LEGISLATIVE COUNCIL

Wednesday 27 September 2006

The PRESIDENT (Hon. R.K. Sneath) took the chair at 2.19 p.m. and read prayers.

LEGISLATIVE REVIEW COMMITTEE

The Hon. J. GAZZOLA: I bring up the 11th report of the committee.

Report received.

CLIMATE CHANGE

The Hon. P. HOLLOWAY (Minister for Police): I lay on the table a copy of a ministerial statement relating to the CSIRO report on climate change made earlier today in another place by the Premier.

QUESTION TIME

POLICE BUDGET

The Hon. R.I. LUCAS (Leader of the Opposition): My question is directed to the Leader of the Government. Has the Leader of the Government had any discussions with the Police Commissioner about the performance indicators, both targets and estimated results, that are outlined in the budget papers for the police department?

The Hon. P. HOLLOWAY (Minister for Police): I have discussions with the Police Commissioner every week. Of course, over the previous two weeks prior to this week I had the opportunity of visiting overseas police forces with the Police Commissioner. In relation to those targets specifically, I certainly have not had a detailed discussion. I have had a quick discussion on the budget. Obviously, with estimates being held in the near future—I think my estimates will be on Thursday 19 October—there will be the opportunity for members of the opposition to ask any questions in relation to those matters.

The Hon. J.M.A. Lensink: You were mocking us yesterday for not asking budget questions. Now you don't want to answer them.

The Hon. P. HOLLOWAY: Well, as I said, I was being asked whether I had had discussions with the Police Commissioner. I am just saying that there will be an opportunity for the opposition to raise those matters on 19 October.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: I think what is published in the budget is discussed by the agencies. Certainly I have had some brief discussions with the Commissioner in relation to what goes in. There has been some correspondence from Treasury, obviously, in relation to the presentation of the papers but, largely, those targets are what has been available in the past, and they are largely those that the Police Commissioner sets.

The Hon. R.I. Lucas: Who sets the targets—you, or the Police Commissioner?

The Hon. P. HOLLOWAY: They are largely what the Police Commissioner sets. Obviously, the Leader of the Opposition does not understand parliamentary accountability. What goes into the budget is subject to the scrutiny of the relevant minister but, obviously, in relation to these police matters it is true that I am heavily guided by what the police department suggests in relation to these matters. But, as I said, if opposition members have any questions in relation to those or if they feel they are inappropriate in any way, they can ask me now, of course, or alternatively the Commissioner himself will be available during the budget estimates in October.

The Hon. R.I. LUCAS: I have a supplementary question arising out of the answer, Mr President. Is the minister saying that he finally approves the performance indicators mapped out in his budget documents for the police department?

The Hon. P. HOLLOWAY: The Leader of the Opposition always tries to put words into people's mouths. The budget indicators that are provided are largely based on precedent—what has been provided before. I was not the Minister for Police in previous years but, as I understand it—

The Hon. R.I. Lucas: This is your budget.

The Hon. P. HOLLOWAY: Well, it is the Treasurer's budget, actually. I think the Treasurer, Kevin Foley, has done a great job in relation to this budget, and a great job in the very difficult area of allocating resources. It is rather incredible that we should be getting this question on some technicality about a particular—

An honourable member interjecting:

The Hon. P. HOLLOWAY: Well, it is a technicality. We are talking about the performance indicators that have been applied. I can recall that a review of these indicators was undertaken. I think that it is a regular occurrence undertaken by Treasury in relation to providing information to the public about what happens. These performance indicators are, as one would expect, the result of the agencies' input. In this case it is the South Australia Police, and other areas of my department will put forward measures. Of course, the minister is ultimately responsible for approving those but, clearly, it is the agencies—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: Well, the whole budget. Of course, everything that goes into the budget in relation to those goes through the minister.

The Hon. R.I. LUCAS: As a supplementary question arising out of the answer, given that the minister has now conceded that he has approved the performance indicators, will he indicate why he approved a 55 per cent increase in the target this year for the number of speed detection hours utilised by mobile cameras, mobile radars and lasers from 80 000 speed detection hours last year as the target to 125 000 speed detection hours this year?

The Hon. P. HOLLOWAY: The Leader of the Opposition knows full well (or he should know full well as he is the shadow minister), as this matter has been widely canvassed, that earlier this year there was a problem with digital cameras. The government had announced the purchase of a number of digital cameras which had been malfunctioning and, as a result, the expected level of detection—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: The targets for the number of people is what one would expect based on projections. There is nothing particularly magical about it. The Leader of the Opposition, as is his wont, will try to distort all this into something that it is not. The targets are simply—

The Hon. R.I. Lucas: You approved it.

The Hon. P. HOLLOWAY: The Leader of the Opposition will always try to distort and misinterpret what statistics

are available. As I said, late last year there was a fault in relation to the functioning of digital cameras; and, as a result, the number of expected detections last year did not take place because the cameras were not functioning to undertake those detections. However, that will be corrected during this year. What will happen is that those cameras can be expected—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: I do not tell people to speed through cameras. Does this joker here, the Leader of the Opposition, expect that that is within my power? He is saying that it is within my power to tell motorists how they should speed. How many people are detected speeding by speed cameras will be determined by how many people speed. Whether or not I agree with what is in the budget papers, those targets will be based on projections. However, ultimately it is up to the people of this state as to whether or not they choose to exceed the speed limit.

It is based on expectations. The reason it has gone up is that the government had purchased a number of digital cameras which subsequently malfunctioned. That has now been corrected, and this year there will be a significant increase in the number of red light cameras. Motorists should take heed and not undertake the dangerous practice of going through red lights because, over the course of this year, we expect an increase in the number of cameras which would detect that behaviour. As a result of those extra cameras, not surprisingly, we expect there will be more detections, and that is what the statistics mean—nothing more than that.

COASTAL PARK

The Hon. D.W. RIDGWAY: I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a question about a coastal park.

Leave granted.

The Hon. D.W. RIDGWAY: On 14 February 2006 the Minister for Urban Development and Planning issued a press release entitled 'Greater access to West Beach', wherein he talks about the moneys provided by the state government to the West Beach Trust to improve its facility. However, he goes on to say that the project will provide an important public link to the government's coast park development. The coast park is a commitment, both Liberal and Labor, to build a 70 kilometre bike and pedestrian track from North Haven to Noarlunga. The project was widely supported by the former government. Ministers Laidlaw and Evans supported it wholeheartedly. The park will provide public access along the link to the coast, to provide a pedestrian and cycle friendly foreshore environment, to facilitate redevelopment and enhancement of the coastal centres, coordinate the state and local government decision-making and recognise and enhance the diversity of the natural and built environments along the coast.

Recently I met with residents in the Torrens beaches section of this coastal park, in fact, around the area of Escourt House. It was interesting that these people have a great deal of uncertainty as to the location and alignment of this path in their area. They said that they had met with the minister, who told them that he would not be building it on the proposed alignment, but that in fact they could bet their bottom dollar that when the Liberals were elected they would build it right past the front of their houses. My questions to the minister are:

1. What budget allocation has been made for public consultation with these residents?

2. When will the locations of the park and the path be made public?

3. Can he confirm his comments made to those residents?

The Hon. P. HOLLOWAY (Minister for Urban Development and Planning): I strongly deny that I made those comments. I told the residents—

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: They can show you the correspondence, because I wrote to a number of them and I am quite happy for that correspondence to be tabled. As the honourable member said, I think minister Laidlaw originally announced the concept of a coastal park and this government has supported it. A significant length of that coastal park has not been completed. Clearly one of the more difficult areas in terms of completing it is the area around Tennyson, because it is one of the few areas of the coastline in this state where the sand dunes are relatively intact and in their natural state. There are also some issues with people who live at Semaphore South.

When that development went ahead, the land in front of their property was subject to some encumbrances, titles and a number of legal issues involving that land and what the expectations of those people would be. I told the people of that area that, given the complexity of the issues at Tennyson, I would not like to see a park that in any way damaged the integrity of that sand dune system, because it is one of the last remaining intact dunes. I said that there are plenty of other areas and that, given the rate at which the coastal park is being developed, there is enough scope for the next number of years for the park to be completed along the rest of the coast.

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: No, we will be completing it. I have spoken to a number of people from the cycle industry and others, and their view is that, rather than having bits of park—the bike track in short sections—they would like to see a complete park. The priority I have decided to give in relation to the funding of the coast park—and it has received significant increases in funding during the past four years of this government—is that we would try to complete the coastal park, particularly the link. At the moment, a lot of the work that is being done is to link the Torrens linear park with the coastal park. An underpass and a bridge are being built where the coastal park intersects with the Torrens linear park at the mouth of the Torrens. Our priority now is to try to complete the path in the vicinity of the linear park, and the money that that will require will more than soak up what is available for this initiative over the next few years.

In the meantime, it will enable those issues in the Tennyson area to be more closely considered. As I said, I think that, if one were to build a bike track along the coastal side of those dunes, many people in the environmental movement would accuse the government of environmental vandalism—and with some justification. Before I take such a step, we can do plenty of other things in other parts of the coastal park and the bike track that will, in fact, enable a continuous bike path from at least Grange and further south. There are still gaps in the path between Glenelg and Kingston Park but, ultimately, the park could well go as far as Maslins Beach or Aldinga in the south. Of course, there is a section from Outer Harbor down to Largs. So, plenty of work can be done on the coastal park, and I look forward to that work continuing so that, in the very near future, people can use one continuous path from the end of the Torrens, at the gorge, to either Grange or further south, at Kingston Park.

The Hon. D.W. RIDGWAY: I have a supplementary question. When will the alignment be decided from the Tennyson-Semaphore South area to give those residents and the community some certainty?

The Hon. P. HOLLOWAY: As I said, in relation to what we do there, the certainty I have given them is that we will give priority to the other areas.

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: I am sure that the residents of the area are very happy with the decision the government has made. As I say, a number of options will be looked at in relation to access from the Tennyson area. I have spoken to residents there, and what they suggest is that there should be a track along the back of the dunes, rather than along the front, but with access. In fact, there are already some access tracks. I have looked at this area personally, and there are some access tracks through that area.

Because the Tennyson dunes are the last remaining sand dunes along the coastal area of Adelaide, we need to think very carefully before we take any action. One of things that is being undertaken as part of the coastal park funding provided in the past is a study of vegetation along that part of the coast so that we can ensure that any action that is taken does not have a damaging impact upon that very delicate sand dune structure.

CORRECTIONAL SERVICES, STAFFING BUDGET

The Hon. J.M.A. LENSINK: I seek leave to make a brief explanation before asking the Minister for Correctional Services a question about the correctional services staffing budget.

Leave granted.

The Hon. J.M.A. LENSINK: In the 2006-07 budget estimate, the Department for Correctional Services is predicted to have an increase in FTEs from the 2005-06 estimate of 1 412.4 to 1 435.6, which is a 1.6 per cent increase in staffing numbers. Listed under Program No. 2, Custodial Services, the projected increase for employee benefits and costs is some 4 per cent. My questions are:

1. Will the minister advise which underlying trends were utilised to reach both of those figures?

2. Was the Public Service Association consulted in relation to this?

3. Is the minister confident that the increase in staffing and budget will be enough to allay the concerns of the PSA in relation to staffing safety and the need for future lock-downs?

The Hon. CARMEL ZOLLO (Minister for Correctional Services): I thank the honourable member for her question and, again, I place on record that I am certain that she joins me in the fabulous announcement the Treasurer made last week, to see new—

The Hon. J.M.A. Lensink interjecting:

The Hon. CARMEL ZOLLO: The Leader of the Opposition did, so I am sure that you do, as well. The advice on this side of the council is that the honourable member should not give up her day job, as a member of parliament, because her predictions were not exactly spot-on. The Department for Correctional Services will continue to recruit numbers to its department. Several weeks ago I was at a graduation ceremony where, I think, the 57th person had graduated in this calendar year. The department will continue with that recruitment and also the training of its staff. We have just seen some extra staff going to Yatala, and further staff will need to go to the Adelaide Women's Prison, as well. We do have a very good recruitment program and, as I said, that will continue. I have every confidence in my chief executive and the way that he manages his staffing and the department.

BUILDING ADVISORY COMMITTEE

The Hon. B.V. FINNIGAN: Will the Minister for Urban Development and Planning provide an update on moves to re-establish the Building Advisory Committee?

The Hon. P. HOLLOWAY (Minister for Urban Development and Planning): I thank the honourable member for his question and note his interest in building regulation and building safety.

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: The Building Advisory Committee is a subcommittee of the Development Policy Advisory Committee. Its role has been to provide advice on matters relating to the administration of the act in respect of the design, construction and maintenance of buildings, the adequacy and application of the building rules, and such other matters that the minister or parent committee refers to it.

Earlier this year I responded to a question, from the deputy leader of the opposition, in relation to the re-establishment of this committee and, at the time, I indicated that in 2005 the government had introduced amendments via the sustainable development bill. That bill had proposed to simply merge the functions of the Building Advisory Committee and the Building Rules Assessment Commission, but at no time did the government intend to remove those functions.

As honourable members would be aware, the government is currently part way through processing reforms to the state's development system and those reforms, of course, were divided into a series of bills, and this council, just yesterday, passed the second of those bills. I gave an undertaking, at the time, that if we could not get the new legislation into parliament soon then we would have to make alternative arrangements. Given that this government keeps its word and that the passage of the development bill has been somewhat delayed, I have decided to re-establish the Building Advisory Committee.

The re-establishment of the committee has also given me the opportunity to ensure that its composition not only has technical representation but, importantly, also has broad industry representation to ensure that its advice in the future is consistent with the principles of housing affordability and building fire safety, and that it also represents good overall value and protection for the consumer. Furthermore, it is important that advice from the committee is cognisant of practical issues relating to planning assessment processes, especially given the government's recent reforms on council development assessment panels. After consultation with key industry groups, including the Housing Industry Association and the Master Builders Association, I have determined that the committee should comprise eight members.

The broad criteria that I have determined to be appropriate for such appointments are as follows:

· the chairperson should be a member of the parent committee who has a building surveying/structural engineering (regulation and safety) building advisory background;

· the deputy chairperson should also have a building surveying (regulation and safety) building advisory background and should be a full-time employee of local govern-

ment, given the important role councils have not only in assessment but also in ensuring compliance with the building rules;

· a representative of the HIA with broad experience in providing advice on building regulation;

· a representative of the MBA with broad experience in providing advice on building regulation;

· a planner with current expertise in the area of statutory planning in order to provide a perspective toward a better integration between the planning and building disciplines;

· a person with fire safety experience, as recommended by my colleague the Minister for Emergency Services, in order to provide a building fire safety perspective;

· a person with experience and knowledge in the area of consumer affairs, as recommended by the Minister for Consumer Affairs, in order to provide a consumer perspective and integration with builders licensing; and

· a person with architectural experience in the provision of public housing, as recommended by the Minister for Housing, in order to provide a design and affordability perspective.

I have determined that the following persons met the criteria for appointment to the Building Advisory Committee:

· as Chairperson, Mr Demetrius Poupoulas, who is a current member of the Development Planning Advisory Committee (DPAC). He is a qualified practising structural engineer and building surveyor with more than three decades of building, surveying and structural engineering experience; and

· as Deputy Chairperson, Mr. John Mazzarollo, who is a qualified practising structural engineer and building surveyor who has more than two decades of building, surveying and structural engineering experience. He has been employed predominantly in local government since 1980 and has been a full-time building surveyor at the City of Charles Sturt.

Other members include:

· Mr Kent Hopkins, the Manager of Service and Operations at the HIA, who was also previously technical director of the Timber Development Association for many years;

· Mr Brendon Corby, who is the Development and Technical Manager at the Master Builders Association;

· Ms Stephanie Van Dissel, who is a qualified urban and town planner currently employed as a statutory planner at the Clare and Gilbert Valleys Council;

· Ms Amy Seppelt, who is employed by the South Australian Fire Service in the role of Fire Safety Engineer with its Community Safety Department;

· Ms Leona Grimes, who is appointed on the advice of the Minister for Consumer Affairs. She is employed as a Senior Consumer Affairs Officer in the Consumer Affairs Branch of OCBA; and

· Ms Mary Marsland, who has been nominated by the Minister for Housing and who is an architect with many years of architecture and design experience. I wish the new members of the committee well in the performance of their duties and look forward to receiving advice from the committee in due course.

The Hon. D.W. RIDGWAY: As a supplementary question: will the minister advise the council what are the meeting sitting fees for the committee?

The Hon. P. HOLLOWAY: I do not have the exact amounts, but the sitting fees are set, where applicable, through the relevant department as a recommendation. These are not personally set by the minister but, where fees apply, an hourly rate applies. I think it is of the order of $80 per session, and I think the Chairperson gets something more than that amount—I think it is about $100. I can get those figures for the honourable member, but they are standard for government committees.

ENVIRONMENT PROTECTION AUTHORITY

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking the Minister for Environment and Conservation a question about the Environment Protection Authority.

Leave granted.

The Hon. SANDRA KANCK: East Whyalla residents are subjected on a daily basis to dust emissions from the OneSteel plant, some days being worse than others. It is a matter of public record that the NEPM health standard of no more than five exceedances a year for PM10 particles is regularly breached in Whyalla. For many months members of the Whyalla Red Dust Action Group have been formally lodging complaints about dust emissions from the Whyalla steel plant. Recently complainants have been told by Brian Roderick, a representative of the EPA in the northern area, 'We can't help you any more,' and 'We won't be answering your emails.' My questions are:

1. Does the minister consider the removal of any reference to any NEPM standards in last year's indenture amendments is the reason the EPA's hands are tied in responding to the reports from Whyalla residents?

2. Is the EPA obliged to provide assistance to members of the public affected by pollution?

3. Is the position stated by Mr Roderick a formal position endorsed by the minister? If not, what action will she take to remedy the situation, including providing extra assistance to ensure that the complaints of Whyalla residents are properly investigated and acted upon?

4. Of the number of complaints to the EPA received in the northern area, what percentage are related to OneSteel; and, given the number of environmental complaints about OneSteel, will the minister consider establishing an office of the EPA in Whyalla?

The Hon. G.E. GAGO (Minister for Environment and Conservation): In relation to any of the elements to do with the indenture, that comes under the responsibility of the Minister for Mineral Resources, and so I will refer those matters to him. Indeed, we are well aware that there have been long-standing problems at Whyalla, and a great deal of work and consultation has been undertaken concerning the problem. As we know, the EPA has the responsibility for regulating and enforcing conditions of the indenture agreement. The provisions of the EPA Act are not affected by the indenture agreement, and the EPA continues to conduct continuous monitoring at the site. There are breaches on occasion, and we know, for instance, that an EPO order was placed on OneSteel in relation to the grinding mill feed bin bag house at Whyalla Steel Works to ensure that it operates in a proper and efficient manner.

We know that there were problems in relation to exceeding levels in relation to that grinding mill feed bin bag house. The original deadline for compliance—and much work has gone into this—with that EPO was 1 May 2006. However, this was extended to 3 May at the request of OneSteel, which notified the EPA that remedial actions had been undertaken but tests indicated that they had not been successful. This meant that successful remediation was not able to be completed by the deadline of 1 May. It was the opinion of the EPA that, on the evidence provided, it would have been

unreasonable not to grant a short-term extension. OneSteel subsequently notified the EPA that compliance with the EPO was then met by 3 May—that is, the extended deadline.

However, OneSteel subsequently notified the EPA that the bag house was still not operating appropriately, in spite of the work it had done on it. The EPA then issued a further EPO dated 11 May, which required OneSteel to engage an independent consultant to undertake tests of the bag house and other air pollution equipment on site and prepare a report identifying any improper working or inefficiencies in the operation of the equipment. The order was then negotiated for a compliance date of 14 July. We know that the emissions had been exceeded in April. As I said, a great deal of work has been done on working with OneSteel to make changes to the area of its production—particularly in this instance the bag house—and to improve that.

