

HOUSE OF ASSEMBLY

Thursday 25 July 2013

SPEAKER, ABSENCE

The CLERK: I inform the house of the absence of the Speaker.

The Deputy Speaker took the chair and read prayers.

SITTINGS AND BUSINESS

The Hon. C.C. FOX (Bright—Minister for Transport Services, Minister Assisting the Minister for the Arts) (10:31): I move:

That private members' business bills have priority over private members' business other motions until 1pm.

Motion carried.

SAME SEX MARRIAGE BILL

Adjourned debate on second reading.

(Continued from 20 June 2013.)

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (10:31): The great Labor project is inclusion. Throughout history, people have been excluded for many reasons. In classical Athens, democratic citizenship was restricted to an elite class of free men and excluded slaves and women from political participation. In biblical times, orphans and widows were counted among the oppressed and marginalised. Until recently, minority ethnic and religious groups were segregated by law from mainstream society in many countries. In some countries, minority groups remain marginalised today.

Significant progress has been made on many of these issues, whilst other sources of inequality remain unresolved. Universal suffrage was not won until the 19th and 20th centuries. While Aborigines had the right to vote in South Australia in 1895, the commonwealth took away this right and it was not until 1965 that all Aborigines had full and equal rights in Australia after Queensland gave Aboriginal state voting rights.

In South Africa, the system of apartheid was abolished only two decades ago. It was not until 1965 that married women in France could work without the permission of their husband. In Australia, equal pay for work of equal value by women was introduced in 1969, and some would say that its promise has not yet been delivered upon.

The fight to reform legislation, so that all people have equal access to social institutions and customs, goes on throughout the world. All people are entitled to respect, equality, dignity and the opportunity to participate in society free of hatred or harassment, as well as receive the protection of the law regardless of their sexuality or gender identity.

The contemporary history of the Australian Labor Party has been marked by a fight to achieve equality—initially, by helping people overcome disadvantage based on social class, then later, gender, racial prejudice, disability, religion, cultural background and sexual orientation. In the ALP, however, we understand that this issue challenges many people to reflect upon their values and beliefs.

Our understanding of marriage, even when the debate defines marriage as an institution of the state, is profoundly personal. For this reason, we have taken the view that our elected representatives should express their personal position. All members of our parliamentary party agree that this is a conscience matter.

The South Australian Labor government was the first in Australia to decriminalise homosexuality. We have a strong history of removing barriers to equality and inclusion in this area. In 2011 the Australian Labor Party South Australian State Convention passed a motion to support same-sex marriage, support marriage equality, for marriage equality has been the established policy of the South Australian branch of the ALP since that time. This was followed by the ALP National Conference resolution that the Marriage Act 1961 be amended to ensure equal

access to marriage under the statute for all adult couples, irrespective of gender, who have a mutual commitment to a shared life.

I believe that elected representatives should seek to improve political debate and that public policy should be based on a reasoned approach. An argument could be made that in a modern, secular society religion and politics should be kept separate. Yet, if politics is a contest of values, we should not, as elected representatives, hide from those values that inform our convictions and, ultimately, our actions. It is important for us to be up-front about the values that inform our role as leaders in our community. I acknowledge that the values of many members of this house are informed by their convictions, religious or otherwise.

This bill is explicit in its scope. The bill does not seek to define marriage as an institution of the church. It is not our role in this place to do that. This bill seeks to reform marriage as an institution of the state. I believe that we have a responsibility to support legislation that will make our society more inclusive and tolerant. With this in mind, I ask: who is excluded in our society today and how can we create a context in which they will be excluded no longer?

There is little doubt that homosexual people still experience the pain of discrimination and the burden of social exclusion. This can manifest itself in real suffering for the individual, suffering which is unnecessary and can be reduced by the methodical removal of barriers to acceptance. Can you imagine how individuals in a same-sex relationship feel at the outset of their courtship knowing that, even if their relationship reached its ultimate potential, society would never recognise the depth of each person's commitment to each other.

We have the opportunity to remove such a barrier, and I see no good reason why we should not act. Today we have the opportunity to define an institution that has a critical social function. Together we can make a decision to validate marriage as an institution that demonstrates one adult's permanent commitment to another. The alternative is to allow the tides of history to continue to wash away its relevance to contemporary society. We have the opportunity now to decide what marriage should represent based on how marriage can serve to make our community stronger and enhance the happiness, wellbeing and security of those who decide to take that path. If we fail to address this inequality, we risk the unintended consequence that the institution of marriage will become less relevant to contemporary society.

So what is the potential social impact of passing this bill? The legal gap that separated de facto relationships and marriages is already diminishing. In 2007, the South Australian government passed a law recognising the rights of domestic partners in South Australia. These laws provide same-sex couples recognition in much the same way as opposite sex de facto couples. Gay and lesbian couples now have legal rights and duties in areas such as property ownership, wills, next of kin and disclosure of interests. The law applies to same-sex couples who live together as a couple on a genuine domestic basis for three or more years.

Before the law, couples involved in a registered de facto relationship are considered in much the same way as couples who are married. In practical terms, what evidence is there that this change will have adverse consequences for our society? Any existing economic or legal gap that separates the respective arrangements will no doubt one day be removed.

If we can enhance the wellbeing and happiness of some members of our community whilst not diminishing the lives of others, why would we not endorse such a position? If two adults feel that love and commitment that they share each to the other will be permanent and wish to undertake a commitment to do all within their power to protect the sanctity of that bond, it is our job to allow them to pursue that opportunity. I do not believe that it is our job as elected representatives to endorse a situation that deprives two consenting adults the opportunity to confirm and celebrate the permanence of their relationship.

To suggest that the changes we are calling for today will provide nothing more than an opportunity for empty symbolism is to misunderstand the power of symbolism. Indeed, the intrinsic purpose of marriage is all symbolism. It is the celebration of a commitment, of a union. It is the ultimate act of symbolism. The laws passed in 2007 provide same-sex couples recognition in much the same way as opposite sex de facto couples. The importance of marriage now lies in its symbolic value—and it is not empty symbolism: it is meaningful to those couples and their families who wish to celebrate their love and commitment to each other and their belief that this commitment will endure.

Without this reform, discrimination on the basis of sexual orientation will remain one of the few vestiges of discrimination that we are comfortable protecting. This diminishes rather than

enhances the institution of marriage. It is a layer of discrimination that will be eventually removed and in Australian society, of, course we are faced with a number of critical issues that we must work tirelessly and urgently to resolve.

South Australians face many of the same difficulties as Australians who reside in other jurisdictions but in Australia today, as elected members of parliament, our focus needs to be on those critical issues of public policy and must also allow room for us to proceed with matters of this sort. There is no reason why this reform should distract other important work. I refer, of course, to the support for this particular measure that we have seen across the globe—Barack Obama and David Cameron. In passing this bill, we will enhance the happiness and wellbeing of many members of our community. Why would we not take that step?

Mr MARSHALL (Norwood—Leader of the Opposition) (10:42): I rise to speak on this bill and indicate that I will be the lead speaker for the opposition. It is our party room position that this will not be a conscience vote, for reasons which I will outline in my speech today.

On 20 June this year, the member for Port Adelaide tabled the Same Sex Marriage Bill 2013 in this house. The bill proposes to make the institution of marriage, a lawful union of two people to the exclusion of all others voluntarily entered into for life, available to same-sex couples. The law would apply to marriages solemnised here in South Australia and is not limited to marriages between South Australians.

Fifteen countries have legalised same-sex marriage, including three so far this year (France, New Zealand and Uruguay). Legislation legalising same-sex marriage in England and Wales passed Westminster parliament earlier this month. Same-sex marriage is now legal in 11 states in the United States of America.

Nevertheless, the weight of constitutional law opinion is that a law for same-sex marriage enacted by an Australian state would be likely to be held to be invalid on the ground of inconsistency with the commonwealth Marriage Act 1961. It is generally agreed that any such legislation would be subject to legal challenge.

I understand that the Tasmanian Law Reform Institute is currently assessing the options and likely cost of a High Court challenge to a state same-sex marriage law. On 6 December 2012, the social issues committee of the Legislative Council of the Parliament of New South Wales established an inquiry on issues relating to a proposed same-sex marriage law in New South Wales. The terms of reference were referred by the Premier (Hon. Barry O'Farrell). The key element of the terms of reference is to inquire into:

1. Any legal issues surrounding the passing of marriage laws at a State level, including but not limited to:
 - a. the impact of interaction of such law with the Commonwealth Marriage Act 1961
 - b. the rights of any party married under such a law in other States' and Federal jurisdiction
 - c. the rights of the parties married under such a law upon dissolution of the marriage;

This committee has received approximately 10,000 submissions and over 1,200 proforma letters, the largest number of submissions ever received by a committee of the New South Wales parliament. I understand that this committee is due to report in the coming days.

Like other states around Australia, we are not convinced that there is any evidence that the South Australian parliament has any authority to legislate in this area. The South Australian Liberal Party does not support the commonwealth attempting to legislate in the state's jurisdiction and we certainly do not support the state's attempt to legislate in the commonwealth jurisdiction. We are surprised that the Premier, as a lawyer, has chosen to ignore the overwhelming legal opinion on this matter. It will be interesting to see what the Attorney-General's contribution to this debate will be.

Of course, I make the point that, if compelling evidence is presented that states do have responsibility under this act, this would be a matter that would be referred back to our party room and we would reconsider this issue. However, until that occurs, the Liberal Party is resolute that this is a matter for the commonwealth, not a matter for the state and, consequently, the Liberal Party in South Australia will be opposing this bill.

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (10:46): I rise to speak on the bill presented by the member for Port Adelaide: the Same Sex Marriage Bill 2013. The attempt by the member for Port Adelaide to formalise a personal relationship that is not currently within the

definition of marriage is one which is supported in her second reading explanation with an expression of concern that she considers that the current definition of marriage is too narrow, that it is unfair and unjust, and that this is a matter to be remedied. She highlights her acknowledgement of the important relationship of a younger brother. All of these matters are heartfelt, I think, without question.

What is puzzling to me is why this presentation would then go on to claim that, as a forum, we are in a position of privilege—in fact, I think 'fortunate' was her description—to be able to remedy this inequity and that we would proceed to attend to the passage of her bill to do so. This is in the clear knowledge that, although she runs a short constitutional argument, which I think is along the lines that it is not unconstitutional to consider this, but the provision is one where it should not be excluded—I think she runs the argument that the legislation, and as subsequent cases support, is not unconstitutional, does not cover the field at the commonwealth level and, therefore, section 109 is read to enable this to occur. Even if that does not come to fruition, in her words, it is a matter then for the High Court to make a determination.

The Liberal Party's position, as outlined by the leader, is one where, on the weight of the substantial opinion to date, this is not a matter which we should put the taxpayers of South Australia to the expense, nor should we attempt to subvert the roles of each of the governments. It is a little bit like if the local government decided that they would get into the business of state government jurisdictions on the basis that they think that what we are doing is wrong and that they should pass a bill to deal with something in relation to public education, for example, and that, if it is wrong, 'Well, we will let the Supreme Court or superior court sort that out.'

That is the type of analogy that I think does not do service to the importance of the legislation that we are considering. For every member in this house, who would have received an avalanche of submissions across the spectrum in the lead-up to this type of debate—which it does attract, way before this bill, on any of these most important issues. It does not do the importance of this issue a service.

If there is a case to expand, develop and modernise the formality of the institution of marriage, whether it be in relation to whom it should be between, for the period that it should endure, the circumstances in which it should fail and which remedy or relief should be granted, or the relationship of the parties who are allowed to marry—all the aspects and elements of marriage that come under consideration if we were to fulfil a modernisation—then let that occur, and let it occur in a jurisdiction where there is a known recognised capacity for it to be able to deal with unchallenged, namely, the federal parliament.

I do not profess to have, just by having a legal background, any greater wisdom than any other member of the house in relation to constitutional law, but there is a myriad of legislation and opinion. There are two current inquiries (one which is about to conclude) from Tasmania and New South Wales respectively into this issue. Yet, it appears at this point that the government, or at least the mover of this bill, is intent on pushing forward a vote on this bill which in my assertion should surely fail.

Perhaps that is the strategy, perhaps it is the tactic of the government to present this bill in the full knowledge that it will fail, and they are too scared to await the determination of the New South Wales inquiry, which is just a day away and which could provide either some fulsome support or confirm to the Australian Labor Party at the state level that they are simply on the wrong track.

The other aspect I wish to raise for the benefit of the parliament is that we have spent the last 110 years transferring the responsibility of marriage and matrimonial causes to the commonwealth. We did it at the beginning of the last century with the establishment, under the federal constitution, of giving them the direct responsibility of marriage, divorce and matrimonial causes and, if I can paraphrase, the issues which flowed on from that regarding children. At that time, there was not a legal recognition of persons who were living in de facto different-sex relationships, let alone one-sex relationships.

Over the years, we have transferred responsibility directly to the commonwealth, and this very parliament, this very government, has added to that transfer. In addition to the transfer of the exclusivity of marriage and divorce in the 1970s, there was the transfer in the 1980s of all children's disputes, irrespective of the marital status of their parents, and the confirmation that, at the federal level, the Family Law Act should adopt, address, embrace and make decisions in respect of sterilisation of children and/or those with a disability. These are the areas which have gone from

state management to federal management and which have been supported, largely on a bipartisan basis, across the parliament.

Just in the last few years, after the state parliament of the 1990s dealt with the question of de facto relationships and property settlement, having noted of course that the child support issues had already been transferred to a federal agency, the issue of property settlement of heterosexual de facto couples, was dealt with in the Brown-Olsen era (in fact, I think the Hon. Trevor Griffin had been the mover of that legislation).

Recognition was given to relationships of de facto couples who cohabited for three years or more or had a child of that union so that they were eligible to be able to seek property relief in the event of termination of their relationship other than by death. These have been important initiatives. This very parliament, as slow as it might have been under the leadership of the attorney-general here in this place, now the member for Croydon, has actually transferred the responsibly—

Members interjecting:

Ms CHAPMAN: We were the last state to do it under his leadership. But, we transferred responsibility; we passed the Commonwealth Powers (De Facto Relationships) Act in 2009—

Mr Marshall: Finally.

Ms CHAPMAN: —finally—and it was proclaimed in 2010. So, we came kicking and screaming. Nevertheless, this parliament said, 'We recognise the importance that these issues be expanded in matrimonial cause, they be given recognition in the Family Law Act, they be dealt with under the same uniform jurisdiction and be given that status.' We passed that, and now those provisions are secure for consideration under the Family Law Act, and they have that status.

Marriage, divorce, children and property settlement of people who are either married under the Commonwealth Marriage Act or who have a recognised status of cohabitation, irrespective of whether they are one man and one woman, or two women, or two men, or those who are transgendered, if they are adults and they are cohabiting in a bona fide domestic relationship (what we now call a companion couple relationship), they will have the entitlement and access to the protection and benefits of a federal Family Court and the legislation that goes with it.

I think now that is a matter which, having aided and abetted the transfer to that federal level, even by this parliament, will not escape the attention of the High Court, if ever we are obliged to go through that process. It is not enough. As powerful, as persuasive and as important a public social issue as this should not be treated with disrespect. The way to deal with this is to present the argument to the doors of the federal parliament and ensure that they deal with this matter and that we not treat it with such disrespect as to place it in a voidable position.

Time expired.

Mrs REDMOND (Heysen) (10:56): It is my pleasure to rise to speak on this matter this morning. Can I say at the outset that I have been on the record for a very long time as being in favour of the recognition of same-sex marriage. However, I think that this parliament is cruelly deceiving the member for Port Adelaide in the way it is approaching this matter because, in my view, there is simply no question about the constitutional invalidity of the approach that is being taken.

Either the member for Port Adelaide has been railroaded into having this vote this morning or the very strong right of the Labor Party in this state, which favour the views of the DLP very largely (I have often heard the former attorney-general refer to Bob Santamaria of blessed memory), do not want this legislation passed for their own reasons. I think that the member for Port Adelaide is being cruelly deceived by her own side in the approach that is being taken to this matter.

As I say, I am very much in favour of the recognition of same-sex marriage, and I have had a number of conversations with a number of people in the federal parliament, my federal colleagues, and some of them at a senior level. Of course, I will not disclose to anyone the nature of those conversations; suffice to say that I have made very clear to very senior people my views about the recognition of same-sex marriage, and I believe that it will come.

But, from a constitutional perspective, can I say that I simply cannot see how this parliament can possibly be contemplating this particular piece of legislation. All that will happen is that it will be lost this morning, in all probability, but even if it were to be passed it would lead us

into a quagmire of High Court challenges and discussions about something that clearly, to me, just has no basis.

I grabbed my son's copy of *Australian Constitutional Law and Theory* this morning just so that I would have a copy of the constitution in front of me. There is a quote at the beginning of it from Mr L.F. Crisp, who wrote *Australian National Government* in 1978, and I just want to remind people about our constitution. He says:

...no Damascus Road miracle about Australia's federal conversion. It took sixty years of spasmodic official effort and fluctuating public interest to bring the Commonwealth into being.

So, for 60 years, people discussed whether the various colonies should get together and form the commonwealth. Of course, you would all be aware, because we all wander the corridors here and have the photos on the wall, of one of the constitutional conventions held in 1897 in this very place to discuss the formation of Australia.

When they discussed it, they had to come to a lot of conclusions about how small states like South Australia were going to be validly represented in the Senate and so on, and how there was going to be an appropriate balance, and one of the things they considered was, what should go to the commonwealth and what should stay, and what model they should use. For instance, they looked at the Canadian constitution where, basically, all the residual power—that is, the state's retained certain powers but everything that was not specifically left with the state went to the central power. We went the other way; we went the way the Americans had gone and said that all the power that was going to be given to the commonwealth was specifically stated in the constitution.

Section 51 of the constitution gives particular power to certain things, and some of them are really obvious: defence, currency, trade and commerce, excise, customs, recognition of nationality, and national waters around our state waters. All those sorts of things, to me, were very obvious but, from the moment I started to study constitutional law as a teenager, it seemed to me that marriage had been an odd choice. But, nevertheless, it is very clearly stated and, without any shadow of doubt, it says in section 51 of the constitution—and, can I remind you that the constitution says that the commonwealth parliament is authorised to make laws—and I will quote from the section:

The parliament shall, subject to this Constitution, have power to make laws for the peace, order and good government of the Commonwealth with respect to...

And then the various sections, and we go down to subsection (xxxix), and it lists all the different things, and at (xxi), it specifically says 'marriage' and at (xxii) 'divorce and matrimonial causes; in relation thereto, parental rights, and the custody and guardianship of infants'. But (xxi), in particular, says 'marriage' and no other words. So, there is no need for constitutional questions about this, and can I also point out that the commonwealth parliament, having passed that—and I remind you of the words, that the commonwealth is authorised:

...to make laws for the peace, order and good government of the Commonwealth with respect to: marriage.

Chief Justice Latham, in 1948, in a case called *Bank of New South Wales v Commonwealth*, said:

No form of words has been suggested which would give a wider power than the form of words 'with respect to'.

So, the chief justice, all those years ago, has already said that you cannot have a wider power than the power that has been given to the commonwealth with respect to this issue of marriage. Therein, I think, lies the dilemma for the people who support the member for Port Adelaide's proposition, because the reality is that if this parliament did pass something, which they call whatever, it is not marriage, and it is not, therefore, truly a recognition that I believe those who are in same-sex relationships, or want them recognised whether they are in them or not, actually want.

If you want it to be a recognition of marriage, then surely it has to be within the form of the commonwealth constitution. On that basis, I say that the Liberal Party is actually arguing from the most cogent position, and that is that there is no constitutional possibility of the validity of this law. The member for Bragg has already mentioned that there is a report to come down tomorrow from the New South Wales parliament, and by some contortionist act you may be able to get around it. If they came down with that view, then certainly we would be prepared to look at it, but why would we want to waste any money on High Court disputes when, in fact, I will remind you also that section 109 of the constitution specifically provides that, where there is a conflict between a state and a federal law, it is going to prevail in favour of the commonwealth.

So, there is just no possibility for this legislation (a) passing validly or (b) not being contested in the commonwealth in the High Court, at great expense to the people of this state. This government has already wasted enough money of the people of this state on frivolous issues over the 12 years that it has been in office. We do not need another one. I want to close by saying again, I absolutely support and endorse and want the federal government to legislate to recognise same-sex marriage in this country. I have long been on the record as being in favour of that, but I will not support this legislation which is nothing but an attempt to politicise something which cannot be decided by this parliament.

Mr PEDERICK (Hammond) (11:04): I rise today to speak to the Same Sex Marriage Bill 2013, and I note the speeches from this side of the house where we have decided that this is a party room vote and, on constitutional grounds, we will be voting against this bill. I must say, as a lad that has grown up attending the Uniting Church, and my father was a lay preacher for 60 years, if it was a conscience vote I would be voting against it as well. I will just put that on the record for the house, and that is certainly the message I have given my constituents and the leaders of the churches and others in my electorate.

In regards to the issue of whether this bill could become an act under the constitution, it is noted that in December 2012 the Social Issues Committee of the Legislative Council of the Parliament of New South Wales established an inquiry on issues relating to a proposed same-sex marriage law in New South Wales.

The key element of the terms of reference were to: inquire into any legal issues surrounding the passing of marriage laws at a state level, including but not limited to the impact of interaction of such law with the commonwealth Marriage Act 1961; the rights of any party married under such a law in other states and federal jurisdictions; and the rights of the parties married under such a law upon dissolution of the marriage.

It is certainly to be noted that this committee received an enormous approximately 10,000 submissions and over 1,200 proforma letters. In regards to the committee of the New South Wales parliament, this is the largest number of submissions ever received by a committee of that parliament. As has been mentioned, the committee is due to report tomorrow.

That is why our position is that enacting a bill of such questionable constitutional validity should not be supported because to do so would (1) commit scarce state taxpayers' money to defending a legal challenge in the High Court, (2) invite judicial involvement in an issue which is best resolved at political and parliamentary levels, and (3) display an expansionist approach to our jurisdiction similar to that—and it has been mentioned before—which we condemn in the commonwealth government and parliament in a range of domains.

I also note some legal advice in regards to another bill, but with many similarities, namely, the Marriage Equality Bill 2012 South Australia that was sent to various parties. I have had permission to use this advice. I just want to go through some of this legal advice. This is obviously the federal Marriage Act. The legal advice states:

The Marriage Act establishes the regime for dealing with marriage in Australia. Part I of the Act deals with preliminary matters. This part contains the definition of marriage...namely:

'Marriage means a union between a man and a woman to the exclusion of all others voluntarily entered into for life...'

Part I also contains sections 6, which provides that the Marriage Act does not exclude the operation of a law of a State or Territory in so far as that law relates to the registration of marriages...

Part 1A addresses marriage education, Part II the question marriageable age and the marriage of minors, Part III deals with void marriages and Part IV with the solemnisation of marriages in Australia. Part V addresses marriages of members of the Defence Force Overseas, Part VA with the recognition of foreign marriages. Section 88B(4) which is part of Part VA, adopts the Marriage Act definition of marriage in relation to the question of the recognition of foreign marriages. Section 88EA, which is also in Part VA, provides:

...a man and another man; or
a woman and another woman:
must not be recognised as a marriage in Australia.

Part VI deals with the legitimisation of children by virtue of marriage of parents, Part VII with offences, Part VIII with transitional provisions and Part IX with miscellaneous matters. While it may be pointed out that s.88B does not seek to deal with State 'marriage' relationships, it is a fair observation to make that no such legal institution was in contemplation at the time because the States had acquiesced in the Commonwealth plenary exercise of power, (with the possible exception of Western Australia in certain limited and irrelevant circumstances).

9. It seems clear that the Marriage Act operates to create a code in relation to the institution of marriage in Australia. Indeed when the Marriage Act was introduced in Parliament in 1961, the then Attorney-General Sir Garfield Barwick said that the purpose of the legislation was to '...produce a marriage code suitable to present-day Australian needs'.

With regard to the validity of the bill, if this bill was passed into law—and as I said, this is in relation to the Marriage Equality Bill, but the parallels are directly there—there are two questions, and some of these have been raised today in relation to the validity of the bill if it were to be passed.

The first is the obvious one of an inconsistency between the Marriage Act and the Bill. The second is whether the interrelationship of the Commonwealth Constitution (Constitution) and the Constitution Act 1934 (SA) (SA Constitution) precludes South Australia from passing a law that applies the term marriage to any relationship other than that of a man and a woman for life to the exclusion of all others. With regard to the commentary from the legal advice and section 109 of the constitution, it states:

When a law of a State is inconsistent with the law of the Commonwealth, the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid.

That is stated, clear and direct. Invalidity in the context of s.109 means that the state law is rendered inoperative as long as the commonwealth law is effective. If the commonwealth law were to be repealed then the state law would revive.

There are two tests which the High Court has developed in order to determine whether a state law is inconsistent with a commonwealth law. The first is whether there is a direct inconsistency between the laws. The second is whether the commonwealth law evinces an intention to 'cover the field' and so an indirect inconsistency is created. For section 109 to come into play, there must be a valid law enacted by both the commonwealth and state parliaments. If one or either law is otherwise invalid there is no need for there to be recourse to section 109.

There can be no doubt that the Marriage Act (including the amendment made by the Marriage Amendment Act 2004) is a valid enactment of the commonwealth parliament. If the second argument referred to above is correct, then the bill, if enacted, would not be a valid enactment of the state parliament. That argument is currently untested. The issue with section 109 is based on the assumption that the bill, if enacted, would be a valid exercise of the power of the South Australian parliament. This legal advice goes through various debates and various cases about whether that validity would exist.

In the remaining small amount of time I want to note that in this legal advice, there is some advice about the incongruity with respect to maintenance and property division which would cause quite a number of problems with the Family Court jurisdiction and how this would convey in conjunction with South Australian law. In winding up, I just want to note that the learned lawyers who have given this advice state in their conclusion:

We conclude that for the reasons given above the Bill, if passed, is likely to be unconstitutional and invalid.

Mr PENGILLY (Finniss) (11:14): I would also like to enter this debate on the bill introduced by the member for Port Adelaide. Let me indicate that I firmly support the views of my party on this matter and, indeed, if it was a conscience vote, I would be voting opposed to the bill anyway. I do not believe that it is appropriate that this degree of social re-engineering should be brought into the state parliament. I respect the right of any member to try to socially re-engineer through the chamber of this parliament, but I do not agree with this bill.

Let me say that I have spoken to numerous people on this. I have had lots of input from the constituents in my electorate. Almost to a person, they oppose this legislation. Indeed, in the last 24 hours, my email system has been inundated with people contacting me from everywhere regarding this matter as, I am sure, have other members.

On 6 August, my wife and I will have been married for 36 years. We have brought three children into the world. I firmly believe that children need a father and a mother, and nothing will dissuade me from that view.

This issue is to do with marriage of same-sex couples. I have absolutely no problem with males living with males or females living with females, if they wish to do that—that has never been an issue with me. I do not necessarily take to the idea, but I respect their right to do so, if need be. However, let me also say that far more important things that should be discussed in this chamber, in my view, are the impacts on families particularly of the cost of living across Australia, South Australia and in my electorate.

An honourable member: Let's vote on it. Sit down then.

The DEPUTY SPEAKER: Order!

Mr PENGILLY: Thank you. My view is that those issues far outweigh the need for us to be spending time on this debate this morning. Let me turn to a very brave young man called Anthony Caggiano. Anthony Caggiano is a journalist for the *Victor Times*, down in Victor Harbor. I will just read out what he wrote in a recent article. He is a very brave young man. In *The Times*, on Thursday 6 June this year, he wrote, 'Damn straight, we are queer.'

I strongly support Anthony. I support his views. He is a very brave man. He wrote some other material which I will refer to shortly. I am able to have a very up-front and frank discussion with Anthony on almost any subject at any given time. He is like he is. I have a member of my extended family who is the same as Anthony—that is how people are. We are all how we are and you are not going to change that.

I reject the suggestion that the state can interfere with the Marriage Act, which is a federal act. I am disappointed because, with a day to go of New South Wales proceedings, as I think the member for Bragg indicated, we might have had a little bit more information on this matter, but I am also pleased that, if we do have to debate this matter today, it will be put to the vote, and I am very hopeful that it will not get up, quite frankly. That is up to the members of the house: it is not up to the member for Finnis.

Getting back to Mr Caggiano, he also says in an editorial he wrote on 6 June 2012, 'We are on the right track, we were born this way.' I got some further information from him. I was interested to know the number of gay people in my electorate. He was the ideal person to ask about this. He works for *The Times* at Victor Harbor, but he has also done time with *The Islander* on Kangaroo Island. He thinks that there are about 100 people who he refers to as 'gay' people in the electorate of Finnis.

I respect his views on that. He is a sound thinker. He says that, almost unanimously, those in a couple relationship between female and female or male on male desire to be able to get married. He knows my view and respects my view and I respect his, but the fact is that I will not change my view. I never will change my view. I was brought up with a father and mother in a Christian family which was also a loving family and that is just the way I am. I am not easily changed on matters normally and this is no different to a number of other matters.

