LEGISLATIVE COUNCIL

Wednesday 18 June 2008

The PRESIDENT (Hon. R.K. Sneath) took the chair at 14:17 and read prayers.

LEGAL PROFESSION BILL

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:18): I seek leave to move a motion without notice concerning the conference on the bill.

Leave granted.

The Hon. P. HOLLOWAY: I move:

That the sitting of the council be not suspended during the continuation of the conference on the bill.

Motion carried.

LEGISLATIVE REVIEW COMMITTEE

The Hon. J.M. GAZZOLA (14:19): I bring up the 21st report of the committee 2007-08.

Report received.

QUESTION TIME

GLENSIDE HOSPITAL REDEVELOPMENT

The Hon. J.M.A. LENSINK (14:20): I seek leave to make a brief explanation before asking the Minister for Environment and Conservation a question about heritage.

Leave granted.

The Hon. J.M.A. LENSINK: I was advised this morning that demolition works have begun at the Glenside site on a building known as the old laundry. I am also advised that the City of Burnside commissioned a heritage report on the Glenside site and recommended at its meeting last night the immediate state heritage listing of three buildings, including the old laundry building. Furthermore, this government itself, in a conservation plan of the Glenside Hospital by Bruce Harry and Associates in September 2003, recommended that this building be placed on the State Heritage Register. Why is the minister's department deliberately seeking to demolish heritage when two separate levels of government have recommended its heritage listing?

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (14:21): Oh, what absolute mischief making! On 17 June 2008 I announced that the first visible work on the Glenside campus site had commenced with the deconstruction of a disused shed to make way for a temporary building to house administrative staff during the transition phase of the construction of the new health facility.

I am advised that the decommissioning of this shed commenced on Monday of this week. I have also been advised that the shed being removed has no heritage listing, state or local. So, when the decision was made, I am advised there was no heritage listing, state or local. I have been advised that the heritage assessment in the area and on that site did not recommend listing. So, the advice I have is that the building has no heritage merit. On the matter of heritage, I am advised that SA Health is not aware of any plans by the local council. It is interesting that a resolution was passed last night, when decommissioning started on Monday.

I have also been advised that South Australia Health is not aware of any plans by the local council to seek heritage consideration for this shed. As I have stated many times, the government will retain all state heritage listed structures on the Glenside site. I have said that—

Members interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO: I am advised by SA Health that all appropriate approvals have been received to undertake this minor work. Obviously, the more significant step of starting demolition of the outdated health facilities is yet to occur. So, we can see that there is mischief afield. To try to make decisions retrospectively is completely misleading. I am also advised that the

old laundry is, in fact, a different building from the building that is currently being demolished. Apparently, this old shed was once used as a laundry, but it is not that old laundry building.

As I have said, I gave a commitment right from the outset that all state heritage listing of buildings would be upheld, and my commitment in that regard continues. However, I am not going to have mischief-makers trying to sabotage what is a massive reform agenda of our state's mental health system.

The Hon. P. Holloway interjecting:

The Hon. G.E. GAGO: As the honourable member says, there is reckless self-interest in terms of prospective property values. This government does not resile from its commitment to reform what we inherited, namely, a completely outdated and outmoded mental health system. It is an absolute disgrace that the former Liberal government neglected our mental health services and infrastructure. This government has given a commitment to reform our mental health system right across the state. We will rebuild, restructure and relocate our services. We are committed to—

Members interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO: We have put our money where our mouth is. We have committed $107.9 million to rebuild, relocate and restructure our mental health system, and it is something of which South Australians can be proud. As I said, we inherited an absolute disgrace from the former Liberal government. However, not only did it neglect these services and health care consumers when it was in government but it is now the mouthpiece for mischief-makers.

PRISONS

The Hon. S.G. WADE (14:26): I seek leave to make an explanation before asking the Minister for Correctional Services a question about the 2008-09 budget.

Leave granted.

The Hon. S.G. WADE: According to the Productivity Commission, South Australia's prisons are currently 22 per cent overcrowded, with the Australian average being only 4 per cent. Western Australia has the second highest overcrowding at only 7 per cent. In the 2008-09 budget, the government announced that it will commit $35 million to providing an additional 209 bed spaces for South Australian prisons over the next four years, which represents a quarter of the additional prison numbers expected at current growth rates—that is, before the state deals with the impact of changes such as the bikie bill and the Mullighan inquiry.

The budget indicates that three-quarters of the operating funds of this initiative are to be spent in the second two financial years, suggesting that many of these bed spaces will not be available for at least two years. My questions are:

1. Will the minister advise how many of the 209 bed spaces will be available within the current budget year?

2. Will she guarantee that the current record prison overcrowding level will not increase over the next financial year?

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs) (14:28): I thank the honourable member for his question, although I feel as though I have answered it before. However, I am happy to reiterate my answer.

The Hon. S.G. Wade interjecting:

The Hon. CARMEL ZOLLO: I assure you that I do not need to read any briefing. We announced—

Members interjecting:

The Hon. CARMEL ZOLLO: I think so. Prior to the budget, as we have already heard from the honourable member (and I am pleased that he has placed it again on the record), we made $35 million available over four years for any increased expansion prior to the prisons coming online. Again, I am sure that he joins everybody in the chamber in congratulating this government on having a strategy and on making the funding available.

Members interjecting:

The PRESIDENT: Order!

The Hon. CARMEL ZOLLO: As I said, I am sure that everybody joins—

The Hon. S.G. Wade interjecting:

The PRESIDENT: Order! The Hon. Mr Wade will come to order and listen to the answer to his question.

The Hon. CARMEL ZOLLO: Thank you, Mr President; I can start again.

The Hon. G.E. Gago interjecting:

The Hon. CARMEL ZOLLO: The Hon. Gail Gago did not hear what I said. Those opposite really should congratulate this government on building a new prison complex, which is very significant infrastructure for the state and, more importantly, for having a strategy and funding available until those prisons come online. That money is available over four years. At this stage, I do not have a bed-by-bed number, but I can say to the honourable member (and I have placed this on record before) that in August we will have some new beds available at Port Augusta for the indigenous community.

An honourable member interjecting:

The Hon. CARMEL ZOLLO: I believe there are 12 there. We will also be making beds available at Mobilong, as well as Cadell, in this financial year. So, the beds will come online.

An honourable member interjecting:

The Hon. CARMEL ZOLLO: I think there are about 60. So, the beds will come online as they are needed. As I said, we actually have a strategy in place.

POLICING STRATEGIES

The Hon. R.D. LAWSON (14:30): I seek leave to make a brief explanation before asking the Minister for Police a question about policing strategies.

Leave granted.

