HOUSE OF ASSEMBLY

Wednesday 29 October 2008

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

FOOD ADDITIVES, SCHOOL CANTEENS

Mr PISONI (Unley) (11:01): I move:

That this house establish a select committee to inquire into the use of additives and chemicals found in food sold in school canteens and their effects on children's learning, behaviour and health.

Many teachers and parents are disappointed with the new anti-obesity guidelines recently introduced into schools. These guidelines outline nutritional requirements for school canteens based on levels of salt, fat and sugar, and portion size. These guidelines have led many food suppliers to comply with the guidelines to ensure their products are still sold in school canteens. However, many of these foods are full of other undesirable ingredients.

It seems that the effects of the additives, including artificial flavours, artificial sweeteners and preservatives, have not been considered in the analysis of foods. Though banning the sale of lollies and soft drinks has led to a lower amount of artificial colours in school foods, preservatives, flavours and flavour enhancers are contained in many of the school canteen approved products in alarming amounts. These additives have been linked to asthma, behavioural problems and learning difficulties.

A classic example is that, as a result of the introduction of the new lite-bite pies and pasties which have reduced fat and salt levels so that they meet the government's new guidelines, we saw an increase in the use of flavour enhancers and artificial colours and flavours to replace the depth of flavour which sugar, fat and salt tend to give food and to which people have grown accustomed over the years.

Consequently, we have a situation of having many of those items added to our food. Many of the items added to our food are banned in many other countries, and they are banned for very good reasons. As a matter of fact, according to a report in *The Lancet* in the UK earlier this year, childhood hyperactive behaviour is exacerbated by food additives and artificial colours. Many children's foods contain artificial colours and additives which fuel hyperactive behaviours in children.

According to the report published in *The Lancet*, when levels of hyperactivity in children are raised, they risk experiencing challenging developmental and educational difficulties, especially with regard to their reading skills. According to the authorities, artificial food colours and additives have a detrimental effect on children's ability to benefit from schooling.

Professor Jim Stevenson, from the University of Southampton in the UK, and a team looked at the effects of additives on children's behaviour in a community-based double-blind with a pseudo controlled crossover trial. The trial was sponsored by the Foods Standards Agency (UK). The study involved 53 children aged three-plus and 144 aged eight to nine. They were given either a drink containing 211 (sodium benzoate), plus one or two artificial colour mixes, or a placebo drink. The two artificial colour mixes used in mix A contained the same ingredients as those used in the previous study; and mix B constituted what the average three year old and eight to nine year olds may be consuming today. The children's behaviour was measured on a GHA (global hyperactivity aggregate), based on teachers' and parents' ratings, along with computerised tests for attention for the eight to nine year olds.

The trial confirmed an informal study that was conducted not long ago in New South Wales by Sue Dengate, who is a leader in the campaign to remove or reduce the number of food additives that we use in our food today. That was a study of a number of classroom students in a New South Wales country classroom, where processed foods were removed—and these processed foods are still all available on our school canteen menus today—from the school and they were replaced with foods that were completely free of artificial colours, flavours and food enhancers. There was a stark change in the behaviour of those children: we saw an increase in how alert children were in the class, an increase in their interest in what they were doing, better behaviour, and an ability to control their behaviour that otherwise may have been disruptive to other students. These behavioural changes occurred within just in a two-week period.

The reason that I think we need to have a select committee on this issue is that I have recently surveyed a number of schools and many of them—I will not name them—have been kind enough to send me their menus under the new Right Bite program. We have seen that those menus are heavily dominated by so-called 'amber' foods and those amber foods include pies and pasties, hot dogs, cheese and spinach rolls, pizzas, and so forth. There is one menu here from a high school and another one from an area school where we see pies and pasties, but even things such as sandwiches have changed enormously over the years.

We need to be concerned about what many manufacturers are putting in food, because they are using additives that have been banned in many other countries. I have some notes here that do, in fact, highlight (and this may shock some members) how many additives are in, for example, the pies and pasties that have been approved for consumption in our schools under the Right Bite program. For example, pies, pasties and sausage rolls—and these are the light versions—contain things such as 102 (tartrazine), which is banned in many other countries, including Norway and Austria, and it is also one of the colours that has been voluntarily removed in the UK. It is also on a list of colours that are banned in many other countries but are still being used in South Australia.

A petition is circulating in Australia at the moment in the form of an open letter to the Food Standards Australia New Zealand (FSANZ), calling for Australia to follow the lead of other countries and to look at the advice contained in *The Lancet* study. Those who have signed that petition are people such as the Hon. Mr Kim Chance, a member of the former Western Australian Labor government and Ms Carolyn Cresswell, founder of Carmen's Fine Foods, along with nutritionists and psychologists. John Hyde MLA, a former parliamentary secretary for health and a member of the recently defeated Western Australian government, was very interested in this campaign to reduce the number of additives in food.

Dr John Irvine, a well known child psychologist, has also signed this letter, as have many prominent South Australians. General practitioners, primary school and secondary school principals, Ian Parmenter from *Consuming Passions,* Associate Professor Brad Pettitt (Dean of the Institute of the School of Sustainability, Institute for Sustainability and Technology Policy at Murdoch University), and Professor Kerryn Phelps have also signed this petition. As the shadow minister for education in South Australia, I have also signed this petition. Many representatives of food companies, dieticians, health science professionals and occupational therapists and the Cancer Support Association of Western Australia have all got behind this campaign to reduce the number of artificial food additives and colours we allow here in South Australia.

Again, in a pie we will see sunset yellow, another one of those colours that have been banned in many other countries but we allow in our food here. That additive causes hyperactivity, upset stomach, skin rashes, kidney tumours, and chromosome damage, and it is banned in Norway and other countries. The food additive 160b causes hypersensitivity, allergic reactions, skin irritations, and behavioural and learning problems. These additives are in the pies and pasties that are for sale in our school canteens under the Right Bite program.

In relation to monosodium L-glutamate, a recent study done in some villages in China found that MSG actually contributes to child obesity. In the study, one family used MSG consistently in their cooking, while another family did not use MSG—and this study involved several families, not just the one family. The end result was that those families that relied on MSG to flavour their foods were consistently heavier than those families who did not. So, the scientific consensus was that MSG is also a contributor to obesity in schools, yet it is prevalent in just about every single product we allow to be sold in our school canteens.

Even something as simple as a ham sandwich contains things such as potassium chloride, which can cause gastric ulcers, circulatory collapse, nausea and liver toxicity—and there is a warning on it that it should not be given to children. The additive 407 displays a warning that it should not be given to children. The additive 250 nitrate, which is used to preserve meats, can cause hyperactivity, behavioural problems, asthma, headaches and dizziness. It is prohibited in foods for infants and young children.

With the melamine scandal in China, we have seen what happens when the wrong ingredients are put into foods—and that affected us right here in South Australia. I congratulate the Hon. Michelle Lensink in the other place for raising on the Byner program the concerns she had with some of these Chinese products. After the Byner program aired, we saw the worldwide recall of the chocolate teddy bears that were made in China because it was found that the milk was contaminated with melamine. I congratulate the Hon. Michelle Lensink on that initiative and

foresight in being able to make a difference in this battle to ensure that the children in our schools are safe from the effects of additives in our food.

You do not need to move to packaged food or sandwiches: you can even move away from them, and look at things like vegetable juice, which contains the colour 129. Again, it is one of the colours that has been banned in many countries and which *The Lancet* report has said should be removed from food. It is banned in Denmark, Belgium, France, Germany, Switzerland, Austria and Norway, and now it will be banned in the UK. *The Lancet* report was taken very seriously by the UK parliament, and that is why it is legislating to remove these additives.

What is interesting about this is that the multinational food companies, Nestlé, for example, which produces Smarties, has now removed all of those colours from its Smarties for the UK market, because it knows that there is a voluntary ban now that will be compulsory in a very short time, and it has moved to natural colours to colour those Smarties. But, guess what they sell in Australia? In Australia they sell the very same Smarties full of those artificial colours, because they are cheaper. They are cheaper, and they are dumping them in Australia, and we are allowing it to happen.

All I am asking for is that this parliament support a select committee to find out just how much our children are being affected by additives in our food. There are plenty of people who will come forward to express their concerns and provide the evidence that this parliament will need to make a decision to make some changes that will resonate throughout Australia for children and also adults in selecting the food that they eat. I urge the chamber to support this motion.

Mr O'BRIEN (Napier) (11:17): I rise to speak on the motion that a select committee be established to inquire into the use of additives and chemicals found in food sold in school canteens and their effects on children's learning, behaviour and health. Clearly, the selection of food that is on offer to our children in the school environment is an important issue.

According to the most recent national nutrition survey in 1995, many children in Australia do not eat the recommended amount of fruit and vegetables required to ensure their wellbeing. Specifically, the survey highlighted that 6 per cent of girls and 4 per cent of boys do not eat any fruit or vegetables at all, and only 28 per cent of two to four year olds and 33 per cent of five to 12 year olds ate the recommended dietary intake of vegetables per day.

The NNS statistics concerning the dietary habits of children are clearly of concern. The Rann government has a ready recognised that what children consume in the school environment plays a significant role in influencing their dietary choices in life. For that reason, this government has been active in formulating initiatives that will foster a healthier eating culture in our schools through the Right Bite strategy.

However, I feel that the Liberal opposition needs to demonstrate some consistency as to whether it supports the government's healthy food initiatives in schools or whether it wants to go back to the previous situation where high-fat doughnuts and hot chips were often the staple offering of school canteens. I suggest this because, on the one hand, the opposition has been critical of the $1.55 million healthy school canteens initiative by suggesting that canteens should be able to sell junk food so that it does not impact on their profit margins, while, on the other hand, the opposition is suggesting, through this motion, that the healthy school canteens initiative does not go far enough.

The opposition is now pushing for a ban on any food with additives. The opposition's policy on this issue is clearly not consistent. This inconsistency can be partly explained by the motives of the member for Unley. In this place he put on the record the reason for his clear policy backflip on this issue. His motivation for putting forward this motion should be the opposition's concern for the health of the 165,000 students in our schools and demonstrating its commitment to lowering the incidence of obesity in the South Australian community.

Instead, the member for Unley is extrapolating from an incident within his family without understanding the context of that episode. On 3 June the member for Unley told the house about the unfortunate experience of his daughter, who suffered an asthma attack following a reaction to an additive after eating a doughnut at school. I am informed that the offending doughnut was not supplied by the school or sold by the canteen; it was supplied by an outside organisation as part of a celebration at that school of International Women's Day. However, it is very important to stress that, under the Right Bite strategy, the doughnut in question is, in fact, banned from sale in schools.

The reality is that our strategy promotes the consumption of fresh, natural and healthy foods with fewer preservatives, less fat, less sugar, less salt and fewer additives. I have great sympathy for the member's daughter, and I hope that she recovered quickly from this incident. However, it is very unfortunate that the member for Unley used this incident to explain his policy backflip and, consequently, has developed a proposal to have the department of education in South Australia take on a national role for monitoring and accrediting food additives in Australia.

In South Australia the *Healthy Eating Guidelines* were developed in collaboration with SA Health and, in 2004, were published and distributed to all schools and preschools. The guidelines outlined a whole of school approach to improving the general health of students and included a list of recommended and non-recommended foods for schools and preschools, based on the *Dietary Guidelines for Children and Adolescents* and the *Australian Guide to Healthy Eating*. From the start of 2008, all government schools and preschools were required to comply with the government's promise to ban junk food from school canteens and vending machines. The promotion of fresh food and drink in schools and preschools ensures that students are learning about the value of basic nutritious foods and that highly-processed, less nutritional foods should be eaten only occasionally.

The decision to ban junk food in school canteens and to introduce the *Healthy Eating Guidelines* in South Australian schools fits with the general direction being taken across the country. Food standards have also been introduced into schools in Queensland, New South Wales and Victoria. However, South Australia has taken a stronger stand than the other states by banning the use of artificially sweetened foods and drinks for schools and preschools, as these are an unnecessary part of everyday diets for children and students.

The second phase of the Right Bite strategy promotes food and drinks for the core food groups of the *Australian Guide to Healthy Eating* (AGHE) booklet, in line with *Dietary Guidelines for Children and Adolescents*. These foods are mainly fresh and minimally processed foods and drinks. They are less likely to contain high levels of additives than highly processed foods. South Australian schools take very seriously the issue of protecting children with allergies. Not all allergies are linked to additives, of course, but our schools have measures in place to protect children with food allergies. In addition, canteen managers are trained to interpret nutrition labels and plan healthy menus. However, it is important that parents also take responsibility to ensure that schools are informed of any special dietary requirements for their children.

Students with diagnosed food allergies and intolerances are catered for in South Australian schools and preschools through the development of health plans, which are developed in conjunction with parents, health professionals and school personnel. Incidentally, Food Standards Australia New Zealand is the responsible organisation in relation to the use of food additives in Australia and is, therefore, the appropriate organisation to approach on this issue. It is important to note, especially in the case of the member for Unley, that any person or organisation can make application to Food Standards Australia New Zealand to vary the code.

For the record, safety assessments of food additives are carried out before they are allowed to be used for human consumption. A food additive is approved for use by Food Standards Australia New Zealand only if it can be demonstrated that its consumption provides no harmful effects. Standards set by FSANZ are periodically reviewed and revised as new evidence becomes available, ensuring that a rigorous testing process is adhered to.

Establishing a select committee to investigate food standards would duplicate the work carried out by Food Standards Australia New Zealand and would be a waste of resources. It is already the case that food producers must comply with mandatory labelling requirements which ensure that all ingredients, including food additives, are clearly listed on the packaging. This ensures that people are able to make better informed decisions when purchasing food products, especially if they are sensitive to certain additives.

It is important to note that some food additives, such as preservatives, ensure food safety by protecting against the growth of pathogenic bacteria. These food additives (which the opposition has suddenly become averse to) are common in many supermarket products. To suggest that schools have a responsibility to ban food additives is misguided and the result of a personal experience morphing into a policy whim.

This motion also ignores the significant steps taken by this government to improve the health of our children through the Right Bite strategy. It is disappointing, to say the least, that the member for Unley resisted the Right Bite strategy only to come out and criticise it for being insufficient in relation to food additives. This motion clearly demonstrates the opposition's lack of a

consistent policy relating to the health of our school students, and the government does not support it.

The Hon. R.B. SUCH (Fisher) (11:26): I take a less cynical view than that expressed by the member for Napier. I think it is important to discuss these matters, and I believe that the member for Unley, in raising this issue in the parliament, is acting in the best interests of the wider community; however, I suggest that restricting the inquiry to school canteens is somewhat limited. As the member for Napier pointed out, there is an Australia and New Zealand food standards authority, although I must say that, in my view, it tends to be very generous in what it allows by way of food additives and so on in Australia.

The campaign by the state government to help our children become healthier I think is a great thing. Of course, it needs to focus not just on what the children eat but also on appropriate exercise. Before I go to the specifics of additives (because I have had personal experience with this issue), I mention that this is symptomatic of a deficiency in our system in regard to labelling, and that has been a hobby horse of mine for a long time.

As any member who frequents supermarkets or other such areas of human activity will attest, terms are thrown around such as 'natural', '97 per cent fat-free' (which means there is 3 per cent fat), 'fresh', 'fresh daily' and 'organic', which is often undefined, unregistered and falsely labelled. From the evidence I have seen, something like half the products on the market do not qualify to be called organic. We have the term 'free range', such as free range eggs and free range chicken, which is another area that is openly abused. Members may have followed the debate interstate between the free range producers association and the Egg Corporation, a big debate about what should or should not be called free range.

I make the point that our labelling laws in Australia are inadequate and certainly less comprehensive than those in the United States. Food Standards Australia New Zealand (formerly ANZFA) really needs to lift its game and make sure that things are properly labelled, including the country of origin, and stop this nonsense where something can be labelled as a product of Australia and count the packaging and so on.

As to the specifics of this motion, I discovered well into my life that I am allergic to additive and preservative 211, which is sodium benzoate. I discovered that this allergy to this particular additive—which, incidentally, is not allowed to be used in Europe but is used here in soft drinks, chocolates, biscuits and so on—can cause quite an unpleasant reaction. You need to be a cross between Einstein and a super sleuth to discover that it is not in Schweppes bottled lemonade, but it is in Schweppes canned lemonade. It is in virtually every other drink.

It is not in Coca-Cola, because Coca-Cola does not need any preservative. It has enough sugar in there to keep it for a long time. The average person, though, unless they are carrying around a code book with them, would have no idea what some of these additives do, and they would have no idea that in Europe many of these, as the member for Unley pointed out, are banned—just not allowed at all. I think ANZFA has been very easy-going in Australia in allowing some of these things to continue.

You can buy, for example, smallgoods which do not have big doses of sodium nitrite in them, but any of those chemicals, you would have to say are, undesirable to have in your system. Some butchers now are offering sausages which have to be frozen or used straightaway rather than having big doses of sodium nitrite in them. What is sold in school canteens is a reflection of the wider community, and what should be happening—not only in relation to additives—is that the foods that are sold there, and in fast food outlets outside of school, should clearly have less salt, less sugar and less fat than they currently do.

My reaction to this motion is that I think it is well intentioned. I would argue that it should go beyond simply school canteens and, unfortunately, I do not have the confidence in ANZFA that the member for Napier does because, in my experience, it tends to be easily influenced by industry groups and commercial lobby areas and is very reluctant to restrict the use of many of these additives, artificial colourings and flavourings and so on.

I am not in the category of those who reject modern scientific advances, but you would have to question why it is that, in this day and age, people are affected by so many medical conditions and, whilst the jury is out, I think we should err on the side of caution, because we do not know the long-term consequences of the impact of some of these additives, colourings and flavourings and so on.

Maybe they are harmless, but I can recall being in this parliament not that long ago when we had members arguing that smoking did not cause lung cancer. I can remember one of the members saying that it was all based on a fallacy that lung cancer was caused by smoking. We would laugh at that today, but it is not that long ago that people were trotting out that sort of argument.

This motion, in my view, does not go far enough in terms of scope. I would be happy if ANZFA was actually a bit more rigorous and that, ultimately, comes down to health ministers putting pressure on ANZFA to really be a bit more rigorous and put the welfare of the community well above any consideration of commercial advantage, because, as the member for Unley said, it is possible to use some natural colourings rather than some of these artificial colourings and additives that go into nearly all the things that we eat and drink.

I think, when it comes to children, that we have an absolute obligation to ensure that we are not putting their wellbeing at risk by putting flavourings, colourings and additives in their food that are there simply to help sell the product and not for the wellbeing of the individual.

I think this motion is well meaning. I do not take quite the cynical, sceptical or political view that the member for Napier has but, reading between the lines, it is probably unlikely that this motion will succeed, because the government is unlikely to support it. As an issue, it needs to be extended, and the Minister for Health needs to push this case vigorously through ANZFA.

The Hon. L. STEVENS (Little Para) (11:34): I rise to speak against the motion and add to the comments of my colleague the member for Napier. I want to begin by saying that I think the opposition needs to get its mind clear about what exactly it is on about in relation to this matter. One minute it criticises—

The Hon. S.W. Key: Generally.

The Hon. L. STEVENS: Well, this matter and probably generally as well. One minute the opposition criticises the $1.55 million Healthy School Canteen initiative by saying that canteens should be able to sell junk food so that it does not impact on their profits and, in the next breath, members opposite say that it does not go far enough, and that any food with additives should be banned.

I listened to the member for Unley talking about various harmful foods around the world, citing examples such as melamine in foods from China, and other examples. I know that the member for Napier mentioned this, but we have a body called Food Standards Australia New Zealand (FSANZ), and state, commonwealth and New Zealand health ministers sit on this body, which has an unbelievably exhaustive process of evidence-gathering in relation to food and food additives. It has rigorous data collection, testing and consumer involvement, so much so that some of these processes are years long.

In fact, when I was minister, we pushed to try to streamline these processes so that they did not get so clogged up. For the member for Unley to be suggesting that schools start to take on these sorts of—

Mr Venning interjecting:

The Hon. L. STEVENS: But that is where this leads. How do they make those determinations? Further, there is an assumption in this motion that any preservative in a food is wrong. In fact, preservatives and additives are often there for a particular purpose. FSANZ—not ordinary schools—is the body that actually looks at preservatives and things added to food and makes a determination on the evidence.

I would like to speak in favour of what has happened in schools in relation to healthy eating when I was the health minister in 2004. Education and health combined began the process of developing healthy eating guidelines in our schools. Those guidelines were completed and are now in place in our schools. They outlined a whole-of-school approach to improve health generally, including a list of recommended and non-recommended foods for schools and preschools based on *Dietary Guidelines for Children and Adolescents* and the *Australian Guide to Healthy Eating*.

From the start of 2008, all government schools and preschools were required to comply with the government's promise to ban junk food from school canteens and vending machines. The promotion of fresh food and drinks in schools and preschools ensures that students are learning about the value of basic nutritious food and that highly processed, less nutritional foods should be eaten only occasionally.

The decision to ban junk food in school canteens and to introduce the healthy eating guidelines in South Australian schools fits with the general direction being taken across the country. The food standards have also been introduced into schools in Queensland, New South Wales and Victoria. However, we here have taken a stronger stand than the other states by banning the use of artificially sweetened food and drinks for schools and preschools, as they are an unnecessary part of everyday diet for children and students.

I take an interest in how the schools in my electorate are going with this matter, and they report good progress in putting it into practice. They also report changes in the way children view food. A number of my schools have gardens, and I imagine that that is occurring across the state in members' electorates, where students actually grow, cook and eat the food. I think that is a really important and valuable part of the curriculum.

The other point I would like to make is on the issue of allergies and how important it is for us to be aware of them. South Australian schools take very seriously the issue of protecting children with allergies. Not all allergies are linked to additives in foods, but our schools have measures in place to protect children with food allergies. In addition, canteen managers are trained to interpret nutrition labels and plan healthy menus, but parents also need to take responsibility to ensure that schools are informed of any special dietary needs their child requires. Students with diagnosed food allergies and intolerances are catered for in South Australian schools and preschools through the development of health plans in conjunction with parents, health professionals and school personnel.

As I mentioned before, it is FSANZ that is responsible for the use of food additives in food in Australia and New Zealand, and that is the appropriate organisation to take up the matter of additives. Any person or organisation can make an application to FSANZ to vary the code. The application must provide evidence justifying the purpose of the application and sufficient supporting data to enable the objectives of FSANZ, under the Food Standards Australia and New Zealand Act 1991, to be addressed. As I mentioned before, it has an exhaustive process of dealing with those matters because it gets so many of them; there are many and varied stakeholders in the food business, other than consumers. Safety assessment of food additives is carried out before they are allowed to be used, and a food additive is approved for use by FSANZ only if it can be demonstrated that no harmful effects are expected to result from the requested use.

The government does not support the setting up of a select committee to investigate this matter. It believes that setting up another group to investigate food standards would duplicate processes already established and would be a waste of resources that could be better used to promote healthy food and drink and physical activity in schools and preschools. I am sure any sensible person would agree with that position. To suggest that schools have a responsibility to ban food additives is misguided, and clearly the result of not thinking through the enormous complexity of that suggestion.

Finally, and as I said before, the schools in my electorate are taking this very seriously. It has been an opportunity for them to try new things in terms of growing the food, cooking the food and eating the food, sharing those results with parents and, where possible, changing behaviour in children's homes. Starting this move and cooperating in the ban on junk food in canteens is a very important step in terms of a change in food consumption in South Australia, something we know is critical for handling obesity and improving the general health of the entire community. With those words I conclude my remarks and urge members to vote against the motion.

Mrs REDMOND (Heysen) (11:43): I am somewhat astonished at the government's response to this motion. It seems to be reading into it a lot more negatives than, on any reasonable understanding of what is being proposed, is the case. The member for Unley has asked that the house establish a select committee to inquire into the use of additives and chemicals found in food sold in school canteens and their effects on children's learning, behaviour and health.

I am sorry that the member for Fisher is not in the chamber at the moment, because I wanted to compliment him on the two select committees in which I have been involved since I have been in this chamber. At the outset I would like to say that I think that select committees, when they are set up, do some of the most valuable work of this parliament. It often saddens me that the level of debate we have in relation to a number of the bills that come before the chamber is not of a standard that I believe is commensurate with the importance of the things we are passing and debating.

I have sat on two select committees, both of them chaired by the member for Fisher and both of them set up at his instigation: one on cemeteries and one on juvenile justice. Both of those committees took evidence for something in excess of 12 months. As I said, they are very valuable in terms of the work that they do, because they have the ability to speak with a range of people and hear from anyone who wants to make a submission by advertising and making the work of the committee known. They gather, collate, think about and test information and come to a conclusion about whether or not there is a problem and how it might or might not be addressed.

I thank the member for Unley for the extensive work that he has done. I do not intend to reiterate any of the detail that he has already provided on the record in terms of the nature of the additives that are used in many foods. I will make a couple of comments, however, about the nature of the issue generally of school canteens. It has always fascinated me that, when I was in high school, which was way back in the sixties, we already had a health food canteen, and we only had things like chips available.

If there happened to be a school social at the end of term and there were leftovers from the stuff that was sold at the school social, that would then be sold off in the school canteen the next day. It was first in, best dressed. Whoever got there first got their little bit of extra stuff but, basically, we had a health food canteen where you could buy fresh fruit and a nutritious sandwich. Mums came in and did the work of presenting the food.

More than forty years ago we had a health food canteen, with very strict controls on the sorts of things that could be sold. Of course, things change over time. Back in those days we could buy a packet of peanuts for threepence. That tells you how old I am, because it was pre-decimal currency. We now know that a lot of kids suffer from allergic reactions to peanuts and so we do not allow even peanut butter sandwiches into many schools.

In that forty or so years there has been a fair bit of scientific development on the use of preservatives. In fact, I will share with the house the fact that someone (a lady of about my age) suggested to me the other day that she was going to undertake a McDonald's diet. She had figured out that the amount of preservatives in McDonald's food was such that she would not need Botox or anything else to keep her young; she would just keep eating McDonald's, and she would have so much preservative in her system that it would keep her young. Admittedly, she might have a weight problem eventually.

We all know the story of the McDonald's burger that is put into a cupboard and left there and has not gone bad because it has so much preservative in it. I do not mean to be attacking McDonald's, because I do appreciate it as a corporation, and I realise that it too has got on the bandwagon and recognised that there is a need to swing its nutritional values around. It is introducing—and did a long time ago in the States, for instance—much healthier options for people going to McDonald's. Indeed, I remember being at a McDonald's in the States where I was able to eat a fresh chicken salad, a fresh piece of fruit and some fruit juice, and that was the lunch that I was able to buy.

That said, we do know that there have been enormous amounts of additives put into foods of a range of types over a period of years, and it has only been more recently that people have been thinking that maybe there is a problem with this. The nature of the member for Unley's motion is simply to say that maybe there is a better way than this formal mechanism that the member for Little Para suggested of being able to put submissions to a federal body that can make a determination.

It seems to me that the more straightforward approach for this state would be to support this motion to set up the select committee. There is no doubt in my mind that it would take some time to gather the information it would need to reach any conclusions. However, it would be appropriate for that committee (which, no doubt, would consist of people from a range of representation within the house) to make some recommendations. If that multiparty, or bipartisan, group came to a conclusion that maybe there was something in this proposal, it could make recommendations to the minister, who could then pass on those recommendations to the schools in some detail, as to how they might adjust what is sold in the school canteens.

No-one is suggesting that we want to become a nanny state and absolutely control everything that children eat while they are at school, or that this promises to be the answer to everything. However, it seems to me to be such a straightforward motion; that we simply set up a select committee consisting of representatives of both sides of the house (as is always the case with select committees of this house) to undertake an intelligent, unbiased, non-partisan

examination of the issues involved and make some determinations and recommendations as to what might be the appropriate course of action, in terms of the amount of additives and preservatives, and whatever else, in our food.

When I first went to the United States (some years ago now, back in the 1970s), I was amazed to find that cheese there is really yellow. For some reason, in the US they think that cheese is yellow and, therefore, when they make their cheese they add colouring to make it more yellow. There is no reason for it. We know, for instance, from years ago, that children who were fed lots of raspberry cordial could suddenly undergo some behavioural changes. We do not know what is in these things.

I will tell members a funny story. I was at sport one day with my kids and I had the dog with me. He was sitting beside me very obediently. I thought he was getting a bit thirsty and I was giving him what I thought was water out of the kids' water bottle. However, it turned out to be a highly nutritious (no doubt) drink. The dog was going boonta, because he was lapping up this wonderful stuff that I was giving him, thinking it was water.

Mr Venning: He was on a high!

Mrs REDMOND: My dog was basically on a high from drinking whatever it was that I was giving him; some highly nutritious drink. As parents, we know that what we feed our kids makes a difference to their behaviour. Nutritionists will tell us that that is the case. I can see no reason why members of the government are taking this strange attitude to the proposal, instead of welcoming it, as I think they should do, and saying, 'Let's have a look at this. Our parliament does its most valuable work when we get together as a committee and discuss things sensibly in a non-partisan way. Let's do an investigation as a parliament. Let's do some of our valuable work on an issue that is clearly of interest and concern to the community at large and go ahead with a select committee.' Where is the harm in that? Why would a government oppose that course of action? I urge the government to again have a think about what the proposal says and to support the motion of the member for Unley.

Mr VENNING (Schubert) (11:53): I commend the member for Unley for this motion. It does not necessarily say that food additives and chemicals in foods should be banned. The motion on the *Notice Paper* quite clearly states, 'to establish a select committee to inquire into the use of additives and chemicals found in food sold in school canteens and their effects on children's learning, behaviour and health'. It does not say that we want to ban them. Some of these chemicals need to be added for preservative reasons. I agree with what the member for Heysen just said, and I cannot see any problem at all in members of parliament sitting down and discussing this matter. I agree that some of the best work we do is when we meet in committees.

Childhood health, which includes obesity, is a big problem. Many of the additives in processed food are detrimental to maintaining a healthy body and body weight. As the member has just said, behavioural disorders, such as hyperactivity and attention deficit disorder (ADD) can be caused by food additives, preservatives and colourings.

The Hon. R.J. McEwen interjecting:

Mr VENNING: That is exactly right. I am a living example of bad habits gained when I was young at a private school tuckshop—things like chips, Coke, nuts, sugar, deep-fried food and all that sort of thing. You get into bad habits. Back then there was not a scare. If someone gets into a habit like that, they have it for life—although I did not get my current problem until later in life, thank goodness; it was when I entered this place that I got the problem.

Children's concentration skills and, hence, their ability to learn can also be impacted by the food they eat. Excessive sugary foods or processed foods consisting of many additives and chemicals can give children—and adults, also, for that matter—a rush of energy but, as the food is processed, the rush of energy quickly wears off and then the child (or adult) finds themselves lethargic, struggling to concentrate, and wanting to have more food to pick up their energy levels again. I know this, because I suffer from this; I suffer from a sugar addiction. We all know what the highs and lows do and we try to fight it but, when you are tired and have deadlines to meet, sugar solves the problem, but we know it is very short term—and it is not good for you at all.

I think that an inquiry into the impacts on children of the additives and chemicals in foods sold in canteens is clearly warranted. I think the recent Chinese milk scandal involving the melamine chemical contamination illustrated the importance of knowing what is in the food products that particularly children consume. If such an inquiry can reveal what foods have negative

impacts on children's learning, behaviour and health, they can be removed from sale in canteens and there would be many benefits.

Students would be more attentive and receptive during class, with fewer misbehaving children, taking the pressure off teachers and enhancing the whole learning environment. Childhood obesity would be less of a problem if healthier, more natural food options were available in school canteens, and this would help ease the burden the obesity epidemic is causing on the health system. Childhood obesity is a huge problem. Behavioural disorders caused by chemicals in food would be less prominent if the foods containing such chemicals were banned, making life much easier for everyone involved with children.

I think it is also important to note that banning foods in school canteens that adversely affect children's health, behaviours and learning will have flow-on benefits for everyone involved in the child's life—the family, the sports coach, the after school hours care staff, etc.

We are lucky to live in a state that has so much fresh fruit and vegetables, and there are many healthy alternatives to junk food and highly processed food, and it is about time more of these foods were served in the school canteens. Australia's farmers produce the world's cleanest food. We do not need a lot of these colourings and preservatives, and they should be discouraged where practical.

I am not aware of the government's Right Bite initiative that was discussed earlier by the member for Little Para. If there is an initiative, I suggest it should do more, and I cannot understand why the government is not supporting this motion. This is a great opportunity to highlight what our young people eat and what lifelong bad habits begin at a school canteen. Some children are never aware and never get the opportunity to eat anything other than fast foods such as hamburgers, fried and battered chicken, potato chips, sugary soft drinks, pies with fat, doughnuts and deep fried sweets. Children need to get used to eating grills, salads, vegetables, nuts, fruit, water, fruit juices, etc. Labelling on a product should be displayed on a canteen notice board so that, if it is offered at a canteen by popular demand, everyone needs to know that their choice could be having adverse effects on their health and general wellbeing.

I commend the member for Unley for moving this motion. I think it is a common-sense thing. I cannot understand why the government does not let this go through, because you cannot just disagree with everything—we do have some good ideas on this side. I believe this is a good opportunity for the government, because it is a good idea, can do no harm and can highlight a problem. I would look forward to serving on this committee. I am happy to serve on the select committee, Madam Deputy Speaker, because I think it is a great idea. Also, I support the member for Unley, because it is a great initiative—and he is a very good shadow minister, too.