At the risk of repeating myself, I do respect the rights of these people; however, I do not believe that what is being proposed by the member for Port Adelaide is applicable. I believe very, very firmly that marriage is between a man and a woman and, until such time as the nation changes its mind—if indeed it does at some stage and it is legislated by the commonwealth; I will accept that at the time—I will never change my personal view. I will listen with interest. We have only had a couple of speakers from the other side and I know there are other speakers on this side who wish to speak.

This is an issue that particularly the print media seems to have picked up on in this state and across the nation. I do not believe that there is a fair and equitable debate going on regarding this matter. We seem to be inundated with those who wish for same-sex marriage to be put into legislation and there seems to be an overwhelming campaign by the media to try to orchestrate that. At the end of the day, the media do not get a vote in this chamber, nor do they get a vote in the federal chamber, or any other state for that matter. So you have to stick by your beliefs and you have to stick by the messages you receive from those who are for or against any particular subject, in this case the bill put up by the member for Port Adelaide.

I listened with interest to the member for Port Adelaide when she spoke on this matter some weeks ago. I listened to what she said and I can understand her views; I just do not happen to agree with her. I listened to the Premier this morning. I have listened to lawyers. I am not a lawyer, I have never been a lawyer, and I never will be a lawyer—

Members interjecting:

Mr PENGILLY: I am a humble farmer—but I also am entitled to stand up in this chamber and protest loudly against the social re-engineering attempts by, in this case, this particular bill and also others that are on the *Notice Paper* that will come up in due course. I do not agree with it and I never will agree with it, but I thank you, sir, for the opportunity to speak on the matter.

Mr VENNING (Schubert) (11:22): In my time here these are the sorts of bills that I usually do not speak on. I have never spoken on euthanasia and I have never spoken on prostitution and I was not going to speak on this, but I will. I enter this debate very cautiously. I fully endorse and support the position taken by my party (the Liberal Party) on this matter. I totally agree that this should not be a decision made by this parliament, by this legislature. It flies in the face of the rules that were laid down under the federal constitution, so I do not really know what the point is. Even though I have a lot of time and respect for the member for Port Adelaide, I just wonder what this exercise is all about.

I personally would never support two people of the same sex having a union that is called a marriage. I have no problem with the union, but I would not support it being called a marriage. I have very strong views on this. Of the three issues before this parliament today—that is, euthanasia, prostitution and this—this is the one I am most opposed to, absolutely, because I think the family is the base of our community. It has been the base of our lives, and I think this is a real challenge to that.

I have very good friends who are openly and proudly gay. I appreciate them and their relationship. As you have heard this morning, there are members here with family who are gay, and I understand that the member for Port Adelaide has made that point. The same goes for me, and I appreciate that very much. I have no problem with these people having the same legal rights as married couples. That was always the argument when it was first brought here many years ago. I do not have any problem at all with these people having the same legal rights as married couples.

I am happy to recognise the union with a name called something else—say, call it a civil union—even though I would not encourage it, but that is certainly a lot more palatable to me than the word 'marriage'. After all, we must come down to the basics, without being crude: all of us are here because a man and a woman had a union, and it is the only thing that works.

I feel very sorry for children being brought up today; it is tough enough, but the pressures on children in same-sex marriages I am sure would be very difficult. I know a lot of the children are going to be better off in these homes because with ordinary mothers and fathers there are some pretty difficult relationships, I know, and it is a generalisation I should not make. Usually, a child with a mother and a father has a better chance, I think, everything else being considered—

The Hon. C.C. Fox interjecting:

Mr VENNING: I understand, minister. Can I say, your little Theo is the happiest fellow. He has the loveliest mother and he is very lucky to have you. I think every child has a right to have a mother and a father.

The Hon. C.C. Fox interjecting:

Mr VENNING: But there are exceptions, which are highlighted by you, where it does not happen. I thank all those who have come and seen me on this issue. This has been a huge issue. For anyone who wished to see me on this, I made the time—and there have been many of them. The quantity of mail, correspondence and phone calls has been huge. Again, the Lutheran Church has been my rock, my wisdom and my strength, and I am not going to budge. I have had much good advice and many good arguments put to me by the Lutheran pastors in my electorate and I would not go past that. I thank them all very much for their support and confidence in me to stand here and say, no, we would not support this.

I wonder where this will finish. This will not pass today, I am fairly sure. I have heard what my colleagues have had to say, and I have heard what the government members have had to say. I am just curious to know why there were only one or two speakers from that side. I wonder whether the others are going to stand up. Anyway, that is my view. Again, I never intended to speak on this bill, but can I say I hope the parliament will defeat it and leave these decisions for those in Canberra.

Mr PEGLER (Mount Gambier) (11:27): I would say from the outset that I am not against the union and commitment of people of the same sex, and I certainly have no prejudice based on sexual orientation of people. The problem I do have with this bill is that I feel that the bill, if passed, is likely to be invalid within the meaning of section 109 of the constitution. Section 109 of the constitution states:

When a law of a State is inconsistent with a law of the Commonwealth, the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid.

Invalidity in the context of section 109 means that the state law is rendered inoperative as long as the commonwealth law is effective. If the commonwealth law were to be repealed, then the state law would revive. There are two tests which the High Court has developed in order to determine whether a state law is inconsistent with a commonwealth law: the first is whether there is a direct inconsistency between the laws; the second is whether the commonwealth law evinces an intention to cover the field and so an indirect inconsistency is created.

For section 109 to come into play, there must be a valid law enacted by both the commonwealth and state parliaments. If one or either law is otherwise invalid, there is no need for there to be recourse to section 109. There can be no doubt that the Marriage Act, including the amendment made by the Marriage Amendment Act 2004, is a valid enactment of the commonwealth parliament. I feel that this bill, if enacted, would not be a valid enactment of the state parliament. If we do pass this bill, I am sure that it will be challenged. It will be challenged at great cost to the taxpayers of this state and the end result will probably be that the bill will be thrown out.

I believe that a federal referendum under section 128 of the constitution is the proper and safe course to advance such a legislative and social change of great importance to large sections of our community. I consider this to be so, since any other course would be overshadowed by the uncertainty of outcomes pending challenge. That would be an undesirable legislative and social outcome. The referendum is the mechanism laid down by the constitution to test the will of the people and provide certainty on such issues, particularly when such a code as the Marriage Act has been in force for over 40 years and the institution of marriage has been assumed to have the same form since times preceding federation. So, I will be voting against this bill.

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (11:31): I rise to speak in support of the marriage equality bill before the parliament. Consider for a moment a world which is much like our own, except for one major difference: marriage is defined as the union of two people with blue eyes, to the exclusion of all others. If you have the misfortune to be born with brown, green or any other colour then you are prevented from marrying another person, no matter what their eye colour. The law permits no exemptions.

Suppose that the disciples of this blue-only arrangement furnish their argument by pointing to long-standing legal precedents: 'This is the way that we have effectively always done it. This is a social basis upon which our society is structured. Marriage is between two blue-eyed people. There is nothing that effectively can be done about it.' I think we would scorn a proposition like that because it discriminates against people for no good reason. It is a law that punishes innate biological characteristics and falsely links eye colour with moral character. Furthermore, it enters the state into a realm where it has no business.

Excusing this simplification that I use by way of example, what are the practical differences between the exclusion of non-blues from marriage and the continued prescription of gay and lesbian people? Both lean heavily on the brittle precedent of history. Proponents of heterosexual marriage point to the scriptures to embellish their argument, but such a strategy does wither under the glare of scrutiny. Enlightened societies look to the impartial precepts of science and reason to make laws and decide what is right. Science, logic and philosophical reason are the ammunition of our political battles.

I believe it is wrong to deny same-sex couples the right to marriage. The extension of that right is not only morally defensible but it is also socially responsible. We should encourage any attempt to broaden the scope of marriage, because it is an institution which strengthens the bonds of our mutual obligations and promotes values we like to see upheld in our society. It is obvious that stable, committed, monogamous relationships do exist outside of marriage. Nevertheless, marriage occupies a unique place within our society. It is known as a commitment device. It legally joins a couple, while also binding families and communities. On average, those who are married are happier, healthier and more prosperous than their unmarried counterparts. To deny same-sex couples access to those numerous social and psychological benefits, as well as the substantial financial inducements to marriage, misses an opportunity to strengthen a public good.

I would also like to examine the economic dimensions of this debate in greater depth. As women have gained greater access to the job market and greater control over their own fertility, the opportunity cost of having a spouse stay at home, out of public life, has dramatically increased. Marriage relies less and less on the traditional breadwinner-homemaker dichotomy. Instead, we

are now more likely to search for a soul mate with whom we share interests, preferences and beliefs.

Modern marriage is no longer the handmaiden of biological caprice. It is no coincidence, so writes Justin Wolfers for Bloomberg, that many of the opponents of same-sex marriage are also opponents of the ongoing shift to marriages of equality. Individuals, especially women, will continue to command greater wages outside of the home. The cost of staying at home will continue to rise.

Research has yielded evidence that there would be very real economic benefits to South Australia adopting marriage equality. Professor Lee Badgett of the University of Massachusetts has estimated that if a state like South Australia became the first state to allow same-sex marriage, its economy could benefit to the tune of at least \$96 million, with most of this going to small business. I think we are very much aware of the economic benefits of attracting the 'gay dollar'.

There was also a substantial body of work done by Richard Florida who looked at the most vibrant cities around the world and was able to draw a direct link or correlation between the prosperity of those cities and the fact that they had very high concentrations of gay people. So, this proposition is not to be dismissed.

In this way, one clear argument in favour of this bill is a utilitarian one: extending the right to marry to same-sex couples will yield substantial social gains. It will strengthen our economy, and offer all same-sex couples the right to choose whether marriage is the appropriate expression of their love while the institution—although it is under a bit of stress—is given a firm jolt in the right direction, as far as I am concerned.

Now I would like to turn my attention to the legal and moral deficiencies of the status quo. John Stuart Mill, the 19th century philosopher of English libertarianism—and this should be of interest to the other side of the house—advanced a crucible of contemporary political thought: the harm principle. This idea effectively states that individuals should not be constrained from the pursuit of any endeavour they choose, up to the point of inflicting harm on others.

Failing to extend the right to marriage denies same-sex couples the chance to formalise their commitment to one another and renders them second-class citizens before the law. It signals that the political community deems an entire class of relationship unworthy of the respect and recognition afforded to heterosexual marriage. In doing so, it inflicts an unwarranted and indefensible harm.

The liberal project commenced by John Stuart Mill aspires to the construction of a state which fights for the needs of the deprived and, where applicable, does not interfere in the wishes of individual. As long as there is injustice which can be alleviated through political means, then there is a need for a strong state and intervention. That does not mean that an inequity levied by the state itself should be allowed to stand; on the contrary, it becomes incumbent on political actors to correct for obvious defects of the law.

Throughout history, each generation has expanded the freedoms won by their parents and grandparents. The extension of rights to the greatest number is animated by that same ideal. Our political process has allowed us to work at a steady pace to remove the impediments to the realisation of the equality of all men and women. Opposition to marriage equality is the next great barrier which we must collectively hurdle.

The shadow attorney-general has justified his party's refusal to support marriage equality by explaining that 'marriage is the domain of the federal parliament, so our party'—the Liberal opposition—'will not be supporting laws we don't think the parliament has the power to make'. This is a misreading of the interaction of state and federal laws, and I know it has been dealt with at length by speakers on the other side of the house.

It is true that where there is an inconsistency in a concurrently administered law, the commonwealth prevails to the extent of the inconsistency as per section 109 of the constitution, but this is no barrier to this parliament passing the marriage equality bill. In order for this bill to be inconsistent with the commonwealth Marriage Act within the meaning of section 109, it would need to purport to do the same thing. Whether that means that is unconstitutional or inoperable is a judgement which will ultimately fall to the High Court in the event of a challenge. The court would then determine the scope of the commonwealth Marriage Act, whether it comes before and at the expense of any state marriage laws or whether it can exist alongside the state laws.

In the words of Professor George Williams, the constitutional law expert who advised the drafting of this bill, South Australia would be 'doing a great service to the nation' by becoming the

first state in Australia to pass such legislation and subjecting the federal act to legal scrutiny. Our parliament has the authority to pass the marriage equality bill. Objecting to the passage of this bill by taking refuge behind jurisprudence which is yet to be created dodges our duty to debate social issues on behalf of South Australians. If we value this chamber, the ideas which it embodies and the people it represents, then I urge my colleagues in this chamber and on the other side of the house in particular to not hide behind such a thin facade.

Time expired.

Mr HAMILTON-SMITH (Waite) (11:41): I indicate that I will be opposing the bill. I commend the member for Port Adelaide for bringing it before the house. I know that she genuinely believes in the bill, and there is no right and wrong position on this bill. It is a value judgement. It has to do with what each of us, in our hearts, believes. No-one is right and no-one is wrong, but I will be encouraging every member of this house to please vote against this bill, because I do not think it is going to make South Australia or Australia or our community a better place.

The fundamental proposition in the bill and what we are being asked to accept by the proponents of this measure—and it is reflected in the language of the bill when people talk about marriage equality, discrimination and difficulties the gay community may experience with acceptance and so on in the broader community—is that if we do not accept the bill, then we do not like gay people. If we do not accept the bill, we are somehow opposed to gay lifestyles and gay relationships. The proposition is that if we do not accept the bill, we have got a problem with homosexuality. I completely reject that proposition. I completely reject that argument—it is wrong.

There are many groups in our community—there are those who support gay marriage and support gay communities and who are gay themselves, and good for them. There are those who, because of their core fundamental beliefs, think that homosexual relationships are wrong and that they do not like their relationships and think they are immoral. I am not one of those people, but there are people who have that view and they are entitled to it. But, there is a much broader group in the middle, and I think I am part of that group. We accept gay relationships, we have many gay friends, we value their relationships, we see they are deep, meaningful and committed relationships, but we do not believe they are marriages or that they should be marriages. We believe they are different to heterosexual marriages and marriages as we have understood them for centuries.

We can accept gay relationships and gay people and not accept this bill. I think that is the mainstream of South Australia and the mainstream of Australia. I would say to people, I think the vast majority of South Australians are completely accepting of gay relationships and gay people, and I am certainly one of them, but I do not think, personally, they would support this bill if they understood its full implications. For that reason, I encourage every member to oppose it.

What is marriage about? Yes, it is about acceptance and recognition of your relationship, but it is also about love, property and children. I have not heard much in debate about children, property and love. I have heard a lot about acceptance and recognition. To me the principal concern about this bill is the impact it will have on children and on family relationships, and I will explain why.

We all have a responsibility to build and support families and family relationships. We have a responsibility to make this community which we live in stronger and better in every act that we perform. I cannot see how this bill will do that. I know members believe passionately in the bill and there is no doubt in my mind about the strength and character of many gay relationships or of heterosexual relationships, but I think this bill, if it were to pass, would open problems going forward which are not going to help community cohesion.

As I mentioned, this is about everyone's core values, and everyone's fundamental beliefs. There is no right or wrong answer. I just want to latch onto a few issues in arguing against this bill. First of all this demonising of faith, and this argument that if you are a Christian or if you have religious principles then you are wrong, you are old fashioned, that is unacceptable, and you are not part of the modern world because you have faith. I completely reject that proposition—I completely and utterly reject it—and those who would criticise the churches of Christian faith or of Islamic faith or of any faith because they oppose this measure, because they are somehow characterised as being old fashioned, out of date or part of ancient history, are completely and utterly wrong.

If anything, I would appeal to churches of any faith or denomination to be more vocal on this issue. Silence is the enemy. Get out there and express your view as the advocates for the case

are expressing their view. There are many people who may not have a religious conviction who would oppose this measure anyway, based on their fundamental core values and their sense of what is right and what is wrong, and what is good for the community going forward.

I have talked to a lot of gay people about it, many of whom are close friends of mine by the way, and I will not, as other members have, regale the house with various stories about very close friends from the gay community whom I have had over many decades because I could have everyone in stitches because they are jolly good fun and very good pals of mine. I think this is actually a bit of a fringe issue in the gay community. I do not think most gay people are really passionately convinced that they want this.

I think that there is a group within the gay community who want it passionately; there is another group within the gay community who think that it would be a good thing if it came in and they would like the benefits of it; and there is another group within the gay community, many of them in de facto relationships who frankly just do not care, as there are in the heterosexual community a large group of people in de facto relationships do not care about getting married. I think this is a fringe issue being pushed by a group who want to see it put in place as a matter of principle. I do not think even the gay community is united in its support for this measure. If they want to be welcomed to the divorce courts and the property settlements and all those sorts of things, then good on, because marriages are not perfect, but I think that is the case.

I think a principal reason for opposing this bill has to do with children. I happen to have an eight year old. For those of you who have young kids, it is hard enough trying to explain to them how the world works as it is, but I am firmly of the view that every child has a right to a mother and a father. I think they need to know who is their mother and who is their father. I know that that is not always the case, but I think where possible we should try to do that. I cannot see how you can support this bill and then oppose same-sex adoptions, same-sex IVF, and full rights and privileges with regard to parenting to same-sex relationships, you just cannot do it. I think a fundamental weakness of the bill is clause 8 which says that nothing in this part:

...imposes an obligation on an authorised celebrant being a minister of religion to solemnise any same sex marriage.

What you will do is open a Pandora's box. What the bill is saying is we want the law to recognise same-sex marriages as completely equal but we will not require ministers of religion to marry same-sex couples. Why? Because we do not want to pick a fight with the church.

I know exactly what will happen—and what has happened with so many bills I have seen in the 17 or 18 years that I have been here—we will pass this one and, in a year's time, somebody will be introducing an antidiscrimination law that says we should criminalise ministers of religion or celebrants who are refusing to marry same-sex couples because we have accepted that they are completely equal.

You are either completely equal or you are not. If we are going to consider this measure, we must make same-sex couples completely equal. If we are going to do that, the argument would follow that it would be illegal for anyone to refuse to marry them, it would be illegal for anyone to discriminate against them in any way—in regard to children, in regard to adoptions, in regard to IVF. That is where it will end.

Ten years ago, we were in here discussing a similar measure to enable property rights and certain other privileges for same-sex relations, and I heard members get up and say that we would never be arguing for same-sex marriage—here we are. And that is what will happen: the discrimination laws will come in, we will pick a fight with the churches, with the Islamic community, with various other groups in the community, and it will create more problems for the gay community rather than solve problems, and with the very best of intentions it will simply make things worse.

I do not think this bill, if it were to be passed, would make our society more cohesive, more cogent, more coordinated, stronger. I think it will only lead to further argument, further dispute and further division. I encourage members to have the courage of their convictions on this issue. I say to the house that I think we all accept gay relationships, I think we all accept de facto relationships, whether they are gay or heterosexual. I think we are embracing and accepting of the gay community. I do not think there is a problem that needs fixing, and for that reason I would urge all members to vote against the measure.

The Hon. R.B. SUCH (Fisher) (11:51): My own personal view is support for this measure. My reluctance at this stage in casting a vote is because I am in the process of asking my electors

what they want in respect of this bill. I would remind members that we are not in here to impose our view one way or the other on any issue: we are in here to represent our electorate. It is very easy these days to ask your electorate what their view is on a particular issue. I have done it with voluntary euthanasia, and I have asked questions about a range of issues. People might say that you will not get everyone responding. That is true, but you will get an indication.

In the past I have asked some questions that were not precisely related to this bill, because it did not exist, but one of them was words to the effect of whether same-sex couples should be able to use the term 'marriage' as an indication of the state of their relationship. At that time, most of those who replied indicated that they did not support that. I also asked about whether same-sex couples should be able to adopt. Once again, the responses in the main were negative. There were about 3,000 respondents out of a potential 23,000, so you cannot say absolutely that their views on those issues accurately represented the views of the people in the electorate.

We are in here to represent what our electors want. We are not in here for the Bob Such crusade, or anyone else's crusade. We are here to reflect and represent what the people want, and that is why I have considerable concern with the so-called conscience vote. The conscience vote should be abbreviated to the 'con vote' because every matter we are voting on should relate to our conscience. Unemployed people, homeless people—is that a matter for conscience? Of course it is, every issue is. The conscience vote is really a safety valve for political parties; that is what it is about. It denies people in a particular electorate the opportunity to have their representative express a view on their behalf. I think the so-called conscience vote is actually a con vote because it does not get to the heart of what we are really about in here.

In terms of the actual bill, I am a great supporter of equal opportunity and equal rights. I have before the house a bill on civil partnerships which I have been asked to bring in here by people who are already, in this particular case, in a lesbian relationship. They asked whether I could bring in a bill that would deal with the issue of civil partnerships. Those women, ironically, live in another electorate, and they keep asking me when the parliament is going to deal with this issue. Some say, 'You are doing it because it is a fallback; it is an easy way out of this issue.' No, I am doing it because people have asked me to do it, to raise it in parliament. It is still on the *Notice Paper*, so if people feel strongly about the issue of civil partnerships they can support that bill in due course.

I think it is important to remind ourselves that the term 'marriage' is not owned by any section of the community. It is not owned by a church or churches, or a secular group. It is really a reflection of a commitment made between two people in a personal relationship. That is what it is about: it is a commitment, and the law backs up that commitment. Some people have suggested that you cannot have same-sex marriage because of the impact it could have on children. The research evidence shows that there is no negative impact on children whose parents or guardians, whatever you want to call them, are in a same-sex relationship. The research evidence does not support that.

I was on the committee when many lesbians (I think they were all lesbians who came in) who had adopted or who had been through an IVF process brought their children into the parliament so that we could meet them. I thought there was a touch of irony there because many of the lesbian parents or partners had sons, and I think some people would say that was a bit ironic. They said, 'We are not radical feminists. We want our child we have had through IVF at great expense to have male role models.' They said in evidence that when they tried to give their son female-type toys, the young lad threw them out of the pusher, or wherever, and wanted to play with trucks, which is pretty normal for a young boy.

I think the argument that this is the thin edge of the wedge and that we will be bringing up children in unhealthy arrangements does not stack up; there is no evidence to back that up. Those particular parents said, 'We make sure the child has male role models.' Many of these people are involved and active in their various churches, and they said, 'We make sure that our child has male role models.' I think the argument that, once again, this is the slippery slope and that you will end up with people of the same sex rearing children in an unhealthy environment has no evidence to back it up at all; if it exists, I would like to see it, but I have looked at the research and it does not support that.

The issue then comes down to whether people should be treated equally in regard to a commitment they want to make to someone, whether or not they are of the same sex. I do not see any justification for discriminating against people on the basis of marriage. All the arguments we hear are the same sorts of arguments we have heard and were heard in the past about women—if

you let women into the workforce it will be the end of civilisation, or if you get rid of slavery it will be a terrible thing.

The same old conservative arguments are trotted out—that it is the thin edge of the wedge and that it will be the end of civilisation as we know it. A lot of the opposition comes from people who have a religious view. I respect that but, as I said earlier, I do not believe marriage belongs to a particular religion, secular group or whatever. It is an indication of a commitment that should be available to those in the community who want it.

I understand this is not going to be taken to a division today. It will be dealt with on the voices. I think that is appropriate. As I say, I do not want to be forced into a position where we are dividing because it would be improper, given that I am asking my people next week and they will get the printed material next week. I am asking them specifically about this bill and some other things. It would be quite improper if I predetermine what they have got to say by voting today.

My personal support is for same-sex marriage. It will happen one day. I think the constitutional argument is a bit of a red herring because, as we saw with serious and organised crime, even the bikies will challenge in the High Court if necessary. You could argue I am not a constitutional lawyer, but I think that this is a subset of the commonwealth's power in terms of marriage, so it probably would be a good thing if it was tested in a court. On my amateur reading of it, I do not believe it would automatically be overruled by the High Court. So, I support it personally but I am not voting today because I am waiting to hear back from my constituents.

The SPEAKER: Thank you for the vibe. The member for Newland.

The Hon. T.R. KENYON (Newland—Minister for Manufacturing, Innovation and Trade, Minister for Small Business) (12:01): So, we have got the vibe and the constitution, sir. I was waiting for the third in that troika.

The Hon. C.C. Fox: Where is Mabo?

The Hon. T.R. KENYON: The member for Bright walks past asking, 'Where is Mabo?' I rise opposing the bill, unsurprisingly to most of you in this house, I suspect. I oppose it not because of constitutionality issues, although I suspect they are correct in that it will not be ruled constitutional. I rise to oppose it because of my beliefs about what marriage is and what it should remain.

I say it with a deep respect for both sides of this argument because these are passionately held beliefs with a genuine will to do good—a genuine will on both sides of this argument to do good, to improve our society. We have a dispute about what is, in fact, a way to improve our society, but there is a genuine will on all sides of this debate to do good for all of us, and I respect that.

Marriage is longstanding in our community, well past the establishment of Christianity and well past the establishment of any organised religion, I suspect, in any meaningful way, certainly in any organised religion that still remains. My understanding of the derivation of the word 'marriage' is that it came about from a recognition of the relationship between men and women. In fact, they are so intricately linked in this recognition of the relationship between men and women.

For me, that is the crux. The institution of marriage, the institution of the relationship between men and women, is a longstanding social institution. For me, the only real difference between the class of same-sex relationships and the class of traditional relationships between men and women, particularly married women and men, is the ability to have children. I understand that that is not something that all married people can do—I understand that. I understand that many children are brought up by excellent parents, some of whom I know, who are not married. It is not about that: it is about the ideal.

There is plenty of research that shows that the best environment for children to be raised is in a loving relationship between a man and a woman. We cannot always provide that and just because you do not provide it does not mean that you are raising children badly or that it is not a good environment for them—in fact, the opposite is true—but the ideal remains. In my world, we should be striving for ideals. I have always strived for ideals and we should be striving for ideals, recognising that we will often not meet them, but we should be working towards them all the time.

We recognise that having children, raising children within this traditional relationship of men and women, has been good for society. It has helped build society. So often, the only thing people have to fall back on is their family. It is what has provided a nourishing environment for so many

people to be raised in, so that they go out and do good for those around them. It teaches them that a group of people is more important than an individual in many ways and that the good of individuals is served by the relationships we live in and the way we live with other people. We are not a series of individuals who live in the same geographic space. I reject that idea utterly.

I do not agree with Margaret Thatcher, for instance, that society is dead. I think that is rubbish. I think society is good. Society should be nurtured. The building block of that society is a traditional relationship between men and women raising children. Again, it is not always what happens but it is the ideal.

I think it is well within the rights of society to say that this traditional relationship between men and women is of such importance and of such good for our society that it should be recognised as a special relationship in its own right, which is what it currently does. I do not think that a refusal to ascribe that status to other relationships is a discrimination. In its pure form it is, but I do not think it is a negative discrimination. I think it actually builds up a relationship and an institution that has improved and contributed to society.

There is some discussion that the state should withdraw entirely from the idea of defining what marriage is, that it should argue that it is not for the state to do that. If we look at the weakening down over time of the nation states' recognition of marriage and the way it can be dissolved, and everything else, there is a lot of rational argument behind it. However, in the end, I have come to the conclusion that that is not a view I support. For me, there is a higher level of meaning to marriage. It is a sacrament for me. It is an important part of my faith. The good provided to society by marriage between men and women is such that it should be recognised by the state.

The last thing I would like to say on this matter agrees with the member for Waite in a way. I reject charges of homophobia because I do not agree with gay marriage. I am not going to detail my relationships or anything else, but I think it would be fair to say that those who know me would also reject that charge, if it were made against me. With those words, I will be voting against this bill. I will vote against it because of what I believe in, not because of some legalistic argument. I urge other members to give it full consideration.

Mr GRIFFITHS (Goyder) (12:07): There is no doubt that this is a very important day for the parliament. It proves to me that democracy still works, because this is an opportunity for people to stand up and talk about not only what consultation they have had but what they believe in their heart. There is no doubt about that. I respect the fact that this bill is introduced on the basis of total belief in it. I have listened to the member for Port Adelaide. I have listened to her comments on radio and I understand the reason why she has introduced this bill.

I would like to think that we have all been contacted by people. In here, the opposition holds a party perspective on it, too, but there has been some consultation within the media on what our position is. We come in here having talked to many people. It has been a very strong topic of discussion in my local community. Like others, I have received a lot of emails and correspondence about it. I have spoken to many people about this matter over the years and it is one of the key defining issues.

Even if it were not a conscience issue, I would vote on what I believe in because, for me, it is a defining principle. I will not support the bill on that basis. To me, marriage is a term to be used solely for a relationship between a man and a woman. I am respectful of loving relationships, and that is how I term it; not same sex, but a loving relationship. I respect that there needs to be some form of legal recognition of the union created between those loving relationships, but I can only accept the term of marriage being used for a relationship between a man and a woman.