We also know that, because of the repeated failures, OneSteel has agreed to engage a suitably experienced independent consultant to examine the bag house and other air-cleaning equipment within the pallet plant and determine whether those pieces of plant were being operated and maintained appropriately; to provide a copy of the consultant's report to the EPA; and, of course, to use the consultant's report to develop a plan of action to ensure that all air-cleaning equipment within the pallet plant is operating effectively.

The EPA received a copy of that consultant's report on 14 August, and that report indicated that the air-cleaning equipment within the pallet plant was neither maintained nor operated in an efficient or effective manner. There was then an inspection by two authorised officers on 11 August that confirmed that the repairs had been made, and the EPA is seeking to have OneSteel's action plan incorporated into its indenture licence.

OneSteel has undertaken a huge financial commitment to upgrade its facilities and is working with the EPA in an attempt to ensure that the levels of excess are reduced to improve the level of the quality of air for the local community. I cannot remember all of the questions but I am happy to take on notice any outstanding questions and bring back a response.

The Hon. SANDRA KANCK: I have a supplementary question. Is the minister aware that an EPA employee has told East Whyalla residents that they are unable to offer any further assistance to the people of East Whyalla, and is this a position that she agrees with?

The Hon. G.E. GAGO: As I stated in my answer, OneSteel has given a considerable commitment to the overall upgrading of that site. It has committed many millions of dollars. I do not have the figures in front of me—

The Hon. P. Holloway: The export shed is opening in a week or two.

The Hon. G.E. GAGO: Yes, it has committed many millions of dollars to upgrade its facilities significantly, and those upgrades will result in a significant improvement of the air quality.

The Hon. M. PARNELL: I have a further supplementary question. In relation to the action that the minister referred to on the part of the EPA and the issuing of orders, was it public complaints that alerted the EPA to a problem that needed addressing and, if so, will the minister instruct the EPA to take all such reports seriously and respond to all reports, whether in writing, by telephone or by email?

The Hon. G.E. GAGO: We take all complaints seriously.

MURRAY-DARLING BASIN AGREEMENT

The Hon. A.L. EVANS: I seek leave to make a brief explanation before asking the Minister for Environment and Conservation, representing the Minister for the River Murray, a question about the Murray-Darling Basin Agreement.

Leave granted.

The Hon. A.L. EVANS: The Murray-Darling Basin Agreement 1992, as amended in 2002, has as its purpose 'to promote and coordinate effective planning and management for the equitable, efficient and sustainable use of water, land, environment and resources of the Murray-Darling Basin'. Yesterday, however, the Prime Minister was reported by the Australian Associated Press as having said:

> I am very unhappy with the progress of the Murray-Darling Basin Agreement. I don't think it is going fast enough.

This week the Prime Minister announced the establishment of a new national office of water resources within his department, firmly indicating that access to water and state divisions over water are considered to be one of our nation's biggest challenges. Having said that, the Prime Minister mentioned that a number of other jurisdictions did not appear to have the same level of interest in the issue as South Australia, which is a credit to our state. Family First party policy, for some time, has been that responsibility for the River Murray should be handed over to the federal government. My questions to the minister are:

1. Are all the signatories to the Murray-Darling Basin Agreement meeting their obligations in relation to the return of water to the River Murray?

2. To what extent is the lack of cooperation between the signatory states of the Murray-Darling Basin Agreement hindering the return of water to the River Murray?

3. Upon what conditions would the minister agree to hand over to the federal government the responsibility of returning water to the River Murray?

The Hon. G.E. GAGO (Minister for Environment and Conservation): I thank the honourable member for his important questions. Indeed, water is an increasingly important resource for all Australians, but also internationally, and the Murray River in South Australia has a major role in that. Of course, in terms of the drought times that are upon us, the importance of that resource is amplified even more. One needs to look at where South Australia's interests are best served in terms of the representation and management of that river. Obviously, they are areas that are the responsibility of the Minister for the River Murray in another place, and I am happy to refer those questions to that minister and bring back a response.

The Hon. S.G. WADE: As a supplementary question arising from the answer, given the fundamental interaction of water resources, does the minister agree that any transfer of responsibility of the River Murray would need to include groundwater and surface water (which is her responsibility) in the river catchment and not just the river course itself?

The Hon. G.E. GAGO: We have given no consideration to transferring responsibility for groundwater to the federal government.

LEGAL SERVICES COMMISSION

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Leader of the Government a question about the Legal Services Commission.

Leave granted.

The Hon. R.D. LAWSON: The report of the Legal Services Commission of South Australia for the year ended 30 June 2005 was tabled in this place yesterday. The report reveals that it was delivered to the Attorney-General under cover of a letter dated 23 September 2005. The report contains much interesting information about the activities of this important public body. Certainly, I was pleased to note—as, no doubt, members will be—that the commission is in a healthy financial position with an operating surplus of $2.4 million, although that situation is said to have arisen as a result of the more than adequate commonwealth funding given to commonwealth-funded clients of the Legal Services Commission.

I note in the budget papers that this year some $24.8 million of South Australian public funds will be paid to the Legal Services Commission, and I commend the report to members. My questions to the Leader of the Government, representing the Attorney-General, are:

1. What reason can the Attorney-General advance for taking over 12 months to lay on the table this report which, in accordance with section 33 of the Legal Services Commission Act, must be tabled by the Attorney as soon as practical after its receipt?

The Hon. R.I. Lucas: Other than the racing guide, he doesn't read much.

The Hon. R.D. LAWSON: Other than the form guide. I continue:

2. What steps will the Attorney take to ensure that the report is tabled in an appropriate time this year?

3. What assurance will the Attorney give that the parliament will not have to wait for 12 months to receive the 2006 report?

The Hon. P. HOLLOWAY (Minister for Police): I will refer those questions to the Attorney and bring back a response. What we do know is that we must be very careful about the information that members opposite give, and I will give an example of that. One need only look at the question the Leader of the Opposition asked earlier in the day when he claimed that there was this 50 per cent increase in target. For the benefit of the council, I will explain the position and we will then see how grossly distorted the Leader of the Opposition's figures are.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: Yes, I know you do not want to hear it because you will find it embarrassing, as you should do. The targets—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: No. Here it is.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: I do not need an answer. The answer is here. The performance indicators show the number of speed detection hours, mobile cameras, mobile radars and lasers. The actual hours in 2004-05 amounted to 122 468. That was the actual number of hours that speed detection cameras worked in 2004-05. In 2005-06, the estimated result is 114 090 hours, and I explained that the reason it dropped was a problem with the cameras. However, the target for 2006-07—this big increase about which the opposition talks—is greater than 125 000 hours. I just worked out that that is about 2.1 per cent bigger than the actual result two years ago.

So much for this 50 per cent increase! The 2005-06 target was 80 678 hours. That was less than the actual hours speed cameras operated in 2004-05. So, in 2004-05 it was 122 460 hours and in 2005-06 it was 114 090 hours. The target this year, very reasonably, is 125 000 hours—just 2 per cent more than the figure two years ago. They are the facts and they speak for themselves. When it comes down to distorting statistics in this way and asking questions such as this and the one about tabling reports, it merely shows how little the opposition has to criticise the budget.

The Hon. R.I. LUCAS (Leader of the Opposition): By way of a supplementary question, will the minister confirm that his staff advised him that the actual number of speed detection hours for 2003-04, just three years ago, was only 75 000 hours, that the target he is now setting is greater than 125 000 hours, and that last year's performance was actually 122 000 hours—an increase of even more than 55 per cent in the space of three years?

The Hon. P. HOLLOWAY: The last figure the honourable member gave is incorrect. I have already given the figures: 122 460 hours in 2004-05; the estimated result for 2005-06 is 114 090 hours; and the target for this year is greater than 125 000 hours—just 2 per cent more than the actual hours two years ago and a thoroughly reasonable target, I would have thought. It certainly does not suggest any of the things that the Leader of the Opposition will no doubt put out in his press release that he has probably already circulated. It just shows how desperate they are!

The Hon. R.I. LUCAS: By way of a further supplementary question, is the minister saying that Budget Paper 4, Volume 1, 2005-06 Portfolio Statement, which records the actual hours in 2003-04 as 75 000 hours, is wrong?

The Hon. P. HOLLOWAY: I have this year's budget papers—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: I do not do the research. Am I supposed to know what question the Leader of the Opposition is going to ask? I suppose that in his case one probably should go back for something as obscure as that because, if it is anything to do with the mainstream of the budget or anything substantial, one will not get a question.

Members interjecting:

The PRESIDENT: Order! If members want to waste their question time, it is up to them.

CYCLING, COAST TO VINES TRAIL

The Hon. R.P. WORTLEY: I seek leave to make a brief explanation before asking the Minister for Road Safety a question about the Coast to Vines Trail.

Leave granted.

The Hon. R.P. WORTLEY: I understand that further work on a 40 kilometre cycle and walking path, taking in views of Hallett Cove as well as the vineyards of McLaren Vale and Willunga, will be undertaken this financial year. Will the minister explain how this project will be funded and when it will be finished?

The Hon. CARMEL ZOLLO (Minister for Road Safety): I thank the honourable member for his important question. Cyclists all over South Australia would have been pleased to learn that funding to complete South Australia's

premier green cycling path, the Coast to Vines Trail, was provided for in last week's state budget. The state government is contributing $250 000 this financial year and the Cities of Marion and Onkaparinga will match this. Another $250 000 will also be made available by the state government next year. The 40 kilometre safe and continuous cycling and walking path will cost about $1 million to finalise.

The money set aside in the budget for the trail is part of the $1 million over two years for the green cycle path funding, which is part of the state government's policy to address climate change by reducing greenhouse gas emissions, and by promoting cycling and walking as alternatives to motor vehicles. For many years the state government has worked closely with councils, primarily through the State Bicycle Fund, to complete 80 per cent of the trail. In 2005-06, with the assistance of state government funding, Onkaparinga council constructed a significant section of the path at Old Reynella. The Marion council also completed a link from Hallett Cove railway station to Capella Drive. The trail currently has some missing links in Reynella and Trott Park, and these will be constructed in this financial year. The remaining missing links in Trott Park and the township of McLaren Vale will be completed in the following year.

The strategic partnership between the government and the councils of Onkaparinga and Marion will deliver a truly unique attraction, and it is expected to be completed in the middle of 2008. Its three-metre wide sealed path from Marino Rocks railway station to Willunga will become a truly valuable asset for anyone who enjoys the outdoors and appreciates the state's dynamic environment. As far as possible, the completed trail will follow the original alignment of the Willunga to Marino railway line, providing the benefit of the existing gentle slopes of the railway earthworks.

Because the trail provides safe and convenient access to schools and shops for residents of suburbs such as Hallett Cove, Sheidow Park, Reynella, Morphett Vale, Seaford and Willunga, it will be beneficial to both recreational cyclists and walkers, as well as to people who ride or walk as part of their everyday routine. From the breathtaking views of the coastline at Hallett Cove to the ever-changing views of the vineyards of McLaren Vale and Willunga, the completed Coast to Vines Trail will offer brilliant scenery and significant cultural experiences to those who walk and ride it.

The Hon. M. PARNELL: I have a supplementary question. Given that more bicycles than cars are sold in South Australia each year, how does the Green Cycle Path funding compare with road funding in the current budget?

The Hon. CARMEL ZOLLO: I think that this government really needs to be congratulated for its cycling strategy, Safety in Numbers, which was released in February this year.

Members interjecting:

The Hon. CARMEL ZOLLO: I am sure that the Hon. Mark Parnell will agree with me. As part of that strategy, $600 000 was quarantined from the state black spot funding. As I said, for cycling, we have the state bicycle fund of $400 000 as well as the state black spot funding of $600 000.

The Hon. R.P. Wortley interjecting:

The Hon. CARMEL ZOLLO: Yes, plus millions of dollars from the coastal park. As the honourable member would also know, we have Bike Direct, which includes off-road shared use paths along rivers and transport corridors and consists of main roads, bicycle lanes, local streets and off-road paths within the Adelaide metropolitan area. Maps from Bike Direct have been available online since October last year. In 2005-06, the department also distributed 600 000 brochures on Share the Road, the cycling program, with licence and registration renewals.

We also fund the Bike Ed program for some 4 000 primary school children in South Australia. The department funds the arterial road bicycle facilities improvement program, which was worth around $440 000 last year. So, I really think that this government needs to be congratulated for the amount of funding for and commitment to people who ride bicycles in our state.

DUST DISEASES LEGISLATION

The Hon. NICK XENOPHON: I seek leave to make a brief explanation before asking the Leader of the Government, representing the Attorney-General, questions about dust diseases legislation.

Leave granted.

The Hon. NICK XENOPHON: In November 2005, I introduced the Dust Diseases Bill in this place, after extensive consultation with the Asbestos Victims Association of South Australia, of which I am a patron, along with the Premier and others. The association, together with members of the legal profession specialising in asbestos claims, has worked extremely hard for law reform on behalf of asbestos victims and members of the public affected by asbestos-related diseases. This bill was passed on 1 December 2005 with bipartisan support, I am pleased to say.

In fact, the Attorney-General sponsored the bill in the lower house (and I am grateful for that), and the Hon. Angus Redford led the charge, on behalf of the opposition, in supporting the bill. The bill was introduced partly as a result of two High Court decisions: the first was BHP Billiton Ltd v Schultz, handed down in December 2004 which, in effect, prevented South Australians from accessing the fast-tracking provisions of the New South Wales Dust Diseases Tribunal; and the second was CSR Ltd v Eddy, handed down in October 2005, which gave rise to a loophole whereby common law claims by dependants for the loss of services of an asbestosis victim were disallowed.

The bill also sought to bring damages provisions for pain and suffering for South Australian victims in line with asbestosis victims interstate, as was previously the case whilst South Australian victims had access to the New South Wales Dust Diseases Tribunal. This bill was passed in record time prior to the end of the last sitting session in December 2005, and it became operational in February this year. Section 12 of the Dust Diseases Act 2005 provides:

> The Governor may make such regulations as are contemplated by, or necessary or expedient for the purposes of this act.

It was contemplated that these regulations were there to ensure that the bill would work, so that the fast-tracking provisions of the bill, the evidentiary provisions of the bill, and those that relate to exemplary damages, would work within a framework of regulations that the Governor had to make or, effectively, that the government had to ensure were in place.

Unfortunately, I am advised that there have been a number of matters argued in the District Court since the beginning of this year where there has been lengthy legal argument and delays in claims made by asbestos victims because the regulations have not yet been proclaimed for a bill that was passed in December 2005. This has caused great distress for

a number of asbestos victims and has caused increased legal costs for asbestos victims in this state. My questions are:

1. What specific steps and actions has the government taken and when—that is, on what dates—since the passage of this legislation on 1 December 2005, to consult on, prepare, draft and approve the regulations contemplated under this act?

2. When can we expect that regulations will be prescribed for the purposes of this act, particularly given the concerns that have been raised in relation to plaintiffs being disadvantaged, and their claims being delayed, due to legal argument that appears to be generated by the absence of these regulations?

3. Does the government concede that the delays in the regulations being proclaimed have delayed and disadvantaged plaintiffs suffering from asbestos diseases, many of whom have a dramatically shortened life expectancy?

The Hon. P. HOLLOWAY (Minister for Police): I will refer the questions to the Attorney-General and bring back a response for the honourable member.

HEASLIP ROAD

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Road Safety a question about road safety on Heaslip Road at Angle Vale.

Leave granted.

The Hon. J.S.L. DAWKINS: I note in the state budget papers that the government has allocated $3.1 million towards a new two-lane roundabout at the intersection of Waterloo Corner and Heaslip Roads at Direk. I was pleased to hear of this funding to address the significant traffic delays and the road safety issues at and surrounding that T-junction, particularly as I raised these matters in this council as long ago as March 2004. It is of concern, however, that no action is being taken at the intersection of Heaslip Road and Angle Vale Road at Angle Vale. This situation is deemed by many in the Angle Vale community (and beyond) to be more dangerous than the Heaslip Road/Waterloo Corner Road junction.

On 24 May 2004, I received a response in this chamber from the Minister for Transport, part of which indicated the following:

> Preliminary concept development work is being undertaken to determine what improvements could be implemented to improve the operation and safety of the Heaslip Road/Angle Vale Road intersection. The most effective approach to improving the intersection is being investigated and considered.

It is apparent that no action has been taken to address the situation at this busy intersection, despite that investigation and consideration, and it is also despite calls from the local community for traffic lights to be installed. My questions are:

1. Given the significant usage of these roads by heavy transport operators and the close proximity of the intersection to two large schools, will the minister indicate what, if any, action is contemplated in the heart of Angle Vale?

2. If the possibility of traffic lights at the intersection has been rejected by the Department for Transport, Energy and Infrastructure, will the minister provide the reasons for such a decision?

3. Will the minister agree to visit this intersection at peak usage periods, particularly immediately before and after school hours?

The Hon. CARMEL ZOLLO (Minister for Road Safety): I thank the honourable member for his question and for placing on record the recognition that we have provided funding for some sections of Heaslip Road in this budget. I know he has a long interest in that area as a local resident and also that he has a long interest in the northern area, certainly since he has been in this chamber. In relation to the works he is talking about, I must admit that I do not know whether there are any plans to progress funding for that road. Obviously, if it is not in this budget it will not go ahead in this financial year. Nonetheless, a lot of prioritising works for our roads is done via Black Spot and AusLink funding.

An honourable member interjecting:

The Hon. CARMEL ZOLLO: No. I am always very happy to receive correspondence from the honourable member, and I will take advice from the department on the priority of the work that is to be undertaken. I am always very happy to go out and visit any road.

The Hon. J.S.L. Dawkins interjecting:

The Hon. CARMEL ZOLLO: I am not sure about that, although I have had a thought in relation to the Hon. Mark Parnell's suggestion. Apparently, he is the sole member/convener of the Parliament House bicycle club. We also have shared paths for people who walk and ride bikes, so perhaps I can be the sole member/convener of shared trails. I am always very happy to go out and visit any roads that he wishes me to look at, and I will undertake to do that.

The PRESIDENT: I point out to members that they are not getting the normal dozen questions each hour. In the past two days we have had 20 supplementary questions and long explanations.

MATTERS OF INTEREST

QUESTION TIME

The Hon. S.G. WADE: I rise to express my concern about the government's abuse of question time in this council. I know that different members seek different opportunities in question time: non-government members want to hold the government accountable, and government members want to highlight the achievements of the government. We should respect that dynamic in an adversarial chamber. However, I consider that the way government members are engaging in question time in this council is acting to undermine both accountability and advocacy.

I have two particular concerns. First, in my view, one group of members should not be allowed to use question time so as to block another from fulfilling its role. Specifically, I am concerned that ministers are answering questions from government members more fully than necessary and are thereby reducing the time available to non-government members to hold the government to account. I refer to the government and non-government questions in the first two sitting weeks of this block. On average, ministers are taking almost four minutes to answer questions from government members and less than 2½ minutes on average to answer questions from non-government members. That is, answers to government members tend to be more than 50 per cent longer than those to non-government questions. I point out that this statistic does not include those questions taken on notice, a process which in itself can be a means of avoiding

accountability. Government members seem to be trying to crowd out questions from non-government members.

Secondly, I am concerned that government members and ministers are failing to add value in their questions and answers. Government questions can add value. Often, a government question can convey information which may be of interest and which could not be accommodated in a media release. Further, an update or clarification of a previous announcement may need to be put on the public record, and a question may be as useful as a media release or ministerial statement.

But, having said that, I consider that the government is failing to add value in question time. In fact, the abuse of government questions by this government would make Dorothy Dix blush. For example, last week the Hon. Bernard Finnigan asked a question of the Minister for Police which elicited a response from the minister which was basically word for word a reading of one of his media releases. On 21 July, the minister issued a media release entitled 'Greater protection for key state infrastructure', in which he outlined the government's plans to restructure the Police Protective Security Branch. On 20 September, the minister answered a question from the Hon. Bernard Finnigan, which used over 400 of the same words in the same order as the press release.