Debate adjourned on motion of Mr Griffiths.

NATIVE VEGETATION (MISCELLANEOUS) AMENDMENT BILL

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Environment and Conservation, Minister for Early Childhood Development, Minister for Aboriginal Affairs and Reconciliation, Minister Assisting the Premier in Cabinet Business and Public Sector Management) (12:01): Obtained leave and introduced a bill for an act to amend the Native Vegetation Act 1991; and to make a related amendment to the Heritage Places Act 1993. Read a first time.

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Environment and Conservation, Minister for Early Childhood Development, Minister for Aboriginal Affairs and Reconciliation, Minister Assisting the Premier in Cabinet Business and Public Sector Management) (12:01): 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.

In July last year, the initiation of new directions for native vegetation management in South Australia was announced. This Bill is one component of new arrangements that aim to strengthen biodiversity conservation in the State, and at the same time support sustainable development.

Early last year, key interest groups and government agencies (covering conservation, mining, development, farming, natural resources management, local government and tourism interests) were consulted on a draft Bill to amend the *Native Vegetation Act 1991* and draft variations to the *Native Vegetation Regulations 2003*.

The same group was consulted on how the administration of the native vegetation legislation might be improved, and specifically its interaction with the *Natural Resources Management Act 2004* and the *Development Act 1993*.

Reflecting on the submissions received, the new directions aim to improve the overall relationship between native vegetation management, natural resources management and industry and will involve changes to both legislation and administrative arrangements. This will be an ongoing process that will involve further consultation.

Already a new Native Vegetation Council has been established which has closer links with natural resources management, including a presiding member common to both the Native Vegetation and NRM Councils. The new Council has moved quickly to focus on the development of policy for native vegetation management across the State. It has done this by delegating decision-making on clearance applications to a sub-committee of the Council. Development of State-wide policies by the Council will facilitate further delegation of decision-making with the aim of reducing red tape and ensuring decisions are made in a more timely manner. For example, local government will be invited to process clearance applications for house sites.

The new arrangements include the development and implementation of processes to better integrate native vegetation into the early stages of the planning cycle to ensure that better and earlier advice is provided to developers.

NRM boards will be provided with the opportunity to develop regionally specific native vegetation management policies, and to work with the Native Vegetation Council and developers to identify strategic areas for achieving offsets for vegetation clearance.

The Department of Water, Land and Biodiversity Conservation has been asked to work towards the development of a standardised assessment process that is more accessible and transparent.

Before discussing the key features of this Bill, I wish to make it clear that the reforms are not intended to alter the central purpose of the *Native Vegetation Act 1991*, which is to control the clearance of significant native vegetation in this State and to ensure, where clearance occurs to support our economic development, that the loss of biodiversity is offset by a significant environmental benefit.

The continuing health and prosperity of all South Australians depends on the health of our environment, our landscapes and our biodiversity. The effort required to improve and restore the health and resilience of our environment is enormous and will rely on the efforts of South Australians across the State.

The extensive modification of the South Australian agricultural landscape—necessary to support the strong rural base for this State—will not sustain viable populations of many plant and animal species in the limited habitat remaining. With climate change placing more pressure on our native species, we face the risk that SA could lose 30 per cent to 50 per cent of our terrestrial biodiversity over coming decades. The *Native Vegetation Act 1991* and the Regulations under the Act are key legislative instruments supporting South Australia's Strategic Plan 'no species loss' target.

However, innovative changes are needed to connect and accelerate the effort to support biodiversity conservation and to support the 'no species loss' target. The changes initiated for native vegetation management are part of that innovation, and this Bill is one of the building blocks.

The key features of this Bill are to:

- increase flexibility in the delivery of significant environmental benefit offsets for vegetation clearance;
- add new expertise to the Native Vegetation Council;
- make minor modifications to existing powers and penalties to improve the administration of the legislation and to provide better integration with the *Natural Resources Management Act 2004*.

Significant environmental benefit offsets

The requirement in the Act for the clearance of native vegetation to be offset by a significant environmental benefit is in itself an innovative way to support necessary development for this State whilst also achieving biodiversity conservation objectives.

All remnant native vegetation has value and it is important that the impacts of a proposed development on native vegetation should be avoided or minimised. Even where clearance of native vegetation is exempted from the control provisions of the Act, a proponent must satisfy the Native Vegetation Council that there is no practical alternative that would involve no clearance, or the clearance of less native vegetation, or the clearance of native vegetation that is less significant or that has been degraded to a greater extent than the vegetation proposed to be cleared. Requirements for significant environmental benefit offsets provide a mechanism for redressing impacts that cannot be avoided or minimised.

A number of amendments are proposed in this Bill to provide more flexibility for the delivery of significant environmental benefit offsets, including:

- providing for offsets to be delivered where they are most needed, including outside of the region of the original clearance;
- providing that the Native Vegetation Council, when considering a proposed significant environmental benefit offset outside the region of the original clearance, must have regard to guidelines prepared and published in accordance with section 25 of the Act;

- making it clear that a credit may be registered, against future requirements for offsets, where an offset is delivered that exceeds that which is required to offset the related clearance of native vegetation.

In normal circumstances, the loss of biodiversity associated with clearance of native vegetation should be offset by works on the same property or within the same region that clearance has occurred. However, there may be circumstances where clearance occurs in well represented habitats and a more significant environmental benefit might be achieved by regenerating more significant (less well conserved) native vegetation associations (eg vegetation that provides critical habitat for threatened species) outside the region where the related clearance occurs.

Such decisions should not be taken lightly and it is necessary that the Native Vegetation Council be satisfied that, where an offset for native vegetation clearance is proposed in another region of the State (from that where the clearance occurs), it will result in a more significant environmental benefit than works that might be taken in the region where the clearance occurs.

The consultation package for the Bill included draft guiding principles for the operation of the out-of-region offsets. The guidelines clarify that the offset mechanism is limited to avoid the potential for critical habitat to be offset with habitat that is already well conserved. Section 25 of the Act will be amended to require that the Native Vegetation Council prepare guidelines in relation to out-of-region offsets. The guidelines distributed as part of the Bill's consultation process, inclusive of suggestions for amendment as a result of that process, will be forwarded to the Native Vegetation Council for its consideration.

Offset credits

The Native Vegetation Council has a policy of recognising conservation works previously undertaken when considering offset requirements. Consistent with this, the Council has supported, and sometimes encouraged, a landholder to undertake offset works that exceed requirements. Reasons may include:

- conservation outcomes being delivered before they are needed to offset clearance;
- maximising conservation outcomes—eg feral animal control can only be effective if applied over a larger area;
- minimising impacts—eg a requirement to fence a small offset area within a larger area may result in more clearance.

The provisions in the Bill make it clear that the value of a 'credited offset' is determined at the time it is extinguished (i.e. when it is used to offset clearance).

Membership of the Native Vegetation Council

The Bill changes the membership of the Native Vegetation Council. That change replaces the Commonwealth Minister for the Environment's nominee with a person who has expertise in planning or development nominated by the Minister responsible for administering the *Native Vegetation Act 1991*.

The Commonwealth Minister for the Environment has decided not to continue to nominate a representative to the Council. With the change in emphasis for the Council to developing policy, it is appropriate that this position be designated to provide appropriate expertise in planning or development that results in the clearance of native vegetation. A person from the mining sector (currently mining developments are resulting in the most extensive clearance of native vegetation) or with expertise in industrial or urban development or general planning is likely to have the requisite experience. The Minister is provided with appropriate flexibility in nominating a suitable person for appointment.

The inclusion of a member with expertise in these areas on the Native Vegetation Council is sought in a number of recent submissions on the review of the Act.

Miscellaneous amendments

The Bill includes other miscellaneous amendments that:

- make minor modifications to existing powers and penalties to improve administration of the legislation and to provide better integration with the NRM legislation;
- provide that a breach of a heritage agreement is a breach of the Act to correct an inadvertent omission resulting from changes made in 2002;
- clarify that the Act applies to that part of the City of Mitcham consisting of the suburbs of Belair, Bellevue Heights, Blackwood, Coromandel Valley, Craigburn Farm, Eden Hills, Glenalta and Hawthorndene, which will support efforts to protect Grey Box and other native species valued by residents in these areas.

The Bill also makes a related amendment to Schedule 1 of the *Heritage Places Act 1993* to include certain early Native Vegetation Heritage Agreements and Monarto Aesthetic Heritage Agreements in the agreements that are dealt with by the transitional provisions in that schedule. These agreements were entered into under the *South Australian Heritage Act 1978* by the then Minister in his capacity as Trustee of the State Heritage. These agreements become, by force of this amendment, heritage agreements under the *Native Vegetation Act 1991*, allowing them to be managed appropriately under the Act.

Conclusion

The new directions for native vegetation management in South Australia, announced during 2007 and supported by the amendments included in this Bill will strengthen biodiversity conservation in the State, while improving flexibility for business and promoting economic development that will contribute to attaining sustainability and losing no species.

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 *Native Vegetation Act 1991*

4—Amendment of section 3—Interpretation

This clause makes consequential amendments to the definitions of certain terms used in the Act.

5—Amendment of section 4—Application of Act

This clause inserts new subsection (2a) into section 4 of the Act, setting out the parts of the City of Mitcham to which the Act applies (being the suburbs of Belair, Bellevue Heights, Blackwood, Coromandel Valley, Craigburn Farm, Eden Hills, Glenalta and Hawthorndene).

The clause also makes consequential amendments to the section to reflect the inclusion of new subsection (2ab).

6—Amendment of section 7—Establishment of the Council

This clause inserts a new subsection (3) into section 7 of the Act. The new subsection provides that the Native Vegetation Council is subject to the general direction and control of the Minister, but prevents the Minister from directing the Council in respect to advice or recommendation that the Council might give or make, or in relation to a particular application that is being assessed by, or that is to be, or has been, assessed by, the Council.

7—Amendment of section 8—Membership of the Council

This clause deletes paragraph (f) of section 8(1) of the Act (which states that 1 member of the Council must be nominated by the Commonwealth Minister for the Environment) and substitutes a new paragraph (f) that provides that 1 member must be a person with extensive knowledge of, and experience in, planning or development nominated by the Minister.

8—Amendment of section 9—Conditions of office

This clause inserts new paragraph (e) into section 9(2) of the Act, which allows the Governor to remove a member of the Council for breaching, or not complying, with a condition of his or her appointment.

9—Amendment of section 12—Validity of acts of the Council

This clause repeals redundant subsections (2) and (3) from section 12 of the Act, as the immunity etc provided by those subsections is now dealt with under the *Public Sector Management Act 1995*.

10—Repeal of section 13

This clause repeals redundant section 13, as matters related to conflict of interest etc addressed by the section are now dealt with under the *Public Sector Management Act 1995*.

11—Amendment of section 14—Functions of the Council

This clause substitutes a new subsection (2) into section 14, requiring the Council, when performing a function or exercising a power under the Act to take into account and seek to further the objects of the Act and the relevant principles of clearance of native vegetation, and also to take into account relevant NRM plans. The new subsection also requires that, in any event, the Council must not act in a manner that is seriously at variance with the principles of clearance of native vegetation.

12—Amendment of section 21—The Fund

The clause inserts a new paragraph (cc) into subsection (3) of section 21 (which sets out what the fund consists of) to include amounts paid into the Fund in accordance with any provision made by the regulations.

The clause substitutes a new subsection (6) (which sets out how certain money in the Fund must be used) so that money may now be used to preserve etc existing native vegetation in the region where the relevant land is located.

The clause inserts a new subsection (6a), which enables the Council to use money of a kind referred to in subsection (6) to be used to establish etc native vegetation in a region of the State other than the region where the relevant land is located if the Council is satisfied that the environmental benefit to be achieved in the other region will

outweigh the value of achieving a significant environmental benefit within the region where the relevant land is located, the native vegetation satisfies certain criteria and the establishment etc of the native vegetation is carried out in accordance with relevant guidelines adopted under section 25 of the Act.

The clause also inserts new subsections (6b) and (6c) which set out procedural matters related to the operation of new subsection (6a).

The clause also amends the definition of relevant land in subsection (7) to include (if new subsection (3)(cc) applies) land on which the native vegetation that is relevant to the operation of the particular regulation was grown or was situated.

13—Amendment of section 25—Guidelines for the application of assistance and the management of native vegetation

This clause amends section 25 of the Act, adding the establishment etc of native vegetation under section 21(6a), and any other matter required by the regulations, to the list of matters the Council must prepare guidelines for.

The clause also inserts a new paragraph (ab) to subsection (2), requiring the Council to submit draft guidelines prepared by the Council to the Minister for comment.

14—Amendment of section 26—Offence of clearing native vegetation contrary to this Part

This clause increases the expiation fee for an offence under subsection (1) or (2) of section 26 to a fine of $750, up from $500.

15—Amendment of section 28—Application for consent

This clause makes consequential amendments to section 28 of the Act.

16—Insertion of section 28A

This clause inserts a new section 28A into the Act. The new clause enables a person, acting in accordance with a consent to clear native vegetation, to receive credit for environmental benefits achieved by the person that exceed the value of the minimum benefit needed to offset the loss of the cleared vegetation, provided the Council is satisfied that the additional benefit is of a significant value. The clause also sets out procedural matters in relation to such credits, including that a determination of the Council for the purposes of the section cannot be the subject of an appeal under Part 5A of the Act.

17—Repeal of section 31

This clause repeals redundant section 31 of the Act (the substance of which is now effected by the definition of *breach* in section 4 of the Act, as amended by this measure).

18—Amendment of section 33B—Powers of authorised officers

This clause repeals subsections (4), (5) and (6) of section 33B of the Act in order to make the section consistent with the *Natural Resources Management Act 2004*.

19—Amendment of section 33D—Provisions relating to seizure

This clause amends subsection (2) of section 33D of the Act to increase the prescribed period relevant to the section, making the section consistent with the *Natural Resources Management Act 2004*.

20—Amendment of section 35—Proceedings for an offence

This clause amends subsection (1) of section 35 of the Act to increase the time within which proceedings for an offence under the Act may be commenced to 5 years, up from the current 4 years (or 6 years in exceptional circumstances). This provides consistency with similar provisions in the *Natural Resources Management Act 2004*.

21—Amendment of section 41—Regulations

This clause amends the regulation making power in section 41 of the Act to increase the maximum expiation fee under the regulations to $750, to enable the regulations to provide for certain amounts of money to be paid into the Fund and to enable the regulations to create offences with fines of up to $10,000 and make evidentiary provisions in relation to those offences.

Schedule 1—Related amendment

1—Amendment of Schedule 1—Transitional provisions

This schedule amends Schedule 1 of the *Heritage Places Act 1993* to include certain Native Vegetation Heritage Agreements and Monarto Aesthetic Heritage Agreements in the agreements that are dealt with by the transitional provisions in that schedule. These agreements become, by force of this clause, heritage agreements under the *Native Vegetation Act 1991*.

Debate adjourned on motion of Mr Griffiths.

PLANT HEALTH BILL

The Hon. R.J. McEWEN (Mount Gambier—Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development) (12:03): Obtained leave

and introduced a bill for an act to provide for the protection of plants from pests, the regulation of the movement of plants into, within and out of the state, and the control, destruction and suppression of pests; to repeal the Fruit and Plant Protection Act 1992 and the Noxious Insects Act 1934; to make related amendments to other acts; and for other purposes. Read a first time.

The Hon. R.J. McEWEN (Mount Gambier—Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development) (12:03): 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 Plant Health Bill will help to protect South Australia's $1.5 billion fresh fruit, vegetable, grape and field crop industries from the introduction of pests and diseases of quarantine concern. Pests and disease risks are increasing due to increasing international and domestic trade, the movement of people and climate variability.

Securing the favourable plant health status of primary industries and the natural environment is of prime importance to South Australia. It is vital for the maintenance of the State's market access advantage for our plant produce and in the preservation of our unique natural environment and plant biodiversity for future generations. Mitigating the risks of introduction or establishment of pests and diseases is the most effective form of Biosecurity.

The Bill provides for an upgraded level of protection of plants from pests within South Australia, the regulation of the movement of plants into, within and out of the State, and the control, destruction and suppression of pests. Further, it provides for the repeal of the *Fruit and Plant Protection Act 1992* and the *Noxious Insects Act 1934*.

The Bill updates existing legislation to:

- allow for the establishment of an import verification compliance system,
- ensure compliance with national emergency plant pest response requirements,
- recognise national arrangements for interstate plant produce exports, and
- ensure that South Australia is well positioned to respond to future incursions of both pests and diseases of quarantine concern, and noxious insects (locusts and plague grasshoppers).

The Bill will strengthen the processes for clearance of commercial imported plant produce to minimise the potential for introduction of pests and diseases of quarantine concern. This will involve the registration of commercial importers, the notification of imports to Primary Industries and Resources South Australia (PIRSA) via the provision of manifests by transport companies, and an improved system of produce clearance through an import verification system. The latter will require importers either to be accredited under an import verification compliance arrangement (IVCA) or to present consignments to a government inspector for clearance. The IVCA is designed to allow accredited businesses to undertake verification checks of imported produce and to provide for a flexible and cost effective alternative to government inspection.

Although the *Fruit and Plant Protection Act 1992* has served this State well since its introduction, there have been a series of developments at the national level that require modification of the legislation.

South Australia is a member of Plant Health Australia Limited and a signatory to the national Emergency Plant Pest Response Deed. There are obligations in relation to the Deed that require legislative changes to ensure that the State can respond appropriately to future incursions of emergency plant pests (and diseases). These include a rapid reporting mechanism in the event of a suspect emergency plant pest, an ability to respond efficiently and effectively to such detections, and an ability to pay agreed owner reimbursement costs to an affected business in the event of an agreed national response plan.

Nationally there has also been the development of an Interstate Certification Assurance (ICA) system that allows accredited businesses to undertake a flexible and cost effective certification process for the export of plant produce to interstate markets. This system has been working well in South Australia over a number of years and PIRSA staff accredit businesses under the scheme and undertake the required audit function. This Bill will provide the legislative underpinning of the ICA in South Australia.

In comparison to the current legislation, the proposed Bill will:

- Enable the Chief Inspector to specify a broader range of actions for orders to prevent the potential outbreak or spread of a declared pest.
- Expand the current reporting requirement for pests to include any experienced observer who knows or suspects that a pest or disease of quarantine concern is affecting fruit or plants, recognising that more trained observers are regularly visiting crops during their growth. There is an existing requirement for growers to report if they know or suspect the presence of a pest or disease of quarantine concern in their orchard or nursery. This measure will utilise the existing skills and knowledge of trained crop consultants and pest monitors to foster earlier reporting of new pest incursions so essential for successful pest eradication.

- Regulate wholesale labelling requirements for packaging containing both imported and local horticultural produce or prescribed plants for sale within the State. This will provide traceability in the event of an outbreak of a declared pest and provide consistency with the State's trade measurement legislation.
- Require transport manifests for consignments of horticultural produce or plants for sale to be provided to the Chief Inspector prior to entry into South Australia. A similar requirement will exist for produce to be transported or transhipped through the State.
- Require importers of commercial produce to be registered.
- Allow businesses to become accredited to issue assurance certificates for the movement of plant and plant produce to interstate markets and/or to verify that imports meet South Australia's import requirements.
- Permit an import verification system to provide regular importers of plants and plant produce with a more flexible and cost-effective system for clearance of their imports under a compliance arrangement with PIRSA.
- Clarify the general powers of inspectors concerning entry, and to provide greater protection for the occupier of premises through requirements for notification.
- Allow an inspector to undertake emergency actions to control, to prevent spread or to eradicate a declared pest. (Stringent guidelines will apply for assessment and approval eg clearance by the Chief Inspector.)
- Establish a legislative basis for the issuing of Plant Health Certificates by inspectors.
- In accordance with Emergency Plant Pest Response Deed, enable nationally agreed owner reimbursement costs to be paid to businesses or persons directly impacted by a national response against an emergency plant pest.
- Increase maximum penalties for high and medium risk offences, and expand the number of expiable offences to deter plant biosecurity breaches.
- Allow the Minister to establish fees for services provided by PIRSA to produce importers and exporters. (A Horticulture Industry Charges Panel is being established to provide recommendations to the Minister on the future level of fees).
- Repeal the *Noxious Insects Act 1934* and allow future responses to be covered by a Code under the Bill. The Code will establish operational procedures for future responses.

Extensive stakeholder consultation was undertaken in late 2007, including the widespread distribution of a consultation package comprising the draft Bill, an Explanation of Clauses document and a discussion paper. Eleven individually tailored information leaflets were written to explain the proposed changes likely to affect specific stakeholders groups, including growers, produce importers, transporters, the nursery industry, home gardeners and local government. A series of stakeholder meetings was organised for both special interest groups and the general public.

Submissions were received from 26 stakeholders representing individuals, various industry groups, other State government departments, interstate jurisdictions, the Commonwealth, and Plant Health Australia Ltd.

Analysis of the submissions revealed a high level of support from stakeholders for the proposed improvements to the existing legislation. This included support for proposed arrangements for noxious insect response from the Locust Community Reference Group representing landholders, the community and local government in the northern areas of the State.

Stakeholders also forwarded their own proposals, including the establishment of a register of importers, which has been strongly supported by the Horticulture Plant Health Consultative Committee, representing key South Australian horticulture industry groups and the Adelaide Produce Market Ltd. This proposal and a number of other minor proposed changes have been incorporated into the Bill.

The Plant Health Bill represents a significant step forward in improving the State's ability to prevent, detect and respond swiftly and effectively to incursions of pests and disease of quarantine concern.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

3—Interpretation

This clause sets out the meaning of terms included in the measure. Some of the important definitions include *disease*, *pest*, *plant*, *assurance certificate*, *plant health certificate* and *plant related product*. It also provides that soil or potting mix will be taken to be affected by a pest if a plant affected by a pest has been growing in the soil or potting mix. A plant related product will be taken to be affected by a pest if the product has been used to contain or cover or has been in contact with a plant, soil or potting mix affected by a pest.

4—Pests and plant related products

The Minister may declare, by notice in the Gazette, a disease, insect, mite, arthropod, snail, slug, nematode or other organism that affects a plant or a plant related product to be a pest for the purposes of this measure. In this way, the measure will only apply to those pests that are so declared. The Minister may also declare, by notice in the Gazette, additional materials or items to be a plant related product for the purposes of this measure.

5—Quarantine stations

The Minister may declare, by notice in the Gazette, a place to be a quarantine station in which a plant or plant related product may be held, examined, disinfected, treated, destroyed or disposed of.

Part 2—Protection of plant health

Division 1—Reporting of pest affected plants and plant related products and noxious insects

6—Reporting of pest affected plants and plant related products and noxious insects

A person who knows or suspects that a plant or plant related product is affected by a pest must immediately report it to an inspector and provide the inspector with such information that he or she reasonably requires. The person must also take all reasonable measures to prevent the spread of the pest. Failure to do so may result in a penalty of $100,000 for a body corporate or $20,000 for a natural person. If a person fails to immediately report the appearance of noxious insects on premises to an inspector, the penalty is $1,250. The offence may be expiated on payment of $160. Failure to report the presence of locusts and small plague grasshoppers (both native species) presents a very small risk compared to what might ensue from the failure to report a quarantinable pest.

Division 2—Control and prevention

7—Prohibition on introducing pest affected plants or plant related products

A person must not introduce or import into the State a pest or a plant or plant related product affected by a pest. The Minister has the power to prohibit by notice in the Gazette, either absolutely or subject to conditions, the introduction or importation into the State of a specified class of plant or plant related products. The Minister may exempt a person from complying with these obligations for the purposes of furthering agricultural interests, scientific research or the biological control of a pest. Before granting such an exemption, the Minister must consult widely with members of the agricultural and scientific communities. Contravening this clause or a Ministerial notice, or taking delivery of a thing brought into the State in contravention of this clause or a notice, is an offence with a penalty of $5,000, or expiation fee of $315 for a minor offence (defined to be where something is introduced or imported or taken delivery of for domestic use, consumption or enjoyment and not for sale or commercial purposes), and in all other cases, $100,000 for a body corporate or $20,000 for a natural person.

8—Quarantine areas

The Minister may, by notice in the Gazette, declare the whole or part of the State to be a quarantine area in relation to all or specified pests. The notice may impose conditions or require specified action in relation to the quarantine area, including prohibiting the removal of particular plant species or plant related products that may transmit a pest; requiring the owners or occupiers of premises within the quarantine area to take particular measures for the control or eradication of a pest including the destruction of plants; prohibiting or restricting persons, vehicles, machinery or equipment from entering or leaving a quarantine area; prohibiting the importation of certain plants or plant related products into a quarantine area or prohibiting the planting, propagation or harvesting of certain plants within the area during a specified period. Failing to comply with a notice under this clause is an offence with a penalty of $5,000 or expiation fee of $315 for a minor offence (defined as relating to domestic use, consumption or enjoyment and not for sale or commercial purposes) and in all other cases—$100,000 for a body corporate and $20,000 for a natural person.

9—Orders relating to pest affected plants or plant related products

This clause gives the Chief Inspector the power (to be exercised with the approval of the Minister) to issue orders if he or she knows or suspects that a plant or plant related product is or might become affected by a pest. The purpose of the orders is to prevent the outbreak or spread of the pest and may be issued in writing to a person who owns or has possession or control of the affected plant or plant related product, a person who sold or supplied the plant or plant related product, or an owner or occupier of premises in the area specified in the order. What may be included in an order are set out in the proposed section, including that the order may be subject to such conditions as the Chief Inspector may impose.

Contravening or failing to comply with an order is an offence with a penalty of $100,000 for a body corporate and $20,000 for a natural person.

10—Action in emergency situations

If an inspector reasonably considers that urgent action is required for the purpose of the control, prevention, or eradication of a pest, under this clause, the inspector may, after giving such notice as is reasonable in the circumstances (if any), take any action that could be required to be taken by a ministerial notice or order of the Chief Inspector issued under Part 2 of the measure.

11—Prohibition on sale of pest affected plants or plant related products

The sale or supply of a plant or plant related product affected by a pest or subject to an order under Part 2 of the measure is prohibited without the approval of the Chief Inspector. There is a penalty of $100,000 for a body corporate and $20,000 for a natural person. The owner of a premises in respect of which an order is in force is

required to notify the Chief Inspector of any intended sale of the premises at least 28 days before the date of settlement. Failing to do so is an offence with a penalty of $5,000 that may be expiable on payment of an expiation fee of $315. In addition to any penalty imposed, a person found guilty of an offence under this clause may be ordered by the court to pay compensation to the person to whom the plant or plant related product was sold or supplied.

Part 3—Packaging, identifying and transporting plants and plant related products

Division 1—Packaging and labelling of fruits, vegetables and nuts

12—Packaging and labelling of fruit, vegetables and nuts for sale

This clause makes it an offence for a person to sell or pack for sale, any fruit, nuts or vegetables if the packaging is not clean and in good repair, and labelled in accordance with the requirements of the regulations. A person must also comply with any requirements or prohibitions prescribed by the regulations in relation to the use of used packaging. There is a penalty of $5,000 or an expiation fee of $315 for contravening this clause.

13—Identification of plants sold for propagation

This clause prohibits a person from selling any prescribed plant for propagation unless it is accompanied by a label or other written notice containing the information required by the regulations. There is a penalty of $5,000 or expiation fee of $315 for contravening this clause.

Division 2—Manifests

14—Manifests

A person is required under this clause to lodge a manifest with the Chief Inspector that complies with the requirements of the Minister before bringing plants or plant related products into South Australia for sale. A person must not tranship through South Australia a plant or plant related product for sale in another State unless the person has lodged a manifest with the Chief Inspector prior to entering this State. The person must produce a copy of the manifest at a quarantine station or on the request of an inspector. There is a penalty of $5,000 or an expiation fee of $315 for contravening any of these requirements.

Part 4—Accreditation and registration schemes

Division 1—Accreditation of production areas

15—Accreditation of production areas

The Minister may declare, by notice in the Gazette, that an area specified in the notice is free of specified pests and that specified statements may be used in advertising, packaging or selling plants or plant related products produced or processed in that area. It is an offence to use any such statement in relation to plants or plant related products not produced or processed in the specified area, the penalty for which is $20,000 (which may be expiated on payment of $500 expiation fee).

Division 2—Accreditation of persons

16—Application for accreditation

Applications for accreditation under this proposed Division must be made to the Minister in the manner and form required by the Minister and be accompanied by the prescribed fee. The Minister may require further information and the application process may require an inspection of premises, facilities and plant and equipment.

17—Grant of accreditation

The Minister must grant an accreditation on application if satisfied that the person is a suitable person to hold accreditation, taking into account such things as whether the person has committed any offence against this measure or the repealed Act or any offences of dishonesty. The Minister must also be satisfied that the person meets any requirements for accreditation relating to protocols, operational procedures or other prescribed matters.

18—Authority conferred by accreditation

This clause provides that a person named in the accreditation is authorised to issue assurance certificates, and/or to verify assurance certificates or other documents, or the packaging or labelling of plants and plant related products, in accordance with the terms and conditions of the accreditation.

19—Assurance certificates and evidence of verification

Assurance certificates may be issued in relation to the movement of a plant or plant related product within the State, into or out of the State, or for another purpose and may certify that specified plants or plant related products comply with this measure (or a corresponding law) in relation to the control or prevention of the spread of pests. Examples of matters about which certification may be given are included in the clause. Some of these include that a plant or plant related product is free of a specified pest, or has been subjected to a particular treatment or meets certain requirements.

This clause also provides that the verification of assurance certificates and other documents, or the packaging or labelling of plants and plant related products may be evidenced in a manner or form approved by the Minister.

20—Conditions of accreditation

This clause gives the Minister the power to place conditions on a person's accreditation. Examples of what these conditions may contain are set out in the provision and include restrictions on the class or type of assurance certificate that can be issued under the accreditation; restrictions on the activities in relation to which the certificate can be issued; restrictions on the class or type of documents that may be verified; conditions regarding the records to be kept by the accredited person; conditions requiring compliance with prescribed protocols or operational procedures; conditions relating to the audit of the person's operations under the accreditation, and conditions regarding the provision of information required by the Minister. It is an offence for an accredited person to contravene a condition of the person's accreditation. In relation to contravening a prescribed condition, there is a penalty of $5,000 or an expiation fee of $315. In relation to any other conditions, the penalty is $100,000 for a body corporate or $20,000 for a natural person.

21—Periodic fees and returns

An accredited person must lodge a return with the Minister for the period and at a time set out in the regulations. The return must also be accompanied by a fee fixed by the regulations. If a person fails to lodge the return or pay the annual fee, the Minister may require the person to make good the default and pay an amount set by the regulations as a penalty by notice in writing. The person has 14 days in which to comply with the notice or the person's accreditation will be suspended. If the person is still in default 3 months after the Minister's notice, the accreditation will be cancelled. Written notice of a suspension or cancellation will be given to the person.

22—Variation of accreditation

This clause provides that the Minister may vary the terms or conditions of an accreditation by written notice to the accredited person. The variation may be on the initiative of the Minister, or at the request of the accredited person and payment of the prescribed fee.

23—Surrender of accreditation

Under this clause, an accredited person may surrender his or her accreditation to the Minister and in relation to an accreditation to issue assurance certificates, must also surrender any unissued assurance certificates. Failing to do so may result in a penalty of $1,250 or expiation fee of $160.

24—Suspension or cancellation of accreditation

This clause sets out the grounds on which an accreditation may be suspended or cancelled by the Minister. These include where a person obtained the accreditation improperly, or the accredited person has ceased to carry on the activity authorised by the accreditation or has failed to pay fees or charges relating to the accreditation within the required time. An accreditation may also be suspended or cancelled if the accredited person breaches an accreditation condition or commits an offence against this measure or has been convicted of an indictable offence. Suspension of an accreditation may be for a specified period or until certain conditions are fulfilled or until the Minister orders otherwise. A suspension may be effective immediately or from a specified time. Written notice must be given to the person of the action or proposed action and the reasons for it and allow the person 14 days in which to make submissions to the Minister in relation to the action or proposed action. A person is required to return the accreditation and any unissued assurance certificates within 14 days of the suspension or cancellation of the accreditation. Failing to do so may result in a penalty of $1,250 or an expiation fee of $160.

25—Offences

This clause provides that a person must not verify that assurance certificates or other documents issued under this measure or a corresponding law, or the packaging or labelling of plants or plant related products comply with the requirements of this measure or a corresponding law except as authorised by accreditation granted under Division 2. The penalty for a contravention of this provision is $100,000 for a body corporate or $20,000 for a natural person.

This clause also sets out certain offences relating to accreditation and assurance certificates. These include that it is an offence for a person to issue an assurance certificate other than as authorised by accreditation granted under this Division. The penalty for a contravention of this provision is $100,000 for a body corporate or $20,000 for a natural person. Nor must a person issue anything that purports to be an assurance certificate unless the person is accredited to do so. The penalty for doing so is $100,000 for a body corporate and $20,000 for a natural person. It is also an offence to alter information in an assurance certificate without the written authority of the person issuing the certificate, or in the case of an alteration that relates to the splitting of a consignment, the alteration is made by an inspector or a person authorised to split consignments under an accreditation. The penalty for doing so is $100,000 for a body corporate and $20,000 for a natural person.