I hope others judge me on the fact that I am a person who listens to debates, is prepared to engage in conversations about things, accepts people's concerns, changes my position based on good advice that has been put to me and is tempered against all these issues to try to form a position. In every role that a member of parliament undertakes, we try to listen to all these things to form a position. Politics interfere sometimes in these things. This is purely a conscience vote, I believe, for the Labor members, and I respect that, and for me it was always going to be a conscience issue, no matter what, so I am grateful that the party position supports the view I hold.

When Lainie Anderson from the *Sunday Mail* contacted people, there was a bit of to-ing and fro-ing between Lainie and me and, for me, it came down to words and the choice of words. I said to her, 'You have to understand the type of person I am. I am a process-driven person and every word is important to me. They all have a particular influence and can change a position and I will not change on it.'

I did not grow up in an overly religious family but I have grown up in a situation where my parents divorced at a very young age so I am not impacted by that. I was challenged, I felt, for much of my life by not having that male influence around me but I have compensated for that, I hope, with my own kids. My son celebrates his 24th birthday today. I hope my children get married, and they are in loving relationships.

For my son and daughter, it is with the opposite sex, and I would never try to influence what, for them, is their loving relationship. They have chosen to do things with people that I have ultimate respect for and I hope that they commit their relationship to that next level one day, too. I have received contact from one person in my electorate who I do know quite well and I want to take a minute to read it. It is about the Same Sex Marriage Bill, of course, and he states:

...if passed it can be challenged in the High Court.

We have heard others talk about that, too. He goes on to say:

Not only is the regulation of marriage a Federal concern and therefore a waste of good parliamentary time (and therefore taxpayer dollars) to pursue this at state level. No parliament can redefine marriage without an Australian Constitutional change.

That is his position. He goes on:

Since our preamble starts with 'Humbly relying on the blessings of Almighty God' then it would not be wise to tamper with His institution or think that mere flesh and blood can redefine God and escape the consequences. Since you would have opened Parliament in prayer—

and we do that every day—

so that you could enact His wisdom it would be wise to find His mind on this family and society destroying legislation.

As I say, I am not a deeply religious person but I come in every day, whenever possible, and say the Lord's Prayer to myself because I believe it will help me make better decisions. We are all faced with a challenge on this issue. I have listened very intently to all the contributions made by people and I know they are talking to hundreds, if not thousands, of people, too, but for me it comes down to the basic principle on which I have always lived my life and that is that the marriage term is defined by a man and a woman. Donna and I have celebrated 25 years together now and I hope it stays so for another 50 years, if she will put up with me for that long.

I do not judge people by their sexual orientation and I never would. I treat people on how they present to me, what they say to me and how I interact with them. I do not listen to what others might think of people when I form a position on a person. I judge them on how they react with me. For me, it is not important. I understand, also, in the sections of people's lives that are not known to the public that other things might occur, too, so I respect that.

I will vote against this bill, even though I have respect for the member for Port Adelaide, on the basis that it is a terminology that is used that I cannot accept. I know many members in this chamber are faced with the same dilemma. I think this will define our society, and the member for Newland referred to society very strongly. I am a believer in the future, also. The future will be impacted by decisions that we cannot influence, and never could try to, but on this day I hope the house decides to not support the bill.

The Hon. L.R. BREUER (Giles) (12:09): Before I start, I have to declare an interest in this. I am not gay and I am not married. Statistics for marriage rates in Australia show that every third marriage ends in divorce, 29 per cent of Australians never marry (which is almost a third) and a third of children are born outside traditional marriage. So much for the importance of this wonderful, sacred institution. I have heard people here calmly speaking today with some self-righteousness and some very convincing tones, but the hypocrisy in this place absolutely appals me. Just listen to yourselves and what you are saying here today, so many of you.

I know many people here today actually do believe that gay people should be allowed to marry, and you have said so, on both sides of the house, so have the guts to stand up for your convictions. Let your own personal views stand and not what you have been told to do. Stand up for your convictions on this. Do not hide behind these constitutional issues we are hearing about with the commonwealth Marriage Act, etc. We do not know whether this will be legitimate or not, if this goes through, but let's do it.

I am appalled by the views of the far right on both sides of the house on this. I have had emails coming to me, telling me that in God's eyes, in the Bible, this is wrong. I am sure that here in this place and in the gallery there are people sitting there with their rosary beads or their Bibles in

their back pockets, fearing divine retribution if they were to vote for this bill. Well, the God I was raised with was a loving, compassionate God, and is He really going to judge two people who love each other, and have loved each other for a long time, who want their union to become recognised by our community? That is not the God I was raised with and that is not the God I would want to believe in, if that was the case.

I have also been deluged with emails telling me that a child must have a mother and father, and I have heard this so many times here this morning. Well, I raised my children without a father. He disappeared into the wilderness. I raised my children on my own and one is now the deputy mayor in Whyalla and the other one is working in a humanitarian organisation with refugees, working every day with people who are in trauma, etc. I do not think I did too bad a job with my children, and I think it is an insult to every single parent who struggles on their own to raise their children, or are in a co-parenting relationship where one parent lives away from the other parent, to say that you must have a mother and father at home. Ask the members for Ramsay and Little Para, the Minister for Transport Services and me about raising children on your own. It would be very nice to have a mother and father there, but it does not always work.

What I say to people is: 'Stand up for what you believe in.' Members here today, stand up for what you believe in. Give gay people an opportunity to marry if they wish to do so. South Australia was a very progressive state under the wonderful Don Dunstan and, colleagues on my side, I ask you to remember this: people came to South Australia because we were so progressive with our social issues. So, have the strength to stand up for what you believe in. Do not be hypocritical. Do not hide behind constitution and legal jargon today.

If you truly believe—and I have heard so many of you say it today—that gay people should be allowed the same opportunity as everyone else, then give them that right and that opportunity to do so. Do not force your religious beliefs down my throat. Do not force your homophobic beliefs down my throat if that is what this is really all about. Stop playing political games. The hypocrisy of this place appals me. Stop playing these political games when people out there are hurting because they do not have that opportunity that everybody else has. Whatever votes you think you are going to lose by supporting this bill, you are going to make up with a heck of a lot of other free-thinking people out there who will support you on this and admire you for having the guts to do it and for standing up for what you believe in. I support gay marriage and I will stand up before anyone and say so.

Mr WHETSTONE (Chaffey) (12:18): I rise today on the Same Sex Marriage Bill introduced by the member for Port Adelaide. As the member for Giles has declared, I am a single parent and my mother was a single parent, so I am not hiding behind any facade, let me tell you. However, this is an issue that has had increasing traction both in this place today and in the federal arena. It is an issue that requires one to think long and hard about their decision, their view and their vote. I am here today representing my constituency, who have given me extreme feedback. Hundreds and hundreds of people have come to my electorate office. I have had a mail trail miles and miles long with people's opinions and views, their argument one way or another, and that has informed my decision on opposing this bill.

I believe that marriage is the lawful union of two people: a man and a woman, to the exclusion of all others, voluntarily entered into for life. Now, that did not work for me, and that did not work for my mother. It has not worked for all of the people who are listening to this debate or all of the people who are sitting here today, but it is the way that things work; it is the expected outcome of a marriage.

As I said, I have been inundated by the feedback of my constituency, and they are the people that I am representing; I am here voicing their concerns. I have taken a lot of time over the last few years to listen to and consider the views and positions of my constituents, not just on this bill, but on every decision that we stand here and debate. As the representative of the electorate of Chaffey, I think it is appropriate to act according to the balanced views of all sides of the argument.

One of my primary concerns and indeed a concern of many South Australians is that if this law is to go through, enacted by state parliament, legalising same-sex marriage would likely be constitutionally invalid. The weight of the legal opinion seems to support this conclusion. The commonwealth has regulated the area of marriage since it introduced the Marriage Act in 1961. This is where the current definition of marriage comes from, under section 109 of the Australian Constitution. It would appear that a state law allowing same-sex marriage, such as that put forward by the member for Port Adelaide, would be inconsistent with federal legislation. It would therefore be inoperative.

The member for Port Adelaide herself says she is almost certain that the bill, if passed, would face a High Court challenge. High Court challenges are extremely expensive in both time and money and are mixed with emotion. The state Labor government has already committed hundreds of thousands of taxpayer dollars to defending its legislation, and we cannot afford these expensive challenges. It is not about the money; it is about the moral obligation of people's beliefs.

This bill might also create difficulties for same-sex couples in other areas. For example, couples may experience problems in having their rights and responsibilities recognised under other legislation. This includes areas like family law and succession.

As I mentioned before, I have received large amounts of correspondence from my constituents about this issue, and I would say that the majority of the feedback I have received from the people living in Chaffey has been to oppose the bill. Each of those individuals is entitled to their views, as am I. As the member for Chaffey, and therefore the representative of people living in that electorate, I feel that the most appropriate action is to listen to the people.

I also have a number of friends who are gay and, as the member for Waite has said, I have had extensive discussions with them on this particular topic. Our discussions have always been robust, and they have always been understanding and informative discussions. They know my position on this issue and they are accepting of that, as I am aware and respectful of their position.

I am yet to be convinced by the long-term merits and benefit of this bill. As I keep stressing, this is a decision that I have come to after thinking about it for a long time and by listening to the opinions of my constituents, friends and family. So, I will be voting against this bill today on the primary ground that the constitutionality will be invalid and would therefore expose South Australian taxpayers to an enormous legal bill. My decision is also based on the views of the Chaffey electorate.

VISITORS

The SPEAKER: Before calling the member for Frome, I would like to acknowledge the presence in the gallery of the distinguished former speaker of this house, the Hon. Graham McDonald Gunn.

Honourable members: Hear, hear!

SAME SEX MARRIAGE BILL

Second reading debate resumed.

Mr BROCK (Frome) (12:24): I congratulate the member for Port Adelaide for bringing the bill to this house to be debated. Firstly, let me say that this is a very important issue, not only for South Australia, but for all of Australia. Whichever way we vote today, and whatever people say in this chamber, I do not think anyone should be victimised or criticised. Everyone should be able to say what they feel and what they represent and share their views without any retaliation from either side.

As the member for Giles has already indicated, I will say that I am not married. I am a widower, and I raised a couple of children when they were younger for a period of time. I am in a relationship now with my partner, Lyn, and we have five children between us and 14 grandchildren. Therefore, I am not married and my partner is not married; she is divorced. We do have a relationship. We do not want to get married, because the fact is that we believe we are having a relationship. We are very civil about the whole thing, and we are still in a loving relationship.

I must congratulate the member for Newland who gave a very eloquent speech about how he considers the Marriage Act and things like that. The other thing I have concern about—and the member for Chaffey mentioned it a minute ago—is that this is a conscience vote, as I understand it, from the government's point of view. That is fine. The opposition has said that it is a party view, and they would have the opportunity, I would assume, within their party room to have their say and things like that.

Is a conscience vote to do with the party itself in the finish, is it do with the member of that particular electorate, or is it the personal view of the member of parliament, in my case being the member for Frome? Is it my vote that I should be putting here, or as the member for Chaffey indicated a minute ago, should it be for the majority of the constituents of our electorates? We represent people. We should not represent parties in this chamber. We should not represent ourselves as individuals. We represent people and constituents out there. They are the ones who we should be taking into account.

The member for Fisher has indicated that he is going out to his people to get their views. I have already started doing that. The member for Chaffey—I congratulate the member—is also getting the views from his constituents. The people in the electorate of Frome, the ones who have responded—and there have been many, many hundreds—have overwhelmingly advised me, after explaining to me and getting a copy of the proposed bill, to vote against this bill.

The other thing is that I also have many friends who are in same-sex relationships, whether they are two males or two females. Not once have they asked me in my discussions to support this bill. They have a relationship and, as the Premier has also indicated in the 2007 bill, they have equal rights. They are protected in relation to their property values and things like that.

It is interesting that No. 15 on the *Notice Paper* is the Civil Partnerships Bill. That would overcome a lot of the issues in relation to the recognition of same-sex couples, as I understand it. It was an adjourned debate on the second reading on 18 October last year. Here we are dealing with a private members' bill which was introduced afterwards—with all due respect to the member for Port Adelaide and I congratulate her for getting it up there—when we could be dealing with the earlier bill and discussing the same issue about civil relationships, but it has been deferred. It has been buried down in the *Notice Paper*. I am intrigued by that—very intrigued.

I have attended many functions in this house and elsewhere, and I have had meetings with people from the churches, where I have listened to people who are for this and against this. At this stage, I have not been convinced that I need to vote for this particular bill. The thing that I would really like to see is the legal constitutional side.

The member for Giles said, 'Have some gumption and actually do not worry about those sort of things; make a decision', but I, like the member for Chaffey, do not want to make a decision that is not going to be ratified by the commonwealth or is going to be the cause of a High Court challenge. We have seen all those. I, along with the member for Fisher, would rather see the Civil Partnerships Bill (which is No. 15 on the *Notice Paper*) brought on and discussed and to look at what opportunity that offers.

As I said, a lot of my friends are gay, and not once have they asked me to come into this chamber and vote for this. They have said that they are very happy with that relationship. I will not mention this person's name but a close friend of mine, who is married with three children, was going through a stage in his life when he thought he was gay, so he changed, and he had the experience and he experimented, and he went into that line for a while. If this bill was passed, he would have divorced his wife and separated from his children, and he would have then married his male partner at the time, but as the time went on, after six or eight months, his feelings changed.

So I question that, if this bill was in place then, and he had divorced and married his same-sex partner, where would he be then? Divorced again. He has now gone back to his wife and his family, and he is in a happy relationship again. Our emotions and feelings always change. Certainly, at this stage I am not convinced to vote for this bill, and therefore at this particular point I will be voting against it.

Mr GARDNER (Morialta) (12:30): I am pleased to have the opportunity to speak on this matter. In my mind there are three things that we need to consider when dealing with a bill like this. The first is the salient point of whether it is desirable that same-sex couples be allowed to marry in South Australia, Australia or generally. Secondly, if we were going to pass such a law, would that law be valid for the jurisdiction we represent in the parliament? Thirdly, if the first two barriers were to be overcome, then would the nature of the bill still be desirable in other matters that may be raised? So I will deal with those three aspects in part.

The member for Frome raises one other question in relation to conscience votes generally. Does that mean that one's own conscience as a member of parliament—and I recognise that on the government side that this bill is a conscience vote—or is it, in fact, the conscience of one's constituency? To my mind, that is something that is going to be different for anyone who puts themselves forward for parliament and, if somebody wants to outsource their decision-making on these matters to their constituency, then they can go to an election and tell their constituents they are going to do that.

That is a legitimate way to conduct oneself but, at the same time, for members who have firm views on a matter who wish to put their expression forward and who will not be shaken by their constituency, so long as their electors know what those views are going to be before they put themselves up for parliament, then I think that that is entirely legitimate too, because electors may well vote for somebody who has a different view on one matter or another. It is likely across the

gamut of issues that that is going to happen, but they may think that that person's character or qualities or other views are more important than just that one position.

On the matter of whether same-sex couples should be allowed to marry, I am against discrimination in all forms, and I am in here too. I know that my friends who have invited me to their weddings—and I see people laughing as I know that on the other side there has been a bit of bingo game going on when anyone talks about their friends who have same-sex attraction, and that is fine, that is one of the things that happens, but I feel in putting my points, I should at least share my personal experience.

When I was invited to celebrate the solemnity of people's personal commitments to each other, and those commitments had to be in Canada or Spain, then I was sorry that I could not join them on those occasions as they were able to join me at my marriage. These things are important. Marriage is a wonderful blessing to those who are able to undertake it. It is an expression of commitment and it is good for society as well for people to express their commitment. It is good.

In my maiden speech I talked about the most important unit of society is the individual, and the family, and governments come third. It is worthwhile to encourage that and I think that that is actually a fairly fundamental conservative point of view, to be able to say that family units are important and are to be encouraged, and I do not support ongoing discrimination.

I would have liked to attend those celebrations and it is also true that not all of those couples go on, just as heterosexual couples who marry. I think the member for Giles said that only two-thirds succeed, and the same could be true for others as well, but that does not necessarily argue against it in my view. However, this is not the place where we have the opportunity to make that law.

We were accused of hypocrisy on this side, those of us who might support the principle but oppose the law because of some sort of, I think, jargon or constitutional mumbo-jumbo was the suggestion. I absolutely abhor the suggestion that has been put by some members, some government staffers, on Twitter. People who I quite like have been saying that about people on this side.

I think that as lawmakers we have a fundamental responsibility to understand what we have the capacity to do. The member for Bragg, the member for Heysen, and other members have gone through the constitutional arguments, and it is very clear that federal law takes precedence. In relation to the federal law, not only does the Marriage Act not allow same-sex marriage but it also creates a criminal offence of anyone undertaking to solemnise, or purport to solemnise, a marriage if the person has reason to believe that there is a legal impediment to the marriage or if the person has reasons to believe that marriage would be void.

It is, in fact, a hoax. It is a hoax to support this bill and accuse us of hypocrisy for not supporting it. It is a hoax to say that the constitution is not important, and that 'the vibe' is all we need in some sort of Dennis Denuto approach, that if you believe in something you vote for it and we will let the High Court deal with it later.

If the High Court strikes out our law, what is going to happen to people who undertake that celebration and accede to whatever other benefits or rights they may receive, only later to have the High Court strike it out? What is going to happen to those marriages and everything that has been undertaken in the course of those marriages? It is nothing but a hoax. It is appalling that people who in good faith have been putting their solemn constitutional views about the constitutional arrangements, as we understand them, have been accused of everything other than representing their constituents in the way that they should.

The third aspect is in relation to whether the bill creates any other problems. If one supports the premise and if one were to accept the constitutional validity, should this bill then still be supported? I would argue that there are other issues at stake.

For a start, as the member for Bragg outlined, all of the matters in relation to family relationships are dealt with at a federal level. So if you have one state in which same-sex marriage is accepted, let's say that it was constitutionally valid—I do not believe that it is and I do not believe that can be, but even if it were—and the state were to pass it and it was accepted, what would happen to other family relationships if that couple were to move? Could those marriages be tested in other states?

It is not just family relationships. There is also the distribution of the state's intestacy, family provisions and statutes providing for workers' accident compensation in relation to partners. All of these things may come into question. So I think that the bill itself is a problem.

I have listened to all of the speeches that have been put forward. I heard the Premier compare himself to Barack Obama and David Cameron and describe the opposition's position on same-sex marriage as empty symbolism. Members on this side have talked about the constitution, whether that is the primary reason for their opposition to the bill or not, but of those who have supported same-sex marriage and those who have opposed same-sex marriage, the only person I have heard describe this as empty symbolism is the Premier.

I know that is not his position, but it is his characterisation of others' arguments, and I think that it is unfair. I do not think that anyone has said that. Symbolism is important and the institution of marriage is important. But it is critical that this parliament deals with matters that are within this parliament's domain. We are unhappy whenever the commonwealth parliament or local councils seek to deal with matters that are in our domain—the councils' we strike out and the commonwealth we have almighty barneys with. I do not see that there is any inconsistency in supporting the premise but opposing this bill, and I certainly do so on this occasion.

The Hon. C.C. FOX (Bright—Minister for Transport Services, Minister Assisting the Minister for the Arts) (12:38): I do not wish to talk about the constitution, I do not wish to reflect negatively on the views of other people in this place, on either side of the house. I would like to talk about three things that I think are pertinent in relation to this debate, and they are this: people, love and God. At the risk of laughing at myself, I have many friends who are gay; in fact, some of my best friends are gay.

Ms Thompson interjecting:

The Hon. C.C. FOX: No; it's true. I have grown up in a family where many family friends were gay, where having gay people around us was not even remarked upon because they were just people, not part of a 'gay community', just people. One of my great friends, whose name I shall not mention, a deeply religious man, a Catholic who wanted to be a minister of religion, who had deep, deep beliefs, came out when he was 18 or 19, and he told his mother that he was gay; and she threw a crucifix at his head and she did not speak to him for six months, which was tragic.

Since that time they have reconciled, and since that time he has found himself with a partner of five years. They love each other very much and they own a house and numerous dogs together. Their relationship is much stronger than many relationships I know—either heterosexual or homosexual. I think that for this particular friend of mine, nothing would have given him more pleasure than to be married because he respects the institution of marriage.

He respects the institution of marriage, so much so that he wants to be part of that institution, which apparently is now only owned by the religious right, which I find tragic. For people like him and his partner (and his family) I stand here today and I say, 'You have the right to have your commitment recognised.' That is truly what I believe. I know that others do not, but that is truly what I believe.

Let us talk about love. Prince Charles famously said, when he announced his engagement to Lady Diana Spencer, 'Whatever in love means'. That is a very good question that I think we could talk about in here for hours and hours, and we do in our lives. One thing I do know about love—and I say this as a single parent who did not want to be a single parent—is that we cannot judge one person's love for another. We cannot define that. No individual, no church has the right to do so—a moral right to do so. I would never do that to any other human being.

I would like to talk very briefly about God. I am a member of the Uniting Church and my son is christened in the Uniting Church and has been welcomed with such love and such acceptance into the Uniting Church—the son of an unmarried mother. My grandparents were Methodist missionaries, so there was no dancing or drinking, there was no gambling—there was not a lot of much!

The Hon. L.R. Breuer: Not even a raffle book for the netball club!

The Hon. C.C. FOX: Indeed! But they were missionaries in Africa for some 50 years and their love and compassion and belief in God's word led them to be there. They truly believed in those things. But I also know that those very same people who dedicated their entire lives to the teachings of the good Lord Jesus Christ would have been appalled if they knew that someone

within a church was saying that a group of people were different; that they were not allowed to have the rights that the rest of us have.

Jesus Christ, in my belief, looked after the marginalised, he looked after the poorest in society. He looked after those people who did not have a voice. As a member of the Uniting Church and as a politician and as somebody with a conscience and beliefs about this, I stand here today saying those things.

I said at the beginning of this, hopefully, brief speech that I do not seek to judge those with different views. I think one of the marvellous things, certainly on my side of the house—I cannot speak for the other, but perhaps it is so—is that we can have very differing opinions about these particular matters.

The member for Newland and I could not be more diametrically opposed in our views on these particular matters. I still like him, and word on the street is that he still likes me; we can still be friends. But I said at the beginning of this speech that there are terribly different views and I really respect those views—I do, I do, I do. But my respect for people, my love for people, my belief and my interpretation of scripture tells me that I will vote for this bill and I will do so proudly and I will not walk away from my beliefs.

Dr CLOSE (Port Adelaide) (12:44): I rise to close debate on the second reading of this bill. I thank all members of parliament who have contributed to this debate. I made the case for this bill in my second reading speech and I will not take up time reiterating the points I made.

However, because the constitution has been raised by many speakers, I will briefly readdress that. The best legal advice, including that provided at a seminar for MPs recently, is that it is constitutionally valid for a state to pass legislation relating to marriage—it is a concurrent power under the constitution—and that it is likely to be subject to a challenge that may or may not be successful in having the legislation rendered inoperable.

There can be no doubt that we have the authority to pass this legislation. There can be no doubt that it may founder. We are not members of the High Court and cannot place ourselves in their position to make that judgement. No report from any other state can give any different advice. Either we have the courage to test this or we do not.

It was also raised at that seminar that a federal parliament decision to include same-sex couples in its Marriage Act would equally be open to High Court challenge. There appears to be no way for this country to have equal marriage without some legal debate and likely High Court consideration. We need to be courageous enough to test that, either in the state or in the country.

Before we go to a vote, I will list the countries that have decided to allow two people to marry, regardless of gender. They are Argentina, Belgium, Brazil, Canada, Denmark, France, Iceland, the Netherlands, New Zealand, Norway, Portugal, Spain, South Africa, Sweden, Uruguay, many of the states in the United States and parts of Mexico. The UK is in the process of joining that list. As a proud Labor member of this parliament, who regards it as my job to stand against discrimination and for the rights of all people to be treated equally by our laws, I will look forward to what I regard as inevitable: the addition of our country to that list.

Second reading negatived.

FOOD (LABELLING OF FREE-RANGE EGGS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 20 June 2013.)

Mr VAN HOLST PELLEKAAN (Stuart) (12:47): I rise today to speak on this private member's bill, with regard to the labelling aspects of what is and what is not a free-range facility, a free-range hen, a free-range egg, etc. This is a very important issue to deal with. Importantly, it does not only apply to eggs and does not only apply to free-range facilities. This is a very important issue for the seafood industry in South Australia, for the fruit industry, particularly the citrus industry, in South Australia and for many other products, but particularly locally South Australian grown, developed and produced food products.

It is very straightforward and very simple. I am sure all members of this house would agree that of course it should be clear as to what exactly is a free-range chook and what is not, and whether an egg that you buy at your corner deli or at a huge national supermarket chain comes from that sort of facility, because people should have the right to know so that they can have the

right to make an accurate choice. You cannot make an informed choice if you do not have accurate information.

We also all know that a very important part of this issue is the opportunity for producers to earn a premium for their products, if consumers want to support whatever production method they use. Equally, it is important that consumers have the choice to choose the cheapest, if they want to. We members here in this place are typically very fortunate to be in the position to make choices. I think we would generally encourage people to make choices that we would agree with, whether it were clean and green energy or whether it were a particular product that had certain safety aspects to it or whether it were free-range eggs or whatever it might be.

I think, as an aside, that it is very important to recognise that, at least for me, encouraging a family whose budget is extremely tight to choose what they can afford is very important as well. A family that is struggling with its mortgage, its rent, or whatever, also deserves the opportunity to choose the cheapest product that suits their purposes. I think to pretend that that is a poor choice is terribly unfair to a vast majority of the community.

To get back on track, it is equally as important that people who do have the opportunity to choose to pay a bit more to get what they might consider to be a premium product or a more ethically-produced product or a product that is better for the environment, a locally produced product whatever that is, have the right to make that choice, too, and they can only do so if they have accurate information.

We are talking particularly about free-range eggs in the member for Finniss' private member's bill, and I commend him for bringing this bill forward. Certainly I, and all of my colleagues, support him on this matter. The principle is the same, as I have said, in the seafood industry, in the fruit industry and many others, and particularly in the part of the Riverland that I represent in the electorate of Stuart: the Blanchetown, Morgan and Cadell areas, which have been absolutely ravaged by drought. They are still recovering. Unfortunately, some sections of those communities will never recover. Some sections of those communities have unfortunately had to exit. Fortunately, some sections are battling along and they are rebounding and doing very well.

The citrus industry is another industry in our state which has been exceptionally unfairly discriminated against by inaccurate and inappropriate labelling. I commend the member for Chaffey for the very public stance he took about a week ago on the steps of Parliament House on a very specific citrus product, where the labelling was misleading. We all know that there are situations where labelling might be misleading because it is inaccurate. It might be misleading because technically it is accurate but things can be hidden in the fine print; or, in addition to the technically correct fine print, there could be some other information which leads the consumer to assume certain things that are not true.

I think often people are deliberately led to assume those things. I am a very strong advocate for very clear, very accurate, very up-front labelling, and that labelling has to include ingredients, it has to include packaging and it has to include processing, a whole range of issues that are important, which connect directly to free-range eggs.

If a consumer wants to go to the supermarket or their corner store and buy a carton of eggs, they need to know whether they came from intensively farmed poultry businesses, from barn-laid poultry businesses or from genuinely free-range poultry businesses. That is what the member for Finniss is trying to achieve here and that is what the Liberal opposition is trying to support: for the consumer to know really clearly, front and centre, what decisions they are making without having to hunt.

I can tell you from my personal experience in supermarkets and in the smaller family stores and corner stores where my wife and I shop—and I must admit that my wife would do at least 80 per cent of the shopping and I would do, at most, 20 per cent of the shopping—that it is really hard. My latest experience was buying some cheese in a store in the electorate. There were two brands: one was from the major supermarket and one was from a small cheese-producing company. The small cheese-producing company's label made it very clear where their cheese came from. The major supermarket's cheese, I could not find it; I literally could not find it. So it was an easy decision for me: I went with the one that I knew was locally produced.

I am not supporting one brand or another, but anybody who tries to hide those facts from consumers is doing the wrong thing, as far as I am concerned, and anyone who is trying to supply those facts for consumers is doing the right thing, and from that point onwards they have to

compete based upon the quality of their product, the price of their product, the attractiveness of the packaging, the location on the shelves, and all the sorts of things that we are familiar with.

The truth in the labelling and the availability of the information in the labelling have to become a given. It should not be a situation where you support a product because they give you all the information you need to make a decision. Every product should give you all the information you need to make a decision—and be readily available—and then you compete after that.

I support this bill wholeheartedly. I would also add that, as well as the frustration to egg producers that poor labelling and poor availability of facts information to the consumer about whether the eggs come from chooks that were genuinely free range or not, there is also the fact that many genuinely free range egg producers have been thwarted and, in some cases, put out of business by over-zealous regulation. I can give a very direct, home-grown example.

In the small town of Wilmington where I live, a local farming family, that has been there for generations, as a supplement to their income, grow chooks that are genuinely free range and produce genuine free range eggs. They cannot afford to comply with the additional labelling and licensing costs that the government has forced upon them and they are no longer in that business. What happens now is that the small supermarket in Wilmington can no longer supply their locally produced eggs. That is a great shame.