The Hon. R.D. LAWSON: Encouraging respect for law and order, especially amongst young people, is one of the stated cornerstones of South Australia Police's support for blue light discos and other youth community policing initiatives. Inculcating that principle of encouraging respect has had bipartisan—and I might say multipartisan—support in the South Australian community. My questions are:

1. How is that principle advanced by a minister of the crown calling the Deputy Chief Magistrate of this state 'daft and delusional'?

2. Does the Minister for Police consider that the Deputy Chief Magistrate of this state is daft and delusional, and deserves to be rubbished as such? If he does not agree with that, will the minister communicate his views to the Attorney-General?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:31): As I understand it, the Deputy Chief Magistrate released a publication to his colleagues entitled *Generic Principles when Considering Sentences of Imprisonment.* In that paper, I believe, the Deputy Chief Magistrate said:

> When we imprison, we should fix a non-parole period that is as low as possible, consistent with the other matters of sentencing principle, in recognition that the present condition of the prisons in this state is not satisfactory.

As I understand the Westminster principles, the judiciary has a responsibility separate from the Executive Government. It is its job to apply the law as set down by this parliament. This parliament makes the laws. The judiciary has the obligation to sentence prisoners according to the laws set down by this government, and that is what I believe it should do. Really, it is as simple as that.

The Attorney-General would be failing in his duty if he said nothing or did nothing if a member of the judiciary made comments that essentially contradicted the division of responsibilities between the executive and the judiciary. So, of course, the Attorney-General not only has the right but, I would suggest, the obligation to clarify matters of public principle. If any member of the judiciary, in sentencing, intrudes into matters of public policy, the Attorney-General has the right and the obligation, I would suggest, to clarify the record.

POLICING STRATEGIES

The Hon. R.D. LAWSON (14:33): As a supplementary question, what part of the observations of the Deputy Chief Magistrate does the minister consider 'delusional'?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:33): It is not up to me to explain the words of another minister. That is a matter for the Attorney-General. What I can say is that the Attorney-General has not only the right but an obligation, as the Attorney-General of this state, to make statements clarifying the application of laws in this state.

The parliament sets down maximum sentences and the Court of Criminal Appeal makes sentencing guidelines after a hearing, at which the Attorney-General, the Director of Public Prosecutions and victims' representatives, amongst others, may be heard. It is up to the magistrates to apply these sentences and not make up their own rules. That is clear. The Attorney-General has made that clear. He not only has the right to do so but he has an obligation to do so. There will be some in the honourable member's legal cheer squad who, of course, will attack the Attorney-General.

Quite frankly, I think there is a realisation among members opposite that in relation to law and order in this state this government has delivered and delivered in spades. Their own failed record stands up in stark contrast to that. Members opposite would have done their polling, and they know it would be appalling. We know that, because they cannot attack the government's law and order policies. People like the Hon. Rob Lucas are now going onto Facebook trying to appeal to all the young people in the state to tolerate behaviour by publicans exploiting drunkenness on the street. Clearly, they have given up.

What has happened is that members opposite have given up on a law and order strategy. What they are doing now is trying to appeal to these various disparate groups, whether they are disaffected lawyers or young people who want to go clubbing all night, to try to get this coalition together, because they know that with the mainstream public of South Australia they have failed and they have failed badly. Their failures are manifest and obvious. This government will continue to do as it has done to ensure that the people of this state are protected. That is what members opposite are doing as well—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: Yes, exactly. That is the other thing members opposite are doing: they are supporting—

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: Let us reflect for a moment. Members opposite apparently are supporting the medical profession in getting $110,000 extra per year. There are 2,400 doctors. If you multiply that, it is $250 million a year that they would have. That is $250 extra for every taxpayer in this state that would have to be transferred. So, the living standards of 1 million South Australian taxpayers would have to drop by $250 to transfer it to a small group. These are the sorts of people that members opposite are cheerleading, as they have just indicated. That is the sort of irresponsibility.

It is becoming increasingly scary to think about what would happen if members opposite were to achieve government in this state. They have lost all sense of responsibility; they have given up trying to protect law and order; they have given up trying to protect judicial standards; and they have given up in terms of fiscal responsibility. It is a mass failure on their behalf, but this government will keep on governing well, as it has done in the past. I have no doubt that the people of South Australia will respond to that. They certainly will not respond to the total lack of responsibility exercised by members opposite.

BANKSA CRIME STOPPERS

The Hon. B.V. FINNIGAN (14:37): I seek leave to make a brief explanation before asking the Leader of the Government (the Minister for Police) a question about BankSA Crime Stoppers.

Leave granted.

The Hon. B.V. FINNIGAN: BankSA Crime Stoppers has been, and continues to be, a wonderful community service. All South Australians benefit from the success of BankSA Crime Stoppers, because the highly successful initiative involves the police, the media and the community

working together to help solve and prevent crime. Will the minister provide information about the success of BankSA Crime Stoppers since its inception?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:38): I thank the Hon. Mr Finnigan for his question. The Crime Stoppers program was launched in South Australia on 8 July 1996, and since then information from the public has directly resulted in more than 15,000 crimes being solved and the recovery of property valued in excess of $4.8 million. Crime Stoppers brings police, media and the community together to solve crime. SAPOL supplies the media with relevant crime information which is then published, with the community encouraged to supply information that will identify offenders.

Since the inception of Crime Stoppers there have been more than 75,000 actions issued to police investigators, resulting in the apprehension of more than 10,300 offenders involved in more than 15,000 crimes. This means that one in every seven actions is resulting in an apprehension, which is an excellent result and demonstrates the quality of information being provided. Some significant apprehensions relate to nine murders, three attempted murders, and numerous school arsons, armed robberies and drug offences.

Information passed to police through BankSA Crime Stoppers assisted in the solving of the Maya Jakic and the Megumi Suzuki murders, and two offenders were arrested for an attempted murder in the city Parklands. Other significant apprehensions include:

- $5 million arson to the Unley High School;
- $1 million arson to the Fairview Park Primary School;
- the arrest of four people for $1 million arson to a southern suburbs primary school;
- the arrest of numerous offenders for armed robbery offences;
- the arrest of a man responsible for a $131,000 fraud on the St George Bank;
- numerous persons arrested for drug offences, some of which include: operating clandestine laboratories; large-scale cannabis cultivation including hydroponics; possession of prohibited drugs, including cannabis, heroin, amphetamines and ecstasy for sale, which includes the arrest of a man for possession of approximately 1,000 kilograms of dried cannabis.

Twelve years down the track Crime Stoppers continues to be a success. The hotline receives approximately 19,500 calls a year. While most of us have never been victims of crime, almost certainly we have been affected by it. The cost of crime on individuals in society is high, be it a burglary, stolen car or assault. We all have to pay emotionally, physically or financially.

Most people who contact Crime Stoppers want to see justice done. They want a criminal to be arrested and charged, hoping he or she will not continue to commit offences. Some people who contact Crime Stoppers may, themselves, be involved in crime but may want another criminal to be brought to justice, perhaps as a result of a dispute. A small number of people are prompted by the Crime Stoppers reward which may be payable if the information given leads to an arrest.

