian Branch) organised Stuart Week, a program of events to commemorate the centenary of Stuart's raising the flag on the north coast of Australia. Walter McDouall Stuart placed a wreath on Stuart's statue in Victoria Square, while at the same time wreaths were laid on the Stuart monument in Darwin, Alice Springs and Port Lincoln. Wreaths were also placed on many of the companions' graves and on the grave of our little hero, at Kensal Green in London. Following the major events of Stuart Week, the Royal Geographical Society held a lecture that featured the story of William Patrick Auld's life.

On 23 July 1963, Mercia King, the granddaughter of Stephen King Junior, penned a letter in which she said:

> I think it would be a very good idea if the descendants (old, young and middle aged) of the successful McDouall Stuart expedition could get together and do something to perpetuate their memory annually—a meeting or small function could be held around....25 July, to commemorate their tremendous feat.

As indeed it was, so the John McDouall Stuart Society was born, within 12 months of Mercia King's letter. In particular, Patrick Howard Auld had a wish for an organised society to remind us all of the exploits and achievements of Stuart and his brave and hardy followers. On 25 July 1964, about 100 men, women and children gathered sedately at the Masonic Hall in Tusmore, Adelaide to create their own piece of history by forming a society. E.G. Waterhouse moved that this meeting of decedents, relatives and friends of those men who accompanied John McDouall Stuart across Australia, or who were associated with the expedition, form a society to be known as the John McDouall Stuart Society in order to perpetuate the name and achievements of this great explorer and those who accompanied him.

As the member for Bragg has said, Andy Thomas, our own modern-day explorer, is the patron. He carried artefacts from Stuart's 1861-62 crossing of the continent with him when he was in the spacecraft *Endeavour*. The society, as she said, has members all over the world—Australia,

Scotland, England, USA and Hong Kong. The John McDouall Stuart Society, importantly, does acknowledge that a rich Aboriginal culture existed on the Australian continent before European settlement. References in the society's publications to 'unknown territory, discoveries, explorers and expeditions' are therefore from a European perspective. Their work is really important.

Other organisations presenting programs to acknowledge the Stuart expedition this year through the History Festival will be the Royal Geographical Society, which is presenting an exhibition from May to October. Also included in the festival, the State Library of South Australia is presenting a display from June to August. The Burra Regional Gallery is presenting an exhibition from July to August, as well as a series of commemorative events, and History SA, which intends to present an exhibition from December 2012, will include interpretive material on the new history hub website.

With this much information available, there is really no excuse for people not to embrace the important journeys these people made in such terrible conditions. I know I visited the telegraph stations in inland Australia, and I have marvelled at how anyone could survive that terrain and indeed their contribution to our society is enormous, and I commend the motion.

Ms CHAPMAN (Bragg) (11:47): I thank the honourable member for indicating her support for the motion. It is important that that information about future events this year, as we approach History Month, be made available, and I thank her for bringing that to the attention of the house and, in addition, recognising the considerable sacrifice that was undertaken by other members of Stuart's party in his expedition through such hardship. We today have been the beneficiaries.

I thank the member kindly for bringing that further information to the house. I hope that this has a successful and unanimous carriage through the house and that all members will ensure that his legacy is remembered with reverence so that future generations will appreciate the sacrifice made. I commend the motion.

Motion carried.

POLICE LOCAL SERVICE AREAS

Mr GARDNER (Morialta) (11:48): I move:

That this house calls upon the police minister to request that the SAPOL local service area for the suburbs of Woodforde and Teringie be adjusted from the Hills Fleurieu Local Service Area to either the Eastern Adelaide or Holden Hill local service areas.

I introduce this motion today because my requests to the police minister to ensure that common sense prevail in this matter have been declined at this stage. I want to make clear from the outset that, for the most part, we are satisfied, impressed and grateful for the police responses to emergency situations, including in these areas.

Response times to incidents classified as high priority emergencies are generally impressive, both in theory and in lived experience. In situations that receive this classification the police despatch the nearest car, irrespective of which local service area the car is from. This motion exists because occasionally it is possible for serious and potentially life-threatening situations to fail to reach that initial classification that would bring the nearest car and therefore the notification reverts to the local service area (or LSA, as I will refer to it as through this speech).

The suburbs of Woodforde and Teringie lie less than nine kilometres east of where we stand right now. For the most part, they are located in the foothills on suburban-size blocks with people living in typical suburban-size houses. As a reference point, the suburb of Woodforde is also notable for containing Rostrevor College and the Magill Training Centre. Strangely, these suburbs of Woodforde and Teringie are located in the Hills Fleurieu Local Service Area as far as SAPOL is concerned.

Although the significant police stations at Holden Hill and Norwood—which is of course part of Adelaide East—are literally just a handful of minutes north or west of these suburbs, residents in Woodforde and Teringie are instead serviced by the Mount Barker Police Station 38 kilometres away. This has caused serious issues for some of my constituents, a couple of which I will outline shortly.

I would first like to indicate to the house that today I will be lodging with the Clerk two petitions relating to this matter, which I have here and will bring over in a moment—one for each suburb. Apart from the suburb name, they are identical, and they read:

We draw the attention of your Honourable House to the situation of police cover in the suburb of Teringie [or, indeed, Woodforde]. The suburb is currently zoned within the Hills Fleurieu Local Service Area for [South Australia] Police, which is serviced by Mount Barker Police Station located 38 kilometres from the suburb. Because of this, police patrols are required to travel extensive distances to service Teringie [or, indeed, Woodforde] when both Holden Hill Police Station and Norwood Police Station are located within 8 kilometres of the suburb.

Actually, on double-checking after this petition was printed, they are closer to 6.5 kilometres from these suburbs. The petitions continue:

Your petitioners therefore request the House to request that the Police Minister change SAPOL's Local Service Areas so that Teringie [or Woodforde] falls within the Eastern Adelaide Local Service Area or the Holden Hill [LSA].

The settled parts of Teringie go further into the Hills than Woodforde: it extends much of the way up to Norton Summit; however, even despite this, at its closest point at the corner of Teringie Drive and Norton Summit Road, it is still 30 kilometres from Teringie Drive to the Mount Barker Police Station.

Police cars driving from Mount Barker to this closest point will spend most of their transit time driving to the area serviced by Norwood police, and then they will drive through the area serviced by Norwood before eventually getting back into their own LSA at Teringie. With any luck, they will be on the road for less than 40 minutes from the time of dispatch to the time of arrival to this suburb in metropolitan Adelaide.

The petitions I refer to have been signed by more than a quarter of the residents from the two suburbs. We held two street corner meetings, which shadow police minister Duncan McFetridge was good enough to attend, but it is not as though we were going door to door collecting signatures on this occasion. Within two months, more than a quarter of these populations signed and sent in petitions.

At the Woodforde street corner meeting in particular, I note that more than 30 residents came out on a Saturday morning, even though it was 39° in the shade on the day in question. Common sense suggests that these suburbs should be moved to a metropolitan LSA, and it is the clear wish of the community as well. Even so, it is important to note for the record that this is not just an esoteric or theoretical matter; there have been tangible problems caused by the current arrangements.

Earlier I identified that we are generally impressed by and grateful for the speedy response times of police. In the two years I have been here, I have rarely been approached by constituents complaining about response times. I am more usually told stories by people who appreciated the quick response times. There are, however, three categories of exceptions. First, there have been a number of complaints about long-boarding at Montacute, which both I and the previous member for Morialta have raised previously, and which I will raise again in the future.

The other two areas of complaints have come from residents of Woodforde and Teringie about just these issues. For the benefit of the house, Woodforde, Teringie and Montacute are not large communities of people; between them, they comprise less than 2 per cent of the population of Morialta, yet they comprise 100 per cent of the complaints about this problem that is being identified. I do not think that it is a giant leap of imagination to understand that when 2 per cent of the community—such a small population base—are making all the complaints about an area, then perhaps this is an area of public policy that needs to be looked at, and common sense should ideally be applied to fixing it.

Some of these complaints have been in relation to traffic matters; some have been in relation to serious matters involving risks to personal safety. In one recent incident that prompted a set of correspondence with the police minister, a couple in Woodforde were confronted in the early hours of the morning on 30 October 2011 by a man attempting to break into their house. He was at first banging on their front door and, after being told to leave, he circled he house, banging on windows and seeking alternative entry points.

My constituents called 000 and sought the help of police. They were informed that the police were on their way and would be there soon. According to police records, a car was dispatched within five minutes, but, unfortunately, from Mount Barker. According to police records, after waiting 15 minutes for that police car my constituents again called 000 and were informed that a car was on its way. They stayed on the phone to the operator until police arrived, which was unfortunately several minutes after the threatening intruder had left their property.

On this occasion—again according to those police records—it took the police car 32 minutes to drive from Mount Barker to Woodforde. From the time of the call it was nearly 40 minutes during which time two elderly constituents of mine sat in their house in terror waiting for police to show up, with a stranger banging on their doors and windows.

My constituents are most grateful to the police officers who attended at their house and the officers were apologetic about the time it had taken to arrive. It was not their fault, of course; they had to come all the way from Mount Barker—how ridiculous. How ridiculous that a patrol car had to drive from Mount Barker for this incident and how ridiculous that it had to almost drive past the Norwood police station about three-quarters of the way along its journey to get to Woodforde.

I wrote to the Minister for Police on 2 December 2011 asking that she request the Commissioner of Police to consider moving Woodforde and Teringie into the Norwood local service area. On 17 January 2012 I received a response from the acting police minister, the Hon. Patrick Conlon, stating:

> ...the capacity for SAPOL to use patrols from an adjoining area means that changing the LSA boundaries will not necessarily change response times.

I accept that on occasions where things are classified as urgent and of critical high priority that is probably true. While the acting minister did acknowledge that the state duty officer has the discretion to use other resources to respond to incidents, I have a concern that there will be further cases in Teringie-Woodforde in the future where incidents which require a prompt response (as these did) fall through the cracks and are not appropriately assessed as urgent, leaving residents in serious peril while awaiting a patrol car from Mount Barker or Gumeracha instead of receiving urgent assistance from a nearby patrol car.

Many of the residents who came along to the street corner meetings I held with the shadow police minister had their own stories to share. Some were very positive and most people present were aware of at least one good news story—some, two or three—but they also had concerns about where there have been gaps in service. These ranged from the inconvenience of being asked to travel to the Mount Barker Police Station to attend to paperwork requested by police for various reasons to concerns about the sorts of traffic matters that I related before, and others were more serious.

One story in particular stuck in my mind. Rather than try to paraphrase an awful situation I will quote verbatim the email that the resident in question sent me outlining the incident which occurred before my time in parliament and therefore before the present minister's time as police minister. I will not identify the constituent or the names of her sons; I will refer to them as X and Y. The email reads:

> An intruder barged into the house, wielding a machete...threatening my sons. The youngest, (x) escaped out a back door, and fled to the neighbours across the road. (The other) barricaded himself and his girlfriend downstairs in what was an absolutely horrific situation. Having called for police assistance 3 or 4 times...the girlfriend was freaking out, as (my son) was shouldering the door closed to prevent this intruder from getting downstairs to them...meanwhile, (he) was sick with worry if his little brother (x) was alive or dead upstairs. (He) could hear the destruction upstairs, this guy was slashing and smashing everything in sight.
>
> Long story short...my son (x) and his girlfriend called 000 so many times...the girlfriend called her brother, who lived at Walkley Heights...and he arrived before the police! (x) went to the neighbours across the road, and they called the police. The neighbours called and called 000! My youngest son (x), 13, watched with the neighbours across the road as this maniac fled the scene, after having trashed the house and terrorized my son and his girlfriend.

I can only imagine the terror that this family went through. They have told me that this night still haunts them and that while they know the police did all they could 'it would have made a huge difference' if they had been able to get there more quickly; if, perhaps, they had had less distance to travel.

I have made it clear on a number of occasions in this debate that I have nothing but the utmost respect for South Australia's police officers, including those based at Mount Barker, Gumeracha and other areas in the Hills Fleurieu LSA. I have a number of close friends among their ranks. The officers who regularly attend to duties within the Morialta electorate who I have had cause to encounter in the course of my professional duties have been everything that one might hope they would be. This motion is in no way an attack on any of them, it is simply a call for common sense to be applied to ensure that my constituents are no longer in any danger of falling through the gaps if they find themselves in a crisis situation.

Clearly it is unrealistic to expect that police officers based at Mount Barker can service Woodforde and Teringie as efficiently from 38 kilometres away as could either of the two stations (Holden Hill or Norwood) which are less than seven—close to six—kilometres away, especially considering the growth expected in Mount Barker in the future. Think about the waste involved of requiring massive trips from Mount Barker to Woodforde and Teringie (an over one-hour round trip) and then finding out that their next job is back in Mount Barker or even on the other side of their LSA.

This motion offers a sensible solution: to shift the very edge of their boundaries into the neighbouring LSA. It makes sense for the community and the police serving that community to have suburbs within LSAs which are serviced by convenient police stations taking into account the circumstances of the area.

I bring this matter to the parliament on behalf of my community and at their request. This could have been sorted out six months ago by the minister quickly, quietly and neatly, putting this issue to SAPOL, but instead here we are. No sensible explanation has been put forward as to why the boundaries fall where they do, other than it happens to be where the council boundaries lie. This is arbitrary. It is a logical non sequitur; one does not follow the other. Ambulances do not follow these boundaries. Rostrevor College is in Woodforde. When they were doing their partnerships for trade training centres with other schools, they did not go to Stirling, they went to Grand Junction Road. I urge the government again to consider the arguments put forward, consider the concerns raised, the wishes of the broader community and give common sense a run in the park.

I am perfectly happy for the government to consider these matters afresh, if they wish, and deal with it outside of the house, if that is what it will take to get the job done. I can assure the minister that this is a very serious concern. This is not something I wish to play politics with; that is why I tried to achieve it through a letter. In fact, as a sweetener, I will even go one step further if it will achieve a positive result. If the minister can deliver on this for the community, I will even make sure she gets all the credit and they know that it is all thanks to her good work. I will put her name and her photo in my newsletter. I will let everyone know that she saw reason, she used common sense and she sorted it out on behalf of the government—a government that has decided to consult and then decide. Minister, your petitioners ask that you do, and I urge the house to follow suit.

The Hon. J.M. RANKINE (Wright—Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety, Minister for Multicultural Affairs) (12:01): The member for Morialta seeks to move boundaries so that Woodforde and Teringie fall within the Eastern Adelaide or Holden Hill local service area rather than the Hills Fleurieu LSA. I have written to the member about this matter and advised that SAPOL, along with many other government agencies, aligned their service delivery boundaries between 2007 and 2009.

This process was about improving services, reporting and accountability. It has led to a much higher level of cooperation and coordination between agencies such as SAPOL, Housing SA, DCS and SA Health through such programs as the family violence framework, offender management plans and neighbourhood policing teams. I am advised that earlier recruitment drives resulted in four additional police positions being allocated to the Hills Fleurieu Local Service Area and, since the introduction of uniform regional boundaries in 2009, a further nine positions have been added. Three hundred and thirteen additional officers are being recruited to the end of 2015-16 and SAPOL advises this will see further increases in permanent staffing levels for the Hills Fleurieu LSA.

In the short term, an additional family violence officer is expected to join the Hills Fleurieu LSA to support the recent implementation of the Intervention Orders (Prevention of Abuse) Act 2009. I have also previously advised the member for Morialta that when a person calls 131 444 or 000, the state duty manager and the state shift controller have the authority to ask a patrol from an adjoining area to respond to a request for assistance. Boundaries of an LSA are not the Berlin Wall nor the Great Wall of China. A police vehicle may cross that boundary as easily as Mr Gardner himself.

I note that LSA boundaries do not prevent people from attending a police station of their choice for other business nor do they prevent people from calling a police station directly rather than calling 131 444. That being said, I encourage members of the public to use the specialist

centralised 24 hour a day service provided by Police Communications Centre so that police can prioritise their resources to protect life and property wherever the threat may be.

In discussions with the shadow minister for police on 23 April 2012, I am told that senior police reminded the Liberals that if you move boundaries then you often need to move resources as well to ensure proper support for residents and businesses. The latest SAPOL annual report shows the Hills Fleurieu LSA with a population of 117,000 compared with 150,000 for the Eastern Adelaide LSA and 223,000 for the Holden Hill LSA. The member for Morialta may wish to consult his colleagues with electorates in the Hills Fleurieu area about the possibility of moving resources to adjoining LSAs. I will be noting those supporting this motion so that I can remind their constituents that their local member supported moving police away from their electorate.

Police also reminded the shadow minister that suburban LSAs face challenges to ensure that patrols are in the right place at the right time. A freight train, for example, moving through Goodwood or the northern suburbs may block a road for 10 minutes and prevent the closest patrol from attending an urgent request for help. In these situations another patrol may assist, and it is no different in the foothills.

The member for Morialta also seems to believe that police sit around the station waiting for the phone to ring. I can assure the house that patrols are constantly mobile to act as a deterrent and detect crime. When a call comes in they are often already on the road and not being dispatched from a particular station. The member for Morialta's motion also fails to recognise that SAPOL provides a number of statewide, specialist support services, such as Star Group, Mounted Operations, the Marine Unit, the Traffic Enforcement Branch, the Dog Squad, the Drug Squad, Major Crime, Sex Crimes, Commercial and Electronic Crime, Organised Crime and the State Intelligence Branch, just to name a few.

LSA functions are one of the many factors that contribute to the services delivered by SAPOL. All these services are underpinned by the support of the state Labor government that has almost doubled the police budget to $722 million in the past decade and provided a record investment of $180 million in new police stations, headquarters and our first ever purpose-built academy. The results speak for themselves.

Under the former Liberal government, victim-reported crime increased by 50,000 offences per year—50,000 it increased per year. Since Labor was elected, victim-reported crime is down by 75,000 offences per year. I also note that governments of all persuasions rely on the police commissioner for professional advice, and the commissioner has not raised any concerns with me about LSA boundaries stopping police from protecting our community.

The commissioner also issues general orders and allocates police resources in accordance with the SAPOL resource allocation model. I am assured that this model takes into account a range of information and provides for necessary staffing and resources to meet the needs of our communities around the state. SAPOL stands for the South Australia Police. In 1838 SAPOL became—

Mr Marshall interjecting:

The ACTING SPEAKER (Hon. M. J. Wright): Order!

The Hon. J.M. RANKINE: —the first centrally administered police service in the world. We deliberately chose not to have a separate police service for every town or every council because our resources and commitment apply equally to all people in all areas.

Mr GARDNER (Morialta) (12:08): I am disappointed that the minister decided to take what was half a bureaucratic approach and half a political approach to this rather than just looking at the issue at stake and the issues brought forward in good faith by my constituents, as I brought them forward to her six months ago.

The Hon. J.M. Rankine interjecting:

Mr GARDNER: The minister interjects that she was telling us the facts. Well, let us go through a couple of things. First, she said repeatedly that she had previously advised me. I can assure the house that she has not previously advised me of anything. It took several months to get a response from the minister, and when I did it was from the acting police minister. Her office may have had some involvement with the drafting of the letter, perhaps, as is normal.

I did not want to make a big deal out of this, but it took a hell of a long time to get any sort of response, and when I did get a response it was from the acting minister diligently going through

his brief as it was then. For her to suggest that she has had some personal, long involvement in this case is patently a nonsense.

The minister talked about how the LSA boundaries were aligned with local government and ambulance and others as part of a process to improve services, cooperation and accountability. Process is certainly part of the truth, but it has not actually improved services to my residents in Woodforde and Teringie. A human cost has been identified in the cases that I have brought to the attention of the house, and that human cost is serious and deserves to be taken seriously.

The reason we have local members of parliament, amongst others, is so that our constituents' concerns can be brought to the attention of the bureaucracy and ministers who might not otherwise have the opportunity to consider those local concerns, the bits where the process has not accounted for every eventuality, for the occasions where the process is not the answer and where you have to take into account what happens on the ground.

The minister said that I believe local service areas are stronger boundaries than they are. She said, 'They are not the Berlin Wall nor the Great Wall of China,' and nobody is suggesting that they are. If she had been listening, she would have heard me say that on most occasions the appropriate urgency is given to a situation and response times are excellent. However, I identified two lengthy examples—and a number of others have been provided to me—where appropriate response did not occur, where they had not been given the appropriate level of urgency and the nearest possible car had not been assigned.

In the documents provided by the department, a situation was identified where a car came from Mount Barker in October. The minister seemed to suggest that I was making it up, that people were waiting around in Mount Barker for the call. It is not me saying this. The documents provided by SAPOL state that the car was dispatched within five minutes of the telephone call and arrived at the house 32 minutes later. So nearly 40 minutes to arrive at an urgent situation, where my elderly constituents had an intruder banging on their front door, banging on their windows, trying to get into their house. They were terrified. There are other situations where families are still in shock.

I am very disappointed that the minister's reaction—I was going to say knee-jerk reaction, but it has been six months—has been to so categorically ignore the importance of this issue to this small community. I think it is important that the government has a think about it. I would like to think that someone in the minister's office is listening and can have a chat to someone at SAPOL and say, 'How difficult would it be to shift the boundary by this much?'

The minister talked about resources and the potential that resources would have to be reallocated from the Hills Fleurieu area (with its 150,000 residents, I think she said) to the Eastern Adelaide or Holden Hill local service areas, with its 220,000 residents. We are talking about fewer than 1,000 people. This is less than a half a per cent addition to what Holden Hill would be. We are not talking about a hell of a lot of complaints, but the complaints in question are serious and they deserve to be taken seriously.

This would not take resources away from the Hills Fleurieu area. There is no reason it would, because it has a very small group of people. In fact, I would argue that it would enable the resources currently in the Hills Fleurieu area to be operated more efficiently because they would not have to spend more than an hour in a round trip just to attend at a situation in Woodforde or Teringie—half an hour there and half an hour back at the very least. Rather than being on the road to Woodforde or Teringie, that car could be on the road to somewhere within the Hills Fleurieu area, the Hills Fleurieu community, in which the vast majority of Woodforde and Teringie residents would not count themselves.

I urge the government to think about this. Obviously it is going to vote against this motion today, but that does not mean that it cannot still decide to fix it when there is not a vote on the floor of the house. I hope the minister will seriously consider that. We will also write to the police commissioner again to ask him to do so as well.

The house divided on the motion:

AYES (15)

Chapman, V.A.	Evans, I.F.	Gardner, J.A.W. (teller)
Goldsworthy, M.R.	Griffiths, S.P.	Marshall, S.S.
McFetridge, D.	Pederick, A.S.	Pengilly, M.
Sanderson, R.	Treloar, P.A.	van Holst Pellekaan, D.C.

AYES (15)

Venning, I.H.	Whetstone, T.J.	Williams, M.R.

NOES (24)

Atkinson, M.J.	Bedford, F.E.	Bettison. Z.L.
Bignell, L.W.	Brock, G.G.	Caica, P.
Close, S.E.	Conlon, P.F.	Fox, C.C.
Geraghty, R.K.	Hill, J.D.	Kenyon, T.R.
Key, S.W.	Koutsantonis, A.	Odenwalder, L.K.
Pegler, D.W.	Piccolo, T.	Rankine, J.M. (teller)
Rau, J.R.	Sibbons, A.L.	Snelling, J.J.
Thompson, M.G.	Vlahos, L.A.	Wright, M.J.

PAIRS (6)

Redmond, I.M.	Weatherill, J.W.
Hamilton-Smith, M.L.J.	O'Brien, M.F.
Pisoni, D.G.	Portolesi, G.

Majority of 9 for the noes.

Motion thus negatived.

EDUCATION AND CHILD DEVELOPMENT DEPARTMENT

Adjourned debate on motion of Hon. R.B. Such:

That this house calls upon the Minister for Education and Child Development to significantly increase the availability of counsellors, psychologists and mental health professionals for all E&CD schools.

(Continued from 15 March 2012.)

The Hon. S.W. KEY (Ashford) (12:22): I was very interested in the contribution made by the member for Fisher on this issue, and I know that he has a real interest, and also a background, in the education system. However, in this particular case I do not support his motion that calls on the Minister for Education and Child Development to significantly increase the availability of counsellors, psychologists and mental health professionals for all schools. While this might seem like a good idea, I think just the resource issue in itself would be of concern.

I know the new Department for Education and Child Development is looking at a whole range of services in education, particularly in welfare and health. Their reform is still, as I understand it, in the implementation stage and there is an alignment of services that is being looked at to increase the capacity of the department and support the schools.

The creation of the Department for Education and Child Development was a very deliberate one on the part of the government and has created significant new opportunities to bring together the expertise of counsellors, psychologists, family support workers, and maternal and child health nurses with other allied health professionals and educators in the schools and early childhood services.