They have had difficulties in the past with issues with regard to labelling and competing with egg producers that do not produce genuinely free range eggs (which the member for Finniss is addressing), and they have difficulties currently with regard to being able to afford the extra cost of regulation and compliance which has been thrust onto them by the government.

One of those issues has been fixed by the member for Finniss in this bill, hopefully, but one of those issues is not going to be fixed and, unfortunately for this egg producer in Wilmington—and others, I might add, particularly in the Eudunda area, which I also represent in the electorate of Stuart—they can no longer produce their eggs. I wholeheartedly call on every member here to support this bill because it is the right thing to do.

The Hon. L.R. BREUER (Giles) (12:57): I had a speech prepared but, in the interests of time, I will reduce it to dot points. I am very supportive of the member for Finniss' logic behind this but, on behalf of the government, I oppose this bill. While the government supports true free-range egg producers in South Australia and is supportive of a nationally enforced definition of free-range eggs, the government does not believe this bill is an appropriate response to this situation.

This bill would result in a 1,500 chickens per hectare limit applying only to eggs produced in this state. A stocking density imposed in this manner would not, under mutual recognition provisions, apply to free-range eggs that are produced in another jurisdiction, and are unable to be sold in that jurisdiction in accordance with its regulatory requirements.

Interstate eggs produced in systems with higher stocking densities could still be brought into South Australia and sold as free range and they would be cheaper to produce. Local free-range producers with systems that comply with the bill may find it hard to compete with interstate producers. The bill may result in potentially adverse consequences for South Australian producers as it will essentially introduce a further regulatory burden on local producers only.

The bill amends the Food Act 2001 which regulates food businesses that sell or handle food intended for sale. This appears to be inappropriate as it places a regulatory burden on thousands of food businesses rather than the egg producers. The government proposes to introduce a voluntary industry code under the Fair Trading Act 1987 which will allow producers who choose to adhere to the specified standard to label their eggs as such, resulting in consumers being fully informed about the production of their eggs as truly free range.

The industry code is a move that is set to benefit both egg producers and consumers. The government's consultation on the proposed industry code closed on 19 July and we were pleased with the number of submissions that were received. The government hopes to be announcing the next steps in supporting free-range egg producers in the very near future.

Debate adjourned on motion of Mr Gardner.

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

GOVERNMENT STATIONERY CONTRACT

Mrs VLAHOS (Taylor): Presented a petition signed by 4,000 residents of South Australia requesting the house to urge the government to take immediate action to ensure that government purchases of stationery requirements for South Australian schools are opened up to all stationery suppliers.

GOVERNMENT STATIONERY CONTRACT

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VISITORS

The SPEAKER: I welcome to parliament today the South Australian College of English and the Magdalene Centre, both of whom are guests of the member for Adelaide.

PUBLISHING COMMITTEE

Mr SIBBONS (Mitchell) (14:01): I bring up the 2013 report of the committee.

Report received.

QUESTION TIME**FRINGE BENEFITS TAX**

Mr MARSHALL (Norwood—Leader of the Opposition) (14:02): My question is to the Premier. Is the Premier meeting with Prime Minister Rudd today, when the Prime Minister visits Adelaide, to lobby him to reverse his \$1.8 billion impost on the car industry?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:02): I have asked for a meeting and we are waiting for a response.

The SPEAKER: The leader, another question?

FRINGE BENEFITS TAX

Mr MARSHALL (Norwood—Leader of the Opposition) (14:02): A supplementary to that one, sir. Why is it that it has taken the Premier a full 10 days to get a chance to actually speak to our Prime Minister on this issue, which is going to have such an adverse effect on the auto sector?

The SPEAKER: Yes, I think we have got the idea. The Premier.

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:03): You might direct that question to the Prime Minister.

Mr MARSHALL: Supplementary.

The SPEAKER: No, alas, the member for Ashford.

Mr Marshall: It's a very important supplementary.

The SPEAKER: I am sure it is. The member for Ashford.

JAMES HALLIDAY WINE COMPANION AWARDS

The Hon. S.W. KEY (Ashford) (14:03): My question is directed to the Premier. Can you update the house about the success of South Australian wines at the James Halliday Wine Companion Awards?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:03): I can indeed.

Mrs Redmond interjecting:

The SPEAKER: Premier, excuse me. The member for Heysen is called to order because not only is she interjecting—

An honourable member: She is out of her seat.

The SPEAKER: You have got it. Correct. The Premier.

The Hon. J.W. WEATHERILL: I thank the honourable member for her question. While, of course, we do respect the member for Schubert's wine expertise, there is a man who is regarded as, I think, the doyen of wine commentary and classification in this nation, and really around the world—James Halliday. His wine companion awards, that I had the great pleasure of attending yesterday evening, were held in Melbourne, and there is no doubt that South Australia produces some of the finest wines not only in this country but around the world. This was proven again in the wine companions award, which was the first of its type, and South Australian wines were judged amongst Australia's best.

The James Halliday companion awards were designed to highlight the outstanding quality and to celebrate wineries of all sizes. In the words of James Halliday, '...it's a fantastic way to recognise those wines and producers that are truly remarkable. It's been a great year for over-performers.' It was also great to be the only state Premier there at this function, sitting next to Mr Halliday. Essentially, the crème de la crème of the of the whole of the wine industry were there; it was a fantastic evening.

South Australia was rightly recognised. Penfolds received the highest accolade, being awarded Winery of the Year, which follows a long list of previous recognitions. South Australia's wines were also recognised through varietal awards. Shaw and Smith was the standout for sauvignon blanc; James Halliday said this is the best sauvignon blanc in the country, and it is great to see it is up there in the Adelaide Hills.

Seppeltsfield received an award for their fortified wine, the 100-year-old Para liqueur, which is an incredible wine. We were further awarded for the shiraz category of course, for Grange, and their Bin 169 in the cabernet sauvignon category. Additional varietal awards went to Jacob's Creek and Ashton Hills, once again, up there in the Adelaide Hills, so it has been a great—

An honourable member interjecting:

The Hon. J.W. WEATHERILL: Well, it did not quite make it, but nevertheless, it is a great winery. Mr Speaker, the South Australian wine industry contributes significantly to our economy. Our state has around 4,300 wine and grape growers, and our wine experts are worth more than a \$1 billion each year; in fact, in 2011-12, our wine industry generated more than \$1.7 billion in revenue. We are home to some of the world's oldest vines and, indeed, many of the oldest vines in the world were wiped out all through Europe with the phylloxera outbreak, along with many of the iconic wines of the world.

Approximately one in every two bottles of Australian wine is made here in this state. We export to over 100 countries, and that is not only a great source of exposure but has resulted in the wine industry being the third-largest single commodity earner for our state. Indeed, when you are in China you mention the word 'Penfolds' and everybody knows where Penfolds is, although we have got to capture that it is actually South Australian. They know it is an Australian company, but we need to own it here.

We have every reason to be proud of our history. Paired with our premium food and topnotch tourist destinations, South Australia's wine is part of our state's identity, and part of how we must sell ourselves to the rest of the world in the future. We are doing that through our new premium brand, and through our premium food and wine priority and our international strategies.

I will raise one issue that did emerge: there was a complaint by one of the representatives there. He said that, at some of our functions when we have international guests, some of the catering packages do serve up some pretty ordinary old wine. So, I think we do need to lift standards to make sure that, when international guests come here, they do not get the cheapest package of wine when we are presenting big international events, like some of the big mining events, etc.

The SPEAKER: Alas, the Premier's time has expired. The leader.

FRINGE BENEFITS TAX

Mr MARSHALL (Norwood—Leader of the Opposition) (14:07): My question is to the Treasurer. Has any modelling been undertaken on the cost to the state budget of the new FBT arrangements for the state government's 8,363 fleet vehicles and, if so, what is the cost?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:08): I thank the

honourable member for that question. Of course, our preliminary investigations and the advice we have from the commonwealth are that it would be revenue-positive for South Australia, because—

Ms Chapman interjecting:

The SPEAKER: I call the deputy leader to order.

The Hon. J.W. WEATHERILL: —of the additional GST receipts that would be received through the changes to the FBT arrangements. That is something that we have asked some questions about from the commonwealth, but there is a very substantial additional benefit that is allegedly to come to South Australia as a consequence of these changes.

Of course, it is our position that we want a variation to the FBT arrangements, so if our contentions were to come to bear, we would have a preference that would be given to Australian-made vehicles in respect of FBT treatment. These are the matters that we do wish to advance with the commonwealth, including any potential impact that it has on South Australia. At the moment, the advice is that it would be revenue-positive.

CHIEF JUDGE

Ms BEDFORD (Florey) (14:09): Can the Attorney-General inform the house about the appointment of the state's new Chief Judge?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (14:09): I thank the honourable member for her question. Can I say that I have pleasure in informing the house that today I have announced that the Governor has confirmed the appointment of His Honour Judge Geoffrey Muecke as the Chief Judge following the retirement of His Honour Judge Terry Worthington earlier this year.

Judge Muecke will bring vast experience to the role. Judge Muecke has acted in the role of Chief Judge since the retirement of Chief Judge Worthington and has served in this role very well. Judge Muecke was admitted to practice in 1970, and served various roles in the Attorney-General's Department before joining Jeffcott Chambers in 1982. He made his name serving in a number of complex civil cases and royal commissions, including those into prisons and the former State Bank. Judge Muecke was appointed as a judge of the District Court in 1999.

Following his appointment as a judge, His Honour has served as a judge of the Environment, Resources and Development Court, and was appointed as the presiding member of the Juvenile Justice Advisory Committee as well. He has also served as a deputy presiding member or officer of the Equal Opportunity Tribunal.

Today, the Governor has also confirmed that Judge David Lovell will serve in the role of Acting Chief Judge whilst Judge Muecke takes leave in August. Judge Lovell was appointed as a judge of the District Court on 4 May 2006. Prior to his appointment as a judge, Judge Lovell practised as a barrister at Jeffcott chambers—another one for Jeffcott—from 1990 and was appointed Queen's Counsel in 2002.

Mrs Redmond interjecting:

The Hon. J.R. RAU: I suspect he may have worked with the member for Heysen at some stage. He was appointed president of the Racing Appeals Tribunal in 2001 and remained in that position until his appointment to the District Court. Both appointments come into effect from today. I am sure that all members will wish Chief Judge Muecke and Judge Lovell well in their new roles, and I have no doubt they will continue to provide a great service to the people of South Australia and the justice system.

CHILD PROTECTION

Mr MARSHALL (Norwood—Leader of the Opposition) (14:11): My question is to the Minister for Police. Did the southern suburbs children's gymnastics centre operator who was charged in March 2011 with seven counts of alleged child sex offences advise the Metropolitan Fire Service, his employer, of his charges?

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:12): I will come back to the house with a response.

CHILD PROTECTION

Mr PISONI (Unley) (14:21): Supplementary, sir.

The SPEAKER: If it be a supplementary.

Mr PISONI: Is it not a legal requirement that a person charged with child sex offences must notify their employer within seven days of the charges being laid as per section 66 of the Child Sex Offenders Registration Act?

The SPEAKER: It is not in order for members to ask for legal advice from ministers. The member for Taylor.

HOSPITAL STATISTICS

Mrs VLAHOS (Taylor) (14:12): My question is to the Minister for Health and Ageing. Will the minister update the house on the latest performance data for public hospital emergency departments and elective surgery waiting times?

The Hon. J.J. SNELLING (Playford—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for Defence Industries, Minister for Veterans' Affairs) (14:12): I thank the member for Taylor for the question. SA Health has recently finalised the 2012-13 performance reports for our public hospital emergency departments and elective surgery waiting times. The results are testament to the government's continued investment in hospital services and show an overall trend of better service times within our public hospitals.

Despite a 4.3 per cent increase in emergency department presentations at our major metropolitan hospitals, in 2012-13 there was a 1.5 percentage point improvement in presentations completed within four hours. Also, 90 per cent of patients presenting to an emergency department were seen within 90 minutes, the same as 2011-12.

For elective surgery waiting times, I am pleased to say for the first time ever there were no overdue patients waiting for surgery at the end of the financial year, which is our best ever result and compares to one for the previous year and 930 in 2007-08. Also, 94.2 per cent of patients were admitted for elective surgery within clinically recommended times, which is a 2 percentage point improvement compared with the previous year.

In 2012-13, 90 per cent of patients in South Australia were admitted for elective surgery within 182 days, a 5 per cent improvement on 2011-12. The national report for this data is scheduled to be released in October 2013; however, I expect that South Australia will continue to perform well in comparison to other states.

In 2011-12, South Australia ranked the best in the nation and 29 per cent below the national average for median waiting time to be seen at an emergency department. The median waiting time for elective surgery in South Australia in 2011-12 was 6 per cent better than the national average, and 90 per cent of patients were admitted for elective surgery within 191 days, 24 per cent better than the national average. On my visits to hospitals and SA health services, I have always been impressed by our highly skilled and dedicated staff who provide high quality care every day in our public health system. These results could not be achieved without their hard and diligent work.

CHILD PROTECTION

Mr MARSHALL (Norwood—Leader of the Opposition) (14:14): My question is to the Minister for Police. Did the Metropolitan Fire Service support the gymnastic centre operator's application to relax his original bail conditions three months after he was charged so that he could continue his work with children as an MFS officer, as referenced in his revised bail application dated 14 June 2011?

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:15): Again, I will return to the house with a response. I am seeking a response to the first question and I will now seek a response to the second and, hopefully, I will have an answer by the end of question time.

HOUSING SA AMNESTY

Ms BETTISON (Ramsay) (14:15): My question is to the Minister for Social Housing. Can the minister inform the house about moves to ensure all South Australia's public housing tenants pay their fair share of rent?

The Hon. A. PICCOLO (Light—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:15): I would like to thank the member for her question. The South Australian government is committed to delivering a fair and equitable rent system for the more than 70,000 people accommodated in Housing SA properties around the state.

The income that Housing SA receives in rent, without doubt, plays an important part in our ability to maintain a viable public housing system. This money enables us to maintain Housing SA properties and also to build new public housing that can provide more homes for more South Australians on either low incomes or those at risk of homelessness. That is why it is important we have a rent system in place that is fair and equitable for all tenants.

I am pleased to inform the house that this week I have written to all public housing tenants to inform them there will be an amnesty during August. Under the amnesty, our public housing tenants will be able to declare any undeclared income or any undeclared household members without penalty. While I have no doubt in my mind that most of our public housing tenants are doing the right thing, there are clearly some who are not.

Whether it is an innocent mistake or deliberate evasion, the month of August will be an opportunity for those tenants to correct the record without fear of penalty. Housing SA wants to hear from people who may not be sure that they are paying the correct rent; those tenants whose circumstances may have changed and who are worried about possible penalties; as well as those tenants who know they should be paying more.

The amnesty will also give other community members the opportunity to anonymously report a situation where they believe there is a tenant who has not declared their full income or, alternatively, unapproved household members living in the property. This approach is not unique to South Australia and has proven to be successful in other jurisdictions.

In New South Wales, an amnesty was offered between January and March this year with great results. In that state, there were more than 3,500 reports, involving more than 5,000 undeclared tenants. As a result of the amnesty in New South Wales, that state's public housing authority expects to generate an additional \$6½ million in rent a year. In Queensland, an amnesty was offered in July last year. As a result of that amnesty, more than 2,300 additional household members were registered, resulting in about \$5 million in additional rent a year.

I would encourage all those tenants who believe their circumstances may have changed or know they should be paying more to take advantage of this amnesty. However, if they do not take the opportunity to report any undeclared household members or undeclared income, and are later found to have them, there will be consequences.

The penalties include the payment of any back rent owed and, in some cases, the potential termination of a tenancy agreement. Any tenants or community members who wish to take advantage of the housing amnesty will be able to call Housing SA on 1300 138 093 during business hours, or email Housing SA on housingsa.amnesty@dcsi.sa.gov.au or submit an online form via the Housing SA website at any time. Again, I would encourage people to take advantage of this amnesty while it is on offer, and I do stress, the amnesty is about rent. Should there be any other activity which is not lawful there will be no amnesty.

HOUSING SA AMNESTY

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:20): Supplementary question: can the minister tell the house how much unpaid rent in the last financial year to 30 June 2013 has been written off as a bad debt, and how much is expected to be written off in this financial year?

The Hon. A. PICCOLO (Light—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:20): In terms of actual amounts written off, it has not been written off yet, because there is a whole long process required with the Auditor-General and getting Treasury's approval, so we have not written off any income that has not been paid in that financial year.

HOUSING SA AMNESTY

Mr MARSHALL (Norwood—Leader of the Opposition) (14:20): Supplementary question: how much remains outstanding as of 30 June last financial year?

The Hon. A. PICCOLO (Light—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:20): Sorry; last financial year?

Mrs Redmond: The last financial year just finished. It finished on 30 June—last month.

The Hon. A. PICCOLO: I do not have those figures on me but I am happy to follow it up. The amount declared that is owed is not just about rent; there are also maintenance costs and a whole range of costs, and I am happy to get the figures for the member.

Ms Chapman: And a breakdown?

The Hon. A. PICCOLO: I am happy to do that.

SOUTH EAST FORESTRY PARTNERSHIPS PROGRAM

Mr PEGLER (Mount Gambier) (14:21): My question is to the Minister for Manufacturing, Innovation and Trade.

Mrs Redmond: They're having a bromance, these two.

Mr PEGLER: Of course we are; we are getting a lot of money for Mount Gambier. Can the minister update the house on his visit to my electorate of Mount Gambier last week and the announcement of a grant under the South East Forestry Partnerships Program?

The Hon. T.R. KENYON (Newland—Minister for Manufacturing, Innovation and Trade, Minister for Small Business) (14:21): I am very happy to. I thank the member for Mount Gambier for his question. I am keenly aware of his interest in this matter and, as I have told the house before, he is a very strong representative of his electorate. It was a great pleasure to pay the honourable member a visit last week in his electorate in Mount Gambier to announce the state government's continued support of the South-East through our South East Forestry Partnerships Program.

Mrs Redmond interjecting:

The SPEAKER: The member for Heysen is warned for the first time for forced laughter.

The Hon. T.R. KENYON: As members would be aware, the South East Forestry Partnerships Program is a \$27 million merit-based state government grant program which is accessible to eligible applicants in the South-East. The broad objectives of the South East Forestry Partnerships Program are to encourage forest utilisation, promote regional and economic development, and contribute to a sustainable workforce.

Last week in Mount Gambier, I announced a government offer to Timberlink of more than \$7.8 million towards a company proposal to significantly upgrade its Tarpeena sawmill. Timberlink is a major employer in the region, and the company estimates that it will need to employ a further 28 staff as a result of this project, which is part of a major upgrade to bring the plant up to world standards. The upgrade is expected to increase the company's sawlog cut to 575,000 cubic metres annually.

This grant, which has been recommended by an assessment panel, brings the Weatherill government's total spend under the South East Forestry Partnerships Program to \$16.5 million. This will be matched by at least equal funding from each grant recipient, which means that more than \$33 million is being invested directly into the South-East economy.

Let me take this opportunity to again thank the panel, in particular the chair, Mr Trevor Smith, for the important work he and his panel have contributed to under this program. This government is committed to working with businesses in the South-East to identify additional opportunities for funding under the South East Forestry Partnerships Program which are consistent with the criteria for the program. We recognise the significance of the forestry industry to South Australia and the South-East economy and the challenges that it is facing.

CHILD PROTECTION

Mr PISONI (Unley) (14:23): My question is to the Minister for Education and Child Development. Were details of the 12 December bus trip to Victoria and the alleged child sex offender's employment with the MFS contained in the briefing prepared for the minister by her department on 7 June 2013?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:24): I will check that briefing and ascertain the content of that. I obviously do not have that with me in the house; but can I say, sir, that today on radio the member for Unley gave a guarantee that he would go to police if he had any sensitive information in relation to any cases, and—

Mr VAN HOLST PELLEKAAN: Point of order: standing order 98. I believe the minister is debating the issue. She has already answered the question and she is continuing with debate on the topic.

The SPEAKER: I will listen carefully to what the minister has to say.

The Hon. J.M. RANKINE: Thank you, sir. Mr Pisoni said, and I quote—

Mr PISONI: Point of order, sir.

Members interjecting:

The SPEAKER: Leave it to me. The Minister for Education will not refer to the member for Unley by his surname, and I call her to order.

The Hon. J.M. RANKINE: Thank you sir. I was referring to the quote on radio, I apologise. The member for Unley said, 'I always do, I always do.' Let me say, that's not the case, and quite frankly, he's got form.

Ms Chapman: This is debate.

The SPEAKER: Yes, I think we have got the idea. Deputy leader.

STATE RECORDS

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:25): My question is to the Premier. Has either the office of the former education minister or now the office of the Premier ever sought appropriate approval to destroy data from the State Records Office as per the State Records Act?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (14:25): I will take it on notice.

STATE RECORDS

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:25): I have a further supplementary on the basis that that's going to be taken on notice, and I thank the Attorney for indicating that. If that approval was sought through the State Records Council as required by the act, was the approval granted?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (14:25): I think ditto.

The SPEAKER: Yes, indeed. Deputy leader.

STATE RECORDS

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:25): My question is again to the Premier. As the Premier has now had 21 days to get an answer, can he now advise whether a copy of every government email is stored in an external server, and does the server keep all email correspondence saved, as required by the State Records Act?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:26): I will address that part of the question for which I am responsible, which is the ICT matter. The other half of it is a matter for the Attorney, who looks after the State Records Act.

The Hon. I.F. Evans: Who looks after State Records?

The Hon. J.W. WEATHERILL: The Attorney. I look after the ICT part of government; the Attorney looks after State Records. In relation to the ICT matters, I think the methods by which the material is actually stored is canvassed at length within the DeBelle report. There is a very thorough analysis about record keeping in relation to ICT records. There are back-up disks which I understand are made, and they are kept in accordance with the process that was outlined at length within the DeBelle report.

In relation to this question of computers and their later use, it has always been the case that you don't hand a computer on to somebody else unless it has had the confidential material removed from it, or rendered inaccessible in relation to it. That has always been a matter that has been policy. Indeed, it was the policy under the previous government, just as it is the policy under this government.

STATE RECORDS

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:27): A supplementary sir: my question again is to the Premier and/or the Attorney, whichever section it relates to, given the Premier's last answer. Does Telstra store government emails off site, and what is the protocol in regard to the retrieval of these emails?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (14:28): For the sake of letting us get on with the day, I am not sure exactly whether that falls into the ICT category or into the State Records category, but I will attempt to get an answer.

Ms Chapman interjecting:

The SPEAKER: I warn the deputy leader for the first time. She doesn't need to encourage or ride the Deputy Premier.

Ms Chapman: I thanked him, sir.

The SPEAKER: No, not quite. Member for Port Adelaide.

NATIONAL CENTRE FOR VOCATIONAL EDUCATION RESEARCH

Dr CLOSE (Port Adelaide) (14:28): My question is to the Minister for Employment, Higher Education and Skills. Can the minister inform the house about the latest report from the National Centre for Vocational Education Research on the numbers of trainees and apprentices in South Australia?

The Hon. G. PORTOLESI (Hartley—Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy) (14:28): I thank the member for Port Adelaide for this question. As members would be aware, apprenticeships and traineeships are a key component of our workforce and skills centre, and each year the NCVER releases two publications looking at the number of apprentices and trainees across each state and territory.

I can report that the key findings of the 2012 report demonstrate that apprenticeship and traineeship commencements increased by 5.1 per cent, well above the national average of 2.5 for the year. As at 31 December 2012 there were 38,000 apprentices and trainees in training in South Australia, up 7.1 per cent and again, well above the national growth of 1.6 per cent, and completions rose by 7 per cent, again above the national average of 5.7 per cent.

At the same time, the proportion of South Australian workers employed as an apprentice or trainee, as at the end of 2012, has also increased from the previous year and, again, was above the national average. In fact, South Australia is ranked third among Australian states and territories in overall training rates in 2012 for apprentices and trainees employed.

Also worth noting are the NCVER statistics that compare the last 10 years. In 2002, the number of people in training for an apprenticeship or traineeship was 29,600 and, in 2012, that has risen to 38,000. This means that we have almost 10,000 more people learning and earning through an apprenticeship or traineeship—this is very, very important. I take this opportunity to extend my best wishes to our apprentices and trainees in South Australia and offer them my best wishes for their future.

STUART O'GRADY

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:30): My question is to the Premier. Is it correct that the two-year \$44,000 contract with Stuart O'Grady was never recommended by the former department of trade and economic development but was rather a decision taken by the former premier or the cabinet?

The Hon. L.W.K. BIGNELL (Mawson—Minister for Tourism, Minister for Recreation and Sport) (14:31): Yes, there was a contract with Stuart O'Grady to promote South Australia. That contract went from 1 July 2008 to 1 July 2010. The payment was \$5,000 per quarter, exclusive of GST, for a total of \$44,000, once you include the GST.

I was not the minister responsible at the time, and I am not sure what discussions were had around the contract, but Stuart was engaged to promote South Australia throughout Europe—one of the best-known South Australians living in Europe at the time. So, the South Australian government took him on board as an ambassador for South Australia to sell South Australia throughout Europe.

STUART O'GRADY

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:32): Supplementary, if I may, to the minister: if it's acceptable to release the details of the contract with Stuart O'Grady, why does the government insist on not disclosing the contractual details with Lance Armstrong?

The Hon. L.W.K. BIGNELL (Mawson—Minister for Tourism, Minister for Recreation and Sport) (14:32): They're two different contracts. The contract—

Members interjecting:

The Hon. L.W.K. BIGNELL: It's a serious question.

Members interjecting:

The Hon. L.W.K. BIGNELL: It's a serious question and I'll give you a serious answer. Lance Armstrong was contracted to come and ride in the Tour Down Under, to promote the Tour Down Under, to lift media coverage of the Tour Down Under, to increase visitor numbers, and that was achieved. Stuart O'Grady was not ever paid to ride in the Tour Down Under. This was a deal for him to promote South Australia. As one of the best-known South Australians living in Europe, he was paid in an ambassadorial role.

Mr van Holst Pellekaan interjecting:

The SPEAKER: I call the member for Stuart to order.

The Hon. L.W.K. BIGNELL: What we have, when we get to paying people to take part in a cycling race—and the only person who has ever been paid to take part in the Tour Down Under in its 15-year history is Lance Armstrong—are commercial in confidence arrangements. By showing our hand to other promoters and other people who put on cycling events, we could actually be putting South Australia's hold on the Tour Down Under in jeopardy. We do not want the Tour Down Under to leave South Australia. I think everyone on both sides agrees. The best advice I have got from people who are in and around cycling and promote these sorts of events—

Mr Gardner interjecting:

The SPEAKER: I call the member for Morialta to order.

The Hon. L.W.K. BIGNELL: —is that, if we put that figure out there in the public domain, then that is going to be detrimental to South Australia and the Tour Down Under.

Ms Chapman interjecting:

The SPEAKER: I warn the deputy leader for the second time for forced laughter.

The Hon. I.F. Evans: You're getting warned for laughter.

The SPEAKER: Would the member for Davenport like a question? Would that cheer him up?

The Hon. I.F. Evans: It would.

The SPEAKER: Yes, good.

The Hon. I.F. Evans: Now, sir?

The SPEAKER: Yes, now.

GOVERNMENT STATIONERY CONTRACT

The Hon. I.F. EVANS (Davenport) (14:34): My question is to the Minister for Finance. Following the minister's comments that the tender document in relation to the whole-of-government stationery contract explicitly stated exclusivity, can he explain what is meant by tender document A when it says, 'It can be expected that any final contract will be entered into on a non-exclusive basis'?

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:35): What it means is that we envisage that there would be two successful tenderers so there would be no exclusivity in the final outcome. There would be two successful tenderers, hence non-exclusivity. But beyond those companies that were successful in their tender application, there would be exclusivity.

OPERATION DISTRACTION

Mr SIBBONS (Mitchell) (14:35): Can the Minister for Police inform the house about the dangers of using mobile phones while driving and what recent steps SA Police and the Motor Accident Commission have taken to curb this behaviour?

Mr Pederick: Arresting people.

The SPEAKER: The member for Hammond is called to order. Minister for Police.

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:35): I thank the honourable member for his question. I think we are all of the view that it is still very disappointing that drivers are not heeding the message when it comes to using a mobile phone when driving. As members may be aware, SAPOL has been conducting the month-long Operation Distraction targeting behaviours, especially driving while distracted, hence the name.

This operation has involved all sections of SAPOL in a concerted effort to bring attention to not only the illegality of such behaviour but also its dangers. There is a vast body of research which suggests that mobile phone use increases the casualty risk for drivers by over four times—

The SPEAKER: Excuse me, minister, could you pause? Could the member for Unley not talk across the barrier.

Members interjecting:

The SPEAKER: I call the member for Unley to order. Minister for Police.