Division 3—Registration of importers

26—Application for registration

This clause provides that an application for registration as an importer under this Division is to be made in the manner and form and contain the information required by the Minister and is to be accompanied by the prescribed fee.

27—Grant of registration

The Minister must grant an application for registration as an importer if satisfied that the person is a suitable person to be registered and the applicant satisfies any requirements relating to protocols, operational procedures or other prescribed matters.

28—Conditions of registration

This clause gives the Minister the power to place conditions on a person's registration as an importer. Examples of what these conditions may contain are set out in the provision and include restrictions on the type of plant or plant related product that the person may import; conditions regarding the records to be kept by the importer; conditions requiring compliance with prescribed protocols or operational procedures; conditions requiring compliance with applicable codes or rules made under this measure, and conditions regarding the provision of information required by the Minister. It is an offence for a registered importer to contravene a condition of his or her registration with a penalty of $20,000 for a body corporate or $5,000 for a natural person and an expiation fee of $500 or $315, respectively.

29—Periodic fees and returns

A registered importer must lodge a return with the Minister for the period and at a time set out in the regulations. The return must also be accompanied by a fee fixed by the regulations. If a registered importer fails to lodge the return or pay the registration fee, the Minister may require the importer to make good the default and pay an amount set by the regulations as a penalty by notice in writing. The importer has 14 days in which to comply with the notice or the importer's registration will be suspended. If the importer is still in default 3 months after the Minister's notice, the registration will be cancelled. Written notice of a suspension or cancellation will be given to the importer.

30—Variation of registration

This clause provides that the Minister may vary the terms or conditions of an importer's registration by written notice to the importer. The variation may be on the initiative of the Minister, or at the request of the registered importer and payment of the prescribed fee.

31—Surrender of registration

A registered importer may surrender the registration to the Minister.

32—Suspension or cancellation of registration

This clause sets out the grounds on which an importer's registration may be suspended or cancelled by the Minister. These include where a person obtained the registration improperly, or the registered importer has ceased to carry on the activity authorised by the registration or has failed to pay fees or charges relating to the registration within the required time. Registration may also be suspended or cancelled if the registered importer breaches a condition of registration or commits an offence against this measure or has been convicted of an indictable offence. Suspension of a registration may be for a specified period or until certain conditions are fulfilled or until further order of the Minister. A suspension may be effective immediately or from a specified time. Written notice must be given to the importer of the action or proposed action and the reasons for it and allow the importer 14 days in which to make submissions to the Minister in relation to the action or proposed action. A person is required to return the registration within 14 days of the suspension or cancellation of the registration. Failing to do so may result in a penalty of $1,250 or an expiation fee of $160.

33—Offence

It is an offence for a person to import into the State, plants or plant related products for sale or other commercial purpose, unless they are registered to do so under Division 3. There is a maximum penalty of $20,000 for a body corporate or $5,000 for a natural person or an expiation fee of $500 or $315, respectively.

Division 4—Register

34—Register

This clause requires that the Minister keeps a register of accredited persons and registered importers in the form and containing the information considered appropriate by the Minister.

Division 5—Reviews and appeals

35—Review by Minister

This clause provides that a person may apply to the Minister for a review of a decision to refuse an application for the grant of accreditation under Division 2 or registration as an importer under Division 3; or the imposition or variation of the terms or conditions of accreditation or registration, or the suspension or cancellation of an accreditation or registration. An application for a review made under this clause must be made within 28 days from when the person was given written notice of the decision. The Minister has the discretion to determine the application for review as he or she sees fit. The determination must be made within 28 days of the application being lodged, or the decision will be taken to have been confirmed by the Minister.

36—Appeal to District Court

A decision of the Minister on review may be appealed by the applicant to the Administrative and Disciplinary Division of the District Court within 28 days. The Minister must give written reasons for the decision if required by the applicant for the review, and the time for instituting an appeal will run from the time the applicant receives the written statement of those reasons.

Part 5—Enforcement

Division 1—Approved auditors

37—Approved auditors

This clause provides that the Minister may approve a person as an auditor for the purposes of this measure if satisfied that the person can provide satisfactory and efficient audit services and the person is suitably qualified. The Minister may impose conditions on the approval including that the person enter into an audit agreement with the Minister, conditions limiting the functions or powers of the person or limiting the area of the State in which those powers may be exercised, or conditions fixing fees that are to be paid to the Minister. An audit agreement entered into by the person and the Minister must regulate the provision of audit services under this measure and set out the requirements relating to audit reports, and also provide that the agreement will terminate if approval is withdrawn by the Minister. The agreement may also regulate the charges that may be made by the auditor for audit services and the withdrawal of audit services for the non-payment of such charges. The Minister and approved auditor may by agreement, vary or terminate an audit agreement. The Minister may impose further conditions of approval or vary or revoke a condition by written notice to the approved auditor. The Minister may also cancel an approval if satisfied the auditor is in breach of a condition of the approval or a term of the audit agreement. The rights of an inspector to exercise a power under this measure is not limited by an approval or audit agreement.

38—Duty of auditor to report certain matters

This clause provides that if on conducting an audit, an approved auditor forms a reasonable belief that an accredited person is or has breached a prescribed accreditation condition or is or has engaged in conduct of a prescribed kind, the auditor must inform the Minister of the name and address of the accredited person and the details of the facts and circumstances giving rise to the belief. There is a penalty of $5,000 for failing to do so.

39—Offence to hinder or obstruct auditor

Under this clause, it is an offence to hinder or obstruct an auditor performing an audit under this Division of the measure with a penalty of $5,000.

Division 2—Inspectors

Subdivision 1—Appointment and identification

40—Appointment of Chief Inspector and deputy

This clause provides that the Minister may appoint a person to be the Chief Inspector and the deputy of the Chief Inspector. While acting in his or her absence, the deputy has all the powers and functions of the Chief Inspector under this measure or any other Act.

41—Appointment of inspectors

Under this clause, the Minister may appoint inspectors for the purposes of this measure by instrument in writing. Such an appointment may be conditional.

42—Identification of inspectors

This clause provides that an inspector must be issued with an identity card that contains a photograph and the name of the person or a unique identification code. An inspector must produce this card for inspection at the request of a person in relation to whom the inspector intends to exercise any powers under this measure or any other Act. If a person ceases to be an inspector, the person must immediately return the identity card to the Minister. There is a penalty of $1,250 for failing to do so.

Subdivision 2—Powers

43—General powers

This clause provides inspectors with powers to enter, search, give directions, require production of documents, verify assurance certificates, packaging and labelling, seize and retain plants or plant related products, among other things, as may be reasonably required for the administration and enforcement of this measure. Certain powers may only be exercised on the authority of a warrant or with the consent of the occupier of the premises. The clause also sets out what an inspector may do with a plant or plant related product seized under this clause.

44—Power to investigate

This clause provides inspectors with power to carry out investigations as reasonably necessary for the purposes of determining whether a plant or plant related product is affected by a pest or identifying or tracing pests.

45—Power to issue plant health certificates

This clause provides that inspectors may issue plant health certificates in respect of plants or plant related products—

- grown, produced, packed, used, treated or tested in the State; or
- to be imported, introduced or brought into the State.

The plant health certificate may certify as to things such as the condition of a plant or plant related product, or that the plant or plant related product is free of a particular pest, or has been treated in a certain way. The clause sets out the powers that may be exercised by the inspector in relation to the issue of the certificate. It is an offence for someone other than an inspector to issue a plant health certificate, with a penalty of $100,000 for a body corporate and $20,000 for a natural person. It is also an offence to alter a plant health certificate unless authorised to do so in writing by an inspector or the alteration relates to the splitting of a consignment by an accredited person authorised to do so by an accreditation granted under Part 4 of this measure.

Subdivision 3—Miscellaneous

46—Immunity from liability

This clause provides for immunity from civil liability for inspectors and persons assisting inspectors in carrying out their duties under this measure. Any action that would, in the absence of this clause, lie against an inspector or assisting person lies instead against the Crown.

47—Warrant procedures

This clause provides for the procedures for obtaining warrants for the purposes of this measure in accordance with current practice.

48—Offence to hinder etc inspectors

This clause sets out offences in relation to inspectors including of hindering or obstructing an inspector or a person or animal assisting an inspector in the exercise of powers under this measure. A person also must not fail to comply with a requirement or direction of an inspector the penalty for which is a fine of $5,000.

Part 6—Miscellaneous

49—Delegation

This clause provides the Minister and the Chief Inspector with power to delegate a function or power under this measure by instrument in writing.

50—Compensation

Under this clause, the Minister is given a discretion to pay compensation to any person who has suffered damage or loss as a direct consequence of a notice or an order made under proposed Part 2 of the measure.

51—False or misleading statements

This clause creates an offence if a person makes a statement that is false or misleading in a material particular in an application made, information provided or a certificate issued under this measure. The penalty, in the case where the person knowingly made a false or misleading statement is $10,000 and, in any other case, $5,000.

52—Self-incrimination

This clause makes provision against self-incrimination.

53—Service of notices and orders

This clause makes provision for the service of notices and order under this measure in the usual terms.

54—Vicarious liability

This clause provides that an act or omission of an employee or agent will be taken to be the act or omission of the employer or principal unless it is proved that the act or omission did not occur in the course of the employment or agency.

This clause further provides that if a body corporate commits an offence against this measure, each member of the governing body of the body corporate is guilty of an offence and liable to the penalty applicable to the principal offence unless it is proved that the member could not by the exercise of reasonable diligence have prevented the commission of that offence.

55—Evidence

This clause makes provision for evidentiary procedures for the purposes of the measure.

56—Commencement of prosecution of offences

Proceedings for an offence under this measure may be commenced at any time within 3 years of the day on which the offence is alleged to have been committed.

57—Continuing offences

Under this clause, if an offence against the measure is committed by reason of a continuing act or omission, the person liable for the offence is liable, in addition to the penalty for the offence, to a daily penalty for each day on which the act or omission continues.

58—General defence

It is a defence to a charge of an offence against the measure if the defendant provides that the offence did not result from any failure on his or her part to take reasonable care to avoid the commission of the offence.

59—Incorporation of codes and standards

Notices given or regulations made under the measure may be of general or limited application and may apply, adopt or incorporate (with or without modification) any code, standard or other document prepared or approved by a body or authority referred to in the notice or regulation as in force from time to time, or as in force at a specified time.

60—Regulations

The Governor may make such regulations as may be necessary or expedient for the purposes of the measure.

Schedule 1—Related amendments, repeal and transitional provisions

Part 1—Related amendments

Part 1 of Schedule 1 provides for amendments consequential on the passage of this measure to the *Citrus Industry Act 2005* and the *Phylloxera and Grape Industry Act 1995*.

Part 2—Repeal

Part 2 of Schedule 1 provides for the repeal of the *Fruit and Plant Protection Act 1992* and the *Noxious Insects Act 1934*.

Part 3—Transitional provisions

Part 3 of Schedule 1 makes provision for transitional arrangements.

Debate adjourned on motion of Mr Griffiths.

STATUTES AMENDMENT (PROHIBITION OF HUMAN CLONING FOR REPRODUCTION AND REGULATION OF RESEARCH INVOLVING HUMAN EMBRYOS) BILL

Adjourned debate on second reading.

(Continued from 28 October 2008. Page 593.)

Mr RAU (Enfield) (12:06): I will finish the remarks I started making yesterday when I canvassed briefly two questions: first, whether I felt capable as an individual of passing judgment on the technological arguments whizzing around the place, and I confess to be sufficiently ignorant and insightful enough of my ignorance to say that the answer to that question is, 'No, I am not capable of making that decision,' so I am resorting to matters of principle or other matters to assist me to come to a decision on how to deal with this matter.

I mentioned yesterday that I have a difficulty with the creation of a potential person as we know a person—and I will not get into the argument about when it becomes a person, whether it is at fertilisation or whatever: that is not my point. The creation of such an opportunity for the express purpose of destroying it, or the collection of the raw material necessary for the creation of a person for the express purpose of destroying it for experimental purposes, does not appeal to me, and something seems inherently wrong with that.

I draw the attention of the house to section 16 of the bill which, as it is designed, would appear to prevent what amounts to a trade in eggs and sperm. For the purposes of this bill, sperm is not particularly important, but eggs are very important. As I was saying yesterday, when the bell rang and terminated my contribution, it has been argued (and to the best of my knowledge, from what I understand from having read things) that the collection of sperm is not an expensive, painful or particularly lengthy process, but that cannot be said for the process involved in the collection of eggs.

Everybody in this place would have a friend, relative or somebody they know who has undergone the IVF process. Never having gone through it myself, as I am not a female, I understand that that process is unpleasant, it takes some considerable time and it is very inconvenient for a whole range of reasons. In other words, it is not the sort of thing a person would sign up to do just for the fun of it, or because somebody asked them and it was a relatively minor inconvenience to accommodate that request.

I asked myself the question: why would any female wish to participate in a process by which eggs would be harvested (as the terminology is) from her? I understand that some women, when asked by an infertile relative or friend, are prepared, on the basis of their love, respect or care for that relative or friend, to go through this process on their behalf to assist them and donate an egg to them in order that they and their partner may be able to have a child. I also understand that to be relatively rare—for very good reason. The experience is not an easy one for someone to go through, not to mention the question of how they might feel about the child when it is ultimately born—but that is another matter.

The point is why would any sane woman wish to go through the process of contributing eggs to a research program which will destroy them? When I ask that question, unfortunately, I come to the conclusion that this legislation creates a market for human eggs. That is what brings new section 16 into focus. New section 16 make it an offence for a person to seek to buy, in effect, an egg from another person. It also makes it an offence for a person to agree to sell an egg to

another person. Both sides of any such transaction are prohibited. It is not only prohibited but also creates an offence which involves 15 years gaol for them both.

Without casting any aspersions on the institutions that might be interested in this process and without being too histrionic about it, members of parliament may recall that some of the most respected medical schools and medical practitioners in the United Kingdom were ultimately the customers for Burke and Hare, the famous body snatchers. I am saying that if there is a market and a demand for these eggs, the market will find a way of supplying that demand, even if it means that both the person receiving the eggs and the person contributing them are guilty of an offence under this act. Why would either of them talk? Let us face it, they both could go to gaol for 15 years if they do, so there is good reason not to say anything about it.

I also ask the question: who would be the most likely target if a market in eggs actually develops—in effect, a black market? Of course the answer is people who are desperate, people who are poor and women who are desperately seeking an additional source of income or whatever. People might say, 'Well, that is fantastic, it will not happen.' I hope they are right. I cannot imagine why any woman, other than through reasons of desperation and for financial reward, would go through the process of contributing to a program such as this. I cannot imagine it. That is a reality we have to consider. As much as anything else that worries me because, unfortunately, amongst the people whom I represent, many people are suffering and very short of money. They are the sorts of people who would be placed in a position where, possibly, unscrupulous people might try to take advantage of them. Again, I am not comfortable about that.

The last point I make is that, to some extent, what we do here today is entirely academic because the federal parliament has passed legislation which enables this process to occur. Indeed, I have just gone to the library to look at the operational provision of the federal act. It refers to the corporations power of the commonwealth, which means that any company engaging in this practice—whether in South Australia, New South Wales or Victoria—is able to do it. As I understand it, the only ambiguity is whether a university constitutes a company for the purposes of the federal provisions. I also know that it is not beyond the wit of a lawyer (who might be engaged by a university) to make the fairly simple suggestion that they go to their local solicitor and pull a shelf company off the shelf for $20—which then does what the university wants to do on the university's behalf and attracts all the so-called benefits of the federal legislation.

I point out to members that whatever we do here today in practical terms will have very limited effect. It is a question, nonetheless, that we all should approach as if what we are doing here will have significance and as if we are basically bringing our best endeavours to answer the question of whether or not we agree with it, even though the reality is that what we decide here will make little difference.

I will listen to the rest of the debate with interest. Members might have gleaned that I have serious misgivings about the bill from what I have said. I point out that, largely, whatever we do, will be an academic exercise, for reasons completely beyond the control of this parliament. I think those are probably the only contributions I have to make on it. I do wish to finish, I guess, with the point that I personally have found all the contending scientific material to be confusing and unhelpful—and that is no disrespect to those people who have offered that material: it is a reflection on me. I was as enlightened after listening to all that material as I would have been after sitting down for an afternoon with Albert Einstein and Mr Hawking, who, unfortunately, is suffering from motor neurone disease.

I did not find that helpful. I suspect that, buried amongst that information, there are various shades of meaning and various spins that might be put on it, and I suspect that both sides of the argument did a fair amount of spinning and censoring of the material in order to make their point which, no doubt, is what they were trying to do. In any event, I conclude on those inconclusive remarks.

Mr GRIFFITHS (Goyder) (12:16): I suppose in the 2½ years that I have been in this chamber many challenges have presented themselves, and one is trying to form an opinion on this bill. I know it has created many confusing thoughts in my mind. The member for Enfield has confessed to his inability to understand all the information that has come through—and I am sorry if I am putting different words in his mouth, but he is nodding in agreement. It is a very difficult bill for members who have gained knowledge in various areas throughout their lives. However, when they are faced with an important bill—and there is no doubt about that—which does impact in so many ways, we try to ensure that we possess all the knowledge we need to make the best and most

informed decision we can. However, there is no doubt that anxiety builds up in one's own mind as to how to vote on a matter.

I am grateful and I put on the record that, in the consideration of this bill, the shadow minister for health has provided an information paper to Liberal members of parliament. There is no doubt that the minister's second reading speech also contributed to the knowledge that I have of the bill. The research unit of the parliamentary library prepared a very detailed paper—and I commend Dr Zoë Gill on the paper—which certainly sets out the pros and cons for the position on the bill. I also thank the member for Newland who, yesterday, via email, forwarded information to us about other details as they had become known and what had occurred in Western Australia and thereabouts. However, it is the individual member, especially in matters of conscience, who has to decide how he or she intends to proceed.

The member for Enfield pointed out an important fact (which I picked up in the material which I have also read); that is, no matter what the decision of the South Australian parliament, the federal legislation will override, to a large degree, what can occur here, anyway. However, it still leaves that doubt in one's mind as to how one should proceed. There is no doubt that, since the human species first managed to stand upright and walk, it has evolved, developed and challenged itself. It has developed technology at an amazing rate. If we look back over the past century alone, man has learnt how to fly and put a man on the moon. Cars have developed to an amazing level. We now have engineering applications across the world which could never have been dreamt of even in the wildest dreams of Jules Verne.

There is no doubt that issues that we now consider in this parliament, in many ways, will be overridden by developments in technology in future years. Other members who have spoken to this bill have mentioned the fact that technology has already improved and research undertaken in Japan has proven that other options do exist, for example, using skin. In my opinion, it is important that we accept that that information has an influence on the decision we make when we vote on this matter eventually.

Normally, I try to come into the chamber with a firm conclusion on what my position is on matters of conscience, but on this one I am still probably debating it in my mind. As I have mentioned before, technology is a great thing. Although I am married to a good Catholic girl, I am not an overly religious man myself, but I do have a belief. While I believe species have improved upon themselves as the centuries have progressed, I also recognise the fact that technology and evolution have proven that other options are out there.

The big question that I have in my mind though—and I know it is talked about in the information that has been provided—is as to when a consciousness is formed from conception occurring. I believe that there is a 14 or 15-day rule as to when the nervous system develops, but I am more of a believer in the fact that, from the moment of conception, there is a human that is growing. I know that the thought of the fertilisation of an egg to create an embryo to allow research to be undertaken does not sit comfortably with me. I know that there are many members in this chamber who have quite firm opinions on this and others who will probably be somewhat unsure as to how they should proceed. Therefore, I hope that as many people as possible will stand up in the house (in both chambers) and express an opinion on this matter, because it is important that the people of South Australia (whom we represent) do know where they stand on it and the issues that have occurred in our minds when it has come to forming an opinion on it.

I have tried to read as much as I can about this issue, especially this morning when I have read the contributions made yesterday by members of both chambers. It is clear to me that there are serious issues for people to consider when they come to forming their opinion, and they are also in my mind. I have the same degree of concern as to how we should proceed and what we need to do to ensure that the legislation that we enact in this house will serve South Australians. I am also very concerned about the fact that there are so many people in our great state who do suffer terribly from afflictions or diseases, or physical ailments that to some degree could be overcome by advances in technology. Importantly, we have done that in so many ways; we have managed to keep alive people who, 50 years ago, would have died not long after a diagnosis, and that is because technology has improved to ensure that we can treat these people now, and drugs have been developed that can help them.

There are amazingly intelligent people out there who have allowed these advances to occur, and there is no doubt in my mind that the use of human cells has helped develop some of those, and that the testing that has occurred on volunteers has assisted in ensuring that drugs are deemed to be suitable for use by the human species which can help people.

I hate to see suffering, and probably all of us in our electorates know quite well people who have suffered terribly through illnesses and afflictions, and we would do anything that we could to assist them. The member for Finniss yesterday, in his contribution, referred to a friend of his who is blind and whose greatest wish is to be able to see again, and if there is a possibility that research could be undertaken using this technology that would allow that to occur, that person would want it to happen. But the member for Finniss has also confirmed with me that since he made that contribution he has spoken to this fellow. He has talked about the research that has been undertaken using skin cells in Japan, and this fellow is quite comfortable with that fact; that that is the technology that should then be pursued. This is a man who desperately wants to see and he would do anything he could do to regain his sight, while recognising that other issues are involved here.

In the contributions from all members various examples have been provided. The member for Hammond talked about his own father who has suffered from osteoarthritis and had serious hip problems for many years. His father is now 88, but he was physically active until he was 80. I know that people in my own family have left this world far earlier than they should have and that, although technology managed to help them immensely, it could not keep them alive any longer. So, that is why I have the debate in my mind as to whether I should support the bill or vote against it. The great dilemma is whether allowing this research to be undertaken using these embryonic cells would improve the knowledge that is out there in the medical field, therefore ensuring that these people are able to live longer. When it comes to the vote, I think there will be a degree of anxiousness from some areas.

I am still trying to sort out my thinking on this matter. I suppose my natural tendency would be to support medical research, as we all should, but there is this overriding issue of when the embryo becomes a human being. Is it the 14 or 15-day period when the nervous system develops or is it from the moment of conception? Does it have a soul then? Luckily my wife and I had no problems with our children, but we have often talked about what we would have done if there had ever been a need for an abortion, and we are very firm on the fact that we would never have done that, no matter what the circumstances—and the argument I am debating on this matter extends to that issue, too.

I look forward to the contributions of all members in the chamber. I confess that it is a great challenge to accept the various opinions that have been expressed and the literature that has been provided to us, as difficult as much of it is to understand. However, it is important, especially with respect to this bill, that there is a total consciousness of the gravity of the decision we are making here today. While it appears as though the numbers will be in support of the bill, I know that the Western Australian bill did not pass. I am certainly aware of what the federal government has resolved to do. Even though the vote there was relatively close, the measure was still supported by the majority of members. I think the vote in this chamber will be relatively close, but I hope that we make the right decision. It is a bit like how the Hon. Peter Lewis must have felt when he was deciding which party he would support when it came to forming a government in 2002.

An honourable member interjecting:

Mr GRIFFITHS: By the sound of it, he made up his mind while he was making his speech—and in some ways, after considering all the facts, I have, too. Although it has been hard to express myself in the last 10 minutes or so, while I have been speaking I have reached the conclusion that I do not think I can support the bill.

The Hon. L. STEVENS (Little Para) (12:27): I rise to support the bill, which I note amends the principal acts, the Prohibition of Human Cloning Act 2003 and the Research Involving Human Embryos Act 2003. When I was minister for health, I brought those two bills into the house, and I obviously supported them then. The bill before us is the result of a review of the two original acts and amendments made as a result of that review.

As a result of the 2003 acts, we currently have in place in South Australia a complete ban on human cloning, not taking into consideration the newly passed commonwealth law. We have the ability to use human embryos which have been created for reproductive medical treatment but which are surplus to the needs of the person (or couple) concerned in relation to that reproductive medical treatment. These embryos can be used for research, teaching, quality control or commercial applications under certain conditions if a licence has been issued by the NHMRC Embryo Research Licensing Committee, a body set up under those acts. Those for whom the embryos were created can determine to what use their surplus embryos may be put.

I might add that the NHMRC licensing regime is very robust, with stringent licensing conditions, and I feel very confident in terms of its ethics and the robustness of its processes. To date, in Australia, according to information that was provided to us by the South Australian Department of Health, 10 licences have been issued nationally since 2003, that is, four for research on infertility; five for stem cell research; and one for using embryos to train embryologists. To date, no South Australian researcher has sought a licence. South Australia's stem cell research has focused more on animal embryos. Research using human cells has used adult stem cells or embryonic stem cell lines created elsewhere. South Australian researchers have indicated their intention to seek licences to use human embryos to progress their work.

As I said before, after those acts had been passed around the country the Lockhart review came down with 54 recommendations. The commonwealth bill, which was, incidentally, a private member's bill introduced by former health minister and senator the Hon. Kay Paterson, picked up the intent of those 54 recommendations. I congratulate Kay Paterson for her work and commitment to this issue. It was quite clear that the then federal health minister, the Hon. Tony Abbott, had no intention of progressing the matter further and would not bring the matter before the Australian parliament. I commend and congratulate Kay Paterson for taking a bit between her teeth and bringing forth the bill. The bill came into operation in June 2007. After the commonwealth bill was passed, COAG then agreed that the states would put before their parliaments complementary legislation, just as had been done under the previous bills in 2003.

In relation to the two bills that we have before us, essentially a number of things have changed, and the minister's second reading speech outlines them. The most significant changes are the focus on medical research and the new acts allowing embryos to be created for research by new techniques such as somatic cell nuclear transfer and stimulating cells to divide by other methods. Those processes must be licensed, again, under the NHMRC licensing structure. Of course, the embryos that are created for research cannot be implanted, nor can they be allowed to develop over 14 days.

The other important thing for people to understand—and I am not sure that this is the case, listening to some of the contributions that have been made previously in this debate—is that creating reproductive embryos—that is, those created by fertilisation, the way that we have been referring to them so far in the current legislation—remains prohibited. But, again, couples who are undergoing fertility treatment may still donate excess embryos to research, which is what they are able to do now. It is a really important point. The use of any reproductive embryos that have been created by fertilisation for research remains prohibited except in cases where couples determine that these embryos are excess to their own needs and agree that they can be used as they are now.

What is now the case for South Australia? As the member for Enfield mentioned in his contribution, since 12 June 2007 South Australian researchers, who are licensed under the commonwealth acts, have been legally able to apply for a licence under the newly passed commonwealth legislation. They can conduct research that is currently not permitted by state legislation. However, researchers covered only by South Australian law—and that includes those who work in South Australia's public hospitals—cannot be part of the national scheme.

So, they are no longer able to seek a licence from the national NHMRC Embryo Research Licensing Committee to conduct any research using human embryos. Also, it is not clear whether the licensing committee would approve licences for any South Australian research if South Australian laws did not match commonwealth laws. This has ramifications for the future of some of our most eminent research establishments.

I am a very strong supporter of ethical medical research that has adequate and stringent safeguards, and I believe that is the case for what has been established here in Australia. I believe that the general public are very strong supporters of medical research, hoping that the work that can be done with stem cells will lead to new breakthroughs in a whole range of (so far) intractable conditions like cystic fibrosis and many other medical conditions. I am sure that other members have also received letters from various groups in relation to that.

A number of members mentioned the issue of pluripotent cells; the use of other cells, skin cells and even, as I understand it, testicular cells. Just recently somebody somewhere indicated that they were looking at the possibility of using testicular cells instead of embryonic stem cells. A couple of people have said, 'You know, that's the end of it. We don't need to use embryonic stem cells.' Unfortunately, it is not as simple as that. In terms of scientific research, the fact that

somebody writes a paper, or one set of researchers obtain a particular result, does not mean that we can say, 'Okay, that's fine. This is the new deal'—and away we go.

The fact is that, in terms of scientific research and the adoption of scientific outcomes, this has to be a very extensive, replicated, peer-reviewed, clinically-researched process. We had an interesting briefing by Professor Robert Norman, Associate Professor Mark Nuttall and Professor Peter Rathjen earlier in the year in relation to this matter. Rob Norman said that these were exciting developments but that they are not at the point where we can say that they are scientifically validated. He made that point very clearly. He said that if these things were scientifically validated scientists would be using them like a shot because they would not have to go through all the issues, concerns and dilemmas around embryonic stem cells. However, the point is that they are not there yet.

I am not prepared to hold up research. I believe that what we have in place is a stringent code which means that we can safely and ethically proceed and allow our scientists (along with other scientists around the world) to do the very best they can in order to get some of the answers we need for these intractable problems.

A more practical consequence is the fact that we have a commonwealth law that says one thing and a few states that have passed complementary legislation—but some have not. It is very important to understand that, when we are trying to attract high quality researchers into our public hospitals, as well as trying to attract other doctors to come and work with them, we need to enable them to do the same work that they were able to do in other places—certainly nationally, and hopefully internationally in terms of such countries as the United Kingdom and other highly developed countries. What we could quite easily find is that these very bright scientists will leave South Australia and go where they can do their work. So, there is this other subordinate consequence we need to mindful of.

With those words, I state again that I will be supporting the bill, and I urge other members to give it very favourable consideration and also support it.

Mr PISONI (Unley) (12:40): Understandably, this bill has certainly stirred emotions in the community and in the parliament, and it is a decision that is a bit different from others that members of parliament need to make because it is not really about politics or outcomes: it is more about how we feel about particular practices to achieve outcomes.

We had this debate many years ago when parliaments approved the use of IVF, and the genie was let out of the bottle then; I think only lone voices in the community would say that that was a bad thing. I think it would be very difficult for anyone to say that it was wrong for science to give a couple the gift of the life of a child and that it should not have happened.

My view is that that moral decision has now been made. We know that embryos are created, stored and destroyed in that process, but this bill enables those embryos to be used for further scientific research. As parliaments and communities, we have agreed that we are happy to use science to give the gift of life, but what I am saying is: why can we not use science to give the gift of life to a lifeless body, for example, such as that of a child born with severe spina bifida or someone with a spinal injury? My understanding of stem cell research is that it will lead to not only those types of cures but also cures for diseases such as Parkinson's disease and type 1 diabetes, diseases that cannot be fixed through a change in lifestyle or diet.

One of the reasons I believe I should support research and this legislation that will keep our research here in South Australia is my personal experience with a close personal friend, Richard Mavrovic, who, at the age of 21, was tragically thrown from a horse and broke his C6/7. He spent four months in traction with bolts through his head while his spine was mending; however, permanent damage had been done. Consequently, for the last 22 years he has been a quadriplegic in a wheelchair. He can raise his arms and push his wheelchair, but he cannot use his hands to pick up a glass. He has developed new skills. When Richard had his accident in the 1980s, he was a self-employed livestock drover at Gepps Cross, which I think is now a housing development. He was a very entrepreneurial fellow at the age of 16.

Ms Bedford: He still is.

Mr PISONI: As the member for Florey reminds me, he still is—and I will get to that. At the age of 16, he had already been working part time for a couple of years. He had been full time for only a short while in this business and was in the process of buying out his former boss, who was retiring. He went into what was Salisbury Toyota and pointed to a bright shiny four-wheel drive and

said, 'I'd like to buy that.' The salesman looked at him and said, 'And how do you expect to pay for that?' He said, 'Cash,' and the guy laughed at him. He had the cash in his pocket to pay for this ute, but the salesman lost the sale to a competitor because he did not take Richard seriously with his purchase of a motor vehicle.

Richard still lives a very full life. He has gone on to be, I would argue, a minor celebrity. He is an award-winning artist, and he has sell-out exhibitions around the country. His paintings are now selling for $8,000 to $10,000. He has work that has been purchased in the national parliament. He was just recently commissioned for a piece for the national estate, so he is recognised, not just by his customers but by those who represent us in high office as well, as having something to contribute in that field.

In order to achieve that, he must actually strap his brush onto his hands, and it is quite an extraordinary process to watch. The brush goes in his mouth, his hand then passes his mouth and the brush transfers from his mouth to his hand, and he uses his teeth then to lock the velcro in to hold the brush in place. Of course, he needs to repeat that process every time he uses a different sized brush, so it is an extraordinary process.

He specialises these days in watercolours and acrylics. So impressive is his work and some of his subjects that he had a visit at his studio in Hyde Park by Jeffrey Smart, who we all know is a very famous artist, and the first thing he said to Rick was, 'Your work's too cheap; put it up.' It was great recognition for work that he had done.

In my friendship with Rick (because we went to school together), I had the opportunity to meet other people in his position, particularly in the early days when he was recuperating and he took up wheelchair sports. Wheelchair rugby was the sport that he played. So many of those lads were car accident victims who had suffered spinal injury because they were either very severe car accidents or, in some instances, because they were not wearing their seatbelts—silly mistakes that have led to lifelong consequences.

It is usually not due to a choice that they have made that these people suffer from disabilities such as this, and that is one of the main reasons why I feel that we should not be getting in the way of medical research. I do not feel that it is my role to make a moral judgment for others. This bill does not compel anybody to hand over their embryos for scientific research: they still have the choice to do that. If they are participating in the IVF program and do not want their embryos used for research, they have that option not to hand them over.

I do not believe that my position in society means that I can impose my values on other people. I think that this is a classic example where it is a very personal decision that should be made by those involved and, consequently, I do not want to get in the way of that.