He did not include any new material: he simply changed the release into the first person. I suspect that the odd word change here and there was rendered by the minister's losing his place in the answer. While I am sure that we are all terribly impressed by the minister's ability to transpose a media release from the third person to the first person as the moment requires, I suggest that he should not be using question time in the council to display this skill. Rather than using question time to re-read media releases that are several weeks old, he should add value to the proceedings of the council by providing it with information not already on the record. I hope that the government's abuse of question time is not part of a strategy to undermine the relevance of this chamber. If this council becomes a pale shadow of the other place and its question time a faint echo of government statements elsewhere, the government may well feel that it strengthens its argument to do away with this council.

I know that the Labor Party is very angry about the result of the Legislative Council election. It has not forgiven the people of South Australia for daring to not trust them with control of both houses. But the Labor Party needs to learn some respect. It needs to respect the wisdom of the people in demanding a dynamic upper house. For our part, the opposition will remain vigilant to ensure that this council continues to fulfil its constitutional role to the full, starting with holding the government to account in question time.

AUSTRALIAN VALUES

The Hon. J. GAZZOLA: After that, I can understand why there is a call for more women to be preselected to the Liberal Party—at least they will talk some sense. A debate is being played out in the media by the federal government over the proposed strengthened immigration laws the 'true blue litmus test', the precursor to all—Australian status. True blue, besides requiring a knowledge of Australian history, culture, symbols and the political system, requires commitment to 'respect, equality and a fair go'. The question to be asked is: why at this period in time is this being introduced? Australia was built on immigration and never before have we deemed it necessary to subject immigrants to such a paper loyalty test. Does passing a 30-minute test produce a better immigrant? Do immigrants of the past, now good solid Australian citizens, fail to meet the new standard of contemporary Australian citizenry?

It makes us ask what is wrong with those other tried and tested virtues, the global virtues of tolerance, acceptance, patience and respect in allowing our new citizens to assimilate themselves and grow into our society. Of course, we value the right to citizenship, as immigrants certainly do, and we celebrate together, but a piece of paper of this type does not grant citizenship in the proper sense of the term. Yes, competency in the English language and knowledge of everyday life is expected and, indeed, necessary, but to predicate, prioritise and found citizenship on any test like the one especially proposed is to trivialise citizenship, to trivialise real issues facing immigrants and to further penalise them as the test proposes. If teaching of the English language as an important component of this change is so important, why did the Howard government slash almost $11 million of funding off its English language program? Why wave around this new test now in this false gesture of patriotic fervour? Why all the fuss? Are there not better things for the federal government to do to show us and the world that we are good and truly responsible global citizens?

Following the federal government's provocative opportunism over the history debate, Prime Minister Howard now seeks to mystify and muddy the argument over values to further his populism and avoid serious debate, as usual. He is giving populism a bad name. I welcome a debate on what constitutes Australian values, but I do not support Prime Minister Howard's debate; and I do not support a putative debate that deliberately generates its concern and self-interest from the veil of fear over the current climate of intolerance and threat of terrorism in Australia. And if we are being serious about what the concept of values should mean, we need to be sure that strident government voices in the federal government for re-evaluation practise what they preach.

I welcome a debate on values, and I welcome a debate on cultural differences and cultural inclusiveness, but I do not welcome this devious, opportunist and spurious moral argument. It is divisive, trivial and wrong and, I believe, racist. Is the federal government's regressive raft of legislation since the election a fair go? Are its WorkChoices laws and its welfare to work changes solid endorsements of a fair go for lower tier workers and their families and the disadvantaged? Are its changes to higher education, inequitable funding to state public schooling and its knee-jerk reaction to the skills shortage a fair go?

In conclusion, we need to understand how the federal government is shaping and manipulating debate in presenting a token notion of fair play and what it is really doing across a whole range of repressive legislative changes. This concern is summed up by Julie Marcus, an anthropologist at the University of Technology, Sydney, who, at the annual conference of the Independent Scholars Association of Australia, said in relation to the concept of a proper democracy and the reality of repressive federal attack on genuine rights and values:

> The outer shell of institutional democracy now masks a widespread retreat from democracy's essential values and the consequent need for new and fundamental patterns of government restrictions aimed at silencing opposition.

Is this fair play?

JOSEPH SERIDIS TRUST FUND

The Hon. J.S.L. DAWKINS: I rise today to speak about the Joseph Seridis Trust Fund. This trust fund was created in honour of Joseph Seridis, who died after a short illness in January 2002. Joseph was a much loved and well respected member of the Gawler Lifestyles Explorers Group, which is a program of UnitingCare Wesley Adelaide Inc. Joseph was a regular group member there for many years, and the Seridis family has set up a trust fund in acknowledgment of the group's support for him.

The Joseph Seridis Trust Fund has been established to assist young people with physical and multiple disabilities by providing equipment associated with enhancing daily living and independence. The income from the trust fund will be distributed annually. Over the past few years a number of individuals have been assisted with a range of equipment that would not otherwise have been available to them. Interest and support from anyone who believes they can enhance the ideals of the trust fund are welcomed.

The fund is invested securely through UnitingCare Wesley Adelaide, which also provides administrative support. The trustees of the fund are: Mr Jim Seridis, Mrs Gina Torkington and Mr Graham Loveday (who represents UnitingCare Wesley Adelaide). Other supporters of the fund include: Discount Print and Stationery at Gawler; the CMV Foundation (which is a charitable trust deriving funding from Commercial Motor Vehicles); Les Brazier Special Vehicles at Elizabeth West (which modifies vehicles for wheelchair access, hand controls, seat modifications and wheelchair hoists and lifts); the Gawler Apex Club; the Gawler Arms Hotel; and Frames R Us at Ingle Farm. The fund also received 50 per cent of the funds raised at the 2006 Town of Gawler Apex Australia Day breakfast.

The fund has generously purchased a wheelchair-accessible van for the Gawler Lifestyles Explorers Group, which enhances the group's opportunities to explore its community and provides much needed transport for people in wheelchairs. There is also a range of examples of the trust assisting young people with disabilities through the provision of wheelchairs and special lifters. Last Friday evening, my wife Helena and I attended the second annual Joseph Seridis Trust Fund dinner at the Gawler Arms Hotel. This function was well attended by people from Gawler and surrounding districts, and well beyond. I understand that the dinner raised approximately $6 000 for the trust fund.

I commend Jim Seridis, all of the Seridis family, and the many supporters of the trust fund for their extraordinary efforts in enhancing the lives of young people with disabilities. This fund is a wonderful tribute to the memory of a young man who, I am told, touched many hearts. Jim Seridis told me that, while he and his family would obviously much prefer to have Joseph still with them, he is gratified by the result the trust fund has been able to achieve in his brother's name.

IRAQ

The Hon. I.K. HUNTER: I rise today to draw the attention of members to a little publicised consequence of our ill-advised adventure in Iraq. As well as the weapons of mass destruction argument, the establishment of a better system of government was one of the reasons we were all given for the invasion of Iraq. The planning, however, did not seem to go much further than destruction of the previous regime's infrastructure, with little or no thought as to what would replace it beyond the establishment of a regime compliant to the wishes of the Bush administration.

What we have seen instead is a weak and ineffective government—propped up by the United States—attempting to govern a country which is being ripped apart by sectarian violence, and religious factions have been allowed to flourish free from any constraints. This violence is not limited to conflicts between two religious views. The fervour of religious fundamentalism is claiming victims among those who simply want to get on with their lives—to live in the sort of freedom that informs the empty rhetoric of the neo-conservatives.

As has been reported by the *Observer* in London and in other media, the rapid re-establishment of the power bases of Shia clerics has led in turn to a dramatic increase in serious attacks on so-called 'immmorals'—at least tacitly sanctioned by Iraq's penal code which lays out protections for murder when people are acting against Islam. These immorals, who have been targeted for attack (and, in some cases, murder), include intellectuals who preach democracy or religious pluralism and women who reject the strict guidelines on dress and behaviour laid down by the clerics or those who profess a liking for western culture and music.

There is even the case—and this is by no means isolated—of an 11-year old boy, Ameer Hasoon al-Hasani, taken by police from in front of his house in July for alleged involvement in prostitution. Al-Hassani's father claims that, three days later, he found his son shot in the head. Ali Hili, an Iraqi activist living and writing in London, says that agents of the Badr Brigade—the unofficial armed wing of the Supreme Council of Islamic Revolution in Iraq, the largest Shia block in Iraq's parliament—has a network of informers who, among other things, target alleged immoral behaviour. They are killing gay men, unveiled women, prostitutes, people who sell or drink alcohol and those who listen to western music and wear western fashions. Writing in New York's *Gay City News*, Hili wrote:

> Badr militants are entrapping gay men via internet chat rooms. They arrange a date and then beat and kill the victim. . . the bodies are usually discovered with their hands bound behind their back, blindfolds over their eyes and bullet wounds to the back of the head.

Jennifer Copestake in the *Observer* also reports seeing graphic photographs of deaths and executions of homosexual men. One is of Kara Oda, kidnapped by the Badr Brigade in mid June. Copestake claims that Oda's family was handed an arrest warrant, signed by an official of the Interior Ministry, which detailed that their son needed to be arrested and killed for immorality as a homosexual. Ten days later he was dead, burnt and mutilated, and the list goes on. Two men suspected of having a relationship are photographed blindfolded with their hands tied behind their backs and guns pointed at their heads awaiting execution.

There is a mobile phone photograph showing a gay man being beaten to death. Another shows the corpse of a murdered gay man being dragged through the streets after his execution. These attacks are still, 3½ years after Operation Iraqi Freedom, tacitly protected under Iraqi law. This is sexual cleansing every bit as systematic and irrational as ethnic cleansing. In April this year, the United Nations Office for the Coordination for Humanitarian Affairs (UNOCHA) released a report confirming that homosexual Iraqis have been specifically targeted for kidnapping and murder because of their sexual orientation.

The UN report quoted the Iraqi Interior Ministry official Ra'ad Hassan as saying that roughly 50 kidnappings take place country-wide every day. Since January the number of kidnappings has increased unabated, along with attacks and threats against certain communities. In addition, a recent documentary aired on Britain's Channel 4 details many instances—backed up by photographs and other documentary evidence—of the most brutal kinds of attacks on homosexual men, including group bashings, executions and the dragging of corpses through streets.

These are not random attacks by out-of-control bigots: they are part of an organised program of religious fundamentalism filling the vacuum created in the chaos which followed the invasion of 2003. In 1994, the UN Human Rights Committee ruled that the criminalisation of consenting same-sex relations was a violation of fundamental human rights. Our federal government should be loud and clear in its condemnation of the continuing and officially sanctioned persecution in Iraq. It should use its professed influence with countries such as the United States to lead the chorus of international outrage at the UN and at other international forums.

CHELTENHAM RACECOURSE

The Hon. M. PARNELL: Last week I was pleased to attend a public meeting organised by community groups trying to protect the Cheltenham Racecourse from a proposed housing development. I am pleased to say that the meeting was attended by several hundred people—400 or 500 is the common estimate—and, while there are often comments of apathy in the community and suggestions that people are not engaging in community life, here was an excellent example of hundreds of people coming out at night to attend a public meeting to stand up for something that is very important to them.

Most of the media coverage that followed that meeting was around the stoush between two ALP members—one federal and one state. Whilst it is always good sport to see members of the same party in dispute over an issue, there is a risk that we lose sight of the real issues. The dispute between the members was over origins of the Cheltenham racetrack and whether it was bequested in a will to the community or racing club or purchased for money. It does not make any difference to the present issue, namely, what we will do with the 50 hectare racecourse site and adjoining 15 hectare former industrial site, and how we can make the most of the opportunity these large parcels of land present for providing quality open space for the people of the western suburbs. It is one of the last large tracts of land remaining in that part of metropolitan Adelaide.

The existing residents and various others who have come from far afield to support the campaign have a clear message. Overwhelmingly, they want open space rather than housing development for that location. I think their call is legitimate when you look at the proportion of open space available to people in the western suburbs compared with people in the eastern suburbs. The government may believe it has gone far enough by promising that any rezoning will have to provide for a minimum of 30 per cent open space rather than the standard 15 per cent, but the residents certainly disagree and the call at the public meeting was for 100 per cent open space.

However, it is clear that there is pressure everywhere for housing on land. There is pressure within the existing urban area as well as on the urban fringe, and in respect of the potential for transit oriented development—development focused on existing transport corridors, in particular public transport corridors such as railway land. The question for us is whether it is possible to meet both the needs of the residents and the needs of the broader community for land for housing and to do it in an ecologically sustainable way. I believe it is, and one of the ways to try to meet all these objectives is to consider both the 15 hectare Sheridan site, the former industrial land, and the 50 hectare jockey club land to be a single development opportunity.

There might be room for horse trading, to use a bad pun, between the two parcels of land. The government says that that is not possible because the ownership is in different hands, but I am not convinced that that is a sufficient rationale. Certainly the owners of the former industrial land would be entitled to re-establish industry because the zoning is appropriate, but I do not think there is any obligation on the government to assist either the jockey club or the owners of the former Sheridan site to maximise the land value. Maximising it means squeezing as many houses as you can on to that land.

The government's obligation under planning law is broader than that. The government has the tools to make sure we get good open space outcomes for the residents of the western suburbs. Compulsory acquisition is one approach, but people often baulk at that idea. As a society we have no qualms about compulsorily acquiring land for freeways, roads, bridges or tunnels. My call to the government is to consider all of the parcels of land as a single opportunity and to recognise the legitimate aspirations of the residents of the western suburbs for decent open space. I suggest that they are no less entitled to it than are the residents of the eastern suburbs, so a mix of 70 per cent open space and perhaps 30 per cent housing would be far preferable to the other way around.

MEDICAL RESEARCH

The Hon. R.P. WORTLEY: I rise today to draw the attention of the council to the importance of medical research and the benefits it creates for our society. South Australia is known for producing one of the greatest medical researchers, Sir Howard Florey. His successful work on the extraction of penicillin saved millions of lives during the Second World War. This achievement made an incredible impact on the world and is an example of how medical research can benefit the lives of many people.

The influence that medical research has on our lives is truly stunning. According to a 2003 report prepared by Access Economics for the Australian Society for Medical Research, Australian society has received major health and economic benefits as a result of medical research. This report estimates that, between 1960 and 1999, medical research resulted in longevity and quality of life benefits worth more than $5.4 trillion. According to the report, these benefits included gains in longevity worth over $2.9 trillion and improvements in the quality of life worth over $2.5 trillion.

Medical and health research benefits can also be seen in the effect they still have on our economy. According to the final report of the Investment Review of Health and Medical Research, carried out by the federal Department of Health and Ageing and released in 2004, medical research has resulted in economic opportunities for Australians. The report states that the commercialisation of medical and health research has

resulted in the formation of over 350 new biotechnology companies and between 3 000 and 4 000 new jobs since 1992.

Our nation is also known as an achiever in this field. This same report notes that Australia produces 3 per cent of the OECD health and medical research, despite having only 1.6 per cent of OECD gross domestic product. The report notes that increasing numbers of publications by Australian authors are appearing in health and medical journals. Australians have an impressive history of winning prestigious international awards, and this was recently highlighted when Nobel Prize winner Dr Robin Warren gave the Florey Lecture at the University of Adelaide on 2 August. Dr Warren studied medicine at Adelaide University and won the 2005 Nobel Prize for Medicine or Physiology. This was in recognition of research that has led to the revolutionising of the treatment of gastritis and peptic ulcer disease. This demonstrates Australia's continued contribution to the field of medical research.

Considering these results, it is not surprising to learn that most Australians consider medical research to be a high priority. This is highlighted by the results of a 2005 public opinion poll commissioned by Research Australia. The poll showed that 78 per cent of Australians strongly agree that health and medical research should play an important part in Australia's future. Furthermore, 71 per cent of respondents strongly agreed that more health and medical research is urgently needed to address some of the essential Australian health issues. These findings demonstrate that the Australian community considers health and medical research to be an area of great significance.

The importance of medical research also needs to be considered in the context of our ageing population. According to the Australian Bureau of Statistics report released on 30 June 2006, South Australia has the highest median age of any state or territory. Current Australian Bureau of Statistics national projections are for continued growth in the proportion of older people in the Australian population. For this reason, it is important that improvements in healthy ageing are available to South Australians. Medical research has the potential to assist in this area and may help our state adjust to the coming changes in the demographic of our population.

Medical research has brought many benefits to the lives of South Australians and, indeed, to people all over the world. This nation and our state have played a role in this, and I hope that we will continue to see research having a positive impact on our society.

GAMING MACHINES

The Hon. NICK XENOPHON: Today, I would like to reflect on places around the world where they have managed to get rid of poker machines altogether. For those who say that it is not possible, it is in places in the United States and in Europe. I think that it is important to reflect on that, because those who say that it is impossible are wrong. In a democracy, it is never too late to overturn a law that has done so much damage to so many people. To put this in context, South Australia has over 23 000 problem gamblers from poker machines, with each problem gambler affecting the lives of seven other people.

That is a significant number of South Australians—more than one in 10—whose lives are in some way worse off because of a poker machine addiction. In South Carolina poker machines have been banned since 1 July 2000. I was fortunate enough to meet the governor of South Carolina in 1998, David Beasley, who campaigned relentlessly against poker machines in that state. It is worth reflecting on what Richard Gergel (one of the lawyers who led the legal crusade against these machines) said in an interview on *The National Interest* on ABC's Radio National on 7 August 2005. He made the point that, as a result of legal manoeuvrings and legal actions and a complicated interplay with the legislature and the courts in South Carolina, in terms of laws that were in place, poker machines—all 38 000—were removed from that state on 1 July 2000.

What are the consequences of that? It has not been doom and gloom—as the Hotels Association and the gambling industry would say in this state—once you get rid of the machines. In fact, it has been the opposite; it has been good for the state of South Carolina. Richard Gergel made the point that, when that state had poker machines (or video slot machines, as they are called), there were something like 50 to 60 gambling addiction chapters for Gamblers Anonymous. There is now, as he understands it, just maybe one Gamblers Anonymous chapter in the whole state. That just shows you the difference that getting rid of these machines actually makes.

In Greece, there was a community outcry in 2002 about the impact of poker machines on families and on communities. As a result of that outcry, the Greek government acted to ban video poker machines. I should say it seems that that country (which is my mother's place of birth) went even further than I would suggest, because they actually banned video games as well, apparently; the ban went further than was anticipated. Not even I would be suggesting that. There is currently a case before the European Court as to how far that ban actually has gone. But the intention was to get rid of gambling in the cafes, and there was a proliferation of poker machines in that community. The action taken in that country resulted from community outrage and community concern about people losing their homes, their livelihoods, and families being deeply affected by poker machines.

Also, more recently, is the news from Norway that machines will be banned from next July and 15 000 machines will be removed from the country. I recently received an article from the *Norway Post*—and I am grateful to Sue Pinkerton, the secretary of Duty of Care, an organisation that has been quite forthright and relentless in highlighting the damage caused by poker machines in this country. The *Norway Post* article indicates that 15 000 machines will need to be removed by 1 July 2007, at the latest. There may be a hiatus; there may be some machines being introduced at the end of that year, given some technical matters subject to further community debate. But it makes the point that, in that community, because of the concerns about the impact on families and communities, they have taken action to remove poker machines in Norway; their licences will expire.

Further, in North Carolina there is a move to phase out machines. Their industry is very different, having only a handful of machines and venues, but there is a phase-out there to July 2007. The point needs to be made to those who say it is impossible—it is not. If there is community will in a democracy it is never too late to overturn a law that has caused so much harm to so many people.