Crime Stoppers welcomes crime information, no matter what prompted the person to make contact. The Crime Stoppers program in South Australia actively markets the international Crime Stoppers philosophy that you can speak to a police officer in confidence and remain anonymous. World wide, there are more than 1,200 Crime Stoppers programs operating in the United States, Canada, Europe, South Africa, the United Kingdom, Central America and several Caribbean and Pacific nations. The continuing success of the Crime Stoppers program world wide proves just how valuable information from members of the community can be in helping authorities to fight and prevent crime.

I pay tribute to BankSA, which continues to be a strong supporter of the program and which has been the principal sponsor for the entire period, while Channel 9 plays a significant role in promoting various elements of the program. Crime Stoppers has been highly successful and I hope that, with the continued support of the government and supporters such as Channel 9 and BankSA, the program will continue to help solve and prevent crime.

LAND VALUATIONS

The Hon. J.A. DARLEY (14:42): I seek leave to make a brief explanation before asking the Minister for Police, representing the Minister for Transport, questions about valuations of land subject to open space proclamations and used for rating purposes.

Leave granted.

The Hon. J.A. DARLEY: I understand the Valuer-General is a statutory officer responsible to parliament but comes under the administrative responsibility of the Minister for Transport and, therefore, this question is directed to him. In *The Advertiser* this morning an article entitled 'Rates rises hit golf clubs' refers to sharp increases in council rates as a result of the Valuer-General's new valuations gazetted on 29 May 2008.

The article refers to increases in valuation from $3.625 million to $10.685 million for Kooyonga Golf Club and from $2.4 million to $8.57 million for Glenelg Golf Club, resulting in a possible tripling of council rates. *The Advertiser* article states:

> In a letter to West Torrens council, the Valuer-General wrote '...current capital values determined for a number of golf clubs have become increasingly conservative over recent years particularly given the rapid growth in value attributed to other major land use categories'.

I am aware of a similar increase for the Riverside Golf Club and have been in discussions with the Valuer-General since mid-2007 about these types of valuations. Most golf clubs, racecourses and sporting grounds are covered by open space proclamations under the Planning Act and, as such, are to be valued on the basis that they cannot be subdivided.

In my discussions with the Valuer-General he has agreed that there is no relevant sales information in Australia on which to base his valuations, and I have suggested that he needs to determine a policy on which he can make valuations of these properties which will provide an equitable distribution of the rating burden. The Valuer-General agreed with the suggestion but, as of last week, no such policy has been established, notwithstanding that new valuations were gazetted on 29 May 2008. My questions to the minister are as follows:

1. On what basis were these valuations made?

2. What sales evidence, if any, was used in arriving at the valuations?

3. Has a policy been determined and, if so, what is that policy?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:45): I thank the honourable member for his question. I will refer it to the minister in another place and bring back a reply.

LIQUOR LICENSING HOURS

The Hon. R.I. LUCAS (14:46): I seek leave to make an explanation prior to asking the Leader of the Government a question about the Hon. Mike Rann's proposed lockouts at Adelaide's clubs and bars.

Leave granted.

The Hon. R.I. LUCAS: Yesterday in this place I raised concerns that had been expressed to me by licensees who believed they were being pressured by police to sign supposedly voluntary administrative orders for a lockout of their clubs and bars in the Adelaide CBD. I gave the example of a particular licensee who had been visited on Friday and twice on Monday this week, who had told me that police had told him the lockout would happen, that he was one of the last to sign, and that if licensees signed it just meant that parliament would not have to pass legislation on this issue. Mr President, you will recall that the minister strongly disputed that, and effectively accused my constituent of lying to me regarding the nature of those discussions. I also indicated yesterday that the police statement, 'You are one of the last to sign,' was untrue, and that I knew a significant number of people had not signed.

On the front page of this morning's *Advertiser*, under the heading 'Pub curfew', senior police officer Chief Inspector Scott Duval confirmed that fewer than 80 of the 110 city venues, or just 70 per cent, had agreed to sign those voluntary lockout orders, which were set to begin in just two weeks. That is, 30 per cent of licensees had not signed the administrative orders for a supposedly voluntary lockout. Further on in the article Chief Inspector Duval said that a lockout would be successful only if all venues were involved.

As a result of this morning's publicity I have been contacted by representatives of other licensees, who have raised further concerns about this issue. I will speak about some of those on another occasion; however, the point I want to raise now is that the licensees indicated to me that they believed a significant number of licensees who had signed were licensees who were not trading beyond 3am in the Adelaide CBD at the moment, and that a significant number of those who had not signed were the ones currently trading beyond the proposed 3am lockout deadline. My questions to the minister are:

1. Given that police have revealed that about 30 per cent of CBD licensees have not signed these voluntary lockout agreements, does the minister now accept that South Australian police were not making accurate statements when they were telling licensees, 'You are one of the last to sign'?

2. Has the minister now been advised by police that the voluntary lockout cannot and will not be implemented by 1 July this year, as proposed in the voluntary agreements?

3. Is it true that a significant number of licensees who have signed the voluntary lockout agreements were, in fact, not even trading beyond 3am? If so, can the minister advise the exact number of licensees who signed the voluntary agreements who were not trading beyond the 3am curfew?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:49): The most recent information I have from police is that there were 101 venues within the city of Adelaide whose licence indicated their ability to trade after 3am that were sent letters by SAPOL and the Office of the Liquor and Gambling Commissioner. Ten of the venues have closed or are not currently operating, and four venues are confirmed restaurants with no entertainment, thus reducing the number of affected venues to 87. Of the 87, my advice is that 66 agree with the lockout (76 per cent); 11 do not agree (13 per cent); and 10 (11 per cent) are still to make a decision. It is interesting to note that, of the 11 that do not agree, eight of them are in Hindley Street, one in North Terrace, one in Pirie Street and one in Waymouth Street, Light Square. Those are the statistics.

It is rather interesting to note that, just over two years ago, when the Hon. Mr Lucas was the then leader of the opposition, he asked me a question, stating that he had met with a representative group of traders in Hindley Street. He asked: why will the minister not respond to the pleas for urgent meetings with the representatives of the Hindley Street traders and with the traders themselves to listen directly to their concerns about public safety issues on Friday and Saturday evenings in Hindley Street? There he was two years ago—

Members interjecting:

The Hon. P. HOLLOWAY: As members will know, the police responded through Operation Hindley Safe at significant expense to taxpayers in view of additional police, overtime and everything else. A number of operations have been conducted within Hindley Street to make that area safe. It is interesting that the person who was most vocal in relation to calling for those additional police, as I understand it, is one of those individuals who is refusing to agree. He is probably the one to whom the Hon. Mr Lucas has been talking, no doubt. It is all very well for these people to say, 'Let us add significantly to the taxpayers' burden by having police, and ambulances as well, picking up all these young people who are totally inebriated.' Let us not put the fence at the top of the cliff, let us have the ambulance at the bottom.'