Something else that I think was picked up earlier by the member for Little Para is that we really do have a brain drain here in South Australia. Many of our brightest and youngest minds move interstate and overseas because we do not have opportunities for them here in South Australia. Being the only jurisdiction in the country after Western Australia that will not be allowing this research, we will see a further deterioration of opportunities for our best and brightest, particularly in medical research.

I am happy to support this legislation for scientific research and for the advancement of the human race. We have all been given brains to develop, and our brains have developed extraordinarily over the past couple of thousand years. In particular, we have seen an enormous advancement in humanity because of the influence of medical research.

It was not all that long ago when doctors used to bleed patients to get rid of poisons and other sorts of things in their bodies because, through lack of medical research, they believed that that was the way to cure someone; and, of course, they were cured of the ailment but they bled to death.

I support this bill and I certainly encourage other members to do so. I acknowledge the difficulty that some members will have in supporting it and I accept and acknowledge their reasons—that is their right. My reason for supporting this is because I do not believe that I am in a position, neither should I be, to impose my moral judgment on others.

The Hon. I.F. EVANS (Davenport) (12:51): I rise to indicate that I will be voting against this bill. I think the member for Enfield summed up the debate quite succinctly this morning. I will just make a few comments, given that there are only nine minutes left before the break.

The reality is that I find the science of this confusing, as the member for Enfield said this morning. It is not a field in which I am qualified; therefore, I am relying on expert advice from the medical profession. Those who are involved in this form of research will, of course, argue their case in the positive, and those who are not will argue it in the negative.

The latest letter I received was from John Martin, Emeritus Professor of Medicine at the University of Melbourne, who argues that the debate has moved on to a new form of technology and, in his view, there is no need for parliaments to pass this law. I accept his advice in voting against this bill.

I say to the member for Unley that I am intrigued by the argument about not imposing values on the community. The parliament does that every day of the week: we do not allow people to sell themselves for sex; we do not allow euthanasia; we do not allow people to drink or smoke until they reach a certain age; and we have an age of consent for sexual activity. There is a whole range of things where the parliament imposes restrictions on the community. Even now, I do not think that parliaments around the world allow research involving the cloning of humans to create exactly the same human, as in Dolly the sheep. I do not think that sort of research is allowed worldwide.

I am of the view that medical research needs to be regulated. Some very nasty medical research has been done around the world in nasty regimes that existed in other countries in the past. We need only look at some of the research done by some very aggressive regimes over the past 100 years to see what happened to people in the cause of medical research—and the Nazi regime is one. I am not for one minute suggesting that any universities are involved in anything like that. All I am saying is that, as a principle, medical research needs to be regulated to some degree.

There will always be another researcher coming around the corner with the latest proposal to find a cure. I certainly support medical research; obviously the human race has benefited greatly from medical research, and it will continue to do so. The reality is that the research we are debating is taking place in a number of states in the commonwealth, and the way the minister's second reading explanation reads to me is that, if a corporation wants to undertake this research in South Australia, it can do so now. To my knowledge there is nothing stopping that, or indeed stopping the university setting up a corporation to achieve that end—and I am sure some legal expert will do that in the universities if they so wish.

I believe that I have had only two letters on this matter. My electorate has been very quiet on the issue—I am not sure whether that is because they think the federal law applies right across Australia—but I think we should move slowly on these matters. We can watch developments in other parts of the world. The research will not stop; medical research will go on and the information will be transferred overnight, because that is the way the world works with the internet. So the world will not be denied the research, for those who believe it will find cures for all sorts of ailments; the world will not be denied that. However, my view, based on the advice of Mr Martin and others, is that this legislation is not needed. On that basis I will not be supporting it.

Mr GOLDSWORTHY (Kavel) (12:57): I also speak in support of those members on both sides of this house who oppose this particular piece of legislation and, as such, I will not support the bill. I have always taken a quite cautious approach on what I regard as serious social issues, and I think the member for Davenport quite succinctly and accurately summed up the situation in relation to a number of areas to which this legislation goes. I would like to take the next few minutes to expand on some of those areas that I regard as being of importance.

This is a very emotional issue, and I have received emotive pleas from a handful of constituents. Going back to 2002, when legislation was before this place concerning the use of what were regarded as surplus embryos (as a consequence of IVF treatment) for embryonic stem cell research, some elderly ladies came to me pleading that I support the legislation. They had grandchildren who suffered from some quite significant medical conditions—they were wheelchair-bound because their conditions were such, or their handicap was such, that they required that level of assistance. These people were pleading with me to support the legislation, but on the other side of the ledger I received quite a number of letters and correspondence asking me to oppose it.

It was a difficult decision to make, as are quite a lot of these conscience issues that come before the parliament, but I chose not to support the legislation then. As such, and even though the situation is slightly different in relation to the use of what are supposedly surplus embryos, I continue my opposition. I do so for a number of reasons.

Being the representative of a specific electorate, I try to assess what the decision of my electorate would be to matters such as this. I did it with the legislation concerning the same sex couples issue, and I was queried by the media on my stance on that when I opposed those proposals. I have a personal belief, a personal philosophy and ideology about these issues, but—being an elected representative in this place—I also assess what my electorate would feel in relation to this. I seek leave to continue my remarks.

Leave granted; debate adjourned.

[Sitting suspended from 13:01 to 14:00]

PAPERS

The following papers were laid on the table:

By the Minister for Transport (Hon. P.F. Conlon) for the Minister for Justice (Hon. M.J. Atkinson)—

Director of Public Prosecutions—Report 2007-08
Guardianship Board—Report 2007-08
Office of the Public Advocate—Report 2007-08

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

Upper South East Dryland Salinity and Flood Management Act 2002—Report 2007-08

By the Minister Assisting the Premier in Cabinet Business and Public Sector Management (Hon. J.W. Weatherill)—

Administration of the State Records Act 1997—Report 2007-08

By the Minister for Agriculture, Food and Fisheries (Hon. R.J. McEwen) for the Minister for the River Murray (Hon. K.A. Maywald)—

River Murray Act 2003—Report 2007-08

By the Minister for Housing (Hon. J.M. Rankine)—

HomeStart Finance—Report 2007-08

PUBLIC WORKS COMMITTEE

Ms CICCARELLO (Norwood) (14:02): I bring up the 309th report of the committee on the Adelaide Entertainment Centre Facility Enhancement.

Report received and ordered to be published.

Ms CICCARELLO: I bring up the 310th report of the committee on the Victor Harbor High School Redevelopment.

Report received and ordered to be published.

Ms CICCARELLO: I bring up the 311th report of the committee on the GP Plus Health Care Centre—Elizabeth.

Report received and ordered to be published.

Ms CICCARELLO: I bring up the 312th report of the committee on the Glenelg Wastewater Treatment Plant Power Supply Upgrade.

Report received and ordered to be published.

LEGISLATIVE REVIEW COMMITTEE

Mrs GERAGHTY (Torrens) (14:03): I bring up the sixth report of the committee.

Report received.

VISITORS

The SPEAKER: I advise members of the presence in the gallery today of students from Rostrevor College (guests of the member for Morialta), students from Our Lady of Mount Carmel Parish School (guests of the member for Cheltenham), students from Pembroke School (guests of the member for Hartley) and students from Loreto College (guests of the member for Bragg).

QUESTION TIME

WORKCOVER CORPORATION

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:04): Can the Minister for Industrial Affairs explain to the house why WorkCover Corporation's income from investments appears to have fallen by a quarter of a billion dollars in one financial year?

Mr Koutsantonis interjecting:

The SPEAKER: Order!

Mr HAMILTON-SMITH: The WorkCover annual report has appeared on the WorkCover website before being tabled by the minister in parliament. According to page 21 of WorkCover's financial statement for the year ended 30 June 2008, income from investments have fallen from a positive $168 million in 2007 to a negative $70 million in 2008, an apparent turnaround of $238 million.

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA (Colton—Minister for Industrial Relations, Minister for Employment, Training and Further Education, Minister for Science and Information Economy, Minister for Youth, Minister for Volunteers) (14:05): Of course, the point that I would make, and I think I can give a very brief answer, is that WorkCover, with respect to its investments, is not immune to what is happening with respect to all investments in the world at this time.

WORKCOVER CORPORATION

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:05): I have a supplementary question, Mr Speaker. In light of the minister's answer, can he inform the house how much of the $1.33 billion invested by the corporation as of 30 June 2008 has since been lost as of this week?

The Hon. P. CAICA (Colton—Minister for Industrial Relations, Minister for Employment, Training and Further Education, Minister for Science and Information Economy, Minister for Youth, Minister for Volunteers) (14:06): No, I cannot give an accurate answer to that, but I would expect that, if any investments at this point in time are making money on the investment, WorkCover will be doing very well. I will get an answer to that question and I will get back to the leader in the house.

CONSERVATION VOLUNTEERS

Ms SIMMONS (Morialta) (14:06): My question is to the Minister for Environment and Conservation. Can the minister inform the house how the government is providing support to volunteers who give their time to protect our environment?

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Environment and Conservation, Minister for Early Childhood Development, Minister for Aboriginal Affairs and Reconciliation, Minister Assisting the Premier in Cabinet Business and Public Sector Management) (14:06): Something like 20,000 volunteer days occur annually amongst our parks and heritage places through our volunteer network called the Friends of Parks. It is an incredibly valuable network, providing more staff hours than, in fact, the paid staff of DEH. That is an extraordinary effort and, increasingly, we rely upon them in protecting our state's environment.

The government recognises the work of these volunteers in a number of ways, in particular, through the allocation of a new grants program of $65,000 in 38 grants to assist many of them in their work. It is important that they be supported for their work in the environment and encouraged to keep participating and ensuring that we build on our state's environmental sustainability. These grants go a small way towards supporting these volunteers for the dedicated work they do.

We know that in our parks these 38 grants, which range from $300 to $5,000, will be used to support a range of projects, including pest control, heritage works and vegetation surveys, within South Australia's national parks. For example, Tenison Woods College in Mount Gambier will receive a grant of $600 to extend its outdoor classroom in which students will work with volunteers on seed collection and revegetation projects. These activities are in partnership with the Friends of Mount Gambier Area Parks and the Friends of Shorebirds South-East. The Southern Yorke Peninsula herbarium and Innes National Park will also receive a grant. The goal is to have a specimen of each plant species occurring in Innes National Park and a corresponding photograph of each plant at every stage of its seasonal life cycle. In Project Dolphin Safe, that wonderful initiative of—

The Hon. J.D. Hill interjecting:

The Hon. J.W. WEATHERILL: The dolphin sanctuary was, but the Dolphin Safe organisation is a very glad participant in the dolphin sanctuary. It will receive $1,500 to assist with the Dolphin Sanctuary Management Plan. The Adelaide Dolphin Sanctuary Management Plan is South Australia's first comprehensive plan to protect dolphin populations, and that management plan has been put in place to protect our iconic dolphin populations. South Australia is one of the few places in the world where bottlenose dolphins live in such close vicinity to a major city.

Our volunteers are a vital part of our parks network, and this grants program will assist them in furthering their wonderful work.

STATE FISCAL POSITION

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:10): My question is to the Premier. Why has he not directed the Treasurer to provide to parliament forthwith the promised complete and detailed financial statement which reveals the full extent of recent financial turmoil on the state's fiscal position, including corporations—

Members interjecting:

The SPEAKER: Order!

Mr HAMILTON-SMITH: —underwritten by the taxpayer? Yesterday the Treasurer informed the house that there would be no financial statement other than the usual Mid-Year Budget Review to be provided in late December or early January. Earlier the government committed to a much sooner financial statement.

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:10): I must say that I find it extraordinary. When the Leader of the Opposition asked questions of the Minister for Industrial Relations, the answer that I would have given—although it was answered much better by the Minister for Industrial Relations—is: have you not been watching the television in recent weeks? Did you not hear what happened on Wall Street? Did you not hear of what happened with the congressional buy-out? Did you not hear that, in fact, 10 British banks have been nationalised? Did you not hear also what has been—

Mr WILLIAMS: I rise on a point of order, Mr Speaker.

Members interjecting:

The SPEAKER: Order! There is a point of order.

Mr WILLIAMS: Mr Speaker, the question certainly was not about the financial—

Members interjecting:

The SPEAKER: Order!

Mr WILLIAMS: —position of WorkCover prior to 30 June.

Members interjecting:

The SPEAKER: Order! I uphold the point of order. The Premier is not answering the previous question: he is answering the current question.

The Hon. M.D. RANN: The Minister for Infrastructure and I have just announced details of South Australia's bid—to be lodged by Friday—to the federal government in order to bring forward infrastructure funds on a range of projects. Obviously, the leader would be aware that we are

bringing forward construction on the desalination plant by one year. Part of our bid is to secure a partnership with the federal government on bringing forward the electrification of the north-south rail system.

But, in terms of what the Treasurer is doing, it is absolutely appropriate that, through the Mid-Year Budget Review process, we give an estimate of what has been happening internationally and nationally, as well as in South Australia, in terms of its impact on next year's budget and beyond. It is the sensible and prudent thing to do, given the volatility of the market, which everyone in the world seems to know about except the Leader of the Opposition, who is rapidly becoming the Sarah Palin of the South Australian parliament.

Members interjecting:

The SPEAKER: Order! The member for Norwood.

SCHOOL INFRASTRUCTURE

Ms CICCARELLO (Norwood) (14:12): My question is to the Minister for Education and Children's Services. What progress has been made to improve the infrastructure of public schools for 2009?

The Hon. J.D. LOMAX-SMITH (Adelaide—Minister for Education, Minister for Mental Health and Substance Abuse, Minister for Tourism, Minister for the City of Adelaide) (14:12): I thank the member for Norwood, who on many occasions has taken me to see the work in progress at Norwood Primary School, which is one of the beneficiaries of the Rann government's initiative to improve school infrastructure since our election. By the 2008-09 budget our total investment in school capital works, maintenance and asset funding, since 2002-03, has amounted to $790 million. Many school facilities have been improved under our capital works program, which includes major construction projects for schools.

In the last few months this has included five school upgrades in total worth $13.7 million affecting Birdwood High, the McDonald Park schools, McLaren Flat, North Adelaide Primary and West Beach Primary School. I am very pleased to advise the house that students will look forward to more than $52 million worth of new facilities at the start of the next school year, affecting 15 state schools. Schools that have benefited from a range of works include Kingscote Area School, which will now have new buildings and facilities, including new science laboratories and art facilities worth $8.59 million.

In addition, Henley High will have new year 8 and year 9 classrooms, art rooms and a special education room totalling $8.028 million, and Craigmore High School will have an upgrade to specialist teaching areas totalling $4.16 million. In addition to this, we have invested $216 million in the forward budgets for our Education Works initiative to build six entirely new schools in partnership with private industry, and we will be reinvesting $82 million to reconfigure schools and preschools.

In addition, each year the government commits to green schools, School Pride and security grants, amounting collectively to $14 million of extra investment in school infrastructure. Our ongoing infrastructure funding programs, coupled with our comprehensive Education Works initiative, demonstrate the government's absolute commitment to ensure that all students have the best facilities in which to learn, not only for today but also for the future.

WORKCOVER CORPORATION

Dr McFETRIDGE (Morphett) (14:15): Has the Minister for Industrial Relations received the WorkCover Corporation annual report and, if so, why has the report not been tabled in parliament as required by the act? The report is available on the WorkCover Corporation website. The WorkCover Corporation Act 1994 requires the minister to table the annual report 12 sitting days after receiving the report.

The Hon. P. CAICA (Colton—Minister for Industrial Relations, Minister for Employment, Training and Further Education, Minister for Science and Information Economy, Minister for Youth, Minister for Volunteers) (14:15): I understand—and I know the honourable member would understand this—the requirement is 12 sitting days. I will be meeting that requirement. It has been and is my intention to table it tomorrow.

HOPGOOD THEATRE

Mr BIGNELL (Mawson) (14:16): My question to the Minister Assisting the Premier in the Arts. What action has the government taken to revive regional theatre, and how will the recently renamed Noarlunga theatre fit into future plans?

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (14:16): I thank the honourable member for his question; I understand his great interest in theatre. The 492-seat Noarlunga College theatre was built in the early 1980s as a teaching resource for the former Noarlunga TAFE campus. The theatre is a wonderful asset to the southern suburbs and Fleurieu Peninsula but, unfortunately, has been underutilised since the development of facilities for TAFE students at the Adelaide Centre for the Arts in Light Square. The government recognised that the Noarlunga theatre could be used more productively and, as a result, has announced that Country Arts SA will occupy and manage the theatre under a 10-year lease arrangement with the Department of Further Education, Employment, Science and Technology; and I thank the minister responsible for that area for entering into the lease.

A yearly grant of $80,000 has been provided to Country Arts SA, in addition to funding that has been transferred from TAFE, essentially for the running costs. As part of the relaunching of the theatre, the Premier last week officially renamed it the Hopgood Theatre, in recognition of services to the community undertaken by the Hon. Dr Don Hopgood AO and his late wife Raelene Hopgood; and I know the member for Fisher advocated something along those lines. As many members would be aware, Don Hopgood served as a member of state parliament for 23 years from 1970, including seven years as deputy premier from 1985 and service in a wide range of ministerial portfolios. I am pleased to say that he was also the first member for Mawson.

Don Hopgood is a lay preacher and a former moderator of the Uniting Church in South Australia. He is a former chair of the Waterproofing Adelaide Strategy Advisory Committee. He is deputy chair of the Playford Memorial Trust and a very keen musician, being a member of the Onkaparinga City Concert Band. He has made significant contributions to jazz music as a talented trumpeter and through his considerable research and documentation of the history of jazz in South Australia. He is also a member of the Onkaparinga City Concert Band, as I have said. In fact, as a member of the then Noarlunga city concert band, he and his wife, I think, appeared at the opening of the theatre in the early 1980s. Raelene Hopgood was also a very keen musician. She was the librarian-treasurer for the Noarlunga city concert band, which was the first community group to make use of the theatre.

The late Olive Reader, who was involved in the arts across the Southern Fleurieu Peninsula and played a vital role in the ongoing support of this theatre as part of the Southern Stars arts organisation, was also honoured with the naming of the Olive Reader Green Room.

There are several advantages as a result of the transfer of the Hopgood Theatre to Country Arts SA. Country Arts SA already operates the network of government-owned regional theatres that were built in Mount Gambier, Whyalla, Renmark and Port Pirie in the late 1970s and early 1980s, and over the past five years the government has spent over $2.5 million upgrading the four theatres. In the current financial year, approximately $300,000 has been set aside for capital maintenance works at the Hopgood Theatre. Each theatre seats around 500 people and offers a comprehensive arts and entertainment program. It is a measure of the success of Country Arts SA's efforts that each theatre sells over 30,000 tickets a year and is regarded as a major arts and cultural asset within its community. I am referring there to the existing theatres, not the Hopgood Theatre, of course.

In fact, in the 2007-08 financial year, total sales across the four theatres was 130,820 tickets to events which included the Windmill Performing Arts Company, the Dancers Company of the Australian Ballet and Taikoz. In 2009, plans are in place to tour such companies as Bell Shakespeare and the Australian String Quartet, to name just a couple. It is a commitment of this government, and I know of the former government, to ensure that people in regional South Australia have access to a wide range of arts experiences. The theatres are also hired to commercial theatre promoters about 60 to 80 times a year, so there is other activity, as well.

The state government was keen to see the same level of professional activity and sense of community ownership at the Hopgood Theatre for the benefit of the communities in the southern suburbs and across the Fleurieu Peninsula. I congratulate—

Mr Hanna: We should have parliament there one day.

The Hon. J.D. HILL: A good idea. I congratulate Country Arts SA's board of trustees on embracing the government's proposal to expand their theatre network to incorporate the southern suburbs and Fleurieu Peninsula, and I wish them well in their endeavours to build strong audiences at the Hopgood Theatre.

MINI WIND TURBINES

Mr WILLIAMS (MacKillop) (14:21): My question is to the Premier. What discussions did the Premier or his staff have with representatives of AI Automotive Pty Ltd regarding supply of mini wind turbines manufactured in Scotland by Renewable Devices Swift Turbines Pty Ltd?

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:21): I am happy to get a report for the honourable member.

Members interjecting:

The SPEAKER: Order!

ORTHODOX CHRISTIANITY

Mr KOUTSANTONIS (West Torrens) (14:21): My question is to the Premier. Does the Premier share the concerns of the South Australian Greek Orthodox community and, indeed, all South Australians of the Orthodox faith about reports of interference by the Turkish government in the work of His All Holiness Bartholomew, Archbishop of Constantinople, the New Rome, the Ecumenical Patriarch and 270th successor of St Andrew of the Orthodox faith; and has the Premier taken up this matter on behalf of Orthodox Christians in South Australia?

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:22): Thank you very much. I know that, whilst it might seem an unusual question, it is an issue of great and grave concern to Orthodox Christians in South Australia, not only the tens of thousands of people who are part of the Greek archdiocese and who have allegiance, of course, not only to the Metropolitan of Australia, Archbishop Stylianos in Sydney, but also through his Auxiliary Bishop in South Australia, Auxiliary Bishop Nikandros of Dorileou. Of course, this is also important to people from the Serbian Orthodox Church at Hindmarsh and Woodville, the Rumanian Orthodox Church at Ovingham, the Russian Orthodox Church of Wayville, the Ukrainian Belarus Orthodox Church at Kilkenny and the Antiochian Orthodox Church at West Croydon.

Earlier this year, South Australia's Attorney-General, accompanied by the member for Norwood, I understand, and the Hon. D.G. Hood, a member of the Legislative Council, led a parliamentary delegation to Istanbul to meet with the Ecumenical Patriarch, His All Holiness Bartholomew, Archbishop of Constantinople, together with other Christian leaders of the Orthodox church. The Ecumenical Patriarch is the spiritual leader of an estimated 300 million Orthodox Christian faithful worldwide, including hundreds of thousands of Orthodox Australians.

The South Australian parliamentary delegation was most concerned to hear claims about the harassment of the Patriarchate by the Turkish government. A number of examples of these claims were provided to the Attorney-General, including the case of the forced closure of the theological college of Halki. I have also been informed that a Turkish court on 26 June this year ruled that the Patriarch, the world head of the Orthodox church, is not the spiritual leader of world Orthodox Christians, and that he is recognised by the Turkish government only as the head of the local Greek Orthodox community in Istanbul. This was extremely offensive to Orthodox Christians.

The Ecumenical Patriarch has the historical and theological responsibility to initiate and coordinate initiatives amongst the churches of Alexandria, Antioch, Jerusalem, Russia, Serbia, Romania, Bulgaria, Georgia, Cyprus, Greece, Poland, Albania, the Czech Republic, Slovakia, Finland, Estonia, and in many archdioceses around the world, including European Union member nations, the United States of America, Canada, Australia and New Zealand.

The Ecumenical Patriarch is recognised as the spiritual leader of the world's Orthodox Christians by nations around the world, by other Christian denominations, and, indeed, by other faiths around the world. Any attempt to seek to diminish the prestige and role of the patriarchate could only damage the international reputation of the Turkish government. I have been very critical of the Turkish government in the past about its illegal actions in Cyprus. I have written to the Turkish Ambassador to Australia to ask him to convey to his government in Ankara the genuine

concern of many Australians of goodwill about the Turkish government's restrictions and prohibitions on the Patriarchate.

On 8 September 2008 the respected newspaper *The International Herald Tribune* published a feature article entitled, 'Orthodox Christianity under threat'. I want to quote directly from this article. It states:

> The Ecumenical Patriarchate, which was established in the fourth century and once possessed holdings as vast as those of the Vatican, has been reduced to a small, besieged enclave in a decaying corner of Istanbul called the Phanar, or Lighthouse. Almost all of its property has been seized by successive Turkish governments, its schools have been closed and its prelates [are] taunted by extremists who demonstrate almost daily outside the Patriarchate, calling for its ouster from Turkey.
>
> The Ecumenical Patriarch, Bartholomew I, is often jeered and threatened when he ventures outside his walled enclave. He is periodically burnt in effigy by Turkish chauvinists and Muslim fanatics. Government bureaucrats take pleasure in harassing him, summoning him to their offices to question and berate him about irrelevant issues, blocking his efforts to make repairs in the few buildings still under his control, and issuing veiled threats about what he says and does when he travels abroad.

In 2007 an overwhelming majority of the United States House of Representatives Foreign Affairs Committee urged the government of Turkey to end all restrictions on the religious freedom of the patriarchate. I understand the US House of Representatives committee urged the Turkish government to join other nations committed to human rights in recognising the ecumenical standing of the Patriarchate, to return expropriated property, to reopen its schools (including the theological seminary on the island of Halki), and to end all interference in the processes of selecting the Patriarch.

I want to emphasise that I greatly value the role of Turkish migrants to Australia and, indeed, in this state, and the furtherance of continued positive relations between Turkey and Australia. In my letter to the Turkish Ambassador I reiterated my support for Turkish migrants to Australia. This is not an issue about Turkish people, Turkish joint citizens or Turkish migrants to Australia: this is about the actions of the Turkish government.

I am aware of the long-standing desire of the government of Turkey to join the European Union, an organisation of nations that has, as part of its charter, a fundamental commitment to political and human rights, including religious freedom. Many political observers have maintained that for Turkey to be accepted into the European Union it must demonstrate to other EU members that it is prepared to observe European laws and affirm, through actions as well as words, its commitment to fundamental human rights, including freedom of religion.

If Turkey wants to be regarded as a European Union member, it has to start acting like a European Union member and start recognising basic human rights and also basic issues such as freedom of religion. I have respectfully requested the Turkish Ambassador to Australia to pass on my letter and views to his President and Prime Minister. I have urged his government, as an act of goodwill to people of all faiths around the world, to end its restrictions on the Patriarchate in Istanbul. This would be a clear signal that Turkey is prepared to embrace the European Union's commitment to freedom of religion. I know there will be some who will think that it is strange that this would be brought up in this parliament, but there are tens of thousands of Orthodox Christian South Australians who are deeply concerned about this issue.

MINI WIND TURBINES

Mr WILLIAMS (MacKillop) (14:30): My question is to—

The Hon. M.J. Atkinson interjecting:

The SPEAKER: Order!

Mr WILLIAMS: Another very important issue, Attorney. My question is again to the Premier. What promises did state government MPs or officials make to AI Automotive or its subsidiary, Micro Wind Turbines Australia Pty Ltd, regarding the supply of mini wind turbines to the South Australian government?

The Hon. J.D. LOMAX-SMITH (Adelaide—Minister for Education, Minister for Mental Health and Substance Abuse, Minister for Tourism, Minister for the City of Adelaide) (14:30): I am happy to respond about the wind turbines. As members know, our state has a really fine record of introducing renewable energy, the equipment and materials. We have some of the most attractive options for geothermal power. We have more grid-connected wind power than any other state and more solar energy per capita than any other state.

Indeed, one of our intentions in terms of wind turbines is to see whether we can be involved at the cutting edge of introducing wind turbines in a more domestic location. Clearly, one can have wind turbines on a large industrial scale, on beachheads and places of that sort, but we were interested to see whether we could introduce them into our capital works projects in schools. Regrettably, the contract we had originally with a supplier found that the supplies from overseas were not suitable to fulfil this contract.

Members interjecting:

The Hon. J.D. LOMAX-SMITH: Not at all—this was an education project.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. LOMAX-SMITH: When one is at the cutting edge of new technology that one wants to install on a more domestic scale than the industrial turbines, one sometimes finds that the suppliers cannot deliver. In this case—

The SPEAKER: Order!

Mr WILLIAMS: My point of order is one of relevance. The question was specifically: what promises did the state, any minister or official of the state government make to AI Automotive or its subsidiary, Micro Wind Turbines Australia Pty Ltd, regarding the supply of these mini wind turbines to the South Australian government?

The SPEAKER: There is no point of order.

The Hon. J.D. LOMAX-SMITH: I think that the member is tilting at windmills. The reality is that a contract existed that could not be fulfilled and was cancelled.

INTERNATIONAL CONFERENCE FOR WOMEN ENGINEERS AND SCIENTISTS

The Hon. P.L. WHITE (Taylor) (14:32): My question is to the Minister for Tourism.

Mr Venning interjecting:

The SPEAKER: Order, the member for Schubert!

The Hon. P.L. WHITE: How will Adelaide benefit from hosting the 15th International Conference for Women Engineers and Scientists?

The Hon. J.D. LOMAX-SMITH (Adelaide—Minister for Education, Minister for Mental Health and Substance Abuse, Minister for Tourism, Minister for the City of Adelaide) (14:32): It is important to recognise that this area of conference activity fulfils several targets and aspirations for the state government in terms of encouraging women to be involved in science, acknowledging their involvement in engineering and also bringing a dollar value to the state in terms of tourism and activity. I thank the member for Taylor, who was instrumental in bidding for this conference because she is, in fact, a member of this organisation—and an active one.

It is worth remembering that all of us in our day-to-day lives, whether we are involved in an organisation, a club or a sporting activity, and whether our businesses are multinational with involvement around the world, have an opportunity to bring delegates, conference goers and meetings to our own town as a way of promoting tourism in South Australia. The member for Taylor has been very effective in winning this large international conference, which will be represented at its 15th annual iteration in 2011 in Adelaide.

Of course, our city is no stranger to large events of this sort. We recently hosted the International Bushfire Research Conference, with 1,200 delegates, and we have been successful in winning the bid to host International Surgery Week in September 2009 and the International Tang Soo Do championships in November 2009.

The conference that the member for Taylor has described represents incredible value for money for the state in terms of return on investment. ACTA (the body responsible for bringing conferences to Adelaide) is a very effective way of bringing visitors, because it is cost effective in its bidding and produces tourism arrivals that are high expenditure individuals. Indeed, a national conference delegate contributes $524 to our state's economy.

Even more impressive, every delegate from an international destination represents $1,200 in expenditure. As I said, ACTA is cost-effective and effectively takes less than $10 a head per

night to get delegates into our state, whereas other interstate bureaus would be spending in excess of $20 and up to $50 to get a conference delegate here.

The 15th International Conference for Women Engineers and Scientists has been held every three years since 1964, and the last conference was held in Lille, France. We expect that the number of delegates will amount to between 800 and 1,000 people. They will be staying for at least four days and will contribute at least 4,500 bed nights to Adelaide hotels.

It is expected that this number of people will inject $3.4 million into the state's economy, so I thank the member for Taylor. This win would not have been possible if the state government had not worked not only with ACTA but also with the co-hosts, Engineers Australia and the International Network of Women in Engineering and Science.

This body has been funded by UNESCO as part of a global network of organisations promoting women in science, technology, engineering and mathematics. The formal bid, however, would not have been possible without the support of the Governor, the Lord Mayor, and most especially our own delegate, the member for Taylor acting in the role of chair of the Conference Advisory Board and who has been really significant in her efforts to attract this conference to Adelaide.

MINI WIND TURBINES

Mr WILLIAMS (MacKillop) (14:36): Again, my question is to the Premier. Has the Premier been advised of concerns raised publicly in the United Kingdom that the Swift mini wind turbines have been recalled in that country due to performance failure and, if so, what action has he taken?

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:36): You will find out by the end of the weekend the success of South Australia with wind turbines. When you were in government, you talked about it. There was not one operating giant one—I am going to answer it the way I want to—

Members interjecting:

The SPEAKER: Order!

Mr WILLIAMS: I rise on a point of order. The question was specifically about mini wind turbines, their lack of performance in England and whether the Premier has been informed.

The SPEAKER: Order! I uphold the point of order. The Premier must not debate.

The Hon. M.D. RANN: With 53 per cent of the nation's wind power, we will be a world leader by 2010.

Members interjecting:

The SPEAKER: Order!

Mr WILLIAMS: Mr Speaker, the Premier is deliberately defying your order.

The SPEAKER: No; he was not. I uphold the point of order for debate and his criticisms of the previous government, but I think he has finished his answer. The Premier.

The Hon. M.D. RANN: Apart from this giant expansion of billions of dollars—where we do not pay any money but what we do is secure jobs and have 20 per cent of our power by the end of 2010 coming from wind power—what we did is, we ordered—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: —five mini wind turbines, tiny little things.

Mr Williams: The ones you put up don't work.

The SPEAKER: Order! The member for MacKillop.

The Hon. M.D. RANN: We made an order for some more and the company cannot supply them, so we cancelled the order. If that is your story of the day, it shows you that you miss the big picture.

Members interjecting:

The SPEAKER: Order!

PRIME MINISTER'S SCIENCE PRIZES

Ms FOX (Bright) (14:38): What does the extraordinary success of—

Members interjecting:

The SPEAKER: Order! It is a great discourtesy to the member for Bright to have members shouting at each other from across the benches while she is attempting to ask a question. The member for Bright.

Ms FOX: Thank you, Mr Speaker. What does the extraordinary success of South Australians in the Prime Minister's prizes for science mean for the promotion of science in our state? This question is for the Minister for Science and Information Economy.

The Hon. P. CAICA (Colton—Minister for Industrial Relations, Minister for Employment, Training and Further Education, Minister for Science and Information Economy, Minister for Youth, Minister for Volunteers) (14:39): She attempted to trick me, sir.

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: I thank the member for Bright for her question and acknowledge her commitment to all aspects of education in this state. I know that the Minister for Education also shares our pride in the success achieved by South Australians in these prestigious awards.