PREVENTION OF CRUELTY TO ANIMALS ACT

The Hon. M. PARNELL: I move:

1. That a select committee of the Legislative Council be appointed to inquire into and report on—
   (a) Arrangements for the administration and enforcement of the Prevention of Cruelty to Animals Act 1985 (the act);
   (b) the appropriateness of a private charity as the principal law enforcement body under the act;
   (c) the level of funding required to appropriately administer the act; and
   (d) any other relevant matter.
2. That standing order 389 be so far suspended as to enable the chairperson of the committee to have a deliberative vote only.
3. That this council permits the select committee to authorise the disclosure or publication, as it sees fit, of any evidence or documents presented to the committee prior to such evidence being reported to the council.
4. That standing order 396 be suspended to enable strangers to be admitted when the select committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating.

Earlier today I was pleased to attend the AGM of the Royal Society for the Prevention of Cruelty to Animals (RSPCA). The RSPCA is no doubt the best known and most popular animal welfare organisation in South Australia. It has a proud tradition going back over 130 years. The RSPCA fulfils a range of tasks, including caring for distressed animals, running animal shelters, educating the community, inspecting reports of animal abuse and raising much needed funds through activities such as the Million Paws Walk. The society has been given a critical and unique role in protecting domestic, companion and commercial animals under the Prevention of Cruelty to Animals Act. In particular, the RSPCA is charged through the provision of government funds with the responsibility of investigating and prosecuting cases of animal cruelty and neglect.

Like many others, I have become increasingly concerned about the way the act is being administered in this state. Much of this concern stems from the fundamental systemic issues resulting from the fact that the society is a private and mostly unaccountable charity. A number of recent events have convinced me that it is appropriate and timely for a critical examination by the parliament of these arrangements, and this includes an examination of the emerging financial crisis. We saw in last week's budget no increase in the RSPCA funding for investigation and prosecution, and the RSPCA itself has had a significant fall in its other major income sources. The number of recent high profile animal cruelty controversies highlights the lack of action and capacity on the part of the RSPCA to deal with those issues. I will also allude to an emerging crisis in occupational health and safety.

I think we are about to reach a crisis point, if we have not already. We have an unsatisfactory status quo, which is getting worse. It will continue to get worse unless the underlying issues are addressed. On the positive side, we have a new minister, who is overseeing a review of the act, and that gives our new minister a wonderful opportunity to see the situation with fresh eyes and find a pro-active solution. The call for change to the system is backed, I believe, by the RSPCA membership who earlier today, for the first time in the society's 130-year history, elected some new voices onto the governing council who have been critical of the society's current direction and leadership.

I am hoping the RSPCA will support and welcome this inquiry. For some time it has been vocal about the lack of funding and has constantly reported its lack of ability to carry out important parts of its role. I believe the select committee will give it a chance to defend its reputation from damaging allegations in the popular press and also respond to concerns that have been raised by members of parliament. I am certainly not the first person to have raised concerns over this issue. Members would be aware that Chris Gallus in the federal parliament, Kris Hanna, Bob Such in the other place, the Hon. Sandra Kanck, other Democrats, Green colleagues interstate, a stream of ex-employees and volunteers have all raised concerns over the way our animal welfare laws have been administered.

For the general public, however, some high profile media attention has been given to cases such as in the *Four Corners* report 'A blind eye', which went to air in 2004. *The Australian* newspaper earlier this year and *Today Tonight* also have exposed problems with the animal welfare regime. Prompted, no doubt, by the increase in public awareness and concern over these issues, the government has initiated a review of the act. However, that review has been a long time coming. The RSPCA says that back in 2001 it was pushing for this review. In 2003 the minister said:

> I intend to ensure that the legislation is enforceable and reflects the standards and expectations of the majority of people in this state.

That was some three years ago, and it was not until the end of last year that public submissions were called for—and we are now told that the legislation cannot be put forward until 2007.

A frustrating aspect of the government's review paper released at the end of last year was that it addressed only some of the flaws in the act, and it missed the opportunity to look at some fundamental issues that go to the heart of the appropriateness of the current system. Instead, the government's review paper focused on increasing penalties, as if that was the critical issue. I acknowledge journalist Leon Byner on Radio 5AA who on 28 August challenged the minister on this point. To paraphrase Leon, he said, 'Let's stop talking about penalties and start talking about capacity and resources'. That really goes to the heart of the matter. The minister's reply was, 'Wait until September when the budget comes down and all will be revealed'.

We have now had the budget and it is not good news. In fact, it has been about 10 years since there was any substantial increase in the government grant to the RSPCA for its inspectorial and prosecutorial duties. In the past 10 years, all other costs have increased, including wages and petrol prices and, on top of that, the RSPCA's own fundraising has seen a drop of $1 million. The question that is posed in this motion is to do with whether the society is able to prosecute effectively and the link that that has to its funding. It seems to me that, due to these financial limitations, a call is often made on the part of the RSPCA to focus on prosecutions that are less likely to be defended. Clearly, a defended action is more expensive—and that point was made very clearly at the RSPCA's AGM today.

What is also worrying is that the society is fundraising to pay for prosecutions, and that fundraising is anything up to about $700 000 a year. That is a lot of tea towels, lamington stalls and lolly drives; and it begs a fairly fundamental question about why, in the administration of the law of the land, a private charity has to fundraise to do its job properly.

There is also an issue about the lack of funding for the training of inspectors under the legislation. I will talk more about the inspectors later, but I make the point that, in the current RSPCA financial statement, there is no line item for staff training—and that is in a budget of $1.25 million. The

Hon. Angus Redford raised this issue in 1999. I believe that he, in his capacity as a lawyer, had the opportunity to cross-examine an inspector and found that that person had no formal training, little understanding of the laws of evidence and effectively did not know what she was doing.

The occupational health and safety implications of the current system arise from the increasing awareness that we have about the link between animal cruelty and human cruelty. Recently, to its credit, the RSPCA brought out a United States expert on this topic, Frank Ascione, a professor of psychology. He came to Adelaide and his message was a simple one: first, there is a clear link between violence towards animals and violence towards humans; secondly, there is a clear link between domestic violence towards spouses and children and violence towards animals in the same house; and, thirdly, children and young people who are cruel towards animals are far more likely to be subsequently involved in crimes of serious violence, whether to people in their family or to people in the community. That is the link: animal cruelty and human cruelty.

Members only have to think of some of the most notorious mass murderers of whom we have come to be aware: Martin Bryant of Port Arthur infamy; John Travers, who killed Anita Cobby in Australia; and in the United States, serial killer Ted Bundy—all notorious murders who had committed cruelty offences to animals. The Victorian Police Commissioner, Christine Nixon, recently said:

> It's a connection that certainly is now confirmed and one that many of us will look at in terms of the future in predicting violence and before it escalates to more serious violence.

Yet, against that backdrop, the RSPCA inspectors go out to investigate cruelty complaints unaccompanied, with minimal training and no legitimate backup. They go out unarmed. The police would not act in such circumstances due to the occupational health and safety risk.

To emphasise this point, the Victorian RSPCA has had its inspectors subjected to some terrible instances of violence when fulfilling their duties. Ten or more years ago one of their inspectors was murdered; and, in 1999, another of its inspectors was shot in the face when investigating a complaint about cruelty to sheep. In this place, the Hon. David Ridgway raised the issue of assaults on national park rangers who were working alone. To her credit, the minister acted fairly swiftly and reassured the council that single patrols were no longer to occur. The same minister is responsible for this act as is responsible for the National Parks and Wildlife Act. I would argue that RSPCA inspectors are at greater risk than park rangers.

Another assumption behind my call for the select committee is the ongoing and systemic failure in carrying out the objects of the Prevention of Cruelty to Animals Act. Probably an example of which most members would be aware and one which has had a lot of profile and media attention was the case of a piggery at Murray Bridge which became notorious through its exposure on the *Today Tonight* show in July this year. Members might remember part of the footage on that television show when the Channel 7 helicopter filmed pigs and piglets being dumped into pits that had been dug into the ground.

After the operators of that piggery had cleaned up the place, the RSPCA inspected it three days after the story broke—hardly a timely reaction. When the RSPCA did eventually investigate, it acknowledged that many of the sow stalls did not comply with the minimum dimension required in the code of conduct for pigs under the Prevention of Cruelty to Animals Act. That code is adopted as the law of South Australia via regulation 10 of the relevant regulations under the act. Despite there being evidence of a clear breach, no further action was taken.

On the RSPCA web site it says, 'In South Australia pig farmers must comply' with the code, yet, when challenged, the society has said publicly that it has legal advice that the relevant parts of the code of conduct for pigs was unenforceable, and its advice is that it is unenforceable because the cage dimensions listed in the code are merely suggestions rather than enforceable requirements. I have seen alternative legal advice prepared by Martin Bennett, a leading Western Australian barrister, stating that in his opinion the relevant parts of the code are in fact enforceable. So we have a problem. Whether it is just a problem of different lawyers saying different things or a more underlying systemic problem, the inquiry I am calling for will help bring that to the surface.

When the *Today Tonight* show went to air, it flushed out other people who sought to tell their stories about their experiences at the piggery. In particular, two TAFE students who had done work experience on an official placement through TAFE in March and again in May decided to report the cruelty that they had experienced in this piggery. On 18 July they went to the RSPCA and made a formal complaint, but the reaction of the inspector who interviewed them was deeply disturbing to these students. One of the students said:

> I was deeply disappointed by the attitude of [the inspector], who appeared irritated by the fact that I wanted to make a cruelty complaint. I was disturbed by his unwillingness to take details of what I had witnessed and his disinterest in my ability to provide descriptions of those responsible.

I have seen a copy of that report, and it is clearly not up to any legal standard in terms of the taking of evidence. The matter of the students was brought to the attention of the non-government organisation Animals Australia and, because of the inadequacy of the notes, that organisation, through its communications director Lyn White, re-interviewed the students and took a formal statement. Lyn White is a former officer in the South Australian Police Force and is well aware of how statements should be taken.

I have a copy of those additional witness statements and will not read them all out because they go into many pages, but I will read a paragraph or two, because this is information that the RSPCA should have obtained and acted on. One of the students said:

> I observed the worker with the brown hair opening the pen and walk to the back of the pen, where she used the pole to scratch the back of the animal whilst kicking it aggressively in the rump, yelling at it to get up. I witnessed her aggressively scratch the animal's back on not less than five occasions, leaving bleeding welts approximately 30 centimetres in length. Each time she scratched the animal it squealed loudly. The blonde-haired woman was standing next to the brown-haired woman also yelling at the animal. I then observed the brown-haired woman get into the stall and, holding onto the bars of either side, jump up and down on the body of the pig. The pig was screaming. I then observed the blonde-haired woman also get into the stall and the two women used their full body weight on the pig to jump on it and to kick it.

And this occurred for not less than 30 seconds. The statement continues:

> The pig was still jammed, and screaming and panting in distress.

There are pages of this. I will not read more but I could, and it is very distressing. The RSPCA was given copies of these statements on 28 July and asked to investigate. It said it

would, through Mark Peters, executive director, yet a month and a half later the complainants had still not been contacted by the RSPCA and, in fact, only just now, following further representations by Animals Australia, have managed to get a meeting, which I believe is later this week, some two months after their initial report and certainly after today's AGM.

What this story reveals is a number of themes. First, the RSPCA appears to have neither the capacity to take proper witness statements nor the will to investigate complaints of this nature in a timely fashion. I think this is particularly worrying given that the evidence seems to point to a culture of serious regular cruelty to animals in a major commercial activity. The issue of intensive animal-keeping has probably been the single touchstone of conflict and dispute within the RSPCA.

It is the brazen nature of these offences described in these statements that disturbs me the most. You would imagine people would be hiding these barbaric and illegal practices, but there appears to have been no censoring of the behaviour in front of the students, who were on an official TAFE-sponsored study placement, and that tends to hint toward some sort of normalisation of this sort of behaviour. I remind members that these practices are not only barbaric but also illegal. The RSPCA's most recent annual report states:

> The farming industry cannot doubt the RSPCA's commitment to eradicating those practices which deny intensively farmed animals the freedom to express their natural behaviours.

They may not doubt its commitment to eradicating those practices but, as the case of the piggery I have described emphasises, it clearly doubts its own capacity to do anything about it.

The code of conduct for pigs, called the 'Model Code of Practice for the Welfare of Animals—the Pig', is the document that sets out the rules for intensive piggeries, and that document recently was up for review, yet there was very little effort to engage the general public in that review. The RSPCA(SA) had a great opportunity to mobilise its 30 000 supporters and to highlight its concerns, yet no such action was taken. In fact, the RSPCA(SA) eventually acted some month or so after the close of submissions by placing an advertisement saying how terrible it was the way pigs were being treated. So, there are clearly some problems in that area.

One of the terms of reference makes explicit the need to examine whether it is appropriate for a private charity to be the principal law enforcement body under the act. There are a couple of issues that flow from that. First, the RSPCA is a private organisation, and the question has to be whether it is appropriate to delegate to a private organisation the responsibility of enforcing criminal legislation—criminal public law. The RSPCA is effectively unique in this regard. If we were designing a law enforcement system from scratch, I have no doubt we would not be giving private charities police functions.

The RSPCA is not under a statutory duty to investigate and prosecute breaches of the legislation, and its decisions and processes are not open to review. Effectively, the RSPCA cannot be compelled to investigate or to prosecute. There are not the same checks and balances as would apply with the police force. The RSPCA is not accountable to the public or to the parliament, there is no mechanism for complaints in relation to its work, and its governing body has complete control over how it will take on its responsibilities in connection with the act. I say that such a system is potentially open to corruption.

Most importantly, as I said, it is inappropriate for prosecutions under state legislation to depend on charitable funding in order to take place. It would be a tragedy if prosecutions did not take place because the RSPCA was not able to do sufficient fundraising. The RSPCA in Victoria is subject to Ombudsman control, and I believe that would be an appropriate model for South Australia.

What surprised many members of the RSPCA when they found out was the question about the legal representation of the RSPCA in criminal prosecutions.

The President of the RSPCA is John Strachan. He is a partner in a law firm which bears his name, Strachan Carr, and that firm has been doing the RSPCA's prosecutions. I question whether it is appropriate for the president of a non-government organisation, which receives $500 000 from the public purse, to benefit financially from legal work that is done on behalf of its agency. From the figures I have, the solicitors' fees for the last financial year amounted to the not insignificant sum of $72 355. In addition, the RSPCA's solicitor (also an employed solicitor of Strachan Carr) earns an honorarium of $1 000 a year.

I am quick to say that it may well be that the arrangement that has been reached is one of, if you like, mate's rates. It may well be that there is some level of sponsorship on the part of that law firm and that it is providing cheaper legal services to the society. My point is that it raises serious questions about accountability that cannot be answered whilst it remains a private society.

As well as people concerned about animal cruelty, I have also been contacted by farmers who have been disturbed at the poor practice and lack of knowledge of inspectors. They have found it very difficult to have their concerns addressed by the RSPCA.

There are many fantastic farmers in this state, and the irresponsible and illegal activities of a few hurt the majority. I believe that an inquiry of the type I am calling for will enable all sides of this debate to have their say.

The alternative models that might be appropriate, rather than having a private charity doing these prosecutions, could involve a number of things, including the introduction of expiation notices for minor offences rather than requiring court appearances. We could also encourage the police to take a much greater role, which would probably involve setting up a special branch of the police because, to date, it has never been a priority for them. This is not such a radical suggestion. In fact, police in Victoria and New South Wales have become increasingly interested in animal welfare, particularly, as I said, as it inter-relates to other forms of violence which have traditionally been the concern of the police.

Similarly, the Western Australian government has appointed additional inspectors to the RSPCA, but with prosecution and investigation work also being undertaken by the police. There are two other serious flaws in the legislation which have not been considered in the review of the current act, and these are both unique to South Australia. First, as I pointed out, there is no obligation on the RSPCA to carry out its duty. Secondly, the minister cannot appoint inspectors without the agreement of the RSPCA. These might be fine legal points, but the select committee process I have suggested would be the best way of dealing with them.

The delivery of outcomes for the community under the Prevention of Cruelty to Animals Act remains a state responsibility irrespective of how the act is administered. The

state government must see itself as more than just a mere purchaser of services, particularly in relation to legislation that involves the regulation of community conduct.

For whatever reason, the society is not discharging its duties under the act with the level of diligence and duty that would be expected by the public or by this parliament. It is a private charity. It is beyond the reach of accountability. The occupational health and safety issues must be addressed. We have addressed them with national parks rangers and we need to address them with animal cruelty inspectors. I think that the future of the RSPCA depends on the society's being a proactive and vigorous frontrunner in the fight against animal cruelty.

I urge all members to support the setting up of this committee. It will give people a chance to resolve an issue that has been contentious for very many years. In particular, I urge the minister, the Hon. Gail Gago (who I know has a strong interest in this area), to see this select committee as an excellent opportunity to examine the whole issue. Perhaps at a later time we can also take the opportunity through that committee to examine the government's proposed legislation. Other states have accepted that things must change. I think that South Australia is in danger of being left behind with an ineffective anachronism.

The Hon. I.K. HUNTER secured the adjournment of the debate.

LOTTERY AND GAMING (BETTING ON LOSING) AMENDMENT BILL

The Hon. NICK XENOPHON obtained leave and introduced a bill for an act to amend the Lottery and Gaming Act 1936. Read a first time.

The Hon. NICK XENOPHON: I move:

That this bill be now read a second time.

I express my gratitude to the minister and the Hon. Mr Dawkins for accommodating me with respect to this and the next item on the *Notice Paper*. I will be brief. The bill is aimed at targeting Betfair, the UK betting exchange that is moving into Australia. It has had a licence since the end of last year in Tasmania and more recently in Victoria. Real concern has been expressed by those concerned about problem gambling in this country that being able to bet on losing will have huge implications through electronic forms and the internet and will have huge implications with respect to gambling addiction in this country. It will expand forms of gambling and with it the potential, risk and reality of gambling addiction. It is also a case where the racing industry in this state is broadly supportive of the legislation.

It is not often that I am at one with the racing industry on anything, but even the racing industry supports my position. I had discussions recently with Steve Ploubidis, the CEO of the South Australian Jockey Club. He has expressed his concern in the media about the impact Betfair will have on the racing industry in this state, including the thoroughbred industry, because of the potential it has to undermine the local industry and the integrity of the code. I have real concerns beyond that for other sporting codes with the proliferation of sports betting where the scope for corruption and for undermining the integrity of sporting codes will be exponentially increased by virtue of these betting exchanges. We know from experiences in the UK that there have been real issues with respect to that.

We know that corruption fears have persisted as Betfair launches in Australia. I refer members to a report on the *PM* program of 7 February 2006 which outlined those concerns. I am happy to provide it to honourable members. I ask members to note an AAP report of 7 July 2006, which states that Britain's six-time champion jockey, Kieren Fallon, was among 11 people charged this week after a corruption investigation into race fixing. There are real concerns that there is a link between the corruption investigation and charges and the availability of Betfair. It provides the environment, a conduit, for this sort of corrupt behaviour because you can bet on losing.

I am not suggesting that the proprietors of Betfair are in any way involved in this, but I am saying that, by being able to bet on the horse that will come last or second last, it exponentially increases the potential for corruption of sporting codes and increases the potential for problem gambling. I refer to what the churches' gambling task force in Victoria, Tasmania and South Australia have said. South Australia's chair of the South Australian churches' gambling task force, Mark Henley, on 3 November 2005 said:

> Yet again we have a state government [the Tasmanian government] introducing new gambling activities without adequately establishing community and consumer safeguards and shamefully committing their citizens to further pain from problem gambling.

The racing minister, Michael Wright, has publicly raised the issue of Betfair for close to a year now. On 4 November in the sporting section of *The Advertiser* he indicated that he would be moving against Betfair and expressed his concerns. More recently, in March this year, in answer to a question from Mr Tom Koutsantonis, the member for West Torrens, he said that the government was consulting and acting on this.