I am very pleased to say that this is a major reform. In fact, I am told that it is unique in Australia. It is driven by the clear evidence that the integration has benefits for all children and that the most disadvantaged and vulnerable children gain the greatest benefit when professionals are able to work in a multidisciplinary team on their behalf. The change will mean that children and families will be able to get services they need more easily. The services offered by counsellors, psychologists and educators will be joined up and integrated with one another so that families needing help will not have to tell their stories over and over again. I know that members in this house would understand the frustration for constituents in having to do that.

The government believes that children and young people in need will be less likely to fall through the cracks or become lost because of separate agencies that do not work together. When services are delivered by separate agencies, they quite often overlap or duplicate each other, and it

is believed that when professionals and educators are free to work together the problem can be eliminated.

A new team Integrating Services Improving Outcomes, led by Anne Millard, has been created within education and child development to scope where current services are placed, investigate how they can be integrated, and how current positions can be positioned more effectively for individual children. It is believed that better results for children and young people will not flow from adding extra resources to a fragmented and inefficient system, but they will flow from using our existing resources and expertise more efficiently by putting children and young people at the centre, and by working in real partnerships with families.

Education's Regional Support Services respond to referrals from pre-schools and schools across 12 regions. Referrals are allocated to multidisciplinary teams consisting of student attendance counsellors, Aboriginal inclusion officers, behaviour support coordinators, disability coordinators, hearing services coordinators, psychologists, social workers and speech pathologists. Support for schools is also provided through 273 school counsellor salaries.

In conclusion, the government does not support the motion, not because it does not recognise the important role of counsellors, psychologists and mental health professionals but because we believe that the new department is the way in which we will be able to deliver more efficiently and target people in need in a more efficient way.

Debate adjourned on motion of Mrs Geraghty.

BATTLE OF LONG TAN

Adjourned debate on motion of Ms Bedford:

That this house acknowledges the 46th 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.

(Continued from 1 March 2012.)

Ms BETTISON (Ramsay) (12:28): I rise to support this motion. In a war that lasted for more than a decade (1962-1973), the Vietnam conflict saw more than 50,000 Australians serve their country; 520 died and close to 2,400 were wounded. The selective conscription of 20-year-olds first held on 10 November 1964, was a divisive decision by the Australian government. Under the National Service Scheme, 'Nashos', as they were known, numbered more than 19,000. My mother recalls very clearly that two young men the same age as her had their birthdates drawn in the conscription lottery—only one came home.

The four-hour-long Battle of Long Tan was the single bloodiest episode of the Vietnam War. It was a defining and pivotal event in Australia's longest war and it was one of the most intensive actions Australian soldiers fought in Vietnam. On 18 August 1966, just over 100 Australians faced 2,500 enemy soldiers. D Company 6 RAR, cut off and outnumbered, withstood repeated attacks. Many of the Australian soldiers were conscripts, barely out of their teens. The bravery and tenacity of the Australian soldiers during the battle became legendary.

Eighteen young Australians lost their lives, and 24 were wounded. Of those who died, the youngest was 19 years old and the oldest was 22. Eleven were national servicemen and seven were regular Army. Those who made the ultimate sacrifice and are on the Long Tan honour roll are: Richard Aldersea, Kenneth Gant, James Houston, Albert McCormack, Douglas Salverton, Francis Topp, Peter Clements, Ernest Grant, Jack Jewry, Dennis McCormack, Gordon Sharp, Maxwell Wales, Glenn Drabble, Victor Grice, Paul Large, Warren Mitchell, David Thomas and Collin Whiston. To commemorate the Battle of Long Tan and the Vietnam War, Vietnam Veterans' Day is celebrated on 18 August each year.

Mr Pengilly: Commemorated, not celebrated.

Ms BETTISON: Sorry, commemorated. Thank you. It is an opportunity to honour those Australians who served during the Vietnam War and remember those who died. On 18 August 2011, a Vietnam Remembrance Day Memorial Service was held at Henderson Reserve, Montague Farm, in Pooraka. Significantly, Salisbury council has named all the local roads in Montague Farm after fallen SA Vietnam heroes.

In the northern suburbs, we have two Vietnam veterans' groups: the Vietnam Veterans Association of Australia, Northern Suburbs Sub Branch and the Ex-Military Rehabilitation Centre. There are around 300 veterans living in the northern suburbs. These groups provide facilities,

support and rehabilitation for veterans. I had the opportunity to visit the Peter Badcoe VC Complex in Edinburgh Parks and spend time with the Vietnam Veterans Association of the Northern Suburbs. I thank Peter (Pedro) Dawson for his hospitality.

The experience of Vietnam veterans and the difficulties they faced upon return to Australia teach us an important lesson. No matter what your personal views on a war and beliefs about its legitimacy, it is important to support those who serve our country. Our servicemen and servicewomen make the ultimate sacrifice for our country and, for this, they should always be supported. I wish all the Australian Defence Force personnel on overseas missions a safe return to Australia. Lest we forget.

Mr HAMILTON-SMITH (Waite) (12:33): I am very pleased and proud to support this motion. I commend the member for bringing it to the house. I know she is genuinely committed to and concerned about our Vietnam veterans, and I welcome the contribution of other members. I am particularly pleased to speak to it because my first battalion as a young officer graduating from the Royal Military College was the 6th Battalion 1 Platoon A Company. Serving in the battalion at the time were a number of Long Tan veterans, including the CSM of D Company at the time, Bob Buick, who had been in the battle.

I can attest to the house that it is a battalion very proud of its heritage and its history and very proud of the men who fought in its name during this great battle, the details of which have been given by other members. We know the key facts. It was August; it was 1966. It involved the death of 18 fantastic young Australians and the death of a very significantly larger number of the enemy, as was so often the case. It was the largest loss of life in a single action in the Vietnam War and the battle was indeed like no other.

I want to say to the house that the Royal Australian Regiment, a very proud regiment, was born after World War II on the basis of those who had served during World War II and World War I. It was interesting that, as a new regiment, it did not carry with it the same battle honours and traditions of the World War II and World War I battalions, which are actually carried by reserve units now.

The Royal Australian Regiment, apart from its role occupying Japan post World War II, was first sent into battle in Korea, then later in Borneo and the Malaysian emergency, and then of course Vietnam and, as it goes on now, to Afghanistan, Timor, Iraq and so on. This battle forms a very significant part of its history and therefore the Australian military story.

There were other great battles during the Vietnam conflict—Coral-Balmoral and a number of other very serious engagements by the Royal Australian Regiment, not to mention the training team and others—but this particular battle was very significant indeed. It involved the sad death of the best part of an entire platoon in D Company, including the platoon commander, who was shot with a bullet to the head in the opening minutes of the engagement. Of course, there were far more wounded because it not only involved the battalion but also the cavalry and other units within the Task Force.

This force was on its way to attack the Australian base at Nui Dat. I ask members to reflect on what might have happened had it not been intercepted by the effective patrol work of the 6th Battalion. This extremely large force may well have been in a position to launch a deliberate attack on the Australian base at Nui Dat with complete surprise. Had that occurred, you would have been counting the bodies in the hundreds of dead and possibly far more wounded. It would have been an absolute catastrophe for this nation.

It is only because of the effective patrolling techniques and security arrangements put in place by the Australians that this force was intercepted by D Company, that it was engaged in the rubber well away from the Task Force base and that they were able to deal with the threat well away from the vulnerable targets at the Task Force base. That would have included logistics units and those not properly prepared—and it would have been a catastrophe. So, although this was a disaster, it was a disaster that put to rest what could have been an even greater disaster had the Australians not fought so bravely.

I want to make some comments about Vietnam veterans in general. I have worked with hundreds of them, and I want to say on behalf of the house that these are people we should respect—and we should tell them so. The particular difficulty that Vietnam veterans had when they came home, including those who returned from battles such as Long Tan, was that there was plenty of guts but there was no glory.

Unlike World War I and unlike World War II these men did not come home to a hero's welcome. They were even rejected by members of the RSL and other veterans who had fought in World War I and World War II. They did not receive the sort of community embrace that others had received who have gone before them—their fathers and grandfathers. In fact, they were rejected on their return.

Although I was not a Vietnam veteran (the war ended before I finished my training), all who were serving at the time—I started serving in 1970 as a reservist and then at RMC in early 1972—were caught up in it. I remember receiving orders not to go into town in uniform. I remember seeing the attacks on our soldiers during parades through the city where blood was thrown on them as they walked down the street. They were called baby killers and abused in the most horrid way. That was encouraged by certain political leaders in this country. It was actively encouraged—and those people stand in shame.

The lesson we learnt from that experience was: do not blame the soldiers and do not take a political opportunity out of the government of the day by using our soldiers as a battering ram to make a political point. I think if there is one lesson from the Vietnam experience that is it. So whatever may come in the future, all of us, regardless of party or regardless of our place in the political process, must remember that lesson.

These men will soon become the old and bold of our veterans' community. We have said farewell to the last of the World War I veterans; within a decade we may well say goodbye to the last of the World War II veterans. Members will know, as they visit their RSLs, that World War II veterans are already few and far between; there are very few who are not in their 90s. The Vietnam veterans are soon to become the old and bold, as I joked with many of them on ANZAC Day last week, and reminded them of how aged they were looking and getting.

Interestingly, I understand that the presidency of the local RSL in this state is about to be handed over from Jock Statton, who has done the job superbly as a Vietnam veteran, to Tim Hanna, who will be the first of the post-Vietnam generation to take charge of the RSL. It is also interesting that just a few years ago there was a change of the guard when the Vietnam veterans around the country started to take over, and we can already see now that the younger generation is coming through.

I make this point: when you are a soldier fighting for your country in a battle like the Battle of Long Tan or the Battle of Passchendaele or El Alamein, or any of the other great battles in which we have been involved, you make the same sacrifice and you fight for the same flag, you fight for the same nation, and you fight with the same spirit in your heart. We must all remember that. That is why as politicians we must always remember the quality of that sacrifice.

The point was made to me on ANZAC Day that it has been interesting to observe the change in community attitudes towards ANZAC Day, and the way it is celebrated more now than it was in the seventies and eighties. My response to that is that when we welcomed home the Vietnam veterans I think there was a shift in community attitudes in Australia, not only towards them but towards the ANZAC tradition as a whole. I think that the welcoming home of the Vietnam vets was very significant, and this motion is part of that welcoming home. I commend the member for bringing it to the house, and I look forward to its swift passage.

Mr PENGILLY (Finniss) (12:43): I am also very happy to support this motion. I think it is most appropriate, and I do not want to go back over much of what has been very well said in this place this morning.

My understanding is that I have some 700 veterans in my electorate, and at 2 o'clock every Thursday afternoon the South Coast Vietnam veterans meet down at Victor Harbor and have a cup of coffee. Whenever possible I join them, and they bend my ear without fail. We usually have quite a good time and discuss a few issues of importance, because what is relative to myself—which is borne out of the member for Florey's motion—is very much the Vietnam War.

Like many others in here I am the progeny of World War II veterans, and also like many others in here the grandchild of World War I veterans. On ANZAC Day I recall I was talking to some people about when I first came to boarding school, and the Boer War veterans were still marching. I can still see the marching down Rundle Street in the first couple of years. They were very old men then, in their 80s. Then, a couple of years after that, most of them who were left were in Land Rovers and whatnot.

However, it is absolutely critical that we do remember those events, which are now a long time ago. I can recall quite clearly the coverage on the television and in *The Advertiser* in the days following Long Tan, and the fact that we as Australians were absolutely staggered that we had lost those numbers in that battle on that day. It is of critical importance that it remains well and truly on the historical record. It will never go away, and as the member for Waite pointed out, they will soon be the old and the bold.

They are an interesting generation of men and they come back to me very clearly. I have some good friends, have had good friends for years who are Vietnam vets. My number never rolled up in the ballot. It never came up, so I did not do national service. What took place on that battlefield so long ago was, as has been said, of critical importance. It was a real victory for the Australian Army and those who supported it, and we should never forget that.

I congratulate the member for Florey on putting this motion before the house. I have absolutely no doubt whatsoever that it will receive unanimous support and go down in the *Hansard*, so in 100 years if someone picks up the *Hansard* in this place (assuming we have not been written off as a parliament), they will see the record of what was said in relation to the member for Florey's motion on this day and on others. I take great delight in supporting the motion.

Mr GOLDSWORTHY (Kavel) (12:46): I too rise in the house this afternoon to speak in support of the motion that the member for Florey has brought to the parliament and I also speak in my role as the shadow minister for veterans' affairs. I commend the member for Florey for bringing the matter to the house, as other members have already stated in this place today.

As a bit of background information, the Battle of Long Tan took place on 18 August 1966, during Australia's involvement in the Vietnam War. It is my understanding that the battle was fought between Australian forces and the Vietcong in a rubber plantation near the village of Long Tan. The battle involved D Company of the 6th Battalion of the Royal Australian Regiment, which is known as 6 RAR. D Company 6 RAR was heavily outnumbered, yet fought a very large Vietcong assault. The Australian soldiers numbered just 108, while there were estimated to be up to 2,500 Vietcong soldiers fighting.

Tragically, 18 Australians were killed in the battle, but I understand that 245 Vietcong were also killed. The Battle of Long Tan was the largest loss of Australian life in a single action in the Vietnam War. The battle was reportedly like no other, as it occurred in monsoonal rains amongst the trees and bushes within this rubber plantation, where the Australian soldiers were outnumbered approximately 26:1. I want to put on the record, as other members have done, the heroism of the Australian soldiers who fought at the Battle of Long Tan, stopped the enemy attacking the nearby Australian Task Force Base and enabled the security of the Phuoc Tuy province to be maintained.

I have not had the opportunity to listen to the contributions of other members. I had other duties this morning, but I understand from talking to the member for Waite about this particular issue that, when he entered the Army as a young soldier, this was the first regiment that he joined, the 6th Battalion of the Royal Australian Regiment. The member for Waite, having had a distinguished career in the Defence Force, particularly the Army, has a very good and very clear knowledge and understanding of issues relating to these types of matters. While I only heard the last part of his contribution, I look forward to reading it in the *Hansard*.

I place on record that we acknowledge the service that all our defence forces provide to our Australian community, in the nation and overseas, right through their long and distinguished history since the inception of the Australian defence forces. Again, I congratulate the motion brought to the house by the member for Florey.

Mr GRIFFITHS (Goyder) (12:50): I only wish to speak briefly. I have no personal family connection with the battle, but I have had the great honour of attending functions to recognise the Battle of Long Tan in my electorate, in association with Vietnam veterans' groups, the RSL and, indeed, the Bublacowie Military Museum, which is at the bottom of Yorke Peninsula. I want to talk about the Bublacowie one that I attended three years ago.

I was asked to speak and to speak specifically about Australian defence forces that have been involved in peacekeeping missions around the world in the last 115 years or so. While I could relate the information that I had managed to find about that, the thing that really moved me that day was to see the Vietnam veterans there paying respect to their cobbers. There is a march-in that occurs as part of the ceremony before anyone speaks at all. The Vietnam vets walk in proudly with their medals on their chest and, no matter what level of personal ailment or affliction they have, they walk in proudly, respecting their cobbers.

I thank the member for Florey for, in bringing this motion before us, she has made all of us consider that terrible day, 18 August, so many years ago and the impact it had upon Australia at that time with the high loss of life of 18 brave young men; but still, all of us who are in this chamber, who reflect upon the sacrifices of the past, should indeed be proud.

War is a terrible thing, but you have to be proud of the commitment that we as a nation have made and proud of the commitment that those 108 brave Australians made in facing such an overwhelming force and what they managed to achieve. The fact that this motion is before the house shows that there is still a level of pride and respect that exists for all Australians who have served our country on so many occasions over the last 110 years. I look forward to the swift passage of the motion through the house, and I think that all of us should reflect upon the fact that we are here only because of the sacrifices made by those in the past.

Mrs VLAHOS (Taylor) (12:52): I give my commendation to the member for Florey as well for raising this important memorial and the Battle of Long Tan in this parliament. On Sunday this week, I participated in this 37th commemoration of the fall of Saigon with the Vietnamese Veterans' Association and the Vietnam Veterans' Association of Australia, alongside many people of the northern suburbs and throughout our state, at the Torrens Parade Ground, with the communities that fought side by side during that battle.

I know, from the way they were speaking after the commemoration—which was a very moving event and the first one which combined both associations—of the importance of this battle in this war and to the veterans who participated in that war on behalf of Australians, even though it was a very controversial war. Those veterans still feel today many of the after-effects of that battle and the battles for Vietnam.

Having the Edinburgh base in my electorate, and also having the Peter Badcoe Centre and the Northern Vietnam Veterans' Association located in the Edinburgh precinct, which is one of the areas I look after in Taylor, the importance of this motion is sorely felt in the north. I commend the member for Florey for bringing it before the house and I pay my respects to the men and women, who were nurses as well in the battle, who fought for our country and did not necessarily have a choice but did what they had to do for all of us.

Ms BEDFORD (Florey) (12:54): I want to thank all members for their contributions today, particularly my colleagues on this side who were talking about the Vietnamese perspective of the conflict. I think we all have a greater understanding and appreciation of the Vietnam War and the contribution of our soldiers. Even if people do not support conflict, I think it is important to understand that we will always support our men and women of the defence services. They fight not only for us but for right, and they support people in other countries in their struggles.

One such person was Lieutenant Colonel Vu, who was killed in a house fire in Ridleyton in April this year at the age of 92. His wife was injured in the same fire, and I am indebted to Bill Denny for this information. Lieutenant Colonel Vu was a respected military officer of the Army of the Republic of Vietnam. He joined the army in the 1960s and served until the defeat of the South Vietnamese government by the communists in 1975. It is understood that he served on the headquarters of the ARVN in Saigon.

After the war, he was sent to a re-education camp where he suffered great deprivation. He was nearly 60 years of age and the conditions in re-education camps were extremely hard. Upon his release, Lieutenant Colonel Vu, undaunted, sought a better life for his wife and daughter and fled by boat for Australia. Sadly, Lieutenant Colonel Vu and Mrs Vu lost their daughter to cancer shortly after they arrived here. The ex-service community is pleased that Australia was able to give Lieutenant Colonel Vu solace and peace in his latter years. As the numbers of Vietnamese soldiers who march grows, it is good to hear those stories as well, to put into greater context what happened.

I want to finish off with some other information that was printed in *The Advertiser* earlier this year in an article by Ian McPhedran. He spoke of a fellow called Bob Grandin, who was 25 years old in the RAFF. He was a helicopter pilot in Vietnam, with a wife and young son, when he undertook a 'suicide mission' on 18 August in 1966. He was the co-pilot of one of the two 9 Squadron Iroquois 'Huey' helicopters that had flown entertainers Little Pattie and Col Joye into the Australian Task Force base at Nui Dat from Vung Tau for the concert.

I only have three minutes so I will not be able to tell you the whole story, but he and another pilot, Frank, were given the task to drop ammunition to our soldiers who were badly in need of ammunition in the Battle of Long Tan. As they lifted their machines off from Nui Dat, there

was a massive thunderstorm, which we know completely blanketed the battlefield, and the only way they could fly in was to look between their feet at the jungle canopy.

They guided the second machine flown by Cliff Dohle and Bruce Lane into the drop zone, where the soldiers in the back of the chopper kicked out the ammo boxes. So, they were in thunderous rain in a battlefield and they dropped in a couple of boxes of ammo to keep our men alive. Bob says, 'I had no idea if we were taking fire or not, the rain was that intense that we could not hear or see anything...In fact I think the storm saved our lives...'. On the ground, the D Company diggers, led by Major Harry Smith MG, retrieved the ammo boxes and continued the fight. We know that, without that ammo, they would never have got through.

We also know from this story that Governor-General Quentin Bryce travelled to Brisbane to present a Unit Citation for Gallantry to Delta Company veterans and a Meritorious Unit Citation to today's 6th Battalion for its work in Afghanistan. She also presented several individual awards, including to Long Tan veteran Dave Sabben and two medals for gallantry to serving 6 RAR diggers. This is a long-overdue recognition of the work that the men did that day.

I thank everyone for their contributions. I look forward to sending this motion to the people to whom it is made so that they can understand how much we do really appreciate what they did.

Motion carried.

[Sitting suspended from 12:58 to 14:00]

ANSWERS TO QUESTIONS

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

RENEWABLES SA

259 Mrs REDMOND (Heysen—Leader of the Opposition) (6 July 2011) (First Session). With respect to 2011-12 Budget Paper 4—Volume 3, p134, Sub-program 3.2—

1. What is the budgeted amount for RenewablesSA in 2011-12, how many FTEs are employed under the program and how much is the Renewables Commissioner being paid?

2. Why was RenewablesSA expenditure deferred in 2010-11?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Manufacturing, Innovation and Trade, Minister for Mineral Resources and Energy, Minister for Small Business): I have been advised:

1. RenewablesSA had an approved budget of $13.2 million in 2011-12 prior to the Mid-Year Budget Review on 16 December 2011.

The Sustainability and Climate Change Division provides 3.8 FTE positions for RenewablesSA on a cost-recovery basis.

The position of Commissioner for Renewable Energy no longer exists.

2. Deferred expenditure of $13.2 million in 2010-11 was the result of grant proposals requiring further work to satisfy the criteria for disbursement under the Renewable Energy Fund, including the successful negotiation of Commonwealth funding.

TIGER AIRWAYS

323 Mr HAMILTON-SMITH (Waite) (23 August 2011) (First Session). With respect to 2011-12 Budget Paper 4—Volume 4, p51—

What are the details and total value of the Government's investment in Tiger Airways and what redemption provisions are there?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Manufacturing, Innovation and Trade, Minister for Mineral Resources and Energy, Minister for Small Business): I am advised Tiger Airways (Tiger) received financial assistance of $2.25 million in order to secure an aircraft base in Adelaide.

Under the terms of the Deed of Conditions of Grant (Deed) dated 20 May 2009, Tiger has an obligation to maintain a base in Adelaide for a period of no less than three years commencing 1 March 2009.

The Deed requires Tiger to locate two aircraft in Adelaide for a minimum of three years (expiring on 29 February 2012), and to locate an additional third and fourth aircraft in Adelaide for a minimum of twelve months and six months respectively.

The recovery provisions contained in the Deed require the Treasurer to first engage in 'good faith' discussions with Tiger for the refund of such amount of the grant as the Treasurer deems reasonably appropriate.

Any obligation of Tiger to refund an amount determined by the Treasurer is guaranteed by the parent company, Tiger Aviation Pty Ltd.

CHIEF EXECUTIVE DISCRETIONARY FUND

28 The Hon. I.F. EVANS (Davenport) (21 February 2012). With respect to the Chief Executive of each Agency reporting to the Minister for Manufacturing, Innovation and Trade, is there a Chief Executive Discretionary Fund, and if so—

(a) what is the fund's allocated budget for 2011-12, 2012-13, 2013-14 and 2015-16, respectively; and

(b) what are the details of all grants provided from the fund for 2007-08, 2008-09, 2009-10 and 2010-11, respectively?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Manufacturing, Innovation and Trade, Minister for Mineral Resources and Energy, Minister for Small Business): I am advised that the Department for Manufacturing, Innovation, Trade, Resources and Energy does not maintain a Chief Executive Discretionary Fund.

CHIEF EXECUTIVE DISCRETIONARY FUND

29 The Hon. I.F. EVANS (Davenport) (21 February 2012). With respect to the Chief Executive of each Agency reporting to the Minister for Mineral Resources and Energy, is there a Chief Executive Discretionary Fund, and if so—

(a) what is the fund's allocated budget for 2011-12, 2012-13, 2013-14 and 2015-16, respectively; and

(b) what are the details of all grants provided from the fund for 2007-08, 2008-09, 2009-10 and 2010-11, respectively?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Manufacturing, Innovation and Trade, Minister for Mineral Resources and Energy, Minister for Small Business): I am advised that the Department for Manufacturing, Innovation, Trade, Resources and Energy does not maintain a Chief Executive Discretionary Fund.

CHIEF EXECUTIVE DISCRETIONARY FUND

32 The Hon. I.F. EVANS (Davenport) (21 February 2012). With respect to the Chief Executive of each Agency reporting to the Minister for Small Business, is there a Chief Executive Discretionary Fund, and if so—

(a) what is the fund's allocated budget for 2011-12, 2012-13, 2013-14 and 2015-16, respectively; and

(b) what are the details of all grants provided from the fund for 2007-08, 2008-09, 2009-10 and 2010-11, respectively?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Manufacturing, Innovation and Trade, Minister for Mineral Resources and Energy, Minister for Small Business): I am advised that the Department for Manufacturing, Innovation, Trade, Resources and Energy does not maintain a Chief Executive Discretionary Fund.