Science and research are key economic, environmental and social drivers for innovative approaches that can enhance the wellbeing of all South Australians. South Australia is the home to many world-class scientists, and I know that members will be delighted to hear that three of the five 2008 Prime Ministers prizes in science were awarded to South Australians: Professor Tanya Monro (whose achievements I have mentioned on many occasions in this place), Ms Bronwyn Mart and Mr Clay Reid.

Professor Tanya Monro, one of our state's leading scientists from the University of Adelaide, was awarded the $50,000 Malcolm McIntosh Prize for Physical Scientist of the Year for her leadership in the field of photonics. Her work is outstanding. It is, without doubt, world class. Her team has created a new class of soft glass optical fibre, which has thousands of potential applications for our state's key industries, particularly health, agriculture and defence. Professor Monro has made an outstanding contribution to science in South Australia through her world leading research and through her contributions as a member of the Premier's Science and Research Council since 2005.

Another South Australian winner was Ms Bronwyn Mart from Magill Primary School. Ms Mart was awarded the $50,000 Prime Minister's Prize for Excellence in Science Teaching in Primary Schools. Ms Mart is the current President of the South Australian Science Teachers Association, and her passion for science education has brought primary science teaching not only to students at Magill Primary School but also to the wider primary teaching community in our state. She has a hands-on approach to science teaching and this has led to the active engagement of students with science. It has also helped the students to further develop their literacy, numeracy and critical thinking skills.

Another winner from South Australia was Mr Clay Reid from Clare High School. Mr Reid was awarded the $50,000 Prime Minister's Prize for Excellence in Science Teaching in Secondary Schools. Mr Reid has invigorated science teaching and learning at Clare High School and we in this house know, and certainly I know, that that has led to improved overall academic results in science not only at Clare High School but also within the region. By including contemporary science topics such as forensics, genetics, aviation and electronics, Mr Reid has kept students enthusiastically engaged in science, and his talent for teaching science continues to stimulate the interest of students.

I like any form of science that makes it relevant to the students who are being taught. I think that is what our science teachers need to do, and the majority of them do that. They engage the students in such a way that they see a relevance in the science they are being taught. I think that is a very important thing.

The state government keenly supports programs that underpin our state's success in awards such as the Prime Minister's prizes for science, for example, through the South Australian

Science Excellence Awards and the Tall Poppy Campaign. The state government also makes a significant investment in science outreach programs, such as those run by the CSIRO Science Education Centre, and is developing further initiatives to bring science closer to South Australians, most notably through the establishment of the Royal Institution of Australia.

I am sure that all members will join me in congratulating these three outstanding South Australians, each of whom is an outstanding ambassador for science. Their efforts are critical in inspiring the next generation of scientists, whose work will go on to drive innovation to support our social and economic development.

WORKCOVER CORPORATION

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:43): Can the Minister for Industrial Relations explain why, since question time began today, the WorkCover Corporation has suddenly pulled its annual report from its website? Is this an example of an accident-prone government—

The SPEAKER: Order!

Mr HAMILTON-SMITH: —preoccupied with infighting—

The SPEAKER: Order! The second part of the question is certainly out of order. However, the first part is in order.

The Hon. P. CAICA (Colton—Minister for Industrial Relations, Minister for Employment, Training and Further Education, Minister for Science and Information Economy, Minister for Youth, Minister for Volunteers) (14:44): Far be it from me to suggest that the leader is wrong or misguided. At the conclusion of question time I intend to check the accuracy of the leader's comments in regard to its being posted on the website. I have no indication at this stage as to whether or not it has been posted—

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: —and, naturally, at the conclusion of question time, I intend to investigate—

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: —the assertions of the leader.

HOMELESSNESS

Mr O'BRIEN (Napier) (14:45): My question is to the Minister for Housing. What is the government doing for young people at risk of homelessness?

The Hon. J.M. RANKINE (Wright—Minister for Families and Communities, Minister for Northern Suburbs, Minister for Housing, Minister for Ageing, Minister for Disability) (14:45): I thank the member for Napier for his question. I know he has had a very long-term and keen interest in young people and homelessness initiatives. The vision of our Premier since coming to government was to set in place a number of initiatives to address the homelessness issue. In fact, he put homelessness on the political agenda, whereas previously it had not received any attention at all.

This morning I was delighted to go to Port Adelaide, where I was joined by the Hon. Tanya Plibersek, the federal Minister for Housing; Mark Butler, the federal member for Port Adelaide; Monsignor David Cappo, the Commissioner for Social Inclusion; Brendan Gale, the Chief Executive Officer of the AFL Players' Association; and Gary Johanson, Mayor of the City of Port Adelaide Enfield, to launch the Ladder Foyer project. Based on an exciting model in both France and the UK, not only does Ladder Foyer provide housing for young people who are at risk or vulnerable, but also it provides the required supports and opportunities to ensure that these young people succeed in their lives.

The federal and state governments are engaging in a partnership with the AFL and the AFL Players' Association to provide employment, training and personal development opportunities for young people. The provision of safe and secure housing is critical to stabilising these young lives, giving these young people hope and a direction. For some time now, the commonwealth and South

Australian governments have been committed to addressing homelessness. We have been exploring new and innovative ways to reduce homelessness in our community.

In May this year the Premier first announced the development of a Foyer accommodation service for young homeless people in South Australia, one of the first projects to be funded through the commonwealth government's A Place to Call Home initiative, worth $150 million. This morning we saw a progression of this commitment as we launched the first Ladder Foyer project at the Central Buildings on Black Diamond Corner in Port Adelaide. The redevelopment of this old building will provide 23 self-contained units and common areas for young men and women. When it opens late next year, there will be 24-hour, seven-day-a-week supervision and support for these young people. Pleasingly, also, it will bring to life this iconic building in the heart of Port Adelaide. The Port Adelaide community has a history of helping and supporting its own, and it was pleasing this morning to hear stories of local enthusiasm about this project.

This government has a proud and strong record regarding social inclusion and homelessness. As I said, it was our Premier who put homelessness on the political agenda, and he has been aided by the wonderful work of Monsignor Cappo. We have seen some remarkable results. During our time in government, South Australia has been able to reduce the number of rough sleepers, while numbers around Australia have increased. We have already seen the heart-warming results of our first Common Ground project in Franklin Street.

At the sixth National Homelessness Conference held here in South Australia in May, Prime Minister Kevin Rudd stated that 'the way we as a nation respond to homelessness is a window into the heart of our community'. At Port Adelaide this morning, I think we all felt a great sense of hope and heart for the future.

HINDMARSH STADIUM

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:48): My question is to the Premier. Does he still believe that the Hindmarsh soccer stadium is a white elephant and that it was the wrong allocation of public money? The Deputy Premier told parliament on 11 November 1999—

Members interjecting:

The SPEAKER: Order! The leader.

Mr HAMILTON-SMITH: He said:

> Both soccer and the government have put all their money into a white elephant.

The Deputy Premier also told parliament at that time:

> The soccer federation has become very emotional and very emotive.

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:49): How extraordinary! Here is the man who is telling South Australians that we need a $1.2 billion stadium. He is now saying that he was wrong to have supported the Hindmarsh Stadium back in 1999. Are you not saying—

Mr Hamilton-Smith interjecting:

The SPEAKER: The leader will come to order!

The Hon. M.D. RANN: —every day that it was a white elephant, because you are now saying that it is insufficient? Why did you commit $50 million for it? That is the classic thing—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: It is like the previous questions.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: They talk about mini wind turbines—they spent more on the grog for the opening night of the Wine Centre, which also turned out to be a multimillion dollar flop. So—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: Can I just say this—

Mr Hamilton-Smith interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: Look at him. He is going to start barking in a minute.

The SPEAKER: The Premier will come to order.

The Hon. M.D. RANN: The Hindmarsh Stadium was built by you and your government, and we were told that this was what soccer needed for the next 30 years. It was opened, of course, for the 2000 Olympics and the preliminary games that occurred at Hindmarsh Stadium. So, if you do not think it was a white elephant, why are you calling for a $1.2 billion replacement and also doing a bit of back channelling to soccer because they want a separate stadium? This is the Liberal Party's policy: a stadium for every household. The one thing that you will not do is say how you are going to cost it.

Mr Hamilton-Smith: How are you costing the Marj?

The SPEAKER: Order!

Mr Hamilton-Smith: How are you costing your trams?

The SPEAKER: The Leader of the Opposition will come to order! The member for Unley.

AAMI STADIUM

Mr PISONI (Unley) (14:51): My question is to the Premier. Before signing a cheque for $100 million to be spent on AAMI Stadium on the basis that the venue be FFA and FIFA compliant for international soccer fixtures, what due diligence did the Premier require to ensure that taxpayer funding would achieve that desired result? An FFA audit is due in the next two weeks. However, Mr Ben Buckley, FFA Chief Executive, has said publicly that AAMI is unsuitable for soccer.

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:52): Can you remember what John O'Neill said? John O'Neill actually staged the Rugby World Cup in 2003, I think it was. He then became the head of soccer and took the Socceroos to glory in the World Cup in soccer. This is the thing. We are talking about having a $1.2 billion expenditure on one stadium, and apparently $500 million or $600 million on the other stadium. We must have that so that we can be FIFA compliant in case we win the World Cup for 2018 (or, as most commentators are saying, 2022). Given that you are always given eight years' notice, you are saying that we must make that commitment now for two games that might never happen.

The fact is that if this is how you intend to run the state (if you should ever be elected any time in the future), you are prepared to say to any crowd, 'We'll give you what you want.' Whether it is the teachers' union with a $2.8 billion bid, or whatever it is, you say—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: —the one thing. Because you think you have got your own house newspaper, what you believe you can get away with is never being asked how you will fund things; because ultimately, when it comes down to the election campaign and when there is a debate (which I am looking forward to), I will look the Leader of the Opposition in the eyes and say, 'How are you going to pay for this?'

The SPEAKER: Order! There is a point of order.

The Hon. M.D. RANN: Because that is the one thing you refuse to tell the people of this state.

The SPEAKER: Order! The Premier will take his seat.

Mr WILLIAMS: The Premier said that he is looking forward to a debate. However, I think he has already entered the debate, and that is out of order in question time.

The SPEAKER: Order! I think the Premier has completed his answer. The member for Giles.

POLICE, APY LANDS

Ms BREUER (Giles) (14:54): My question is to the Minister for Police. What measures have been implemented by the government and SAPOL to increase safety for communities in the APY lands in the Far North of South Australia?

The Hon. M.J. WRIGHT (Lee—Minister for Police, Minister for Emergency Services, Minister for Recreation, Sport and Racing) (14:54): I am pleased to report that the effort of the Rann government and SAPOL to increase the police presence on the APY lands is having a positive impact on communities living on the lands. I am advised that as at 30 September 2008, SAPOL had eight full-time police living on the lands—four at Murpatja and four at Umuwa. Four community constables and three police Aboriginal liaison officers support these officers. In addition, six police officers and a clerical officer are stationed at Marla to service the eastern region of the APY lands. A detective, two child and family violence crime prevention officers and a project officer are also based at Marla and work across the lands.

As a result of Commissioner Mullighan's inquiry into child sexual abuse on the lands, the Police Commissioner has agreed to allocate eight extra police to staff three new police stations to be built at Amata, Ernabella and Mimili. When completed, SAPOL will have four uniformed officers at each location—Amata, Ernabella and Mimili; three uniformed officers at Murputja; one senior sergeant, one detective and two child and family violence crime prevention officers at Umuwa; six uniformed police and one support person at Marla; and 10 community constables, including police Aboriginal liaison officers, covering the lands. They will be supported by one inspector and one senior sergeant, responsible for community constables from Adelaide.

SAPOL's increased presence on the lands is already producing results. In early September the detective and a child and family violence crime prevention officer investigated a report of a sexual matter. Subsequently, a 19-year-old male from the lands was arrested for aggravated and indecent assault and later charged with rape. Furthermore, SAPOL statistics show that victim-reported crime on the APY lands is showing a steady downward trend. It is clear the increase in police presence is having a positive impact on offending behaviour. The increased policing resources stationed within these communities, the continued review of existing policing strategies and the development of new strategies to improve community safety evidence this commitment. While no-one denies there is still more work to be done, it is clear we are heading in the right direction.

SPORTING FACILITIES STRATEGIC PLAN

Mr GOLDSWORTHY (Kavel) (14:57): What action has the Premier taken to address deficiencies in spectator capacity and comfort, as identified in the State Level Sporting Facilities Strategic Plan of August 2006? The Sporting Facilities Strategic Plan claimed two years ago that it would provide for the establishment of world-class sporting facilities, and named Hindmarsh Stadium as one of its key venues. The same report identified deficiencies at the venue, including the need for an additional 2,500 seats, better roofing, training pitches, a public address system and hospitality facilities.

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:58): I am delighted with this question. What have we been doing since that report? Some $100 million has been committed for AAMI Stadium and $25 million has been committed to SACA for the upgrade of the iconic Adelaide Oval. There is a commitment for a brand new world-class swimming centre at Marion to rival the Water Cube at Beijing and $1 million for netball to pay off its debt.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: What we have done is to do things rather than to talk about them. When you look at the history of the previous government—

Mr Williams interjecting:

The SPEAKER: Order! The member for MacKillop.

The Hon. M.D. RANN: —they had one policy—which was privatisation.

STATE ELECTORAL OFFICE

Mr PICCOLO (Light) (14:58): Will the Attorney-General inform the house about the progress made to increase the proportion of eligible South Australians aged 18 to 19 years enrolled to vote in order to better the Australian average by 2014?

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (14:59): The South Australian Strategic Plan has set the Rann government specific objectives. This objective is to increase the proportion of eligible young South Australians aged between 18 and 19 enrolled to vote to better than the Australian average by 2014. I know that there will be long faces on the other side, because under the Howard government the Liberal Party did all it could to disenfranchise young South Australian people and people who moved home.

I am pleased to report that the State Electoral Office has pursued this objective with vigour. Things have been done—contrary to the period of Liberal rule—to encourage young people to enrol to vote. These activities include sending a birthday card and an enrolment form to 17 and 18 year olds listed on the database of the Senior Secondary Assessment Board of South Australia. Current returns indicate a 22 per cent response after only a few mailings. Not bad for Generation Y. An enrolment and information booth was established at the Royal Adelaide Show, where 1,460 enrolment forms were completed. We have discussed with Services SA the utilisation of its service outlets to target youth sitting for their driving licence and additional services in the lead-up to the 2010 election. But what we do know is that the opposition wants as few people in that age bracket to enrol as possible.

The office is making an interactive website module as an online outreach program to identify with youth. The module will also be used in the electoral education centre to focus on youth enrolment. A further initiative will be the provision of an SMS contact number for youth to request an enrolment form in the lead-up to the next election. We are trying to identify effective communication strategies and tools to encourage and motivate youth to enrol to vote. Initiatives will be market tested for use in the next major advertising campaign.

The Office for Youth has been approached to include an electoral awareness enrolment question in its pilot youth consultations being held around the country. The forums are followed up with surveys sent to schools in the region. About 200 youth participated in the first pilot and survey feedback will be used to heighten electoral awareness and enrolment strategies.

ROADS, APY LANDS

Dr McFETRIDGE (Morphett) (15:02): My question is to the Minister for Transport or whoever will answer this on his behalf. What is the government doing to improve road conditions on the APY lands? I have been informed that, on the evening of Thursday 9 October 2008, an ambulance had to drive from Pipalyatjara to Nyapari with a severely ill patient who was intubated and who had a number of intravenous lines inserted for medication and connections for monitoring. The patient was accompanied in the back of the ambulance by a doctor and a nurse. The ambulance had to stop on four occasions because the corrugations on the road were interfering with the monitoring equipment which was essential to gauge the status of the unconscious patient. In addition, the dose of anaesthetic administered had to be increased on two occasions because the patient was waking up and the doctor felt that this was almost certainly due to the vibrations from corrugations.

On that occasion, the patient was delivered safely to the Royal Flying Doctor Service plane, but the delays encountered and malfunction of equipment could have had a far more deleterious outcome for the patient, quite apart from the risk to the health of staff.

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Environment and Conservation, Minister for Early Childhood Development, Minister for Aboriginal Affairs and Reconciliation, Minister Assisting the Premier in Cabinet Business and Public Sector Management) (15:03): This is a serious matter. We are aware of the poor conditions on the roads in the APY lands generally and, of course, it is desirable that people do not have to travel large distances on those roads at all, because they will never be the sort of surfaces designed to transport people long distances. Getting the Flying Doctor Service into upgraded airports is an important part of our strategy. We have been working with the commonwealth about upgrading a range of the airports in the APY lands. That is the first big answer to this question.

There is also a related issue about service delivery which needs to be considered here; that is, the way in which those airports are maintained. The reforms that we announced in our discussion paper the other day go to the question of how emergency services officers in the communities ensure that those airports are maintained. The roads are in a poor condition. It is largely due to the current drought conditions which are affecting all outback roads across the state.

The lack of moisture in the roads and the limited availability of water for road construction purposes have caused severe deterioration in sections of the connecting roads between communities. Roads tend to deteriorate very quickly following grading, and an independent planning report produced this year in conjunction with the Department for Transport, Energy and Infrastructure identified and prioritised upgrading and repair work. The commonwealth has made capital funding of $585,000 available for the first six months of this financial year and will make $109,000 available in the second half. Funds have been used this year to seal the internal roads in Indulkana, and commonwealth funding has also been used to provide an all-weather gravel road from Indulkana to the Stuart Highway of approximately 11 kilometres.

DTEI is engaging, by a memorandum of understanding with my agency (Aboriginal Affairs and Reconciliation), to project manage the planning, upgrading and maintenance of major APY roads. DTEI has secured black spot funding for the erection of safety signs and the upgrading of creek crossings near Pukatja, both of which are to be included this year. We are working on the issue, but much more needs to be done.

GRIEVANCE DEBATE

TURKISH REPUBLIC DAY

Mr PENGILLY (Finniss) (15:05): It was with interest that I listened today to the question from the member for West Torrens and the Premier's response as this question was asked, whether deliberately, on Turkish Republic day, I do not know. Today is the 85th anniversary of the Turkish Republic. The Hon. David Ridgeway and I attended a function at the Adelaide Town Hall this morning with about 150 people, including the Turkish Honorary Consul, Ms Aygül Simsek, and various other consuls from around Adelaide, but not one representative from the South Australian government turned up. I do not know whether or not that was deliberate, but it was noted by a number of people who were there.

It was indeed an interesting occasion. The 9th Battalion Royal Australian Regiment, which actively supports the Spirit of Gallipoli program, was also there. Ms Simsek gave quite a lengthy speech about the importance of the Republic of Turkey to the world and, more particularly, how it came about, including what a very secular society it was. She was followed by the President of the South Australian Turkish Association and then by Mr Peter Goers, who is well known to us all. I was most impressed with the way Mr Goers took to the task. He lived for three years in Turkey and has a great fondness for the people in that country, their way of life and the whole nation.

It is indeed important to remember the value of Turkey to Australia and, more particularly, what transpired after World War I when Kemal Attaturk, the father of the Turks, came into power properly and forged that deep relationship with Australia after what took place at Gallipoli, where, really, the three nations of Turkey, Australia and New Zealand found their feet and became part of world history given what happened there.

For the life of me I do not know why the South Australian government did not send a representative there this morning. I thought it was an embarrassment to all South Australians that the Rann government did not send anyone, particularly as it places so much emphasis on multicultural activities and supporting all the different nationalities that now live in South Australia. It was a real slap in the face, in my view.

Getting back to the event, I think it is most important that we realise what a great nation that Turkey became and what great job that Kemal Attaturk did in forming that country from where it was, under a sultan, as a bitterly divided country. As it was pointed out this morning, it still is a very much a Muslim culture and society; however, they still wish to fight strongly for the secular aspects, and they want to maintain Turkey as a secular society with a free and independent democratic society.

The security of the western world and, indeed, the whole world relies so much on the vital strategic country of Turkey. It is just so important for everybody that Turkey maintains its freedom and that republic. They are a very proud to celebrate that 85th anniversary today. They are a proud people. They have been absorbed into Australian life, particularly in this case into the South

Australian community in which they are actively involved. To be invited this morning was a great honour for me.

Getting back to the Spirit of Gallipoli, I have had the pleasure of having prolonged discussions with the 9th Battalion Royal Australian Regiment's, Warren Featherby, and Ms Aygül Simsek, the Honorary Consul, on where the Spirit of Gallipoli goes. The irony is that the government turns up at the Torrens Parade Ground for the spirit of Gallipoli celebrations, and it is there in force. However, today, for the Republic of Turkey anniversary, there is no-one to be seen. It is just a total and absolute slap in the face for the Turkish community. I think that the government should be ashamed of itself. It is not as though it does not have enough people to send—it has all these backbenchers sitting over there.

Time expired.

CLEAN START CAMPAIGN

The Hon. S.W. KEY (Ashford) (15:10): As a long-term member of the Miscellaneous Workers Union, I was very proud to see that the Clean Start campaign, which I have mentioned in this house before, is continuing. The Clean Start campaign is an international campaign and represents cleaners all around the world.

The local branch of the Miscellaneous Workers Union chose Friday 17 October (which, as members here would be aware, was World Anti-Poverty Day) to celebrate the considerable achievements of one of our lowest paid groups in Australia, that is, cleaners. I think they probably rival child-care workers, for reasons I do not understand, because obviously we value our child-care workers as well. The Clean Start campaign talks about cleaners. It fits in with other campaigns around the world to sign up cleaning companies to set principles that improve pay and working conditions for cleaners while delivering improved productivity and outcomes for their employers.

The venue for this celebration was the wonderful Migration Museum, and I digress for a minute to say that I understand that the Migration Museum's fantastic leader, Viv Szekeres, is about to retire. I hope at some stage to bring back information about her wonderful career and contribution to South Australia. As I said, the venue was the Migration Museum on North Terrace. A group of Liquor, Hospitality and Miscellaneous Workers Union Members working in the cleaning industry gathered with the Assistant Secretary of the state branch, Chris Field; the ACTU President, Sharan Burrow; and SA Unions' secretary, Janet Giles, to discuss the campaign.

I understand that a number of cleaning contractors have already signed up to the Clean Start campaign. The ISS Facility Services, with 460,000 employees around the world, has formally signed an international agreement as a responsible contractor. The gathering was very positive about the results of its long-term campaign, and it is certain in the knowledge that basic principles of organising to defend and extend basic rights hold as true as ever—a lifelong trade union principle, but one that has certainly worked in this area.

Having been a cleaner myself, certainly through my student days, I have had first-hand experience of how difficult it can be to be a cleaner. The expectations of your employer are quite often unrealistic (certainly in my case), not so much in relation to the standard of the cleaning you are to perform but more the amount of time you are allocated to do that task. I still think that that is an issue we need to grapple with.

I know that we have a fantastic cleaner at the Ashford electorate office, but that person spends more than his 15 minutes allocated time each day to clean our office, and he does it on his own time. Although I have counselled him not to do that, because he has such pride in his job he likes to make sure that he does it well. So, this is not just an issue for people who employ cleaners in this place, it is also an issue that the government, amongst other employers, needs to think about.

I challenge any member in this place to be able to shoulder a workload on a consistent basis that is equivalent to cleaning four houses in an hour. I really do congratulate the Miscellaneous Workers Union on continuing to support its members and making sure that the issue of cleaning, which is a very important and fundamental job, is in the focus of all of our minds.

CUMMINS

Mrs PENFOLD (Flinders) (15:15): Cummins is one of the small towns in my electorate situated in an agricultural community but encompassing many other facets such as national parks, tourism, plus coastline and villages along with all the industries that go with the sea.

It was one of the first places in Australia to open a branch of the Bendigo Bank adopting the slogan 'Cummins is a can do community'. The district has been galvanised by the government's blundering Country Health Care Plan that is anything but caring and threatened a major reduction of services at the Cummins Hospital, possibly even closure of the hospital.

The Cummins community, as the slogan says, is a 'can do' community. Hence, residents not only fight to save their hospital but also work to upgrade it and to improve the facilities and treatments available locally, thus lessening cost and inconvenience to people in the district and providing the area with a much higher level of safety and protection.

Despite the drought, the world financial meltdown and all obstacles, the community has set about raising upwards of $50,000 for the hospital's emergency department. Several locals testify to the fact that they are alive today because of the speed with which medical aid was given to them in an emergency in Cummins. A local committee has undertaken to raise $25,000, which will be matched dollar for dollar by the Cummins Community Bendigo Bank to meet the target.

Once again, residents in rural and regional South Australia have to purposely fundraise and work so that they can have the medical and health facilities that metropolitan people take for granted and which Labor seems to believe are unnecessary for anyone outside Adelaide. It is interesting to note the comments about the situation under the Labor government in New South Wales from Dr Scott Lewis, vice-president of the Rural Doctors' Association of Australia on the ABC yesterday when he said:

> New South Wales in particular is really suffering poorly at the moment with widespread closures of hospitals and birthing services.

Fighting back is what this Cummins 'can do' community does. This contrasts with a government that can only work on closures, reductions and diminution of services like its New South Wales counterpart. The major fundraiser for the project is a series of four concerts produced under coordinators Trevor Guppy and Liz Mickan, musical directors Kerry Claughton and David Pearson, and choreographer Joanne Quigley.

Profits from the concerts, each of which have sold out, will virtually achieve the targeted amount. However, I have yet to have it confirmed that, under the new centralised hospital management, they will actually be able to expend the funds they raise on their hospital as intended, as expenditure over $5,000 now has to be approved in Adelaide.

The concert program is based on the theme of war and peace under the heading *As Time Goes By* and includes singing, dancing and readings to produce a very entertaining, accomplished and, at times, emotional show. The cast of 40 to 50 performers is supported by the same number of backstage hands, front-of-house workers and general dogsbodies.

The band of 21 musicians has been practising since March. Locals took their instruments out of storage—principally, brass and woodwind—polished them up, and are enjoying the revival. Some have not played since their school days. David Pearson said that help with music has come from many quarters, such as the Australian Army Band willingly providing an arrangement of a *Waltzing Matilda/Last Post* medley. An old army tank, spotlighted at night, stands in the front hall. Patrons enter under camouflage nets to buy their tickets, are given dog tags to locate their seats and are directed by ushers dressed in vintage clothes.

Like all country communities, Cummins district has had many locals in the defence forces going back to World War I and even a few from neighbouring areas who went to the Boer War in 1899. Photographs and video footage, taken by Vietnam veteran Geoff 'Fox' Holman during his time in Vietnam, form the backdrop for some of the items. It is a moving insight into life on the front line. The evening's theme fittingly includes the *Last Post* and *Ode to the Fallen* appropriately delivered by 'Fox'. It is a timely reminder that country people today are still fighting social justice issues for which family members and friends fought and died.

Lower Eyre Peninsula CEO Rob Pearson reads extracts from a journal kept by his great grandfather, Thomas William Pearson, on active service in World War I. The journal starts on 1 January 1916, when Thomas was encamped in South Australia, and the last entry is dated 17 September 1916, the day before he was killed at Ypres in France.

Time expired.

INTERNATIONAL CONFERENCE FOR WOMEN ENGINEERS AND SCIENTISTS

The Hon. P.L. WHITE (Taylor) (15:20): As the Minister for Tourism announced in the house during question time today, Adelaide has been successful in its bid to host the 15th International Conference for Women Engineers and Scientists (ICWES). I thank the minister for her kind words about my role in the bid for that conference. ICWES is a conference that is held every three years, and it has been doing so since 1964. This will be the 15th in the series but it is the first time that this conference has been held in Australia, and we are delighted that it will be held in Adelaide.

The conference is hosted by the International Network of Women in Engineering and Science (INWES), which is a body that was initiated with funding from UNESCO to be a global network for organisations of women in science, technology, engineering and mathematics (or STEM, as it is commonly called).

I was privileged recently to attend the 14th ICWES conference in Lille, France, where Adelaide presented its case for the 15th conference, and it was announced that the next conference would be held in Adelaide. That conference focused on issues of management, leadership, diversity and ethics. The key technical topics were opportunities and challenges in sustainable development, waste management, water resources, climate change, information and communication technologies and new biotechnologies.

An important part of these conferences is a youth forum, where inspirational role models of women in engineering and science are presented, and it provides the opportunity for younger and upcoming women engineers and scientists to learn more about possible career paths and to problem solve as to how they might break down any barriers that exist.

This is an event that is recognised worldwide. The conference in Lille this year was supported by the European Commission, and it generates wide support and recognition. It is a delight to hear that this conference will be held in Adelaide in 2011, and I would like to acknowledge a few people who were instrumental in the bid.

As well as INWES (the owner, if you like, of the conference), a local organisation hosts the conference, and that will be Engineers Australia. The organising committee is made up of the Women in Engineering arm of Engineers Australia, which is the peak professional body for engineers in Australia. I would like to recognise the contribution of Ms Vera Lukic, who brought the idea of attracting this conference to me and asked me to become involved, and I also recognise very strongly the contribution of ACTA (Adelaide Convention and Tourism Authority) and, in particular, Kate Georgiou, who put in many hours of work, and her staff in helping to prepare the successful bid for Adelaide.

This conference will make a difference to not only the reputation of Adelaide as a successful convention venue, but also to our knowledge and expertise in science and engineering amongst women, and will allow a very particular showcase of Adelaide's skills and capabilities in July 2011.

MINI WIND TURBINES

Mr PISONI (Unley) (15:25): I start with a reading from a press release, which is something the education minister tends to do quite a bit in answer to Dorothy Dixers. It states:

> Major school works to go green.
>
> Wind turbines and solar panels will be fitted to South Australia's schools when they undergo a major upgrade, as part of the new Rann government initiative to help 'green' state schools and preschools.

Then it goes on to say:

> Education minister Jane Lomax-Smith says the move is part of the Rann government's focus to help schools improve their energy efficiency and environmental sustainability.

But there is a story behind this, and I would like to run through a chronology to show where we are at with wind turbines in our schools.

On 19 September 2006, Rann announces mini turbines will be installed on prominent buildings in the Adelaide CBD. The first of five Swift 1.5 kilowatt wind turbines will be installed on the State Administration Centre. Then in November that same year, Swift 1.5 kilowatt wind turbines were installed on the roof of the London Climate Change Centre and six weeks later were recalled

because of faulty components. Replacements were promised within weeks but new turbines did not arrive until early 2008.

Then in June 2007, the Premier extends the mini turbine program and announces funding of $330,000 for 20 turbines. He claims the investment will cut 28 tonnes of greenhouse gases per year, or 1.4 tonnes per turbine. Then in November 2007 a report in *The Guardian* newspaper states that the mini turbines in urban areas produce only a tenth of the power predicted and the manufacture and maintenance is likely to add to the owner's carbon footprint. So, we buy these wind turbines and they will add to the carbon footprint of the owner, so perhaps Mr Rann needs to go out and buy some carbon credits for these wind turbines that he has purchased.

In January this year Autodom Ltd, a subsidiary of AI Automotive, an automotive components company, becomes a joint venture partner with Insurance Australia Group to distribute the Swift micro wind turbine. Their new venture, Micro Wind Turbines Australia, is capitalised at half a million dollars. A company announcement on 13 January says the venture is 'driven off the back of the SA government's leadership in developing business opportunities for companies that want to get on board its climate change initiatives'. Then the announcement also claims, 'The SA government has provided an order for 40 Swift turbines for its buildings.' Swift owners, Renewable Devices Pty Ltd, a firm started by two young Edinburgh engineers, now claims that the business is valued at £30 million because it sold a 2 per cent stake in the company to an Australian company. On 16 April 2008, education minister Jane Lomax-Smith announced:

> Wind turbines and solar panels will be fitted to [SA's] schools when they undergo a major upgrade, as part of the Rann government's initiative to help 'green' state schools and preschools.

She claims the move will help schools improve their energy efficiency and environmental sustainability. Thirteen schools are named to get wind turbines.

In July this year AI Automotive's CEO resigns. On 31 August, in an announcement to the stock exchange, Autodom states that it will 'write off all the carrying value of investments made in Micro Wind Turbines Australia Pty Ltd.' Its 50 per cent investment was listed at $300,000.

On 16 September 2008, Zelco Lendich resigns from the board of Autodom, the parent company of MWTA Pty Ltd, and is replaced by Scott Mutton, a South Australian and former owner of Henderson Components, now acquired by Autodom. Mutton's job is to run Project Refocus, aimed at turning around the company in what it describes as a 'dreadful financial performance'.

On 22 October the Public Works Committee examines plans for the Victor Harbor High School development. Graphics and drawings clearly show planned installation of mini turbines. When asked what the cost will be, the department officials admit there is no cost benefit. So, when asked what the cost benefits would be, they said there was no cost benefit, just an educational benefit and, by the way, the contract for supply has collapsed. That was cleared up precisely by Mr John Chadwick in his capacity in managing such projects. The member for Norwood asked the question:

> That is not to say they won't be available for other projects, but for this particular one, given the circumstances, it won't happen.

Mr Chadwick said:

> [No] they are not available at all. So, the projects that we had planned for them to go into will now not have wind turbines. At some other point in time they may become available, which we would then be very interested in reintroducing them [into the DECS capital works program].

The bottom line there, of course, is that we saw all this spin by the Rann government about its wind turbines and they do not work.

Time expired.

The DEPUTY SPEAKER: The member for Torrens.

Ms Breuer: Good member!