I am trying to give the government a giddy-up in terms of getting this legislation through and by introducing this bill, which is about ensuring that bets cannot be placed on a betting exchange by South Australians. It provides penalties for betting exchanges, including a maximum term of imprisonment for one year for a person who establishes or conducts a betting exchange, and it also provides for a fine for those who place a bet on a betting exchange. It is modelled on similar legislation in Western Australia, and that legislation has gone through its lower house. So, the Western Australian government is quite rightly acting against them. Whatever are members' views on gambling, I urge them to support this bill because it is about ensuring the integrity of our sporting codes, about ensuring that we do not have an environment for corruption because betting exchanges seem to allow for or foster that by virtue of the very nature of a betting exchange, and it increases exponentially that potential.

My fundamental concern is about the potential to increase problem gambling. I do not know where the government is at with respect to its bill, but I urge members to treat this bill with some priority so that it can be dealt with. There are very real concerns about the impact of betting exchanges and Betfair in this state at a whole range of levels. For that reason I urge members to support the bill.

The Hon. I.K. HUNTER secured the adjournment of the debate.

TOBACCO PRODUCTS REGULATION (RETAIL DISPLAY) AMENDMENT BILL

The Hon. NICK XENOPHON obtained leave and introduced a bill for an act to amend the Tobacco Products Regulation Act 1997. Read a first time.

The Hon. NICK XENOPHON: I move:

That this bill be now read a second time.

Again, I express my gratitude to the minister and the Hon. John Dawkins for allowing this matter to be considered at this time. I will be brief in relation to my remarks. This bill is about banning the public display of tobacco products. I believe it is long over due. This is something that the state government should have done in 2004 but failed to do so. I am concerned that the state government caved into the tobacco retail lobby and the Smoke Marts of the state, rather than acting decisively to ban tobacco displays.

We know what a huge impact smoking has on the state in terms of the health of South Australians. I will read some material I have received from health groups, the AMA, the Asthma Foundation, the Cancer Council of South Australia, the Heart Foundation and from Action on Smoking in Health, based in Sydney, about their concerns. This is a fair summary of some of the matters put to me by those groups. It states:

- More than 200 000 Australian schoolchildren are smoking regularly. . .
- Half these child smokers will become long-term addicts.

They also state:

- Smoking costs Australia $21 billion a year—more than four times the excise revenue gathered by the federal government.
- The annual cost to our hospital system is almost $700 million.

In South Australia, 70 per cent of admissions to the Flinders Medical Centre are smoking related. On average, seven young people a day take up smoking, and 1 500 South Australians die every year from smoking-related illnesses. There is a real feeling in terms of the research from these groups that, if you ban the display of tobacco products, you will make a real difference in kids taking it up. Ninety per cent of smokers know their brand without displays. This is not about inconveniencing smokers. This is about ensuring that young kids do not take it up. Seventy-nine per cent of South Australians in surveys carried out by the Health Alliance believe that a total ban should happen now and not at some indeterminate stage in the future.

I recently received a letter dated 25 September 2006 signed by Duncan Wood, the CEO of the Australian Medical Association of South Australia; Pamela Lockyear-Scrutton, the CEO of the Asthma Foundation South Australia; Associate Professor Brenda Wilson, the chief executive of the Cancer Council of South Australia; and Geoff Halsey, the CEO of the National Heart Foundation, South Australian Division. They indicate the following:

> We broadly support your proposal including the removal of all point of sale displays of tobacco products and the addition of a graphic health warning to price boards. We also support your proposal to require a graphic health warning display to accompany vending machines.

They also state (and I will be brief):

> Our position is based on strong evidence, which demonstrates:
> - Point of sale displays are a form of tobacco advertising. Like other forms of advertising, it glamorises smoking, normalises smoking and recruits children to smoking.
> - Adult smokers are brand loyal, amongst the highest of all consumer products, brand switching is very uncommon (usually 10% or less). Adult smokers do not make their decision about brand at point of sale, and already know which cigarettes they want to buy before entering the shop—negating the need to display products to promote brand switching.
> - Nine out of 10 smokers start when they are children, often as young as 12 years of age. If adult smokers know what brand they will buy, it is arguable that cigarette displays at the point of sale are not aimed at long term smokers but rather act as a means of recruiting younger people who are more likely to try a variety of brands during their experimentation with cigarettes.
> - The South Australian community want tobacco out of sight; 63% approve of a total ban on the display of cigarettes at point of sale, 80% support a total ban on tobacco display in shops that also sell confectionary and 79% thought that if a total ban on display were to be introduced it should happen within the next 12 months (i.e. by June 2006).

This survey was obviously carried out some 12 months ago. The concluding point from the Health Alliance is as follows:

> Eliminating tobacco at point of sale is an important measure to reduce the harm caused by tobacco.

This bill is about keeping the government to its word in respect of its strategic objectives and the strategic plan to dramatically reduce the level of smoking amongst our young people. It cannot do so without having comprehensive measures, including this measure to ban point-of-sale display. Let us stop dithering about this. Let us not pander to the tobacco lobby. The health of our kids is simply too important not to bring this legislation into force. Let us listen to the experts, those at the front line of dealing with the impact of smoking, and let us do something decisive to prevent young kids from taking up smoking in this state. One of the ways to do that is to ban point-of-sale displays.

I urge honourable members to deal with this bill as a matter of some urgency. If we reduce the number of smokers and kids taking up smoking, there will be long-term benefits to our health system and to the community as a whole. I commend the bill to the council.

The Hon. I.K. HUNTER secured the adjournment of the debate.

STATUTES AMENDMENT (SURROGACY) BILL

Adjourned debate on second reading.

To which question the Hon. I.K. Hunter had moved an amendment leaving out all the words after 'That' and inserting:

> 'the bill be withdrawn and referred to the Social Development Committee, to inquire into and report upon the issue of gestational surrogacy and, in particular, to consider—
> - the ways in which South Australian statutes might be amended to better deal with matters pertaining to surrogacy and related matters;
> - what complexities might arise from the consideration of such changes;
> - the efficacy of surrogacy legislation in other Australian jurisdictions, and the status of children born through surrogacy interstate and now living in South Australia;
> - the interplay between existing state and federal legislation as it affects all individuals involved in, and affected by gestational surrogacy; and
> - any related matters'.

(Continued from 20 September. Page 661.)

The Hon. A.L. EVANS: Family First welcomes the amendment to refer this bill to the Social Development Committee. Surrogacy is a complicated and emotional issue, and Family First welcomes the thorough scrutiny that the Social Development Committee can bring to bear in respect of several concerns.

This bill will allow fertilisation procedures to achieve pregnancy. The bill envisages that the surrogate mother would be fertilised by artificial insemination, IVF and

embryo transfer, or transferring an egg to the surrogate mother so that it can be fertilised. This means that the bill is wide in scope. As the Southern Cross Bioethics Institute has indicated to me, it would be possible under this bill for a child to be genetically related to just the commissioning couple, just to donors, to a donor and one of the commissioning couple, or to the surrogate and a donor, or to the surrogate and the commissioning male.

This bill therefore allows full surrogacy—a woman who is implanted with an embryo usually created from the egg and sperm of the commissioning couple. It also allows partial surrogacy in which the surrogate mother is genetically the mother of the child, with that mother being inseminated with the sperm of the social father, or a sperm donor. Family First acknowledges the difficulties faced by infertile couples. A medical diagnosis that a woman is unable to bear a child must be heart-rending. We also acknowledge the goodwill of those who wish to help a woman who is unable to bear a child to term.

Statistics show that infertility is on the rise. Fertility in women naturally declines as their age passes 24 years. Many couples today are leaving it later to have children, compounding the problem. Factors such as environmental pollution have also been blamed for the striking increases in infertility in recent years. Surrogacy is not as straightforward a solution as it may appear at first glance. Interstate and overseas experiences show that surrogacy often gives rise to unforeseen difficulties. I will canvass some scenarios which could cause concern, and I invite the committee to consider thoroughly the implications.

Let me raise the first scenario from a real-life incident reported in *The Australian* of 27 January 1983. A commissioning parent and birth mother in Michigan agreed to a surrogacy arrangement. However, when the baby was born he was severely retarded and deformed. The commissioning parents rejected the child on the basis of the handicap. The disabled child became nothing more than an object and was handed over to the state.

I am concerned for a heightened risk of health problems with this bill, as it has a requirement that the surrogate mother be a close relative of the commissioning parents. This leaves open the risk of what is sometimes called gestational incest which can pose a risk of birth defects. Let me raise a second scenario: instead of a single child, a surrogate mother carries twins. Again, this has happened. There was a story on CNN in 2001 which talked about the legal wrangle between a commissioning parent and a surrogate mother when it turned out that she was carrying twins. When the surrogate mother refused demands to abort one of the children, the surrogacy agreement was terminated and the matter was dragged through the courts.

Let me raise a third possibility: a surrogate mother can form a strong emotional attachment to the child she is carrying, which can lead to legal arguments over residency of the child. One particularly bitter Australian case was referred to on *The Law Report* of 15 September 1998. Baby Evelyn, as she was known, was born as the result of an agreement between an Adelaide couple and a Brisbane couple. Knowing that the Brisbane mother could not conceive, the Adelaide mother offered to be a surrogate. For some time the child resided with the Brisbane couple, but the Adelaide couple had a change of heart and applied for recovery of the child through the Family Court, in a bitter case that made it to the doorstep of the High Court.

I have a fourth concern: the bill before us today says that a surrogate mother must already have had at least one other child. If the mother's other child or children are old enough, then they will know that their mother is pregnant. Will these children experience psychological harm when they realise that their mother is giving the baby away? Will they be worried that they may be given away as well? These are all concerns that should be properly canvassed.

I sympathise with Mrs Kerry Faggotter's comments made on ABC Radio on 18 September, and the other submissions that she made to us. She explains that she finds it difficult, for example, to enrol her child (born through a surrogate agreement) for swimming lessons because her name is not on the child's birth certificate. I encourage the committee to consider, in this regard, the submission put by the Australian Families Association, that this concern might be dealt with by allowing changes to the birth certificate, in a similar way to that provided by section 41 of the Adoption Act.

Surrogacy has sometimes been called a Pandora's box. There are a bewildering number of issues that need to be addressed and considered. I note that the issue of surrogacy was debated at length, and perhaps most comprehensively, in a meeting in 1991 of Australian health ministers. After much debate and numerous studies, the ministers agreed unanimously on a position against surrogacy. I would encourage members of the Social Development Committee to consider the debate from that meeting before reaching a conclusion.

The Hon. SANDRA KANCK: I indicate at the outset that I support this bill and I am disappointed that it is going to be referred to the Social Development Committee. Some years ago I referred, in this chamber, to the issue of increasing rates of infertility in this country. It is infertility that is occurring on a worldwide basis, particularly in developing countries, and it is affecting men and women. It is a problem that is simply not going to go away. At the state and national level, a lot of questions are being asked about why the problem is increasing. I, and members of my party, tend to believe that it is because of exposure to environmental pollutants and also synthetic products.

At the local level, infertility causes heartache for many couples, in turn placing pressure on our health services and, in particular, access to very costly reproductive technology services. Surrogacy, however, is a time-honoured method of producing a child and, in the past, this and adoption were, in fact, the only ways that a childless couple could have a child.

I have had feedback opposing the bill from groups associated with Christian fundamentalism—that is, the Southern Cross Bioethics Institute, the Festival of Light, and the Australian Families Association. Such groups, I find, are never honest about where they are coming from, and in this case it is the same. None of them have indicated that they come from a Christian tradition. I would have more respect for the their views if they acknowledged that their starting point is the Bible and their interpretation of it—because that is what it is; it is an interpretation. Today is a somewhat unusual day. I am choosing to quote from the Bible, and I do so to demonstrate that surrogacy is a proud tradition in the Judeo Christian religion. Those with a Christian background might be aware that Jacob had two wives—and I do not think we will judge him for that—Leah and Rachel. Leah had managed to produce children, while Rachel was infertile. I am reading from Genesis, Chapter 30, verses 1 to 13:

And when Rachel saw that she bare Jacob no children, Rachel envied her sister; and said unto Jacob, Give me children, or else I die. And Jacob's anger was kindled against Rachel: and he said, Am I in God's stead, who hath withheld from thee the fruit of thy womb? And she said, Behold my maid Bilhah, go in unto her; and she shall bear upon my knees, that I may also have children by her. And she gave him Bilhah her handmaid to wife: and Jacob went in unto her. And Bilhah conceived, and bare Jacob a son. And Rachel said, God hath judged me, and hath also heard my voice, and hath given me—

the operative word here—

a son: therefore called she his name Dan.

And Bilhah Rachel's maid conceived again, and bare Jacob a second son. And Rachel said, With great wrestlings have I wrestled with my sister, and I—

again I emphasise the 'I'—

have prevailed: and she called his name Naphtali.

When Leah saw that she had left bearing, she took Zilpah her maid, and gave her Jacob to wife. And Zilpah Leah's maid bare Jacob a son. And Leah said, A troop cometh: and she called his name Gad.

So, although it was Zilpah who gave birth to the child, it was Leah who named him. It continues:

And Zilpah Leah's maid bare Jacob a second son. And Leah said, Happy am I, for the daughters will call me—

the operative word here is 'me'—

blessed: and she called his name Asher.

The Australian Families Association made an interesting point in its submission opposing the bill—one with which I actually agree—and that is its concern that people may be choosing to treat children as commodities. As I say, I agree with that; I have that similar concern. I have never been happy with reproductive technology for exactly the same reason; whether it be IVF or artificial insemination, I do not regard it as a right for people to have children. Nevertheless, I recognise that the technology is there and, if it is not made available, a black market will emerge and the only people who gain from that will be those who run the black market and the wealthy people who can afford to effectively buy the process of making children.

Reproductive technology does have huge financial costs for our economy, and it has emotional ones for those who go through it and still find they cannot conceive. By contrast, however, surrogacy does not cost the state anything. I do not believe anybody has a right to have children, but I do recognise that childless women will seek to have children of their own by other means. It is a reality that we have to deal with. I had intended, if we had got to the committee stage of this bill, to move an amendment so that it would be applicable also to people in a same sex relationship, but that will not be possible now that the bill will be sidelined to the Social Development Committee.

I was very perturbed to find that the Labor caucus has decided that, if push came to shove, it would prefer to defeat this bill. This is very much ducking the issue, because the parents of children who have been produced through surrogacy will continue to face the problems of not being able to enrol their own children in school and not being able to sign off on medical treatment for their own children. It is such a nonsense. However, I recognise that having the bill referred to the Social Development Committee is better than nothing, and I will therefore support it but, as one of my staff members responded when I told her that this was the decision of the Labor caucus, 'Why don't we just go out and get a bigger bucket of sand and we can all put our head in it?'

Members interjecting:

The Hon. SANDRA KANCK: I think we will need a big bucket of sand for the Labor caucus. I congratulate the Hon. John Dawkins on his humanity in recognising and acting on the plight of people in this situation.

The Hon. J.S.L. DAWKINS: I will be brief, but I want to make a few comments in relation to this matter. First, I wish to thank all those members who have made a contribution to this debate, being the Hons Nick Xenophon and Michelle Lensink, you yourself, sir, and the Hons Andrew Evans and Sandra Kanck. I also indicate my gratitude to the large number in this chamber who have spoken to me about this issue, some very supportive, some with, I think, mixed views about this issue. The great majority have spoken to me with some sincerity about the issue, whatever their views. I am proud of the fact that this is a conscience matter for the Liberal Party.

I was advised last week by members of the Labor Party that it would be having a party vote on it and that if I proceeded, as I wished, to take this to a vote today they would vote against it. However, I am grateful that a number of members of the Labor Party have seen merit in the consideration of this legislation, even if they do not agree with it entirely as it sits today. I am also appreciative of the fact that those members have, I think, persuaded caucus to allow them to talk to me and to suggest that it be referred to the Social Development Committee of the parliament.

I considered that at some length, and I talked to Mrs Kerry Faggotter (who has done so much work in relation to this issue) and I discussed it with some other people. I am happy to accept the amendment that you have moved, sir, and so I will be supporting that course of action in a few moments. I am assured by members of the Social Development Committee that there should not be any reason for untoward delay of this bill, and I am also assured that the committee members are keen to advertise this inquiry and to seek submissions and indications of people wanting to give evidence prior to the end of this calendar year and, hopefully, the committee can examine the matter thoroughly early in the new year.

I have also been encouraged by a couple of informal conversations I have had with minister John Hill. He has given me an assurance that he will have some work done on this matter, particularly in relation to his own personal knowledge of the Births, Deaths and Marriages Act. He said that he would also look at the overall matter in relation to surrogacy being legalised in this state. I look forward to that. Views have been expressed to me about this bill, although I would not say that there were a large number, despite the consultation which I as a private member have attempted to do. I refer to the Festival of Light and the Australian Family Association. Both groups have indicated to me quite clearly and in person, I might add, that they oppose my bill. However, I have to say that they were clear and open in the way they did that and, while I choose to have a different view from the view expressed by both those groups, I appreciate the honest way in which they did that.

There were other groups and some individuals who did not do that. Some of them wrote to my colleagues but not to me and made some fairly outlandish statements about what might happen if this bill was successful. I was disappointed about that because I thought that they could have given me the opportunity to put them right, so to speak. I did circulate this bill to the Heads of Christian Churches Committee in South Australia, through the head of that committee (as I was asked to do), and I must say that I have had no response from any

of the churches in relation to this bill. When the bill and the associated issues that are in the amendment are examined by the committee, I ask all members and members of the public who have an interest in this matter to give evidence to the committee, because I think that will only enhance the examination of what to me is a very important matter.

It is important to remember that, in this instance, we are talking about heterosexual couples who are either in a marriage relationship or in a de facto relationship that is considered under law in this state to be the same as a marriage relationship. We are talking about the people in that relationship benefiting from the wishes of a family member—that is, someone who has had children—and the fact that, in addition, no money will change hands in such an agreement. The baby would have the genetics of the commissioning parents. The comment that I should forget about this and tell these people to adopt a child has been made quite often. If we go back to the time prior to IVF being available to the community, yes, adoption was more prevalent, but now people have the opportunity to have their own genetics in a child.

This is another way in which people can bring up a child who is biologically theirs, rather than biologically belonging to someone else. In conclusion and in response to some of the things that may have been said in this chamber but certainly outside this chamber, the surrogates about whom I am talking are people who volunteer out of love and their wish that a relative of theirs may have the joy of their own child. I think we need to remember that when we hear some of the stories about all the terrible things that may have gone wrong in other parts of the world or where money has changed hands. We are not talking about that: we are talking about the situation such as that related to me in a conversation I had in the past 24 hours where an aunty, whose niece is not able to carry children, has provided the opportunity for her niece to hopefully have a child in the very near future.

Once again, I appreciate the time that members have put into this bill at this stage. I would have preferred the bill to pass through this council. If it had done that, it would have come to a dead stop in the lower house, so I am prepared to accept the amendment in the hope that this bill is given a very thorough and not speedy but considered examination by the Social Development Committee, and I trust that the members of the committee will do that. Having said that, I support the amendment.

Amendment carried; bill referred to the Social Development Committee.

STATUTES AMENDMENT (RELATIONSHIPS) BILL

The Hon. J.M.A. LENSINK obtained leave and introduced a bill for an act to amend the De Facto Relationships Act 1996, the Family Relationships Act 1975 and various other acts to provide for rights and duties to be extended to certain domestic relationships. Read a first time.

The Hon. J.M.A. LENSINK: I move:

That this bill be now read a second time.

This bill was introduced in its original form in 2004 by the Rann Labor government as the fulfilment of an election pledge following the adoption of it as Labor policy in October 2000. I refer to what the Labor Party platform stated for the 2002 election, as follows:

> Labor supports a comprehensive review of all state legislation to remove discrimination against gay, lesbian, bisexual and transgender people.

Further, it said:

> . . . to ensure that same sex relationships are recognised in the same way as heterosexual relationships in terms of the provisions of the Equal Opportunity Act.