PAPERS

The following paper was laid on the table:

By the Minister for Business Services and Consumers (Hon. J.R. Rau)—

Rules made under the following Act—

Liquor Licensing—Licensing Court Rules 2012

VISITORS

The SPEAKER: I advise members of the presence in the gallery today of students from St Francis de Sales College, who are guests of the member for Kavel. Welcome; we hope you enjoy your time here.

KEITH AND DISTRICT HOSPITAL

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (14:02): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.D. HILL: I express my condolences to the family and friends of a patient who died in Flinders Medical Centre on 1 May after first presenting at Keith and District Hospital on the morning of Saturday 28 April. I am advised that the 72-year-old gentleman presented at 8.45am at the hospital's regular Saturday morning medical clinic complaining of abdominal symptoms that had been deteriorating over the previous two weeks.

The patient was seen by the general practitioner at 9am and assessed as being low risk. He was given medication to ease his symptoms and he remained at the hospital for observation. With the medication having little effect, the general practitioner subsequently assessed the patient as needing to be admitted. As the patient did not have private health insurance, the general practitioner organised an admission for the Bordertown Hospital, which is a 30 minute drive from Keith.

The patient was provided with a prescription, and he left the hospital building just before 11.30am (2½ hours after he saw the doctor) with the intention of having the prescription filled and then being driven by a waiting friend to Bordertown Hospital for the planned admission. However, he experienced sudden pains that limited his mobility, as I understand it. At this stage, the patient was within approximately 200 metres of the emergency entrance to the Keith and District Hospital; in other words, he had not really left.

The patient's friend returned to the hospital where an ambulance officer was present. An ambulance was called to transfer the patient during which time the ambulance officer assisted him. The patient was brought to the emergency area of Keith and District Hospital at 11.30am (just a few minutes later) and was reassessed by the general practitioner. The GP's clinical assessment was that the patient was experiencing an acute bowel obstruction, and the GP organised for the patient to be transferred by air ambulance to the Flinders Medical Centre, which took place at approximately 3.30pm on Saturday 28 April 2012.

Sadly, the patient passed away at Flinders Medical Centre three days later on 1 May, with the suspected cause of death, stated by doctors, as severe septic shock and multiple organ failure. If an incident occurs in a public hospital that results in or contributes to the death of a patient, it is categorised as a safety assessment code 1 event and it must be investigated. All SAC 1 incidents undergo a detailed and thorough investigation.

This includes action taken (that is, a summary of investigations, tests ordered and associated results), impact on patient outcomes, resource implications and recommendations to prevent recurrence. Recommendations resulting from investigations are generally presented to the clinical team involved in the care of the patient and at relevant staff meetings to ensure that all staff are aware of the action being taken to improve safety and to minimise the potential for recurrence.

Non-government hospitals, such as Keith, may have different reporting systems but, according to the accreditation standards required by any hospital in Australia, there must be a protocol in place to deal with and investigate adverse events. In this case, the patient underwent two operations at Flinders Medical Centre, and the matter has been referred to the Coroner because the gentleman died within 24 hours of having an anaesthetic. The Coroner will make a determination as to whether he will take it to inquest, and SA Health will await the Coroner's advice.

The state government recognises the importance to the Keith community and its surrounding areas of having access to emergency care close to home. This is why we have

guaranteed a continued accident and emergency service at the Keith hospital to ensure medical on-call services are available outside of normal business hours. I will continue to work in good faith with the board and the Chief Executive Officer of the Keith and District Hospital to ensure that the hospital can continue to serve its community. Only yesterday, I met with Keith and District Hospital Board Chairman, James DeBarro, and CEO, Bill Hender, and we had a very positive discussion about options to keep the hospital viable.

VISITORS

The SPEAKER: Before I call the Minister for Aboriginal Affairs and Reconciliation, I understand that the minister is going to make a statement about someone who has passed on and that he has some members of his family here. Palya, it is nice to see you here.

MR KUNMANARA LANGKA PETER

The Hon. P. CAICA (Colton—Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:07): I seek leave to make a ministerial statement.

Leave granted.

The Hon. P. CAICA: On behalf of the house, I would like to acknowledge the passing of Mr Kunmanara Langka Peter, Pitjantjatjara elder, ngangkari or 'healing hands', teacher and leader, who was taken from us suddenly on 3 February 2012. We extend sincere condolences to his family and to Anangu Tjuta. I would also like to welcome and acknowledge Annie, a family member who is here today, as well as friends who are present in the house with us today.

Mr Kunmanara Peter was born around 1940 in the bush near Shirley Well, Fregon community in the APY lands. He was given ngangkari powers from his grandfather, Peter, who worked as a stockman, as well as a ngangkari. He learned the skills of a ngangkari by studying the work of his three grandfathers, his father and other family members who were also ngangkari. Beginning school at the Ernabella Mission as a nine-year-old boy, he returned to Shirley Well over summer to continue working with his grandfathers.

As a young man, he worked as a stockman at Kenmore Park Station, a life he loved very much. I understand that, throughout his life, he was well known for being immaculately dressed in his impressive cowboy shirts, boots and hats. Mr Kunmanara Peter married in the 1950s, and he and his wife had two sons and many grandchildren and great grandchildren followed. He has a large extended family in the APY lands and cross-border area, as well as many other relatives living to the south of the lands.

In the 1970s and 1980s, when Anangu were fighting to regain their land, Mr Kunmanara Peter worked hard to establish services at Fregon community, leading many community initiatives, involving better governance, employment and education for his people. He worked as a ngangkari throughout his life, and he had a longstanding relationship with the Nganampa Health Council, especially its Fregon clinic. He was never too tired to help, and he indicated that he did his work because it made him happy to see sick people get better—work which he carried out with warmth, humour and charisma.

He was sought by the NPY Women's Council as the number one ngangkari in the region. In 1999, he was one of the first to work full time as a ngangkari across Australia, his work taking him to many regions, from Warburton to Ceduna in the west, to Finke in the east, to Port Lincoln in the south. He also visited Anangu in hospitals, gaols, nursing homes, mental health units and hostels in Alice Springs, Port Augusta, Adelaide and Kalgoorlie.

Mr Kunmanara Peter believed very strongly that the best way to help Anangu with health problems was by ngangkari and doctors and nurses working together. As a lifetime practitioner as a ngangkari, Mr Kunmanara Peter's work has accomplished a high degree of respect for cultural knowledge and practice. This has contributed to an important exchange among colleagues across various disciplines of healing, particularly for ngangkari, medical doctors and mental health practitioners and counsellors.

Mr Kunmanara Peter developed a strong relationship with the Australian Indigenous Doctors Association, supporting the Indigenous doctors and medical students and travelling with them to Canada, New Zealand and Hawaii, where he met Indigenous doctors from other parts of the world. Mr Kunmanara Peter also travelled to Canada and Alaska to examine issues around petrol sniffing in other Indigenous communities.

Mr Kunmanara Peter was the embodiment of reconciliation. He was regarded as a master of mediation and reconciliation, being able to build a bridge of understanding for Aboriginal and non-Aboriginal people. He is held in the highest regard by the Aboriginal community and by medical professionals nationally and internationally. He is also held in the highest regard by Aboriginal people for his unparalleled healing abilities and for driving a major shift in the understanding and acceptance of Aboriginal traditional healing through his public speaking and educational work.

Mr Kunmanara Peter's funeral was held at Fregon Community in March this year, a ceremony at which the Minister for Communities and Social Inclusion, the Hon. Ian Hunter, and I were honoured to represent the government. Mr Kunmanara Peter will be lovingly remembered by his family and many others, and our thoughts are with those many who mourn the loss of their loved one.

The SPEAKER: Thank you. Can I again pass on my deepest sympathy to the family. It is nice to see Mr Bill Edwards here too, who has done so much for Pitjantjatjara and Ngaanyatjarra people, and still continues to do so.

Can I remind the cameramen that they are only to film people on their feet; I understand there has been some filming of others in the house. Only people on their feet are to be filmed.

QUESTION TIME

MINISTERIAL CODE OF CONDUCT

Mrs REDMOND (Heysen—Leader of the Opposition) (14:11): My question is to the Minister for Health and Ageing. As the minister has now admitted asking the health department specifically to prepare material for the minister's use in the election during the caretaker period of the last state election campaign, which is a breach of the Ministerial Code of Conduct, will he now resign?

The Hon. P.F. CONLON: Point of order, Madam Speaker. The question again contains argument to posture—

Members interjecting:

The Hon. P.F. CONLON: Unfortunately for you, I am not appealing to you; I am appealing to the Speaker, who is wiser than you. The—

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: To posit that it is a breach of the code of conduct is to draw a conclusion; it's an argument.

The SPEAKER: Yes, I will uphold that; I would ask the leader to please be careful of the wording of her question. She knows that we are not to have any argument. Do you wish to reword your question?

Mrs REDMOND: Madam Speaker, I suggest that it is not an argument at all to say, when the code of conduct states—Madam Speaker, the code of—

Members interjecting:

Mrs REDMOND: I am responding to the point of order and the matter that has been raised by the Speaker. The code of conduct states:

> Public servants should not be asked to work on party political matters. They should not be asked to specifically prepare material for Ministers to use in the election when the government is in caretaker mode...

Now, the minister has admitted that he asked them, that it was for use in the election campaign, and that it was in the caretaker mode; therefore, it is a breach of the code of conduct—

Members interjecting:

The SPEAKER: Order!

Mrs REDMOND: —and it is not improper, therefore, for the question to—

The Hon. P.F. CONLON: Point of order—

Mrs Redmond interjecting:

The Hon. P.F. CONLON: And I've got the call.

Members interjecting:

The SPEAKER: Order! Minister.

The Hon. P.F. CONLON: Madam Speaker, the standing orders deal with a member who wishes to contest your ruling, and it must be done according to the standing orders. If—

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: Thank you—

Members interjecting:

The Hon. P.F. CONLON: Sorry, who are you? The—

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: If the Leader of the Opposition wishes to contest—

Mr Pisoni interjecting:

The SPEAKER: Order, member for Unley!

Mrs REDMOND: Point of order.

The SPEAKER: Order! We will deal with this one first.

The Hon. P.F. CONLON: Can I finish mine?

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The Hon. P.F. CONLON: No, I have the call.

Members interjecting:

The SPEAKER: Order! The leader will sit down.

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: Madam Speaker, I merely point out that standing orders deal with how you dissent to the Chair's ruling. If you—

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: There is no other process, Madam Speaker, for arguing with your ruling but to dissent with it, and there are standing orders to do that. I ask that—

Members interjecting:

The Hon. P.F. CONLON: —the Leader of the Opposition—

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: I ask that she be called to order, along with her other rowdy mob, including our representative from the Scientologists.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! I would ask the Leader of the Opposition to move on to the next question and bring me a copy of that question so I can have a look at it. You may be able to ask it again afterwards.

MINISTERIAL CODE OF CONDUCT

Mrs REDMOND (Heysen—Leader of the Opposition) (14:15): My question is to the Premier. Given that the Minister for Health and Ageing has admitted asking the health department specifically to prepare material for the minister's use in the election during the caretaker period of the last state election campaign, which is a breach of the Ministerial Code of Conduct—

Members interjecting:

The SPEAKER: Order!

Mrs REDMOND: —will the Premier now sack his minister—

Members interjecting:

The SPEAKER: Order!

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

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: What was argument the first time it was said is argument the second time.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! We will bring this question time to a close until the ringing of the bells.

[Sitting suspended from 14:16 to 14:25]

The SPEAKER: Thank you. We will now have some semblance of order in this question time and people will leave if they misbehave. We will go back to the original question. Leader, I will accept the question if you will leave out the statement 'which is a breach of the Ministerial Code of Conduct'. Do you wish to ask the question in that format?

MINISTERIAL CODE OF CONDUCT

Mrs REDMOND (Heysen—Leader of the Opposition) (14:25): I will ask the question again, leaving out those words, Madam Speaker. My question is to the Minister for Health and Ageing. Will the minister resign for using public servants to prepare material for the minister's use in the election campaign during the caretaker period?

The SPEAKER: Again, that is a question of supposition. However, minister, do you choose to answer it?

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (14:25): Thank you very much, Madam Speaker. I hope I will be given some latitude in answering the question given the very political nature—

Members interjecting:

The SPEAKER: Order!

Mr Pisoni interjecting:

The SPEAKER: Order, member for Unley, or you will leave!

The Hon. J.D. HILL: Madam Speaker, the opposition is making certain allegations about behaviour by me during the election period, and the allegations are based—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: The allegations are based on three emails, and I think it would be of interest to the house if I told members what was in those emails because it might appear to those who have not read them that there is something greater than was being suggested. This is the smoking gun that the opposition thinks it has.

There was an email sent on 24 February from one of my staff to somebody in the department, and it says:

> Is therefore correct to say that the Liberal party release reveals that their redevelopment proposal is 35% smaller than DoH had assumed in the costings it provided, and, again contrary to DoH assumptions, does not include carparking?

That was the first one. The second one was sent on 1 March 2010, this time from my chief of staff to the department. It names the person and says:

> thanks for your help yesterday
>
> can I pls check this again—
>
> Our $1.42 billion figure includes the cost of the 1500 underground car parks.
>
> But the 84,000sq/m does not include the car parking—that would take another 43,200sq/m below ground.
>
> is that correct?
>
> many thanks.

Then the third one, which was sent on the same day, once again from my chief of staff to—

Mrs Redmond interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: —once again from my chief of staff to somebody in the department says:

> re the car parks could they underground them underneath the two towers, hence adding the 42,500 on to the 84,000sq/m?

Members interjecting:

The SPEAKER: Order!

Mrs Redmond interjecting:

The SPEAKER: Order! Leader of the Opposition, order! Minister.

The Hon. J.D. HILL: Thank you very much, Madam Speaker. This is a serious matter: I am trying to give it serious attention. Those three emails were sent by my officers to the department seeking clarification of a briefing that had been given back in, I think, November the year before, which had an analysis of the costings; and they were seeking information in terms of clarification.

When we get to the Ministerial Code of Conduct which was raised yesterday, it is relevant to providing guidance to a minister's action in the exercise of our positions of trust—which we do, I assure members, take very seriously. The code of conduct applies to a minister's actions at all times and I dispute—I dispute, Madam Speaker—any allegation that I breached the code. What was requested from the department, as I have just demonstrated, was clarification of an earlier request for information regarding—

Mrs Redmond interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: —providing costings of a Liberal Party's proposal to rebuild the Royal Adelaide Hospital on its current site. As that proposal changed and was expanded upon in various press releases, my staff sought clarification on information previously provided. At no time was the department asked to provide any political opinion on the nature of the information being sought by

the Minister for Health's office. Section 8 of the code of conduct deals with ministers' relations with the Public Service generally. This section is followed by the section entitled Caretaker Conventions, which simply states all ministers are required to accept—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: —certain caretaker conventions during the period leading up to an election. It then notes in parenthesis that separate guidelines on the caretaker convention are available from the Premier. According to the well-established legal principle of generalia specialibus non derogant (a rule of statutory interpretation which, translated, means universal things do not detract from specific things), the caretaker conventions provide more specific guidance on the matter dealing with caretaker periods.

I reassert what I said yesterday, that the provision of factual information from my department did not impact on the partisanship of the agency. It did not seek support in any way for the Labor Party policies; no opinions were sought on matters of a party-political nature; there was no breach of the caretaker conventions.

As I said yesterday, what they object to is not the questions, what they object to is the answers because the answers showed that what they were trying to sell to the public was a turkey. Governments in caretaker—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: —can ask for costings of the policy of the alternative government. Without this principle—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: —the costings of the opposition could not be verified, and that will only lead to less transparency and a worse result for the citizens of our state.

FUTURE SUBMARINE PROJECT

Dr CLOSE (Port Adelaide) (14:30): My question is to the Premier. How important is today's announcement by the Prime Minister on the next stage of the future submarine project to South Australia?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (14:30): I thank the honourable member for her question, and it is obviously a vital and important decision that was taken today, and I was delighted to hear the Prime Minister committing that $214 million will be provided for the next stage of the future submarine project. The funding will go towards future detailed studies and analysis that will determine the commonwealth government's decision on the design of the future submarine project.

The future submarine project is the largest and most complex defence project ever undertaken in Australia. It is the largest procurement project in Australia's history, and so getting it right is obviously of enormous importance. As this government has previously stated, this project would be equivalent in scale to the Olympic Dam mining expansion and will transform the state's economy, providing enormous opportunities for local industry and jobs for many South Australians for decades to come, and, crucially, providing us with a fantastic platform for advanced manufacturing.

Indeed, I see the member for Taylor there nodding, and so she should, because I was down in a factory in her electorate, Osmoflow, unashamedly an advanced manufacturing enterprise that drew on the very skills that came from the defence industry. I ran into some workers who had come from that very industry. So, that is the sort of knock-on effect it has on the rest of our economy.

This morning, I also reinforced to the Prime Minister the offer of support for the establishment of the Future Submarine Design Centre in Adelaide and, of course, the future onshore testing arrangements. Those are both crucial decisions that will be taken soon and we want to be part of that as well.

The Minister for Defence, Stephen Smith, previously reinforced that the Labor government acquired 12 new submarines to be assembled in South Australia over the next 30 years. The construction value of that set has been priced as high as $36 billion. Whatever the design that they choose, the four options that are left, excluding the nuclear option which has been put off the table, any of those four assembly options here in South Australia will be great. Some will be better than others and we will obviously be advocating very powerfully for the ones that are able to grow a strong manufacturing sector here. We believe that they also happen to be consistent with Australia's strategic defence moves, and I think both sides of the house should join in supporting that position.

However, I am very concerned about the decisions and remarks that have been made by Liberal Coalition members, in particular David Johnston.

Members interjecting:

The Hon. J.W. WEATHERILL: Well, this is something that is quite important.

Mr WILLIAMS: Point of order, Madam Speaker. The Premier is now entering debate.

The SPEAKER: The Premier has only just started out, but I am listening very carefully to what the Premier says, and I ask him to stick to the rules.

The Hon. J.W. WEATHERILL: Madam Speaker, this is germane to the future submarine project. The final decision will be taken under the next government, whatever its persuasion, and if we are to believe the published opinion polls, there is a possibility that that could be a Coalition government, so the Coalition spokesperson's expressions of opinion about this matter are very important. What he is saying is that he is hedging about having these subs built overseas. This is a worrying trend. I would invite those opposite, including the Leader of the Opposition, to join with me in calling him to actually commit to—

Mr WILLIAMS: Madam Speaker—

Members interjecting:

The SPEAKER: Order!

An honourable member: How is it debate?

Mr WILLIAMS: It is argument.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

Mr WILLIAMS: I thought you knew about argument—

The SPEAKER: Order!

Mr WILLIAMS: —you were talking about it 10 minutes ago.

The SPEAKER: The deputy leader will sit down. The Premier has said that he is asking members opposite, so we will listen to the rest of his comments. He has so far not debated as I can see.

The Hon. J.W. WEATHERILL: Madam Speaker, this is germane to the future submarines project. We have written—at least the Minister for Defence Industries has written—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: —to the senator. Disappointingly, he hasn't received a response yet, I am advised, and this is a project that I think we can join together on, both sides of this house. It is manifestly in the interests of South Australia for future submarines to be designed and assembled here in South Australia, and I would invite those opposite to put aside party politics and act in the state's interest and join with us in advancing this cause on behalf of all South Australians.

MINISTERIAL CODE OF CONDUCT

Mrs REDMOND (Heysen—Leader of the Opposition) (14:35): My question is to the Premier. Will the Premier sack the Minister for Health and Ageing for using public servants to prepare material for the minister's use in the election during the caretaker period?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (14:35): Unsurprisingly, no, I won't. I have reviewed the—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: —the emails—

Members interjecting:

The SPEAKER: Order! You will listen to the Premier's answer.

The Hon. J.W. WEATHERILL: I have reviewed the emails which are the subject of these matters and, indeed, the caretaker provisions and the code of conduct, and they do not disclose a breach of either of those propositions.

Members interjecting:

The Hon. J.W. WEATHERILL: I must say I am mystified that three days could be spent on this, but to take those through the chain of reasoning so that it is clear, the caretaker provisions and the codes of conduct are all based on a pretty basic principle, and that is the distinction between a request for the provision of factual information, which is permitted, and the request for the provision of policy advice or opinion, which is not. If you follow each of the codes of practice and conventions in all of the parliaments, including the federal parliament, you will see that that distinction is made clear. The relevant provisions mean that the mere request for the provision of factual information does not implicate the public servant in any matters of a political nature.

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: This is consistent across the whole of the nation. A number of arrangements across the nation make express provision that it is for the relevant minister to determine the use to which that information may be put. So, it actually presupposes that this—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: —information can be requested and provided. The Ministerial Code of Conduct needs to be understood with this distinction in mind. It precludes ministers from asking public servants to specifically prepare material for ministers to use in the election after it has been called but it doesn't preclude ministers or their officers from requesting factual information that the minister will then determine to use in an election context.

Members interjecting:

The SPEAKER: Order!

The Hon. I.F. Evans interjecting:

The SPEAKER: Order, the member for Davenport!

The Hon. J.W. WEATHERILL: The caretaker provisions issued by the Cabinet Office in February 2010 don't preclude requests for the provision of factual material—they just don't do that. If this isn't abundantly clear—

Members interjecting:

The SPEAKER: Order! The Premier will sit down for a moment.

Members interjecting:

The SPEAKER: Order! There is no point asking a question if you are not prepared to listen to the answer, and I am not going to sit here and listen to all that chatter. Premier.

The Hon. J.W. WEATHERILL: If this is not abundantly clear by just looking at the express terms of the code and the conventions, you only need to consider for a moment the practice of submitting costings to Treasury during an election campaign. If the contentions of those opposite are accurate, then that would be a breach of the code of practice and the code of conduct and the caretaker conventions. It is a complete nonsense, their contention.

Members interjecting:

The SPEAKER: Order! Member for Taylor.

Mrs VLAHOS: Thank you, Madam Speaker.

The Hon. I.F. Evans interjecting:

The SPEAKER: Order! Member for Taylor, you will sit down. The member for Davenport will leave the chamber for ten minutes.

The honourable member for Davenport having withdrawn from the chamber:

RESIDENTIAL TENANCIES ACT

Mrs VLAHOS (Taylor) (14:39): My question is to the Minister for Business Services and Consumers. Can the minister inform the house about what kinds of reforms are being proposed to the Residential Tenancies Act?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (14:39): I thank the honourable member for her question. The issue of the review of the Residential Tenancies Act has been around for some time. Indeed, the current legislation has been more or less in its present form since 1995. Since becoming minister, I have sought to see what can be done to modernise and bring the legislation into some conformity with the expectations the community has about the legislation in contemporary times.

As a result of that, today there has been released a discussion paper with some 50-odd recommendations as to ways in which the act may be improved. The proposal is that there will be a discussion period of some six weeks, during which anybody who wishes to make a contribution may do so and, at the end of that time, it is my intention to bring recommendations forward for the drafting of legislation arising from those discussions.

I just want to mention briefly for members some of the aspects of the discussion paper, as they may have an interest in these matters. I am sure all of us as local members of parliament get these things from time to time. I need to make it clear that this legislation is intended to make improvements from the perspective of landlords, improvements from the perspective of tenants and, indeed, improvements as to the administration of the Residential Tenancies Tribunal, which should benefit everybody.

In relation to landlords, if I can briefly touch on a couple of matters, we are proposing that there be the capacity for landlords, first of all, to maintain anonymity when they use an agent to manage their property; secondly, to ask for additional rent in advance for high-end properties; and, thirdly, to more easily evict tenants who are repeatedly in rent arrears. These are common complaints we have heard from landlords.

In respect of tenants, we are looking at providing better regulation of entry and inspection time. We are looking at preventing agents from using application forms to create binding tenancy agreements and at requiring landlords to disclose their intention to sell a rented property and negotiate open inspection times with tenants.

Reforms aiming to improve efficiency and address the current delays in the tribunal, which I acknowledge are unacceptable and need to improve, include expanding the mediation provisions, raising the tribunal's jurisdictional limit from $10,000 to $40,000 and enabling the tribunal to determine small claims without parties necessarily needing to attend a hearing.

Additionally, it is proposed to improve the protections available to rooming-house residents—a group of people who have not really been the subject of as much protection as they should have been—and to provide better regulation around student accommodation; expand the scope of the RTA to capture lifestyle villages (also known as rental villages) which are currently unregulated; and adopt the national model provisions for the regulation of residential tenancy databases, commonly known as tenant blacklists.

The Real Estate Institute says that it welcomes the news and believes that tenants, landlords and real estate agencies will benefit from the opportunity to review the laws that govern residential tenancies to ensure they reflect current community needs. The discussion paper, for anyone interested, is available to download on yoursay.sa.gov.au.

Mr Goldsworthy interjecting:

The Hon. J.R. RAU: Terrific! The member has one, excellent! I am delighted to see you have it and I look forward to your submission. Hopefully, you are supporting a lot of it. The closing date—

Members interjecting:

The SPEAKER: Order!