The Hon. M.F. O'BRIEN: Thank you, Mr Speaker. There is a vast body of research which suggests that mobile phone use increases the casualty risk by over four times. Research also indicates that using mobile phones to write or read text messages while driving is particularly risky and that the risks of mobile phone use and other distracting activities are higher for novice drivers. This was brought to my attention earlier in the year when I attended an RAA-organised seminar down at the Entertainment Centre for high school students. We had one young speaker there who had been charged for the death of a friend in his car.

The reason the accident occurred was that he was texting. This was a real-life case and I think it brought home to the hundreds of high school students present at the Entertainment Centre that this kind of behaviour is risky and that there are consequences. They are real human beings. Many in their age cohort are flirting with danger and some are suffering the consequences. Working closely with police on this initiative, the Motor Accident Commission is now providing a virtual reality stimulator—simulator—

Members interjecting:

The Hon. M.F. O'BRIEN: I've got your attention, though—which is touring major shopping centres in South Australia (and after what I have said I am expecting long queues) to allow members of the public to see just how dangerous it is to respond to a text message or take a mobile phone call while driving.

The use of a mobile phone while driving has been shown to impair a driver's reaction time, their visual search patterns, the ability to maintain speed and position on the road, the ability to judge safe gaps in traffic and general awareness of other road drivers, and that is why we are particularly tough on P1s in terms of outright banning the use of mobiles.

As a result of Operation Distraction, I can advise that there have been over 1,700 offences detected by SAPOL since the beginning of this month, including 951 mobile phone offences. These offences do not only put the driver at risk but can also lead to the injury or death of a passenger, and I gave the example of that young fellow who spoke at the RAA Street Smart presentation in February. He killed a mate by responding to a text message.

The SPEAKER: Is that a supplementary from the member for Fisher?

OPERATION DISTRACTION

The Hon. R.B. SUCH (Fisher) (14:40): It is, sir. My question is to the Minister for Police. Is he aware that police are exempt from the law relating to driving while using a mobile phone? When I queried this, I was told they are highly trained as drivers.

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:40): That may be the case, and I will determine to my satisfaction whether that should continue to remain the case.

The SPEAKER: Supplementary from the member for Frome.

OPERATION DISTRACTION

Mr BROCK (Frome) (14:40): I have a supplementary to the minister. If a driver has to answer the phone and he pulls over to the side of the road, does the car have to be turned off before it contravenes legislation?

The SPEAKER: I am afraid that sounds very much like seeking a legal opinion. The member for Davenport.

GOVERNMENT STATIONERY CONTRACT

The Hon. I.F. EVANS (Davenport) (14:40): Following the minister's answers to my earlier question regarding the whole-of-government stationery contract, Part C of the tender documents states in clause 7:

Non-exclusivity. This agreement is entered into on a non-exclusive basis. The principal may purchase other goods similar to the goods from other providers.

How does the minister reconcile that with his statement that the tender document explicitly stated exclusivity?

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:41): Because that was the advice that I was given by crown law, and that is quite a robust and extensive body of opinion. The reason I gave in the previous answer as to why it was exclusive was the reason that was given in that advice.

The tender document went out and it was the intention of Shared Services to award two tenders, so the people tendering for the contract should have been aware of the fact that there would be two successful tenderers and they would have to, effectively, compete in the marketplace. That was the driver. We wanted to maintain a level of competitiveness and we have done that with the awarding of the two tenders.

GOVERNMENT STATIONERY CONTRACT

The Hon. I.F. EVANS (Davenport) (14:42): Part A of the tender documents for the whole-of-government contract refers to the 'procurement process' and indicates that nothing gives rise to or would amount to a process contract and that, after considering responses, the state will decide whether to proceed with any subsequent stage of this procurement process or to use any procurement method to meet the state's needs. How does the minister reconcile that with his claim that the tender documents required exclusivity? Is it not true that that document indicates the government could have proceeded any way it wanted to procure its stationery?

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:43): Exactly. If we had received in totality a number of tender propositions that were totally unacceptable to government—they offered no cost savings, no improvement in service and no improvement in quality of product delivered—we would not have awarded the tender. We would have adopted another means of purchase. This was a provision to allow us, in the event of not receiving tender proposals that we thought were adequate, as I said, on the basis of price, quality and service, to procure stationery under other means.

GOVERNMENT STATIONERY CONTRACT

The Hon. I.F. EVANS (Davenport) (14:44): I have a supplementary. Doesn't that mean, then, minister, that the tender documents did not require exclusivity?

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:44): I am not sure whether the member for Davenport follows the logical thread here. We go to tender on the assumption that there will be two successful tenderers, because we want to maintain an environment of competitiveness. So, we cannot indicate to those tendering that there will be exclusivity. The false impression cannot be created that one sole company will get the whole-of-government contract.

My understanding is that at some stage after the receipt—it may have been before, but after the receipt of the tender documents and the short-listing it was made patently clear to those companies that had been shortlisted (and I believe there were four of them) that only two would be ultimately successful. Then they had to, in the second stage, indicate clearly what they could do by way of price, quality and service to distinguish them from the others in that stage of the tender process. So, no undertaking that there would only be one successful tenderer.

We did not include in the tender document any mention of exclusivity, but we also indicated that we reserved our option to basically not accept any of the tenders if we believed that they did not give an outcome to government which saw significant savings, and we got a 26 per cent improvement in the cost of stationery to government as a result of this process, an improvement in quality and an improvement in service. As I said yesterday, Shared Services, as a matter of course, have gone and surveyed whole of government and the response has been that government departments are more than happy with the level of service they have received.

Members interjecting:

The SPEAKER: The member for Hammond is warned for the first time and the member for Heysen is warned for the second time. The Minister for Finance, are you finished?

The Hon. M.F. O'BRIEN: I have concluded, yes.

GOVERNMENT STATIONERY CONTRACT

The Hon. I.F. EVANS (Davenport) (14:46): Following on from the minister's answer, it is clear, is it not, that, if the government wanted to purchase stationery on a non-exclusive basis following that tender, they could have? The tender document allowed them to do that.

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:47): That is clear, but the reality is we shortlisted four. On an initial cut there were four companies that we thought were adequate and the two that were ultimately successful are delivering significant benefit to government.

MINISTERIAL ADVISERS, CODE OF CONDUCT

The Hon. I.F. EVANS (Davenport) (14:47): My question is to the Premier. Following the allegations that some of the Deputy Premier's staff have threatened and intimidated Clubs SA representatives, what action is the Premier intending to take to investigate this matter?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:47): I did hear with some amusement that big Bill Cochrane over there, all six foot four of him, I think full forward at Central Districts, somehow felt intimidated by little—what's his name?

Mr PISONI: Point of order: he is out of order to refer to members of the public in the gallery.

The SPEAKER: Yes, you are quite right. I call the Premier to order.

The Hon. J.W. WEATHERILL: I will just refer to him by his prowess: that fantastic—full forward?

An honourable member interjecting:

The Hon. J.W. WEATHERILL: Where was he? Somewhere up there. He was up there.

Members interjecting:

The Hon. J.W. WEATHERILL: Anyway, he is a very big lad and you would not want him to collide with you on a football field. I was—

The Hon. J.R. Rau interjecting:

The Hon. J.W. WEATHERILL: That's right. In fact, I have seen some intimidation lately, but it was poor old Mark Henley, who thought he was at a news conference with us there in the Balcony Room, having the said Mr Cochrane heckling at him from the side, and I have to say that I think there was a bead of perspiration on Mark Henley's top lip when he saw lumbering at him, albeit rather slowly, the ample frame of—

The Hon. I.F. EVANS: Point of order, Mr Speaker: can you bring the Premier back to answering the question, which was: what action does he intend to take to investigate it?

The SPEAKER: I think it is highly relevant as to the likelihood of any intimidation occurring.

The Hon. J.W. WEATHERILL: That's right. If Mr Cochrane felt intimidated by a member of the Attorney-General's staff, I am sure the relevant complaint will find its way to the Attorney and I am sure that a quiet word will be had with said ministerial adviser, but I have considered the physical dimensions of the ministerial adviser—

Members interjecting:

The SPEAKER: I warn the member for Adelaide for the first time.

The Hon. J.W. WEATHERILL: I have considered the physical dimensions of the said adviser, I have compared them with the dimension of the fearsome full forward for Central Districts, Mr Cochrane, and I think it is highly unlikely, in the circumstances, that intimidation occurred.

Members interjecting:

The SPEAKER: Oh dear! Dear me!

Ms CHAPMAN: I'm to leave?

The SPEAKER: Yes.

Ms CHAPMAN: Thank you!

The SPEAKER: One hour.

The honourable member for Bragg having withdrawn from the chamber:

MINISTERIAL ADVISERS, CODE OF CONDUCT

Mr GARDNER (Morialta) (14:50): Supplementary to the Premier's answer: is the Premier saying that so long as no physical intimidation took place, professional intimidation is fine?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:50): Mr Speaker, people should just grow up. The reality is that there has been obviously a robust debate in the other house and outside of it, I think very robustly conducted by Clubs SA. I am more than happy for them to advance their propositions a robust way, but remember what we are talking about here, sir. We are talking about—

Members interjecting:

The Hon. J.W. WEATHERILL: We are talking about the government's insistence on problem gambling measures to actually protect the most vulnerable people in our community, and I want our ministers and our staff to stand up strongly for those matters.

The SPEAKER: I call the member for Chaffey to order, I call the member for Davenport to order, I call the Leader of the Opposition to order, and I call the member for Morphett to ask a question.

CONCESSIONS AND SENIORS INFORMATION SYSTEM

Dr McFETRIDGE (Morphett) (14:51): Thank you, Mr Speaker. My question is to the Minister for Communities and Social Inclusion. Can the minister tell the house who owns the intellectual property associated with the Concessions and Seniors Information System? The Department for Communities and Social Inclusion chose End Point Corporation to develop this information system, and the company has now gone into liquidation.

The Hon. A. PICCOLO (Light—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:51): I thank the honourable member for the question. I am not a lawyer, so I cannot answer the question; however, I can tell you what the facts of the case are. The actual project has now been taken over by another company. They are working on the same project, so I can only assume that we own that but, like I said, I will confirm that. I can assure the house that the project is continuing, no moneys are owed to the agency, and also, the work which we have paid for has been delivered to date.

CONCESSIONS AND SENIORS INFORMATION SYSTEM

Dr McFETRIDGE (Morphett) (14:52): Supplementary question on that topic: was there a competitive tender for the Concessions and Seniors Information System?

The Hon. A. PICCOLO (Light—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:52): I thank the member for his question. I can advise the house that there was no competitive tender, but the contract was awarded on the basis of state procurement policies where no competitive process is required.

HEALTH DEPARTMENT STAFF

Dr McFETRIDGE (Morphett) (14:52): My question is to the Minister for Health and Ageing. Has Treasury required a further 359 FTE in Health job cuts in either the 2014-15 or 2015-16 financial years? The minister told the estimates committee that 959 FTE job cuts for 2013-14 outlined in the budget had been reduced to 600 because a particular funding agreement had been expanded for a further 18 months.

The Hon. J.J. SNELLING (Playford—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for Defence Industries, Minister for Veterans' Affairs) (14:53): I am not sure what the question was, but the information I provided to the estimates committee is still the case. The 900-odd reduction in FTEs that was published in the budget papers has been revised down because the state has successfully concluded negotiations with the commonwealth for an extension of a national partnership agreement for elective surgery and sub-acute care, which will now enable us to fund those positions for a further 18 months.

ENERGY PRICES

Mr HAMILTON-SMITH (Waite) (14:53): My question is to the Minister for Energy. Are householders and businesses across the state facing a 14.5 per cent increase in their gas bills in coming weeks, and what are the reasons for this significant spike in charges?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (14:54): On 22 July of this year, *The Advertiser* published an article entitled 'Anger as gas retailers lift prices' in South Australia. It is reported that retailers will be increasing the price of gas to small customers between 12 to 13.5 per cent from 1 August 2013. Retailers are claiming that the increase is as a result of increased wholesale gas costs and increased network charges. The retail price increases reported by retailers in South Australia are consistent with the magnitude of the network price increases from 1 July 2013. Network charges only represent about 65 per cent of the price of gas.

In February of 2012, after a successful appeal to the Australian Competition Tribunal, Envestra's distribution tariffs for the period of 1 July 2012 to 1 July 2016 were set in accordance with the following table. From 1 July 2012, CPI plus 8 per cent was determined by the AER, and the tribunal varied that allowable increase by 15.83 per cent plus CPI. From 1 July 2013, CPI plus 8 per cent was the AER's determination.

The tribunal, on appeal, varied the allowable increase by CPI plus 15.83 per cent. From 1 July 2014, the AER determined the allowable increase as CPI plus 7 per cent. The tribunal, on appeal, varied that by CPI plus zero per cent. From 1 July 2015, the AER (the Australian Energy Regulator, that is) determined CPI plus 6 per cent. The tribunal varied the allowable increase by zero per cent.

The table above reflects that Envestra has been allowed two large tariff increases of CPI plus 15.83 per cent in each of the 2012 and 2013 financial years. The increases in Envestra's network charges are largely driven by higher financing costs than in the previous five-year period and large mains replacement programs to replace old leaking cast iron pipeline. For 2014-15 and 2015-16, Envestra has only been allowed to increase its distribution tariffs by CPI. Thus, retail price rises of this magnitude will not be expected in these years.

The wholesale cost represents around 10 per cent of the price of gas. The South Australian gas market operates under a contract carriage model, whereby retailers contract directly with gas producers, transmission pipeline operators and distribution network operators in the supply of gas to end users. These contracts are generally confidential and, therefore, to the extent of any price increases faced by a retailer in respect to wholesale gas, cost is unknown.

ENERGY PRICES

Mr HAMILTON-SMITH (Waite) (14:57): My question is again to the Minister for Energy. What regulatory arrangements has the government either put in place or agreed to, then, to protect households and small businesses from excessive distribution and network charges for gas?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (14:57): The former Howard government introduced a series of protections under the Australian Energy Regulator through the ACCC. Those protections are in place and they are the ones who set the regulatory prices. To the best of my advice, I think that is working well. It was a good reform by former minister Macfarlane which has been re-endorsed by then minister Ferguson, and it has been maintained by minister Gary Gray.

The SCER operates exceptionally well trying to maintain a level of balance between investing in new gas projects, gas distribution and, of course, gas pricing. The unfortunate aspect for retailers and consumers in South Australia is that we do have an abundance of gas, but to get that gas out of the ground, there needs to be price point which makes it profitable for those companies to get it out of the ground.

I would like to think those price points are a bipartisan matter which we can work together on to make sure that we maintain the investment in the Cooper Basin by SANTOS, Senex, Beach and other retailers to keep on exploring and getting that gas out of the ground, to maintain our energy revolution that is going on right here in South Australia.

There will be some short-term pain because of what is happening in New South Wales and Queensland where exploration for gas is being restricted by those governments. This government, I think, has been working quite well with the former minister and the current shadow minister to try to maintain a bipartisan approach to gas exploration, to maintain the availability of acreage for those companies. We are doing what we can, but ultimately it is private investment that will get the gas out of the ground, not government investment.

I would caution members on both sides of the parliament who are looking for quick fixes like gas reservation policies. I am not making any accusations—just saying so. It is important that we do what we can to encourage investment in our gas fields in South Australia to make sure that we can get that gas out of the ground and flowing to export markets and to the eastern seaboard.

OZASIA FESTIVAL

The Hon. P. CAICA (Colton) (14:59): My question is to the Minister Assisting the Minister for the Arts.

The Hon. A. Koutsantonis interjecting:

The SPEAKER: I call the Minister for Transport to order.

The Hon. P. CAICA: Why did South Australia's OzAsia Festival receive an award from the Hong Kong Australia Business Association?

Members interjecting:

The SPEAKER: Members had better watch out; someone might be tossed for the rest of question time.

The Hon. C.C. FOX (Bright—Minister for Transport Services, Minister Assisting the Minister for the Arts) (15:00): I thank the member for Colton for this question and, once again, as I have in the past, I acknowledge and, indeed, celebrate his commitment to the arts.

The Hon. P. Caica interjecting:

The Hon. C.C. FOX: I've been celebrating a lot today! Last Friday night the Adelaide Festival Centre's OzAsia Festival was honoured with an award from the South Australian chapter of the Hong Kong Australia Business Association. For those members who are interested, the OzAsia Festival occurs every year—this year from 13 to 29 September—and the inspiration for this year's festival is Malaysia.

This is the second consecutive year that OzAsia has received this accolade. The festival won for its contribution to the relationship between South Australia and Hong Kong in the areas of tourism, hospitality and recreation, and it is worth noting that, next year, the 2014 OzAsia Festival is actually partnering with Shandong Province because of our very long and healthy relationship with that particular part of China—27 years, I believe.

Further to this recognition, the Adelaide Festival Centre's OzAsia Festival was also honoured with a national award from the Hong Kong Australia Business Association for business development in May this year. OzAsia's extraordinary success in attracting private sponsorship, including the festival's major partner, Santos, highlights the business opportunity it provides. This government has been, and continues to be, a strong supporter of this festival. The OzAsia Festival began in 2007.

The SPEAKER: Yes, I don't think we need to hear the history of the festival, minister. Thank you for that answer. Member for Torrens.

The Hon. C.C. Fox interjecting:

The SPEAKER: Will the minister be seated. Thank you. Member for Torrens.

RENEWAL SA

Mrs GERAGHTY (Torrens) (15:02): My question is to the Minister for Housing and Urban Development. Can the minister advise the house on how many training and employment opportunities Renewal SA has created for South Australians as part of its urban renewal and development work across the state during this financial year?

The Hon. A. Koutsantonis interjecting:

The SPEAKER: I haven't called you yet. Minister for Transport.

The Hon. I.F. EVANS: Point of order, Mr Speaker: The question is out of order, because we are only three weeks in, so, unfortunately, the question is out of order.

The SPEAKER: Surely it is possible that some of these have been created in the first three weeks.

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (15:02): Renewal SA is committed to supporting the government's strategic priorities, one of which is developing safe communities and healthy neighbourhoods. A critical part of the government's urban renewal and development work is ensuring it gives back to communities and contributes to their prosperity when renewing and developing areas of our state.

Renewal SA runs a highly successful training and employment program in two of its major projects and is looking to expand this work in 2013-14. During 2012-13, for perspective, Renewal SA created 226 accredited training places through 12 different programs, 188 accredited

training places in nine programs at the Playford Alive Urban Renewal Project in northern Adelaide, and 38 accredited training places in three programs at Bowden.

These training places are specifically targeted at those industry sectors in South Australia with predicted growth. These include civil construction, general construction, electrotechnology, horticulture, and community services such as aged care, home and community care, and disability services. Renewal SA also delivers jobs and work experience for the local community. During 2013 it provided the following outcomes: 92 people were placed into gainful employment in two project sites in the last financial year and a further 201 people were placed into work experience—147 at Playford and 54 at Bowden.

The SPEAKER: Are you sure this is in the scope of the question?

The Hon. A. KOUTSANTONIS: Yes, sir. In terms of its perspective, let me be clear about this and clear up any ambiguity. These positions are in addition to those created for contractors to undertake the development work. Renewal SA insists on these extra opportunities being created for locals during contract negotiations. I am advised that contractors are happy to oblige because workers are sourced locally and Renewal SA, through its connections with local agencies, ensures that they are work-ready.

This is a fantastic opportunity for the communities of Playford and Bowden, sir, which I understand is in your electorate. This work is soon to be expanded to Tonsley and other Renewal SA projects in South Australia. They offer wonderful opportunities for worksites, with photo shoots much like that which the Leader of the Opposition was at yesterday, trying to appeal to a certain demographic which obviously none of us appeal to.

GRIEVANCE DEBATE

CHILD PROTECTION

Mr PISONI (Unley) (15:06): This week we have explored further the extraordinary situation of the bail and management of bail of a southern suburbs gym operator who has been a life member of Gymnastics SA for 20 years. He was charged with seven counts of child sex offences, six of those with children under the age of 12. A query was made to the minister's office about this person by a mother who had heard rumours in May this year that this particular gym owner had been charged with child sex offences. The parents contacted police first, who said they were not able to confirm or deny whether that person has been charged with child sex offences. They quoted section 71A of the Evidence Act, which provides that publication of such details is not allowed or is suppressed.

It was very interesting that, when that person then also contacted the minister's office, the minister's adviser gave them the very same advice, that is, they could not tell them because of section 71A of the Evidence Act, and that is all clear in the email that was sent back to the parent. What is amiss in this whole sorry saga is that in November last year, before Mr DeBelle started his inquiry, before he was granted royal commission powers (which he was declined on the two occasions when we asked previously), he made it very clear—and he pointed to a case in the 1980s to support his findings—that the Evidence Act did not prohibit private communication to people who were in a relevant position, people who were entitled to know.

There was nothing to stop the minister's office or the police from telling these parents, confirming or denying, whether this person had been charged with child sex offences. Nearly six months after the minister's office and the government were advised that it was wrong to quote the Evidence Act in order to not be able to tell parents if somebody had been charged with child sex offences, the minister's office was still telling parents who made inquiries to her office about that.

What is also interesting about question time today is that we heard it was a full month before the minister told the police minister or the Attorney-General about the charges laid against the alleged sex offender, and she only told them because she waited for her briefing, that she received on 7 June. She was not even able to give any details of what was in that briefing to the parliament today when she was asked a question.

What we do know is that she did not tell the police minister nor did she tell the Attorney-General that this man was an employee of the Metropolitan Fire Service (because the police minister did not know) nor did she tell the Attorney-General that he had driven a bus full of children to Victoria in December of last year because the Attorney-General told radio this morning that he only heard and found out about that in the last 48 hours. The minister did not pass on the full

details of her briefing or she is still giving incomplete or incorrect information from her department, the very same complaint that the previous minister, the member for Hartley had about her department, and, minister, nothing has changed.

The Hon. J.M. Rankine: You are a disgrace!

The SPEAKER: The minister is warned for the first time. Has the member for Unley finished?

Mr PISONI: Thank you, sir.

The Hon. J.M. Rankine: I am not finished with him though.

The SPEAKER: The minister is warned for the second time.

CHILD PROTECTION

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:10): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.F. O'BRIEN: In question time today I was asked by the opposition whether the person who was the subject of questions on Tuesday had informed the Metropolitan Fire Service of his arrest and whether the Metropolitan Fire Service supported his attempts to have his bail conditions amended in November 2012. I am advised by the Metropolitan Fire Service that the person in question is an employee of the Metropolitan Fire Service, but is currently suspended. The Metropolitan Fire Service was informed of his arrest in May 2011. I am further advised—

Mr Pisoni: He was arrested in March, Jennifer, why did it take so long to tell me?

The SPEAKER: The member for Unley is warned for the first time.

The Hon. M.F. O'BRIEN: I am further advised the Metropolitan Fire Service had no involvement in the altering of his bail conditions in 2012.

GRIEVANCE DEBATE

CHILD PROTECTION INQUIRY

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (15:11): The member for Unley today gave a guarantee on radio that he will go to police if he gets any sensitive information immediately, and I quote, 'I always do, I always do.' Let me say that is not so and, quite frankly, he's got form.

This is the second occasion he has held information in order to grab a headline. He did not do it this time and he has not done it when he stood in front of the cameras on 5 May this year, waving documents around—and we know how much he likes documents—feigning concern again.

On that occasion, he was alleging inaction in relation to a person who was not an employee of the education department, nor a contractor, nor a volunteer. In the two and a half months that he had information, he had not contacted my office, he had not contacted the department, he never sought any information—

Mr Pisoni: He was arrested going to court, you silly woman!

The Hon. J.M. RANKINE: —from the agency—

Mr Pisoni: He was arrested going to court.

The SPEAKER: The member—

The Hon. J.M. RANKINE: He never sought—

The SPEAKER: The minister will be seated. The member for Unley is warned for the second time, and the member for Unley will withdraw the expression 'you silly woman'.

Mr PISONI: I withdraw it, sir.

The SPEAKER: Minister.

The Hon. J.M. RANKINE: Thank you, sir.

Mr Pisoni: Very wise, Mr Speaker.

The Hon. J.M. RANKINE: Yes, sometimes we need to take our own advice, sir. He never sought any information from the agency to ensure that children were safe. If he had done so, we could have advised him that this matter had been reviewed by the inter-agency task force and that parents had been written to and some had actually been visited at home.

What he was doing was waiting two and a half months. He claimed he was firming up details. He could not even get the person's job title right despite it being freely available on the internet, and he publicly implicated a different person—similar name, different job. Lo and behold, two days before his appearance—

Mr Pisoni: Say it outside the chamber—you won't, will you?

The SPEAKER: The member for Unley is warned for the second and final time.

The Hon. J.M. RANKINE: Lo and behold, two days before this person's appearance in court, the headline hunter was out in front of the education building demanding to know whether parents had been informed. Well the answer was yes, two months earlier. The truth is, he knew this. So you have to ask yourself: what was his motive?

In complete contrast, a mother of an alleged victim provided written advice to my office alleging that the member for Unley had breached her family's privacy and distributed her real name and phone number to media outlets. The Leader of the Opposition has been provided with a copy. He knows the member for Unley has twice sat on information that should have been passed on.

While the member for Unley was waiting for his moment in the sun, we were responding positively to the request I received from a parent concerned about the gymnastics club operator. The request was, and I quote:

I understand that in your position you must get a lot of requests and complaints. Can I please ask that you simply consider this issue, pass on my concern as a resident in your district and if there is any way you can make a change to the current system.

That is exactly what we did. The difference here is the member for Unley sat on an email for almost 18 days. Why did he not go to the police? He said, because he thought the parent was doing that. The email I received from the parent indicated they had already gone to the police. The police knew he had been charged, they knew of his bail conditions and they advised they were monitoring him.

I was actively following up changes to the system. The difference again is this government has delivered change. With the passing of legislation, these circumstances will not arise again, while the member for Unley has been playing for a headline. Be assured, they are waking up to you. Your colleagues are awake to you.

The SPEAKER: Minister, no-one is waking up to me.

The Hon. J.M. RANKINE: No—well, some of us are, sir. You can be assured that people are waking up to the member for Unley. His colleagues are waking up to him, the parents he has been involved with are waking up to him, the media are waking up to him and you can bet the community are waking up.

Mr Pisoni: They're waiting for you to wake up, Jennifer.

The Hon. J.M. Rankine: They're waking up to you.

The SPEAKER: If either of the participants makes a further utterance, they will be leaving the chamber together. Member for Finniss.

RECFISH SA

Mr PENGILLY (Finniss) (15:16): Thank you, sir. But will you be accompanying them?

The SPEAKER: No.

Mr PENGILLY: I have been somewhat amazed in the last couple of weeks at the response I have had from both the recreational and the professional fishing sectors over some comments I made in here a fortnight or so ago in relation to RecFish SA. To say the least, the fishing industry and most of the recreational fishing sector who have contacted me and spoken to me are absolutely appalled to find out that RecFish SA have been funded to the tune of \$120,000 by the state government.

They are flabbergasted, they are annoyed and they are downright angry. They are saying it is no wonder that they are getting into bed, so to speak, with the government, coming out and doing articles in newspapers and supplements, and agreeing with the government on nearly everything, as far as I understand, to do with sanctuary zones, snapper closures and whatever it may be.

It is interesting that, once again, this issue of the fishing industry and sanctuary zones has arisen. It is not going to go away. There are a lot of people out there intensely angry over it and getting angrier and they are going to get progressively busy in the lead-up to 15 March next year, I have no doubt.

They see the payment of \$120,000 to RecFish SA as nothing more than buying them off, which I think I mentioned in my last speech in parliament on this matter, and they are furious over it. They say to me that, at least with the former organisation (SARFAC) and Mr Trevor Watts, who used to be the sort of CEO of that, he may agree with the government one day and vehemently disagree with them the next, but at least they had some sort of a voice from the recreational fishing sector.

They are saying now that, with RecFish SA, they have absolutely no say. They believe that RecFish SA is dysfunctional, it is full of people who should not be there, and they are bitterly disillusioned with their activities. In addition to this, I have been approached by constituents from my electorate who are most concerned about the snapper closure that was announced recently. I have heard the minister speak on this and I understand that scientific evidence has been brought forward. Indeed, it has been discussed by members on this side of the house with coastal communities and snapper fishermen.

I guess what really incensed some of the fishermen was that recently a fair bit of airplay was given to some people from overseas—I think half a dozen competed for the best job in the world—and when the one who got the best job in the world here in South Australia was asked, 'When do Australians start holidays?', he said, 'On 1 December.' The snapper fishermen in my area were absolutely outraged. Of course, 1 December to 15 December is now an increase in the snapper closure, and out of respect to the people who have made these decisions, I am not going to make a lot of comment on that. However, it has infuriated the fishermen that they were not consulted on this in any way, shape or form. That is the information that I have.