Broadly, the government bill sought to extend to same sex couples a series of rights and responsibilities which currently apply to married couples and those in heterosexual de facto relationships. The areas of impact of the bill, which can be followed in greater detail in chapter 2 of the Social Development Committee report, are as follows:

1. General property rights (including stamp duty exemptions); binding agreements about property; property division upon separation; housing-related entitlements; and a new category which is exemption or partial exemption of certain land from land tax.
2. Rights as next of kin, which includes: inheritance, property and entitlement rights; rights to contest a will; rights to claim compensation if a partner is wrongfully killed; a right to veto cremation; a right to consent or refuse consent to organ donation and post-mortem examination; guardianship orders; rights if a partner is detained under the Mental Health Act; rights to consent to forensic procedures; problem gambling orders; criminal behaviour; domestic violence orders and common assault; and assumptions regarding principal place of residence.
3. Acts which come under the regulation of the professions, and there is quite an extensive number of those.
4. A large number of acts that come under the area of conflict of interest through being considered an associate, a relative, or the like, of someone who may need to declare their interest.
5. Relevant associations for corporate governance provisions; relevant associations for licence purposes, including items such as the Casino Act, gaming machines and so forth, and racing.
6. Financial recovery provisions under the Hospitals Act and the Environment Protection Act.
7. Some tidy-up provisions regarding state superannuation (and I point out that the bill does not extend any entitlements to superannuation but tidies up certain terms to describe types of relationships).
8. Rights under the Equal Opportunity Act; other rights relating to care which affect people who may reside in retirement villages or be captured by the Supported Residential Facilities Act.
9. Family responsibilities, such as the ability to take parental leave under the Fair Work Act.
10. Exemption from compulsion to give evidence against a partner.
11. Three rights which affect married people and heterosexual de facto couples as well as same sex couples, those being a reduction in the cohabitation period from five years to three years, changes to declaration procedures and changes to confidentiality provisions regarding declarations.

The history is that, as I have said, the bill was introduced in 2004. In the Legislative Council all Liberal and Independent members, including Family First, voted against government members to refer the bill to the Social Development Committee for further consideration. After reading and hearing all the evidence, Liberal members of the Social

Development Committee disagreed with the report of the Labor government members. Our concerns were that the bill deleted the term 'spouse' throughout South Australia's laws and categorised married couples under a new umbrella term of 'domestic partners', which included all de facto relationships and thereby potentially undermined the unique status of marriage.

Secondly, independent and denominational schools were at risk of losing some of their religious freedoms in regard to an existing right to discriminate in employment. Thirdly, in seeking to address only perceived discrimination against same-sex couples, we were concerned that effectively the bill ignored the issue of other people who might be in long-term caring relationships—the so-called group of people known as 'domestic co-dependants'. I was a member of that Social Development Committee. I sat through the evidence and I came to the conclusion that the opportunity to scrutinise that bill in great detail was very useful in allowing a detailed examination of its effects.

That committee received written submissions from nearly 2 500 individuals and some 60 organisations, including a large number of church groups. As a result of the Social Development Committee's actions, the bill was re-introduced into the Legislative Council in July last year with some amendments. The reference to 'spouse', which was proposed to be removed from statutes, was reversed. The independent schools issue was resolved, and 10 acts were added to the original list of 82 so that it became 92.

For the members of this chamber who sat through the long-suffering amendments which I moved, we were able to include people in domestic co-dependent situations to provide them with access to the range of measures that were proposed in the original bill. We did come across some difficulties in determining a model for domestic co-dependants in that the existing laws regarding de factos operate under what we call a 'presumptive model', that is, that, in order to establish a relationship, a set of criteria must be met and, if they are met, the couple is assumed to be a couple for the purposes of the law regardless of whether or not that is their wish.

We decided that, in terms of domestic co-dependants and in order to avoid the situation where house mates and so forth might be captured against their will, we would devise an opt-in model. That was also to avoid the issue of fraud, to ensure their intent, and so forth. We came up with a model (which is already identical except different in terminology) in the current De Facto Relationships Act: it is called a 'cohabitation agreement'. The amendments in the bill passed last year provide that a certified domestic relationship property agreement must be signed, which would establish that that was the intent of both parties.

The government completely ignored the issue of co-dependants, which was quite disappointing. The bill was passed in the Legislative Council at a late hour on Monday 21 November last year after extensive debate. At the time, two-thirds of Legislative Council members voted in favour of it. The Legislative Council's passing of the bill before Tuesday 22 November would have allowed the House of Assembly nearly two clear sitting weeks to deal with that piece of legislation. The Attorney-General introduced the bill in the House of Assembly on Thursday 24 November, and at that stage the House of Assembly still had a full week to pass the legislation.

As we know, the final sitting week can be a marathon affair when the government places a high priority on its own legislation, but the times that the House of Assembly adjourned are telling. On Monday of the final week the House of Assembly adjourned at 4.38 p.m.; Tuesday, 10.41 p.m.; Wednesday, 12.50 a.m; and Thursday, 7.11 p.m. In contrast, on its last day, the Legislative Council sat until 1.30 the following Friday morning. I note from the debate in the House of Assembly in that final sitting week that reference was made to a deal not to progress the bill. The Attorney-General rather disingenuously likes to blame the Liberal Party for it, but as his own Treasurer stated in *Hansard* 'the deal sticks'.

The bill was then listed for completion of debate on the final sitting day, Thursday 1 December. By this stage the parliament had run out of time. Clearly, the government did not want to sit late in order to deal with it. It had the opportunities and it would have had the numbers to pass it with the support of a minority of Liberals, but it did not. We had the election and the government was returned. During the election campaign the government quite clearly stated in writing that the bill would be introduced in the first session.

The first session of this parliament has been and gone, and I would have to say that it has not been a very heavy session of legislative agenda. We are now in the second session and we are still waiting for the hundreds of bills the Premier has been promising us. Parliamentary counsel has been able to redraft this measure in less than a week. I was very disappointed when, a few weeks ago, *The Australian* broke the news that it was the intent of crossbench members of this chamber to reintroduce the bill, and the Attorney-General chose to go into scare campaign mode and accuse the Hon. Sandra Kanck and me of having a radical bill which would include a great deal of additional clauses and which, I think, was designed to scare the churches.

As he had stated in his previous comments on the government's bill, the Attorney tried to have a bob each way and pretend to be a friend of the churches while believing in reducing the unconscionable hardship of people in same-sex relationships. Also, he said that church views should be considered. I do not disagree with that statement at all. In fact, the Social Development Committee did receive a number of representations from churches, and those views were well and truly aired. I must say that, had it not been for the referral of the bill to the Social Development Committee and the committee's examination of it (which this government resisted), the reference to 'spouse' would still not have been in the bill and neither would the independent schools have had their issue addressed.

I would like to see the Attorney-General stop playing games on this measure and be straightforward about what is really in it, which brings me to the point of what is in the bill. Anybody who cares to go through it chapter and verse will find that it is identical to the bill that passed last year, the only changes being that the test clauses, which reside in the amendments to the De Facto Relationships Act and amendments to the Family Relationships Act, have been moved to the front of the bill, so that they are the test clauses rather than appearing in alphabetical order. It then goes into alphabetical order following that.

I can report for the benefit of members that, because we have changed some legislation and some bills have now been gazetted, five bills have been added and five subtracted, so it is still 93. The Carers Recognition Act, which came into operation in December last year, has been added; the Criminal Law (Sentencing) Act has been added, and the relevant section is 9C, relating to sentencing of Aboriginal defendants, which came into operation in December last year.

The Fire and Emergency Services Act came into operation in October last year. The Heritage Places Act, section 38A, relating to ERD Court orders, came into operation in November last year, and the Road Traffic Act, section 9, relating to associates, was assented to in June this year. The following acts have been omitted from this bill: the Chiropractors Act and the Citrus Industry Act have been repealed, and the Physiotherapists Act has been repealed in favour of the Physiotherapy Practice Act.

There are also two acts in these areas that I flag and will need to discuss in greater detail with parliamentary counsel: the Housing Improvement Act and the Residential Tenancies Act have been omitted because there is a question of whether the definitions of a de facto partner and domestic co-dependant are incongruent with provisions relating to allowing a landlord to eject a tenant. We can examine that in due course and reach a decision.

The bill does not touch IVF or adoption. It is identical in all ways to the bill as passed. I will be happy to discuss the clauses in committee, but as the Hon. Nick Xenophon described in relation to his display advertising bill that he moved previously, we are just trying to get the government to hurry up and address this issue. I am not sure what the delay is for, as it is well outside the electoral cycle. I hope that the rumour that has been circulating, about which the Hon. Isobel Redmond, the member for Heysen, questioned the Attorney on 31 August, is incorrect. There is a rumour that the Attorney has done a deal with Family First that the bill will not be progressed in exchange for the Attorney not to have to face the re-establishment of the Atkinson/Ashbourne affair select committee. I find that an extraordinary set of circumstances if that is the case.

The Hon. D.G.E. Hood: It's slander and it's rubbish.

The Hon. J.M.A. LENSINK: It's slander and it's rubbish—I am pleased to hear that.

The Hon. B.V. Finnigan: It is a reflection on a minister of the crown.

Members interjecting:

The Hon. J.M.A. LENSINK: I don't think you want to go there. I am pleased if the government and Family First are happy to say that it is not true, because if it were it would insinuate that the government is quite happy to trade the rights of individuals in this state for political purposes to save somebody's skin.

In my concluding remarks I point out that this bill is not about sexuality but about equality before the law. It is about how two people choose to manage their own personal affairs, and as a Liberal I support those principles and commend the bill to the council. I move:

That standing orders be so far suspended as to enable the bill to pass through its remaining stages without delay.

Motion carried.

The Hon. M. PARNELL: The Greens are happy to be co-sponsoring this private member's bill, and we are doing so because of the disappointing lack of progress on the part of the government in reintroducing the Statutes Amendment (Relationships) Bill passed in this place last year. I have met with members of the Let's Get Equal campaign, as have other members of this place, and our line was quite simple: if the government did not reintroduce the bill that passed last time, then we would. I am very glad that the Hons Michelle Lensink and Sandra Kanck have joined in this initiative.

Whilst opposite sex partnerships are legally recognised in South Australia through marriage, de facto status or as putative spouses, same sex unions are not recognised in South Australia. This means that there are not the same rights, benefits or obligations on the part of same sex couples. The Greens view this as a simple matter of discrimination. It is a matter of equality and social justice; it is about fair and equal treatment. It goes to the heart of one of the most fundamental principles of the Australian Greens, namely, to eliminate discrimination in society. To go further, the Greens also support the legalisation of marriage and de facto relationships between two people, irrespective of their sex or gender identity. We support equal treatment of such relationships in law and in government policy. The Greens also support legal recognition for parents, including full parental rights, regardless of the sexuality, sex or gender identity of the parents.

We support equal access for lesbian, gay, bisexual, transgender and intersex people to adoption, fostering, artificial insemination, sperm donation programs and in vitro fertilisation procedures. Regrettably, this bill does not go that far; in fact, it does not go far enough for many members of the gay and lesbian community. However, it is one small step in the right direction towards removing some of the legislative discrimination against same-sex couples. The remaining issues we can deal with later.

Sadly, many same-sex couples have already left or are considering leaving South Australia because this is the only state that has not yet removed discrimination against same-sex couples in state law. The Greens believe that it is time for this situation to change and we are happy to co-sponsor this bill. We commend it to all members of the council.

The Hon. SANDRA KANCK: It was an election promise of the Democrats that, if the government did not reintroduce the relationships bill, we would. So, I am very honoured to be co-sponsoring this bill today. Why is it needed? Because the law discriminates against people in same-sex relationships in so many ways. We know that there are 80 different ways but, when people experience it, obviously that is when you notice it. Friends of mine, who have been in a same-sex relationship for more than 10 years, recently decided to rebuild their home. This meant demolishing the present one and starting afresh. It cost them $1 600 in stamp duty—money that would not have been payable had they been in a heterosexual relationship.

When we dealt with the bill in 2004, before it was referred to the Social Development Committee, I had an email from a lesbian couple who had been in a relationship at that stage for 12 years. They had their own home and lived a very normal sort of life; in fact, they said, 'Our lives are exactly the same as any other middle-class couple.' However, the problem that faced them was that, if anything happened to either of them, it would be up to their elderly parents, as next of kin, to make any medical decisions. In this case, one set of parents was aged 72 and 80 and the other couple was aged 75 and 83. Because we do not have equality for people in same-sex relationships, these elderly parents would bear the burden of making medical decisions for their very adult daughters. In making any decisions about this legislation, they call on members of parliament to please consider not only their relationship but also their elderly parents.

It ought not to be necessary for us to introduce this legislation at the moment. It is six months since the election, and only 11 sitting days of this chamber remain before the

end of the year, but still we are waiting for the government to introduce its own bill. I really question whether the government has a commitment to this legislation. Sadly, I have to repeat something I said at the end of 2002. In a media release, dated 20 November 2002, entitled 'Equal opportunity—when do we want it? (I think that the usual answer is 'now'), I stated:

> Labor, as part of its election platform gave a range of undertakings regarding its legislative change on Equal Opportunity—the catch is there is no timeline to these promises.
>
> At this rate we will go to the polls in 2006 without the promise of substantial Equal Opportunity law reform.

In fact, we did go to the 2006 election, as I postulated, and here we are, almost four years on from that time, yet we still do not have the legislation. As I say, I question the government's commitment. When the bill failed, due to lack of political will to progress it at the end of last year, the Attorney-General was interviewed on 5AA by Bob Francis, who asked:

> Anything you would have liked to have passed before the next election that didn't get through?

The Attorney-General answered:

> No. As Attorney-General I was happy with what we did get through.

Later on in the interview, Francis says:

> Yeah and I see. . . everybody seemed quite happy with those results yesterday?

The Hon. Michael Atkinson again says:

> Yes, I think it was an enormously productive last week of parliament. Everything that I aimed to get through got through.

When parliament was dealing with the relationships bill in 2004 and 2005, like many other MPs I received many emails, faxes and letters both supporting and opposing the bill. Of those who opposed it, some were reasoned and some were irrational. Some of the most irrational were from so-called Christians, and I say 'so-called' because of the level of judgment and hatred that was contained in the correspondence I received from them. Some of them argue that, as people in same-sex relationships are in a minority in our community, they should be ignored. My response to them was: tell that to the people with disabilities in this community. One of the emails that went to the Premier and was cc'd to the rest of the MPs said:

> You are only in power today because God has allowed it and that you will remain in power until He decides otherwise. In line with that, you and your government will be held accountable to God for you and their decisions.

I consider that to be the most incredible arrogance and paternalism. One of the emails we received was from a Dr John Potter, the Executive Officer of the Seniors Forum Incorporated, PO Box 86, Oaklands Park. He states:

> . . .is demonstrably clear that God cannot be pleased with homosexual activity for He created us male and female for reproduction—

and the word 'reproduction' is in big, bold letters—

> (be fruitful and multiply) not for sexual pleasure.

For the second time today, I will quote from the Bible. This is Genesis chapter 18 verses 9 to 12. At this point in the story in Genesis, God has appeared to Abraham in the guise of three men, and he invites them into his tent. This is where it begins:

> And they said unto him, Where is Sarah thy wife? And he said, Behold, in the tent. And he said, I will certainly return unto thee according to the time of life; and, lo, Sarah thy wife shall have a son. And Sarah heard it in the tent door, which was behind him. Now Abraham and Sarah were old and well stricken in age; and it ceased to be with Sarah after the manner of women. Therefore Sarah laughed within herself, saying, After I am waxed old shall I have pleasure, my Lord being old also?'

So beware having pleasure if you are not producing children. Dr Potter continues:

> Some men apparently find it worthwhile to penetrate another man's anus with their penis, but we say that is against natural law and abortive, as far as the purposes of God are concerned. What lesbians do in their spare time, we do not know (and do not wish to know).

I accept that people have different belief systems and different values to me, but I know that they give meaning to the lives of those people. I can readily accept that their views are different to mine, but I also believe that I do not have a right to force my values and belief systems on to another person. However, some people do consider that they have that right. Some such people attempted to foist their belief system on to me and others in this parliament in regard to last year's relationships bill. Some of them quoted the Bible to give backing and authority to their stance. At least they were honest about where they were coming from. I, too, will continue to refer to the Bible. There are only a handful—and I really do mean a handful—of references to homosexuality in the hundreds of pages of the Bible, yet people consumed by hate and bigotry use those references to justify continued discrimination against the non-heterosexual community.

The Book of Genesis is the principal source they use to bolster that prejudice. Let us continue with the story of Abraham. God, in the guise of these three men, has visited him and informed him that Abraham's wife, Sarah, will produce a son, despite the fact that Abraham is 100 years old and Sarah is postmenopausal. Having told them that, he tells Abraham that the sin of Sodom and Gomorrah is 'very grievous'. What exactly that had to do with Abraham and Sarah having a child I do not quite know but, nevertheless, he tells Abraham and Sarah that the sins of Sodom and Gomorrah are very grievous, even though he does not make it clear what those sins are.

I think it is also worthwhile, within the context of this, to recognise that Sarah was Abraham's half-sister—they had the same father, but not the same mother—but they were husband and wife. Again, we are not going to be judgmental about this, are we? Although she was his wife, at least twice (in my reading of Genesis), Abraham passed her off as his sister to other men, in one case resulting in sexual relations, for his own wellbeing and safety. But, I suppose for these fundamentalist Christians, that is okay, too.

We now change scenes, to the city of Sodom. A man called Lot is visited by two angels, who are later described as men, and Lot puts them up for the night. The house then is surrounded by a gang of men, the Sodomites. Genesis, chapter 19, verse 5 states:

> And they called unto Lot, and said unto him, Where are the men which came into thee this night? Bring them out unto us that we may know them.

I think anyone who knows the Bible realises that the word 'know' has a sexual connotation. This is where life gets very interesting, if one wants to be judgmental, yet I have never heard a Christian who uses this Biblical story to justify their bigotry acknowledge that this part even exists, let alone make any judgment about what Lot does. It continues:

> And Lot went out at the door unto them, and shut the door after him and said, I pray you, brethren, do not so wickedly. Behold now, I have two daughters which have not known man; let me, I pray you,

bring them out unto you and do ye to them as is good in your eyes; only unto these men do nothing, for therefore came they under the shadow of my roof.

So it seems that it is okay to send your virgin daughters out to be gang-raped. I find it so amazing that the people who use this section of the Bible to justify opposition to same-sex relationships can ignore this. All this is happening in Sodom. We then go to Genesis, again chapter 19, verses 24 to 25, as follows:

Then the Lord rained upon Sodom and on Gomorrah, brimstone and fire from the Lord out of heaven, and he overthrew those cities and all the plain and all the inhabitants of the cities, and that which grew upon the ground.

So, although we were told earlier that the sins of Sodom and Gomorrah were 'very grievous', we were never told what the poor people of Gomorrah did to Lot, to justify God wiping out that city. Just as this story continues—I will not read it word for word—it is also interesting to know that Lot and his daughters, after fleeing the city of Sodom, went to live in a cave for a while. According to this, the two daughters get dad drunk and they have sex with him, or he has sex with them, but it is the daughters' fault, you must understand. Anyway, what is a little bit of incest between friends?

I find it quite extraordinary that opponents of equality selectively use parts of the Bible to justify their vilification. Pick a bit out of this passage and ignore a bit in another, and then you can put together a pathetic little argument to justify what is an unjustifiable position. That great philosopher, John Locke, in a letter concerning toleration in 1689, had this to say:

. . . no private person has any right in any manner to prejudice another person in his civil enjoyments because he is of another church or religion. All the rights and franchises that belong to him as a man, or as a denizen, are inviolably to be preserved to him. These are not the business of religion. No violence nor injury is to be offered him, whether he be Christian or Pagan. Nay, we must not content ourselves with the narrow measures of bare justice; charity, bounty, and liberality must be added to it. This the Gospel enjoins, this reason directs, and this that natural fellowship we are born into requires of us. If any man err from the right way, it is his own misfortune, no injury to thee; nor therefore art thou to punish him in the things of this life because thou supposest he will be miserable in that which is to come. . . Nobody, therefore, in fine, neither single persons nor churches, nay, nor even commonwealths, have any just title to invade the civil rights and worldly goods of each other upon pretence of religion.