The Hon. Rob Lucas is doing this for votes; that is why he is on Facebook. It is quite clear that this is just an appeal where the broader interests of the state are set aside for Liberal Party self-interest. You can do that in politics, you are allowed to do it, but if you do it, you do not deserve any respect, none at all. That is the sort of calibre that we expect from members of the opposition. As those statistics show, it was not correct and I believe it is also incorrect that the police have been threatening the publicans in relation to this lockout in any way. If that is the only solution members of the opposition have to the problems we face of binge drinking amongst young people, then it could be that they do not care. What are the options? They either do not care—

The Hon. R.I. Lucas: More police.

The Hon. P. HOLLOWAY: There it is; it is on the record. They say the answer is more police. Do not worry if young people are binge drinking, damaging their own health and having fights. Do not worry about that, just have more police go out to correct it. I think that is a totally and utterly irresponsible attitude. This government believes that publicans have some responsibility. It is not just a question of making lockouts mandatory. I would remind the chamber that the Office of

the Liquor and Gambling Commissioner has the capacity to insert conditions into liquor licences. I would expect that, if there are trading venues which are fuelling problems and which are not exercising their responsibilities correctly—that is, if they are serving intoxicated people and creating problems—then the Office of the Liquor and Gambling Commissioner would take action against those publicans, as we have seen happen in other areas where we have had these problems.

For instance, there has been a successful trial of lockouts at Glenelg. I wonder what all the honourable member's Liberal colleagues and the member for Morphett would think if his views were to prevail at Glenelg and the lockouts were not continued, and all the street violence that we had in the past at Glenelg returned. It has significantly diminished since there was a voluntary lockout. These irresponsible people are trying to undermine the attempts of the police of this state to reduce violence on the streets by having a voluntary lockout.

Incidentally this is a lockout that I understand the AHA has been supporting. It is a sad state of affairs not only that the opposition in this state should seek to undermine the attempts of the industry itself to achieve a lockout but that in the process is accusing our police of improper behaviour. It is a sad state of affairs indeed.

LIQUOR LICENSING HOURS

The Hon. R.I. LUCAS (14:53): By way of supplementary question, does the minister now concede that the government's attempts through the back door to get a voluntary lockout by 1 July have failed and will not be capable of being implemented by that date?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:55): It is not 1 July yet. The police have 66 of what effectively would be 87 licensed premises—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: I acknowledge that interjection and I hope it goes on the record because it illustrates the point I made. It is about time the deputy leader disowned the former leader, because frankly he is a disgrace.

The Hon. J.M.A. Lensink: What! I will do no such thing.

The Hon. P. HOLLOWAY: So, she supports him. We have the shadow minister, today the acting opposition leader, supporting attacks on the police of our state. You are a disgrace, too!

Members interjecting:

The PRESIDENT: Order!

RECYCLING

The Hon. I.K. HUNTER (14:56): I seek leave to make a brief explanation before asking the Minister for Environment and Conservation a question about recycling.

Leave granted.

The Hon. I.K. HUNTER: Recycling has long been demonstrated to be an effective means of reducing reliance on raw materials needed to produce resources like glass, paper and some metals. Recycling has also demonstrated fantastic energy savings through resource recovery and remanufacture. South Australians already embrace the need to recycle and have led the nation for many years, but we can do better. Will the minister update the council on South Australia's status as a recycler and indicate whether it is to improve the state's resource recovery?

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (14:57): It is true that South Australia enjoys an enviable reputation around the nation for its recycling efforts. Recycling is more than just a household task to South Australians: it is part of our state's psyche. For more than 30 years we have had an incentive to collect and return our drink containers. We have worked hard to be KESAB tidy town winners, and thousands around the state regularly embrace initiatives like Clean Up Australia Day. It is therefore pleasing that, despite our long commitment to recycling, as a state we have not waned in our dedication as recycling rates in South Australia continue to grow. Latest figures show that South Australians are among the best recyclers in the nation, having recycled more than 1,500 kilograms of waste per person in 2006-07.

To give members an idea of what we are talking about here, South Australians recycle 68 per cent of all waste generated, with 2.43 million tonnes of material being diverted from landfill in

2006-07, a 1.6 per cent increase on the previous year. That is a record of which all South Australians can be very proud. As the honourable member said in his question, recycling substantially improves our environment by saving energy, conserving resources and reducing extremely harmful greenhouse gas emissions. I understand that for every one tonne of green waste, such as household food waste or garden waste we divert from landfill into compost, we save one tonne of greenhouse gas production. So, it is a real environmental benefit. Last year alone through recycling South Australia prevented about 930,000 tonnes of greenhouse gas from entering the atmosphere, which is equivalent to taking 214,000 passenger cars off the road. Latest Zero Waste SA figures show that the amount of waste sent to landfill continues to fall and that it has been at its lowest level in the past four years of analysis, despite an increasing population.

It is encouraging to see that South Australia performs well in construction and demolition waste recycling, beverage container recycling and steel, and the proportion of plastics collected and processed within South Australia is among the highest nationally. Our state will not rest with these results, which is why we are pushing ahead with plans to increase container deposits to 10 cents and we are working to reduce kerbside recycling of kitchen waste.

Ten councils have now been selected for this six-month trial, which combines household kitchen food waste collection with green organic garden waste, which is collected kerbside and then passed on to be processed for compost. This will see 16,000 South Australian households taking part in the trial, which is a major step towards achieving our state's target to divert 75 per cent of waste from household waste bins collected kerbside by 2010. South Australians are leaders when it comes to recycling. We led with our container deposit legislation, and we will lead with our plastic bag ban as well.

RECYCLING

The Hon. J.M.A. LENSINK (15:01): I have a supplementary question. Can the minister advise how many unlicensed sites are being used for the stockpiling of waste instead of waste being recycled?

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (15:02): I am happy to take that question on notice and bring back a response.

OLYMPIC DAM

The Hon. M. PARNELL (15:02): I seek leave to make a brief explanation before asking the Minister for Environment and Conservation a question about radiation protection levels for workers at Olympic Dam.

Leave granted.

The Hon. M. PARNELL: For a while now I have been concerned about the exposure of employees at the Olympic Dam processing plant to radioactive polonium airborne dust. Polonium is a particularly toxic and dangerous radioactive substance as it is readily breathed in and dispersed into the bloodstream, where it causes cell destruction in organs, tissues and bone marrow. The risk of even minute contamination by polonium was dramatically demonstrated by the assassination of Russian defector Ivan Litvinenko in London in November 2006.