CONSUMER LEASE AGREEMENTS

Mrs GERAGHTY (Torrens) (15:30): Thank you. The matter I want to raise today is of concern to me and it relates to the traps into which consumers can fall when they enter into a consumer lease agreement. Recently, a constituent came to see me after her four year old LCD TV broke down. My staff arranged for a TV repairman to look at it. Unfortunately, the manufacturer of

that particular brand had stopped production and there were no spare parts in Australia, so the TV was basically unable to be repaired.

The constituent is a pensioner. She then sought to obtain a replacement TV, but because of her limited income it can be quite difficult for people in her situation get a loan. She did not pursue that avenue, although I am now aware of one bank that does lend small amounts. However, the constituent went to a very well-known electrical retail outlet that specialises in consumer leasing or rental agreements and she organised a rental TV. I do not think at that stage she considered the full extent of what renting can cost, and that is where my concern lies. The day after signing the rental agreement she showed us her three year rental agreement contract, which was for $61.50 a month.

This equates to $738 per year or $2,214 over three years. At this point the constituent realised that the rental agreement was, indeed, very expensive. Some of the facts about this arrangement are that the contract is for 36 months at $61.50 per month at a total cost, as I said, of $2,214, with a residual to pay of $285.30 if she wants to buy the set after the three years. Oddly, the contract encourages the consumer to insure the TV for $1,141. The other interesting component of the contract is the early termination provision, which means that, if the constituent had sought to terminate the lease just one day after she had signed up, she would be up for 80 per cent of the rental payments which would have been payable to the end of the lease agreement. That would have cost her $1,771.20, or $630.30 more than the TV was actually worth.

Some further investigation discovered that she could have bought the TV for $1,099 on a 12-month interest-free loan if she had had the $300 deposit. That was $1,099 instead of the $1,141 that she paid on a rental plan. Clearly, it appears that if you rent the TV not only do you pay twice the price at the end of the three year rental plan but also you are charged more for it than if you purchased it on a 12 month interest-free plan, which clearly is taking advantage of people in poor financial circumstances. Unfortunately, given her situation, my constituent was not in a position, as I said, to pay the $300 upfront.

Sadly, if she had been able to shop around she would have found—as we did—that she could have bought that same TV at another store for less than $1,000. I am raising this issue because consumers should thoroughly read any credit agreement before they sign up so that not only are they fully aware of the obligations they are entering into but also they clearly understand the financial implications.

We all know that sales assistants do not always fully explain this to us. The big problem is that there is no cooling-off period with these types of agreements, so it is really easy for people to get trapped into very expensive arrangements and it is adds to the vulnerability of people on low or fixed incomes. Thankfully, my constituent has been able to resolve her problem—not cheaply, I might add. I understand that the federal government is looking at these matters but, clearly, on any agreement that people sign, rental or otherwise, there needs to be a cooling-off period.

STATUTES AMENDMENT (VICTIMS OF CRIME) BILL

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (15:36): Obtained leave and introduced a bill for an act to amend the Criminal Law (Sentencing) Act 1988; the Criminal Law Consolidation Act 1935; the Defamation Act 2005; the Freedom of Information Act 1991; and the Victims of Crime Act 2001. Read a first time.

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (15:36): I move:

That this bill be now read a second time.

At the last election the government made pledges to improve victims' rights. Some of them have already been enacted in the Statutes Amendment (Victims of Crime) Act 2008 and the Victims of Crime (Commissioner for Victims' Rights) Amendment Act 2008. Others were enacted in the Criminal Law (Sentencing) (Dangerous Offenders) Amendment Act 2008. The remaining pledges are: for the first time in our legal history the Rann government will give victims' of crime advocates the legal right to make victim impact submissions at the sentencing hearing in cases that result in the death or total permanent incapacity of the victim; and the sentencing act will be amended to enable the prosecution to obtain and present community impact statements to courts during sentencing submissions.

Community impact statements will be used to inform the sentencing court about the effects on the community of the crimes before the court. For example, with regard to drug production or sale offences, evidence of medical professionals could be called to establish the harmful effects of drugs on individuals and the long-term health consequences of drug abuse. In cases of death by dangerous driving, expert evidence could be called to establish the human and financial cost of road deaths.

The Commissioner for Victims' Rights has also asked for some legislative change. His recommendations include amending the Criminal Law (Sentencing) Act to make it clear that victim impact statements can be given in person via closed-circuit television or audio-visual recording, and so on. I have had several requests to cover the cost of victims coming to court to read or listen to victim impact statements. This will provide another option, especially for vulnerable victims.

Section 52 of the Criminal Law (Sentencing) Act provides for restitution orders (that is, a court order that the convicted offender return misappropriated property to the victim-owner). Unlike section 53, which provides for compensation orders that can be enforced like any other pecuniary order, an order made under section 52 appears to be unenforceable. The Premier and the Attorney-General pledge to strengthen victims' rights, including their right to compensation. Making it clear how section 52 will be enforced might alleviate some of the pressure to amend the compensation laws.

The Criminal Law (Sentencing) (Victims of Crime) Amendment Bill 2007 was introduced into parliament on 24 October 2007. The bill was laid aside on 19 June 2008. I propose to reintroduce the bill with changes. I seek leave to have the balance of the second reading explanation incorporated in *Hansard* without my reading it.

Leave granted.

Election Pledges

First Pledge

The first pledge contains two policies:

Section 7 of the *Criminal Law (Sentencing) Act* now obliges prosecutors to furnish particulars of any injury, loss or damage suffered by a person as a result of the offence for which the defendant was convicted or, in short, any associated offence. Section 7A allows the victim of an indictable offence to read his or her statement to a court before it passes sentence, or the victim can ask the court to permit another person to read the victim's statement. It follows that this policy is to enact legislation to extend the right that is currently confined to indictable offences to summary offences where death or total permanent incapacity to the victim has resulted. The reason for this is some prominent cases where the relevant offence has been reckless or negligent driving and death has resulted. It should be noted that it would also apply to, for example, industrial accidents constituting summary offences under workplace-safety law. The Bill has also been amended to take account of a submission put by the Minister for Industrial Relations so that victim impact statements in occupational health, safety and welfare prosecutions may be given by the prosecution in minor summary offences and so that a court may require company officials to be present when a victim impact statement is given in person under s 7A of the Act. The defendant is required to be present, but where the court is satisfied that a threat to the defendant or the victim has been made, the court should make special arrangements for this process. For these purposes, ‘total and permanent incapacity' is defined to mean: ‘the victim is permanently physically or mentally incapable of independent function'.

I now propose an addition to this amendment. The addition is that section 7 of the *Criminal Law (Sentencing) Act* be amended to state that a court, when asked to allow a victim of violent offences to read his or her impact statement, should be encouraged to do so. The onus is on the court to exercise discretion in favour of the request. If the court chooses not to allow a victim to read his or her statement then the court should state its reasons, so the reason can be given to that victim should he or she ask.

The second policy was to allow a victim's advocate to read out the victim impact statement to the court on behalf of the victim. I have decided to broaden this policy and I will outline what is proposed about that later in this speech.

Second Pledge

Two kinds of community-impact statements are proposed. The first type is a collective statement of harm, to be called a neighbourhood-impact statement. A common example is a drug dealer in a street. The neighbours suffer the effects—discarded syringes, lots of traffic at all hours, increased levels of street and petty property crime and so on. Under the proposal, they would be allowed to give a collective-impact statement on how this drug-dealing offence has affected them. The second type is more a policy-justification statement—to be called a social-impact statement. In the drug-dealing instance, evidence could be given of the harmful effects of drugs generally (for example). It was intended that the election policy promise would deal with the enactment of provisions for both types. I propose that both kinds of statements can potentially be given in a sentencing hearing for any offence. It should be possible to collate the statements of many individuals into a group statement. I propose that the provision of these statements be up to the Commissioner for Victims' Rights and that the prosecution or the Commissioner be authorised to place the material before the court.

Commissioner for Victims' Rights Suggestions

First Suggestion

Section 7A(3a) of the *Criminal Law (Sentencing) Act* says: 'If the court considers there is good reason to do so, it may exercise any of the powers that it has with regard to a vulnerable witness to assist a victim who wishes to read out a victim impact statement to the court.' This suffices to bring CCTV into play. But the Act should be amended so that it is possible for victim-impact statements to be given via audio or audio-visual recording where there is equipment available for the purpose. The defendant should be present except in a case where the court is satisfied that a real threat has or is being made to the safety of the defendant or the defendant's representatives or family, or where the presence of the defendant will otherwise cause undue disruption. In such a case, the court is authorised to make arrangements for the offender to be present by electronic or other means.

Second Suggestion

Section 53 of the *Criminal Law (Sentencing) Act* is the order for compensation upon sentence. That sum is defined to be a pecuniary sum and therefore can be enforced in the same way as any order for a pecuniary sum—that is, effectively, as a fine. Section 52 of the Act is different. It is about giving back particular property, not a sum of money. This is about returning the particular item stolen (for example). It follows that this cannot be defined as an order for a payment of a pecuniary sum and cannot be enforced in that way. The *Criminal Law (Sentencing) Act* deals with the matter by providing for default imprisonment. The Commissioner for Victims' Rights says that this does not work. In some ways that is not surprising, since the analogous old method of collecting pecuniary sums by default imprisonment did not work well either—which is why it was replaced. I propose to add remedies for restitution orders short of imprisonment. I propose to give an authorised officer the power to enter land and seize the property in question, or to cause the value to be enforced as a pecuniary sum, which means that remedies such as (for example) suspension of driver's licence and dealings with the Registrar of Motor Vehicles.

Additional Government Amendments

I have decided to take this opportunity to remedy some other injustices or matters affecting victims' rights that have been brought to my attention since the former Bill was introduced into Parliament.

- I propose that the *Criminal Law (Sentencing) Act* be amended to allow victims to suggest a sentence, if they choose, in their impact statement. The court could take notice of the suggestion, as it does take notice of the prosecutor's and defence counsel's submissions on an appropriate sentence. The court simply takes the request into account but is not compelled to act as requested by any party.

- It has been brought to my attention by the DPP that there is a deficiency in the right of a victim to make a victim-impact statement where the accused is found unfit to stand trial or not guilty by reason of mental impairment. The current legislation contains provision for determining the view of the 'victim'. Section 269R of the *Criminal Law Consolidation Act* says:

  269R—Report on attitudes of victims, next of kin etc

  (1) For the purpose of assisting the court to determine proceedings under this Division, the Crown must provide the court with a report setting out, so far as reasonably ascertainable, the views of—

  (a) the next of kin of the defendant; and

  (b) the victim (if any) of the defendant's conduct; and

  (c) if a victim was killed as a result of the defendant's conduct—the next of kin of the victim.

The DPP has argued that the 'victim' should have the same rights as the usual victim to prepare his or her own statement and to read it out to the Court. I agree with the DPP that there is a rough equivalence between the disposition phase of the hearing and a sentencing hearing. But these defendants/accused are in a different position from the normal defendants. They may suffer from a very significant mental illness or intellectual disability. There is little point in subjecting such people to the reading out of a victim impact statement (although, of course, the court may be appropriately informed, as is now the case). In my opinion, there is only benefit in allowing the elocution of a victim impact statement where there is some prospect that the defendant/accused will understand it to an appreciable degree. The usual absolute right must therefore be subject to an overriding judicial discretion.

The Commissioner for Victims' Rights and the Crown Solicitor have brought to my attention the need to amend the law to prevent a prisoner from taking civil action against a registered victim who makes submissions to the Parole Board in accordance with the Act. The necessity became obvious when a prisoner serving a life sentence for murdering his former wife's partner in 1991, applied for parole. As a registered victim, the prisoner's former wife exercised her right under section 67(4)(ca) of the Act to make a submission to the Parole Board. The Parole Board refused the application for parole and in accordance with section 67(9) of the Act, gave a copy of the reasons to the prisoner. The written reasons included statements made by the former wife against the interests of the prisoner. The claim was dismissed but it is possible that he will appeal this decision and that the matter will continue to cost the Government financially and the victim emotionally. This will be an amendment to the uniform defamation law. It is necessary to keep so far as is possible to the uniform law. In the model Bill there was provision for each State Act to contain a schedule to expand the circumstances of publication that attracted absolute privilege. It was agreed that States and Territories could give absolute privilege to certain publications, such as of their Law Reform Commissions. The provision is—

(1) It is a defence to the publication of defamatory matter if the defendant proves that it was published on an occasion of absolute privilege.

(2) Without limiting subsection (1), matter is published on an occasion of absolute privilege if—

(a) the matter is published in the course of proceedings of a parliamentary body etc

(b) the matter was published in the course of proceedings in any Australian court or Australian tribunal etc

(c) the matter is published on an occasion that, if published in another Australian jurisdiction, would be an occasion of absolute privilege etc

(d) the matter is published by a person or body in any circumstances specified in schedule 1.

The current South Australian Act does not have (d), because the Government could not think of anything else that we thought should be accorded absolute privilege. Victoria and Queensland have it, but have nothing in their schedules. NSW particularly wanted to have a schedule, because that is what they had done with their earlier Act. The NSW schedule contains a long list.

Item 7 of the NSW Schedule is:

Without limiting section 27(2)(a)-(c), matter that is published:

(a) by the State Parole Authority or the Serious Offenders Review Council in a report or other document under the Crimes (Administration of Sentences) Act 1999, or—

(b) in the course of any proceedings of the following bodies:

(i) the State Parole Authority or a Division or committee of that Authority etc

The Bill mirrors this approach because (a) it maintains consistency with the scheme of the uniform *Defamation Acts* and (b) because it would keep all the law about defamation in one place.

- The Commissioner for Victims' Rights has recommended an amendment to the *Victims of Crime Act* to provide for a payment for grief and a payment for funeral expenses in criminal-neglect cases that involves death. Currently, these payments are limited to homicide cases. Homicide is defined to mean murder or manslaughter. Criminal-neglect is not a homicide offence for this purpose. In a recent criminal-neglect case, an infant was killed by either his mother or her male partner (who was not the infant's father). Both adults were convicted of criminal neglect. As the convictions were for criminal-neglect rather than murder or manslaughter, the infant's father was not entitled to a grief payment or payment for funeral expenses. The maximum amount for funeral expenses is $7,000 and the maximum grief payment is $10,000.

- The Commissioner for Victims' Rights has also suggested an amendment to the *Criminal Law (Sentencing) Act* to make it mandatory, for a court, other than in exceptional circumstances, to impose a restraining order in cases where defendant is guilty of a sexual offence. He cites a case where a District Court judge declined to issue a restraining order on the basis that a good behaviour bond would be adequate despite there being no condition to prohibit the defendant from contacting the victim. I think there is merit in amending the legislation to require a court when sentencing a defendant for a sexual offence to consider imposing a restraining order, on the defendant to prohibit the defendant from contacting the victim. The onus would be on the court to exercise discretion in favour of the request. If the court chooses not to impose a restraining order then the court would be required to state its reasons. The failure to make an order would be appealable.

- Schedule 2 of the *Freedom of Information Act* contains a list of exempt agencies. They include such agencies as the Ombudsman, the Attorney-General, in respect of functions related to the enforcement of the criminal law, the DPP, the Parole Board and so on. It is my opinion that the Commissioner for Victims Rights should be added to this list.

- The Commissioner for Victims Rights has suggested that the *Victims of Crime Act* be amended so that a right that may be exercised by a victim may be exercised by another on behalf of the victim. This is an extension of the proposal originally made about the right to read a victim impact statement and was the subject of an amendment to the *Criminal Law (Sentencing) Act* in the original Bill. I therefore propose to amend the *Victims of Crime Act* in the same way as originally proposed and so encompass and broaden the original proposal. The right is confined to an officer of the court, an immediate family member or close relative, or, in the absence of these, a person who, in the opinion of the Commissioner for Victims' Rights, is suitable to act in the role, or, in any event, an employee of a group or organisation devoted to victim support, or the Commissioner for Victims' Rights (or a person acting for the Commissioner).

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 *Criminal Law (Sentencing) Act 1988*

4—Amendment of section 6—Determination of sentence

This clause amends section 6 to make it clear that in sentencing proceedings the court must act according to equity, good conscience and the substantial merits of the case without regard to technicalities and legal forms.

5—Amendment of section 7—Prosecutor to furnish particulars of victim's injury etc

This amendment makes it clear that a court dealing with an offence that is not an offence to which section 7A applies must nevertheless allow particulars to be furnished in the form of a victim impact statement unless the court determines that it would not be appropriate in the circumstances of the case.

6—Amendment of section 7A—Victim impact statements

This clause amends section 7A of the principal Act in several ways. New subsection (3a) enables a court to assist a person who wishes to read out a victim impact statement to the court to do so by means of a prerecorded reading of their statement, or to exercise the powers the court has in relation to vulnerable witnesses. Subsection (3b) requires that the court ensure that the defendant (or, where the defendant is a body corporate, a representative of the defendant) is present when the statement is read out to the court if the person providing the statement so requests. Under subsection (3c), the court may decline to do so for reasons set out in the provision, but in such a case the court must nevertheless endeavour to ensure the defendant hears the statement being read out via audiovisual link or audiolink or, if that is not possible, by making an audiovisual recording.

The range of offences for which a victim impact statement can be provided is also extended to include certain summary offences (namely one that results in the death of a victim or a victim suffering total incapacity).

7—Insertion of sections 7B and 7C

This clause inserts new section 7B into the principal Act, providing for written community impact statements to be provided to the court. The Commissioner for Victim's Rights is responsible for compiling a statement under the section, and either the prosecution or the Commissioner may provide a sentencing court with the statement.

The statements consist of 2 types. The first is a neighbourhood impact statement, which is a statement about the effect of the offence, or of offences of the same kind, on people living or working in the location in which the offence was committed. The second type is a social impact statement, setting out the effect of the offence, or of offences of the same kind, on the community generally or on any particular sections of the community.

The clause also sets out procedural matters related to the provision, and reading in court, of such statements.

New section 7C provides for the making of rules relating to statements under sections 7A and 7B, provides for a copy of such a statement to be made available to the defendant or his or her counsel and makes it clear that the defendant is entitled to make submissions to the court in relation to the statement. The section also makes it clear that a statement to be furnished to a court under section 7A or 7B may contain recommendations relating to sentence.

8—Amendment of section 19A—Restraining orders may be issued on finding of guilt or sentence

This clause provides that a court must, on finding a person guilty of, or on sentencing a person for, a sexual offence (which is defined in the clause), consider whether or not a restraining order should be issued against the defendant and, if the court determines that a restraining order should not be issued, give reasons for the determination.

9—Insertion of Part 9 Division 2A

This clause inserts new Part 9 Division 2A into the Act. The Division provides for action by authorised officers in the situation where a restitution order under the Act is not complied with. The clause sets out the actions that can be undertaken (including seizure of the property or payment of an equivalent amount by the defendant) and the powers an authorised officer can exercise in doing so.

Part 3—Amendment of *Criminal Law Consolidation Act 1935*

10—Amendment of section 269R—Reports and statements to be provided to court

Section 269R deals with reports and statements to be provided to a court determining proceedings dealing with persons who are declared liable to supervision under the mental impairment provisions in the *Criminal Law Consolidation Act 1935*. This clause amends section 269R to allow for the furnishing of victim impact statements where a court is fixing a limiting term in proceedings relating to an alleged indictable offence or prescribed summary offence. The court is required to deal with the victim impact statement in all respects as if it were furnished under section 7A of the *Criminal Law (Sentencing) Act 1988* except that, if the court is satisfied that the defendant is incapable of understanding the victim impact statement or that, having regard to the nature of the defendant's mental impairment, it would be inappropriate for the defendant to be present when the statement is read out (as required by section 7A(3b) and (3c)), those requirements will not apply.

The amendments also allow for the Crown or the Commissioner for Victim's Rights to furnish a court fixing a limiting term with a neighbourhood impact statement or a social impact statement (and the court is required to deal with such a statement as if it were furnished under section 7B of the *Criminal Law (Sentencing) Act 1988*).

Part 4—Amendment of *Defamation Act 2005*

11—Amendment of section 25—Defence of absolute privilege

This clause provides that a matter published in circumstances specified in proposed new Schedule a1 will be published on an occasion of absolute privilege.

12—Insertion of Schedule a1

This clause inserts a new Schedule a1 into the Act specifying matter published by the Parole Board of South Australia in a report or other document under the *Correctional Services Act 1982* or any other Act or published by a registered victim of an offence (within the meaning of the *Correctional Services Act 1982*) in the course of, or for the purposes of, any proceedings of the Parole Board of South Australia relating to the offender.

Part 5—Amendment of *Freedom of Information Act 1991*

13—Amendment of Schedule 2—Exempt agencies

This clause makes the Commissioner for Victims' Rights an exempt agency for the purposes of the *Freedom of Information Act 1991*.

Part 6—Amendment of *Victims of Crime Act 2001*

14—Amendment of section 4—Interpretation

This clause amends the definition of *homicide* in the Act to extend it to an offence against section 14 of the *Criminal Law Consolidation Act 1935* (criminal neglect) where the victim dies.

15—Amendment of section 20—Orders for compensation

This clause makes some minor amendments of a consequential and clarifying nature.

16—Insertion of section 32A

This clause inserts a new section allowing any rights of a victim (whether under this Act or any other Act) to be exercised on behalf of the victim by an appropriate representative chosen by the victim for that purpose (except as prescribed by regulation).

Debate adjourned on motion of Mrs Redmond.

SOUTH AUSTRALIAN COUNTRY ARTS TRUST (CONSTITUTION OF TRUST) AMENDMENT BILL

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (15:41): Obtained leave and introduced a bill for an act to amend the South Australian Country Arts Trust Act 1992. Read a first time.

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (15:42): 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 Government recognises that South Australia's regions play a vital role in the economy and social fabric of our State. With more than a quarter of our population living in regional areas, and the regions making a major contribution to our exports and to our economy, the prosperity and well-being of regional communities is critical to the sustainability of the entire State.

Country Arts SA plays a major role in ensuring that regionally-based South Australians have access to arts and cultural development opportunities that enrich their lives and contribute to their well-being. This organisation works with and for regional South Australians towards building a culture of creativity. It delivers a range of arts programs and services including:

- managing and operating the State's 4 regional theatres in Whyalla, Port Pirie, Renmark and Mount Gambier
- touring performing arts performances and visual arts exhibitions to regional communities across the State
- managing arts development and community artist funding programs
- developing sustainable arts and well-being programs, in collaboration with other agencies, to meet developing health challenges, particularly for young people in regional areas
- providing an arts information and advisory service to regional South Australia.

The *South Australian Country Arts Trust Act 1992* established a two-tiered system for the governance of country arts within the State, being the central South Australian Country Arts Trust and 4 regional Country Arts Boards (Central, Riverland/Mallee, South East and Western). The *South Australian Country Arts Trust*

Regulations 2004 sets out how nominations for membership of the regional Boards are to be made. The Act stipulates that 4 of the 9 trustees are the presiding members of the regional Boards. This results in a double set of meetings and responsibilities for these office-bearers.

New regional boundaries for the delivery of services in regional South Australia were determined by State Cabinet in December 2006, and government entities, including Country Arts SA, as a statutory authority, were required to operate in accordance with these new boundaries by the end of 2008. The regions for the existing Country Arts boards do not match with these boundaries.

At its meeting on 22 February 2008, the South Australian Country Arts Trust gave its unanimous approval for Country Arts SA's governance arrangements to be restructured. It is proposed to restructure the governance model for the Trust into a single tiered structure with 5 of its 9 members representing areas incorporating the revised South Australian Government regional boundaries. The proposed new structure would:

- maintain a board of trustees comprising 9 members appointed by the Minister
- reconstitute the Trust's membership to comprise 1 presiding trustee, 5 regionally-based trustees, 1 Local Government Association nominee, and 2 other trustees with management, entrepreneurial, legal or arts expertise, with the 5 regionally-based trustees representing areas incorporating the revised SA Government regional boundaries
- abolish the 4 regional Country Arts Boards
- allow for the establishment of advisory committees comprised of trustees.

It is proposed that 1 trustee be appointed to represent each of the following groupings of new state government regions:

- Barossa/Yorke and Lower North
- Eyre and Western/Northern
- Fleurieu and Kangaroo Island/Hills
- Murray Lands
- Limestone Coast.

Under the proposed amendments, a person will not be eligible to be appointed to represent a proclaimed region unless that person resides in the region.

In addition, under section 11 of the Act, the Trust proposes to establish a Grants Assessment Committee comprising 10 regionally-based people (with 2 to be selected from each of the 5 new regional groupings listed above). Through the establishment of a register of interested peers, Country Arts SA will identify and nominate suitable candidates to serve on this committee. This will ensure that decisions on arts grant applications are made by regionally-based people with knowledge and experience in the arts.

Country Arts SA has asked for these changes. The changes are unanimously supported by the Trust since they will provide for both a higher level of, and more equitable, regional representation on the board of trustees and also provide trustees with an opportunity to be more involved across all aspects of Country Arts SA's activities.

The Government therefore proposes to amend the *South Australian Country Arts Trust Act 1992* to remove references to the regional Country Arts Boards and to allow the Trust to be reconstituted, with its membership being drawn directly from regional South Australia, and reflecting the new groupings of regional boundaries, as previously outlined.

The Government also proposes to revoke the *South Australian Country Arts Trust Regulations 2004* and proclaim new regional boundaries for the delivery of services by Country Arts SA.

This Bill removes references in the Act to Country Arts Boards and provides for more trustees to represent the new regional areas of the State that are to be proclaimed.

I commend the Bill to Honourable Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *South Australian Country Arts Trust Act 1992*

4—Amendment of long title

This clause amends the long title to remove the reference to Country Arts Boards. This amendment is consequential on the amendments to section 5.

5—Amendment of section 3—Interpretation

This clause amends section 3 to remove definitions that will become unnecessary when Country Arts Boards cease to exist. It also provides for the creation of regions by proclamation. These amendments are consequential on the amendments to section 5.

6—Amendment of section 5—Membership of Trust

This clause amends section 5 so that the South Australian Country Arts Trust consists of a presiding member, 5 persons appointed to represent proclaimed regions, 1 person chosen from a panel of persons nominated by the Local Government Association and 2 persons with legal, managerial, entrepreneurial or arts skills. To be eligible to be appointed to represent a proclaimed region, a person must reside in the region.

7—Amendment of section 6—Terms and conditions of office

The amendments to section 6 are consequential on the amendments to section 5.

8—Amendment of section 7—Procedures of Trust

The amendment to section 7 is consequential on the repeal of section 8.

9—Repeal of section 8

This clause repeals section 8 which is no longer necessary because members of the Trust are members of a public sector agency and hence subject to the conflict of interest provisions in the *Public Sector Management Act 1995* (the *PSM Act*).

10—Amendment of section 9—Functions and powers of Trust

11—Amendment of section 12—Delegation

The amendments made by these clauses to sections 9 and 12 are consequential on the amendments to section 5.

12—Amendment of section 17—Budget

This clause amends section 17 by replacing subsection (1) with a new provision that omits the transitional portion of that subsection which became spent once the Trust had submitted its first budget after the Act came into operation in 1992.

13—Repeal of Part 3

This clause repeals Part 3 which established the Country Arts Boards and defines their functions and powers.

14—Substitution of sections 29 and 30

29—Immunity from liability

Under the PSM Act members and employees of the Trust, being respectively members and employees of a public sector agency, enjoy protection from civil liability for acts and omissions in good faith in the exercise or purported exercise of official functions or powers. This protection does not, however, extend to delegates of the Trust.

Hence, section 29 has been redrafted so that no civil liability attaches to persons to whom the Trust delegates functions or powers for acts or omissions in good faith in the exercise or purported exercise of those delegated functions or powers. An action lies instead against the Crown.

30—Regulations

Section 30 which empowers the Governor to make regulations has been redrafted so as to omit those provisions which will no longer be necessary when Country Arts Boards cease to exist.

15—Repeal of Schedule

This clause repeals the Schedule which contains spent transitional provisions.

Schedule 1—Transitional provisions

1—Interpretation

This clause contains a definition.

2—Transfer of assets, etc of Country Arts Boards to Trust

This clause transfers all assets, rights and liabilities of Country Arts Boards to the Trust.

3—Transitional provision relating to Trust

This clause provides for existing members of the Trust to vacate their offices so that fresh appointments can be made.

Debate adjourned on motion of Mrs Redmond.

STANDARD TIME BILL

The Hon. P. CAICA (Colton—Minister for Industrial Relations, Minister for Employment, Training and Further Education, Minister for Science and Information Economy, Minister for Youth, Minister for Volunteers) (15:43): Obtained leave and introduced a bill for an act to fix standard time for South Australia; to repeal the Standard Time Act 1898 and for other purposes. Read a first time.

The Hon. P. CAICA (Colton—Minister for Industrial Relations, Minister for Employment, Training and Further Education, Minister for Science and Information Economy, Minister for Youth, Minister for Volunteers) (15:43): I move:

That this bill now be read a second time.

The Standard Time Bill 2008 seeks to repeal the Standard Time Act 1898 and replace it with updated legislation that reflects internationally accepted time standard. The bill proposes to replace references to Greenwich Mean Time with a more accurate time measurement scale called coordinated universal time. Coordinated universal time is an international time scale recommended by the International Bureau of Weights and Measures as the legal basis for time. It is a method of measuring time using atomic clocks. Greenwich Mean Time, which is based on astronomical observations, is an average (mean) because the actual time taken for the earth's rotation varies slightly from day-to-day. Measurements taken by atomic clocks vary far less.

The Commonwealth National Measurement Act 1960 was amended in 1997 to provide that coordinated universal time is the time scale to be maintained by Australia's chief metrologist. Following a recommendation from the National Time Commission (now known as the National Measurement Institute) in 2004, the Standing Committee of Attorneys-General agreed that each state and territory would adopt coordinated universal time as the basis for calculating the passage of time. Since that recommendation, all other jurisdictions, I am told, have made appropriate amendments to their standard time legislation. This bill will ensure that South Australia operates as part of the uniform, national time standard. The proposal will not change—and this is important—the actual time in South Australia to any noticeable degree. The difference between Greenwich Mean Time and coordinated universal time is measured in fractions of seconds.

Mrs Redmond: Personally, I want to stay on Greenwich Mean Time.

The Hon. P. CAICA: Yes; you're living in the past, ma'am.

Members interjecting:

The Hon. P. CAICA: You certainly are. Moreover, whenever the cumulative difference approaches one second an adjustment is made in coordinated universal time to reduce the gap. The difference is important, however, certainly in scientific matters. For example, it is relevant in computer programs that use high-speed data transfers and in universal synchronisation matters. It is also the basis of the satellite global positioning system.

To determine the international standard of coordinated universal time, the Bureau of Weights and Measures in Paris coordinates data from atomic clocks located in timing laboratories around the globe, including the Australian National Measurement Institute. The bill sets South Australian standard time at nine hours and 30 minutes ahead of coordinated universal time. The current act similarly sets the time in this state by reference to the median of longitude—142.5° east of Greenwich Mean Time, which equates to 9.5 hours every 15°, equalling one-hour.

The bill fundamentally relates to the measurement of the passage of time. It is not—and I repeat—not about time zoning in South Australia. It has no relationship with the adoption of Eastern Standard Time or true Central Standard Time, nor any change to or discontinuance of daylight saving time. The bill will have no practical effect on the general community. The public and businesses that rely upon precise time measurement, however, will benefit from the certainty in the use of uniform terminology in standard time legislation throughout Australia. I commend the bill to the house. I seek leave to insert the explanation of clauses in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

1—Short title

This clause is formal.

2—Interpretation

This clause defines terms used in the measure. *Co-ordinated Universal Time* is defined to mean Co-ordinated Universal Time (UTC) as determined by the International Bureau of Weights and Measures and maintained under section 8AA of the *National Measurement Act 1960* of the Commonwealth. The definition of *instrument* covers a wide range of legal documents from legislation to contracts, and is the same as the definition in the *Daylight Saving Act 1971*.

3—Standard time in South Australia

This clause provides that standard time throughout South Australia is 9 hours and 30 minutes in advance of Co-ordinated Universal Time.

4—Reference to time

This clause provides that, subject to the *Daylight Saving Act 1971*, a reference to time in any instrument or in any oral contract, stipulation or direction is, unless the contrary intention is expressed, to be taken to be a reference to South Australian standard time.

Schedule 1—Repeal

1—Repeal of *The Standard Time Act 1898*

This clause repeals *The Standard Time Act 1898*.

Debate adjourned on motion of Mrs Redmond.

SUMMARY OFFENCES (INDECENT FILMING) AMENDMENT BILL

Consideration in committee of the Legislative Council's amendments.

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

That the amendments made by the Legislative Council be agreed to.

These amendments increase the penalty for the proposed offences of indecent filming and distribution of indecent film where the subject of the film is a minor. They reflect parliament's disapproval of the indecent filming of minors. In particular, I would like to say how pleased I am that the Parliament of South Australia prevailed against representations against this bill by Advertiser Newspapers and the ABC.

Mrs REDMOND: I concur.

Motion carried.

STATUTES AMENDMENT (PROHIBITION OF HUMAN CLONING FOR REPRODUCTION AND REGULATION OF RESEARCH INVOLVING HUMAN EMBRYOS) BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 673.)