One of the other emails I received in 2004 came from a group called Saltshakers, which is ostensibly a religious group. I am not going to tell you the awful thing that was said to me in this email, because some things should not be put on the record. I responded to this man, saying:

You are an appalling man! I do not know who 'Saltshakers' is, but it is clearly a group based on bigotry, misinformation, hatred and fear.

And I asked him not to bother forwarding me any other information. I then sent it to some of my gay and lesbian friends, saying:

Literally, my stomach turned as I read it. The levels of hate were so palpable. Maybe you're used to it? But can you ever get used to it?

One friend replied:

Dear Sandra, Get used to knowing that people believe the world would be a better place if I was not here—not likely! but by the same token even less likely to lie down and submit to their hate, [A] few things in this world are worth fighting for and dying for, they are not power or religion or money or land; they are the right of every inhabitant of this planet to grow and develop and contribute to the best of our ability.

Suppressing one group of people in our society on the basis of what they do in bed is irrational. What is proposed in this bill is no different from what has happened in other states. When this bill—or, with any luck, a government bill—is finally passed, I assure members that the earth will continue to spin on its axis, the sun will continue to rise and set, and the tides will continue to come in and out.

The Hon. I.K. HUNTER secured the adjournment of the debate.

UNITED NATIONS POPULATION REPORT

Adjourned debate on motion of Hon. I.K. Hunter:

That the Legislative Council of South Australia—

1. recognises that—
   - (a) a report from the United Nations Population Fund (UNFPA) State of the World Population 2006—a Passage to Hope: Women and International Migration—was released on 6 September 2006;
   - (b) women constitute almost half of all international migrants worldwide-95 million or 49.6 per cent;
   - (c) in 2005, roughly half the world's 12.7 million refugees were women;
   - (d) for many women, migration opens doors to a new world of greater equality and relief from oppression and discrimination that limit freedom and stunt potential;
   - (e) in 2005 remittances by migrants to their country of origin were an estimated US$232 billion, larger than official development assistance (ODA) and the second largest source of funding for developing countries after foreign direct investment (FDI);
   - (f) migrant women send a higher proportion of their earnings than men to families back home;
   - (g) migrant women often contribute to their home communities on their return, for instance through improved child health and lower mortality rates, however;
   - (h) the massive outflow of nurses, midwives and doctors from poorer to wealthier countries is creating health care crises in many of the poorer countries, exacerbated by massive health care needs such as very high rates of infectious disease;
   - (i) the intention to emigrate is especially high among health workers living in regions hardest hit by HIV/AIDS;
   - (j) the rising demand for health care workers in richer countries because of their ageing populations will continue to pull such workers away from poorer countries;
   - (k) millions of female migrants face hazards ranging from the enslavement of trafficking to exploitation as domestic workers;
   - (l) the International Labour Organisation (ILO) estimates that 2.45 million trafficking victims are toiling in exploitative conditions world wide;
   - (m) policies often discriminate against women and bar them from migrating legally, forcing them to work in sectors which render them more vulnerable to exploitation and abuse;
   - (n) domestic workers, because of the private nature of their work, may be put in gross jeopardy through being assaulted; raped; overworked; denied pay, rest days, privacy and access to medical services; verbally or psychologically abused; or having their passports withheld;
   - (o) when armed conflict erupts, armed militias often target women and girls for rape, leaving many to contend with unwanted pregnancies, HIV infection and reproductive illnesses and injury;
   - (p) at any given time, 25 per cent of refugee women of child-bearing age are pregnant;
   - (q) for refugees fleeing conflict, certain groups of women such as those who head households, ex-combatants, the elderly, disabled, widows, young mothers and

unaccompanied adolescent girls, are more vulnerable and require special protection and support;

(r) people should not be compelled to migrate because of inequality, insecurity, exclusion and limited opportunities in their home countries;

(s) human rights of all migrants, including women, must be respected.

2. encourages-

(a) governments and multilateral institutions to establish, implement and enforce policies and measures that will protect migrant women from exploitation and abuse;

(b) all efforts that help reduce poverty, bring about gender equality and enhance development, thereby reducing the 'push' factors that compel many migrants, particularly women, to leave their own countries, and at the same time helping achieve a more orderly migration program.

(Continued from 20 September. Page 656.)

The Hon. M. PARNELL: As one of the newest members of the Parliamentary Group on Population Development, I am very pleased to be speaking to this motion. The motion arises from the report that other members have referred to, the 'State of the world population report 2006—a passage to hope: women and international migration'. I do not propose to repeat much of what was said by other members in their contributions. I would just like to cover a couple of the salient facts that came out of the report and reflect a little on the Australian response to the situation of women in developing countries. The first point I would make in relation to poverty is that woman make up 45 per cent of the world's work force yet account for 70 per cent of the world's population living in poverty.

Similarly, in relation to work, women in developing countries work on average 60 to 90 hours per week, provide between 40 and 50 per cent of household income world wide and provide 75 per cent of health care in developing countries and over 75 per cent of the food consumed throughout Africa. Women's unpaid work in the home, in agriculture and in the so-called unofficial sector often remains unnoticed by those who compile statistics, although it is estimated that possibly up to one-third of global gross domestic product is women's work. Contrast that with the fact that worldwide women are paid 30 to 40 per cent less than men for comparable work.

When we look at the situation of indigenous women we can see that they have the world's lowest rates of education and life expectancy but the highest rates of illiteracy, infant and maternal mortality and death from preventable diseases. Of the 1.2 billion people on this planet who are surviving on less than $1 a day, 70 per cent are women. Some 90 per cent of the 27 million workers in highly exploitative export processing zones are women, and most of them are aged between 16 and 25. These exploitative export processing zones are tax-free industrial areas for foreign companies in which labour laws are often suspended and workers go unprotected.

In relation to government, in 103 countries the proportion of women in parliament increased between 1995 and 2000, but still averages at only 14 per cent. That is just some of the background to this report. However, in relation to Australia's contribution to redressing some of these imbalances and inequalities, I refer members to the AusAID budget. In the AusAID commonwealth budget, we find that our foreign aid as a percentage of our gross national income (which is the index now being used) was 0.29 per cent, so less than one-third of 1 per cent for the 2005-06 budget. It is forecast to increase very slightly to 0.3 of 1 per cent in the next financial year. This amount of foreign aid is far below the United Nations' target, which is 0.7 per cent—in fact, it is less than half the target. This is a target that Australia agreed to at the United Nations' Earth Summit in Rio de Janeiro in 1992. The current targets are also well below the millennium development goal targets, which are half of 1 per cent of gross national income to be directed to foreign aid by the year 2010.

It is a matter of no pride that Australia is ranked 19 of the 22 wealthy donor countries. In fact, we are one of the lowest contributors. Countries such as Norway, Sweden, Luxembourg, the Netherlands and Denmark are amongst the most generous and they all give above the United Nations' target, whilst Australia languishes well below. I refer to one example of where our foreign aid budget is lacking, and that is in relation to aid for prevention of HIV and AIDS. The Australian Council for International Development calculates that, if Australia paid up on its commitment to the millennium development goals in relation to HIV and AIDS, we would need to increase our spending by $215 million a year. Compared to other rich countries, we are miles behind. Australia will give only about $3 per person to prevent and treat AIDS and HIV over the next two years, and this compares to $15 per person as the rate given by the United States, or $22 by the United Kingdom.

The interesting contrast is that, when it comes to domestic programs for HIV and AIDS, Australia was regarded as one of the leading countries in the world. With that brief overview of facts and that observation of the fact that we are not doing enough, I would urge all members to support this motion. I would urge members of the major parties at a policy level to get their parties to commit to both the interim millennium development goal target of half of 1 per cent and the United Nations' target of 0.7 per cent of foreign aid budget to be spent overseas; and, when preparing policy on these areas, to also have in mind the fact that aid should be genuine overseas aid and not just a siphon for Australian dollars to go to Australian consultants. I commend the motion to the house.

The Hon. J. GAZZOLA secured the adjournment of the debate.

CONTROLLED SUBSTANCES (SALE OF EQUIPMENT) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 20 September. Page 666.)

The Hon. M. PARNELL: Last week I took the opportunity of inviting Dr Alex Wodak, who was in Adelaide as a keynote speaker at an International Summer School on Inequality and Addictive Behaviour, to Parliament House for an informal session with members and staff concerning substance abuse. I was very pleased that a number of members attended and a number of other members sent their staff. For those who do not know, Dr Wodak is the Director of the Alcohol and Drug Service at St Vincent's Hospital in Sydney and he is one of Australia's most foremost experts in the field of drugs, the impact of drugs, and programs to deal with the impact of drugs. Dr Wodak's CV includes time as the President of the International Harm Reduction Association and, working with colleagues in Sydney, he helped to establish the National Drug and Alcohol Research Centre, the Australian Society of HIV Medicine and Australia's first

needle and syringe program, as well as the first medically supervised injecting centre.

When Dr Wodak was here, we took the opportunity to put to him a number of matters that are before the council to seek his views in connection with drugs, and I think what was most useful of all the things that he told us is a fairly simple three-step tool that he uses for assessing the merits of any drug policy. That three-step process involves asking the following questions:

1. What is the evidence that the program works?
2. What is the evidence that the program is safe?
3. Is it the most effective way to spend precious resources or are there other, more effective, ways to arrive at the same or a better outcome?

What I have attempted to do in relation to the Hon. Ann Bressington's bill is apply that tool, but it is not quite as simple as that because the bill itself is a complex document and, as far as I can tell, it has three separate strands to it, and I need to deal with each of the three separately. The three strands are: first, proscribing the sale of water pipes and bongs; secondly, proscribing the sale of hydroponic equipment; and, thirdly (and this is a third class of provisions in the bill which stands out for me), the proscribing of the sale of equipment to a child for use in connection with the smoking, consumption or administration of a controlled drug. I will deal with each of those separately and start by looking at the issue of the sale of water pipes and bongs.

The Greens believe that the ultimate objective of any drug policy should be to minimise drug-related harm, and that includes a whole range of harms. It includes crime and public nuisance, certainly it includes death, health problems, mental health problems, addictive problems, social costs and environmental damage. So, whilst I have some sympathy for the desire expressed in the Hon. Ann Bressington's bill to tone down some of the flagrant in-your-face, if you like, advertising of these items used for consuming drugs, I have seen no credible evidence that this measure will actually reduce any drug-related harm. In fact, in the banning from sale of water pipes and bongs I have concerns about the potential for an increase in harm in the community.

Already in the debate on this bill we have been provided with an enormous list of possible devices that could be adapted for use as a bong, including plastic drink bottles, cans, cartons, etc. For the record, I need to add another piece of equipment used for consuming drugs to that list, because I am told that it is possible to core an apple and use the cored apple as a device for consuming drugs. The point I make (and it is the same point as the Hon. Sandra Kanck and others have made) is that the alternatives to these proposed-to-be-banned devices are endless, and readily at hand.

I do not believe that removing commercial products from sale will actually have any impact on the numbers of people who consume cannabis in this way. If we take a harm reduction approach, as the Greens do, I would rather see people consuming drugs, if they are going to, using a safer commercial device than some dodgy homemade job such as a washing-up liquid bottle. It would have been great if the Hon. Ann Bressington could have spent some time with Alex Wodak when he was here in South Australia, because he provided very useful information about the alternatives to the commercial products that are sought to be banned in this legislation. So, I do not support those parts of this bill.

I will deal next with the second strand of the Hon. Ann Bressington's bill, that is, requiring the purchasers of hydroponic equipment to provide details prior to purchase. The main justification for focusing on hydroponic cannabis is the perceived significant increase in the THC strength of the consumed product—and I say that it is perceived because, despite the strong claims of some, it is contested by others in the field. But, even if the claims of the super-strength THC are true, consumers of cannabis are probably no different from consumers of cigarettes, and that is that they are seeking a certain effect from their activity, and they will continue to consume cannabis until they reach the 'high' that they are seeking.

Whether they use a small or a large amount is far less important. The analogy with cigarette smokers is, for example, when people started smoking cigarettes with a reduced nicotine content they ended up smoking twice as many cigarettes in order to get the same rush. I appreciate that I am probably referring to more experienced drug users, and I can appreciate the honourable member's concern when we look at younger and more experimental users, and they can very often underestimate the impact that a certain quantity of drugs might have on them if they consume it. It would probably be of some surprise to the Hon. Ann Bressington that I have much greater sympathy for this section of the bill, and I would be willing to support this section because I do not think it is likely to increase harm in the same way as the first strand, as long as certain safeguards are in place.

I take the Hon. Sandra Kanck's point about restricting backyard cultivators compared to, say, organised criminal gangs, but there is one caveat that I would place on that, and I do not think the requirement would be too onerous. I can imagine that legitimate growers may welcome a way to dissociate themselves from the more notorious aspects of the industry. Another qualification I have is as to how this information will be used by the police, and I am concerned that, by an individual placing their name on the register, this fact will be regarded by police as a cause for reasonable suspicion about the intended use of the equipment.

In balancing the needs for effective policing with individual civil liberties, the presumption always must remain that individuals will be assumed to be innocent. If this bill gets to committee, I will seek further clarification about the safeguards that will be in place. I do not support the final strand of the honourable member's bill in relation to the sale of equipment to a child for use in connection with smoking, consumption or administration of a controlled drug.

As those provisions are written, it could potentially include a range of paraphernalia that is often associated, for example, with the rave drug culture—things such as glow sticks or Chupa Chups that are used in connection with the consumption of a controlled drug. The intention may not be to capture those items in the legislation. I have no thought that the Hon. Ann Bressington sought to capture them, but I find it difficult to see how they can be excluded. The wording in that section is too broad. I think that it becomes practically meaningless as well as impossible to enforce.

It could also be used to prevent chemists from selling needles and syringes. I believe that is a dangerous step to take because it is exactly the young and the vulnerable our drug policies should be trying to keep safe from major harm, including the harm of HIV/AIDS and hepatitis C and B. Whilst I am not sure whether the Hon. Ann Bressington heard everything I had to say, I have sympathy with the second strand but I am not supporting the first and third strands. We will see where it ends up in the overall scheme of things. The Greens will not be supporting the entirety of the bill, but we

will consider supporting certain sections of it that relate to the sale of hydroponics.

The Hon. J. GAZZOLA secured the adjournment of the debate.

[Sitting suspended from 6.02 to 7.49 p.m.]

EDUCATION (RANDOM DRUG TESTING) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 30 August. Page 556.)

The Hon. I.K. HUNTER: I rise this evening to express the government's opposition to this bill, which would require schools to undertake a random drug test of each student aged 14 years or over on at least two occasions in each calendar year. Following such a test the school would be required to report the results to the parents of the student. A student unwilling to participate in such testing could be suspended from school. While well intentioned, this bill is simply not based on the best available evidence on effective school based drug prevention. Indeed, it may even result in increased harm for young people, thereby defeating its very purpose. There is no evidence that routine drug testing of school students provides better outcomes, such as reduced prevalence of drug use, than the methods currently employed by schools.

In providing this council with examples of student drug testing in the US, the honourable member (Ms Ann Bressington) has failed to mention that many of these testing programs have been assessed as lacking in evidence. The only formal study to claim a reduction in drug use was suspended by the United States federal government for lack of sound methodology. In fact, the author of the suspended study now agrees that student drug testing is flawed, stating in the *New York Times* in 2003:

> Schools should not implement a drug testing program until they're proven to work. . . They're too expensive. It's like having experimental surgery that's never been shown to work.

Where sound and comprehensive studies exist—and the University of Michigan conducted a very thorough study in 2003—the authors conclude that there is no difference in rates of drug use between schools that have drug testing programs and those that do not.

More effective strategies to reduce drug misuse amongst school students are available. DECS has developed a program called 'Intervention matters'. This policy outlines responses to suspected drug related incidents in schools and articulates that 'the philosophy for intervention into suspected drug related incidents is underpinned by student welfare, the principle of natural justice, the need for constructive partnerships and the recognition of the need for follow-up and support procedures'. In addition, the report highlights:

> The goal of managing any suspected drug related incident is to ensure the well-being and future educational careers of the students involved, as well as the well-being and educational careers of the whole student community and staff.

Further, it states:

> The successful management of a suspected drug related incident within schools is a response to the student's behaviour, not only a response to a particular drug.

In recent times we have seen a significant decrease in drug use amongst South Australian school students aged 12 to 17 years. There has been a significant decrease in the proportion of 12 to 17 year olds reporting having ever used various drugs. There has been an approximate 5 per cent decrease in alcohol use, a 15 per cent decrease in tobacco consumption, an 8.5 per cent decrease in cannabis use and almost a 3 per cent decrease in amphetamine use. These results indicate that the current mix of strategies being supported by the South Australian government is having a positive impact on drug use among students. We should be looking to increase the capacity of these proven and effective strategies rather than investing in unproven student drug testing programs.

There are other problems, of course, with legislation of this kind, not the least being the self-evident curtailment of the civil rights of students. Not only is such an infringement wrong in and of itself—and I am sure many in the opposition would agree with me—it may even achieve the opposite effect to the one intended.

Schools seek to promote trust between teachers, students and parents and create an environment where students can address fears, concerns and issues. Positive relationships between students, parents and teachers can be seriously undermined by drug testing procedures. Many schools are already dealing effectively with drug use by providing counselling to students, supporting parents, providing special programs for vulnerable students and involving police where appropriate.

It is vitally important for parents and teachers to build and maintain relationships with children that encourage the open discussion of any issues in children's lives that are creating difficulties, including their exposure to or experimentation with drugs. It needs to be emphasised that encouraging young people to stay at school and fostering connection to the school environment are important protective factors in reducing drug misuse amongst young people.

Importantly, another factor that should be considered when addressing this bill is that students may engage in alternative and more risky drug use in order to avoid detection, or use masking agents to evade detection, exposing students to greater harm due to the unpredictable effects of the substituted drugs. Researchers examining the impact of student drug testing in the USA have argued that this is not an unreasonable hypothesis. There are other concerns, of course, including the efficacy of testing methods themselves and, for these reasons, I oppose the bill and encourage other members to do the same.

The Hon. R.P. WORTLEY secured the adjournment of the debate.

STATUTES AMENDMENT (PROHIBITION ON MINORS PARTICIPATING IN LOTTERIES) BILL

Adjourned debate on second reading.

(Continued from 31 May. Page 230.)

The Hon. I.K. HUNTER: The government does not support this bill. Our opposition is not based on a rejection of the idea it espouses but, rather, because events have overtaken it and it has become redundant. The government's plans are by now quite well known. On 3 June 2006, the government announced that it would introduce legislation to increase the minimum age of participation in lotteries from 16 to 18 years. Further (and this is not a feature of the current bill), the government seeks to increase the penalty that applies

to anyone assisting a person under the age of 18 to participate in a lottery.

The government is in the final stages of completing a review into the regulations in relation to the Lottery and Gaming Act 1936. Last year, 1 000 licensees were contacted and their views canvassed on a number of potential changes to these regulations, including those relating to the minimum age. The government will use the results of this review to form its changes to the regulations. The Hon. Mr Xenophon's bill assumes the existence of regulations which may very well change in the near future. The government proposes changes to the minimum age as part of a broad suite of changes. Therefore, the government opposes this bill which, while well intentioned, will be made redundant by the government's previously announced legislative program.

The Hon. B.V. FINNIGAN secured the adjournment of the debate.

TOBACCO PRODUCTS REGULATION (CLEAN AIR ZONES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 20 September. Page 670.)

The Hon. D.G.E. HOOD: I rise to indicate Family First's support for the Hon. Sandra Kanck's bill to ban smoking in certain public places. We heard some interesting arguments from the government and the opposition on the bill and, without stealing the Hon. Sandra Kanck's thunder in her summing up (which I expect will follow in the near future), I seek to briefly address some of those arguments.