Further, these letters that have gone out from PIRSA offering fishermen the opportunity to get out of the industry are seen as an absolute insult. There are some fishermen who may want to get out but, obviously, the state has no money. They do not know what they are going to get if they do agree to it. Further to that, the government has cunningly decided to stop the implementation of the sanctuary zones until October 2014. In the event there is a change of government, hopefully we will be able to do something about the stupidity orchestrated by the Department of Environment.

I again draw to the attention of the house the fact that RecFish SA has no credibility in the eyes of the wider fishing community. There are other websites set up and other groups are being set up, and they intend to take the fight right up to these people and they are probably going to wear the brunt of their anger.

JET SKIS

The Hon. P. CAICA (Colton) (15:22): I just want to briefly weigh in to an earlier grievance, if I can, before I go on to the main thrust of my contribution. I have been brought up in such a way—and I have followed that in all the jobs I have had—that, if you are an individual who sees something wrong or people who are doing things that are wrong, you notify the appropriate authorities to let them know what is going on so that appropriate action can be taken. It certainly seems to be my view, and I think the view of many other people, that the member for Unley could well abide by that. Most people embrace that view, and that is that we have a duty of care and a responsibility to do the right thing, and often the right thing is informing authorities about things that need to be remedied. I hope the member for Unley follows that view into the future.

Today I want to speak about an issue that is affecting many of my constituents, particularly in the summer months. We are now well into winter and soon it will be spring and the warmer months will be upon us, and I cannot wait for that to occur. However, in most recent years, we have seen a great influx in the number of jet skis that operate off the metropolitan coastline.

These jet skis pose a threat to the safety of our beach patrons, from my constituents' perspective, as well as the perspective of others who visit the beach on warm days and not so

warm days to take in the ambience and the beauty of it, to relax and have a good time and use that natural resource, our gulf, as best they can.

Our local beaches are very popular and they are used by many hundreds of thousands of South Australians very regularly. It is certainly my view that the use of these jet skis pose a threat to the safety of our beach patrons. These machines are certainly intrusive in their nature. They make a heck of a lot of noise and they have led to many complaints being received by my office, not just from residents who live along the beachfront but others who, as I said, visit our beaches. I believe that they are operating in a hazardous manner, not to mention the impact they have on the overall beach environment, from a pollution and noise perspective.

What we have found over the years is that, despite the complaints and despite my taking this up with successive ministers and working with the council, the current compliance and enforcement measures are, for want of a better term, ineffective in controlling inappropriate jet ski usage. To that extent, I am not only in discussions with the minister who must be very annoyed at the number of letters I have written to that office over the years, plus the local councils, saying we need a better system by which the use of jet skis can be managed.

It is certainly my view, and that of my constituents, that the government, to take action, should be considering excluding the use of jet skis in metropolitan waters and, in fact, give consideration to designing designated jet ski areas where their use will be less intrusive on the community than it currently is.

I look forward to again taking this matter up with the minister on behalf of my community and the people of South Australia to make sure that the intrusive nature and the disturbances caused by the inappropriate use of jet skis along our metropolitan coastline are remedied in such a way that people can enjoy their outings to the beaches that they cannot really enjoy when there is a preponderance of these craft being operated in such a way.

I have a minute left and I want to briefly talk about a couple of the clubs in my electorate. I will not get through them. The Henley Football Club, under the coaching of Gavin Colville, with the season ending, looks like getting into the finals again, and I wish Henley Football Club the very best. As members will know, Gavin Colville was a star of the West Torrens Football Club and has brought his coaching skills to Henley. We are sitting fourth at the moment and we hope that we beat ROC's this week and get a double chance by the end of the season.

I have other football clubs on the outer of my electorate and, sir, you would be very familiar with these. Whilst it is not in my electorate, I have constituents who are feeders and players into the Seaton Football Club, and they are doing very well as well; as is the case with SMOSH West Lakes, that is outside my electorate as well, along with Flinders Park.

I wish all those football clubs the very best and look forward to the summer months when those members of the Grange Surf Life Saving Club and the Henley Surf Life Saving Club, the Grange Cricket Club and Fulham Cricket Club will ply their trades, protect the beaches, and also continue to contribute to the great community we have in my electorate.

SCHOOLS, DRINKING WATER

Mr TRELOAR (Flinders) (15:27): I congratulate the member for Colton for covering three distinct topics in just five minutes. I listened intently. I rise today to speak about an issue that has come to my attention that is impacting schools right across this state. I refer to a recently issued formal notice from the Department of Education and Child Development regarding the use of rainwater tanks for drinking purposes at schools. DECD has issued a formal notice stating that no rainwater tank is to be utilised for drinking when mains water is available.

There is an issue here, because many of the schools that I am aware of, particularly the area schools in the country, have taken on a responsible attitude with regard to the harvesting of water. Many schools have large roof areas and have the ability to capture much rainwater and store it on site. I can honestly say that in many situations the quality of that water is much better than the mains water that is available.

The Eyre Peninsula water supply is, for all intents and purposes and by world standards, of potable quality. However, it is relatively high in salinity and calcium content, which impacts on the quality of the water. Even though it is potable it is not particularly palatable, and I can guarantee that drinking water from a rainwater tank is much more enjoyable than drinking mains water out of a tap on the Eyre Peninsula.

I will concede that the quality in the Far West has improved somewhat since the adjunct of River Murray water, and the shandy now extends west from Lock. The quality of the water has improved. However, the fact remains that schools have been instructed, if mains water is installed, not to use their rainwater tanks. The policy states:

Harvested rainwater shall not be used for drinking purposes at sites with public mains water.

There are qualifications and, for those schools that do not have mains water and only have rainwater available through tanks, there are a number of qualifications, such as, 'Sludge shall be removed every two to three years by a professional tank cleaner.' The next point is: 'All rainwater tanks shall have a flush diverter fitted,' and there are other qualifications. There must be disinfection via ultraviolet light irradiation. I do not necessarily have a problem with those qualifiers. However, why is it that schools that have rainwater tanks fitted cannot put those things in place and utilise what they have installed?

In many cases, school councils (parents often) have gone to great effort and cost to install rainwater tanks, thinking that they are doing the right thing in a dry state, in a dry continent. I am aware that the Keith Area School has spent \$15,000 to \$20,000 installing rainwater tanks and piping, only to be told now that they may not be able to use it. So, there are mixed messages coming through here. In one sense we are being asked to conserve our water resource and yet at the same time we are being, in a rather nonsensical way, instructed by the government not to make use of all available resources.

On the back of this, particularly on the Eyre Peninsula, where SA Water has identified that demand will exceed supply for the reticulated supply as early as 2020, water conservation and careful use of water are paramount. On the strength of that, I have been taking a close interest in the Natural Resources Committee undertaking their water inquiry into the Eyre Peninsula water supply. I am a strong advocate of rainwater tanks. Most of us on this side of the house at least, and many on the other side, grew up drinking rainwater. I do not know how we ever survived without all these modern instruments, but we managed, and I still enjoy drinking rainwater.

Further to that—I am going to cover a second topic very quickly—I can report that good rains have fallen across the state, the rainwater tanks are full, the creeks are running, the rivers are flowing and the farmers are looking at a good season. Fingers crossed that those rains continue, and we look forward to a bountiful harvest and full rainwater tanks going into the summer.

MORPHETT VALE PRIMARY SCHOOL

Ms THOMPSON (Reynell) (15:32): I rise today to speak about yet another school in my electorate which is doing an excellent job. I am rather sick of hearing about problems in education. I want to talk about what is the day-to-day business of education, and that is supporting our children to be able to excel with the abilities that they have.

One of my principals told me the other day that he has been a principal for over 20 years and at no time in his recollection have the state and commonwealth governments both been doing good things for schools, and he sees that the programs that are now supporting schools are to the great benefit of children in disadvantaged areas in particular. This was not the principal of the Morphett Vale Primary School, which is the school I want to talk about this afternoon.

This new school was formed as a result of the amalgamation of the Morphett Vale West Primary School, John Morphett Primary School and John Morphett kindy, as part of Education Works Stage 2. The two previous schools were facing falling enrolments because of the demographics of the area and they could see that, by combining, they could offer children a much better education and much better social and sporting opportunities than were available in schools of only about 100 enrolments.

Combining two schools is a challenging task for a leader, and I really want to commend Mr Stan Hagias, and the support he has had from the deputy principal and school councillors, who has led this difficult job of building a new school community, a new school ethos and finding its place in the wider community. The school only opened at the end of last year and this is its second year. It is working in new areas, as well as achieving improvements in the literacy and numeracy tests within the school.

The new school offers the opportunity for occasional care and outside-school-hours care, which were not available previously. The school also combines a new preschool right at the front of the school, and this has seen dramatically increased enrolments, as parents begin to see the benefits of having a school that offers support right from the earliest years of a child's life through to

year 7. The school is also working in partnership with The Smith Family to support both children and parents in their learning opportunities.

A consistent whole school approach to teaching literacy and numeracy has been one of the factors that has led to the improvements in outcomes for the school. The combination of the school has meant that the dream of having more sporting opportunities available has been realised, with strong teams in soccer, basketball, netball and cricket now represented, and many students are also becoming members of the Lonsdale Football Club, which shares the grounds of the school oval.

The school culture continues to develop, and this also reaches out to the community in the form of having walking groups based at the school. The students are proud of their new uniform, and they are proud of their new school. The parents are really active, and with a school with an enrolment of less than 300, having 19 members on the governing council indicates the way the parents are coming together to develop a school that can offer the best for their children.

One recent example of the active nature of parent involvement related to safety issues with the school crossing in nearby Acre Avenue. I wish to commend the way the local police worked with the school to find a way of solving the problem of bad driver behaviour at the school crossing. It is a difficult school crossing, in that you cannot see at the crossing that there is a school nearby, but the police got onto the matter.

I assisted with distributing a DL flyer to all the neighbours, reminding them that the school has opened, and that kids don't bounce and that they are required to do 25 km/h in school zones. Morphett Vale Primary School is off to a brilliant start and a brilliant future.

Time expired.

PORT PIRIE SMELTING FACILITY (LEAD-IN-AIR CONCENTRATIONS) BILL

The Hon. T.R. KENYON (Newland—Minister for Manufacturing, Innovation and Trade, Minister for Small Business) (15:38): I bring up the final report of the select committee, together with minutes of proceedings and evidence.

Report received and ordered to be published.

The Hon. T.R. KENYON: I move:

That the final report be noted.

Motion carried.

The Hon. T.R. KENYON (Newland—Minister for Manufacturing, Innovation and Trade, Minister for Small Business) (15:39): I move:

That this bill be now read a third time.

Most of what needs to be said has been said. In the event that Nyrstar decides to proceed with this development with the rejuvenation of the lead smelter, it will be a great result for Port Pirie, but also on many levels—economically, of course—it will be a wonderful thing with regard to the health of the community.

I think the introduction of new technology and processes will automatically reduce lead-in-air emissions, and I think, in combination with the targeted lead abatement program that is proposed as part of this process and in fact is already underway, we will see a significant reduction in lead-in-blood levels in the community, which of course is an excellent result. I do not think it would happen without the rejuvenation of the smelter. Without this development, it would be a lot harder to do that and maintain all the economic benefits at the same time. I am very pleased to see that occurring.

Just briefly, I would like to thank a number of people who have been involved in this process, particularly Mr Bruce Carter for his negotiations with Nyrstar around the assistance package, numerous departmental staff from DMITRE and Health, the Olympic Dam Task Force and the EPA, particularly Dr Paul Heithersay, and representatives of Nyrstar, who spent a great deal of time on this. For their hospitality and enthusiasm for the project, I would like to thank the people of Port Pirie for their interest in the project. I was up there for a public meeting; it was very well attended and there was an earnest desire to make sure that all of their questions were asked and, on our part, that they were answered. It was an excellent forum and they were very generous

hosts. Thank you also to the member for Frome who has lobbied consistently and heavily for this project—

The Hon. A. Koutsantonis interjecting:

The Hon. T.R. KENYON: Patience, grasshopper. I think Hansard should note the member for West Torrens coughing. I would like to thank members of the select committee for their time, particularly the member for West Torrens who started this whole process and without whom we would not be here.

Often, as ministers, you come into a place and you get to do something off your own bat and see it through, and often you do not. Often you will come in and you will start something about which you are very enthusiastic and you may push the limits, but you might be particularly enthusiastic about something and not get the chance to complete that work. I think, in this case, the member for West Torrens, the former minister for manufacturing, innovation and trade, was very passionate and a strong supporter of this project. I am very proud to be able to continue that work, but he should be acknowledged as having been involved right from the very start.

The Hon. A. Koutsantonis: The father of Port Pirie.

The Hon. T.R. KENYON: I don't know if you will get father of Port Pirie. Perhaps just leave a blank spot there, Hansard, and the member for West Torrens will come up and fill in the relevant bits for you. I would like to thank the member for Waite for assisting with the speedy passage of the bill through the house, and I would also like to particularly thank my personal staff who are both hardworking and also patient when they have to put up with me. With those words, I commend the bill to the house and I look forward to the contributions of any other members.

Mr BROCK (Frome) (15:43): I also would like to speak on the select committee report and thank everybody who has been involved with this. As I said the other day when debating the motion, I have been involved in this for a long time, and it has been a very important issue not only for me but for the people of Port Pirie and the region. There are three issues here: the economic viability of Port Pirie and the security of employment; the health of our children, which is very important; and the health of the community of Port Pirie which we must not forget.

Without a new process there and a new plant, I dare say that Nyrstar would look very seriously at whether it could maintain the conditions required under the licence and, as a result, reduce the level of lead in the blood of our children, which is very important. We also must remember the health of our community in general, because it has been a big, long trek here, and I am glad it has got this far. I cannot wait for Nyrstar to do the business plan, to actually make the final decision which would then give back economic confidence and viability to the community of Port Pirie and the region, of course.

There has been help and assistance from many people, as minister Kenyon has already indicated. A lot of people have been involved with this over a long period of time, and I would like to sincerely thank those people, starting with the Premier. The Premier was good enough to listen to my concerns at the start when Nyrstar first went to him. Minister Koutsantonis was also very supportive, and I really appreciate his help and guidance—

The Hon. A. Koutsantonis: Father of Port Pirie.

Mr BROCK: Father of Port Pirie. Also minister Kenyon, with the change of ministerial positions, came up and took it on board very well. There have been many people involved with this. I have to give credit to: Mr Bruce Carter who has been very vigilant with this, and it has been a hard slog; Dr Paul Heithersay, Chief Executive of the Olympic Dam Taskforce and others, and his associated members; all the departmental people who have been involved with us over the couple of years; Nyrstar themselves for great dedication, including the people from Zurich who came out on numerous occasions to talk to not only the state government but also the federal government; and also the EPA for this involvement and their guidance.

As I indicated before, without this new plant I believe it would be very hard to achieve the result we want for the lead in blood reductions for our community. In closing, I also mention and thank the member for Waite. We had quite a few meetings regarding this and we understand that this is above politics; it was about ensuring that we get the best result for Port Pirie, and I believe he is still going through the select committee's findings. Also, again I thank the people of Port Pirie and the region for their dedication, their resilience, and their patience with us, and I am hoping for a good result. I commend the bill.

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (15:46): Again, congratulations to all sides on the completion of this process. The process now rests with Nyrstar, and I think it will do the right thing. I want to point out to the parliament the assets we have at our fingertips in our Public Service: Dr Paul Heithersay, Associate Professor Rob Thomas, Deputy Crown Solicitor, Gaby Jaksa, and, of course, it is also important to note the work of Mr Bruce Carter who led this taskforce. They were established basically to get Olympic Dam through its approval processes. We used that expertise, that know-how, that get-the-job-done mentality into Nyrstar, and to solve this problem, to nut out this problem of Port Pirie and Nyrstar.

As far as I am concerned that office in conjunction with—and I say humbly—my staff, Robert Malinauskas, Owen Brown, and the rest of my office, who worked diligently to try and get that work done, and the officers who worked within the Olympic Dam taskforce who were assigned to this Nyrstar project, represent the very best that this state has to offer. I often say, and I do not say it enough, I really wish South Australians at home knew the tireless efforts that some of their public servants put in to keeping this state moving forward and giving them prosperity.

The people of Port Pirie owe their local member of parliament a great deal of gratitude. They owe their local mayor, Mr Brenton Vanstone, a huge debt of gratitude and their city manager a great deal of gratitude, and they owe Nyrstar a huge debt of gratitude. But in the end we did all of this work for that tiny town—not tiny in size, not tiny in ambition, but sometimes forgotten. This proves that this government will not let Port Pirie go quietly into the night. I congratulate the minister on his work and the way in which he has been able to carry this through the parliament.

I know I am making some assumptions but he and the member for Waite have an excellent working relationship which will make this bill pass very smoothly. I congratulate all involved and thank them, because we have done the state's business today, and I think all South Australians would be proud of everyone who worked on this process. Unfortunately those public servants are not here to take the accolades that they deserve.

Mr GARDNER (Morialta) (15:49): Sometimes I am in full agreement with the member for West Torrens, and I think there are some very fine public servants, and I will even say there are some very good people working in government offices around the place. If that was universal we would have a great state of affairs. But this is certainly a matter which the opposition fully supports.

The member for Waite in particular is urgently detained on parliamentary business elsewhere. As shadow minister he has full support for the project, full support for the bill, and he has asked me to express his appreciation to the staff of the department, the other agencies and everyone who has been involved in bringing this matter forward and dealing with it so quickly. It has, as has been said, bipartisan support. The member for Goyder also served on the committee, and he will speak for himself in a moment. The opposition fully supports this bill. We understand its importance for Port Pirie—is health, its environment and its economy—and that is why the Liberal Party is very pleased to support the third reading of this bill.

Mr GRIFFITHS (Goyder) (15:50): I also have had the great privilege to serve on the select committee and to have been involved in some of the briefings on it, so in a very small way I can appreciate the fine words of the member for West Torrens and the member for Newland about the level of commitment that has been shown. It is obvious to me, as a person who lives in the region and who knows it from an outside perspective, but who has some involvement in Port Pirie, how important this project is to the town and the region.

There is no doubt that there has been ongoing discussion in this area for several years. There has been a commitment to try to make it work while respecting the needs of the EPA for its compliance requirements that it puts in place and for the health of the community. There are some associated challenges with that, with a \$350 million project and potentially up to a \$150 million indemnity being provided by the South Australian parliament and the people of South Australia, but this is overwhelmingly a good idea, there is absolutely no doubt.

To bring into one of our regional centres some world leading technology that will allow a 30-year, at minimum, lifespan to continue in this industry, and what it does for Port Pirie and how it plays out its importance around the world, is great. There has been a level of creativity attached to this in providing a solution that others might not have chosen, so I commend the government and what it has done here. I look forward to the swift passage of this bill and, God, I hope that early

next year we will get good advice from Nyrstar's board in Europe that the investment will take place, that the infrastructure is there and the community continues to prosper.

The Hon. T.R. KENYON (Newland—Minister for Manufacturing, Innovation and Trade, Minister for Small Business) (15:52): As he sat down, the Minister for Transport and Infrastructure slapped his hand to his forehead having forgotten to mention Mr Nick Antonopoulos and record his thanks, but I do so now on behalf of the government. With those words, I commend the bill to the house.

Bill read a third time and passed.

NATIONAL GAS (SOUTH AUSTRALIA) (GAS TRADING EXCHANGES) AMENDMENT BILL

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (15:53): Obtained leave and introduced a bill for an act to amend the National Gas (South Australia) Act 2008. Read a first time.

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (15:54): 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 Government is again delivering on a key energy commitment through legislation to implement a new voluntary gas trading market that will offer a low cost, flexible method to transfer title of gas from one party to another.

The new trading market is an important development in the Eastern Australia gas market. It will assist market participants adjust to changing market conditions following the commencement of liquefied natural gas export from Queensland from 2014.

The National Gas (South Australia) (Gas Trading Exchanges) Amendment Bill 2013 will make small but important amendments to the National Gas Law, a schedule to the *National Gas (South Australia) Act 2008*, to provide for the establishment of gas trading exchanges.

The benefits of a gas trading exchange are expected to include enhanced transparency of gas trading, strengthening participants' short term ability to allocate and price gas efficiently and support for the efficient trade and movement of gas between regions.

This Bill will clearly provide for gas trading exchange functions as a statutory function of the Australian Energy Market Operator. New functions for the Australian Energy Market Operator provided for in the Bill include operation of a gas trading exchange, making and administering a gas trading exchange agreement, trade in natural gas for the efficient operation and of the gas trading exchange and the ability to suspend trading on a gas trading exchange.

The rights and obligations of the operator and market participants will be governed by new Rules to be included in the National Gas Rules. The Bill provides that the South Australian Minister may make initial Rules and will provide that the subject matter of the National Gas Rules may include operation, administration, settlement, duties, obligations and conduct related to the gas trading exchanges and gas trading exchange agreements.

The Rules will outline the minimum content that must be provided for in an exchange agreement, which will be the agreement that addresses the detail of market operation and participants' rights and responsibilities.

The Rules will also provide for the Australian Energy Market Operator to charge exchange fees, appoint another person to operate a gas trading exchange, and to determine the payments to be made by parties as a consequence of a failure to deliver or supply gas.

The Bill will provide that once initial Rules have been made by the South Australian Minister on the subjects provided for in the Bill, the Minister will have no power to make any further Rules under this power.

The gas trading exchange will be operated by the Australian Energy Market Operator or a person appointed by the Australian Energy Market Operator and the Australian Energy Regulator will be responsible for monitoring compliance with the market conduct rules.

Extensive consultation has been undertaken in developing the Bill, with an industry reference group working with the Australian Energy Market Operator to design and develop the gas trading exchange and a public consultation process on the draft Bill and Rules.

The first gas trading exchange is planned to begin operation in early 2014 at the Wallumbilla gas hub, Queensland.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

The measure will be brought into operation by proclamation.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *National Gas Law*

4—Amendment of section 2—Definitions

This clause sets out new definitions that will be required in the National Gas Law in connection with the enactment of this measure.

5—Amendment of section 74—Subject matter for National Gas Rules

This amendment will allow rules to be made with respect to AEMO's gas trading exchange functions and the operation of gas trading exchanges.

6—Amendment of section 91A—AEMO's statutory functions

This is a consequential amendment that recognises that AEMO is to undertake functions associated with the establishment and operation of gas trading exchanges.

7—Insertion of new Division

New Chapter 2 Part 6 Division 2B will set out AEMO's gas exchange functions. These will include being able to establish, operate and administer 1 or more gas trading exchanges, appointing another entity to operate a gas trading exchange, and entering into gas trading exchange agreements with participants in an exchange. A gas trading exchange will operate differently from a regulated gas market.

8—Amendment of section 91H—Obligations under Rules or Procedures to make payments

These are consequential amendments.

9—Insertion of section 294D

The Minister will be authorised to make the first set of rules required for the purposes of AEMO's gas trading exchange functions and other aspects of the scheme to be enacted by this measure.

10—Amendment of Schedule 1—Subject matter for the National Gas Rules

Schedule 1 of the National Gas Law is to be amended in order to list the matters relating to gas trading exchanges that may be the subject of rules under the law.

Debate adjourned on motion of Mr Gardner.

**SERIOUS AND ORGANISED CRIME (CONTROL) (DECLARED ORGANISATIONS)
AMENDMENT BILL**

The Legislative Council agreed to the bill without any amendment.

STATUTES AMENDMENT (GAMBLING REFORM) BILL

The Legislative Council agreed to the bill with the amendments and suggested amendments indicated by the following schedule, to which amendments and suggested amendments the Legislative Council desires the concurrence of the House of Assembly:

No. 1. New clause, page 13, after line 36—After clause 24 insert:

24A—Insertion of Part 4 Division 1A

After Part 4 Division 1 insert:

Division 1A—Gambling only allowed in enclosed areas

27A—Gambling only allowed in enclosed areas

(1) It is a condition of the casino licence that gambling may only take place under the licence within a place or area that is enclosed as defined by the *Tobacco Products Regulation Act 1997* (see section 4(3) and (4)).

(2) Section 16(1a) does not apply to the condition imposed under subsection (1).

No. 2. Clause 39, page 23, line 8 [clause 39, inserted section 42B(2)]—After 'must not' insert:

, on or after the prescribed day,

No. 3. Clause 39, page 23, lines 13 to 20 [clause 39, inserted section 42B(3) and (4)]—Delete subsections (3) and (4)

No. 4. Clause 39, page 23, line 21 [clause 39, inserted section 42B(5)]—After 'must not' insert:

, on or after the prescribed day,

No. 5. Clause 39, page 23, after line 26 [clause 39, inserted section 42B]—After subsection (6) insert:

(6a) It is a condition of the casino licence that the licensee must not permit the use of an audio device on any gaming machine if the use of the device is not intended primarily to assist a person with a hearing impairment.

No. 6. Clause 39, page 23, lines 34 to 40 [clause 39, inserted section 42B(9)]—Delete subsection (9) and substitute:

(9) In this section—

prescribed day means—

(a) 31 December 2018; or

(b) if, before 31 December 2018, the Governor prescribes a later date by regulation—on that later date.

No. 7. Clause 39, page 23, after line 40 [clause 39, inserted section 42B(9)]—After the definition of *approved pre-commitment system* insert:

audio device means an earphone, earpiece, headphone, headset or any other device to convert signals from a gaming machine to audible sound delivered to the ear of a person playing the machine to the exclusion of everyone else.

No. 8. New clause, page 26, after line 28—After clause 45 insert:

45A—Amendment of section 48—Accounts and audit

Section 48(2)(a)—delete 'in a form approved by the Authority' and substitute:

in accordance with generally accepted accounting standards

No. 9. Clause 60, page 32, lines 31 to 34 [clause 60(13) and (14)]—Delete subclauses (13) and (14)

No. 10. Clause 60, page 33, lines 2 to 12 [clause 60(16), inserted subsections (4) and (5)]—Delete inserted subsections (4) and (5)

No. 11. Clause 65, page 36, after line 8—Before subclause (1) insert:

(a1) Section 14(1)(ab)—delete 'on premises in respect of which someone else holds a gaming machine licence as agent of the holder of the gaming machine licence' and substitute:

—

(i) on the casino premises as agent of the holder of the casino licence; or

(ii) on premises in respect of which someone else holds a gaming machine licence as agent of the holder of the gaming machine licence;

No. 12. Clause 67, page 36, lines 28 to 37 [clause 67(2) and (3)]—Delete subclauses (2) and (3)

No. 13. Clause 69, page 37, lines 6 to 10—Leave out the clause

No. 14. New clause, page 37, after line 10—After clause 69 insert:

69A—Amendment of section 24A—Special club licence

(1) Section 24A(3)—after 'holding a gaming machine licence' insert 'or the casino premises'

(2) Section 24A(3)(a)—after 'licence' insert 'or the holder of the casino licence (as the case may require)'

(3) Section 24A(3)(b), (c) and (d)—after 'licence' wherever occurring insert 'or casino licence'

(4) Section 24A(3)(d)(i)—after 'Act' insert 'or the *Casino Act 1997*'

No. 15. Clause 70, page 37, lines 11 to 19—Leave out the clause

No. 16. Clause 72, page 37, after line 31 [clause 72, inserted section 27AAB]—

Section 27AAB—after its present contents (now to be designated as subsection (1)) insert:

(2) Despite any other provision of this Act, the gaming machine entitlements assigned by the Commissioner under subsection (1) are not transferrable under section 27B.

No. 17. Clause 92, page 45, lines 30 to 38—Leave out the clause

No. 18. Clause 96, page 46, lines 26 to 27 [clause 96, inserted section 53A(2)]—Delete 'in respect of a major gaming venue must not' and substitute: 'must not, on or after the prescribed day,'

No. 19. Clause 96, page 46, lines 31 to 39 [clause 96, inserted section 53A(3) and (4)]—Delete subsections (3) and (4)

No. 20. Clause 96, page 47, lines 1 to 2 [clause 96, inserted section 53A(5)]—Delete 'in respect of a major gaming venue must not' and substitute: 'must not, on or after the prescribed day,'

No. 21. Clause 96, page 47, lines 5 to 6 [clause 96, inserted section 53A(6)]—Delete 'in respect of a major gaming venue'

No. 22. Clause 96, page 47, lines 9 to 22 [clause 96, inserted section 53A(7) and (8)]—Delete subsections (7) and (8)

No. 23. Clause 96, page 47, after line 26 [clause 96, inserted section 53A]—After subsection (9) insert:

(9a) The holder of a gaming machine licence must not permit the use of an audio device on any gaming machine on the licensed premises if the use of the device is not intended primarily to assist a person with a hearing impairment.

Maximum penalty: \$35,000.