The Hon. J.R. RAU: I am trying to help the member because I do not want him to be late with his reply. The closing date—

The SPEAKER: Order! Point of order.

Mr PISONI: Sessional orders—that is four minutes.

The SPEAKER: He had four seconds to go according to the clock in front of me. I am watching it very carefully. He had four seconds. Minister.

The Hon. J.R. RAU: Friday 15 June 2012 is the closing date.

The SPEAKER: Thank you. Your time has expired. My clock must be more reliable than yours, member for Unley.

Mr WILLIAMS: On a point of clarification, Madam Speaker, can I suggest that the clock you are using there be tested because my clock certainly was the same as the member for Unley's, and it would be most unusual for two to be inaccurate and one to be accurate.

The SPEAKER: Then we will need to contact www.online.stopwatch.com. I think it may have happened because we did stop the clock for about three seconds when there was a mass of interjections. Is that right, Mr Clerk? I think that is where your three seconds are out. The Leader of the Opposition.

MINISTERIAL CODE OF CONDUCT

Mrs REDMOND (Heysen—Leader of the Opposition) (14:45): My question is to the Premier. As the Premier will not sack minister Hill and the minister will not resign, does this mean that at the next election any minister can do what minister Hill did at the last election?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (14:45): All ministers are bound by the code of practice and the Ministerial Code of Conduct, so if—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: If, in the given facts they fit within the code of conduct and the convention, they will be protected by those two provisions. It is self-evident.

Members interjecting:

The SPEAKER: Order!

GOODS AND SERVICES TAX

Ms BEDFORD (Florey) (14:46): My question is to the Treasurer. What are the ramifications for South Australia of the GST Distribution Review Interim Report, in particular the effect on states of a move away from horizontal fiscal equalisation (HFE)?

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (14:46): I thank the member for Florey and acknowledge her long interest in the subject of horizontal fiscal equalisation. The federal government released the interim report on 23 April and one of the most concerning parts of the interim report was the potential investigation as to whether horizontal fiscal equalisation should provide comparable rather than same capacities for states. This could mean distributing

GST closer to a per capita share of population rather than taking into consideration among other things the ability for smaller states to provide service levels equal to larger states and the capacity of smaller states to raise their own revenue.

A watered down HFE or per capita share of GST would allow tax havens to be set up in parts of the country that have greater revenue-raising capacity such as the mining rich state of Western Australia. Most significantly, the watering down of HFE would badly impact South Australia, with $1 billion per annum at stake. That is $1 billion every year that we would have to find within our budget to continue to fund our health system, our education sector, police, nurses and other frontline services.

South Australia would not be the only state to lose out if HFE was abandoned. Another state that would lose out would be Tasmania. Knowing how much is at stake, how much South Australia and Tasmania have to lose if we abandon HFE, Will Hodgman, the leader of the Liberal Party in Tasmania, has stood up to his federal counterpart Tony Abbott who said in Perth earlier this week that moving to per capita distribution of GST revenue—

Ms Chapman interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: —'makes a lot of sense'. So, what did Mr Hodgman do when he heard what Mr Abbott—

Mr WILLIAMS: Point of order, Madam Speaker. This is clearly debate.

The Hon. P.F. Conlon interjecting:

Mr WILLIAMS: He is making argument and you know it, Patrick.

The SPEAKER: Order! Thank you, member for MacKillop. I think it depends which side of the fence you sit on, but I will allow the Treasurer to continue. Treasurer, you have one minute 48 seconds left.

The Hon. J.J. SNELLING: Yes, indeed. Mr Hodgman is reported as saying, 'Tony Abbott is wrong to suggest the government should consider distributing the GST on a per capita basis and I have told him so.' Mr Hodgman has put his state before his party and said that Tony Abbott is wrong.

Ms Chapman interjecting:

The SPEAKER: Order! The member for Bragg will leave the chamber for 10 minutes.

The honourable member for Bragg having withdrawn from the chamber:

The Hon. J.J. SNELLING: If only the Leader of the Opposition in this state would have similar courage.

Mr WILLIAMS: Point of order, Madam Speaker. The minister is now entering debate. 'If only the Leader of the Opposition,' he is saying. He is making debate.

The SPEAKER: I would uphold that point of order if I could have heard what he was saying but there was so much noise going on I could not hear what he was saying. Minister, I ask you to wind up your answer and please don't debate.

The Hon. J.J. SNELLING: What I said was if only the Leader of the Opposition in this state would show similar courage.

Mr VAN HOLST PELLEKAAN: Point of order, Madam Speaker. The question was clearly about the Treasurer's opinion—not Will Hodgman's, not Tony Abbott's, not the Leader of the Opposition's—and I ask you to direct him to come back to the question.

The SPEAKER: Thank you, member for Stuart. Again, it is a matter of which side of the fence you sit on. Could you wind up, please, minister. I will uphold that.

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: I am happy to wind up. I can see the opposition are obviously rattled. This government will continue to act in the best interests of South Australia by—

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: —arguing the case for HFE at every opportunity, putting forward our views to the GST Distribution Review Panel.

EMPLOYMENT FIGURES

Mrs REDMOND (Heysen—Leader of the Opposition) (14:50): My question is once again to the Premier. Does the Premier stand by his government's election promise to create 100,000 new jobs, given that there are now fewer people in full-time work than when this promise was made? We have recently heard about the loss of 212 jobs at Castalloy, 250 jobs at Kimberly-Clark, 150 jobs at Qantas Catering, 100 jobs at Holden (and more to come), and today the loss of 85 jobs at Orlando Wines, and further job loses at 1st Fleet.

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (14:51): Of course that remains our objective. Our objective is to grow the South Australian economy and to grow jobs. That is why today we have put so much effort into growing our defence industry. The Leader of the Opposition outlines a catalogue of, in a sense—

Mr Marshall interjecting:

The Hon. J.W. WEATHERILL: Well, disappointing decisions that have been made by businesses to shed jobs. Of course they are disappointing. At the same time, I am down at the Australian Submarine Corporation, where I am being told that hundreds and hundreds of people will be recruited to the next phase of the air warfare destroyer contract, a direct decision that was promoted and won by the endeavours of this government, and that is unarguable.

As we obviously await the decision that is to be taken on the Olympic Dam project, we know that an estimated 25,000 jobs in just that project alone is available once the go button is pushed on the Olympic Dam expansion. I just chose two industries: the defence industry and the mining industry. Our future prospects are bright in this state.

All of this is at a time when there is an enormous amount of global uncertainty. We have an unemployment rate at the moment that would be the envy of many nations in the world. We have weathered the global financial crisis in a way that many in the world would see as an extraordinary result. Just the other evening, when I was at the mineral resources annual conference, we heard the keynote speaker from PricewaterhouseCoopers saying that this part of the world—

Mr PISONI: Point of order: the question was whether the Premier stood by the government's promise to create 100,000 new jobs made during the election campaign. That was the question. The—

The SPEAKER: Thank you, member for Unley. You will remember that the Premier was not the Premier at the time.

Mr PISONI: —Premier is debating and not speaking in relevant terms.

The SPEAKER: You are now debating your point of order. I am sorry, the Premier can answer the question as he chooses, and he has related it to the subject, by my standards.

The Hon. J.W. WEATHERILL: Just so that the link is apparent to those opposite and calms them down while they hear the point, what I am about to talk about is some substantial investment advice. I am talking about future prospects for growth in jobs in South Australia. At this conference there was a keynote speaker from PricewaterhouseCoopers, which is interesting in itself. The international global expert for PricewaterhouseCoopers is located in Melbourne on the basis that he understands that this part of the world has the greatest prospects for mining in the world.

They have decided to locate their global champion here in Australia. He looks at the prospects that exist in India and China and says that many of the investors in the world are looking for a place to invest which is safe but is located closely to the Asian success stories. Those analysts understand that businesses that are seeking a safe haven for investment want to invest not necessarily directly in China and India, where there are some risks, but in those countries they know are going to be the direct beneficiaries of the growth in China and India. So they see this as the part of the world to be in. To conclude, the reason why this is such an important—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: —observation is that he noted in his speech that the South Australian mining jurisdiction was the easiest jurisdiction to do business anywhere in Australia. So we have this great prospectivity, a fantastic—

Mr GARDNER: Point of order, Madam Speaker. The Premier has now taken four minutes to say the word no, and that would usually take only one second.

The SPEAKER: Thank you. There is no point of order. Sit down, member for Morialta.

The Hon. J.W. WEATHERILL: If I can conclude, Madam Speaker, our commitment to create 100,000 jobs was, of course, over six years. We will continue to pursue that objective—

An honourable member interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: —and the decision that was made today, and the announcements that will be made throughout the course of this year, will show South Australians that we are well on track.

Mrs REDMOND: On a point of order, Madam Speaker, I was not aware that, under the new standing orders, the Premier got other than four minutes like the rest of the government.

The SPEAKER: Again, you can have a look at the clock here. It said that he had one second to go.

Members interjecting:

The SPEAKER: Order! You can have a look here now—it is still up there—if you have a problem.

AGED-CARE REFORM PACKAGE

Ms BETTISON (Ramsay) (14:55): My question is to the Minister for Health and Ageing. Can the minister inform the house how the federal government's Living Longer, Living Better aged-care reform package will lead to better and fairer aged care for senior South Australians?

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (14:56): I thank the member for Ramsay for this question. As members would know, the federal government recently announced the $3.7 billion Living Longer, Living Better aged-care reform package, which will give senior South Australians more choice about how and where they live and a fairer way for them to pay for aged care. This is one of the biggest issues facing our society, our community—and our Treasury, I have to say.

With increased home care packages and extra levels of care, more senior South Australians will be able to live at home longer, and that is absolutely what people want. Fairer means testing for home care packages will mean that people will pay only what they can afford and homes will continue to be exempt from the aged-care assets test, which is also what seniors want. People who require residential care will have a greater choice about how they pay for their accommodation as well. The package also looks after South Australian carers by boosting their access to respite services and counselling, and I certainly welcome that.

Additional funding will be available to aged-care providers servicing regional, rural and remote parts of our state, in recognition of the unique challenges they face. I hope that members opposite who represent rural South Australia would support that and you, too, Madam Speaker. The package will boost and strengthen the aged-care workforce through higher wages, which I am sure the union will support, improved career structures, more training and education opportunities, and better work practices. That will mean that it will be easier to recruit to aged care.

An amount of $268.4 million is allocated to tackling dementia, a very serious problem in our community (predicted to become the leading cause of disability in Australia by just 2016), delivering more timely diagnosis, increased support for younger onset dementia, improving training for staff dealing with people with severe dementia, and better care for people who have dementia but who are still living at home.

With the highest percentage of people aged over 65 in the country, our state is acutely aware of the importance of aged-care reform. As the initial wave of baby boomers reach 65 for the

first time in our history, we are seeing two generations simultaneously in the retirement years. Along with new challenges, this situation poses new opportunities to redesign the experience and the perception of ageing and, indeed, of retirement.

Dr Alexandre Kalache, one of our current Thinkers in Residence, who is our first ageing specialist as Thinker in Residence, is helping us to seize the opportunities presented by these changes in the demography of our state. An internationally renowned expert in active ageing and age-friendly communities, Dr Kalache developed the active ageing initiative of the World Health Organisation and established the World Health Organisation age-friendly cities initiative, which continues to flourish in many communities. Now he is guiding our work on building an age-friendly South Australia. Most recently, he met with the Premier and the federal Minister for Ageing, Mark Butler, and he conducted consultations and workshops, and he also visited Port Pirie to discuss positive ageing with residents from the member for Frome's electorate. Later this year, he will make recommendations on our next step in reshaping ageing.

In conclusion, this is a really exciting area of policy to be involved in. It presents enormous challenges to us but, if we grasp those challenges correctly, I think we will unleash a huge amount of energy amongst our older citizens.

The SPEAKER: Can I point out to those who have concerns about the difference in time that we appear to be having that, under sessional orders, the Speaker has the discretion to extend the time for a minister's answer if the answer is interrupted by points of order. Our Clerk, who has obviously played a lot of computer games in his time, is very dexterous at switching off the clock whenever there is a point of order, and that is where the discrepancy is arising: it immediately stops for a point of order, and then it goes straight back on again as soon as the question is resumed. So, that is where you are finding there is a difference.

Mrs Redmond interjecting:

The SPEAKER: No, it is a point of order that we consider an interruption; otherwise, as an opposition, you could spend the whole time doing points of order and the minister would never get their four minutes to answer their question.

KEITH AND DISTRICT HOSPITAL

Mr HAMILTON-SMITH (Waite) (15:00): My question is to the Minister for Health and Ageing. If the patient who presented at the Keith hospital on 28 April had presented to the hospital prior to the government's funding cut, would the country hospital have been able to admit him immediately as a public patient?

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (15:00): Well, it is a hypothetical question. The facts are these—

Mr Marshall interjecting:

The Hon. J.D. HILL: One can make politics about almost anything, but to make political pointscoring, as the member for Norwood just did, on the basis of a man's death I think is just absolutely reprehensible. Madam Speaker—

Members interjecting:

The SPEAKER: Order!

Mrs Redmond: That's an outrageous slur.

The Hon. J.D. HILL: It is outrageous; it is not a slur though, Leader of the Opposition. I gave a comprehensive assessment of the issues, and now I am being asked a hypothetical question. You would have to ask the hospital itself what its policies are; we do not run the Keith hospital. What we do, though, is ensure that they have adequate funding—

Mrs Redmond interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: —to run the emergency department so if somebody is in urgent need they can be looked after in the emergency department. If the emergency department doctors decide that they need to be admitted, then they can be admitted, public or private: that is what we pay for. The other arrangements the hospital has, of course, are up to them to determine.

The reality is that this patient who presented to the hospital was assessed as not being in an urgent category; it was not an emergency at the time. Several minutes later when he got to the car park, it was. He was then taken to the emergency department. I am not sure whether or not he was admitted, but he was certainly being looked after in the emergency department while the Royal Flying Doctor Service, as I understand, was called, and they took him to Flinders.

To try to make a connection between the policies of the Keith hospital and whether or not they charge fees to public patients and any subsequent events in his treatment, I think, is spurious. The reality is that the gentleman, unfortunately, sadly died in Flinders Medical Centre, having been there for two to three nights, after two operations, from a very serious illness. That was not picked up by the original diagnosis by the GP—and nor would you expect it to be; it is not the sort of thing you would expect any country hospital to be able to properly treat. I would say to the opposition: just be a bit careful where you go with these kinds of suggestions.

EYRE PENINSULA EMERGENCY SERVICES

Mr SIBBONS (Mitchell) (15:03): My question is to the Minister for Emergency Services. Will the minister inform the house how the state government is improving facilities for our emergency service volunteers on Eyre Peninsula?

The Hon. J.M. RANKINE (Wright—Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety, Minister for Multicultural Affairs) (15:03): I thank the member for Mitchell for his question, and I know that he has a great deal of appreciation and support for our emergency service volunteers. Two weeks ago, Madam Speaker, as you know, I was privileged to visit emergency service workers and volunteers across Eyre Peninsula, from Ceduna to Whyalla, down to Tumby Bay and Port Lincoln. Since 2010, more than $850,000 has been spent on building or upgrading CFS stations in this region.

I had the honour of opening three new CFS stations during my visit at Rudall, Wharminda and Tuckey. During the trip, I also visited the recently extended Wirrulla station. The volunteers I had the pleasure of meeting serve as part of CFS Region 6, which covers 200,000 square kilometres of the state. With just over 1,300 volunteers, region 6 includes Whyalla and Port Lincoln and extends to the Maralinga lands and the Western Australian border.

To ensure volunteers have the facilities they need, a special building program for the region began in 2010. Ten single-bay fire stations have been completed, with a further three to follow. Funding has been provided from the CFS capital budget which is now just under $15 million a year. A further $3.55 million has been added through an election commitment from this government to accelerate works and maintenance on CFS and SES facilities.

I also had the chance to briefly visit the newly completed SES station at Tumby Bay. Just under $1 million was spent on this project and I look forward to returning soon, once it is fully up and running, to see it in operation. I handed over the keys to two new CFS vehicles. Over $500,000 has been spent to provide a new 3-4 truck for the Kimba brigade and a bulk water carrier for the Tumby Bay group.

In a region that has been hit hard by disasters—most notably the Port Lincoln fires of 2005—I hope these new buildings and vehicles serve their communities well. I would also like to pass on my appreciation for the hospitality I received from the volunteers and the emergency services personnel I met during this trip. The warm welcome I received from our country volunteers was greatly appreciated and I look forward to returning to this beautiful part of South Australia again soon.

EDUCATION AND CHILD DEVELOPMENT DEPARTMENT

Mr PISONI (Unley) (15:06): My question is to the Minister for Education and Child Development. Why does the South Australian education department require over three times as many public servants per state school student than the Victorian education department? The South Australian education department has around 2,000 bureaucrats in its central office to service 161,000 students in our state school system. However, Victoria administers a student population of 542,000 students with only 2,200 public servants in its central office.

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (15:06): I thank the member for this question. This was one of the issues identified by the opposition a couple of weeks ago when they released their education policy. I welcome the opposition entering into this policy debate. As well as copying what they are doing in Victoria, what

they would also have us do is take practices, policies and procedures from New South Wales and plant them here—

Mr PISONI: Point of order, Madam Speaker. The minister is entering debate. I simply asked a question about the size of the bureaucracy in the education department here in South Australia. She is debating what she claims to be Liberal Party policy.

The SPEAKER: Thank you, member for Unley. I ask the member to refer back to the substance of the question.

The Hon. G. PORTOLESI: I will, Madam Speaker. That was an issue contained in their policy. Our education department and the very valuable work that they do, that we do in schools, that we do in Flinders Street and that we do in regional offices is entirely appropriate for what we deliver. I am very proud of what we deliver, unlike those opposite who are very keen to have a go at it.

Mr PISONI: Point of order, Madam Speaker: the minister is entering debate.

The SPEAKER: The minister can answer questions as she chooses. However, minister, I would ask you to get back to the substance of the question.

The Hon. G. PORTOLESI: We staff our education department, our schools and our regional offices in the way that we see appropriate for South Australian students and their families.

WOOMERA PROHIBITED AREA

Mr PICCOLO (Light) (15:08): My question is to the Minister for Mineral Resources and Energy. Can the minister inform the house about recent developments with regard to the Woomera Prohibited Area?

Members interjecting:

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Manufacturing, Innovation and Trade, Minister for Mineral Resources and Energy, Minister for Small Business) (15:09): Therefore you will pass the test after question time, won't you?

Mr Hamilton-Smith interjecting:

The Hon. A. KOUTSANTONIS: I miss you, too.

The SPEAKER: Minister, will you get back to the substance of the question?

Mr Hamilton-Smith interjecting:

The Hon. A. KOUTSANTONIS: You are my patron saint.

Members interjecting:

The SPEAKER: Minister!

The Hon. A. KOUTSANTONIS: He is my patron saint.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! Minister, sit down. The minister will not get into repartee across the chamber. Please answer the question.

The Hon. A. KOUTSANTONIS: I have been on my best behaviour, ma'am.

The SPEAKER: Thank you.

The Hon. A. KOUTSANTONIS: On 20 April the federal Minister for Defence, Stephen Smith, and the Minister for Resources and Energy, Martin Ferguson, announced that the Australian government is taking the next step towards opening up the Woomera Prohibited Area (WPA). Their announcement signalled a step towards greater exploration with the release for public comment of a standardised Deed of Access. This is a significant milestone for the advancement of South Australia's rapidly expanding resources sector.

The WPA has vast economic potential, with estimates of more than $35 billion of mineral resource developments possible within the next decade. The opening of the WPA will provide

mineral resource companies with access to an area the size of England for exploration and mining. I am advised that the area within and directly adjacent to the WPA is estimated to contain about 78 per cent of the nation's uranium resource, 62 per cent of Australia's known copper resource and significant deposits of iron ore, gold and other minerals. South Australia advocated strongly for the adoption of the Hawke review into improved coexistence between defence and mining in this large area in the Far North of the state.

This review allowed the federal and state governments to work together to develop a new framework for all users to coexist in an area without compromising our defence research capability. While defence will remain the primary user, the new management framework provides a more transparent system offering greater certainty for access for exploration licence holders. The framework for coexistence will be implemented through legislation, but the interim arrangements have been developed to allow companies to access the WPA under contractual deeds of access.

The release last month of a draft standardised Deed of Access for public comment will allow for ongoing industry consultation. A consultation workshop coordinated by the Department for Manufacturing, Innovation, Trade, Resources and Energy (DMITRE) and run by the Woomera Prohibited Area Coordination Office is being held today at the Crowne Plaza Hotel to discuss the deed. This will provide a valuable opportunity for all stakeholders to provide input into the proposed WPA access deed.

I can assure you, Madam Speaker, that this government will continue to work closely with the commonwealth through the Woomera Prohibited Area Coordination Office to secure entry to this vast prospective area within our state. The opening up of a WPA to further exploration will provide myriad opportunities for further exploration investment. Spending on mineral exploration in South Australia totalled $312.8 million in 2011, up 64.5 percent compared with the previous year—the highest annual spend since the pre-global financial crisis peak of $355.2 million for 2007-08. We believe that opening the WPA to greater exploration will allow South Australia to maintain and attract this heightened level of exploration.

Exploration is only the start. Our great hope is that exploration will lead to world-class discoveries within the WPA that will join the pipeline of major projects already under development in this state. It will play a key role in developing and maintaining a mining boom that benefits all South Australians.

SCHOOL AMALGAMATIONS

Mr PISONI (Unley) (15:12): My question is to the Minister for Education and Child Development. Why did the government choose to force school amalgamations, cut funding for after-hours school care, cut funding to basic skills testing, school security and family day care centres, and cut funding to the New Arrivals programs and reception entry when, at the same time, the government has 68 education department staff classified as surplus to need and costing $4.4 million per year?

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (15:13): I thank the member for this question. At the time that the state government announced in 2010-11 that it would go ahead with amalgamations (a savings worth about $5.5 million a year), we also injected an additional $203 million into education in our state; and, when it comes to child care and our support for the early years and child care, we in South Australia are acknowledged as being national leaders.

It was interesting that I think in the question the member also referred to surplus staff, and I think on radio the member for Unley said that there were something like 44 surplus teachers. I can advised the house that, as at term 1 this year, there were, in fact, 19.7 full-time equivalents.

Mr PISONI: Point of order: the minister is debating the answer. I asked her why, when there was $4.4 million in salaries to unallocated staff, they made cuts throughout our school system instead of dealing with that issue.

The SPEAKER: You also asked the question about surplus staff, so the minister is answering that.

The Hon. G. PORTOLESI: My figures—and I would know because I am the minister—are 19.7 FTEs—

Members interjecting:

The SPEAKER: Order!

Mr Pisoni interjecting:

The SPEAKER: Order! Member for Unley, order!

The Hon. G. PORTOLESI: —19.7 FTE surplus teachers, term 1 this year. I do acknowledge that we all—as ministers, as a government, as a community—have an obligation to ensure that the money that we have is deployed in the most appropriate and effective way, and that is what this decision is about. I am satisfied that this is the right thing to do. I do acknowledge that some school leaders have some concerns about this, but we must also be honest and acknowledge that there are principals—

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: —that there are principals in our community who also acknowledge, 'Actually, we have been receiving two base grants when we have effectively been operating as one,' and that's not terribly fair, and that goes to the heart of this argument.

OAKS DAY

Mr BIGNELL (Mawson) (15:16): My question is to the Premier. Can the Premier update the house about the success of Saturday's Oaks Day and the support provided by the state government towards staging the event?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (15:16): I had great pleasure to attend the races on Saturday, the Schweppes Oaks Day. I would have had much more pleasure if my old man had passed on a tip that he gave to my advisers, but it was a good day, all the same. It was a historic day—

The Hon. P.F. Conlon: It was 10 to 1.

The Hon. J.W. WEATHERILL: It was 10 to 1. It was a historic day for racing in South Australia—

The Hon. I.F. Evans interjecting:

The Hon. J.W. WEATHERILL: Well, you wanted to flog it for industrial purposes. I remember that.

The Hon. I.F. Evans interjecting:

The Hon. J.W. WEATHERILL: No, it's in the same pamphlet—Iain Evans.

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: He doesn't like the fact that I featured him in one of my pamphlets. I got a little quote from him. It was quite handy.

Adelaide turned on a fantastic day. We had great weather, a sell-out crowd of 30,000 and, of course, that historic win for the great mare Black Caviar. Having claimed her 20th win, she now holds a great international world record. Saturday, of course, was not just about Black Caviar: it was also about the South Australian community rekindling its love affair with racing, and that was a great thing. It was the biggest crowd at Morphettville since they say 50,000 attended to watch Peerless Fox win the Adelaide Cup for the second time in a row in 1951. I wasn't there, but I heard it was a great day.