Mr GOLDSWORTHY (Kavel) (15:49): I am pleased to continue my remarks from earlier today on what is really an important and serious piece of legislation that we are debating in the parliament. I was talking about the assessment I had made in relation to the support and the opposition this bill would have within my electorate of Kavel. Having spoken to quite a number of groups of people concerning legislation of this nature, it is my opinion that those who oppose this bill far outweigh those who support it. Obviously, a reasonable percentage of people would not have an opinion one way or the other, but I think that, if I had an opportunity to explain to them the progress that has been made with alternative advancements and developments in research in relation to induced pluripotent stem cells, those people I assessed as not having a particularly strong opinion would be swayed by the argument in relation to iPS cells.

In relation to the issue of stem cells and their use, and the comment and decisions people make that they are only recognised as part of the human race, so to speak, 14 days after fertilisation (after day 1, day 2 and so on; it is regarded as the start of human life after this 14-day period), it is my strong belief that, when fertilisation takes place—at that very minute, at that very moment—human life begins.

To my way of thinking, this 14-day period is for convenience. I understand that some sections of the Christian Church regard this period as acceptable in relation to when human life actually starts. That is its opinion, but my opinion and that of others obviously differ. I know that some people agree with me that the very moment that fertilisation occurs is the start of human life; I cannot see how it can be any different.

I have heard members give a description of the cells and the chemical process that takes place within the fertilised egg, of when the cells start to divide and multiply and of when the basic form of a human being commences. I have heard all that, but it still does not sway me in any way, shape or form from my belief that the start of human life is when the egg is fertilised by the sperm.

Talking in general terms about stem cells and the research that is undertaken, the sheer lack of necessity to use embryos for medical research is quite compelling. We have heard a lot of debate about adult stem cells. Medical scientists tell us that it is more difficult to obtain adult stem cells than embryonic stem cells for research and further work. We have heard about the developments concerning umbilical cord blood and what can be advanced in terms of medical technology.

I think the absolute breakthrough in all this occurred in November last year, when the induced pluripotent stem cells were first discovered. That, I think, defines the debate at the moment. There is no need to destroy human life any more given the discovery of these iPS cells. We have heard other members talk about the quite horrendous process that women go through to produce these viable embryos in relation to their IVF treatment.

I can talk about a couple of personal experiences. I have worked with women, in my previous career, who underwent IVF treatment, and they described to me what that treatment involved. It is quite unpleasant, and it has a pretty significant effect on their bodies during and after the treatment. Quite often, it is unsuccessful and these embryos that are implanted into the uterus unfortunately do not result in the development of a baby. That also has a significant effect on the women, for obvious reasons.

A significant part of this debate is about ethics, and we all know that ethics and morality play an enormous role in medicine, medical research and medical science. The very basis of medicine includes those issues of ethics and morality. We need to be extremely mindful of those areas when we consider legislation such as this. Obviously, there is a range of views about the ethics and morals of using embryos for medical research.

As I said earlier, a big part of this is also about people's own individual beliefs, their ideologies, their philosophies—there is a whole range of descriptors that you can use. It is not necessarily a religious issue, either. I do not think that it is necessarily the purview of the Christian church as an institution. Sections of the Christian church obviously do not totally oppose the use of embryos for stem cell research, and I know that there are people who believe in the Christian faith and who are practising Christians who would support this legislation. Obviously there is a pretty significant percentage of Christian people who oppose it. So it is not necessarily a religious issue; it is about your belief structure, your ideology and your philosophy on these matters.

Another point that I would like to make is that this whole issue is about the advancement of medical research and the potential benefits and treatment that can come from it. I am a strong supporter of medical research. Medical research has resulted in significant advancements in the treatment of diseases such as asthma. Forty years ago, if a person suffered from severe asthma, they had to embark on some quite heavy medication that had considerable, detrimental side effects. There was not an enormous amount of medication out there that really addressed the disease of asthma. I was in that situation as a child: I was a really bad asthmatic. However, the development of medication and the new cortisone-based sprays have seen a remarkable advance in managing and treating asthma, and I have obviously benefited as a result.

This issue dates back to the 1980s, when the debate emerged in parliament about the establishment of the IVF program. I have not had time to read all the debates that took place at that time, but that was a controversial issue which the parliament had to deal with—basically, creating test tube babies. It involved taking the egg from the wife and the sperm from the husband and the baby was conceived in a test tube and then, obviously, implanted into the woman's uterus.

I understand that that was extremely controversial at that time. However, whilst I have not read all the debates, I know that all these guarantees and claims were made: 'This will be where it finishes; nothing more will come from this. We have to draw a solid line in the sand, and this is where this sort of technology, this sort of medical treatment, stops.' However, some 20-odd years later we can see where things have moved. The wedge has been put in there and it is getting hammered away. So, the gap is opening up wider and wider.

As I said earlier, in 2002 we passed legislation to allow surplus embryos to be used for medical science and research through the stem cell research avenues, and we are now looking at taking the next step, which I think is unfortunate.

I receive an enormous amount of correspondence concerning both sides of the argument with respect to other contentious pieces of legislation, particularly relating to social issues, such as voluntary euthanasia. However, in relation to this serious issue, (and I know I am correct in saying this), the only correspondence I have received is from highly trained doctors—professors, in fact—who have written to me (and, obviously, other members) opposing the bill.

I want to share with the house some information that was sent to me by Mr T. John Martin, an Emeritus Professor of Medicine at the University of Melbourne at the Bone, Joint and Cancer Unit at St Vincent's Institute. He is obviously a highly trained, highly regarded and respected doctor and he has written to me (and, I know, to other members) about iPS cells or induced pluripotent stem cells. The letter states:

> Progress with research into iPS cells has been extraordinary in 2008, firmly establishing the conversion of normal adult cells to a form that behaves exactly as embryonic stem cells, and circumventing any need for cloning to produce patient-specific cell lines...As it stands now, there is no basis for any further efforts to achieve therapeutic cloning using the transfer of adult cell nuclei to human eggs. Indeed it would be irresponsible to attempt this.

That is pretty compelling evidence, from a highly respected, trained professor of medicine and, no doubt, a whole range of medical specialists would agree with his claims; that is, there is no necessity to use embryos in furthering the research along these lines. The iPS cells have taken the place of embryonic stem cells so, in a way, this legislation that we are debating is not necessary, because we have other technology to hand that we can use in the advancement of these medical treatments.

Time expired.

Mr KOUTSANTONIS (West Torrens) (16:06): I rise to discuss this bill with the house and give my point of view on it. I can think of a number of reasons on technical grounds that I would oppose this bill, but I do not wish to bore or mislead the house with some clever argument about how this bill technically is redundant. Rather, I will do a bit of good, old fashioned John McCain straight talk and tell it like it is.

The reason I will vote against it is, fundamentally, I believe human life begins at conception. I understand there are people throughout the world, and especially in this house, who do not share my views, and I respect that; that is fine. I do not wish to place any judgment on anyone in this house who supports the legislation. I, too, do not want to see anyone suffer. I, too, would love for there to be a miracle cure. I, too, would love to see paraplegics walk again. I, too, would like to see cancer cured. I, too, would like to see an end to world disease and famine.

However, before all that—for me, and me personally—there comes a question of morals and ethics. For all the technical arguments we can give in favour of this legislation, I give one in return, and I know this might not be right for everyone, but it is right for me. I do not believe, now or ever, that anyone has the right to experiment on human life. Therefore, the question becomes: at what point do you consider an embryo, a cell or an organism to be human life? I have said to the house I believe it to be at the moment of conception.

Unlike abortion, where there are two individuals involved—the baby (or the foetus, whatever you want to call it) and the mother—this is simply about an organism, which one group of people will say is a living entity with life or a potential for life, and others will say is simply a group of cells or a fertilised egg with no potential to develop unless it is transferred to some other system—being, obviously, a mother's womb.

Again, I wish to stress to the house that I am not passing judgment on anyone in this house who votes for this legislation. As I said earlier, I, too, want the miracle cures. I, too, want to end famine and disease. I, too, want to end all human suffering, but I do not believe that we can sacrifice one level of morality in exchange for an outcome to save and help the quality of life for other humans.

There have been others in the past who have believed, as the member for Enfield said earlier, that research in the field of medical excellence should be attained at any cost. The old grave robbers who used to steal bodies from cemeteries for medical research just cut out the middle man and started murdering people whom no-one would miss. This is not the same, but at what point do we say no?

Four years ago—I think it was four years ago—we were told that the only embryos that would be used (and this is legislation that George Walker Bush and John Winston Howard supported) would be surplus embryos in research. I did not support that. John Winston Howard and

George Walker Bush—two conservative politicians who are the champions of the religious right—supported the use of excess or surplus to need embryos, which I think is a unique term for embryos, but, there you go—surplus to need. Now we are being asked to go one step further. I foresee, in my sage-like wisdom, coming back to this house (if I am lucky enough to be re-elected) to be asked to go further than just the issue of embryos being created for the purpose of embryonic stem cell research.

I cannot foresee what that request will be, but in the pursuit of scientific excellence and research there must be a moral and ethical standard as a counterweight. Who decides that counterweight is a very difficult question. I do not know the answer to that: all I can do is search into my own conscience. I will not lie to the house and say that this is simply a humanistic response. I am a Christian. I am an Orthodox Christian. I celebrate a liturgy regularly, and I make no apology for that to anyone. That is right for me, but I do not wish to impose it on anyone else. I do base my decision on my faith, because I need to have some moral counterweight to scientific research, and that is the world to which I go for my reasoning.

I am not saying that it is right for everyone. So, with those few words—I do not want to delay the house—I conclude by saying that I oppose this bill, and I ask members to consider that, first, I do not think that anyone in this state will utilise this bill being passed; and, second, to not so much consider their vote on this bill now but consider what they will be asked to do next. Where will it end? I thank the house for its silence and listening to my contribution, and for the smiles from my colleagues—

Ms Breuer: Stunned!

Mr KOUTSANTONIS: I am sure I've convinced her.

Ms Breuer: Very convincing.

Mr KOUTSANTONIS: I am glad I have convinced her. With those few words, I ask members to oppose the bill.

Mr HANNA (Mitchell) (16:12): I am speaking today in relation to two pieces of legislation: one concerns the prohibition of human cloning for reproduction; and the other regulates research into human embryos. We are using the shorthand expression 'stem cell research' to refer to this issue which is now before the parliament. In December a few years ago, a committee chaired by the late Justice John Lockhart reported to federal parliament and the Council of Australian Governments on the federal legislation on human cloning and embryo research.

The Lockhart report contained 54 recommendations and said that researchers should be allowed to use sematic cell nuclear transfer—also known as therapeutic cloning—to generate disease specific stem cell lines in licensed research projects. Indeed, we have commonwealth legislation in place which provides a licensing regime for this sort of activity. That regime applies in South Australia. It applies to scientists working within corporations which are carrying out this research. The two pieces of South Australian legislation being dealt with today are dealt with together because they concern the same subject matter.

I have mentioned that there is already commonwealth legislation which permits the research activity to which many members object. However, it is not clear that the commonwealth legislation covers universities, where one can imagine such research might be carried out; and that is because of the limits to the corporations power in the federal constitution.

I turn now to the core subject matter. There are some limits where everyone is in complete agreement. No-one is prepared to countenance human reproductive cloning. It is also agreed that whether or not the current proposal becomes law, no-one will be allowed to create reproductive embryos for research purposes. In this context a reproductive embryo is one created by fertilisation; that is, by a human sperm and egg.

The current proposal, essentially, would permit using reproductive embryos for research purposes where the embryo is excess to the infertility treatment undergone by a couple and where the couple has given fully informed consent to use of excess embryos for such research. Secondly, it is possible to create embryos by technical manipulation in the laboratory using precursor cells. The proposal is for these to be used in research under certain conditions, but such embryos must not be used for implanting.

In the case of both reproductive and research embryos, the legislation will not permit development of the embryo after the point of 14 days. The point of 14 days is critically significant in

the development of an embryo. I learnt a lot about this at a stem cell forum that I organised in my community nearly two years ago. The forum was open to the public and everyone in my community was welcome, whether they had preconceived notions about the stem cell issue or were simply there to learn more about it. One of the most amazing things I learned was that after fertilisation the cells multiply in a certain manner until they get to 14 days. After 14 days the very beginning of formation of a distinctly human form starts. It is the same for every human being and it is the same for every mammal. It is only after 14 days that each one of us has a minutely different shape. Up to that point the process is the same for any mammal. Three rings of cells are created which later become the three types of cells in the human body. In simple terms these are the internal cells, the skin cells and, thirdly, the cells lining our internal tracts, such as the digestive system.

I note that the period of five days after successful union of sperm and egg is also significant. That is usually about the time when the blastocyte is taken to the wall of the uterus. It may also be called a zygote because it is a successful combination of a sperm and egg. It is at that stage about the size of a sugar grain. It contains a small group of cells called the inner cell mass, which gives rise to the embryo proper. One of the critical facts here is that the zygote at that point can develop into more than one embryo; so for those who say that a soul will come into that group of cells at or before that point, there needs to be logically some answer to the problem that two or three embryos may form as a result of those cells.

Ms Breuer: Good point!

Mr HANNA: The little zygote contains stem cells. Stem cells refer to cells that can multiply and even cause the creation of different kinds of specific cells. So they could create liver cells, brain cells, heart cells, and so on. Scientists are particularly keen to experiment with such cells because, if they can direct the cells to grow a particular type of body cell through technical manipulation, they could create a host of cells with the hope of implanting them into a diseased brain, heart or liver in order to save someone's life or dramatically improve their quality of life. Simply being able to study how stem cells progress from one stage to another can assist scientists' understanding of how to combat disease. These remedies are a long way off into the future. However, scientists around the world are actively working towards these cures.

It was quite touching to hear the anxious inquiries of a number of people at my community forum. A number of them had spouses or family members suffering from conditions (such as dementia or multiple sclerosis) and they were hopeful of a dramatic new cure. The latest scientific news is that it may be possible to research using stem cells drawn from adult subjects. As a matter of fact, in each of our body parts there are a few stem cells. As our brain cells die off, for example, there are stem cells in each of our brains which will produce more cells as replacements. This is a finite process in human beings, however, so eventually we run out of the ability to replenish our organs, with the inevitable results of loss and death.

I have considered the arguments for and against the passage of this legislation. Some arguments are easier to dispose of than others. It was put to the house that, because all of us as human beings were once at that stage where we were a bunch of cells grown up from somewhere between conception and 14 days, therefore those collections of cells are human. However, there is a logical fallacy to that argument. The same reasoning applies in relation to the causation for drug abuse. If one said that all heroin users started with milk, it does not mean that milk is the cause of a heroin addiction. My point is that, just because all of us have passed through that stage, we are actually talking about a specific class of zygotes where they exist only in a laboratory, test tube, or a freezer somewhere. They are not destined, in any practical sense, for the creation of a human being. Indeed, now and even after the passage of this legislation, the law will be that they may not be used for the creation of a human being.

The slippery slope argument has also been presented to us. That is the argument that, if we allow such research in South Australia, bearing in mind that it is already permitted under commonwealth law, scientists will make some more advances and then come back and ask for more liberties with stem cells in test tubes; in other words, seeking to push the boundaries even further. The reality is that that can happen now. There are other countries which have the same technology that we do but which have nothing like the licensing regime that we do. So, in the world today, scientists are working without the restraint we have in Australia due to the commonwealth legislation, and those same constraints would apply whether or not we pass this legislation.

Another argument presented to us was that there is a better alternative. The zygotes to which I have referred so far contain totipotent stem cells, that is to say, stem cells which can create cells which, later on, would be recognised as being part of a distinct organ of the human body. The

capacity has now been achieved to collect adult stem cells which are pluripotent, that is, they can grow some kind of cells but not every kind of cell. It is hoped that this advance will render completely redundant the use of stem cells derived from the excess zygotes after in vitro fertilisation processes for a particular couple.

The logical answer to this argument is: why close the door on a potential field where incredible healing may be achieved? In other words, just because there is a better alternative, why close the door on a more technically problematic alternative? Just because we now have cars that can run on environmentally friendly fuels does not mean that we scrap all the petrol driven cars. That may seem a distant analogy, but it is the same line of reasoning.

It seems to me that the various arguments I have put so far have been put forward by those who are coming from what might be called a religious perspective. The argument in essence is very simple for those who have that perspective. I look at the Bible, and everyone knows the commandment 'Thou shalt not kill'. That is at the essence of the argument for those who oppose this legislation, I believe. I do not mean to be presumptuous, but I have listened carefully to the speakers so far, and most of them who have used the arguments to which I referred earlier have really been coming from that position that 'Thou shalt not kill'.

When you combine an acceptance of that command with the consideration that a zygote from the moment of conception is a human being with a soul, obviously, you cannot destroy such a creation. That is a very simple argument. If you accept that the conception of a human being begins when the sperm and the egg successfully combine to form a zygote, you then logically must say that it cannot be destroyed without committing murder. The argument is as simple and as strong as that.

There are some difficulties that follow from holding such a position. For example, it means that if a couple is advised through an amniocentesis check at three months that their child will be grossly deformed, to abort the child is then murder—nothing less. It means also that, where there are leftover test tubes containing a zygote, after an in vitro fertilisation process for a particular couple, if those excess zygotes are dispensed with in any way it is murder.

If we were to be guided by that thinking, the in-vitro fertility process would become virtually impractical. It would be impractical, really, to attempt the extensive process one zygote at a time. The reason that scientists governing this process for a particular couple ensure that there are several zygotes available for implantation is that the rate of success is fairly low in any particular in-vitro fertilisation procedure, so it pays to have more than one shot. As I say, if we were to be strict in that view we would not have any leftover gametes in test tubes, and to dispense with any leftovers would be murder.

There is another difficulty with holding the view that conception of a human being begins when the sperm and the egg combine, and that is in relation to spontaneous natural abortions. I am advised by scientists that about three quarters of pregnancies actually terminate early, many of them without the mother even being aware that there was a pregnancy. This simply occurs naturally when the collection of cells, which has adhered to the womb—the uterus lining—discharges or for some reason does not continue with the process. In such an event, where there is absolutely nobody on earth to blame, it is difficult to understand the theological point to having creatures created only to become extinct without anyone even knowing about them, bearing in mind that the argument carries with it the belief that a soul has been attributed to that particular embryo.

The history of the belief that human life begins at conception I believe is relevant to this debate, since many in this parliament hold that view sincerely. Members would be aware of the Vatican Council in 1869, at which Pius IX made two important declarations that have altered history since: one is a declaration of papal infallibility, and the second is that at the same Vatican Council it was declared that human life began at conception.

Prior to that time (in other words, for most of the last 2,000 years), the vexed issue of drawing a line in the sand when it came to abortion and whether forms taken out of the mother's womb should be allowed to live if they possibly could was decided by taking the arbitrary point of 40 days.

I understand that in Jewish and Islamic teaching that point of 40 days is still significant in understanding when human life begins and when the soul of the person is somehow attributed to particular cells that have been formed and are growing. Perhaps this dates back to the published beliefs of Aristotle, who believed that a male soul (if there is such a thing) was joined up with the

flesh after 40 days and, for a woman, the time was 80 days. I am not sure whether today that reasoning or belief would be acceptable but, nonetheless, the point of 40 days was taken and given credence by millions of people over the centuries.

It really comes down to whether one accepts that human life begins with conception, with the successful combination of the egg and the sperm. Having considered the science, I must say that I find that difficult to believe, and that is with all due respect to His Holiness Pius IX. Another passage of scripture I have pondered deeply in considering this legislation is chapter 10, verse 10 of John in the New King James Version, which states:

> The thief does not come except to steal, and to kill, and to destroy. I have come that they may have life and that they may have it more abundantly.

Which we are in our decision in this House of Assembly I suppose we shall not know until Judgment Day.

Time expired.

The Hon. P.L. WHITE (Taylor) (16:33): This bill deals with the prohibition of human cloning for reproduction and regulation of research involving human embryos. I do not suppose that I am any different from any other member of this parliament when I say that I have been lobbied by all points of view in relation to the bill. I have been sent a large amount of data from all sides and, as members, it is our duty to inform ourselves as well as we are able.

Certainly in the media, debates of this nature tend to be painted as conflicts between science and religion, perhaps fact and prejudice and perhaps moral and ethical concerns versus practical outcomes, and things can be reported very emotionally. My colleague was talking earlier about the US election, and obviously the topic of stem cell research and embryonic stem cell research has been part of the presidential campaign.

It is not uncommon to see headlines such as 'Stem cell conspiracy', so that a lot of pressure and emotion is brought to bear. I understand that, and I hope that I treat the arguments of all members respectfully, because we all vote in good conscience on these matters.

The US presidential election campaign has been a very interesting campaign. On these matters, however, it has been interesting how both Republicans and Democrats have come out with the same formal policy on this. They both support the relaxation of federal restrictions on the financing of embryonic stem cell research but, even within the campaigns, there has been a lot of disagreement.

I was watching some reporting here of an interview with Sarah Palin, the vice-presidential nominee for the Republican Party, who was asked about some of the Republican ads that were played. I will quote some of the text of those, which went something like this:

> They're the original mavericks. Leaders. Reformers. Fighting for real change. John McCain will lead his Congressional allies to improve America's health. Stem cell research to unlock the mystery of cancer, diabetes, heart disease. Stem cell research to help free families from the fear and devastation of illness. Stem cell research to help doctors repair spinal cord damage, knee injuries, serious burns. Stem cell research to help stroke victims.

When asked whether that meant adult stem cell research or embryonic stem cell research, it became apparent (and Ms Palin admitted it) that there was disagreement in the campaign about all of this. I raise that just to say that these are hard issues that require a lot of thought for all of us.

What do members of parliament do? Members bring their own values, standpoint and beliefs to their judgment in making a decision on how to vote on such a bill. I am a practising Christian. Before politics, I have worked as a scientist. The other relevant point I perhaps should mention is that last year my mother was diagnosed with Parkinson's disease which, as you know, is a degenerative disease, and one of the illnesses for which, it is hoped, through this sort of research, a cure will be found.

There is an assumption that a Christian cannot vote for stem cell research. I do not believe that is true. I would describe my own faith as an open, dynamic and, hopefully, courageous faith where continuous questioning is part of my faith. God, for me, is found in life, and life is complex, not simple. So, my decision-making in all of these matters is not simple.

My decision is to support the bill. I think the member for Mitchell said, 'Why close a door?' and I say, 'Why put up a roadblock?' There has been a lot of discussion in this house. It has been said that this legislation is obsolete, that a new cure has come along, that we do not need embryonic stem research any more. I do not see it that way.

The cure or the modern techniques that people refer to are induced pluripotent stem cell techniques. I do not want to go into technicalities about all of these things other than to say that that very new research is in its early phases as, in a lot of ways, is embryonic stem cell research. These are two lines of scientific research that are progressing concurrently, and it just so happens that a lot of the techniques, knowledge and development in each of them is informed by the other. So, a lot of the knowledge that comes through adult stem cell research techniques is informed and progressed through embryonic stem cell research.

What is the potential of stem cell research? We have heard about a lot of the degenerative-type diseases: the blood diseases, the immune diseases, Alzheimer's and Parkinson's disease and even potential improvements with respect to people with hearing and vision loss. There is a lot of excitement about recent advances in somatic cell nuclear transfer, which is a method of making sure that the human body does not reject a cell implanted in it, because this technique allows one to insert stem cells into the nucleus of the embryo. It is hoped that the use of these techniques will lead to discoveries through the modelling of diseases and the research and perhaps testing of drugs on these cells. It will lead to advances that down the track will provide cures for these illnesses.

There is another reason why we should not stop this area of research that is enabled by this bill, and that is because it would inhibit so much of what the IVF clinics can—and, I would argue, should—do. I refer to the area of research with respect to improving outcomes in IVF; making IVF procedures safer for patients; studying and developing methods to prevent miscarriage; and introducing new technologies.

One of the points is that when you have developed new proteins that would be useful in the cure of Parkinson's, for example, the question becomes: how do you make the stem cells and how do you get the body to accept them? So, while a lot of advances have been made in the adult stem cell area, what is still really in its infancy is the clinical applications: how do you safely make these techniques work in a planned, evidence-based way?

So, there are really two things: the IVF procedures and the potential cures for degenerative diseases and a number of diseases with respect to which we would all like to have some progress made in the scientific area.

It has been said that these new iPS techniques make redundant the work in embryo research. That is absolutely not true. It is very early days, and a lot can go wrong. However, it shows a lot of promise. Hopefully, what will happen is that these two streams of research will be allowed to progress and, through them, information learnt from one field and the other will inform progress towards cures for some of these debilitating diseases, which are widespread within our population.

So, rather than seeing this bill as something that inhibits life, I see it as something that enables life. It is a very complex issue. I respect those members who have an alternative point of view and see it in a totally different context, but I hope that we can pass this legislation and, in doing so, we will enable research to progress. The techniques developed today will probably be obsolete down the track. I know they will: that has happened to some of my own research. A young person came to me the other day and talked about some research I did 20 years ago—and referred to it as 'ancient history', which did not make me feel too good. This person also asked, 'Why would you do it that way? We have got this technique, this technique and that technique.' I had to explain to this person that none of those techniques was available at the time and, in fact, some of those discoveries were progressed because of the work I had done 20 years ago.

That is how research progresses. What we use in the future may well not be what we use today but, by setting up the road block and cutting off this avenue, I think we do humanity a disservice. For those reasons, I urge support of the bill.

The Hon. R.G. KERIN (Frome) (16:46): I congratulate the member for Taylor on her speech. I think she covered the topic very well. There are two churches in my electorate that gave petitions to me in a format that cannot be tabled in the house, and I would like to mention those two petitions so that those people know that their concerns have been both put forward and listened to.

The first petition is from the Lighthouse Church, which is the Port Pirie Uniting Church. It has 53 signatures and says:

> We, the undersigned members of the Lighthouse Church Port Pirie Uniting, wish to express our concern to you, and our rejection of any approval to experiment on human embryos regardless of how they are created.

Then it goes through a few things and finishes with this:

> It is our understanding that research using adult stem cells has developed with some success. We would encourage parliament to peruse these research endeavours and reject the bill under consideration.

I thank those people for putting their point of view. One of the issues with that petition is the last paragraph. I have had far more opportunity than these people to speak to scientists, and others, and that part of the argument is perhaps debatable.

The other petition carries in excess of 200 signatures and is from St Mark's Parish at Port Pirie and Crystal Brook. It states:

> Human embryos are human—no matter how they are created. The respect for human life belongs to all members of the human family. This includes the aged, the infirmed, the disabled and, at the very beginning of life's journey—the embryo.
>
> The bill under debate in the state parliament proposes to allow human embryos to be created by cloning with the expressed intention of destroying them for research purposes. Human life should never be devalued in such a way. The embryo is not a second-class citizen.
>
> We have all heard how the scientific community hopes to find cures for all sorts of ailments through human cloning and research. To this we say simply that it is never right to take a human life in order to save another. The successful treatments arising out of ethically sound adult stem cell research also tells us that experimentation is unnecessary.

I have taken notice of the last sentences of both groups, and it is one of the areas about which I have asked questions. I have been to briefings and read up on it, and the alternative is not as proven as has been put to these people, that is, that the alternative is proven. There is a big question mark about that.

I think the other issue is the practicality of defeating this bill. After what has happened in the federal arena and in the other states, and the doubt over the Corporations Law, there is no doubt that this research will occur. It is just a matter of where it will happen. I would be somewhat concerned that, if we do not go ahead, we will lose research, and very good research, in this state and not gain the benefit that those who would oppose the bill would like us to gain. That, in itself, is a worry.

Through Bio Innovation SA, which I set up in the late 1990s, I have had enormous access to the research community in this state and probably more opportunity than any other member to speak with the research community over a long time. I have always followed with interest what they are doing in biosciences in health, agriculture and the environment. I think there is still a mentality in Australia that says scientists are mad people in coats. We only have to look at the member for Taylor to know that is not right. She is not quite mad. I have great respect for our scientific community, and I think the lack of trust in science, whether it has to do with GM foods or a whole range of other things, is not as justified as many would try to argue.

In addition to that are the benefits, and potential future benefits, that this research can bring for mankind—for many suffering people and for a lot of people not yet born. It is really hard to not take that into account fully. There is the ethical side of it, but part of the ethics, from where I see it, is very much about the benefits that this can bring to a range of people.

I have great respect for both sides of the argument, and certainly the signatories on the two petitions that I have. I know a large number of those people and I respect them greatly. The only thing I would say to them is almost by way of apology for not following what they would like me to do. I have had an opportunity to take into account their point of view and I have spoken to people about their statements of concern but, given the weight of those arguments, I have decided to support the bill.

As the member for Taylor said, we have a responsibility to research to try to understand both sides of the argument. As I also said, defeating this bill practically achieves nothing because of where we sit in the federal scheme of things. I support the bill with the reservation that I am not doing what some of my constituents want. They are people I greatly value, but the loss of research is the fact that swings me to support the bill, because we achieve virtually nothing if this bill is defeated.

Mrs REDMOND (Heysen) (16:53): It is my pleasure to stand and make a contribution on this bill. It is always interesting to hear the contributions of members on bills such as this where there is a free or conscience vote for every member of the chamber. I often think that it is some of the best work that we do in this place, because too often party lines (and I do not want to make this

a political discussion), particularly on the other side, do control the way people look at things. Indeed, I have stood in this place on a number of occasions making speeches where members on the other side are nodding their agreement with my comments, but when it comes to the vote their vote does not go along with that agreement.

The first thing I want to say about these bills is that I really doubt the capacity of any legislature anywhere to keep up with developments in science. I say that on the basis that probably 100 hundred years ago things progressed in this chamber in a relatively slow fashion, but our scientific knowledge is growing at such a rate that I do not think we can possibly hope as a legislature to keep up with developments. In fact, I heard the member for Enfield in his contribution (which I listened to from my room this morning) talking about the sorts of issues that arise with that very problem.

I quickly want to go back over the statutory history as to how we come to be here and then look at my understanding—limited as it is—of the nuts and bolts of this legislation. This piece of legislation, I think, realistically has its emanation out of the commonwealth legislation of 2002. At that time the commonwealth passed two pieces of legislation: they were the prohibition of human cloning and the research involving human embryos—both acts of the commonwealth parliament in 2002. We then addressed in 2003 two bills which had identical names. My recollection of those bills is that the primary purpose of them was that, for some time in this and other states around the country, we had what we all know as IVF.

People who had fertility problems as a couple were able to address that using this process whereby an egg was fertilised, not necessarily within the woman's womb, but they were able to overcome their fertility problems. The specific nature of what we dealt with in 2003, it is my recollection, was that when people undergo IVF processes usually more eggs are harvested than are needed because they never know when they are undergoing the process how many eggs will be needed to effect a successful pregnancy and bring a pregnancy to fruition. There were these eggs that were supplemental to the number that turned out to be required.

The main thrust of that legislation we dealt with back then was to do with this issue: 'Well, do we simply flush those away and be rid of them?', which was the current process, or, 'Is it legitimate, ethical, allowable and moral, and is there a religious problem for us in deciding to use those eggs which are surplus to requirements?' When the federal parliament passed its legislation it was passed on the basis that there had to then be a review of that legislation and its workings within, I think, two years. A Federal Court judge (who I think is now deceased) by the name of Lockhart was engaged to undertake that review. He undertook that review during 2005 and presented a report.

At the end of October, I think, 2006, the then senator Kay Patterson introduced some legislation into the commonwealth parliament which basically took up most of the 54 recommendations made by Professor Lockhart in his report and which was consequential upon that original legislation. The federal parliament then debated that legislation and passed it; and, like this chamber, it debated it as a free or a conscience vote issue. Many people from mixes of parties were voting each way on that legislation. That having been done, we now face the question in this parliament as to whether we should then follow what the commonwealth has already implemented in that legislation; and, indeed, some other states (notably not Western Australia at this stage) have introduced legislation which flows directly in line with the federal legislation.

At the outset, I want to say how grateful I am to the Parliament Research Library. A paper was presented by Dr Zoë Gill, although she acknowledges various other people within the research library, such as Eva Dimopoulos, Dr John Weste and David Brooks who also had input into the preparation of this paper. It was a very useful paper to read in preparing and trying to think my way through the issues in relation to this particular matter. The other person who has had any input at all into my knowledge of this is Professor Grant Sutherland, who was generous enough with his time to give those of us on this side of the house way back in 2003 some information. He came to speak to us as a group, not to put any moral position to us but simply to explain the science. Without having the benefit of the member for Taylor's scientific background, I am grateful to have any help with that scientific background.

In terms of the actual proposal before us today, I have to say that I do not have a great deal of difficulty with it. It seems to me that the original idea of in vitro fertilisation was probably more contentious. But that is long gone. I remember young people who are now in their 20s having arrived via in vitro fertilisation, so it has been with us for a fair while and certainly before I was ever applying my mind to the issue. My understanding is limited. I was but a lawyer, but my

understanding is that the basic process was that eggs were harvested from a female and combined, either within or without the body, with the sperm of a male, creating an embryo, which was a reproductive embryo, and that was then placed into the womb and allowed to develop in a normal way.

I understand that is not at all what we are dealing with here. My understanding from the parliamentary research paper is that we are dealing with a completely different sort of embryo. Those reproductive embryos are eggs fertilised by sperm. What we are dealing with here are research embryos that are created through technical manipulation of egg cells in a laboratory, but no sperm is involved and no sperm is required for the process.