Following that incident, the UK health authorities recommended a maximum exposure dose of 6 milliseverts per year, not the 20 milliseverts allowable limit described in the promotional report for the uranium industry published in today's *Advertiser.* The system for monitoring and reporting exposure to radiation, including polonium, by workers at Olympic Dam is controlled entirely by BHP Billiton.

Over the past 12 months, I have obtained, under freedom of information, copies of the BHP Billiton reports sent to relevant government authorities, including the EPA and PIRSA, detailing radiation exposure at Olympic Dam. These reports raise serious concerns about how often testing occurs; for example, sampling of airborne radiation levels is not done at night, when most of the smelting occurs, nor during cleaning, when dust is raised.

The reports also show personal monitoring devices are worn only part of the time by some, not all, exposed workers. These often record readings above the allowable level. However, by swapping workers out of these areas, the average over a year is kept below 20 milliseverts. If exposed workers were monitored 24/7 and did not rotate out of high emission areas, the 20 millisevert dose would certainly be regularly exceeded.

Up until October 2006, the company was required to provide to the radiation section of the EPA a monthly report detailing when, where and how often testing occurred. This showed an average of about four to eight over-exposure instances per month. Then a new radiation officer was appointed by BHP Billiton.

In September 2006, the EPA agreed to downgrade the reporting requirement to a simple one-page fax detailing instances when unsafe levels of exposure occurred. Between September 2006 and May 2007, there were 21 fax reports provided to the EPA; however, these were all for the mine, not for any other part of the plant.

Even more surprising, between August 2007 and March 2008 (the latest time frame I have been able to obtain under FOI) there were no reports at all—not one report. There are two possible explanations: either BHP Billiton has radically changed its production processes to substantially reduce all airborne radiation throughout the complete mining and processing chain, or it has changed its testing regime to ensure that it has no negative findings.

To make the first scenario even less likely, I understand that failure of an electronic furnace in September 2007 meant that molten slag tipped out onto the ground under the smelter for around six weeks. This process has, apparently, no fume capture and would have contributed to significant radiation levels in the smelter building. My questions are:

1. How is it possible for the Radiation Protection Branch of the EPA to determine exactly when, how often and where BHP Billiton monitors radiation exposure to its workers at Olympic Dam?

2. Why were there no elevated radon decay product concentration reports between August 2007 and March 2008? Have there been any since then?

3. Has the EPA challenged the absence of elevated radiation levels reported; if so, what was the response from the company and, if not, why not?

4. Why did the EPA agree to downgrade the monthly reporting process to a single-page fax reporting individual incidences of exposure?

5. Why is the trigger radiation exposure level for reporting to the EPA 20 milliseverts per year when 6 milliseverts is provided by the UK national guidance on radiological protection of workers under the relevant ionising radiation regulations?

6. Will the minister guarantee that no workers at Olympic Dam are exposed to unsafe radiation levels?

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (15:06): I thank the honourable member for his most important questions. Occupational health and safety standards and the safety and wellbeing of workers are paramount to this government. The honourable member has asked a number of very detailed questions and, within them, he has made a number of assertions I need to clarify. I am happy to take his questions on notice and bring back a response.

RURAL PROPERTY ADDRESSING STANDARD

The Hon. J.S.L. DAWKINS (15:07): I seek leave to make a brief explanation before asking the Minister for Emergency Services a question about the rural property addressing standard.

Leave granted.

The Hon. J.S.L. DAWKINS: For some years, government agencies and the South Australian Regional Organisation of Councils have been working towards a uniform system for the identification of rural properties. This move was largely driven by concern from emergency services agencies about difficulties in locating rural properties. I understand that a lot of work has been done by local government bodies to name all rural roads and to install suitable road signage.

While designs for uniform individual property signage have apparently been finalised, there has been no indication of any funding assistance from the government for the installation of these signs. In addition, there has been a delay in the implementation of the project due, as I understand it, to the failure of the Department for Transport, Energy and Infrastructure appropriately to name any of the departmental main roads.

I interpose that this was a project that began following my urging during the time of the previous Liberal government. An example of such a road is where it is known by the department as the Loxton to Murray Bridge Road or the Loxton to Tailem Bend Road, which are very long titles to put on a sign outside a property. My questions are:

1. Will the minister inform the council when it is expected that the rural property addressing standard will be implemented?

2. Given the importance of uniform property identification to emergency services, will she indicate what action will be taken by the government, first, to urge DTEI to expedite the identification by name of many so-called 'destination roads' and, secondly, to assist individual property owners to install the uniform signage designated by the standard?

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs) (15:09): I thank the honourable member for his important questions. The state government has allocated a budget of $1.8 million over four years to this project. This was announced very recently (probably within the past few days), so the honourable member may have missed it.

The chief executives of stakeholder departments and agencies have agreed to support the project through the provision of funds or in-kind service. The successful implementation required the joint support and commitment of state, local government and other address users, such as Australia Post, and that has only recently been achieved.

For the information of honourable members in the chamber, the way that this rural addressing system works is that an address number and road name are allocated to each occupied rural property. The address number is based on property entrance distance from the start of the road. I will give an example: 2,000 metres from the start of the road and on the right-hand side of the road equals 200. So, basically you divide 2,000 by 10, and you round it to even for the right-hand side of the road, and the other way for the left-hand side of the road.

I agree with the honourable member that this is a very important initiative that came out of the bushfire summit that the state government committed to when investigating the issue. So, it is now actually being rolled out. Both state and local government have a very important key role to play. The state government is committed to lead and coordinate the implementation of rural addressing with councils and all the stakeholders; to establish the initial rural address for the 55,000 rural properties currently without a standard address; and to establish the rural address register, the rural road register and maintenance systems.

Local government has agreed to provide road naming and signage, undertake a representative audit of property-addressing information, and undertake some general promotion. The Department for Transport, Energy and Infrastructure is leading this whole-of-government project with the Justice Department and also SAFECOM which, of course, is responsible for setting priorities from an emergency services perspective. Of course, this matter is within my interest as Minister for Emergency Services.

It is really a very important initiative. As I have said, it does cut across and benefits most government departments in our state. Certainly, from my information, I know that the project is proceeding very well, with almost one-fifth of projected addresses completed by the end of February this year, as I understand it.

Loxton Waikerie has been the lead pilot council and will be among the first of 49 regional councils to implement the system. The trial rollout in Loxton will start from October this year, with a progressive rollout during the next three years, and priority will be given to councils with a higher emergency services risk and, more importantly, councils with a willingness to participate. So, a prerequisite is the naming of all roads by the respective councils, and Loxton is one of the first councils to name its roads.

The Hon. J.S.L. Dawkins: They've been waiting for DTEI to catch up to them.

The Hon. CARMEL ZOLLO: Well, it looks like they have caught up. That council had 67 unnamed roads which have now been named and gazetted. Initial Kangaroo Island address locations have been completed ahead of schedule for review with council. As an overview, DTEI is working together with other departments and local councils to make this happen, and the funding has been appropriated.