The event was magnificently organised by the SAJC, with praise coming from many who attended. There was a great spirit. I am told that everybody on the trams was in a very festive mood. In fact, speaking of trams, we moved 82 tram services and about 6,500 people to and from the racecourse. There was free public transport, with an estimated 33 per cent of people taking up that option, so that was an fantastic thing.

Shuttle buses operated from the city. The racecourse carried over 3,200 passengers from Oaklands Park to the racecourse. Two taxi ranks operated near the racecourse, including the longest taxi rank ever in Adelaide's history, I am told—perhaps. There were 600 taxis dropping off and picking up in excess of 1,400 people. Extra public transport services were provided, and they were such a success that similar arrangements will be used on 12 May for the Goodwood races and Black Caviar's attempt to win 21 out of 21.

I would like to thank everybody involved in making last Saturday a great success—our police and public transport personnel. I would like to thank minister Gago and the other ministers who came together to try to make sure this moved smoothly. I would like to thank Brenton Wilkinson, who did the great job of attracting this mare. In particular, I would like to acknowledge the owners. They are lovely people. They could have sold this race to the highest bidder. They chose to do the right thing and bring her here to South Australia because they have a respect for the fact that they have a horse that is regarded as not only their property but the property of the whole of Australia.

I want to thank them and acknowledge their generosity in sharing Black Caviar with the South Australian community and putting us on the map. It was great to put us on the map. I was even able to slip in the fact that Kangaroo Island is a great tourist destination and, no, I did not receive $750 for it. It was completely gratis, but it was a great opportunity to showcase our state to the nation and to the world.

RETIREMENT VILLAGES

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (15:20): I seek leave to make a ministerial statement.

Leave granted.

An honourable member interjecting:

The Hon. J.D. HILL: Sorry, I have copies here.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: Retirement villages are an important housing option for senior South Australians, providing safe, secure, low-maintenance housing. South Australian retirement villages are subject to the Retirement Villages Act 1987 which regulates the operation of retirement villages and protects the rights of current and prospective residents. Overwhelmingly, South Australian retirement villages are operated very well and are a popular housing option for more than 24,000 senior South Australians who live in them.

The decision to enter retirement villages has significant legal and financial implications for prospective residents that should be fully considered before prospective residents sign a contract. Like any financial transaction, the buyer beware principle applies. It is important that prospective residents fully understand what they are agreeing to, the legal and financial implications of entering, remaining in and leaving the village, and the implications for spouses or partners.

As part of the moving-in process, residents receive a number of documents which can be long and quite daunting. However, it is vital that they understand the contents because, once signed, they are legally binding on both residents and the operator. It is important to take time before the move to go through these documents with a fine toothcomb and seek advice if clarification is required.

The Office for the Ageing retirement village officers are available to speak to and its website links to a range of fact sheets that can help prospective residents navigate the process. Being well informed, aware of rights and responsibilities and understanding the contract make for smoother transition, and disputes are less likely to crop up in the future. The Office for the Ageing has informed me of a number of disputes caused by the worrying practice of one retirement village operator, who operates Fernleigh Gardens Estate at Woodcroft.

I want to take this opportunity to warn prospective residents of these practices. In some instances, prospective residents have entered into a contract with the operator for a yet-to-be-built retirement village home and then sold their current home to him. These people then remained in their former home while waiting for their unit to be built which, in some cases, never happened. At least two of these parties are in danger of being evicted from their former homes, having received notices of summons to the Supreme Court—

Ms CHAPMAN: Point of order, Madam Speaker.

The SPEAKER: I am not sure you can have a point of order in the middle of a ministerial statement. However, what is your point of order?

Ms CHAPMAN: Perhaps if you would give me the opportunity to indicate what it is. The minister is giving a ministerial statement obviously warning consumers and the people of South Australia of a consumer issue he is concerned about. He has identified that it is a matter of court proceedings. The government has consistently refused to make statements about matters when they are sub judice.

It concerns me that the minister, knowing that there are existing Supreme Court proceedings about this matter, continues to provide detail about the allegations in respect of this which are not yet tested. I ask for your ruling on that. It may be that they say you have no jurisdiction on that, but this is the standard that they have set, and it is a matter that is sub judice. I ask you to give some indication to the minister what he should do about it.

The SPEAKER: Minister, can you respond to that?

The Hon. J.D. HILL: I take the point that the member raised. What I want to do is warn citizens in our state who may be contemplating entering into a retirement village contract to check the contract very carefully. There is a matter that has been brought to my attention, and if I did not warn citizens of it, they may make the same error that others have made. I will leave it at that.

The SPEAKER: Thank you. Thank you, member for Bragg.

MINISTER'S REMARKS

Mr PISONI (Unley) (15:25): I seek leave to make a personal explanation.

Leave granted.

Mr PISONI: During an answer to a question of mine, the Minister for Education and Child Development made the claim that I said on radio that there was an excess of 44 teachers. What I actually said on radio is that the answer came back $44 million a year being spent on surplus, so the minister was clearly wrong. On surplus teachers, the minister was clearly wrong.

GRIEVANCE DEBATE

SOLAR FEED-IN TARIFF REVIEW

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (15:25): I want to talk about electricity prices but I will take the opportunity to briefly talk a little bit about caretaker convention because I think the government has got it very wrong. Let me tell the house that the Premier suggested that the commonwealth government costs, both government and opposition, electoral promises under the caretaker convention. The reality is there is a specific piece of legislation which gives the power to the federal Treasury to cost both government and opposition electoral promises. My understanding is that those powers have never been used but even if they were used there is a specific—

Mrs Redmond: Which doesn't exist here.

Mr WILLIAMS: No, and the law does not exist here. That particular piece of legislation specifically prohibits the Treasury from informing the results of those costings to the minister. They are actually published so that everybody gets them. They are not given to the minister simply because that would give one political party, the party that was in government, an advantage. In fact, I will read from the Australian Public Service Values and Code of Conduct in Practice from the commonwealth Public Service, in particular from the section on caretaker arrangements in the election period:

> ...a number of the practices are directed at protecting the apolitical nature of the [Australian Public Service] and avoiding the use of Commonwealth resources in a way that advantages a particular party.

That is what it is about, and this government just does not get it. It is about fair play. That is something that this government does not understand—fair play. It is about an apolitical public sector—a public sector that can give advice to any government without fear or favour—and they just do not get it.

I want to turn now to electricity prices because I thought the Minister for Energy, minister Koutsantonis, on the radio this morning was quite misleading when he said, 'I think it is fair that the people of South Australia know why we have this rebate scheme,' and this is the feed-in tariff, 'and why it is for 20 years and why it is so much. We wanted to cut it off for five years and have a much smaller number of people who have solar inverter schemes on 44¢.'

Let me inform the house of the facts. What the government wanted was to have them on 54¢, not 44¢, so the amendment that I was very proud to move and able to convince our colleagues in the other place to support was to get rid of the government's intent to add another 10¢ to the scheme. I understand that that would have cost South Australian householders, the long-suffering electricity consumers in this state, another $90 million. The minister had the temerity to suggest that it was the opposition's fault.

The house will recall when the government introduced the feed-in scheme—remember back at the end of 2007 when the bill went through the parliament so the then Premier could go and speak at a solar cities conference here in Adelaide and beat his chest about being the first jurisdiction to have a solar feed-in tariff? That is what is was all about. Then they took their eyes off the ball. They had said they would have a review in a little while when it gets to 10 megawatts of installed capacity or 2½ years and we will have a review to see how it is going.

This happens to be the review that I have in my hand. One of the recommendations of the review was that it is recommended that the government consider implementing a scheme cap similar to the Victorian scheme at which point the scheme would be closed to new entrants.

Mrs Redmond: When was that?

Mr WILLIAMS: When was that? This review was completed in 2010. It was given to the government and they sat on it for about nine months. To explain what the Victorian cap is, Victoria has implemented their premium scheme with two clearly defined scheme caps and allows the minister to declare a scheme capacity day when either of these is reached. The first cap is for a maximum installed capacity of 100 megawatts; the second cap is when the scheme's average cost per customer of electricity per year exceeds $10, whichever occurs first. The maximum that electricity customers will get slugged in Victoria is $10 because they have a decent scheme because they knew what they were doing, but this government refused to accept the recommendation of its own committee.

Today lucky South Australians will be paying $70, not $10 as they would be if they were in Victoria but $70, because this government just took its eye off the ball. It does not really care about long-suffering householders in the state trying to meet their bills. They have lost touch with South Australians and this is just one area where they have lost touch.

NATIONAL YOUTH WEEK

Ms BETTISON (Ramsay) (15:30): I would like to talk about two events I recently attended during National Youth Week in my electorate of Ramsay. National Youth Week is a joint Australian state, territory and local government initiative and is the largest celebration of young people across Australia. In 2012 National Youth Week was held from 13 to 22 April, and this year's theme was 'Imagine, Create, Inspire.'

Programs and events held throughout the week gave young people the opportunity to share ideas, showcase their talents and celebrate their contribution to their communities. On Friday 13 April I attended the Paralowie Youth Service's 10-year anniversary. The event was designed as a celebration as well as an opportunity to showcase the wealth of talent in Adelaide's northern region.

Events included dance acts, street artists, a dance-off, and an outdoor art exhibition displaying talented visual artists from the northern region. Several participatory events were staged by local community groups and youth agencies, including street art workshops and the Ultimate Challenge course, which was run by South Australia Police.

Located in the City of Salisbury, the Paralowie Youth Service is an integrated youth and community facility for young people and their families. The service provides access to a range of programs and services that support young people aged from 12 to 25. Many of these people are experiencing a range of issues such as homelessness, drug and alcohol problems, or poor mental health. I would like to take this opportunity to commend the great and important work undertaken by the staff and volunteers of the Paralowie Youth Service.

On Friday 20 April I attended the launch of a TravelSmart SA project, 'On ya bike—live, ride, succeed', at the City of Salisbury's National Youth Week skate park event. The project is a joint initiative of the state government, in partnership with local government, and aims to promote and facilitate sustainable transport options. Developed and funded by Salisbury council's Twelve25 Salisbury Youth Enterprise Centre, which is at the heart of delivery of youth services

from the council, its goal is to provide no-interest loans to young, low income earners and recipients of Centrelink payments.

The young people use the loans to purchase a multipurpose pushbike, helmet and lock to get them to work or study. Once recipients of the first round of bikes have repaid the loan, the funds will be retained to offer another round of interest free bike loans. I am pleased to inform the house today that the very first successful applicant to receive a bike is 20-year-old Dilli Ram from Salisbury. I got to meet Dilli on the day. He is a Bhutanese new arrival to Australia. He has been here for two years. He is studying, and he would like to become a doctor; that is his desire. He will be using the bike to deliver the Messenger newspaper around the northern suburbs.

Another successful launch held on the day by Salisbury council was that of the new theme of the Obesity Prevention and Lifestyle program, known as OPAL. The program began in South Australia in 2009 and is a joint federal, state and local government initiative. The largest community-based obesity prevention venture of its type in Australia, the program is backed with more than $40 million in funds over eight years.

OPAL aims to increase the proportion of children in the healthy weight range by increasing healthy eating and physical activity through families and communities. The new theme, 'Think Feet First—step, cycle, scoot to school', encourages children and families to incorporate more active travel into their day. Since the 1970s the rate of active travel in Australia has declined significantly, with less than 20 per cent of young people walking to school today compared to almost 55 per cent in 1970.

That is why we are encouraging people to try to be more active by walking, cycling or scooting to school and other short trips to the local park or shops. Children who are physically active are usually fitter, healthier, happier and have stronger bones than those who are not active. Parents are also given the opportunity to spend quality time with their children, as well as getting some exercise themselves.

It is great that Salisbury council is one of the 16 South Australian councils to operate the OPAL program, and I commend both the staff and the parents who have got on board and who are so vital to the success of the program. The State Park Day at Salisbury North was a great achievement, with approximately 250 young people attending the launch and events.

Time expired.

TRANSPORT POLICY

Ms CHAPMAN (Bragg) (15:36): This week, we have seen the Minister for Transport Services drowning in her mismanagement of bus contracts. We have not seen the Minister for Transport leap to her rescue, throw her a life raft or even say, 'Well, I signed the contract, so I could probably take a bit of blame here. How can I help out?' No. The Minister for Transport has actually been a very busy boy. He has been attending, under his transport folio, a very interesting schedule of meetings, one of them relating to setting the standard of the new government's accountability, for example, during caretaker mode prior to elections, a stunning example of which has come to my attention, where the Minister for Transport was complicit in attending a meeting of ministers of transport, both state and federal. He was attending the Standing Council of Transport and Infrastructure, which was held on 21 March 2012, three days prior to the Queensland election.

Attending that conference, as well as our own minister, was the then Labor minister for transport in the Bligh government. That minister signed up with all the rest of them to an agreement that would ravage the financial base of transport operators, particularly in South Australia, the Northern Territory and Western Australia. To even attend a meeting relating to the signing-up to a major income revenue review (in this case, the registration of vehicles), knowing that the minister was in the middle of an election campaign, I think is despicable. I raised this matter in correspondence with the minister. I have not yet had a response to my letter of 17 April 2012. Nevertheless, as I have said, he met with this group to sign up to an agreement on the registration review, also noting that a very significant fuel tax increase of 10.4 per cent (or 2.4¢ a litre) was coming courtesy of the federal government.

I raise this matter because the announcement from this meeting of ministers was not made public until the afternoon of Friday 23 March. How convenient! On the eve of the Queensland election, this was finally made public. This was no instant communiqué out of their meeting. No, this was very secret—and it was kept secret, under the veil of the eve of the stunning win of the Liberal National Party in Queensland. Nevertheless, that occurred, and it was trickled out.

We need to understand that what had essentially been agreed upon was that the states would go back and review the registration costs for heavy transport vehicles. The smaller ones would have a reduction in registration costs and the road trains, the larger vehicles, were going to be belted with a major increase. South Australia, in particular, was going to be affected by this because we use road trains. This is going to severely affect, ultimately, not only the cost of delivery of consumables to country people but also potentially result in a loss of revenue to this state in relation to those who might register in another state that were not going to impose this agreement, such as the Northern Territory. The third alternative would be that they would all just whack off a trailer off the road trains and use smaller vehicles.

Many members would have read today's newspaper—a full-page advertisement about how household costs are going to go up; bread, fruit, vegetables, and 50 per cent more truck emissions, noise and safety risks on the road as a result of this stupid decision. It is even more absurd when we know the Northern Territory has already said, 'We are not lining up to that agreement; it is not acceptable to us.' Western Australia has said, 'We are going to review the same.'

Not even the most stupid minister in South Australia would remain involved in an agreement that is going to rip off country people in this state, knowing that all transport operators have to do in this state is go and register in Darwin. It is just a stupid decision in the first place, but it is not even smart for South Australia. I ask the minister to get smart and not agree to this, and to go to the May meeting and listen to what the people of South Australia are saying. Do not place this burden—Madam Speaker, these are people in your electorate, who are going to be paying—

Time expired.

AUTISM SPECTRUM DISORDER

Dr CLOSE (Port Adelaide) (15:41): I rise to speak today about autism spectrum disorder, and to pay my respect to the Army of Autism Awareness Angels for the work they are doing to raise awareness about it. Today I will refer to the autism spectrum disorder as 'autism', recognising that this is not medically precise, and that the full spectrum encompasses a very wide range of experiences for the people with this diagnosis.

Some children experience developmental delay, some do not. Some adults go on to work in mainstream workplaces, and often their colleagues will not know that they have a particular and recognised disorder. Others lead lives constantly in the care of their families or professions. They are all members of our community and they all deserve respect and understanding. Common features within the spectrum include an intolerance of noise and confusion, repetitive behaviours, a literal approach to language, and difficulty decoding social signals.

Acknowledging the wide range of experience for the purpose of speaking today, I will use the shorthand 'autism'. There is a perception—and perhaps a reality—that autism is increasing. Certainly, the diagnosis is being made more frequently. Whether that is a function of better awareness amongst parents, medical practitioners and early childhood carers, or whether there is a material increase in autism is not yet clear.

Of overriding importance is that everyone needs to understand what it means to have autism. You may be the parent or grandparent of a child with autism. You may have a family member with autism. You may simply meet a child or adult with autism in the shops, at a social event or in your workplace. Being sensitive to the needs of that person will make their lives easier, and is the hallmark of an inclusive community; the more we understand, the more we care for each other, the happier we all are.

This is where I run into difficulty of speaking about a broad range of experiences using only one term, but there are a number of features that are reasonably consistent, and that all of us being sensitive to will make a big difference to the lives of people with autism and their families. One feature is that some people have a lot of difficulty deciphering vague information that draws on socially understood meaning. For example, 'In a few minutes,' is imprecise and relies on context to be meaningful. For some people with autism, it is far more helpful to state precisely how many minutes.

Being sensitive and watching for children and adults with autism being distressed by an overly loud environment is also important. For some children, going to a school sports day is traumatic because it is so intense, loud and at times confusing. School teachers are increasingly extremely sensitive to those students who need a more structured and quieter environment.

Dealing with children and adults who might find eye contact difficult, or who simply do not read social signals easily, is so much easier if we all take the time to understand what the challenges are, and to think through how to make people who we are talking to comfortable and not threatened or confused. Parents, family members and people who regularly work with children and adults with autism deserve not just our respect, but also our support and understanding.

As I said earlier, I would also like to pay my respect to the Army of Autism Awareness Angels, the delightfully energetic and caring group raising awareness of autism in Adelaide. They are by no means alone; there are many groups that have been set up by parents and other carers, but I was fortunate to spend some time with the Angels recently, and they impressed me with their very creative approaches to raising awareness.

Not only have they staged a flash mob in the city to raise awareness, they have a rap tune selling on iTunes dedicated to them and about their work, and they recently had flags about autism flying all over Port Adelaide. Everything they do is about supporting families who are experiencing autism, and educating others about how to be more sensitive; that is the least we can do.

PALLARAS, MR S. AND HØJ, PROF. P.

Mr HAMILTON-SMITH (Waite) (15:45): I rise to talk about how important it is for South Australia to attract and retain some of the best minds available in the nation and in the world so as to invest in our future. I want to do so by making particular reference to the contributions, in that regard, of two people: Stephen Pallaras QC and Professor Peter Høj. I note that there is a separate motion on the *Notice Paper* to deal with thanking them for their service. I do not want to concentrate on that but I do want to talk about the need for intellectual energy if this state is to go forward as a matter of general principle.

With regard to Stephen Pallaras, in the period that I have been serving in the parliament I have rarely had to think more deeply than when I have heard his contributions on a range of issues to do with law and order. Our justice system and the future of our community and its cohesion will be very much determined by the quality of the minds who guide and operate the system. Meaningful debates and debates from leaders in the justice system that educate us, whether we are lawmakers or members of the general public, help to dispel the rage of populism, the rage of the lynch mob mentality and the rage of simple solutions to complex problems.

Similarly, the intellectual energy that comes from those who operate our justice system must be powerful enough to resist the political system. It must be powerful enough to say no when others—be they premiers, attorneys-general or politicians of any kind—seek to interfere with the system to deliver their own outcomes that may not, after all, be best for the state. In regard to all these issues—whether to do with organised crime, bikies, terrorism, integrity in public office, many of the issues I heard Mr Pallaras raise in his address to the Press Club on 6 May 2005 and in other utterances—I found his contributions to be a rudder of common sense and plain thinking in the wild seas of the criminal justice system, and I fear that we will be losing a good mind with his departure.

I now turn my attention to Professor Peter Høj because both as leader of the opposition and as a shadow minister I have had dealings with Peter that I must say have been quite remarkable. The transformation in the University of South Australia has been something to behold. Peter's contribution to trying to bring together the University of South Australia and the University of Adelaide into an intellectual engine-room with greater capital and intellectual grunt has been a very worthwhile initiative. Sadly, and perhaps partly because of the failure of that idea to have its day, he is leaving to go to Queensland. I will talk about him again at the appropriate time when the motion comes forward.

The purpose of my address today is to make the point that, when you look at Peter's qualifications, history, previous experience not only here but overseas and the fact that he understands the importance of the economic outcomes of innovation and science, with his departure we lose a great opportunity.

In closing, I acknowledge these two minds as minds that have made a great contribution to this state. We need to build a state that attracts more of the best minds that are available, not only from here but from overseas, to come here, to make a stake here, to build their futures here and to make a contribution to this great state because that is the competitive advantage that will build a future for our children and our grandchildren: having people like these two—and there are many others—come here to help build a future.

GO THE DISTANCE

Mr SIBBONS (Mitchell) (15:50): Last week I represented the Premier at the launch of the new annual community fundraising initiative called *go the distance*, which raises funds and awareness of heart disease and cancer. It was fantastic to see four leading health organisations joining together in this wonderful initiative. My warm congratulations go to the Flinders Medical Centre Foundation, the Heart Foundation, the Leukaemia Foundation of Australia and the Little Heroes Foundation for their collaboration on this project.

This initiative, *go the distance,* encourages people to choose their own physical challenge. You can choose a seven-kilometre or 21.1-kilometre run (a half marathon), or a seven-kilometre walk or a 30-kilometre, 50-kilometre or 107-kilometre bike ride. The aim is to raise more than $2 million, and participants are required to raise a minimum of $1,500 as an individual or individual teams in a team. Families are required to raise a total of $3,000, with the money raised going towards research programs for improved treatment and cures.

It is also terrific to see the major sponsors, Foodland, Channel 7, Health Partners and *The Advertiser*, supporting *go the distance*. I am impressed that the fundraising is based around being active through walking, running or riding. Increasing participation in these activities by adults and children is consistent with preventing premature heart disease and cancer. This is just the sort of activity the state government wants to promote, and we want to make sure that South Australians are living healthier as well as longer lives.

Heart disease and cancer together account for nearly two out of three deaths in South Australia each year. The diseases have no boundaries and will touch every single South Australian at some stage of their lives. Personally, I lost my father way too early from heart disease. He was 56. In recent years my parents-in-law have both undergone treatment for a cancer-related condition. The good news is that we can cut down heart disease and cancer through health promotion and early intervention in the diseases.

Our success in lowering smoking rates in South Australia is part of that good news story. Of course, we still have a long way to go and we need to continue to make changes to deter people from taking up the addictive and poisonous habit of smoking. However, gains in community health from these sorts of efforts can be undone by a significant increase in other risk factors, such as being overweight or obese, being physically inactive or having poor diet and nutrition. These are all real and present factors that contribute to high levels of heart disease and cancers—factors we must find a way of tackling. This is why *go the distance* is so important.

We want more individuals and families adopting healthier lifestyles and more workplaces, schools, sporting clubs and community organisations getting behind messages to offer healthier diet, be smoke free, be active and to consume alcohol responsibly. There are social benefits, community benefits and economic benefits from increasing people's activity and improving their general health. The *go the distance* challenge is on Sunday 28 October, starting and finishing at West Beach, travelling along the coast and throughout the Adelaide Hills.

I have committed to *go the distance* and be part of this wonderful initiative, and would like to offer the challenge to my parliamentary colleagues to join me. If you do not wish to join me, you can simply sponsor me. To register, go to www.gothedistance.org.au and follow the step-by-step guide on how to become a challenger. This is a wonderful example of organisations working together and supporting each other's creative fundraising and research endeavours, building a critical mass of innovation, influence and respect. I wish the organisers the greatest success in attracting South Australians to participate in this important challenge and by doing so raise money for this worthy cause.

NATIONAL ENERGY RETAIL LAW (SOUTH AUSTRALIA) (IMPLEMENTATION) AMENDMENT BILL

Consideration in committee of the Legislative Council's amendment.

(Continued from 1 May 2012.)

The Hon. A. KOUTSANTONIS: I move:

That this house disagrees with the amendment made by the Legislative Council but makes the following alternative amendment in lieu thereof:

Clause 4, page 11, after line 26—Insert:

29A—Review

(1) The Commission must conduct a review of the operation of the *National Energy Retail Law* in South Australia after the expiry of 2 years from the date fixed under section 4.

(2) The review must focus on the impact of the *National Energy Retail Law* on consumers of energy and whether the implementation of the Law has—

(a) resulted in increased efficiencies; or

(b) adversely affected customer protection in pursuit of national consistency,

and may address such other matters as the Commission thinks fit.

(3) The Commission must prepare a report on the outcome of the review and provide a copy of the report to the Minister.

(4) The Minister must, within 6 sitting days after receiving a report under subsection (3), have copies of the report laid before both Houses of Parliament.

(5) The Commission must, between the date fixed under section 4 and the completion of the review under this section, publish, on a quarterly basis, statistics about the de-energisation of premises due to inability to pay energy bills during each quarter, unless the Commission is satisfied that the AER publishes comparable statistics on a quarterly basis.