I further understand from the research paper that there are two methods of production of research embryos. There is the one that we are concerned with here, which is called, in its long title, somatic cell nuclear transfer. That process involves introducing DNA into an egg cell. It might be DNA from one's own body into an egg cell and allowing it to grow. The other method is called pathogenesis, where no DNA is added. According to what I have read, it is still unclear whether that method can produce viable embryos.

As I understand it, what we are dealing with is a process whereby an egg is used in combination with DNA to produce a therapeutic cell. Like other members, including the member for Taylor, I have been somewhat inundated by people from either side. In fact, I was discussing with the member for Enfield the fact that reality probably lies somewhere between the two extremes of thought on this matter. On one side there are people who think that if we vote in favour of it we will be damned for all eternity because it is the destruction of human life and, on the other side, there are people who are promising relatively quick solutions to some diseases that afflict our community.

Like the member for Enfield, I come to the conclusion that the truth probably lies somewhere in between and it is neither one thing or the other but a mixture of both. I do not face any moral dilemma about this particular scenario. It seems to me that we are simply dealing with an egg. It is not a fertilised egg. Therefore, I have no religious difficulty about the idea of the destruction of human life because this is not ever potentially the destruction of human life. It is simply an egg. I think it is no different from my becoming a blood donor and giving my blood cells and platelets—and whatever else is taken when I give blood. I think it is as straightforward as that.

I cannot see on any argument that one could suggest that this involves the destruction of human life because we do not have a fertilised egg in the process. There is no sperm involved. The member for Enfield in his contribution asked why a woman would go through this process. Indeed, I was having a private conversation with him about the issue. Why would a woman go through the process of harvesting eggs? In previous legislation we have allowed for the use of eggs which are residual after successful pregnancy with in vitro fertilisation. Rather than simply flush them away we passed legislation to enable them to be used for research. My answer to the member for Enfield's question about why a woman would do this is that I see a vast community benefit in doing it.

Indeed, in the research paper prepared by the parliamentary research library there is some mention of the various things that might be helped by research under this method including Parkinson's disease, Alzheimer's disease—which is dear to my heart because I am looking down the gun barrel, having lost my mother and grandmother with Alzheimer's disease—spinal cord injury—and I acted for a lot of people who had sustained spinal cord injury—stroke, burns, heart disease, type 1 diabetes, osteoarthritis, rheumatoid arthritis, muscular dystrophy and liver disease. I suggest that every member in this chamber knows someone amongst their family and friends who is affected by one of those diseases. It seems to me that that alone is sufficient motivation for a woman to say that she is happy to make eggs available.

I am no longer in a position where I am able to make a donation, but I would have no qualms whatsoever making a donation. No doubt, there would be some discomfort, but there is discomfort in giving blood. There is discomfort in many things we do, but for the greater good of the community I can honestly say that, if I were able to do so, I would happily provide eggs for the purpose of research. I do not have any moral dilemma on this bill because there is no sperm and there is no fertilisation. Therefore, there cannot be conception and human life. On any religious ground, I cannot see where the objection can lie.

This bill simply allows the creation of these embryos. They are called human embryos simply because the egg from which they are created has come from a human being, but it does not

mean that they have some sort of humanity: it is simply a cell. This scheme allows for the use of embryos created other than by fertilisation under the terms of a licensing regime in research, training and commercial applications, all controlled under the regime created by the legislation.

I have read the arguments from both sides. I thought that some of the comments were rather emotive. People are often surprised when I say to them, 'I think that the major job I have to do as a member of this parliament is to think.' People always think that being a member of parliament is all about being in here and making fools of ourselves during question time, being on the television or attending functions, but, in my view, the main purpose of a politician is to think about the issues, because everyone's lives are so busy that the people who elected us do not have the time, the resources or the capacity to gather the information to make a reasoned decision about all the complexities of things that confront them every day.

I am not a great believer in the idea of a democracy whereby everyone makes an instant decision on things, usually from an uninformed basis or a gut reaction to something, and everyone votes yes or no—citizens' initiated referenda and so on. I think my job as the representative of my electorate is to do the best I can to gather all the information, consider all the arguments, apply the best thinking I can to what has been put before me and come to the conclusion that I think is the best. And so, in my view, my job is to think. Having thought about this, I have reached the conclusion that this is something that we should support.

I mention one more thing and it is something the member for Morphett very kindly put in front of me just a few minutes ago. It is from the University of Adelaide, in particular Professor Robert Norman, who is the Director of the Robinson Institute at the University of Adelaide. It only arrived literally at 10 to 3 this afternoon. I will not read the detail of his letter, but he is writing on behalf of the leaders of the newly established Robinson Institute for Research in Reproductive Health and Regenerative Medicine at the University of Adelaide. He leads over 150 research and clinical scientists who bring more than $25 million per annum of competitive money into the state for medical research. On behalf of that group, Professor Norman has written to say:

> We urge State Parliamentarians to support the current proposal to amend the Bill regarding stem cells and embryo research...The success of the bill is essential for University and Hospital based researchers to continue their studies into the use of stem cells and embryos for cures for diseases including cancer, neurological and blood disorders, infertility and renal disease to name but a few.

I have not concentrated on the economic side of the argument because I think it is more a question of moral and ethical views, and, for some people, a religious dilemma. As I said, my conclusion on a religious basis is that I have no difficulty with this bill because, by any means, it is not taking a human life.

I heard the member for Mitchell talk about the fundamental principle of not taking human life, but I would suggest that, even on the interpretation of Pope Pius IX in 1680 (or whenever he said it was), it would not be considered to be a human life. It is a cell with DNA added which, potentially, can be used for therapeutic purposes once we do some further research. So, quite apart from the economic argument that has been put, I indicate my support for the bill.

Mr VENNING (Schubert) (17:12): I will probably make one of my shortest speeches in this house. I was not going to say anything at all, but I do not think it is right that any person should be in this place and not declare his or her hand. I will not be supporting this bill, but I have a lot of sympathy for it. I have had many discussions about this, particularly with the Lutheran fraternity in my electorate, of whom 75 per cent are very strong believers. I lost my own parents to Alzheimer's, and Parkinson's disease was quite prevalent in the Venning family many years ago. All these things are raised.

I cannot understand why many of these embryos, which are already in the system—because, for their own reasons, couples who put them there to make a family no longer want them—are discarded. I have never understood why they were not picked up and used. In my 18 years in this place, I have spent a lot of time in my newsletters and other things dealing with issues similar to this, and this is the hardest one. I have never voted for euthanasia, for which I also have a lot of sympathy, because I could never convince my electorate that that was the thing to do.

I believe that the bottom line at all times for any person in this house is that each of us represents our constituency, and when it is clear, as it is in this case, that my electors do not want me to support it, I will not. However, I have to say that I have a lot of sympathy for this issue. I appreciate all the advice that has been given to me over many years from the Right to Life Association and other people. I notice Mrs Phillips in the gallery. She has always given me good

advice on this matter and we have had some good debate, but, in the end, I represent my people and I will not be supporting the legislation.

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (17:15): I will start by thanking all members who have contributed to this debate. I have listened to most, if not all the speakers—and I apologise to those whom I did not hear earlier today; I had another function on—and I congratulate all of them. I think it has been a very civilised debate. It has been a debate without rancour, without point-scoring and without name-calling. Members have expressed their opinions—

Mrs Redmond interjecting:

The Hon. J.D. HILL: No, thank you. Members have expressed themselves clearly and passionately, and they have articulated their points of view. I agree with the member for Heysen that conscience vote issues can be very difficult and troubling for members of parliament, but they do make the most interesting debates, and they do make the most interesting times in this house. I think people do speak about how they are feeling, and that has been very good.

As a proponent of this legislation, I am making it clear that I support the legislation. I want to go through a number of the issues, just for the record, which pick up some of the things that other members have raised, I hope for the point of clarity for the historic record in case anybody in the future wants to understand what was going on.

Since the statutes amendment bill of 2007 was tabled in the parliament—and that is about a year ago—there have been developments in science and regulation that I recognise that members of parliament have taken into account in this debate. First, I would like to summarise some of the points I made in the second reading speech that are pertinent to the debate that we have had. The purposes of the changes proposed by the bill are:

- to streamline current processes for embryo research licensing and to strengthen oversight;
- to extend the scope to regulate the creation, development and use of all embryos, not just excess ART embryos and to regulate the use of donated eggs;
- to alter the definition of an embryo to reflect the point at which fertilisation is complete;
- to extend the criteria for licences issued for research and training to include the use of the embryos not created by fertilisation;
- to permit a licence for research techniques such as somatic cell nuclear transfer and parthenogenesis;
- to clarify what constitutes proper consent by donors and an embryo that is unsuitable for implantation;
- to strengthen and extend consent provisions to include all donors whose genetic material is incorporated in the cells used; and
- to increase penalties for breaching prohibitions.

Some things will not change under this legislation. Human reproductive cloning will remain prohibited in Australia. Stringent licensing and transparent public reporting requirements will continue to apply to research, diagnostic testing and training using human eggs and embryos. Strict oversight and monitoring and transparent accountability requirements will apply to laboratories. Compliance with national NHMRC ethical guidelines on the use of assisted reproductive technology and clinical practice and research, as updated in 2007, will remain mandated.

If the bill is passed, the public can be confident that scientists and researchers will operate under a nationally consistent and responsible regulatory and licensing framework according to nationally endorsed legal and ethical standards. As I said in October last year, the national scheme needs to be responsive to developments in technology and shifts in community attitudes and standards. There have been developments in technology in the meantime that members will want to consider.

First, I turn to embryonic stem cells and induced pluripotent stem cells. Embryonic stem cell research seeks to generate stem cells for research using eggs but no sperm to enable development of cell lines genetically matched to a person with a particular disease or injury, enabling research into causes and potential treatments for their condition.

After 20 years, many hurdles have been overcome, and this year, embryonic stem cell therapies are undergoing clinical trials in humans. In 2007, scientists announced the production of human induced pluripotent stem cells (iPSCs) through a new technique that artificially derives pseudo-embryonic stem cells—not embryos—from non pluripotent adult somatic cells by gene manipulation and stimulation. These iPSCs are not regulated by Australia's research involving human embryo acts.

Reports in the internationally respected journal *Nature* tell us that two decades of embryonic stem cell research have built a sound knowledge base, which is now being applied to help fast-track iPSC research. Although iPSCs may be a promising tool for basic research, disease modelling and drug trials, they remain an unknown quantity. iPSCs are genetically modified, and the use of genetic alterations and viruses in their creation makes them less predictable and risks causing tumours.

Professor Peter Rathjen informed the briefing session for members of parliament in April that that the derivation of iPSCs takes somatic cells backwards to their original form in the embryo, an abnormal process which may generate abnormal cells, whereas the development of ESCs follows the normal direction of developing early cells into mature cells in a controlled manner. He advised that much more work is needed before iPSCs could prove safe or useful to humans.

Australian researcher, Professor Alan Trounson, who heads the world's biggest stem cell research project at the California Institute for Regenerative Medicine, has advised that stem cells derived from skin have not been fully investigated and are still far from ready for clinical use because of their potential to cause cancer. Professor Trounson advised that embryonic stem cells, which do not carry the same risk of mutation, are currently the only option for therapeutic trials and that many scientists will continue to research embryonic stem cells because they are the gold standard.

Majority scientific opinion seems to be that ESC research should continue while the problems with iPSCs are being investigated. ESCs can address questions about early human development that iPSCs cannot. Research with both iPSCs and embryonic stem cells may eventually lead to the development of patient-specific stem cell lines suitable for clinical use.

I now turn to infertility research. There is another very important area of research that uses human embryos but where iPSCs cannot be substituted. Embryo research has for decades been critically important in maintaining and improving the efficacy, quality and safety of infertility treatment procedures and minimising the risks to couples and children born of assisted reproductive medicine.

South Australia hosts a recognised centre of excellence for infertility research at the University of Adelaide and has been a national and even a world leader in research to improve assisted reproductive medicine outcomes. This research has for decades relied on the generous donation of excess embryos by couples being treated for infertility.

South Australian laws currently prevent embryologists in reproductive medicine clinics from stimulating human eggs to divide and grow without fertilisation through a process called parthenogenesis, so they can be used in training and trialling new techniques. The proposed amendments permit parthenogenesis and will allow reproductive medicine research and training to use activated human eggs instead of embryos.

I now turn to the issue of national consistency. In June 2007, following the passage of the commonwealth amendments, the Parliamentary Secretary to the Minister for Health and Ageing advised that he had revoked the previous declarations that made equivalent state and territory laws 'corresponding acts' for the purposes of the national scheme. This meant that the NHMRC Embryo Licensing Committee could no longer issue research licences under the state acts until those acts were amended to be again corresponding with the national legislative scheme.

State and territory premiers and chief ministers signed an intergovernmental agreement at COAG undertaking to table amendment bills with the aim of ensuring ongoing national consistency. The Victorian, New South Wales, Queensland, Tasmanian and ACT parliaments have since amended their equivalent legislation, and the Western Australian and South Australian parliaments did table amendment bills. The Northern Territory has no equivalent legislation.

Members would be aware that the Western Australian parliament did not pass amendments to their equivalent laws. As it has ceased to be a corresponding act and has not been amended, the commonwealth's NHMRC licensing committee cannot issue a licence for research

using human embryos under the Western Australian act. It is unclear whether NHMRC inspectors could inspect and monitor compliance with prohibitions and research requirements by Western Australian laboratories.

South Australia would be in a similar position to Western Australia if the amendment bill were defeated in the parliament. Since 12 June last year, when the South Australian act ceased to be corresponding, researchers regulated under the state act have not been able to apply to the licensing committee for a licence to conduct any embryo research at all. However, South Australian researchers regulated under the commonwealth act have been able to apply for a licence under the amended commonwealth legislation to conduct research that is currently not permitted by the unamended state legislation.

If parliament does not pass this amendment bill, the researchers who are clearly operating within a corporation will be able to apply for a licence to conduct research that is legal under the commonwealth acts. The status of researchers operating within the university environment will remain uncertain. The commonwealth has advised that the NHMRC licensing committee would have to consider an application for a licence from a researcher in a corporate entity. However, if the state legislation does not permit the research proposed, even if a licence is granted under the commonwealth act, there is uncertainty whether researchers can carry out research in a manner that conflicts with the state legislation.

It remains the case that no South Australian researcher has sought a licence to conduct human embryo research. However, researchers have foreshadowed interest in seeking a licence for improving techniques and outcomes in reproductive medicine in the near future. So, legal clarity and national consistency remain critical. Whether or not the South Australian parliament passes the bill, the commonwealth act provides for a further review in three years, allowing for continuing parliamentary oversight into the future.

I refer to a number of issues that were raised. The issue of increased penalties for prohibited practices was raised by the member for Bragg in her speech. She referred to penalties for prohibited offences as 10 years' imprisonment. I remind and clarify for members that these amendments to the Prohibition of Human Cloning for Reproduction Act 2003 (clause 7, substitution of part 2), increase penalties for prohibited practices being considered in this place from 10 years' imprisonment to 15 years' imprisonment, consistent with the commonwealth legislation. Prohibited practices which, if passed, would attract a 15-year term of imprisonment are:

- creating a human embryo by a process of fertilisation of a human egg by a sperm outside the body of a woman for a purpose other than achieving a pregnancy in a woman;
- intentionally creating or developing a human embryo by a process of fertilisation of a human egg by a human sperm outside the body of a woman; and the human embryo contains material provided by more than two persons, unless under licence;
- developing a human embryo outside the body of a woman for a period of more than 14 days, regardless of how it was developed; and
- altering the genome of a human cell in such a way that the alteration is inheritable by descendants of the human whose cell was altered and, in altering the genome, the person intended the alteration to be inheritable by descendants whose cell was altered.

Increased penalties also relate to the prohibited practice of trading, importing and exporting of gametes (oocytes or sperm). In addition, the human tissue acts nationally and the Transplantation and Anatomy Act in South Australia prohibit payment for any organs or tissues, including eggs.

Members also made a number of assumptions about sources of embryonic stem cells that were factually incorrect. Although stem cells can come from a variety of sources (for example, umbilical cord, bone, etc.), the most valuable source of stem cells found to date is from the embryo. This is because stem cells from the embryo are able to develop into a much greater number and diversity of cell types than stem cells derived from other sources. This is why stem cells are an exceedingly valuable resource.

Many members have suggested in their contribution that the only source of embryonic stem cells are cloned embryos. This is, however, not correct. Stem cells can be yielded from embryos that have been artificially grown in Petri dishes. In this way, such embryos are created and grown under the same conditions as embryos grown for IVF purposes. This yields a valuable supply of stem cells that can be used for a variety of therapeutic research purposes.

Stem cells can also be derived from somatic cell nucleus transfer or therapeutically cloned embryos. Therapeutically cloned embryos are created in a multi-step process. First, an egg is taken from person A, and the nucleus, which contains the DNA of an egg, is removed. Secondly, a cell from person B is selected. The nucleus of this selected cell is removed and placed into the egg (now containing no nucleus) from person A. Thirdly, the egg containing the transplanted DNA is given a short electrical stimulation which, effectively, tricks the egg into thinking that it has been fertilised. At this stage, the cloned embryo is treated and cultured like any other embryo grown outside the body.

Ultimately, like the non-cloned embryo, the cloned embryo will be able to yield valuable stem cells which can be used in many different research applications. However, the one important difference is that the cloned embryo would contain DNA that is derived from somebody other than the donor of the egg. In the example given, the DNA in the stem cells would be a genetic match with person B, rather than person A. This, therefore, makes a very important type of research possible that is not available from non-cloned embryos.

Just as when whole organs are transplanted in a human body, one of the complicating factors with using adult stem cells is the possibility of rejection of the foreign cells from the recipient. By cloning stem cells, they are effectively being tailor-made to the donor's genetic constitution.

Therefore, cloned embryonic stem cells open up the possibility that research can occur for developing stem cell therapies tailored to individuals, which are more likely to be successful. This type of research cannot currently be reliably performed with stem cells from sources other than from cloned embryos.

I turn now to the issue that was raised by at least one member: who will donate eggs for stem cell research? Under the proposed changes, women who undergo assisted reproductive treatment will be able to donate surplus eggs for cloning. At the moment, surplus eggs are able to be donated for research. However, eggs are only able to be fertilised for the purpose of creating embryos intended to be used to form a pregnancy. This means that, at the moment, surplus eggs can be used for research excluding that relating to stem cells.

The proposed changes will permit surplus eggs to be activated for the purpose of creating embryos to harvest embryonic stem cells. Women with sufficient emotional motivation could include women who have significant personal attachments to people afflicted with debilitating or life-threatening conditions or diseases that would potentially benefit from stem cell therapy. Such people could include their family friends or even themselves.

It will not include women wishing to profit financially. Limitations have been put in place to enable women to be compensated for acceptable associated costs surrounding donation but to prevent the generation of profit. It will not involve a black market whereby women who want money can secretly donate eggs for fees. Establishments that engage in any form of research involving embryos, including stem cell studies, must prove adherence to strict standards during routine comprehensive auditing procedures to ensure that licences are not revoked.

Without licences, research cannot be performed and many forms of funding are not supplied which provides a strong motivation to comply with strict licensing requirements. Research centres are also required to publish all relevant data. The more research that is published, the more competitive is the research institute and, therefore, the more likely to secure future funding. Results that have been obtained in improper ways cannot be published. This provides further motivation for complying with strict licensing requirements.

I turn now to the creation and use of hybrid embryos for research purposes. The member for Morphett claimed that my second reading explanation may have given incorrect information regarding the inclusion of the creation of hybrid embryos. The creation of hybrid embryos, as indicated in my second reading explanation, is only permitted with a licence and for the purpose of the diagnostic testing of sperm within an ART clinic.

The bill (like the commonwealth legislation) prohibits the creation and use of hybrid or chimeric embryos for any other purpose and attracts a term of imprisonment of 15 years. In recommendation 24, the Lockhart review recommended allowing hybrid or chimeric embryos so as to reduce the number of eggs required. However, the commonwealth parliament did not adopt the recommendation, and I am not moving it in this legislation.

Even if the state act were amended to allow for the creation and use of hybrid or chimeric embryos for embryonic stem cell research, the NHMRC could not issue a licence because the creation and use of hybrids is prohibited under the commonwealth act (and there are heavy penalties increased from 10 to 15 years as I have already said) except under licence for diagnostic sperm testing in an accredited ART facility.

I have received today a letter that should have been sent to all members from Professor Robert Norman, the Director of the Robinson Institute and I would just like to read that out to members of this place. It is dated 29 October, and it states:

Dear Honourable Member,

Statutes Amendment (Prohibition of Human Cloning for Reproduction and Regulation of Research Involving Human Embryos) Bill 2008.

I am writing on behalf of the leaders of the newly established Robinson Institute for research in reproductive health and regenerative medicine at the University of Adelaide. I lead over 150 research and clinical scientists who bring more than $25 million per annum of competitive money into the State for medical research. I represent the University of Adelaide's Research Centre for Reproductive Health, Centre for Stem Cell Research and the Centre for Early Origins of Health and Disease, also incorporating (but not representing) researchers from the Hanson Institute, IMVS, and the Women's and Children's, Royal Adelaide, Queen Elizabeth and Lyell McEwin hospitals.

We urge State Parliamentarians to support the current proposal to amend the Bill regarding stem cells and embryo research (Prohibition of Human Cloning For Reproduction and Regulation of Research Involving Human Embryos). The success of this bill is essential for University and Hospital based researchers to continue their studies into use of stem cells and embryos for cures for diseases including cancer, neurological and blood disorders, infertility and renal disease to name but a few. Therapeutic cloning would allow patients or groups to have personalised stem cells which minimise their need for immunosuppression and would allow disease specific cell lines to be made from patients which could be used to study a disease and test drugs. In addition, elements of the Bill are essential for us to continue to improve embryo culture conditions and maximise outcomes for embryos from couples undergoing IVF and fertility treatment.

We welcome recent development in human adult stem cells and induced pluripotent stem cells as being of great potential for future breakthroughs but, as scientists and clinicians, we recognise that we need access to all technologies to adapt rapidly to scientific advances. Although promising, all scientists including the inventors of iPL cells, agree it is too early to rule in or out any one type of stem cell technology. In addition these adult derived stem cells are genetically modified with viruses. They contain multiple copies of a particular transcription factor, they do not have the same expression pattern as embryonic stem cells and we do not know if they can do everything embryonic stem cells can do. The transcription factors may also be oncogenic.

We are the leaders in reproductive research in Australia and have several researchers in stem cell biology who are highly innovative and internationally competitive in their field. If the Bill does not proceed through State Parliament our research will be severely curtailed and will place South Australian medical research at a disadvantage compared with some interstate colleagues and international competitors.

Our members are representative of the full range of differing ethical, moral and religious views found in the general community. We share our research and discoveries with our peers in medicine and science as well as with our communities and families. We submit all our research proposals to ethics committees based on NHMRC guidelines and some of our work is regulated by State and Federal statutes regarding reproductive technology. As a result, we are well aware of community opinion regarding issues in this bill and obey all regulations and laws regarding our research. We have no desire to be involved in research that the community considers to be unethical or inappropriate and therefore wish to see this Bill passed so we can practise our research with the support of the population of South Australia.

Yours sincerely.

Professor Robert Norman

Director

Robinson Institute.

On behalf of the Robinson Institute, Research Centre for Reproductive Health (Associate Professors Jeremy Thompson and Sarah Robertson), Centre for Stem Cell Research (Associate Professors Mark Nottle and Stan Gronthos), Centre for Early Origins of Health and Disease (Professor Julie Owens) and Dr Michelle Lane (NHMRC Senior Fellow and Scientific Director Repromed).

That finishes my remarks other than to say that I want to thank all members once again for their contributions to this debate. I particularly want to thank the officers in SA Health who worked on this over a long period of time, and they include in particular Jean Murray, Kathy Williams, Rebecca Horgan and Cheryl Schelbach, and I also thank the parliamentary counsel, Rita Bogna, for her assistance. I commend this bill to the house.

The house divided on the second reading:

AYES (25)

Bedford, F.E.	Bignell, L.W.	Breuer, L.R.
Caica, P.	Ciccarello, V.	Conlon, P.F.
Fox, C.C.	Geraghty, R.K.	Hill, J.D. (teller)
Kerin, R.G.	Key, S.W.	Lomax-Smith, J.D.
McFetridge, D.	Penfold, E.M.	Pisoni, D.G.
Rankine, J.M.	Rann, M.D.	Redmond, I.M.
Stevens, L.	Such, R.B.	Thompson, M.G.
Weatherill, J.W.	White, P.L.	Williams, M.R.
Wright, M.J.		

NOES (13)

Evans, I.F.	Goldsworthy, M.R.	Griffiths, S.P.
Hamilton-Smith, M.L.J.	Kenyon, T.R. (teller)	Koutsantonis, T.
Maywald, K.A.	McEwen, R.J.	O'Brien, M.F.
Pederick, A.S.	Pengilly, M.	Piccolo, T.
Simmons, L.A.		

PAIRS (6)

Foley, K.O.	Venning, I.H.
Chapman, V.A.	Atkinson, M.J.
Hanna, K.	Rau, J.R.

Majority of 12 for the ayes.

Second reading thus carried.

In committee.

Clauses 1 to 3 passed.

Clause 4.

The Hon. J.J. SNELLING: Madam Chair, standing orders prevent me from participating in the second and third reading debates of this bill, so I crave your indulgence and that of the committee in speaking to this clause, which I guess is the first clause that attempts to establish a distinction between therapeutic and reproductive cloning, which goes to the heart of what the bill seeks to achieve.

I spoke at length in my contribution to the 2003 debate on why I thought the human embryo should be afforded protection from scientific exploitation. I will not repeat those arguments: they are as valid today as they were in 2003. I encourage any members interested in the reasons for my opposition to the exploitation of embryos to read that speech.

The central argument for the 2003 legislation that allowed destructive research on embryos was that it was restricted to so-called surplus embryos that were going to die, anyway; that is, these were embryos that were surplus to IVF programs. Why, the argument went, might not some good come of these embryos that were going to die, anyway? I think many members who supported the previous legislation did so because they were convinced by this argument.

What we are presented with in this bill, and what is new about this bill, is that it will allow the specific creation of an embryo by the process of somatic cell nuclear transfer, that is, cloning, for destructive research. These embryos will be created for one reason only: the harvesting of their stem cells. When this debate first erupted onto the public square, this was widely considered if not unethical at least morally dubious. The federal parliamentary committee that first looked at this entire issue divided on whether to permit destructive research on human embryos left over from IVF programs but was unanimous in its opposition to the specific creation of embryos for destructive research. In a little over four short years, what was widely considered beyond the pale is now being put to us to permit. The principal reason for this is the promise of cures for a range of ailments.

I think that some of the proponents of destructive embryonic research have been perhaps a little cynical in their wildly optimistic promises of cures. Information has been distributed already on why we might be sceptical about these promises. Even if embryonic stem cells have the potential to create cures, such cures are likely to be many years away and are unlikely to be of any benefit to those who are suffering from those ailments today. It seems to me worse than dishonest to offer a false hope to people who are suffering. It is little more than snake oil salesmanship.

Arguments of cures are, of course, attractive. It is easy to put aside what seem just mere ethical quibbles in order to achieve what we think might be a good outcome. But our way of life is built on certain moral principles, and this parliament is charged with a duty to uphold those principles. When we fail in this trust, it will be the most vulnerable who will suffer. The understanding that all human beings, by virtue of their being a member of the human species, have an inherent dignity is a cornerstone of our law. When in the past this principle has been set aside, even under strictly controlled conditions, disaster invariably follows.

I understand this may sound alarmist, and I respect members who in good faith want to see cures for some of the terrible diseases which afflict those we love. However, I ask members to remember that the ends never justify the means. You cannot put aside important moral principles that some good may come of them.

To conclude, I would like to echo the member for Enfield's remarks in the second reading debate when he questioned where the egg cells—oocytes, I think is the scientific name—that are needed for therapeutic cloning will come from. Members will be aware of the difficulty ART providers have in attracting sperm donors. As the member for Enfield pointed out, sperm donation is non-invasive, whereas egg harvesting is highly invasive and involves the use of very powerful drugs.

It seems to me that, despite the prohibition contained in the legislation on the trade of reproductive material, women will have to be provided with some inducement to undergo such invasive procedures, and it would seem to me that the women who would be attracted to some inducements are likely to be the poor and the vulnerable; and it will be poor and vulnerable women who will effectively become providers of the egg cells needed for so-called therapeutic cloning.

With those words, I thank the committee and the minister for their indulgence in allowing me to make a contribution to this debate that I otherwise would not have been able to make.

Clause passed.

Clauses 5 and 6 passed.

Clause 7.

Mr KENYON: I move:

Page 9, new clause 19A—Delete subclause (3) and Note.

This amendment seeks to prevent the hybrid embryos—the animal egg and a human sperm. I do not think I am going to put forward a very cogent argument here, but it just seems wrong to me that we would be contemplating this. It seems to me that this is just another increment and we are falling away step by step from our respect for ourselves as a species, if you want to say that—as humanity. It is very straightforward. I do not know that it is particularly well thought through, and it is something that I would certainly oppose. Hence, the amendment I have moved.

The Hon. J.J. SNELLING: I rise in support of the member for Newland's amendment, which seeks to delete subclause (3) of clause 19A, which provides the offence of creating a human embryo. Subclauses (1) and (2) provide that it is an offence to create a hybrid embryo. Subclause (3) goes on to provide that the creation of hybrid embryos would be unlawful unless you have a licence, and it provides the circumstances under which a licence might be provided for the creation of hybrid embryos. The amendment of the member for Newland simply deletes that subclause (3), which provides for a licence. While I acknowledge there is general community support for embryonic stem cell research, for destructive embryo research, I think there is strong community feeling against the creation of hybrid embryos, that is, embryos that are created with genetic material from both humans and non-humans.

I think that such a practice goes beyond the pale. I do not think there should be circumstances under which the creation of such embryos should be allowed, and I think there would be strong community feeling against such a practice. On those grounds, I support the member for Newland's amendment. As I say, it simply seeks to delete that subclause (3), which

would provide for a means by which licences might be able to be provided for the creation of these hybrid embryos. I also point out that the creation of hybrid embryos would present us with enormous ethical difficulties in establishing the exact status of those embryos. I support the amendment, and I ask the committee for its support.

The Hon. J.D. HILL: I will address the issue raised by the members. I understand that it is a sensitive issue. My advice is that this technique is used to test the quality of the sperm in IVF clinics. At the moment, the only way the scientists have of doing this is to inspect the sperm visually, and, of course, that is not a very good test at all. This demonstrates whether it has sufficient potency, in effect, to create life. In fact, it aids the creation of life. If this were to be passed, more women who go to IVF clinics for treatment would be successful in their treatments because the failure rate would be less.

In effect, it has the advantage of helping create a human life. It is just to test that the embryo created cannot last for longer than 24 hours. That is the point at which the test is completed, and the development does not last beyond that. I understand that it is a moral thing for people, but it is a practical thing that is necessary for IVF clinics in order to undertake the appropriate testing to ensure the sperm that is given is good quality.

Dr McFETRIDGE: I cannot support this amendment. The need to assess sperm quality has been a part of both veterinary and medical science for many years. Certainly, it has been my experience to assess sperm quality through a microscope, and if a better technique is available, whether for veterinary or in this case human medicine, I would strongly support that. The member for Playford spoke about the difficulties in obtaining human eggs, and that is precisely the reason why I strongly support what the British Labour government and many other governments around the world have done, that is, allow the use of evacuated animal ova to then enable a somatic cell nuclear transfer process to take place to create hybrid embryos, which would then be allowed to develop. The stem cells would be harvested but for no longer than 14 days, and that is the important part.

It is all about the development of the techniques and the availability. You restrict that availability by restricting it to the use of human ova. You also restrict the ability to test sperm by supporting this amendment. Therefore, I cannot support this amendment. I wish there were an ability in the bill to go a little further with the use of hybrid embryos.

[Sitting extended beyond 18:00 on motion of Hon. J.D. Hill]

The Hon. J.J. SNELLING: I appreciate what the minister has said to the committee. However, the bill does not restrict the creation of hybrid embryos for the purposes of assessing sperm quality. It provides:

> A licence to create or develop a hybrid embryo can only be issued under Part 2 Division 3 of the Research Involving Human Embryos Act 2003—
>
> (a) for the purposes of testing sperm quality—

which is what the minister is saying—

> …or
>
> (b) in the case of hybrid embryo created by introducing the nucleus of a human cell into an animal egg—for not longer than 14 days.

Paragraph (b) specifically broadens it beyond the reasons that the minister is putting to the committee of assessing sperm quality. It is broadening it so that it allows for the creation of hybrid embryos, the only proviso being that they are not allowed to develop longer than 14 days.

The Hon. J.D. HILL: The honourable member makes an interesting point. I cannot answer it directly at present, but I give an undertaking that, if the measure is passed, I will look at the matter again between this place and the other place. I am happy to talk to him about it in order to come up with something that might limit it in some way to the set of provisions I have outlined. If there is some greater reason why it needs to be as it is, I will explain that to the other place, as well.

The Hon. J.J. SNELLING: I appreciate the minister's undertaking to do that. However, I urge the committee to support the amendment of the member for Newland, not just leave it to be dealt with between houses.

The Hon. J.D. HILL: I will give the honourable member a better undertaking: I will suspend the committee stage now and I will look at it overnight.

Progress reported; committee to sit again.

At 18:04 the house adjourned until 30 October 2008 at 10:30.