RURAL PROPERTY ADDRESSING STANDARD

The Hon. J.S.L. DAWKINS (15:13): I have a supplementary question. I thank the minister for the answer, but will the money that has been allocated and quantified in recent days include assistance to rural property owners—many of whom are going through hard times—to actually fund those uniform signs which will not be inexpensive?

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs) (15:13): The councils are to provide the road naming and the signage—

The Hon. J.S.L. Dawkins: I'm talking about the individual property signs.

The Hon. CARMEL ZOLLO: The individual property signs, as in the number outside every property?

The Hon. J.S.L. Dawkins: Outside every property.

The Hon. CARMEL ZOLLO: I will get some further detail for the honourable member. Clearly, as I said, there is enormous willingness now to see this project to fruition, and I am pleased that local councils have come on board.

RURAL PROPERTY ADDRESSING STANDARD

The Hon. J.S.L. DAWKINS (15:15): I have a further supplementary question. Will the minister also seek from DTEI some advice as to when the roads that have not been named will be named?

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs) (15:14): As I have just said, the local council itself has taken on responsibility of naming the roads.

The Hon. J.S.L. Dawkins: No, the roads that are DTEI roads.

The Hon. CARMEL ZOLLO: Well, clearly, if it is a DTEI road, we would have that responsibility.

The Hon. J.S.L. Dawkins: If you could let me know when you receive that advice.

The Hon. CARMEL ZOLLO: I will bring back a response for the honourable member.

CANNABIS CROPS

The Hon. A.L. EVANS (15:15): I seek leave to make a brief explanation before asking the Minister for Police a question about the detection of cannabis crops.

Leave granted.

The Hon. A.L. EVANS: A constituent recently contacted me to complain about a neighbour growing a cannabis crop hydroponically in his house. Apparently, the neighbour had been convicted on previous occasions for growing large numbers of cannabis plants, but he has continued to cultivate the plants because at most he gets a suspended sentence if convicted. Of course, I advised the constituent to report the cultivation to SAPOL but, from a policy point of view, he remarked that the neighbour had an airconditioner running continuously and would have large lamps and other fans inside for the hydroponics, all using large amounts of energy.

The constituent suggested that if AGL, or other electricity suppliers, would notify SAPOL of the suspicious use of electricity then a number of cannabis crops could be detected by that method. Apparently, the house being used for the cultivation is also a rental property. The constituent suggested that if landlords and real estate agents during inspections were also legally required to notify police of suspicious drug activities then the further detection of cannabis crops would occur. These proposals came from a constituent and I thought they seemed very common sense proposals and I undertook to take them to parliament. My questions of the minister are:

1. Does SAPOL have a relationship with electricity retailers such that unusual electricity usage is automatically reported?

2. Does the minister believe that there is merit in legally obliging landlords and real estate agents to notify SAPOL if they observe any unusual drug activity in their rental properties?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (15:17): I thank the Hon. Andrew Evans for his question. I am not sure what relationship SAPOL has with ETSA but, of course, there have been a number of cases where the electricity meters have effectively been bypassed. I am sure the electricity authorities notify SAPOL if they become aware of any unusual pattern. I will refer the question to SAPOL because I believe there is some merit in further considering that linkage.

Similarly, with the second suggestion made by the honourable member, I think that is probably more a matter for my colleague the Minister for Consumer Affairs, in relation to the landlord and tenant relationship. Certainly, the police do rely on members of the public reporting matters. In my answer to an earlier question from the Hon. Mr Finnigan in relation to Crime Stoppers I gave the example of a couple of cases where significant cannabis hauls from hydroponic growing had been detected by police as a result of calls to Crime Stoppers and, of course, those calls can be done anonymously.

So, the police do rely very heavily on information that comes from the public. Whether that can be formalised through utility users or others, I will refer that question to the police for their consideration. Certainly, in relation to the fight against cannabis I hope that before we adjourn for the winter recess we can pass the Controlled Substances (Controlled Drugs, Precursors and Cannabis) Amendment Bill because, of course, that does contain measures, particularly in relation to the filters that are used in relation to hydroponic cannabis production.

It will also introduce some controls on the fairly unique high powered lights that use the electricity, and thus give our police a significant weapon in dealing with the problem of hydroponic use. I thank the honourable member and his constituent for his suggestions and I will make sure they are given some consideration by the appropriate authorities.

OFFENDERS AID AND REHABILITATION SERVICE

The Hon. R.P. WORTLEY (15:19): I seek leave to make a brief explanation before asking the Minister for Correctional Services a question regarding the work of the Offenders Aid and Rehabilitation Service.

Leave granted.

The Hon. R.P. WORTLEY: I understand that the Minister for Correctional Services attended an Offenders Aid and Rehabilitation Services volunteer function on 14 May for the purpose of presenting certificates of appreciation to a number of OARS volunteers. Will the minister provide some details of the function and the awards presented?

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs) (15:20): I thank the honourable member for his important question. The Offenders Aid and Rehabilitation Services (OARS) is an organisation with more than a 100-year history in South Australia. It is committed to addressing the needs of offenders and their families. It was my pleasure to attend the function to honour and recognise the work of many of the OARS volunteers.

Across our state every day, as we all know, volunteers donate their time, share their skills and, in many cases, put their lives on the line to help keep our community safe. South Australia has the highest volunteer participation rate in the country, and I think it is fair to say that our state would literally grind to a halt if it was not for the tireless work of volunteers.

Originally known as the Prisoners Aid Organisation, OARS has grown and developed over the years in order to respond to the needs of offenders as they move through the state's criminal justice system. Services provided by OARS include emergency financial assistance, pre-release planning, a bus service to transport family members of prisoners at the Cadell Training Centre for visits, and a range of support services to the partners of prisoners as well as other intervention and counselling services. OARS SA employs 30 staff and has about 120 active volunteers at any one time. OARS volunteers work with offenders in prisons or under the supervision of the department.

it was my pleasure to contribute to National Volunteers Week and present certificates of appreciation to a number of OARS volunteers. Recipients of Certificates of Appreciation and badges for years of service included: Chris Brown, Patsy Freak, Geoff Lummey, Anthony Nelson, John Pratt, Dorothy Reynolds, Annabel Shrinkfield and Wendy Trow. Some were also awarded the South Australian Volunteers Certificate of Recognition, including: Sue Altus, Eric Brown, Jack Byerlee, Marj Byerlee, Barbara Haines, Chris Herbig, Shirley Kutcha, Kay Lemar, John McKenzie,

Matt Murray, Meredith Newman, Iris Perkins, Teresa Romanelli, Bev Seelanda, Peggy Sterry, and Keith Williams.

Many other hard-working recipients received awards, and the function was a tremendous opportunity to thank all the volunteers for the time that they donate, the skills and expertise that they selflessly offer and all the good work that they do.