Whilst the government does not consider it necessary to impose a legislative requirement for the Essential Services Commission of South Australia to undertake a review of the implementation of the National Energy Retail Law, the government accepts that the amendment passed in the other place provides certainty regarding review timing and content. Accordingly, subsections (1) to (4) of this amendment are identical to that passed in the other place.

The amendment to subsection (5) also required that the commission must publish quarterly statistics about the disconnection of premises due to inability to pay energy bills. The government notes that under the national framework the Australian Energy Regulator is required to publish an annual retail market performance report which will include information and statistics on the number of premises disconnected for non-payment.

In addition, the Australian Energy Regulator is intending to publish quarterly information on the performance of the energy retail market, including the number of disconnections for non-payment and reconnections. However, there is no legislative requirement for the Australian Energy Regulator to do so.

To ensure that the commission and the Australian Energy Regulator are not performing duplicative functions and incurring duplication costs, this amendment makes it clear that the commission is not required to publish quarterly statistics on the disconnection of premises due to inability to pay energy bills if the AER is publishing statistics on a quarterly basis.

The government's amendment to subsection (5) is satisfactory to the mover of the original amendment in the other place and I, therefore, commend the amendment to the house and thank the Hon. Mark Parnell and, for that matter, the Deputy Leader of the Opposition in this house, for their willingness to negotiate swiftly with the government on this matter.

Mr WILLIAMS: The opposition will be supporting the government's amendment, and we are delighted that the government has accepted the principle of the amendment moved in the upper house and supported by the opposition in that place. We accept the wise further amendment to that amendment by the government to ensure that there is not a duplication. The intent was always just to make sure that the information about disconnections was made freely available to the public and the outcome is the same and there will be no duplication by ESCOSA to the AEMO. So the opposition is quite happy to support the amendment as proposed by the minister.

Motion carried.

LIVESTOCK (MISCELLANEOUS) AMENDMENT BILL

Second reading.

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Manufacturing, Innovation and Trade, Minister for Mineral Resources and Energy, Minister for Small Business) (16:01): 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.

This Bill is about improving the current operation of the *Livestock Act 1997*.

The current Act came into operation in January 1998 and represented the consolidation of eight Acts relating to the health of livestock in South Australia.

The Act incorporates support for a number of important national agreements, for example the National Livestock Identification Scheme (NLIS) and the national agreement for funding of emergency responses to exotic disease incursions, ensuring that South Australia is in harmony with livestock legislation enacted elsewhere in Australia.

The Act provides for registration requirements in relation to the keeping of livestock to ensure fast and effective tracing of livestock in the event of the detection of an emergency animal disease. There are also registration requirements in relation to artificial breeding centres and veterinary diagnostic laboratories. These requirements ensure that the minimum necessary standards are complied with for the protection and benefit of the State's livestock industries.

The Act provides the Government with the ability to investigate and control any animal disease or contaminant that may impact on the health of livestock, people or native or feral animals or, the marketability of livestock or livestock products.

The Act also provides for the establishment of livestock advisory groups, which advise the Minister directly on matters affecting the sectors that they represent. Currently there are seven advisory groups (sheep, cattle, pigs, goats, deer, alpaca and horses). These groups have greatly assisted the government in developing appropriate policy for their particular sectors of the livestock industries. The advisory groups representing those industry sectors that have Funds established under the *Primary Industry Funding Schemes Act 1998* also act as the consultative committee for the respective Funds, providing advice to the Minister in relation to the administration of the Funds.

Good governance requires continual legislative review to ensure that the regulatory framework meets the needs of the community without stifling endeavour or putting at risk the enviable health status of our livestock industries. It is recognised that this relatively contemporary piece of legislation can be improved with 'fine tuning' certain existing provisions, removing obsolete or unnecessary provisions and including new provisions that will give the livestock owning communities greater say in how animal health related diseases and issues are dealt with.

Amendment of the Act is proposed to enable recovery of costs from individuals who refuse or fail to take required disease control actions, beyond just the expenses incurred by inspectors. This is particularly aimed at the apiary sector where a significant amount of taxpayer and industry funds are used to clean up neglected and abandoned hives and hive material, which present a biosecurity threat to the bee and honey industries.

Specific provisions for the allocation of a Property Identification Code (PIC) to all properties with livestock have been developed to provide for more equitable penalty provisions for persons in breach of the requirements and to improve the current PIC system. The PIC is an essential component of the NLIS and provides vital information about livestock properties for use in disease emergencies and natural disasters. These new provisions will not change the current requirements and operation of the PIC registration system.

The amendments to improve operation of the Act commenced with the release, in August 2009, of a Discussion Paper that identified a number of issues of interest and invited comment from stakeholders on the working of the Act and the proposed amendments. Stakeholder comments were fully supportive of the proposed general amendments. The recent consultation reconfirmed that these amendments are still supported.

The proposed amendments to the Act to establish cost recovery of the Animal Health program are not being pursued at this time.

Following amendment of the Act, Biosecurity SA will be consulting with relevant industry sectors on developing any necessary consequential amendments to the regulations.

This Bill contains a number of enhancements that will benefit primary industry producers and I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Livestock Act 1997*

4—Amendment of section 3—Interpretation—general

A new pointer definition is inserted in relation to category 1, 2 and 3 offences, categories used in connection with maximum penalties and expiation fees (see clauses 7, 10 and 20).

The existing pointer definition relating to notifiable disease is altered so as to refer to a new category—notifiable (report only) disease (see clauses 5 and 16).

The definition of veterinary diagnostic laboratory is altered so that it does not include a place of business of a veterinary surgeon if the only samples or specimens that are tested or analysed come from livestock being treated (as well as diagnosed) by the veterinary surgeon in the ordinary course of his or her practice. Such a laboratory will not be required to be registered.

5—Amendment of section 4—Interpretation—notifiable condition and exotic disease

This amendment provides for designation by the Minister by Gazette notice of a notifiable (report only) disease.

6—Amendment of section 5—Interpretation—livestock etc affected or suspected of being affected with a disease or contaminant

This amendment contemplates the Minister by Gazette notice specifying conditions that will mean that there is reason to suspect that livestock of a class susceptible to a disease are affected with the disease. This power is proposed to be used as necessary in responding to particular disease control programs agreed nationally.

7—Insertion of section 6A—Categories of offences determining maximum penalties and expiation fees

New section 6A provides for regulations prescribing the offences that are to be regarded as category 1, 2 or 3 for the purposes of penalty. Category 1 is specified as the default category. See clauses 10 and 20.

8—Amendment of section 9—Functions of livestock advisory groups

This amendment enables an advisory group to act on its own initiative in raising with the Minister any issue directly related to the sector of the livestock industry that it represents (rather than only at the request of the Minister). It also removes an out of date cross reference to Part 2 Division 2.

9—Amendment of section 10—Terms and conditions of membership and procedures

This amendment enables the Minister to give directions relating to the procedures of an advisory group. This is designed to facilitate consistency between the groups.

10—Amendment of section 17—Requirement for registration to keep certain livestock

The penalty for keeping livestock when not registered as required is substituted, so as to provide for graduated penalties and for expiation fees.

11—Amendment of section 19—Requirement for registration to perform artificial breeding procedure

The offence of carrying out an artificial breeding procedure on or in connection with livestock without being registered is made expiable and subject to further exceptions for a person who carries out an artificial breeding procedure on or in connection with livestock owned by the person, and an artificial breeding procedure carried out on or in connection with livestock by an employee of the owner of the livestock in the course of that employment.

12—Amendment of section 23—Term of registration and renewal

The amendment enables late renewal of registration and provides a process for applications for renewal.

13—Insertion of Part 3A—Identification codes

New section 26A empowers the making for regulations for a scheme of identification codes for places where livestock may be kept or handled and for stock agents. It is an expiable offence not to have a current identification code as required by the regulations.

14—Amendment of section 30—Movement of livestock or livestock products affected with notifiable condition

15—Amendment of section 31—Supply of livestock or livestock products affected with notifiable condition

The offences created by sections 30 and 31 are made expiable in cases not involving exotic disease.

16—Insertion of section 32A—Exemptions for notifiable (report only) diseases

New section 32A gives effect to the new category of notifiable (report only) diseases by disapplying provisions that do not relate to reporting to diseases of that category. The diseases that will fall into this category are those which, for export purposes, Government authorities must collect data but which do not require further regulation (such as leptospirosis, toxoplasmosis, campylobacteriosis and trichomonisais).

17—Amendment of heading to Part 4 Division 2

This amendment ensures that the heading properly reflects the proposed content.

18—Amendment of section 33—Prohibition on entry or movement of livestock or other property absolutely or without required health certificate etc

This amendment extends the power to impose documentation requirements relating to entry of livestock by Gazette notice to movement of livestock within or out of the State. This is intended to enhance disease control measures, particularly when responding to an emergency animal disease event. The offence in subsection (5) is made expiable except in relation to exotic disease.

19—Amendment of section 37—Gazette notices

The offence in subsection (4) of non-compliance with a notice is made expiable except in relation to exotic disease. Police officers are given the powers and functions of an inspector for the purposes of the section.

20—Amendment of section 38—Individual orders

The penalty for non-compliance with an order is substituted, so as to provide for graduated penalties and for expiation fees. Non-compliance with a sign erected as required by an order is made expiable.

21—Amendment of section 39—Action on default

22—Amendment of section 41—Action where no person in charge and owner cannot be located

The reference to 'by an inspector' is deleted in each case so as to ensure that the costs and expenses that may be recovered include those attributable to engagement of the inspector.

23—Amendment of section 43—Limitation on destruction or disposal of livestock or other property

It is thought that the reference to the example of halters and rugs leads to the provision being read more narrowly than is intended.

24—Amendment of section 47—Establishment of Fund

25—Amendment of section 48—Application of Fund

These amendments update references to the types of agreements under which money is paid into the Exotic Diseases Eradication Fund.

26—Amendment of section 49—Claims for compensation from Fund

These amendments allow a claim to be made by the owner of livestock certified by an inspector as having been destroyed during a declared period on animal welfare grounds as a result of a prohibition against movement of the livestock in force for the purposes of controlling or eradicating a declared exotic disease. The animal may not have been infected with disease. They also require the amount of compensation paid to be reduced by the amount of the net proceeds of any sale of livestock carcasses or other property.

27—Amendment of section 68—General powers of inspectors

28—Amendment of section 72—Compliance notices

The reference to 'by an inspector' is deleted in each case so as to ensure that the costs and expenses that may be recovered include those attributable to engagement of the inspector.

29—Insertion of Part 8 Division 4—Public warning statements

New section 72A enables the Chief Inspector to issue a public warning or to erect signs at a livestock saleyard or other public place for the purposes of controlling or eradicating disease or contamination.

30—Insertion of Part 9A

This clause inserts a new Part that provides that the Minister is to be responsible for the administration of the *Animal Welfare Act 1985* insofar as it applies to livestock (other than pets) and that inspectors are to be taken to be inspectors under that Act.

31—Amendment of section 85—Service

This amendment contemplates service of notices by email if an email address is provided to the Minister or Chief Inspector for the purpose.

32—Amendment of section 88—Regulations

This amendment expands the regulation making power relating to vaccines and diagnostic reagents to diagnostic assays used in relation to livestock or native or feral animals. This is designed to enable the regulations to prohibit unauthorised testing or vaccination for notifiable and exotic diseases. It also increases the maximum expiation fee that may be fixed by the regulations to $500.

Schedule 1—Transitional provisions

This provision transitions the regulations relating to identification codes into the new scheme contemplated by the insertion of Part 3A into the Act.

Debate adjourned on motion of Mr Griffiths.

TELECOMMUNICATIONS (INTERCEPTION) BILL

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (16:03): Obtained leave and introduced a bill for an act to enable SA Police and the Independent Commissioner Against Corruption to be declared agencies for the purposes of the Telecommunications (Interception and Access) Act 1979 of the commonwealth; to repeal the Telecommunications (Interception) Act 1988; and for other purposes. Read a first time.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (16:04): 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.

The *Telecommunications (Interception) Bill 2012* is a companion bill to the *Independent Commissioner Against Corruption Bill 2012*. Its purpose is to enable the Independent Commissioner Against Corruption (the 'ICAC') to be declared an agency under the *Telecommunications (Interception & Access) Act 1979* of the Commonwealth and so enable it to obtain telephone intercept warrants for the purposes of investigating corruption in public administration. The measure replaces the *Telecommunications (Interception) Act 1988*.

In order for the Commonwealth Attorney-General to declare the ICAC as an agency under the Commonwealth legislation, State legislation that meets all of the preconditions for a declaration set out in section 35 of the Commonwealth Act must be enacted, including provisions for compliance auditing of the agency's use of telephone intercepts. It is also necessary for the Commonwealth Act to be amended to define the ICAC to be an eligible authority and for a number of other consequential amendments to be made. Following amendment of the Commonwealth Act, the Premier will seek a declaration under section 34 of the Commonwealth Act that the ICAC is an agency for the purposes of that Act.

SAPOL already constitutes a declared agency under the Commonwealth Act and this status will not be affected by the measure. SAPOL has been consulted and supports the measure.

There have been an extensive number of amendments made to the Commonwealth Act since the State Act was enacted and this measure will bring the State Act into line with the current requirements of the Commonwealth Act.

The review agency for compliance auditing of SAPOL's use of telephone intercepts will continue to be the Police Complaints Authority (to be renamed the Police Ombudsman under consequential amendments in the *Independent Commissioner Against Corruption Bill 2012*). Auditing will continue to be required at least once in each period of 6 months, with a report being provided to the Attorney-General. The existing powers supporting the conduct of an audit are reproduced in the measure.

As it is essential for the ICAC to maintain independence from all public agencies and authorities, it is proposed that review of the ICAC's records in relation to telephone intercepts will be performed by a person who is independent of the ICAC and is appointed by the Governor as a review agency.

I confirm that the ICAC's use of telephone intercepts will be limited to investigations into corruption in public administration.

I commend the Bill to the House.

Explanation of Clauses

1—Short title

2—Interpretation

This clause contains definitions for the purposes of the measure. Warrants for telecommunications interception are obtained under the *Telecommunications (Interception and Access) Act 1979* of the Commonwealth. This measure includes requirements relating to record keeping, reporting and review that are required under the Commonwealth Act to be included in State schemes. Warrants may only be obtained by SA Police or the Independent Commissioner Against Corruption.

3—Obligations of chief officer of eligible authority relating to records

This clause requires the chief officer of the relevant State agencies to keep records in the same way as is required under the Commonwealth Act in respect of Commonwealth agencies. Sections 5 and 7 of the current Act are the corresponding provisions.

4—Obligations of chief officer of eligible authority to report to Attorney-General

This clause requires the chief officer of the relevant State agencies to give to the Attorney-General a report about each warrant issued and an annual report of the same kind as must be given by Commonwealth agencies to the Commonwealth Minister. Section 6 of the current Act is the corresponding provision.

5—Obligations and powers of review agency

This clause requires the records of the relevant State agencies to be inspected at least once in each period of 6 months and a report to be given to the Attorney-General. The Police Ombudsman is to conduct the review in relation to SA Police and an independent person appointed by the Governor is to conduct the review in relation to the Independent Commissioner Against Corruption. Necessary powers to support the conduct of a review are included as in the current Act. Sections 8, 9, 9A, 10 and 11 of the current Act are the corresponding provisions.

6—Obligations of Attorney-General

This clause requires the Attorney-General to give copies of reports to the Commonwealth Minister. Section 13 of the current Act is the corresponding provision.

7—Regulations

This clause provides general regulation making power.

Schedule 1—Repeal of *Telecommunications (Interception) Act 1988*

The current Act is repealed.

Debate adjourned on motion of Mr Griffiths.

STATUTES AMENDMENT (CRIMINAL INTELLIGENCE) BILL

Consideration in committee of the Legislative Council's amendments.

(Continued from 3 April 2012.)

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

That the Legislative Council's amendments be disagreed to.

This legislation has had a fairly eventful career. It is fairly plain from the message that the bill has been substantially amended, although I think to use the term 'substantially amended' is an understatement. A marked up version of the bill indicates that the formal clauses 1 to 3 were unamended and after that only one clause—in fact, a single line—remained intact. Pages and pages of amendments were inserted and, of course, the long title was amended. It would be pointless to argue these through again.

In another place, it was quite clear that the opposition and its friends were entirely impervious to argument on the floor of the place or to advice from the government's legal advisers. Rehearsing it all again would be a complete waste of time in this house. Reference may be made to *Hansard*. It is enough to point out that the honourable shadow attorney-general is prepared to concede in a half-hearted way that he has it wrong. Here is what he said:

I would just like to briefly reiterate the opposition's willingness to receive alternative amendments.

Not the actual provisions that were put up there in the first place but alternative amendments. I will quote from my contribution. He goes on to quote himself and I quote him quoting himself:

...I would put the question to the government in a different way. Is it conceivable that there would be a set of safeguards that the government, the police and the Police Association could find acceptable? If that is the case, I believe it is worth continuing the work on this bill because it is certainly the opposition's strong view that, in terms of balancing the interests, it would be useful to have more clearly enumerated safeguards in the legislation.

So Mr Wade, the opposition spokesman, has concerns and his amendments are wrong but it is up to the government to come up with something that will satisfy him without him giving an inch. He did not move the amendments suggested by the select committee. Just on that point, can I say that when these provisions originally went up there to the upper house, they were cul-de-sac'd into a select committee. The select committee came to a conclusion and, Mr Acting Chair, you are going to be shocked at the conclusion of the select committee. I am pleased you are sitting down. The select committee recommended support for the government bill.

Ms Chapman interjecting:

The Hon. J.R. RAU: There is more. The Hon. Mr Wade contented himself with criticising the government. The government's Statutes Amendment (Criminal Intelligence) Bill did not propose to add a single new criminal intelligence provision—not one. It was simply designed to make the existing provisions uniform—and just to underline that a little for the honourable gentleman in the other place, 'existing' means already there—and, more importantly, because the opposition says it is concerned about the legality of things, to adopt the terminology that was expressly approved of by the High Court in the decision of K-Generation Pty Ltd v Liquor Licensing Court. That case dealt with the provisions in the South Australian Liquor Licensing Act.

This is overtly and clearly a bill designed to save the state time, money and aggravation by insulating the state as far as possible from another High Court challenge on this point. In other words, if that is not clear enough, we have an array of criminal intelligence provisions. We know that one of them is okay according to the High Court, at least in as much as anyone can know that. We know that, and we are seeking to replicate that known successful formula from the Liquor Licensing Act in other acts. That is all we are trying to do. We are not trying to extend the operation

of criminal intelligence one iota. This has been turned by the opposition into a free-for-all and a circus.

SAPOL, in a fairly rare public pronouncement, has made it clear that this uncertainty is hampering its operations and running the risk of allowing people of dubious or dangerous repute to get access, for example, to licences they should not have. We include here liquor licences, firearms licences and of course the notoriously troubled security industry. We are looking to regulate those areas. Recently, the South Australian Police Association, which again does not jump into print on issues like this at the drop of a hat, was very forthright, and I would like to quote the President of the association, Mr Mark Carroll, who said:

> ...serious shortcomings in the Redmond Opposition's approach to law and order...threatened and continue to threaten public safety...

That is not me talking, that is an independent person who represents the thin blue line that protects us from these individuals. Let me go on. He says:

> Isobel Redmond's Liberals moved amendments...which would have made the use of criminal intelligence almost redundant...The Liberals' proposed 2010 amendments defied belief...It is a matter of fact that, as a direct result of the failure to pass this legislation—

Note—matter of fact, not opinion.

Ms Chapman: He is not in government yet.

The CHAIR: The member for Bragg will have a chance to comment in a moment. If she interrupts once more, she will not have a chance.

The Hon. J.R. RAU: Mr Carroll continues:

> ...that, as a direct result of the failure to pass this legislation, some serious and organised criminals have enjoyed freedom from firearms prohibition orders—

This is something for which the government has been criticised repeatedly by Mr Wade. He gets on the telephone and says, 'Why hasn't this chap got an order against him? Why hasn't this other fellow?' He names names and says 'Why haven't they got orders on them?' This is the most audacious form of defence but usually—I guess, from Mr Wade's point of view, hopefully the most effective—you criticise the government for not doing something that you are preventing it from doing. That is pretty good, isn't it? You stop them doing it, and then you criticise them for not doing it. How good is that? I am continuing to quote here from Mr Carroll:

> Isobel Redmond must now show the leadership required of a political head and agree to pass the criminal intelligence bill. Further delays make the difficult task of effectively policing serious and organised crime in South Australia.

Can it get any clearer than that? So, the bill was introduced into the parliament on 27 October 2010. The bill passed the house on 10 November 2010. It was introduced to another place the same day. Then, debate proceeded in a leisurely way, as it does in the more genteel environs of the red house, and the committee stage was reached by 8 March 2011. The opposition had filed quite a lengthy series of amendments, but not quite so lengthy as the current lot. The government opposed them. It was clear the government did not have the numbers, and the first of the opposition amendments was passed. Progress was reported; and there it stopped.

In the meantime, the Hon. Mr Parnell had moved the matter of criminal intelligence generally be referred to the Legislative Review Committee. That was done on 9 March 2011. Just so people have got this in mind, we started this long march on 27 October 2010. We are now in May 2012, and we are still trying to progress this, and the same people are still getting in the way. Anyway, back to the story.

Off to the Legislative Review Committee on 9 March 2011. The matter proceeded again in a leisurely way, and the matter returned to another place on 19 October 2011. That report was generally in favour of the government's position, as I have said. The opposition put in a dissenting report and indicated it was adamant in continuing to amend the government's bill. The Greens agreed with that. Having voted for a committee review, they refused to abide by the committee's result. That's interesting, isn't it? The people who set the committee up were not happy with the outcome, and then decide, 'Well, we didn't like it so we are not going to go ahead with that.'

So now we are in May 2012—18 months have passed. This is a disgrace and it is an abuse of the parliament. There is a raft of different amendments which are not amendments at all but a private member's bill in another form. The government will oppose these. It will drop the bill

rather than accede to these amendments. If the High Court invalidates one of these criminal intelligence provisions—just one—it will be plain to everyone upon whom the responsibility rests, and it will not be the government. Now, can I add that over the course of the last 18 months the Hon. Stephen Wade has been visited by many people.

Mr Odenwalder interjecting:

The Hon. J.R. RAU: I'm not sure about that, but he has been visited by many people. I have been one of them. I visited him a number of times, and we have had very courteous conversations. During those conversations he has nodded and made other gestures indicating some comprehension and recognition of the matters that were raised. Both with me and independently of me I have arranged on multiple occasions for staff from the Attorney-General's Department, particularly the policy and legislation people, to brief Mr Wade, and I think the honourable member for a Bragg as well on occasions. I should not leave her out of this, because she has been present at these. Although, I have to say, Mr Deputy Speaker, I think that the extensive practical legal experience of the member for Bragg, were she the person with whom we had to deal, may perhaps have achieved a slightly better outcome; but let's not go down that path, that's speculation.

There were multiple occasions with lawyers from the Attorney-General's Department. Again lots of nodding, lots of apparent comprehension. Mr Tony Harrison, a very senior officer from SAPOL, well respected—eminent, one might say—probably knows more about this area than anybody. I do not know how many interviews he had with Mr Wade. He has had this sort of revolving door of people imploring him, 'Please, please, please pass this.' And all of those people are not me, and all of those people have explained to him that this does not represent an extension of anything. This represents an attempt to prevent a constitutional challenge succeeding against existing provisions in existing pieces of state legislation.

Anyway, all of those have fallen on deaf ears. So, you have the government urging this for 18 months. You have senior lawyers who advise the government urging things for 18 months. You have very senior officers of SAPOL privately urging these things, in desperation, probably frustration—I am not sure whether there is a word above that but, if there is one, I am sure Mr Carroll must have got there for him to actually have said anything in public. You have PASA coming out and saying something about it.

Then the person who I do not think anyone in the chamber would assert to have been the government's closest friend over a number years—certainly not somebody anyone suggests has ever been in the government's pocket—Mr Stephen Pallaras QC, DPP, accused those who blocked the criminal intelligence bill of being 'galactically ignorant'. I am sure that Mr Pallaras chose his words carefully and, can I say, how fairly he chose them, too. He said that they were 'galactically ignorant' and that the law aimed simply to enshrine a practice already carried out by a judge. He said that the opposition is making life easier for criminals. They are his words, not mine. He said:

> I have difficulty understanding what the objection is, particularly as we know that these criminal intelligence powers have been around for many years and exist in other legislation, so what's the problem?

Now we have somebody else lining up to plead with the opposition to get real and to assist SAPOL to do the job that we as South Australians expect it to do. So, we have senior police, senior government lawyers, the government, the police force generally, PASA, the Director of Public Prosecutions. One man stands out like an island—

An honourable member: Gilligan?