No. 24. Clause 96, page 47, lines 38 to 42 [clause 96, inserted section 53A(12)]—

Definition of *approved pre-commitment system*—delete the definition

No. 25. Clause 96, page 47, after line 42 [clause 96, inserted section 53A(12)]—After the definition of *approved pre-commitment system* insert:

audio device means an earphone, earpiece, headphone, headset or any other device to convert signals from a gaming machine to audible sound delivered to the ear of a person playing the machine to the exclusion of everyone else;

No. 26. Clause 96, page 47, lines 43 to 44 [clause 96, inserted section 53A(12)]—Definition of *prescribed day*—delete the definition and substitute:

prescribed day means—

(a) 31 December 2018; or

(b) if, before 31 December 2018, the Governor prescribes a later date by regulation—on that later date.

No. 27. Clause 97, page 48, lines 1 to 18—Leave out the clause

No. 28. New clauses, page 49, after line 27—After clause 108 insert:

108B—Insertion of section 73D

After section 73C insert:

73D—Funding agreements

An agreement for, or relating to, the provision of money from a fund maintained under this Part must not prevent or limit the ability of the person or body receiving such money to make public comment about any aspect of the funding arrangement or the services provided by the person or body.

No. 29. Clause 111, page 50, lines 26 to 38—Leave out the clause

No. 30. Clause 112, page 51, lines 16 to 20 [clause 112(3)]—Delete subclause (3)

No. 31. Clause 116, page 52, lines 19 to 21 [clause 116(1)]—Delete subclause (1)

No. 32. Clause 119, page 53, line 19 [clause 119(6)]—Delete subclause (6) and substitute:

(6) Schedule 1, paragraph (nd)—delete paragraph (nd) and substitute:

(nd) that the licensee will not conduct the gaming operations on the licensed premises between the hours of 2 am and 8 am unless measures are in place that prevent machines designed to change a monetary note into coins (and located on the licensed premises) from being operated between the hours of 2 am and 8 am; and

No. 33. New clause, page 55, after line 6—After clause 126 insert:

126A—Amendment of section 11—Functions and powers of Authority

Section 11(1)—after paragraph (a) insert:

(ab) to publish advertisements directed at reducing the incidence of problem gambling and for preventing or minimising the harm caused by gambling; and

SCHEDULE OF THE SUGGESTED AMENDMENTS MADE BY THE LEGISLATIVE COUNCIL

No. 1. New clause, page 49, after line 27—After clause 108 insert:

108A—Amendment of section 73BA—Gamblers Rehabilitation Fund

- (1) Section 73BA(4)—after 'gamblers' insert:
and towards any costs associated with the gambling advisory committee and gambling advisory officer established in accordance with this section
- (2) Section 73BA—after subsection (4) insert:
 - (5) At least 85% of the money paid into the Fund must be applied towards programs for rehabilitating problem gamblers.
 - (6) The Minister responsible for the administration of the *Family and Community Services Act 1972* must establish an advisory committee (the *gambling advisory committee*) to provide advice to that Minister in relation to the performance of his or her functions under this section.
 - (7) The committee established under subsection (6) is to consist of 4 members appointed by the Minister responsible for the administration of the *Family and Community Services Act 1972* of whom—
 - (a) 2 must be from bodies representative of gaming machine licensees; and
 - (b) 2 must be representatives of charitable or social welfare organisations.
 - (8) Members of the gambling advisory committee will be appointed on terms and conditions determined by the appointing Minister.
 - (9) Subject to any direction of the appointing Minister, the procedure of the gambling advisory committee may be determined by the committee.
 - (10) The Minister responsible for the administration of the *Family and Community Services Act 1972* must appoint a person (the *gambling advisory officer*) who, in the opinion of that Minister, is an appropriate representative of charitable or social welfare organisations to provide advice to the Minister or the Authority, either on his or her own initiative or at the request of the Minister or the Authority, on any other matter relating to the gambling industry.
 - (11) The gambling advisory officer must be paid remuneration of an amount determined by the appointing Minister.

No. 2. New clauses, page 49, after line 27—After clause 108 insert:

108A—Amendment of section 73C—Community Development Fund

Section 73C(4)—delete '\$500 000' and substitute: '\$850,000'

Consideration in committee.

The CHAIR: Minister, as you would know we have 33 amendments and two suggested amendments, and I am in your hands as to whether you want to do it en bloc or whether you want to go through them individually. I am not sure what your preference is.

The Hon. J.R. RAU: Obviously, my preference would be to do each one individually for a very long time, but I know that is not what everyone else wants us to do. So, in deference to my colleagues and in the team spirit, I would like to deal with them all at once, and I want to make a few remarks before I do that.

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

That the Legislative Council's amendments 1 to 33 be agreed to.

Motion carried.

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

That the Legislative Council's suggested amendments be agreed to.

The CHAIR: It has been moved that they be agreed to, and you can now talk about them en bloc.

The Hon. J.R. RAU: I am going to be very brief, because I think already many hours and many words have been expended on this subject. Can I say first of all that it is a pleasure to have

this matter now behind us, particularly for me and my staff, who have worked very hard in relation to this matter for some considerable time.

I want to be positive about this firstly and to say that there are some good things about this legislation which I think all of us can be happy about. It does mean that the opportunity for the Casino development is being provided. That is something which all parties have obviously thought was a good idea, and that clearly has happened.

Speaking for myself, I am disappointed that elements of the package that was originally sent to the other place which would have had the effect of advancing problem gambling measures have not been accepted by the other place. I am pleased also that at the meeting that I had this morning—an informal meeting with members from various groups within the parliament—there was, in effect, an acknowledgment about having no maximum bet at all, which is where the legislation found itself last night, just so people are clear. At the moment there is a \$10 maximum bet, the government proposed a \$5 maximum bet, some Independent members proposed a \$1 maximum bet, and the opposition tried to keep at \$10.

In any event, what happened at the end was that there was no maximum bet at all, and that concerned me a great deal. So I had a meeting with the member for Davenport representing the opposition, Ms Franks representing the Greens, Mr Brokenshire representing Family First and Ms Vincent representing herself, and there was a conversation about this. Ultimately it was clear that a majority of the cross-benchers in the other place would accept a \$5 maximum bet, and we resolved this morning that the matter would be recommitted for the purposes of reinserting that \$5 maximum bet into the process. Now, that has happened and I am pleased that has happened. I acknowledge the cooperation of the other members of the parliament who were involved in that process this morning and I thank them for that important bit of rectification that needed to occur.

I say again that in some respects I am disappointed that some of the measures that were in the original bill have not survived. Those measures would have ensured that there was going to be a greater number of buyers in the trading rounds. Obviously, the more buyers there are in the trading rounds, the greater the chance there are going to be sales of machines and, every time there is a sale of four machines, one of those disappears.

So, one of the consequences of the amendments that have been made in the other place is that there will be less momentum towards increasing sales of poker machines. The reduced momentum towards sales of poker machines will mean the speed at which machines are pulled out of the system to get us towards that target of 800 additional machines will slow, compared with what it would have been had the amendments not occurred.

I make that observation. I say that, personally, I regret that is the case, but I accept that the majority of those in the other place were not persuaded of that view, for whatever reason, and we are left with what we are left with. Nevertheless, there are some elements of this that do make positive steps in terms of problem gambling.

The first one I have already mentioned—the \$5 maximum bet—which is an improvement from the present position. There are certain amendments proposed by the Hon. Mr Darley that will assist the community sector in addressing problem gambling. They will see the establishment of a Gambling Advisory Committee, which will be made up of members equally from the gaming industry and charitable and welfare organisations. They will advise on initiatives to be supported by the Gamblers Rehabilitation Fund.

Another amendment gives the Independent Gambling Authority the ability to publish advertisements directed at reducing the incidence of problem gambling. Again, that is a positive thing. Also, the Hon. Tammy Franks moved an amendment to increase the support for live music through the Community Development Fund from \$0.5 million to \$850,000, which is again something I think most would agree is a beneficial amendment.

As I said in my opening remarks, the legislation also now removes one of the potential impediments to the Casino being able to proceed with its much anticipated development nearby. Now that this impediment is about to be removed, and now that we have a development plan amendment in train to enable the Casino development to be facilitated by the planning process, I am very keen to see the Casino now move forward with that project, because all of the legal and practical impediments that might have made that project impossible or extremely problematic have been removed or are in the process of being removed.

That, of course, will be very good for the Riverbank. As my friend the Minister for Infrastructure is often heard to say, the project will look at creating 400 construction jobs and 1,000 ongoing hospitality jobs which, obviously, is good for South Australia, good for the city and good for the vibrant Riverbank precinct which we are all very keen to see develop.

So, there it is. The bill contains a number of things of which I think the whole parliament can be proud and which, I think, on balance, are good for the people of South Australia. As I said, again, I am disappointed that some of the responsible gambling measures which I hoped would have received the approval of the parliament were not dealt with favourably in the Legislative Council but, of course, parliament is like that. Sometimes they agree with us and sometimes they do not. On this occasion, they did not, so I think one has to just accept that that is the way it has gone.

As I said, the meeting I had with the cross-party groups this morning really concentrated on dealing with that one final issue which was sitting there: this problem about the maximum bet, and that was resolved. Accordingly, as I have already indicated, I will be accepting all of the amendments and all of the suggested amendments as per the material coming down from the other place. The member for Davenport has very skilfully conducted this matter, in some respects by remote control because we have achieved one of the more elegant manoeuvres in another place without him being physically present.

The Hon. J.D. Hill: Deus ex machina.

The Hon. J.R. RAU: There you are: deus ex machina.

The Hon. J.D. Hill: God out of the machine.

The Hon. J.R. RAU: Yes, there we are. Apparently that's very good. It's Latin and it's good. I did actually watch for a period of time the Hon. Rob Lucas—

An honourable member: Does he speak Latin?

The Hon. J.R. RAU: He doesn't speak Latin—well, maybe he does—but he managed things up there, but I could tell that the guiding force behind him was the member for Davenport because, when I actually approached him at some point to talk about things, he said, 'No, you need to speak to the member for Davenport.' So well done, member for Davenport. From your perspective, I think you have had a pretty good outcome.

From my perspective, it is not a bad outcome; it could have been better. However, I think from the South Australian perspective, overall, we are going to be better off than we were before this bill passed. We are going to have the opportunity for the Riverbank Precinct to have more private investment, more jobs, and we are going to see some improvement in the arrangements for problem gambling, not as much as I would have liked, but at least some.

So, overall, it is not a bad day's work for everybody. Obviously, from my point of view, it could have been better but, on balance, it is not a bad outcome. I again thank the member for Davenport and those other people there this morning for at least rectifying that other outstanding, glaring problem about the maximum bet. It was very good to have that resolved.

On another matter about which I am going to speak in a sort of coded fashion because I do not wish to re-enter the debate unless I am compelled to do so, people should have some sympathy for some of the people who work for me because, in the past, they did work for a former treasurer.

The Hon. I.F. EVANS: The opposition will be supporting the motion to accept the amendments from the upper house. We accept that the upper house has had its say and that everyone has won a bit and everyone has lost a bit. I want to place on the record my thanks to the ministerial staffer, Mr Green, who inherited the unfortunate job of dealing with the opposition and the government on this matter—as is the lot of ministerial advisers—particularly in the period where we inherited the bill and had to debate it all within about eight or nine days, which I think was a regrettable process for everyone.

The reality is that we were put in that position because the government fiddled on the negotiations with the Casino for well over two years, about the conditions it was going to put on the Casino to expand. At one stage we had the then treasurer—which was not the former treasurer that the Attorney may have just been referring to in his oblique remarks at the end of his comments, but a different former treasurer—out there saying that the Casino might actually lose exclusivity if it did not play ball with the government on negotiations.

What ended up happening was that the government, of course, got itself into a position where it was desperate for a re-election project. It needed to get the Casino project up in this period of time so that it could have a big announcement, and I suspect that it will be around the first or second week of February, ready for the campaign period. So we were forced to debate it in this chamber in a very short period of time, and I appreciate the efforts of ministerial staff. Can I put on record my sincere thanks to my staff, who put an extraordinary amount of effort into this piece of legislation.

The reason the Liberal Party took its view on certain elements of the bill was, primarily, a lot of the new regulation and changes to clubs and pubs was unmodelled and, at best, a good theory. At best, you could describe it as a good theory. The upper house has spoken in relation to the maximum bet issue. It is a \$5 bet issue. My understanding is when that was introduced in Victoria the revenue dropped about 14 per cent. To this day, no-one has modelled what is going to be the impact on small clubs and small pubs if their revenues drop anywhere near that level.

When government members get up and parrot about their concern for jobs, whether it is at Holdens, the Casino, or whatever, I just make the point that any job lost in any sector is an issue. We took the view that, despite the passionate lobbying of various sectors, in fairness to those entities (some with big mortgages) that had adopted a certain business model, before we change that business model—whether it be on bet size, the requirement for technology, trading hours or the number of poker machines you may or may not be able to have—there should be some modelling done to try to work out that impact. That was really the issue that drove a lot of the thinking behind the Liberal Party's position on the elements of the bill that we may have had difficulty with the government on.

We also take the view—I certainly, personally, take the view—that it is not a good social outcome to take low-profit low-turnover machines and put them into high-profit high-turnover areas which, by definition, if you look at the history of poker machines, tend to be low socioeconomic areas. I do not believe it is a good social outcome to put more poker machines into venues in low socioeconomic areas, and that is exactly what would have happened, in my view, under this legislation. The big winners would have been Coles and Woolworths and they would have gone into the low socioeconomic areas where they could maximise their profit.

While I accept, totally, that the welfare groups are genuine in their concern and their policies about trying to protect those who fall into the habit of gambling too much, problem gambling, I am just not convinced that it is a good social outcome to put more of these machines into bigger venues in low socioeconomic areas, and I think that is where they will end up because that is what the market dictates. If you look around the world, they tend to end up, for whatever reason, in low socioeconomic areas. That is why I fought against the 40 to 60 gaming machine issue. I came from that position.

In relation to the Casino, let me just say this. I think the government's line that somehow our amendments were going to put the Casino at risk was regrettable and shabby politics. Does anyone think for one minute that the Liberal Party did not sit down with the Casino, once the deal was announced, and work through the legislation to make sure that whatever we did we knew exactly what the impact was going to be on the Casino? If anyone read my second reading contribution and the committee stage of the bill, I made it crystal clear to the government that our amendments had been signed off by the Casino.

What the government was doing, running around on radio and in front of TV saying that the opposition's amendments put the Casino deal at risk was nothing more, in my view, than shabby politics. I did not really respond to it much in the media because I knew that the legislation would get through. The reason the legislation was always going to get through was very simply this: the government is desperate for an election announcement and the Casino is it. I was not born yesterday, nor was anyone else in this place. That is going to be the government's announcement at the election. So, the politics dictated that the legislation was always going to get through.

We know now today that, of course, the legislation has got through, and not one of our amendments put a trip wire in for the Casino. In fact, we went out at the time it was announced and said, 'At last, the government has worked out how it works. If you lower a tax on a business, as they have done with the Casino, guess what they do? They invest \$300 or \$350 million,' and as the Attorney just said, they create 1,000 new jobs.

The Liberal Party went out on the very day that Casino deal was announced and said, 'That's exactly what we have been talking about for 11 years.' So, for the government to run around

in the media saying somehow we were putting up amendments that were going to cause the Casino some grief and the deal to fall apart was rubbish. The only way the Casino deal was not going to go ahead was if the government decided to pull the bill, having lost certain elements of the bill, and that was never ever going to happen. Even if the government had, we had legislation ready to go to put all those elements back into a separate bill and we would have been here right now debating that bill, and the government could have voted it down if they wanted to.

While we changed some elements about the agreement with the legislation applying to the Casino to make it tougher on them, we never put that development at risk, because we accept the fact that it is good for Adelaide to have an entertainment venue of that quality. In fact, if you go back to the early 2000s, it was John Olsen who talked about turning Adelaide around to face the Torrens and had money in the budget for a riverbank redevelopment. The first thing this government did when it came to power in 2002 was to not continue with that project. Here we are 11 years later and the re-election strategy is all about something they took money out of 11 years ago: a riverbank redevelopment.

I also thank the Casino representatives, the industry association representatives and the welfare groups, who gave me really good hearings at very short notice to get my head around what was a very complex piece of legislation. Even though I did not agree with everything everyone told me, I really do appreciate the fact that they spent so much time explaining how matters worked and the intricacies of how matters worked. The parliament has dealt with this matter. It was a complex matter. We look forward to the Casino deal going ahead and we will support the amendments as moved.

Motion carried.

FIRST HOME AND HOUSING CONSTRUCTION GRANTS (BUDGET 2013) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA) BILL

The Legislative Council agreed to the bill without any amendment.

STATUTES AMENDMENT (HEAVY VEHICLE NATIONAL LAW) BILL

The Legislative Council agreed to the bill with the amendments indicated by the following schedule, to which amendments the Legislative Council desires the concurrence of the House of Assembly:

No.1 Clause 62, page 20, line 25 [Clause 62, substitution of sections 123 and 124]—Delete 'section 123—delete the section' and substitute: 'Sections 123 and 124—delete the sections'

No. 2 Schedule 1, page 27—Delete 'Section 19(5)(c)' and substitute: 'Section 19(5)(b)'

Consideration in committee.

The Hon. A. KOUTSANTONIS: I move:

That the Legislative Council's amendments be agreed to.

I understand that clause 62 of the bill intends to delete sections 123 and 124 of the Road Traffic Act 1961 and substitute new sections; however, the clause only deletes section 123 and not section 124. Sir, I apologise to the house for this oversight, and, accordingly, I have thus moved that we accept amendments nos 1 and 2 from the upper house.

Motion carried.

APPROPRIATION BILL 2013

The Legislative Council agreed to the bill without any amendment.

SITTINGS AND BUSINESS

The Hon. T.R. KENYON (Newland—Minister for Manufacturing, Innovation and Trade, Minister for Small Business) (16:22): I move:

That standing and sessional orders be and remain so far suspended as to enable private members' business in relation to other motions set down for today to take precedence over other government business except for the receipt and any consequential consideration of messages from the Legislative Council.

The DEPUTY SPEAKER: An absolute majority not being present, ring the bells.

An absolute majority of the whole number of members being present:

Motion carried.

SCHOOL TRANSPORT POLICY

Mr BROCK (Frome) (16:25): I move:

That this house urges the State Government to review the current DECD School Transport Policy in its entirety and to achieve a policy that—

- (a) is forward thinking and addresses individual educational needs within a 21st century Australian educational context;
- (b) enables local communities to address contextual need as promoted through the DECD 'Brighter Futures' restructure;
- (c) is constructed around the current educational 'Birth to 18' priority agenda;
- (d) recognises the need for all students to access educational support services regardless of the private versus public debate, the preschool versus primary debate or the primary versus secondary debate;
- (e) places equity for all at the centre of the reform; and
- (f) aims to eliminate educational disadvantage for country students.

I would like to refer members today to the current Department for Education and Child Development School Transport Policy. This policy has been in operation since 1985. There have been some minor changes made since this date. It was established to suit the educational requirements and transport issues for regional children and various regional schools in that time. Since this date, there have been numerous changes and, I might mention, changes for the betterment of education for our children.

There has been a lot of involvement with curriculum standards from the commonwealth government, and as recently as November last year, the universal access was released by the commonwealth government. This policy means that kindergarten children can now access up to 600 hours per annum before starting school. This could cover up to 18 months to achieve depending on their date of birth. I might add also that I understand that these children will have priority on the DECD bus services in regional areas.

The state's Brighter Futures educational policy has also been included since the commencement of the current School Transport Policy which started in 1985. Recently, Premier Weatherill signed up for the national educational reform agenda, also known as the Gonski school funding reforms. This will greatly enhance our educational opportunities, but will the current policy suit this new addition? It is a good question.

The current policy deems that any child who bypasses a government school to attend a school of their choice is ineligible to access DECD school buses. The only way they can access the DECD bus is if there are vacant seats that have been allocated to eligible students. Education is compulsory in Australia, and parents have the right to choose where they send their children. Families who exercise their right of choice are being discriminated against by a policy that has become out of touch, firstly with the rural sector and also the ever-changing opportunities for education.

The current policy needs to consider the numerous changes that have occurred since the implementation of the current school policies, and school children attending metropolitan schools can ride their bicycles to and from schools, but due to unsuitable roads, distance and lack of public transport, country students have no other opportunity to get to their school other than by the DECD school bus. All students attending non-government schools are deemed to be ineligible for school bus services; however, as mentioned previously, they can be accommodated should seats exist.

Country families are now faced with various complications. The following scenario highlights how unfair and inequitable the current policy is. A family has three children. One child attends the local government high school and is eligible for school bus. One child attends a non-government primary school and is ineligible for school. The other child attends kindergarten and is ineligible; however, they get a seat under the universal access clause which requires that person to have a priority on the bus.

The parents in this family need to make the trip to town to deliver one of their children to their school of choice, but the other two children can travel on the DECD bus. If they choose to drive all three children to town, since they are driving to town anyway, they risk losing access to the bus seat under the 50 per cent usage ruling. Country communities are small and rely on good community spirit and involvement to survive.

The current DECD policy is divisive and erodes community spirit and goodwill. It is difficult for neighbours to understand and accept why one family may be provided access to a school bus when another one is not, when their children attend the same school. The role of educators is to teach, whether it is a government school or a private school. These teachers do a fantastic job and the future of our children is in their hands. They have a very responsible task and we all appreciate this greatly.

It is not the role of our educators to transport students, again, whether government or private students. I ask the question: who has the role and management of transportation for our students? I am led to understand that in the country it is under the control and operation of DECD, yet I also understand that, in the metropolitan schools, transport operations are undertaken by the Department of Transport.

The current policy states very clearly that primary and non-government school students attending non-government schools, who reside more than five kilometres or more by the shortest most practicable route from the nearest appropriate government school, have a right to use existing bus services to travel to that government school.

There have been numerous occasions where a particular size bus has been utilised on a school run and, then, because of cost savings, this bus, which may have already had spare seats to be able to transport ineligible students, is then sent to another location and a smaller bus has taken its place. In that case, it creates a lot of confusion.

In the case of the Burra-Farrell Flat to Clare school bus, there are now students who are attending non-government schools in Clare who are being excluded from travelling on the school bus. This has come about as a result of the department replacing the original bus with a smaller bus, which now causes great concern to those students who elect to attend a non-government school. The old bus had no air conditioning and no seatbelts, and the new smaller bus is complying with the new requirements for all school buses to have seatbelts and air conditioning.

It is the democratic right of the parents to send their children to a non-government school but, at the same time, we must ask: why are parents choosing private schools in lieu of government schools? Students attending a full-time approved course at TAFE may travel on the government bus, but again, only if there are spare seats. I ask how students are to get to TAFE or another suitable training facility if the buses are removed and replaced with smaller buses.

The accreditation of school bus drivers is managed by the Department of Planning, Transport and Infrastructure, however, the control and operation of the bus services themselves is under DECD. This process appears to be confusing, and this is another reason why I believe a review of the current policy is needed. This review should not be seen as political pointscoreing. It should be implemented to ensure the future direction of our regional school students so they are able to achieve the best opportunities with their education, in the same manner that metropolitan students have available to them.

When I first came into this place, I endeavoured to get a select committee to look at this very issue, and that was to look at school bus operations and their usage. However, this was not successful, and I was greatly supported by the opposition at the time. Since then, the policy has basically remained the same. However, since this time, there have been great changes and, as I mentioned, these changes are for the better for our educational opportunities, but still the policy remains basically the same.

I would strongly ask the minister to at least look at the policy to ensure that it is relevant to today's environment, and also to ensure the best utilisation of these services so regional locations are best served. I commend the motion to the house.

Debate adjourned on motion of Mrs Geraghty.

NON-GOVERNMENT SCHOOL TRANSPORT POLICY

Mr PISONI (Unley) (16:35): I move:

That this house urges the government to take action to review the Education Department's 'school transport policy', specifically the restrictions placed on both government and non-government students' access to departmental school buses.

If we look at the current policy in South Australia, students attending non-government schools are permitted to use existing school buses to travel to those schools provided—and this is the crunch here—that the buses are not involved in additional travel to visit a non-government school. If we look at what happens in metropolitan Adelaide when it comes to transport policy for school students, whether you are a government school student (whether you go to a government primary school or high school) or whether you go to a non-government primary school or high school (whether that be an independent school or a Catholic school), you get a student concession card for the bus.

When it comes to metropolitan South Australia, this government, the Labor government, treats students in non-government schools in the same way it treats students in non-government schools. However, beyond the metropolitan boundary there are conditions on non-government schools that are different to those conditions for those that wish to attend government schools. That is why I have asked the government to review the policy for both government and non-government schools.

If you look at what happens in other states, in Western Australia for example, for a rural student attending a mainstream school criteria apply, and they include enrolment at the nearest appropriate school and regularly attending school. However, then you go to the definition of the nearest appropriate school, and it is defined as:

Government school, one that provides appropriate year of study for the student, or a non-government school, one that provides an appropriate year of study for the student and also provides an appropriate religious denomination or ethos for the student.

It is an important difference between what happens in Western Australia and what happens in South Australia. It is unfortunate that minister Rankine has ruled out any such review. It is interesting that the first thing that the minister raised as a justification for ruling out the review was cost: 'Where is the money going to come from?' Not, 'Let's have a look at how we are running the education system, and let's see if there is a fair equity between regional South Australia and metropolitan Adelaide.' No, 'It's going to cost too much money. Where is the money going to come from?' Well, how do you know? You have not had the review. Let's look at what they are doing in other states.

For mainstream schools in New South Wales they approve travel on Monday to Friday between home and to where the student is enrolled. Again, it does specify that it does not extend to school excursions, attendance at multicampus schools or work experience, for example, but it does extend to TAFE students, providing you are under 18 years of age as of 1 January in the year of application. Many of the students in regional South Australia that may be attending TAFE in year 12 would be eligible under this policy, but they are only an afterthought under the current South Australian policy, the Labor policy, that we have now. They need to be enrolled full-time for a minimum of 20 hours a week.

Again, that is fair enough. If you have a student that is in fact committed to that TAFE course and they are not employed—and again, that is fair enough because, if you are employed, then there would be the expectation that you can make your own way, but this is another point of difference between what the Labor government is doing here in South Australia and what has been the norm for decades in parts of regional South Australia where they have a higher regard for the non-government sector than does this government.

We know that the South Australian policy has been in place for quite some time. The government will argue that there have been Liberal governments that have not changed it, but I remind the government that, by the time of the next election, Labor would have run the education system and the school bus system here in South Australia for 33 of the last 44 years. They have done it in very good times.

Time expired.

Dr McFETRIDGE (Morphett) (16:41): A number of years ago, when I was graduating from Western Teachers' College as a technical studies teacher, the last presentation was given to us by the inspector of schools, Mr Longbottom (I cannot remember his Christian name), and he was telling us what a wonderful job we were going to do as teachers, and he went on and on and I fell asleep. I had been posted to Salisbury north-west technical high school, as it was then named,

which was just around the corner from where I lived in Salisbury, which was pretty convenient. I was woken up by the senior lecturer in technical studies, the late Jack Peake, who told me that I had been posted to Port Augusta High School.

The Hon. J.D. Hill: For falling asleep?

Dr McFETRIDGE: Yes—what do you get if you walk out? That was probably the best thing that ever happened to me because, first, I met my wife in Port Augusta, and we have been married for 40 years now, and I also got my school bus drivers' licence. In those days it was the big old Bedford buses, vinyl seats and certainly no thought of a safety belt. They were all manual buses, you had a lever on the side where you push the hand out that signalled either a right-hand or left-hand turn. I am not that old—we actually had indicators not long after that on a newer bus. This was in the early 1970s.

I drove the school bus out to Stirling North and out to what was then the Davenport Aboriginal Mission. It was an interesting experience being on the school buses, providing transport for not only high school kids but also for primary school kids. There were kids who went to church-based schools in Port Augusta at the time, and I think occasionally—I cannot remember accurately how many times we did it—we carried those kids, knowing that they were going to go on to the church schools that were close to Port Augusta High School. We did not drive them there—they got off and just walked around the corner.

It was happening unofficially back then. When I was driving the school bus at Minlaton it was an old crash box school bus. If you have ever driven a crash box vehicle, there is no synchro at all—you have to get your gear changes just right. If I did crash one the kids would say, 'Oh, Mr Mac, don't worry, we'll pick that one up on the way back', as the gears crunched through as we changed gears. Driving the school bus out to Curramulka and Brentwood to pick up the kids—there were no private schools, it was all state schools.

The service provided to country people, particularly by the big yellow school buses or the white Link SA buses now, is absolutely vital. The cost of running a motor vehicle with fuel costs today is quite expensive and we will talk about that also in relation to the PATS motion before the house. The division between state schools and private church schools and other non-denominational schools is not one we should be talking about when talking about getting kids to school. Let us make sure we get those kids to schools.

Certainly the non-government schools are not freeloading off the state in any way, shape or form. I think in the 1960s there was a move to cut all funding to non-government schools in Victoria, and the Catholic Archbishop said to the then minister for education, 'Well, we'll just shut our schools—you can have the whole lot.' There was a pregnant pause and they quickly decided that that was not a good idea, that they should be supporting non-government schools. Here again we should be supporting the non-government schools—not necessarily taking over every kid who wants to travel to a non-government school on public school buses, but we should be at least being a bit conciliatory and pragmatic about it.