First, let me say that Family First's policy concerning illicit drugs is one of zero tolerance. Before anyone interjects, we know that cigarettes are not illicit drugs, but it would be ignorant of a political party to hold such a policy without decrying wide-scale, unrestricted consumption of what society has deemed to be legal drugs, such as alcohol and cigarettes. The misuse of both of these legal drugs has a significant impact on our health system with cigarette smoking, for instance, being one of the primary causes of death in Australia.

It is also trite, but important, to note the significant proportion of motor vehicle accidents that occur on our roads due to excess consumption of alcohol. I do struggle to comprehend sometimes the harm minimisation argument, to which Family First does not subscribe. We far prefer harm prevention. The old maxim that prevention is better than cure will never, in our view, be outdated. We find it hard to understand how some harm minimisation proponents can be tough on drugs like cigarettes and alcohol but slack on marijuana and amphetamines, for example. It sometimes seems like they are happy for people to take illicit drugs but want to stamp out the misuse of legal drugs.

A government that adopts a harm minimisation strategy has to realise that 'harm minimisation' is another phrase for 'government permission'—in a sense, anyway, and indeed, government consent at some level. The government would effectively be saying, 'Just try your hardest not to hurt anyone else through harm minimisation.' In one sense, that is what it does say. Family First calls upon the government to walk the harm prevention line instead. South Australia and, indeed, Australia, is leading the way worldwide in the anti-tobacco Quit campaign. I hope that history will one day allow us to be proud that we took positive steps to remove this blight on our society and, indeed, the increased health risks that are associated with it.

Public smoking bans, such as those proposed by the Hon. Sandra Kanck, are not new worldwide. A number of countries have bans very similar to those proposed by the honourable member in this bill. Though this bill appears lost, according to the other indications of support (or lack thereof) that have been indicated in this chamber, nonetheless, I think that this parliament should hear from the crossbenchers that there is a desire to pass these sorts of measures. Certainly, on Family First's part, we indicate to the government (or the opposition, if it should win government at the next election) that we will have little trouble in passing bills such as this one, as the government also found in passing the tobacco products regulation bill earlier this year. I do hope that the tobacco industry sees that life is only going to get tougher, not easier, for it in South Australia for at least the next 3½ years.

I turn briefly to some of the arguments raised by the government and the opposition in speaking against this bill. Some claim it is the responsibility of local councils to pass laws banning smoking, but my question is: who enforces them—council compliance officers, for example? My understanding, from experience, is that in some council areas regulatory enforcement is not top of the agenda. However, SA Police has only one task, and that is enforcing the law. This bill would enable SA Police to notify people and some places (where I note they would already have a significant police presence anyway), and they are those places specified in this bill—for example, the Royal Adelaide Show and the Christmas Pageant. Frankly, they would be one of the easiest notices that a police officer could ever make. I observe that there tend to be younger officers patrolling the Christmas Pageant and the royal show, and the like, and, therefore, giving fines to smokers in these particular circumstances would be a good introduction for them into the world of policing.

The Hon. A.M. Bressington: And raise more money.

The Hon. D.G.E. HOOD: That is certainly true. That might seem a little crude but, overall, our attitude regarding public events like this is: why not ban smoking in those places? I think the Hon. Sandra Kanck and the Hon. Nick Xenophon are right: the wrong message is being sent to our children who are present at these events, when they see mum or dad, or anyone else, smoking cigarettes. Certainly it is harmful to their health if they are in the near vicinity.

We think the perception issue is more persuasive than the health concern underpinning this bill, at some level. Smoking in the open air, I think, is much less likely to result in a passive smoking problem for people—although, of course, it is possible. There is merit in arguing that it disturbs the convenience and comfort of other people. Sure, a rare few might react badly, such as the Hon. Mark Parnell, who indicated that he had a bad reaction and 'lost his lunch'—I believe they were his words.

The Hon. Sandra Kanck interjecting:

The Hon. D.G.E. HOOD: Yes, that is right. However, the perception issue, as I say, is a much stronger point, in our view. I turn to one other point, and that is the concern raised by some of the organisers of the Royal Adelaide Show and other events that have been singled out by this bill. They have been singled out because they are major events in South Australia where children will be present, and that is the key aspect, as I understand it, that underpins this bill.

Notwithstanding that, the bill allows the minister, by regulation, to prescribe other events where a smoking ban

may be put in place. So, whilst they have been specified in the bill, they are not singled out as being the only events that could be affected by this bill. I contemplate, for instance, a large concert, or maybe Christmas carols near the Festival Theatre, or the Sky Show, or something of that nature which could also be affected by regulation under this bill. It does not take too much imagination to think of other events the minister could prescribe by regulation. The show and the pageant are simply the stand-out candidates which, I think, is quite understandable. But the bill clearly contemplates the regulation of other events focused upon or involving a significant portion of children.

Regrettably, this bill looks to be lost, but I encourage all members to turn their minds to ways that we can get the no smoking message out to South Australians and, in particular, our children. For the sake of their wellbeing and the future economic wellbeing of this state it is every important. The health consequences, as we know, are quite dire, so I commend the bill to the council.

The Hon. SANDRA KANCK: It is disappointing to hear that both the Labor and the Liberal parties will be opposing this legislation. In her contribution the Hon. Ms Lensink said that local government is already empowered to make by-laws on this issue. I am aware of only one local council entity that has grasped the nettle on this issue. I really believe it is important for the minister to show courage in relation to this and not just sit back and expect local government to do it. I do know that in the past, at least, there has been a problem for local government in policing legislation such as this and others. Although it may be a local government inspector, for instance, who sees a shop owner selling cigarettes to a minor, when they apprehend them they do not get to keep the fine.

In the past, I have moved amendments to tobacco legislation to ensure that the local government entity that apprehends the person committing the offence retains the fine. In that way I think there is a real incentive for local council inspectors to take this up. I think that partially, at least, that answers the question of the Hon. Michelle Lensink as to how these things would be policed.

The Hon. Ms Lensink quoted from a letter to me from the Royal Agricultural and Horticultural Society of South Australia. I had written to them to point out that I had introduced this legislation. I have been informed, despite what they said in that letter to me, of people who have written to the show with complaints about cigarette smoking. After this most recent Royal Adelaide Show I received an email about smoking at the show. This person informed me that she was at the show on Saturday 2 September and, as she walked through the Atrium Food Court, she counted no fewer than five smokers. When she spoke to them about smoking and pointed out that it was a non-smoking area, a number of them said they were just passing through the area and that it was okay. She found the same argument when she encountered a smoker in the Wayville Pavilion who also said that he and his female companion, who was also smoking, were on their way out. As she says:

> I do not see why 'passing through a building' could be used as an excuse for not butting out. If those people were walking through Parliament House would they have beeen allowed to do the same thing?

She goes on to say:

> Worse still, why is the Royal Show management defending their policy when it has obviously failed? And our politicians do not seem to be concerned by the damage that passive smoking generates.

I do note, however, that the Royal Show Society does have a smoking code, and I applaud it and all employers who do take their duty to staff seriously. Most people do not take action on smoking to the extent where they will formally lodge a complaint, but just because an organisation does not receive large numbers of complaints does not mean that no-one cares or is affected by environmental tobacco smoke.

In proposing two specific events in my bill, namely, the Royal Adelaide Show and the Credit Union Christmas Pageant, I have chosen two particular events that involve a lot of children. In response to the Hon. Ms Lensink, yes, I definitely have singled out the show because, although they may argue that they are not targeting children, there is no doubt that it is the show bags and rides that attract children. There are many adults at the Royal Adelaide Show who are there because their children have dragged them along, not because they are there of their own volition. As the Hon. Mr Hood has pointed out, the bill envisages that the minister would be able to use the regulation-making powers of this bill to name other events. Glendi might be one, for instance, as the Hon. Ms Lensink has asked, although I am not so sure that that is an event that is targeted at children.

The Hon. Ian Hunter on behalf of the government argued against the bill on the basis that environmental tobacco smoking in enclosed areas is much worse than in the open. That is a fairly obvious scientific fact, but it ought not to stop us dealing with the issue of environmental tobacco smoke in the open. A former Democrat candidate, campaign director and friend, Sue Meeuwissen, became a passionate clean air advocate after her heart-lung transplant, which left her with a life with asthma. Sue was a champion in Australia for the equal opportunity of people living with a sensitivity to tobacco smoke. Even attending routine hospital appointments became impossible for Sue in Adelaide after she was exposed to smoke outside the Women's and Children's Hospital. Indeed, my interpretation was that the exposure to that environmental tobacco smoke, where people were standing at the doorway smoking was responsible for the downhill run she had, resulting in her death. She was forced to return to Victoria where she felt her medical care was better understood, including her need to have those routine appointments in an accessible place. Unfortunately for Sue, running the gauntlet through tobacco smoke was not possible for her and she died six years ago.

So, six years after Sue's death, South Australia is still dragging its heels on implementing full hotel bans on smoking. During the election campaign, as I have done previously, I flagged the addition of a ban on smoking in cars where children are passengers. That has been taken up in other countries but not yet here in Australia or South Australia. It was not in this bill, but I do consider that this is a public health measure that is worth implementing. I thank the members who are supporting this bill. It seems that the smaller parties understand this issue much more than the large, monolithic, long-established parties. The smaller parties and the community at large are ready for such measures, even if the elected members of the two major parties are not. This is part of the Democrats' harm minimisation approach to the use of drugs. In 2006 in South Australia people in our community are running the gauntlet of environmental tobacco smoke to attend their business in government offices, catch their buses and enter their workplaces. Tobacco is a legal product; using it should be a choice and not an imposition.

The council divided on the second reading:

AYES (5)

Bressington, A.	Evans, A. L.
Hood, D.	Kanck, S. M. (teller)
Parnell, M.	

NOES (12)

Dawkins, J. S. L.	Finnigan, B. V.
Gago, G. E.	Gazzola, J. M.
Holloway, P. (teller)	Hunter, I.
Lawson, R. D.	Lensink, J. M. A.
Lucas, R. I.	Ridgway, D. W.
Wortley, R.	Zollo, C.

Majority of 7 for the noes.

Second reading thus negatived.

UPPER SOUTH EAST DRYLAND SALINITY AND FLOOD MANAGEMENT (NATURAL RESOURCES COMMITTEE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 31 May. Page 237.)

The Hon. A.L. EVANS: Just briefly, I rise on behalf of Family First to respond to the Hon. Sandra Kanck's bill. The Hon. Ms Kanck is rightly concerned about the work load of the Environment, Resources and Development Committee, which is indeed a very busy committee. The bill seeks to remove oversight of the Upper South-East Dryland Salinity and Flood Management program from the ERD Committee to the Natural Resources Committee. It is assumed that the Natural Resources Committee would be better equipped to deal with the Upper South-East program. In reading other second reading contributions, at this stage Family First is swayed by the remarks of the Minister for Environment and Conservation.

Since the establishment of the reporting arrangements, the ERD Committee has been receiving regular quarterly reports, along with detailed briefings and submissions from interested parties. A degree of community knowledge and experience would be lost by transferring the responsibility to another committee. Moreover, the proof is in the pudding, and I agree with the minister's remarks that, to date, the ERD Committee has worked apparently very well and efficiently. Accordingly, Family First will not support the bill at this stage.

The Hon. R.P. WORTLEY secured the adjournment of the debate.

SUMMARY PROCEDURE (PAEDOPHILE RESTRAINING ORDERS) AMENDMENT BILL

The Hon. D.G.E. HOOD obtained leave and introduced a bill for an act to amend the Summary Procedure Act 1921. Read a first time.

The Hon. D.G.E. HOOD: I move:

That this bill be now read a second time.

This bill arises out of negotiations that Family First has had with the government in relation to the Child Sex Offender Registration Bill. We indicated via the Hon. Andrew Evans that we would seek an amendment to the bill, including a ban on paedophiles using the internet. We accept that the government did not want to tinker with this bill, and we did not want to be the ones who caused the bill to be unnecessarily delayed. It was an important bill, and South Australia has lagged behind other states in order to introduce this register. So, in withdrawing our amendments, the Attorney-General has indicated that the government believes that our idea is sensible and will have the government's support. Family First thanks the Attorney-General for his cooperation in this matter. The bill therefore seeks to amend division 7 of part 4 of the Summary Procedure Act, which is the part that deals with restraining orders. In particular, the bill addresses section 99AA, which contains the paedophile restraining order provisions.

The bill will expand the court's power to make paedophile restraining orders. At present, these restraining orders can be made only if the police can produce evidence that a convicted paedophile has been loitering around children. This, of course, can be very difficult to prove. Of course, this section of the act is 10 years old, and times have changed significantly. Nowadays, predatory behaviour by paedophiles occurs to a significant extent online with a view to meeting children in the real world. Some behaviour is exclusively online, for instance, the circulation of child pornography. I have heard it said that viewing child pornography is direct abuse on the child concerned, and Family First agrees wholeheartedly with this statement. It is a disgusting practice, and this state must do more to ensure that it stops, and stops immediately.

With the passage of the Child Sex Offenders Registration Bill imminent, we will have a new aspect of law concerning paedophiles, which means that there is merit in reviewing the Summary Procedure Act provisions concerning paedophile restraining orders. First, a person's entry on the child sex offender registry would replace the various definitions of relevant prior offences to put someone at risk of receiving a paedophile restraining order. I thought the government might have addressed this in the Child Sex Offenders Registration Bill, and I see this as a natural consequence. Secondly, I want to add that the section will still require a police complaint for an order to be created. I want to record in *Hansard* that the clear intention is that, when a paedophile is being sentenced for offences that will see him or her entered on the child sex offenders registry, the police or the Director of Public Prosecutions ought to lay a complaint to obtain a restraining order if loitering around children or internet use was a factor of the relevant offending. That is a very important part of this bill. If a judge or magistrate is satisfied that there is merit in banning an offender from using the internet—or, indeed, some parts of it—the judge or magistrate can make such an order.

As the Hon. Andrew Evans said in his second reading contribution concerning the Child Sex Offenders Registration Bill on Thursday 21 September 2006 (and I encourage those reading *Hansard* in future to refer to that speech), the ban might be a ban from using chat rooms, picture swapping sites, etc., or it might be a total ban, and the important thing to note is that that aspect of this bill would be completely at the discretion of the judge or magistrate hearing the case before them.

This bill also creates power for the police to enter the premises of the offender once a year, to ensure compliance with the law. Governments ought to make life easier for the police, not harder. It seems to me that the police have a thankless job as it is, let alone being left with laws that we make in this place that can sometimes be very difficult to enforce. We believe it is responsible, where enforcement would be difficult otherwise, to pass legislation that enables the police to enforce the law effectively.

Of course, the police will be able to conduct surveillance online but, regrettably, with the level of anonymity encour-

aged on the internet, the police will not know who they are dealing with worldwide. Chat rooms do not tend to be geographically centred but rather exist in the ether, if I can use that term, of cyberspace. We need to give the police powers to go into the real world, into the specific homes concerned in South Australia, to 'bust' (using that term) paedophiles if they are not complying with the internet bans imposed upon them.

The reality is that not every police officer is sufficiently trained to look at a paedophile's computer and know what they have been up to. If someone is breaching their internet ban, I am sure they will use whatever means they can to cover their tracks. Hence, our bill allows the police to seize a computer, with return of that machine within a reasonable time frame, to forensically examine its contents. Family First has the e-crime branch of SA Police in mind. It ought to have the expertise to crack open a computer to find out whether someone has been breaching their internet ban restraining order. Indeed, they might find material to assist them with other investigations when they are so doing. In the break between sitting weeks we will consult with the Minister for Police as to the workability of the bill for SA Police. The bill might therefore be amended so that it accords with the SA Police desires for enforcement, and we are certainly open to that.

Earlier this week *The Advertiser* reported on a person who is the first to be banned from using public transport under a control order. The concept of banning certain behaviour where a court's view is that the community's protection is at stake is fairly new to this state but still a direction in which we are heading. There is overseas precedent for this kind of move. In the United Kingdom and the United States of America, to be specific, internet bans on paedophiles are a matter prescribed by legislation. In the United States, the Adam Walsh Child Protection and Safety Act 2006 is a matter for review and potential implementation. In the United Kingdom, judges are routinely imposing internet bans—and I mean routinely—particularly on child sex offenders who use the internet in the commission of their offence. Legislation has just been passed in the United Kingdom supporting this judicial approach.

I repeat the examples that the Hon. Andrew Evans cited last week. First, as recently as 15 September this year *The Guardian Online* talked about a 57 year old South-East Londoner who was convicted of having more than 480 000 inappropriate images of children on his computer, and almost 2 000 videos, including one of a baby who was just a few months old. The judge gaoled the man for a minimum of 4½ years and banned him from using the internet for life. Secondly, *The Register Online* of 22 July 2004 tells the story of a convicted paedophile who was banned from internet chat rooms for 10 years after pleading guilty to possessing and distributing images of child abuse involving boys as young as 18 months old. He was gaoled for 2½ years.

Thirdly, and finally, a BBC News report of 16 January 2004 mentions a 37 year old man who lured a 14 year old girl into having sex with him after grooming her via an internet chat room. The story explains that he was gaoled and banned from using the internet for five years. As members can see, this bill, like the bill in the United Kingdom, allows for various sentences, various lengths of bans and various specific bans, that is, from specific sites and the like.

The concept of banning paedophiles from using the internet is therefore nothing new. Some critics have said that the bans are all well and good but how can the police actually enforce them? As I have said, we have gone further in adding police powers to view and, if necessary, seize the computers of alleged offenders. We will consult with SA Police as to whether that power is necessary and to what extent it is necessary. It may be that a general search warrant allows such monitoring to occur on its own.

The bill signifies that South Australia is doing two significant things. First, it indicates that we as a state are being a good citizen in the global village—a global village that depends, these days, on the internet. We are restricting our paedophiles so that, for instance, internet users worldwide do not have to worry about our convicted sex offenders preying on line. That relates to the second point, which is that, by passing this bill, not only will we lead the nation but also we will be amongst the leading pack in the world in taking this approach. These bans are happening elsewhere in the world and, certainly, it is the right direction in which to be heading. In most senses the internet is an amazing resource—a tool that is radically changing society, perhaps only parallelled in recent centuries (in terms of technological influence, any way) by the industrial revolution.

It also enables the full spectrum of good and bad things in this world to be accessible from the kitchen tables and home studies of Australian families. Internet lovers proclaim the virtue of the freedom of the internet and prefer that it be left alone by governments. It seems that some think that internet access is some sort of absolute right, and I have no doubt that some will protest loudly about the sanctions in this bill. To those people Family First says that other countries are doing it and, as the world shifts to an increasingly significant internet presence, we must act as responsible citizens in the global village.

If we are irresponsible we will pay the price, and I do not think that any member in this or the other place honestly believes that allowing certain convicted paedophiles unrestricted internet access is desirable in any way whatsoever. Paedophilia is a scourge on our society, and we must do everything we can to stamp it out. God help us if the excessive liberalism of the Netherlands comes our way, where paedophiles have formed a political party to try to legalise their disgraceful activities. If members look at the age of consent worldwide, they will get a profound shock at how low it is in some countries; and, in some cases, countries one would expect should know better.

The time is right for this state to take a stand against paedophilia, to send a message to the world and, indeed, to the citizens of our state that our society abhors paedophilia. Parents must be responsible in monitoring how their children use the internet, but we accept that with more mobile devices that are internet enabled it is much harder for parents to do so than ever before. Banning paedophiles from using the internet or parts of it (as is possible under this bill), coupled with police powers to ensure compliance, is, in the view of Family First, the best way of protecting children who use the internet. In our view, this bill is visionary and will serve to protect not only South Australian families but also families in this great nation and, indeed, across the world. I commend the bill to members.

The Hon. I.K. HUNTER secured the adjournment of the debate.

ADJOURNMENT

At 8.32 p.m. the council adjourned until Thursday 28 September at 2.15 p.m.