The Hon. J.R. RAU: No, it's not Gilligan. One man, and the party has allowed him to continue to be its spokesman and to continue to push this line in the upper house, knowing that it is preventing the passage of this legislation, and that is, obviously, the Hon. Stephen Wade, the shadow attorney.

We are in this position. The shadow attorney would say that all he is done is import what he calls 'safeguards' from the national anti-terrorism laws and put them into our criminal intelligence provisions in South Australia. What is wrong with this? Why is this betraying a complete misapprehension, or lack of comprehension, about what we are talking about here? I have explained this before, but I will explain it again. A person who is to be affected by the anti-terrorism laws will, by reason of those laws, have their ordinary civil liberties taken away from them, and it is in that context that criminal intelligence that might be used to stop one from enjoying the ordinary

civil liberties all of us expect to enjoy is to be measured. That is why those provisions are as they are: they seek to take something away that all of us enjoy as a birthright.

So far as I know, it is not a constitutional right of every Australian, certainly every South Australian, to own a firearm. It is not a constitutional right of every South Australian to operate a licensed premise. It is not the constitutional right of every South Australian to run a firm of bouncers. These are privileges the community regards as being so significant in terms of their risk of mismanagement that we have a legislative scheme around the circumstances by which a person will obtain what we call a licence. It is in the context of the granting of a licence that the government, the police, the director of public prosecutions and SAPOL are saying: it is not unreasonable for criminal intelligence to be used when a person is making a decision about whether someone is a fit and proper person. That is it; that is the bottom line, that is what it is all about.

There have been more developments on this. Three weeks ago, I went to a meeting in Canberra with the state, territory and national attorneys-general. At that meeting, it was resolved that organised crime was a serious problem within Australia. All governments agreed that we had to be more cooperative about our approach to organised crime, and one of the explicit agreements at that meeting was that all jurisdictions should do their best to share—and here are the words that need to be underlined and in bold—and protect—criminal intelligence.

This is where it becomes very important because we are not only talking here about intelligence SAPOL might have collected in South Australia which is relevant to determining whether a person is a fit and proper person here. It might well be that SAPOL has information from New South Wales, Queensland, the commonwealth, or anywhere else, which may be relevant to answering that question. Let's follow that path back, and I will give you a hypothetical example.

You have an individual who appears to be a cleanskin. They have no obvious criminal record, and there is no obvious reason why the person should be a suspect. They apply for a firearms licence, a liquor licence, or to be a crowd controller, and the licensing authority is advised by SAPOL, 'We have intelligence that the person who sits in front of you is in fact good mates with a whole string of very unsavoury people, and we know that the connection that person has with these unsavoury people is that he is basically their frontman. We have all sorts of access to things like telephone intercepts, or we might have been bugging some premises, or we might even have some person who is part and parcel of that outfit who is actually giving us information.'

What the Hon. Mr Wade wants us to do when refusing the licence, or in the context of considering it, is to say to that frontman, 'We've got concerns about you because there's criminal intelligence about you,' and then give that person an opportunity, through their lawyers, to delve around into what that intelligence might be and where it might have come from. Just think that one through. You have a serious criminal outfit, and you might have a person who is actually in that outfit who is giving information on the quiet to the police. How comfortable do you reckon their life is going to be once the mob they are in works out what is going on? Not very, I suspect.

What is going to happen to behaviour about using particular telephone lines, or behaviour about meeting in certain premises, if these people have reason to suspect that those things are the subject of surveillance? Again, you do not have to be a genius to work that out. What is even more concerning about this is: why would New South Wales, Queensland, Victoria or any other jurisdiction share their criminal intelligence with us if they know that our courts could be used to extract information about how the New South Wales police got their criminal intelligence? You do not have to be a rocket scientist to work out how that would work.

You have some criminal outfit in New South Wales, for example, and we have information from New South Wales about some association with a person applying for a licence. They know they can test, to some degree, how the intelligent was derived, what it is and so forth here. That then opens a window for them in Adelaide into intelligence-gathering activities in New South Wales. How well regarded by other jurisdictions do you think that is going to be? I suggest not very well regarded at all. Of course there is an alternative in Mr Wade's proposal. The alternative is that police say, 'Okay, if that's what it's going to be we won't use it and they can back off and their intelligence is protected.' Sure, it's protected—and it's useless because nobody can use it. If they are not going to put it forward, who is?

In every one of these cases SAPOL has to make the choice: 'Do you want to risk blowing your cover in terms of where this intelligence is coming from or are you just going to hold it back?' That is what these amendments require. How anyone thinks that is in the interests of the

administration of justice or how that in any way serves the public interest in South Australia completely defies my imagination.

For all of those reasons the government cannot accept these amendments. With all due respect it is not Mr Wade's position to sit in a big chair like an Oriental potentate and say to us, 'Sorry, not good enough. Go away and have another crack at it.' That is not the way it works. It is not our job to tell him how he can muck up our legislation, he is capable of doing that by himself. We don't need to help him, he is actually very good at it, and we are not going to try because he is wrong—it is simple—just wrong.

As you might have gathered from the general tone we do not accept the amendments. For that reason I assume that this will inevitably wind up in a deadlock and what happens thereafter is difficult to say. However, I do say this: the writing is on the wall as far as this matter is concerned. If any of the existing criminal intelligence provisions are subject to attack, and any prosecution or other process fails by reason of a constitutional challenge, let us make no mistake where the responsibility for that will lie.

Secondly, in the event of some criminal behaviour going on over the next couple of years where criminal intelligence could have been brought to bear to frustrate or stop that behaviour and someone suffers as a consequence, the actions of those who block this legislation will inevitably invite responses from the police and others that they are being frustrated in doing their duty, and those responses will continue every time that frustration occurs.

For my part, in my electorate at least, I am going to notify all the people in my electorate about this issue. I am going to let them know exactly what is going on. I am going to quote Mr Pallaras, SAPOL and Mr Carroll, and I will invite my constituents to make their own judgement about which of the major parties in this parliament is actually serious about supporting our police in the important work they do, and which is not. I have my own view about that but I am content for my constituents to work it out for themselves. That is where we stand: we do not accept the amendments and we cannot agree to the amendments proposed.

Ms CHAPMAN: The opposition supports the amendments, and we thank the Legislative Council for its careful and wise deliberation of this bill, in particular addressing some aspects which we think are fundamental and important to the whole legal process. Although the Attorney has outlined the presentation of amendments as though they were some wholly owned subsidiary of the Hon. Stephen Wade, it seems that he has overlooked that the Legislative Council comprises 22 members, and the majority, in their wisdom, have confirmed that these are valuable amendments which will assist in the application of the bill, if and when it ever becomes law; although I did note the Attorney's threat that unless this bill went through on his terms it would be pulled. That will be on his head.

Let me say this at the outset: although the advance of this bill has been at the glacial pace as determined by the government, the opposition has been at all times, and remains, willing to resolve this so that we have an amendment to our legal processes which allows for the proper application and use of criminal intelligence for the benefit of the people of South Australia. That remains our position and I place it on the record.

The Attorney may take the view that his bill, without these amendments, is perfect and that it needs no amendment. In fact, he said quite clearly that it is not going to have any amendment according to what the Legislative Council says. It is going to go through on his terms or not at all. In some way he has the complete panacea of answer as to how this should progress, because he has had the wise counsel of several learned members, and some very experienced, in the law enforcement arena.

Of course, he has been on Leon Byner's FIVEaa program and he has protested his objections to the unfair and unreasonable proposals presented by the opposition and indeed other members of the Legislative Council, that they are in some way impeding the proper course of justice, and that in some way the Legislative Council is protecting this group of 'fiendish people' in the community who deserve no credit or protection.

In reality, the opposition, not only the Hon. Stephen Wade, but other members of the opposition, including our leader, and other Independent members in the Legislative Council, have made it clear that they want to protect the people of South Australia. That is what they want to protect. That is a priority for them and that will remain so.

In any event, the Attorney-General thinks his legislation, as was presented to the Legislative Council, should be accepted, and he will not tolerate any change. Of course, he is always right. Wouldn't that be wonderful if he was always right! Let me give you just one example of where he is not right. In fact, he has had to back down and he has had to eat humble pie, I suppose, and accept that the information that he has relied on has not necessarily translated to something that would be effective.

One of those is the other bill that is before us, and is out there in deadlock, in respect of correctional services, and to provide powers, to give the chief executive of the corrections department and/or senior police officers the power to effectively issue warrants for people who are suspected of breach of parole.

The Hon. Jennifer Rankine is the current Minister for Police and the Minister for Correctional Services. With respect to that bill, members would be well aware that the former attorney had championed the need to amend legislation to protect against a circumstance that had resulted in the death of one Shane Robinson, but, in the meantime, an assault against a police officer and the appalling conduct towards a senior female member in the outback of South Australia. The former attorney-general said how important it was that we amend the law—

The Hon. J.R. RAU: Point of order.

The CHAIR: Order! A point of order has been called. Do you have a point of order, Attorney?

The Hon. J.R. RAU: Even if any of the information that the parliament were receiving from the honourable member was demonstrative of a failure to perform adequately on my part, its relevance to the topic before the chamber would be remote. However, given that neither the bill nor the former attorney-general are matters for which I have any particular ongoing responsibility—and I do not recall in respect of the correctional services bill making a particular contribution on it at all, because I am not the minister for corrections—how I have had to go out and 'eat my words', I think was the expression, baffles me. Can we please, Mr Chairman, address the bill before us and be focused on that.

The CHAIR: I would ask the member for Bragg to concentrate on the bill, but I would also remind the Deputy Premier that he did go a bit wide himself in some of his comments. The member for Bragg.

Ms CHAPMAN: Why this is so important, Mr Chairman, is because the government has heavily relied on the advice in that instance of the police commissioner as to the importance of understanding how the legislation that the government had proposed—and it still proposes—needs to be carefully drawn so that it is effective. In fact, what it had presented to the parliament as having the endorsement in that instance of the police commissioner was subsequently found to have not been something that could be practically applied.

Certain aspects of the legislation on the face of it had everyone's support (including the police commissioner; all been signed off with that endorsement) but the practical application of that bill, and in particular the circumstances in which a parolee could be arrested and—

The CHAIR: Member for Bragg, you have made your point. You need to get back to how that point is relevant to the clauses in the bill.

Ms CHAPMAN: Absolutely, and the reason is this—

The CHAIR: Can we take the direct route rather than the scenic route?

Ms CHAPMAN: Well, let me say this: that is an example where the police commissioner has made an assessment, it has been relied upon by the government, it is then found to have been not actually the correct position and the police commissioner has had to come out and say, 'Look, I know this is what the government demanded, and if it had proceeded that legislation would not have been used by the police.'

Here we have in this case a situation where the government is relying on the advice of the law enforcement agencies, namely, the police (a very important stakeholder in this; we do not disagree), but they are not always right, and neither is the Attorney and neither are ministers. If it was a perfect world and everything that the government or the Attorney-General espoused from his lips was so perfect we would not need to have any process of amendment.

The CHAIR: Member for Bragg, I keep hearing the same words. You need to bring your comments back relevant to the bill. You need to refer to the clauses or I will ask you to sit down.

Ms CHAPMAN: Thank you, Mr Chairman. I do not know that my friend, the Attorney-General, referred to one clause throughout his 40-minute tirade but, nevertheless, if you like, I will start on clause 1.

The CHAIR: I am happy for you to address the clauses. You have not got to the clauses yet; that is what concerns me.

Ms CHAPMAN: No. Can I say this: for all the grandstanding of the Attorney-General about how perfect his bill is and how insistent he is that it go through on his terms, he and his government make mistakes, even on very senior advice that they have received or where they have ultimately misinformed the other stakeholders as to the reliability of that advice and we find out later that that is not the case. We need to have a checking system and that is what we have. He has grandstanded around, he has paraded around about how perfect this is, but let us just identify the three issues that are left. I am going to go to the easy ones first.

The Liberal Party set out three sets of amendments to the bill: firstly, to do with the recording and reporting of the use of criminal intelligence. This is not rocket science. This is a very simple proposal that, when you are amending the law, there be a reporting process that is able to provide some, I suppose, comfort to the application of a new law that there will be some level of accountability as to the use, misuse or abuse of a certain new tool that is available in a law enforcement activity.

Criminal intelligence itself is not new, but it is new in this area. The opposition says the reporting of that and the review of it is something that is not unreasonable, and we are not alone in that. Not only did other members of the Legislative Council recommend this but the Legislative Review Committee, a government-controlled parliamentary committee, also recommended this. So, it is not just us singing from some wilderness, some lone voice, but the Legislative Review Committee, the government-controlled parliamentary committee, has recommended this.

The other thing that seems to have escaped the Attorney's attention today is that he also promised in October last year in a letter to Legislative Councillors that that would be something that is accepted. So, it is rather baffling to us that, given the correspondence from last year in which there had been a promise to amend the criminal intelligence bill to provide for the annual reviews, he has failed to put any promised amendments and the government is now opposing the amendments from the opposition.

I just find that absolutely bizarre. Here we have a situation where we are asking for a level of accountability. The Legislative Council had been informed in a letter from the government, from the Attorney-General himself, that they were going to do that. The Legislative Review Committee said that was the right process to go through. He said he was going to do it, he did not do it, so they amended that and now we come back here and he says, 'I don't want to agree to that.'

I mean, what is going on here? This is not lawmaking: this is an obstinate refusal to accept something that has been exposed, something that has been confirmed by the proper processes to be the right course and consistent with his own presentation. He still refuses to do it. Now, that is the spit the dummy tantrum, toddler behaviour that I expect of a two year old, not the Attorney-General.

They are the two matters that I think are pretty straightforward. The Attorney-General has even signed up to them himself, there it is in black and white, and now he wants to recant it. The other issue which is fundamental—

The CHAIR: Point of order.

The Hon. J.R. RAU: It is really a point of clarification as much as anything else. If that is all the member for Bragg is after and that is game set and match, we can talk turkey.

The CHAIR: Okay.

Mr Pisoni: That was just interruption, not a point of order.

The CHAIR: And the member for Unley, so was yours.

Ms CHAPMAN: The second and, I suppose, the most significant area of difference is the question of giving to the judicial officers the testing role of the reliability of the secret police evidence. We have heard examples from the Attorney again today of where it is important and why

it is important that we use criminal intelligence in certain cases. We know, I think from very long debates in this house, why it is wrong fundamentally to rely on secret evidence as a matter of course, but I think it is reasonable in the context of what we are going to be identifying today for the benefit of the house to say that, in short, criminal intelligence is evidence which can be used, and should be used, in certain circumstances and it certainly should be available to be used when we are dealing with bikies and legislation such as terrorism legislation. We all accept that. However, there is no question that its use does increase the risk of miscarriage of justice; it does increase the risk of corruption; it does increase the risk of political misuse; it does undermine the standards of police investigation; and it can certainly undermine public trust in the justice system.

I repeat those not because they are in issue but, remember, this is to be used in the exceptional circumstances rather than the norm because of those weaknesses. That is pretty obvious. It is why we have special rules to allow cross-examination of witnesses and why we insist that, as a fundamental principle, when people are charged with an offence they need to know what they have been charged with and there needs to be full disclosure of the circumstances and details of the offence. These are all rules that have been established over hundreds of years.

We all agree here—I think, both major parties at least—that there are certain circumstances when you have to go beyond that and say, 'In these special circumstances we need to lower the threshold. We need to be able to get in secret intelligence,' for reasons that have been again recounted today, but they include the fear of witnesses coming forward, the intimidation of evidence, and so on. We all agree with that, but here is where the difference is between our two major parties.

We say that if you have court-tested evidence as a safeguard, which is how we have described it, you should allow the judicial oversight of three things—whether the information is properly determined by the Commissioner of Police to be classified as criminal intelligence; whether the information is sufficiently reliable and of such probative value that it is in the interests of justice to allow the crown authority to educe or rely on it; and the steps that should be taken to maintain the confidentiality of the information whilst ensuring as far as reasonably possible that other parties to the proceedings are not unduly prejudiced by the lack of disclosure.

I think this has come as a bit of a light bulb moment to the Attorney-General because it seems to have been an impediment to his advance of this, or at least some of the people who have been advising him about this concern. I think this has certainly come through senior members of the police department who have felt they may be restricted in their capacity to be able to withdraw this criminal intelligence if they had placed it and then, under review, it was not allowed to be admitted. Certainly, during the course of briefings, the concern was raised that, once in the court situation, even if the court said, 'No, I am not going to allow it to be relied on: I make that determination,' that somehow they could not pull it out and put it back into a secret envelope and keep it secret.

From the comments made today, I think the Attorney-General at least understands this point, even if some of the police do not, that is, if the court determines that the material is not to be admitted without being disclosed, the police can certainly withdraw that material and it maintains its confidentiality. I think it is important that we place that on the record because that has been a fear that has permeated parts of the presentations put to us by senior police officers, that is, in some way the confidentiality of that material will be lost as a result of that process. In those circumstances, if that were the case, they would have a reasonable concern to be validated, but I think from the comments made by the Attorney today he at least accepts, as of today, that that is not the case and that it can clearly be withdrawn and that remains protected.

This is what I want to bring to the parliament's attention about the fundamental difference between them and us. For all of the government's protestations and the Attorney-General's strutting around today out there in radio land and here today about how the Liberal Party are there protecting bikies and that the Labor Party are there to protect us, let me say this: it is the government that has provided bikies with these very same legal safeguards that we say are important for law-abiding citizens.

I repeat that. I am going to identify legislation in a moment where the government has required provisions in bills to protect bikies in relation to evidence, which they refuse—and consistently here again today are prepared to dump their own bill in spite of the Legislative Council's position that they are there protecting law-abiding citizens.

The government is willing to sacrifice the good intention of the legislation rather than provide these safeguards, which they are willing to give to bikies. Let me refer to the government's repair bill on the anti-gangs law. We are about to finally pass it through the parliament when some further amendments have come down from the other place. I do not know where it is.

The Hon. J.R. Rau: There are more amendments, are there?

Ms CHAPMAN: On the judicial amendments that Chief Justice Doyle—

The Hon. J.R. Rau: That is done.

Ms CHAPMAN: I thought it had been done, but it is listed.

The Hon. J.R. Rau: I thought it had been done.

Ms CHAPMAN: I thought we had done it, too. Whether it has been done or not, it was dealt with in the Legislative Council on 3 April. Whether it is an act or still a bill, I am not sure, but for some reason it is listed here today. If we have to fix that up, that is fine. Let me refer to section 22G. Remember that this is the legislation that the government introduced after the High Court had thrown out the previous lot of legislation, which was about anti-association laws. It is new legislation and, with some amendments, it has come to be fixed up and, largely, we have all agreed on it. It is somewhere in the system, either on its way to Government House or somewhere else.

Last month the bill came back from the Legislative Council and it still had in it—and I want to refer to it—section 22G of that act/bill. This relates to bikies in anti-gang laws and the evidence that can be used against them in the anti-association laws. Section 22G subsection (4) provides:

> Evidence, a document or other material will not be admitted in evidence under subsection (1) or (2) if the Court is of the opinion—
>
> (a) that the person by whom, or at whose direction, the evidence, document or material was prepared can and should be called by the party tendering the evidence, document or material to give evidence of the matters contained in the evidence, document or material; or
>
> (b) that the evidentiary weight of the evidence, document or material is slight and is outweighed by the prejudice that might result to any of the parties from the admission of the evidence, document or material in evidence; or
>
> (c) that it would be otherwise contrary to the interests of justice to admit the evidence, document or material in evidence.

There we have it. That is almost word for word what we are asking be part of this bill to protect the law-abiding citizens of South Australia, which the government has put in their bill to protect bikies.

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

Ms CHAPMAN: Having identified the very protections in relation to the use of evidence that the government has insisted in their bill that bikies should have, I think you will understand that we should firstly be applauded for ensuring that this same protection is available for law-abiding citizens.

The government says that bikies are entitled to that level of protection, in allowing evidence which, for many reasons, can be unreliable and should not be relied on, but can in certain circumstances be used. The bikies themselves can stand up and say, 'I refer to subsection (4) and I insist that there be some consideration given to the evidentiary weight, to the breach of the interests of justice and for the outweighing of the prejudice principles.'

If a bikie can demand that—and the government has given it to them in this bill in relation to the control orders—then the government must answer this question: why cannot law-abiding citizens have exactly the same protection? He needs to answer that. He can fool people who listen to FIVEaa. He can even fool Leon Byner on this if he likes, but that is a reality.

This government has come into this parliament and written down in black and white the very protections that we are asking for on behalf of law-abiding citizens in this state—the same protections that the government has given bikies. That is all we are asking, and I will just give you one example of why that is so important—just one.

Let us look at licence applications, whether they be for guns or hotels. Next year it might be cafes or hairdressing salons. I am told that wherever cash is, bikies might prevail in gangs. Tattoo

parlours—you name it; they will come up. Let me give you one example and that relates to malicious complaints. For example, a disgruntled neighbour—and I think you might appreciate this, Mr Deputy Speaker—might provide information that is clearly incorrect against a neighbouring farmer who wants to get a gun to manage pests, for example, on their property. That is just a pretty small, low-level area, but he says, 'Look, he's got a shocking temper; I'm scared for my wife. We don't want to be reporting this. We need to have this information presented for protection.'

We are just simply saying that there are certain circumstances—even when neither farmer is or may have been a bikie or a terrorist or even a suspected terrorist—where they are able to satisfy someone that there has perhaps been some level of intimidation between these neighbours that would justify the protection of evidence and that would be allowed to go in.

The judge in those circumstances would weigh that up and say whether there would be any injustice that would prevail as a result of that information coming before the court, where the applicant for the gun licence is not allowed to be privy to that information. If they said, 'Yes, it outweighs it,' we understand that and if the judge says, 'That's okay,' then that is all we are asking.

The second situation is what we see in the competitive world of liquor outlets. With firearms, a drug or alcohol, we have licensing processes which set out various standards—usually that the applicant has to be a fit and proper person and that they do not have a criminal record, etc. That is all for good reason because, whether they are dealing with prescription drugs within a chemist shop or the sale and service of alcohol as a refreshment or whether they are managing gunpowder, these are all things that need to be properly managed, so we have these rules.

Understand this: there is competition out there in the real world, and people will make allegations against others in an attempt to have the competitive edge. That is the reality of the business world and that is why we have protections. That is why it is necessary to have judicial oversight over when we use secret evidence.

A well-meaning police officer may come forward with information that they have received, genuinely believing it to come from a bona fide source, not understanding the intricacies of the dispute and/or the rivalry and the competition in the competitive market. That is the real world, and that is why we have this protection. That is all we are asking for.

Now that it has been exposed that the government itself has decided in its own bikie legislation that even bikies are entitled to that standard of protection, that judicial oversight, the Attorney and the government that sits around him need to understand and appreciate—even if the Attorney-General is too ignorant or too precious to admit that he has got it wrong in this regard—the importance of getting legislation through to protect the general community with safeguards. We are asking no more than what the government is already providing to bikies in other legislation which has gone through this parliament. That is all we are asking.

I think it is important that the Attorney-General gets off his high horse, understands the significance and the importance of this legislation, as we do, and progresses it appropriately. He needs to accept and take it on the chin that he has been caught out on this. He needs to say to the people of South Australia, 'I'm sorry for holding up this legislation for so long. I accept that the upper house has had a really good look at this. I now understand that it is, in fact, quite absurd for me to keep standing here trying to claim that this is an unnecessary obligation to add on, that it is inconsistent with my advice from the police'—blah, blah, blah—'when, in fact, I have already asked the parliament to accept it for bikies.' He has been caught out, and it is a disgrace in my view.

The Attorney should not only apologise but he should also say to the people of South Australia, 'This having been identified, I will now accept it.' Or, in the alternative, 'Let's go into deadlock; let's have a conference.' I understand that the Hon. Stephen Wade wrote to the Attorney this morning hoping that this matter could be progressed. We are keen to get on with it. If the government wants to pull the pin and spit the dummy and stamp off like some two-year old, then there is nothing we can do about it, but that will rest on the head of the Attorney.

I am asking his colleagues in cabinet and the people who sit behind him in this parliament to point out to him that they will not tolerate that childish, short-sighted, immature behaviour when the safety of all South Australians is potentially at risk.