It is not the kids' fault that they live where they live and their school is positioned where it is. Our job as members of parliament, our job as legislators in this place, is to give every child every opportunity—which is a term used quite a bit in this place—so, surely, putting them on the school bus is something we should be looking at. I am not saying we go to the extent of providing extra school buses, but we certainly should be trying to facilitate it wherever we possibly can.

I note that the modern school buses now have individual seating, not the old bench seating. They have seatbelts on them. They travel at quite high speed with much better brakes than we ever had. They are a very safe form of transport, so why would you not want the children to be on the safest form of transport as well as one that is taking them from where their parents, in most cases, are dropping them off, straight to the schools or close by in the case of non-government schools?

If they go past a non-government school, they can certainly drop them off there. I think, if it was just around the corner, it would not be unreasonable for them to walk there as a group. This needs to be recognised as something that is a little bit of common sense. It is not a political die in the ditch issue, surely, for a government. It is not going to cost them a lot. You are running the bus already. The bus is on the way, so let them get on the bus.

The Hon. R.B. SUCH (Fisher) (16:46): I support this motion from the member for Unley. I do not see any justification for discriminating against children who attend a non-government school.

I have taken an interest in what happens in the Murray Bridge area. I think that if the bus is going to a departmental school in that area, then I see no reason why the children who attend the Lutheran school, the Catholic school, or whatever, cannot access that bus. I am sure that, with a little bit of common sense and a bit of wisdom, the bus service can cater for everyone. Just harking to the motion briefly—

There being a disturbance in the Speaker's Gallery:

The DEPUTY SPEAKER: Sorry to interrupt, member for Fisher. Could I just remind the person in the gallery that you are not allowed to use cameras with a flash.

The Hon. R.B. SUCH: It wouldn't have been a very nice photo, Mr Deputy Speaker.

The DEPUTY SPEAKER: No.

The Hon. R.B. SUCH: I notice that the previous motion that the member for Frome was promoting really overlaps with this one. I think it is a very modest request from both members and, in this case, the member for Unley, to review the school transport policy. It is not a radical request: it is asking that it be reviewed. One would hope that, in any good administration, they are constantly reviewing what they do to make sure that it is relevant and contemporary.

I would like to just quickly raise some related points about the school transport system. There was an article in the *Southern Times* last week where the parents at Moana Primary School were asked, I think, to contribute \$10 a head so the school bus could have seatbelts. I notice that article said that, out of the 486 school buses, 360 have seatbelts, which obviously means the rest did not.

I do not think it is unreasonable that, whether you are transporting children purely to a DECD school or you have got private, independent or Catholic schoolchildren on board, that the buses be equipped with seatbelts. I commend the government for gradually phasing in buses with seatbelts. I think there has been a significant improvement in recent times in the quality of the buses provided in terms of the safety of the children, so that is a great advance.

I will just come back to the point of this motion. I do not think it is unreasonable to request a review and I think that, where possible, unless there is some strong compelling reason, the buses should cater for children whether they are attending a government school or a non-government school.

Mr VAN HOLST PELLEKAAN (Stuart) (16:50): I rise to wholeheartedly support the motion of the member for Unley, that this house urges the government to take action to review the education department's school transport policy; specifically, restrictions placed on government and non-government students' access to departmental school buses. This is an issue that is relevant all over the state and, very particularly, in the electorate of Stuart.

We have an issue with this right now with regard to the Burra-Farrell Flat-Clare area. It has been in the local media and members may be familiar with it. Kids from the Burra-Farrell Flat area have been going on the state school bus into the Catholic school at Clare, and everyone has been very happy with that arrangement. That arrangement has come under great pressure, and I would like to commend the Liberal candidate for the electorate of Frome, Kendall Jackson, who has worked on this issue with David Pisoni, the member for Unley, as the education spokesperson on the issue, and with myself and others.

This is a very real issue. As the member for Morphett has just said, in the scheme of things it is a very small incremental additional cost to allow this to happen, to ensure that there is space on the bus for those kids—and I do acknowledge that when there is space it is already okay for them to get on the bus. However, I think it would take no extra planning and minimal extra money to ensure that there is space; in the grand scheme of things it would probably save some money, because the cost of the bus for those students would be far less than the cost of attending the public school, which the taxpayer would have to meet. So in the long run that is probably a saving for the education department.

School buses are always an interesting and often a complicated area of discussion. We would all remember many issues raised about air conditioning, about seat belts, and about a whole range of other things. I actually learnt to drive on a school bus, as it happens.

Mr Whetstone: As you do.

Mr VAN HOLST PELLEKAAN: Well, I actually learnt to drive on a tractor first, just to get things going, but my first experience learning how to drive was actually refuelling buses in a car park. It was not on the road or anything like that, but they were the first on-road motor vehicles that I learnt to drive on, school buses. I actually had a school bus licence shortly after that, and in my summer holidays I drove kids to and from summer camp, so I perhaps feel an extra connection to this issue.

However, let me say that in the electorate of Stuart this is a huge issue. I would not want to place very, very small country schools under any additional pressure by virtue of the fact that, potentially, any children from anywhere could hop on a bus and it would take them to any other school. I would never advocate that things go that far but, certainly, giving people flexibility and options, giving them the ability to go to the school of their choice, is completely sensible, and asking that the school transport policy be reviewed makes great sense.

It also makes great sense in light of the debacle that we had 1½ to three years ago, with regard to the renewal of school bus contracts. For those people who may not be familiar with country areas, school bus contracts are actually incredibly important small businesses. There are an enormous number of people in country South Australia who operate school buses for the education department, and they provide a fantastic service. We have a local person in a local area driving a privately-owned bus contracted to the government, and they have come under great pressure in recent years as well.

While this motion from the member for Unley focuses on restrictions placed on government and non-government student access, I think it could also consider a wide range of issues with regard to school buses. The rearrangements and contracts that we have seen lately that amalgamated a lot of contracts for arguably no saving actually did a lot of damage to businesses and country towns and arguably did not improve the service at all either.

The issue regarding school access interestingly is something that Kendall Jackson knows about first-hand. She knew this first-hand as a student growing up in the district when her parents had to face this issue. She knows about this issue first-hand now as a mother and a parent of four kids of her own going to school. She has been wrestling with this at a very personal level, and I commend her for trying to address this issue on behalf of her community. She cannot fix the difficulties that her parents had and it may well be too late to fix some of the difficulties that she has as a parent herself, but she really wants to get this fixed on behalf of her community, as do I.

There are 42 schools in the electorate of Stuart: three are Catholic schools and every other one is a state government school. All of those schools work incredibly hard to do the best they can, the catholic ones and the state schools, the teachers, the staff and the SSOs. Everybody all the way through to the maintenance people do the very best they can for the students in a caring and a learning capacity and also with regard to fulfilling their very important obligation as one of the most important institutions in these small towns. The investigation into the school transport policy will be very important in ensuring that all of those people working very hard in the schools can continue to do so on behalf of their communities for decades to come.

Mr WHETSTONE (Chaffey) (16:57): I, too, rise to support the motion put forward by the member for Unley. I thank him for bringing this matter to the parliament because it has been an ongoing issue in my electorate for some time. I might also add that I acknowledge the member for Frome's motion as well because there are elements there that I think also need to be reflected in this issue regarding school transport.

Some of the issues that I have had to contend with in my short time as a representative state member have particularly related to the Barmera Primary School, which had its school bus service cancelled, or cut, under the current Department of Education and Children's Services. That service had been running for about 29 years. Obviously, in the regions, a school bus service is vital for the existence of a school. It is also there as a conduit for getting students from outreach properties to school to make sure they get an education. I know that in some circumstances if there is no conduit—being a bus service or a car pool—children just do not attend school.

As I said, the Barmera Primary School bus service obviously left a lot of students without a means of transport to get to and from school. The service was used not only for getting children to school and getting them home, but also for school excursions and the like. It was an impact felt not just by the students that were being picked up and dropped off at school but the 241 students who actually attended the school. The department, through its incompetence, allowed the service to be cut, and that has had a huge impact on that small regional school.

It really does seem to be that, with the eligible bus service, students who live anywhere inside the five kilometre radius of a school are not eligible to get on the bus. In many instances, that bus service is in operation and it picks up students that are outside the five kilometre radius of the school, but it has to pass the homes of those students that would need a bus service, even if they are just within the radius. That bus goes straight past those students. It is not there to pick them up because it does not fit that five kilometre radius. I think that is outrageous that a bus that is half empty will not stop and pick up because of the guidelines, the rules that the Education Department has set down.

The department knew that those students in Barmera were not eligible for pick-up but allowed their service to continue during the drought, removing the service subsequently once the drought had passed. That created a huge upheaval for the students. It created a huge uncertainty for parents. One minute we have one set of rules, the next minute there is another set of rules. It threw the school into turmoil. I met with teachers and parents on regular occasions trying to get some certainty back into how those students were going to get to school, and eventually it was sorted out. It was the small-mindedness of those making the decisions that leaves these students high and dry.

Another example is the Swan Reach school. Being an Area school, it picks up a lot of students from far and wide and brings them into that school. Everyone here knows that area schools have to work within a system. I have one particular student who lives 20 metres within the five kilometre exclusion zone. That student is a disabled student. He is in a wheelchair and yet he was denied the use of a school bus.

The school bus had a ramp, and what the parents were having to do is to take the student outside that 20 metre exclusion zone so that that student could get on. That bus had a ramp and that handicapped student was able to use the bus but, sadly, the bus ramp only worked occasionally. On some days they would pick up the student and they would have to drive to school with the ramp extended and there was no provision for that bus to have that ramp repaired or fixed because that student lived within the five kilometre radius. Again, it is the small-mindedness that really does beggar belief. They are little issues that regional students, regional families and regional schools are dealing with, sadly, way too often.

We also have had some issues raised by the member for Unley about non-government school children not being able to fully access the bus service, as opposed to government school children. Non-government school children are only able to use the buses if the buses do not have to travel any additional distances to get to non-government schools.

The Education Department should be about getting kids to school. It is not about branding them whether you are a private school or a public school or what sort of a uniform you wear or what colour shoes you wear. It should be about a service that provides kids with assistance to get to school so that they can get an education and they can be part of the school system. They may only travel further than the nearest government school if there is sufficient space on the bus, but if there is no additional cost to the department I am sure that parents would be willing to stump up some of the cost to be part of that school transport system.

It is about that bipartisan agreement in getting kids to school and that is what the school bus services should be about. We continually see the department looking at the bottom line—at the dollar value. I accept that, but in regional schools it is about being proactive in getting your kids to school, and that is how the department should be working.

Again, it is really a bit of a 'them' and 'us' situation. Sadly, I do not see too many of those DECD buses delivering kids to school here in metropolitan Adelaide. The big issue that we are dealing with is regional South Australia. It might be that the bureaucracy, perhaps even the minister, might need to get out and look at the circumstances where some of these kids have to get on buses in the dark to get to school. They get off the buses at night in the dark because that is what they have to do to get to school and be part of the system.

I guess some of the problems that are being experienced by schools about the size of the bus fleet contracted by the government are determined by the number of students in government schools. Why are buses being sent out with empty seats just to meet department regulations? This has left school students and parents at a loss. It is leaving them at a disadvantage.

As an example, I have Victorian school buses coming into my electorate, picking up South Australian students and taking them back into Victoria to go to school because they are prepared to pick up the kids so that they are putting up the numbers in their Victorian schools. They are

prepared to be proactive to get students out of South Australia into Victorian schools. The South Australian education department has to pull kids to pickup areas whereas, in Victoria, they go to the gate and pick up the kids and take them to school.

There is the difference between the Victorian government that is proactive trying to put kids into school and the DECD department that is just being small minded and narrow minded and not working within. The member for Fisher has highlighted an issue that was brought to my attention and that is that we have got the education department now asking for parents to pay for seatbelts to be put into their kids' school bus. I think we really need to have a good look at how the system is working.

Time expired.

Mr TRELOAR (Flinders) (17:07): I, too, rise to support the motion of the member for Unley. I also acknowledge that the member for Frome has raised this issue with a similar and parallel motion in this house. I would welcome a review particularly. Many of the country members who have spoken in this place have highlighted that it seems to be an issue particularly for regional areas. Certainly, it was one of the very first issues that was brought to my attention as a new member in this place, as the new member for Flinders. We have nowhere near as many schools as the member for Stuart has in his electorate—I think 47, was it?

Mr van Holst Pellekaan: Forty-two.

Mr TRELOAR: Forty-two—but, certainly, in the seat of Flinders we have over 20 schools. Three of those schools are non-government schools. There is a Lutheran school in Ceduna, another Lutheran school in Port Lincoln and also a Catholic school in Port Lincoln, along with the many high schools, primary schools and area schools scattered throughout the district.

The issue that was brought to my attention was the very fact that has been highlighted a number of times here today and that is students whose parents had made a choice to send their children to a private school—a school outside of the education department—but who actually lived on farms or in country areas out of town. The current DECD policy relating to school buses in particular I am going to quote, because I think it is important. The quote is:

Students attending non-government schools are permitted to use existing school buses to travel to those schools, provided that the buses are not involved in additional travel to visit the non-government school. Primary and secondary school students attending non-government schools [and] who reside 5 kms or more by the shortest most practicable route from the nearest appropriate Government school, have a right to use existing bus services to travel to that Government school. Non-government primary and secondary students may also travel past or away from a government school but such travel is subject to there being available room on the bus, and there is no additional cost to the department.

When I approached the education department with concerns of parents who had made the choice to send their children to private schools with this very issue—that there was not a seat available for them on the bus—this particular policy was quoted to me.

I must say the education department in my experience at a local level around Port Lincoln did their very best to accommodate the request of the parents, but of course they are constrained by this policy, and that is what the motion is all about: to review the policy and hopefully come up with a more equitable arrangement for those students not attending education department schools.

Another issue that is very much related to school buses and seat availability is that of preschool children. I give the example that was brought to my attention from the Miltaburra Area School. Miltaburra is in between Wirrulla and Ceduna. I do know the school well. It is one of two schools that we have parked in between two communities, but the issue is around preschool children also not necessarily being able to gain a seat on a school bus because of seat availability.

It is particularly critical in those sparsely-populated areas with relatively small area schools which are really struggling to maintain a critical mass of students. Parents obviously want their children to have the opportunity for preschool education. They want equal opportunity for their children, along with all the other children in the state, as far as education goes.

It turns out that, if there are not available seats on a bus for a preschool child, that parent actually has to drive by car to take their preschooler to the area school campus so that preschool can be attended. This can be many kilometres in some instances, and Miltaburra and Karcultaby are unique in that they do not have a township adjoining them, so it is in fact a special trip. There is actually a disadvantage, I guess, to those families who are attempting to access vital preschool education but without access to school buses.

The other thing, of course, is that there is no public transport in country areas so, once again, for children who live in a rural setting in a regional district, the only way they are going to get to school usually is via a school bus. The government have traditionally funded school buses to transport children to their own schools. Of late, more and more, we are seeing private contractors being given contracts to do the same job and of course that has been fraught with difficulties as well.

Going back to Port Lincoln again, I spoke to one of the local contractors just last week and asked him how his bid for the contract was going—it is a contract he has had for some years now—and he informed me that he was not even going to bother to make a bid for the contract. It was just too difficult and too onerous and, in fact, he had better things to do.

On asking him what the education department was going to do about those contracts, he suggested to me that they would probably run their own school buses, so we are back to running those traditional yellow school buses—those yellow school buses that in fact transported me to school for many years from where we lived on the farm, and I must say all the action was up the back of the bus.

Ms Bedford interjecting:

Mr TRELOAR: No, I kid you not. If you wanted to be amongst the action, you went to the back of the bus, and all sorts of fun things happened there. Many jokes were told; homework was done; cards were played, in fact.

Mr van Holst Pellekaan: Tennis balls thrown.

Mr TRELOAR: Tennis balls thrown, apples, fruit thrown—cake thrown, even. As much as I hate waste of food of any kind, there was a bit of food thrown around on our bus.

Mr van Holst Pellekaan: No-one has responsibility as a small boy.

Mr TRELOAR: That is right. Of course, the younger children always sat at the front and, as you progressed through your school years, you got closer and closer to the back of the bus, where eventually—and I am talking 40 years ago, so bear with me on this one, and I know this is relevant to the next motion—once you got to the senior years and you were far enough up the back of the bus, there was the occasional cigarette smoked. Heaven forbid! There was no air conditioning, so the windows were open and the driver rarely, if ever, knew. I do not know if that happened on the member for Morphett's Minlaton bus run or not.

Dr McFetridge: They wouldn't dare.

Mr TRELOAR: They wouldn't dare. It was a lot of fun. If I can beg the indulgence of the house, another thing that I recall from my bus travels on a yellow school bus—bus No. 353, I think, or perhaps No. 433 in the early days—was that often on a wet winter's day we did not actually make it to school because the roads were so wet. There were wet wires and bog holes.

I remember my dad coming out one day with the Chamberlain and towing the bus through the creek, so all those things happened. The Cockaleechee bus always had to leave early if there were heavy rains and the creek was rising. A message would come over the PA that the Cockaleechee kids had to assemble, get on the bus and get home. I was always very envious of the Cockaleechee kids because they had a creek that came down and they often got to go home early, but it was a lot of fun.

My point is that it is such a vital service, especially in the country regions where there is no public transport. There are no other options for rural-based children to get to their regional centres and go to school. So, I would implore the government to undertake this review. Issues have been raised today about equity, fairness and the importance of choice in education. I think nobody would dispute that parents should have the choice and, if they do, they should be provided with an equal opportunity for transport.

Debate adjourned on motion of Mrs Geraghty.

TOBACCO SMOKING

The Hon. J.D. HILL (Kaurna) (17:17): I move:

That this house—

(a) notes the significant fall in South Australian smoking rates between 2010 and 2012; and

(b) congratulates those who have successfully quit smoking.

I am pleased to be able to move this motion in this session. Members, I hope, will have received a document that was prepared by the South Australian Parliament Research Library on the issue of smoking, called 'Smoking cessation: a review of recent strategies and proposals', which I think was circulated towards the end of June and provides some background material. The parliamentary library kindly put that document together and I commend them for the excellent work that they have done, and they had the assistance of the health department's Drug and Alcohol Services South Australia (DASSA) with some of the information.

I think this is a very good report that the parliamentary library has produced, which brings together in one place a whole lot of information about smoking cessation strategies and, of course, goes through the stats in relation to South Australia. Before I get to those stats, I just want to put on the record that as the health minister I tried to do as much as I could in the couple of years that I was responsible for smoking policy to reduce the number of people smoking in our state. I was motivated not just—

The Hon. L.W.K. Bignell: You should have pulled the cigarettes out of their mouths.

The Hon. J.D. HILL: That is true. I did that not just because it was my job as health minister; I did it because as a former smoker I have that passion which is shared by many former smokers to see everybody else become one as well. I also did it because both my parents smoked. My mother, who is now 96, gave up at the age of 65, I think, and my father, who died at the age of 59, never gave up. He smoked something like 60 or 80 unfiltered cigarettes every day that I knew him. It was a habit he picked up during the war. He was a nonsmoker before his war service and then took up smoking, as was often the case, of course.

The comfort that was provided by tobacco then led to the early deaths of a lot of the diggers. The Germans did not get them but the tobacco did. My father-in-law also was a heavy smoker. He was given free cigarettes as a member of the Royal Navy and continued smoking. He eventually developed emphysema and died a terrible death.

The facts are that half the people who smoke will die from smoking. It is an extraordinary thing about a product that is available in the shops. If it is used according to whatever means you wish—the number of smokes you have and the regularity you smoke—half the people who consume that product will die as a result of it. It is just an extraordinary thing and we know that the number one thing that we can do to improve the overall health of our community is reduce the incidence of smoking, particularly in those parts of the community which are vulnerable for some reason or other.

The reality is, of course, that well-educated middle-class people by and large have kicked the habit—not exclusively, but many have—and there is a greater concentration of smoking amongst people, I guess you could say, from vulnerable backgrounds: people who are poor, people who have mental illness, people who are in correction facilities, Aboriginal people, particularly young Aboriginal women when they are pregnant. They are the target groups that we need to focus on in the future.

If I can turn to the stats, we have some very pleasing results which are reported in this document, but I will just go through them. The recent data was announced on 31 May 2013, which is World No Tobacco Day, and it showed that the incidence of smoking among South Australians aged 15 years or older had dropped more than four percentage points in the last two years. The smoking rate for South Australians 15 years or older is now 16.2 per cent, compared to 17.6 per cent in 2011 and 20.5 per cent in 2010.

In other words, something like 20 to 25 per cent of South Australians who smoked quit in those two years. If you say 4 per cent, it does not sound a lot, but if it is 20 per cent of those who are actually smoking, that is a huge turnaround in a relatively short period. I calculated something like 50,000 South Australians who will have given up in that time, which I think is a really big turnaround and I do congratulate those individuals and the systems that supported them.

The other key findings from the recent report show that the smoking rate for South Australians 15 years or older is 16.2 per cent, as I said, compared to 20.5 per cent in 2010. The proportion of daily smokers aged 15 years or older is now 13.9 per cent, compared to 15.2 per cent in 2011, so some people smoke on an irregular basis, but less than 14 per cent now are daily smokers. The biggest improvement in 2012 was in the 45 to 59 year old group, in which smokers decreased to 17.3 per cent, compared to 21.7 per cent in 2011, and the daily smoking rate for

younger South Australians, that is those 15 to 29, now stands at 14.8 per cent, compared to 17.3 per cent in 2011.

I think this is the most interesting part of these statistics. We know that people take up smoking when they are young. It is very unusual for somebody of mature years to take up cigarette smoking. It is not likely that somebody in their 30s or 40s will suddenly take up cigarette smoking. Mostly people take up smoking when they are under the age of 20. I am a bit of an exception; I took up at the age of 20. I had never smoked a cigarette until I turned 20 and then I had my first one and did not stop until I was 30-something. But, most people start smoking in their teens, or, in fact, sometimes even earlier than that. What these stats show is that the 15 to 29 year old age group now has a smaller percentage of smokers than the age group above them. That means that recruitment by the tobacco companies is not replacing those in the older groups.

The demographic group that the tobacco industry is targeting is saying no to tobacco. What that says to me is that all of the efforts that we put in to reducing the consumption of tobacco in the community are starting to make headway. It also means that, in that younger group, the social pressure, which is such a strong force amongst young people, is now working in a beneficial way. When I was a kid, the social pressure amongst kids was to try smoking, to have a cigarette. Now it seems to be working in the other way. Smoking is not seen as a cool thing to do; it is not seen as something that you would encourage others to take up.

I think what that demonstrates to us is that, over time, the number of people smoking in our community will continue to decline, particularly if we keep doing all the things the experts say are required. I will just go through those things; there are really only three. Firstly, make tobacco as expensive as you can possibly make it. The federal government boosted the price of tobacco recently and that had a positive impact on the consumption of tobacco.

Putting up the price of tobacco does work, and reason it works is because the majority of people who smoke—I cannot tell you exactly what the stats are, but maybe 90-plus per cent of people who do smoke—do not want to smoke, they want to give up. So, when the price jumps dramatically, it provides an incentive for them to stop smoking. They do not like the costs, but they are also motivated by that change in price to give up smoking.

That is why gradual price increases of just over inflation are not going to make much of a difference. It really does need significant jumps from time to time, so it is probably better from a policy point of view if a big jump occurs, and then just have CPI for a period of years, and then have a big jump. It is that jolt which creates the beneficial effect.

The second thing that needs to be done is to take the glamour out of tobacco in every way possible. So, banning the smoking of tobacco in places where people congregate to have a good time—hotels, for example, and inside workplaces. If you take tobacco out of those environments, then there is less incentive to smoke, you see fewer people smoking and you do not build up a desire to smoke; that really is the logic behind it.

We have done a lot in our state to reduce the incidence of smoking in public places. Legislation this parliament passed a year or two ago gives councils the powers to do more in their communities, and it is pleasing to see some councils taking up that right. We still allow smoking in outdoor eating and drinking areas. This is something that when I was minister I said I would phase out by 2016, and I certainly hope that is still a priority for the government. It is important that we deal with that issue. I think the hotel and restaurant industries had had the rules changed too many times to impose that on them too quickly, but I gave them over five years' notice about that change and I hope that still appears.

The third thing we can do, which we have done, is to maintain the amount of advertising at a high level to get the message to people to give up smoking, and the tobacco advertising we have run in this state over recent years has been very effective at convincing people to give up smoking. One of the messages which I think appears to work particularly well for men is not that smoking is bad for you and your life is going to be reduced by smoking but, rather, if you are not around, who is going to be looking after your family; think about how your family will feel if you are sick and unable to look after them. That message seems to have greater potency with smokers.

Maintaining advertising at a heavy level—it is really important that we do that. I know, in other jurisdictions, when money has been tight it is easier to say, 'Well, we'll just reduce the advertising budget.' Governments like to say that, but this is one advertising budget that should never be reduced. If anything, we should keep the amount of money going into advertising as high

as we can possibly make it. But, those three things together combine to reduce the incidence of smoking.

The big turnaround that we have seen in our state occurred at a time in the lead-up to the introduction of plain packaging, which was a federal government initiative. I commend Nicola Roxon who really pursued that very vigorously during her term as a minister; it was great leadership by her. We have not yet seen the impact of that plain packaging but already the research is showing that people say that cigarettes that come out of plain packages do not taste as good as cigarettes that come out of packages which have glamorous imagery on them.

I think that is very interesting. If that is the case then it possibly means that fewer people will keep smoking. All of these measures are really working together very well and having a positive impact on our community. I think we are in really good shape. I would like to start thinking—and this is what this report that the parliamentary library gives some background on—about what a smoke-free community would look like.

We are getting to the stage where we can contemplate the notion of endgame in tobacco. I think within the next 10 or 20 years the proportion of smokers, if these trends continue and if the pressures continue, will be less than 5 per cent in the community. If we have fewer than 5 per cent of our population smoking—and I am not advocating that we should ban it or make it something that one does under the counter or illegally, but if fewer than 5 per cent of our population is smoking we can always claim that we have a smoke-free community.

Those people who are smoking can be assisted to either continue smoking in some way until they are no longer with us or be further encouraged to give up. There are strategies that can be employed. One of the strategies that has been proposed is to increase the age at which you can start smoking. I do not think that would work. I do not think banning things works particularly, we just have to deal with it as an awful vice in our community and help those who are still addicted to give up.

The reality is that people who smoke are addicted and it is a difficult thing to get rid of an addiction. We know that if you keep trying you will get off it. Most people who have smoked, including me, have tried lots and lots of times before they finally break through. However, I did, and I know other members in this place who had similar good fortune. To those members of this place who still smoke, as leaders in the community I think there is a special obligation on us to live healthy, clean lifestyles—I am not looking at anybody in particular; there are a number of members on this side who I know still smoke and I would certainly encourage them to ring the Quitline if they cannot do it by themselves.

Mr PEGLER (Mount Gambier) (17:32): Taking up from what the member for Kaurna had to say, I have been a smoker ever since I was basically born, I suppose. I well remember sitting in the FJ Holden in the middle of winter driving home, and you could hardly see for the second-hand Craven As and Ritmeester Livardes. I certainly support this motion. I think that smoking—well, I know that smoking is very bad for our health and it costs our society a lot. I certainly congratulate those who have managed to quit smoking. It is one of the hardest things in the world to do. I certainly commend this motion.

The Hon. R.B. SUCH (Fisher) (17:33): I commend the member for Kaurna for this motion and also acknowledge what he did, as minister for health. It is great to have a legacy as a minister to say that what you did helped or will help to save lives and reduce pain and suffering, just as Lea Stevens did when she was minister for health, in having home visits after the birth of a child. Those initiatives go on for a long time.

My father was a smoker. He had been in the Navy. Although he reached the age of 91, he died a horrible death. Smokers often drown internally. He would have lived longer had he not smoked. As the member for Kaurna mentioned, people in the services were often given free cigarettes and encouraged to smoke.

There are a couple of issues. One that I think needs to be addressed is that, in our prisons currently, prisoners are often put into cells with smokers, whether they like it or not. I think, down the track, there will probably be legal action by some of those prisoners as having been forced to live in a smoking environment as a result of being put in a cell with a smoker.

I commend this motion. We need to keep pushing to encourage people to give up smoking, along with a lot of other preventive measures, because if we do not get a handle on health issues,

the system is going to be overloaded. The cost of our health system is already significant. It will become quite burdensome if we do not address some of these issues, and smoking is one of them.

I say: congratulations to the former minister for health in what he did. These reforms take a while to take effect, but I think when he leaves this place he will be able to look back and say, 'I have helped save people's lives and reduce pain and suffering.'

Debate adjourned on motion of Mr Gardner.

At 17:36 the house adjourned until Tuesday 10 September 2013 at 11:00.