ANSWERS TO QUESTIONS

EMERGENCY HOUSING

In reply to the **Hon. D.G.E. HOOD** (4 March 2008).

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs): The Minister for Housing has provided the following information: The Minister for Housing has provided the following information:

Emergency accommodation for people experiencing homelessness, including single adults, families and young people is funded through the Supported Accommodation Assistance Program (SAAP). In 2006-07, there were in excess of 70 recurrently funded SAAP services, across metropolitan and regional areas. In addition to emergency accommodation, these services provide early intervention and post-crisis support.

SAAP agencies accommodate their clients in 815 properties provided predominantly through Housing SA's Supported Tenancy Scheme (STS). These properties are used to provide time limited, crisis and transitional accommodation.

The government realises that, as well as providing emergency and other accommodation options, it is critical that early intervention measures are taken to ensure that people such as Sam and her daughter are prevented from becoming homeless in the first place.

The government funds numerous programs under the Social Inclusion Homelessness initiative that are aimed at identifying and supporting at risk families and individuals. The Department for Families and Communities is coordinating a departmental approach to homelessness, which includes SAAP reform. This reform process is being designed to improve the system and deliverables from the SAAP reform, including enhanced access to emergency accommodation, better use of STS properties and improved service availability across State Government regions.

Crisis Care is an after-hours service only. It provides a number of after hours roles of which emergency housing is but one. During normal business hours, namely between 9:00am and 5:00pm on weekdays, people facing an emergency housing need would normally contact one or more of the following agencies:

- Housing SA;
- Families SA District Centres;
- Family Accommodation and Information Referral Service (FAIRS), funded to act as an umbrella service broker to assist those in need of emergency accommodation;
- Trace a Place (TAP), for emergency youth accommodation;
- Domestic Violence Contact Service (DVCS), to assist victims of domestic violence with interim accommodation and support; or
- Self-referral to some men's and women's shelters.

These agencies, with the exception of the adult shelters, are contracted to assist clients up to 5:00 pm on weekdays. Crisis Care is funded to provide the after-hours service point and response for FAIRS, TAP and DVCS. It would be a duplication of services for Crisis Care to operate these responsibilities earlier.

Sam has been receiving assistance from Housing SA to secure housing since late 2007. This has primarily been in the form of support from the Private Rental Liaison Officer (PRLO), to secure a property in the private market. The PRLO sourced several potential properties. Sam has declined these for various reasons.

After some time, though with bond assistance from Housing SA, Sam secured accommodation.

TOURISM ADVERTISING

In reply to the **Hon. D.G.E. HOOD** (26 February 2008).

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs): The Minister for Tourism has provided the following information:

The Tourism Australia and Qantas campaign was held in the United States during the annual G'day USA week promotions and was only one of a number of promotional activities that occurred during this week.

The SATC worked with other SA government departments to maximise the G'Day USA week promotions through a number of promotional activities in Los Angeles and New York.

MATTERS OF INTEREST

SOCIAL INCLUSION

The Hon. C.V. SCHAEFER (15:23): I would like to speak today about social inclusion. This government has given much lip service to social inclusion and to equity. It has even appointed a Commissioner for Social Inclusion but, apparently, those lofty ideals apply only to those living within a city. The latest blow to rural South Australia (the Country Health Care Plan) relegates those who live in the two-thirds of the land mass of the state not in a city to be treated by this government to third world health care.

Before I came down here, I heard the minister say that nothing will change; all will be as it was. That is delusional. Why will a GP stay in a remote area if he or she has no access to a hospital and cannot provide services? There is a lot in this report (South Australia's Country Health Care Plan) which says that over time 'we will explore', and 'we may do this, and we may do that.' Over time, what will happen is that general practitioners from outside the city will be starved out of a living and will leave country areas.

If you are a traveller on Highway 1 you had better not have an accident anywhere between Port Augusta and Ceduna, a distance of some 450 to 500 kilometres, because under this plan there is no medical assistance over that area. Similarly, there is no medical assistance north of about Clare and definitely none north of Port Augusta. I will not go into details of the areas affected in the South-East; however, all this state has been cruelly and despicably treated by the Rann government and minister Hill—or, indeed, by minister Hill's bureaucrats, because I remember them wanting to do something similar to this when I was a country health board member before I was ever a member of parliament.

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

The Hon. C.V. SCHAEFER: There are no country health boards now; that was the first wedge. However, over all that time the bureaucrats have been saying that these hospitals do not pay their way and that therefore they will be closed. Of course they do not pay their way, and they never will; they are there because wherever people live—even in Zimbabwe—they are entitled to basic good health care, basic good education, and basic good transport systems. In one fell swoop this government has regulated country people to Third World health care.

The report actually states that we have an ageing population—as if we did not know that. If you have no GP what do you do if you live at Kimba—or perhaps even as I did, at Buckleboo, some 45 kilometres from Kimba—and you happen to have type 2 diabetes and need a repeat prescription? There is no GP and under this scheme there will be no GP, other than at Whyalla or Port Lincoln. Now, from memory, it is about 350 kilometres from Kimba to Port Lincoln and about 180 kilometres from Kimba to Whyalla. If you are an aged person, as are my parents, what are you meant to do? Are you meant to get in a car and drive to Whyalla to get a repeat prescription for your medication?

How hard has this government thought about this? It says it will provide additional primary health care. Most of all people want a doctor. That is the first type of care people want; they want to be able to look a doctor in the face. Will they have to learn to use the internet and perhaps get their medicines from overseas? There will be no access under this plan.

This plan is one of the cruellest, most short-sighted, mean-spirited pieces of legislation I have seen in my lifetime. It clearly puts up in lights that this government has no regard for people outside large cities. Worse than that, it actually shows that those people are at the mercy of a

bureaucracy that has even less regard for them than those of you who are members of parliament. I urge you all to please apply just a little bit of social decency to country people.

Time expired.

KENNEDY, MR R.F.

The Hon. B.V. FINNIGAN (15:28): I rise today to acknowledge the 40th anniversary of the assassination of Robert Francis Kennedy, who died on 6 June 1968, after being shot the day before. Bobby Kennedy, of course, died young and without fulfilling his potential, as had his elder brothers President John F. Kennedy and Joseph Kennedy, who was killed in the Second World War. There are many debates about how Bobby Kennedy would have gone in the primaries, and it is certainly my view that he would have ended up being the presidential nominee on the Democratic side—and indeed would have had success in the general elections—so I think it is a great loss to the US and the world that that did not happen.

People tend to romanticise the Kennedys, including a lot of people on the Liberal side of politics in Australia as well as the Labor side, but I think the canonisation of the Kennedys that often occurs is perhaps misguided, in that it sees them as holding positions or being representative of politics which I do not think they really did or were. I think Jack and Bobby Kennedy, in particular, were not bleeding heart liberals in the modern sense in the way that the Left has become particularly obsessive about identity politics in the more recent decades. I do not think that was the sort of thing that Jack and Bobby were particularly about.