The Hon. J.R. RAU: I am just recovering from that. It will just take me a moment. I will just say a couple of things about this. The honourable member spoke for a little while and traversed a bit of space. I have made some notes, and I am able to condense it down to basically three points. Point number one: I made an offer by letter, which I have indicated today we do not wish to

proceed with at the present time. I am happy to explain that to everybody here. The context of that is that I was trying to offer—

Ms CHAPMAN: Point of order. My understanding is that the bill has been returned with amendments. It is open to anyone in the parliament to identify whether or not they agree with the amendments, but it is not a matter for further debate. It is not an amendment that has been presented by the government on which they have a right of reply. Each party has presented their position. We could go on arguing the point like this, but in my view it would not be consistent with the standing orders because it is open for the government to identify whether it is going to withdraw the bill or whether it is prepared to go into deadlock. I think he has already indicated that unless these amendments are removed, there is no point in having a deadlock. I think it is reasonable for him to clarify to you, sir, as to whether or not his government is prepared to nominate people to go into deadlock but to have a right of reply is not within the standing orders.

The ACTING CHAIR (Hon. M.J. Wright): I am sure the Attorney is going to do that.

The Hon. J.R. RAU: Very much so. In the context of that, can I make it plain because there appears to be some ambiguity about this? It was offered by way of a compromise that the matter to which the honourable member referred, namely the additional recommendation about some reporting suggested by the select committee—it was offered as an attempt to resolve the matter as a compromised position. That was rejected because it was not enough. When the compromise is rejected, the parties go back to where they start and then we see what happens after that. That is point one. Point number two: the honourable member—

Ms CHAPMAN: Mr Acting Chairman, this is a rebuttal speech. Either we are going through committee or we are not.

The ACTING CHAIR (Hon. M.J. Wright): I did give you a very wide arching debate when you spoke, and I am sure the Attorney is going to address the matters that are of concern to you. I am listening carefully to what he says but I think he is in order at this stage.

Ms CHAPMAN: Can I just clarify this as to your ruling on this? I appreciate that you may not have been immediately alert to all of the subject matter that was presented by the Attorney. Of course, I am sure you would have been listening to the debate when it started at about 4 o'clock in his response to the Legislative Council amendments, not mine but the Legislative Council's amendments. You might have been more carefully listening to mine, but both were quite lengthy in response to what the Legislative Council had put up. What is the course of action here is not a debate between the Attorney and me or any other member of the house about what we think of each other's position or statements that we have made, it is consistent to identify what we are going to do about the Legislative Council's position.

The ACTING CHAIR (Hon. M.J. Wright): I think—

Ms CHAPMAN: And the minister is now getting into a debate about submissions that I have put on the Legislative Council amendments. If he wants to go to deadlock, that is fine. I am simply indicating from our point of view that we are happy to go into deadlock and let's get on with it. We need to hear from the Attorney.

The ACTING CHAIR (Hon. M.J. Wright): I think we will get on with it if you allow the Attorney to contribute and finish what he is saying. Your point of order has been changing from one sentence to another, and I do not think there is a point of order. Attorney.

The Hon. J.R. RAU: Thank you very much, Mr Acting Chair. I will be very brief because I am not attempting to reagitate the whole matter. The second point is this: an apple is round and red, an orange is orange and orange.

Ms CHAPMAN: Mr Acting Chairman, I am not looking for an apprenticeship to be a greengrocer.

The ACTING CHAIR (Hon. M.J. Wright): What's your point of order?

Ms CHAPMAN: This is nonsense. At the very least, if you are going to let him go into rebuttal—

Mr Pisoni interjecting:

The ACTING CHAIR (Hon. M.J. Wright): The member for Unley does not need to add to what is happening.

Ms CHAPMAN: —he does not get to introduce new issues. If you are going to allow him to do rebuttal at all, and I have heard your decision on that, then introducing new assertions—in this case something about apples and oranges. For goodness sake, we are dealing with criminal intelligence here, not pips.

The ACTING CHAIR (Hon. M.J. Wright): I am sure the Attorney is coming to the conclusion of his remarks and he deserves the right to be able to do so.

The Hon. J.R. RAU: My point is that to compare the criminal intelligence provisions in relation to the SOCCA legislation as if it is a revelation that here we are, we are doing it—and as I explained before, one is in relation to taking away a civil liberty, the other is in relation to granting an indulgence. It is like comparing an apple with an orange. They are not the same thing, okay?

The last point about being caught out: look, we are not caught out, for the reasons I just explained. What the honourable member is talking about and what the Legislative Council is talking about is ignoring the advice of eminent legal persons, the Director of Public Prosecutions, SAPOL and PASA and various others and saying that they know better. I do not want to avoid the opportunity of resolving this matter and I am hopeful that even at this late stage in the piece, if we take the thing to deadlock there will be an opportunity for those who have opposed the critical provisions of the bill to review their position. If, as I indicated before, and I want to give some encouragement to this deadlock process, the resolution through deadlock can be achieved through the matters referred to in my correspondence of October of last year, then I think we can do business. For that reason, I think the resolution of this matter lies in the deadlock.

Motion carried.

SERIOUS AND ORGANISED CRIME (CONTROL) (MISCELLANEOUS) AMENDMENT BILL

Consideration in committee of the Legislative Council's amendments.

(Continued from 3 April 2012.)

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

That the Legislative Council's amendments be agreed to.

Just to demonstrate that we are keen to work in a harmonious fashion with the Legislative Council and go to those sunlit uplands, we accept the amendments. We think that the schedule of amendments made by the council in this particular instance to the Serious and Organised Crime (Control) (Miscellaneous) Amendment Bill are an improvement to the bill.

The ACTING SPEAKER (Hon. M.J. Wright): Very generous.

The Hon. J.R. RAU: We say, in this instance, quite separate to the last one, terrific.

Ms CHAPMAN: I indicate that the opposition also supports the amendments. I point out that they are amendments almost exclusively, except for one amendment, introduced by the Minister for Agriculture, Food and Fisheries on behalf of the government, so I would be very surprised if the Attorney-General did reject them. It illustrates that, firstly, government bills are not perfect. Sometimes, when they get further advice on things, in this case the helpful advice from the Chief Justice of the Supreme Court, soon to be retired and who has given splendid service to this state, has drawn to the attention of the Attorney, notwithstanding his breadth of advice and how perfect he normally is in presenting these things, that things can be wrong and that they can be improved, and we certainly need to do that as best we can before making mistakes that may affect the usefulness or even effectiveness of legislation. So, that is the position of the opposition.

Motion carried.

TAFE SA BILL

Adjourned debate on second reading.

(Continued from 5 April 2012.)

Mr PISONI (Unley) (17:20): I indicate I am the lead speaker for the opposition on this bill, and the opposition supports this bill. I take it that we will be dealing with the consequential provisions bill later. As part of its Skills for All strategy the government is seeking to separate TAFE SA from DFEEST and to set it up as a statutory authority under the provisions of Public Corporations Act 1933, governed by a board of directors. Three institutes will operate TAFE SA: Adelaide North TAFE SA, Adelaide South, and TAFE SA Regional.

From talking with my country cousins in the Liberal Party I know that TAFE SA Regional is seen as a valuable asset for members in regional Australia. The Skills for All operation will require DFEEST as a purchaser of education and training services to be at arm's length from providers, including TAFE SA, which is the state's largest provider of publicly funded training. South Australians have access to a training subsidy and the ability to select the training provider, whether it is a TAFE or a private RTO in most instances but not every instance, as I will discuss later in my contribution.

The objective of this bill is for TAFE to become more commercially autonomous and accountable for attracting potential students. Of course, it remains to be seen how TAFE, with its more public provider culture and unionised workforce, will fare in retaining or growing market share in a more competitive environment, even with this level of continued subsidy and support from the government; and I will discuss and raise that further in my contribution.

In other words, what we are hoping to see on our side of politics from this transition is more of a customer-driven focus, more of a private-sector attitude with TAFE. We are hoping we can achieve that. Last time we were in office we certainly started to move in that area. Interestingly enough, it was a key criticism of the Labor Party, when they were in opposition, about our moves to corporatise TAFE and make it more relevant to industry and to make it more accountable and competitive.

I refer the house to a report that was handed down in December 2002 and commissioned by the incoming Labor government in 2002. It was written by Peter Kirby, who was the principal reviewer. In a letter to the then minister for employment, training and further education (Dr Jane Lomax-Smith) Mr Kirby pointed out what he saw as being some of the weakness of TAFE, as it stood then, and why it was important that the move to corporatisation be immediately ceased.

It is interesting that here we are 10 years later and the government, which promised to stop the corporatisation of TAFE, is going even further than what the Liberal Party was proposing 10 years ago. Some of the remarks made by Mr Kirby in his letter to Dr Jane Lomax-Smith were interesting. He pointed out the lack of leadership provided to the system in recent years, the absence of any strategic planning that would set priorities with regard to state development, and the failure to maximise the benefits and collaboration between institutes that have resulted in duplication and wasteful petition.

They are fair and reasonable criticisms, I think, of any organisation that is in government hands. I think you would certainly find that, and the idea of corporatising an organisation like that would be to iron those sorts of things out. However, what has happened after 10 years of Labor running a TAFE system? In that time, of course, it has had seven ministers running the TAFE system as well. In that time, we see that there is still a mess in the TAFE system in South Australia, so much so that TAFE itself, DFEEST and the public servants who work within DFEEST have given up trying to fix it. In December of last year, they put out expressions of interest for the provision of a timetabling system in South Australia.

What was interesting were some of the problems that were described in TAFE's existing environment. Bear in mind that this is 10 years after the Kirby report that was put together to fix the so-called mess this government was left with by the previous government. I must say the Kirby report is a very political document. It is very ideologically driven to the left and very much focused on a publicly-funded and publicly-cultured TAFE system. If he has not seen it, I recommend that the minister perhaps look at it to see just how far he has moved with his bill here today from those evil reds who were running the system 10 years ago.

Observations of TAFE's current timetabling scheduling process—and of course, timetabling is such an important role when it comes to how business is managed—there is no centralised planning or scheduling. That is interesting, as a similar criticism was made 10 years earlier by a government report. Many people involved in labour-intensive, low-tech processes—that is, using spreadsheets. I have also been advised that up until recently in many TAFEs students could only pay cash for their courses; there were not even credit card facilities available.

Duplication of program scheduling among three institutes—this is 10 years after these very same issues or similar issues were identified in the Kirby report that was commissioned by this government. Constraints and variables are difficult to manage, changes are very difficult and labour-intensive to handle and, in brackets, it states that it adds significant cost and non value-added activity. I think that it is another major concern that those who send their staff to TAFE, those

who pay for TAFE courses, and those who attend TAFE are critical of the TAFE system and point it out regularly.

Practically impossible to optimise all people, facilities, resources across the entire system—that is a damning problem to have. You have all these human recourses, and we know how important it is to have qualified, well-utilised human resources in the competitive environment in which we live today, particularly with the cost pressures that families have experienced over the years. We have seen dramatic increases in business costs, and we have seen dramatic increases in government costs. We know that government taxes and charges in South Australia over the last 10 years have increased by 81 per cent, even though the inflation rate has only been 33 per cent and, of course, costs are extrapolated across institutions such as TAFE.

It is important that we manage our people, our facilities and our resources effectively and efficiently across the entire system. That is not being done, according to these tender documents released by the department less than six months ago. Planners and management cannot see the impact of decisions, changes and costs—another very damning criticism. Do not forget that these are things that the department has gone outside the department to look for advice to fix. Ten years after they have been identified by a government report, the department has gone out to tender to look for somebody to help it manage these processes.

Some programs are easy to schedule, such as full-time and part-time students in non-trade studies because they do not have many changes during the semester. Some are very dynamic throughout the year and have multiple changes. Schedules are not available online. It is hard to believe in this day and age, isn't it, that schedules for students and teachers and so forth are not available online? We even have government high schools, as well as private high schools, now handing out iPads to their students. It is hard to believe that something as vital as a schedule is not online. Students are forced into making choices with limited visibility of options. I would have thought that that is a fairly major criticism of the department and the way in which it has been running TAFE, that students are forced into making choices with limited visibility of options.

We know that we have a situation here in South Australia where it is important to be skilled up in order to make yourself employable. We know that we have not been as successful, certainly over the last 10 years, in our education system in producing work-ready students. The Premier, Mr Weatherill, and the education minister, minister Portolesi, have been asked what reasons they would give for that, and they have said that we have a higher proportion of lower socioeconomic families in South Australia—that is why we have been falling backwards in our NAPLAN results here in South Australia over the last four years.

In 2010, Mr Weatherill, as education minister, in excusing the fact that South Australia had gone backwards in 2010 on the 2009 NAPLAN results, told the media, 'Here in South Australia, we have a higher proportion of lower socioeconomic families.' Low and behold, who would have thought that, for 2011, we would be even further behind with our NAPLAN results and the new education minister, minister Portolesi, would open the Hawker Britton handbook and find that same line and use it again in the media and say that the reason our NAPLAN results are not as good as they could be is that we have a higher proportion of lower socioeconomic families in South Australia?

What is the way out of that situation? The way out of that situation, of course, is a skilled workforce. What we are discovering today is that the government had identified issues in the TAFE system 10 years ago in its very own commissioned report. Yet 10 years down the track, we find that those same problems are still there and, if they are not, they are worse than the government claimed to have experienced when it came to office.

This is a damning commentary of TAFE and the way in which it has been run by the Department of Further Education, Employment, Science and Technology over the last 10 years. I certainly would be embarrassed if I were a Labor member of parliament—and I am genuine in this comment—knowing how many on the Labor side of politics, through their trade union connections, value training. I certainly value training equally as highly, if not more, because I am here today as an outcome of an apprenticeship system which gave me all sorts of opportunities which I would not have had if I had not got those skills.

I think this is what has been lost in the last 10 years in the government's deck chair shuffling of training ministers responsible for this portfolio. Certainly, over the last four years, it has been even worse in relation to the shuffling of ministers. I think there has been some confusion by the government in relation to the training portfolio over the last few years. It seems to have been

that new ministers have gone into the training portfolio. It is not actually a portfolio for training ministers: it is a portfolio for training the people of South Australia. However, there must have been some confusion with that process along the way. Jane Lomax-Smith, Paul Caica and Michael O'Brien were trained in this portfolio.

We had Mr Snelling train in this portfolio—he was obviously having a bit of trouble, because not long after he was made minister, he had an assistant minister for training and employment; that was Mr Kenyon, who has now graduated to be the minister in his own right. I congratulate the minister for training and skills; congratulations for graduating through the Labor ranks and through their own training program using this portfolio to be a minister in your own right. It still does not, of course, help us to understand why we have struggled to deliver students out of schools ready for further education and training—work-ready students.

Talk to any group training organisation and they will tell you that they have introduced trade-based maths and English for when their students come out of high school so they can understand how to read a manual and instructions, or how to work out simple maths processes that they need for changing a litre of oil, or measuring a piece of four-by-two. These are skills that you would expect students to be leaving schools with, ready to use and to apply for the workforce.

It was certainly an expectation when I started my apprenticeship back in 1980. I remember the expectation was that I could obviously fill out my own timesheet, read a cutting list, and read other instructions to deal with construction and maintenance of machinery. These are important skills that students should be learning at school and that TAFE and other institutions would take to the next level.

The new TAFE board would become responsible for protecting the long-term viability of TAFE SA and the Crown's significant financial interest. We know it is a significant investment that the Crown has made in TAFE over decades, and we have seen some very good results. I am a former student of Marleston college, and it is a college that has been there for a very long time. It will be closing, as the government rationalises and changes where it is offering TAFE facilities, and moving to the Tonsley—I am just trying to work out what it is actually called these days, because now they have introduced housing to the block. It was supposed to be a high technology centre when it was first—

The Hon. T.R. Kenyon: Sustainable Industries Education Centre.

Mr PISONI: Sustainable Industries Education Centre. It has housing, which is handy I suppose; it saves you catching the bus home if you have housing on the block. We will see Marleston close, we will see Panorama close, and we will see O'Halloran Hill close as part of that process. The South Australian government will remain the owner of TAFE SA, as I understand it, and the bill safeguards all existing employment terms and conditions for the transferral of staff.

As a matter of fact, this is quite an extraordinary way of dealing with that. I understand that the minister decided to go against departmental advice—and you might want to correct me if I am wrong. I think the advice was for any employee disputes to be handled by the same organisation that deals with the Public Service, but the AEU wanted it to be dealt with through the Teachers Appeal Board, and I believe the minister rolled over on that and allowed that to happen. That was your prerogative, but I put it to you that that was probably more about a turf war between the AEU and PSA than anything else.

What I found interesting was the amount of contact I had with AEU delegates working at TAFE, prior to this bill being released publicly, about their concern about the changes the minister would be making to their terms and conditions. They continue to tell me that they were predominantly concerned about the quality of training, but now that you have rolled over on all their demands, including introducing a schedule of the terms and conditions into the bill, it appears as though they do not have any concerns at all about the quality of training by private RTOs, because I have not heard anything from them. So that was an interesting observation, as a member of the opposition who has been handling this bill.

The TAFE SA Bill 2012 also provides for the protection of TAFE SA and TAFE and technical and further education brands, and this is just one element of the legislation that I would like to explore a bit later on. Perhaps in the committee stage I may have a couple of questions about how that is operating and just what restrictions will be placed on organisations which do, in fact, provide technical and further education but which, because of this bill, may not be able to use that term to describe the services they offer. Perhaps we can explore that further in the committee stage, but I just give the minster advance notice that I would like to go there during that process.

TAFE will also be supported through its transition into a more competitive training environment with higher subsidy prices, funding for community services, etc. These subsidy prices will, according to the government, recognise the additional cost of being the public provider. While the private training community is generally supportive of the corporatisation of TAFE SA, it is the level of the subsidy, as well as those courses that remain TAFE only, which are of concern to those who provide vocational training outside the government TAFE system.

In particular, they would like more information with regard to a projected time line for TAFE to be more fully competitive, and the Statutes Amendment and Repeal (TAFE SA Consequential Provisions) Bill repeals the existing act, including provisions relating to existing governance arrangements, reallocates amendments, and redesignates all other provisions into a schedule of the TAFE SA Bill 2012 and, as a result, relocates all employment terms and conditions of existing staff into the new award.

As I said earlier, that is done through inserting a schedule. When we had our briefing with the department we did explore that slightly, and my recollection of that meeting (again, the minister might want to correct me if I am wrong) was that that situation simply has not occurred anywhere else when this process of corporatisation of a government organisation has occurred. Whether it is necessary I do not know, whether it is another concession to the Australian Education Union I do not know. Perhaps the minister could explain why it is necessary, and perhaps even what effect it would have if it did not happen.

A key feature of Skills for All is student access to VET fee help, a HECS-style scheme of income-contingent loans for TAFE students undertaking courses at diploma level and above, a system that I believe has been operating successfully for quite some time in Victoria and Sydney and a system that we support. I think it is important for those people who do not have their TAFE fees covered through Fair Work Australia, or through very generous employers who are happy to do that or who can afford to that, to be able to improve their educational outcomes and pay later through a HECS scheme.

I think it is a very fair and reasonable way to achieve that. It certainly helps those who are balancing a difficult family situation, whether it be through having to revert to part-time work because of family responsibilities or whether it be giving up full-time work and studying full-time at TAFE. It certainly takes away some of the immediate burden and provides the ability to pay for the qualification when you are actually using it. In my view that makes a lot of sense.

The federal government has required the states to commit to the separation of TAFE from government prior to this implementation. It is important that we support this bill and as I said earlier we do support this bill because the federal government has put a condition, as I understand it, that TAFE becomes a separate body in order to participate in the VET FEE-HELP scheme. Via this scheme the state government will access increased federal VET funding. However, a greater share of the cost of training passes to the student when they earn more than $44,912. That is the latest figure I have; if that has changed I would be very happy to hear about it.

I am not aware of whether it was concluded as to whether the state or federal governments would carry the financial burden of any dishonoured debts with regard to the scheme. Again, perhaps the minister might be able to clarify that either in his response, his closing summary to the second reading speech, or alternatively through the committee stage.

With the proposed establishment of TAFE as a statutory corporation and its separation from DFEEST we should expect independence of decisions made, competitive tendering, equity in compliance standards, and accountability. The past experience of private sector registered training organisations (RTOs) is that the assessment criteria relating to registration, auditing and delivery of training have been much more stringent for them than they have been for TAFE, the public provider.

As the primary provider and the public provider of VET across the state it is important with these changes that the same standard competition and compliance principles are applied. I think it is important whenever the government sector is competing with the private sector that there is a level playing field, and I am sure that is one of the reasons we will hear from the minister a bit later on why there are substantial discrepancies in what private providers are paid to provide the same qualifications to students compared with what TAFE is paid.

They would argue that TAFE has a higher cost structure, and I would not disagree with that one bit—I am sure that TAFE does have a higher cost structure—but it is also important that the same regulatory and compliance principles apply to both TAFE and to the private provider,

because we want to ensure that those who choose TAFE are protected in the same way as those who choose the private sector and vice versa. We also need to ensure that the quality of training is exemplary in both instances, whether it be privately provided or provided through TAFE.

The TAFE SA Bill 2012 and report provided by the government set out the role of DFEEST in managing Skills for All. Their ability to do so will be vital to the success of the program, and there remains some disquiet in the private sector regarding their capacity to do this within a reasonable time frame, and the methodologies that they will use. That has been raised with me time and time again from various industries and RTOs. Whether they be part of an industry group, whether they be for-profit RTOs or whether they be not-for-profit RTOs, they all raise that same concern.

Obviously, if the transition to one organisation is done efficiently in terms the operation, sharing of services and streamlining of administration we will see the minimisation of unnecessary duplication. The tender documents that I spoke about earlier say that is a significant problem within the TAFE system at the moment, with the way it is being run by the department. The provision of more cost-effective training and elimination of unnecessary overservicing I think is important. I think that when we are spending government money it is important that we do not see overservicing from any provider that is receiving that public money. We need to ensure, obviously, that it does not happen in a TAFE institution and it does not happen in a private institution. It is important that we can get these students trained and upskilled in a timely and efficient manner, and of course with qualifications that are respected by employers.

We saw a classic example just a couple of years ago now with Adelaide Pacific International College, a college that predominantly provided services to Indian students. It was offering automotive services that simply were not recognised by any employer in South Australia. If you were an Indian student and you had invested substantially in the course that was being provided by this provider in automotive and you went along with those qualifications to a mechanic, a car dealer or a truck servicing operation, for example, and said, 'Look, I've got this VET training certificate'—certificate IV in diesel mechanics, automotive electrical or spray painting or whatever—the advice I was given by anybody who was in that industry was that they simply were not interested in considering that person for employment. That was a very cruel hoax that, in the end, was exposed as nothing more than a scam for permanent residency for those students.

I think the disappointing thing about that was that I understand that the Motor Trade Association warned the then minister O'Brien about the fact that employers would not be recognising the training that was happening in this organisation, yet it still continued to trade. It continued to take the money from foreign students and it continued to operate what was, in effect, a scam.

It is interesting that one of the directors was linked to the ownership of about 120 taxi plates as well. At that time I think there was no shortage of Indian taxidrivers who happened to be students of this college travelling around Adelaide when they were supposed to be either at school studying or sleeping so they could in fact study. It was quite an interesting experiment for the government, and what was even more intriguing was that this organisation, as I understand it, had also passed audits run by DFEEST before the scam was exposed.

It does show how important it is that we have a strong regulatory system in place for our VET providers here in South Australia. We did see some quite ugly situations in Melbourne, for example, when the former Labor government certainly opened up the VET system very quickly—too quickly, I think—in order to manage the regulatory process and manage the quality. We did see it damage the Victorian education industry to a certain extent.

Fortunately, here in South Australia we did not have the boom and we did not have the crash. It is a steady as she goes approach. I am hoping this bill will take us to the next stage in the steady as she goes approach—although, I must say, 10 years is just a bit too steady for my liking. It was 10 years ago through the Kirby report that many of the issues were identified by this government, yet here we are, 10 years down the track before we have seen any serious action being taken by the department, the government or the minister. Obviously, if the transition to one organisation is done efficiently in terms of operation sharing and services and streamlining of administration we will see the minimisation of unnecessary duplication, revision of more cost-effective training and the elimination of overservicing. I just emphasise that because I did go there earlier.

While generally supportive of the move to establish TAFE SA as a statutory body and separating it from DFEEST (a step which the private providers feel was long overdue in the competitive environment), there are several issues that are unclear to the non-TAFE providers of VET training which they feel could lead to an inequity going forward with the Skills for All and VET training provisions into the future, and I will discuss those issues a little later, perhaps in committee. I will ask the minister some questions.

Most notably, the Skills for All subsidy calculator recently released reveals a chasm between the subsidies paid to the public provider and those proposed for TAFE providers, sometimes providing as much as double to three times higher for TAFE for the same qualification than what it provides for the private provider. I seek leave to continue my remarks.

Leave granted; debate adjourned.

ASSISTED REPRODUCTIVE TREATMENT (EQUALITY OF ACCESS) AMENDMENT BILL

Received from the Legislative Council and read a first time.

At 17:57 the house adjourned until Tuesday 15 May 2012 at 11:00.