Within the Democratic Party of the United States, a number of different competing groups or interests are always represented (as I suppose there are in any party) and on which that party tends to support and rely. There was an interesting article in *The Weekly Standard* by Noemie Emery in June this year talking about the current presidential race, but the thing I found interesting was that she spoke about a longstanding divide within the Democratic Party between academicians and Jacksonians—or warriors and priests—essentially saying that there was always a strain of the Democratic Party that was more about nuance and liberal politics, but it has been the more hard-edged leg of the Democratic Party, particularly on security and war issues, that has prevailed. In the article she said:

> Academicians traffic in words and abstractions, and admire those who do likewise. Jacksonians prefer men of action, whose achievements are tangible. Academicians love nuance, Jacksonians clarity; academicians love fairness, Jacksonians justice; academicians dislike force and think it is vulgar; Jacksonians admire it, when justly applied.

To some degree, in my view, that sums up what Bobby Kennedy stood for. He was not a 'Lefty' in the modern sense. He was certainly tough on crime issues and a supporter of the proper use of force.

I conclude my contribution with a quote from Bobby Kennedy. I know there are many great quotes to which one could refer, including his extraordinary contribution after the death of Martin Luther King, but this speech was made at the University of Kansas in March 1968 (not three months before he was assassinated), when he talked about the gross national product. He said:

> Our gross national product...counts air pollution and cigarette advertising, and ambulances to clear our highways of carnage. It counts special locks for our doors and the jails for those who break them. It counts the destruction of our redwoods and the loss of our natural wonder in chaotic sprawl. It counts napalm and the cost of a nuclear warhead, and armoured cars for police who fight riots in our streets...Yet the gross national product does not allow for the health of our children, the quality of their education, or the joy of their play. It does not include the beauty of our poetry or the strength of our marriages; the intelligence of our public debate or the integrity of our public officials. It measures neither our wit nor our courage; neither our wisdom nor our learning; neither our compassion nor our devotion to our country; it measures everything, in short, except that which makes life worthwhile.

I think those words very much sum up Robert Francis Kennedy. May he have eternal rest.

GAWLER TRAIN SERVICE

The Hon. J.S.L. DAWKINS (15:33): I rise today to speak about the Gawler train line. For a great portion of my life, I have been a passenger on trains on that line going way back to red hens and the ones before then (I forget their name). Certainly I have been travelling up and down that rail line for a large number of years. Today I urge the government to permanently fix the ongoing faults occurring on the Gawler train line, after it was again neglected in the budget which was handed down recently. Late and exceedingly overcrowded train services on the Gawler line have continued, despite the new and allegedly more efficient train timetable.

On 27 April, the new high frequency timetable was introduced in an effort to aid overcrowded carriages and improve efficiency for passengers. Despite assurances by the Minister for Transport (Hon. Patrick Conlon) this is not happening. In most cases, the overcrowding is just as bad as it was before the new timetables were introduced. In fact in many cases I think the overcrowding has got worse.

The so-called improved timetable offers the high frequency stations such as Gawler, Elizabeth and Salisbury extra services during peak times in the morning and afternoon, but the government has failed to provide additional carriages for trains during these peak times. If the government wants people to move to the outer suburbs and inner country it needs to ensure there are adequate transport services, but at the moment it is certainly not good enough.

There is an emphasis on peak times, but as late as yesterday I travelled on the 6.35 train from Gawler Central, which became extraordinarily overcrowded by the time it got to Adelaide. On several occasions I have seen one carriage on that train—and I suspect all of them are the same—with between 30 and 40 people standing at one time. That was the 6.35 train, which would hardly be a peak hour train. The Gawler line has again become a second preference for this government. The line was put into the second tier of resleepering and has now been put into the second tier for electrification, and that will not be completed for another decade. It is important that we provide good transport services for people from the northern suburbs and inner country areas who commute to Adelaide, but those people have been ignored once again.

I have a particular interest in extending the rail out to the Barossa Valley, as does the member for Schubert and a number of other people who think it is quite viable, but minister Conlon has rejected it out of hand. I noted with some encouragement the other day that the Leader of the Government in this place expressed some interest in that, and I will explore it further in future as it is something we need. While the new timetables have increased the number of services significantly at a number of the stations I mentioned, the Gawler Central and Gawler Oval stations have been left out, particularly Gawler Central, where a lot of people from the Barossa and inner country areas come to catch the train. They have not had any increases, and that could be done without a great deal of difficulty. Certainly we made changes previously with new timetables, but Gawler Central has been neglected.

Finally I have written to minister Conlon and invited him to ride the train from Gawler to work with me one morning to witness first hand how hard it is to even see out of the windows, never mind arrive on time. There is a lady with a seeing eye dog who goes on the train and she does not let the dog lick the floor of the train because it is so dirty.

Time expired.

AUSTRALIAN REPUBLIC

The Hon. R.P. WORTLEY (15:39): I rise today to discuss a matter close to my heart: the hope that I will see an Australian republic in my lifetime. I reflected on this hope during my recent visit to Japan, one of our many near countries with which we enjoy a durable, cordial and mutually beneficial relationship. It is becoming more apparent to all thinking people that Australia's future lies with countries with which it enjoys greater proximity, namely, Asia. It is my firm belief that we need to develop our relationships with all Asian countries as an equal partner and not one fettered to a remote monarchy, however pleasant and competent its current representatives are said to be.

I am not only discussing our economic relationships: our partnerships in the region have a much greater significance and resonance. We share with our neighbours the responsibility of creating and maintaining a stable, prosperous region through dialogue and cooperation. We are committed to democratic values and to open, contemporary societies. We are an independent nation moving confidently with our new Prime Minister into a fuller engagement with the region and the planet. Does not the fact that we are still tied to a remote and unelected British head of state fly in the face of that nationhood and diminish our democracy?

Don't the successive waves of immigration that have made Australia the vital multicultural society we now enjoy completely negate any proposition that we are a colonial outpost of Britain? We have our own Australian values, our own needs, our own priorities. Surely, in the 21st century, it is time for Australia's head of state to be one of our own—a head of state representing a people who acknowledge their country's historical links, yet are uncompromised by arcane and distant ties: a head of state who is an Australian citizen.

Yes, we had a referendum just a few years ago—a referendum so skilfully and cynically manipulated by an avowed monarchist. Let us not forget the comments of the self-styled 'golden

boy' of the federal Liberal Party, admittedly in an earlier incarnation. It was in his capacity as the head of the Australian Republican Movement that Malcolm Turnbull so passionately declared that John Howard 'broke the nation's heart' through his manipulation of that referendum.

But those days are thankfully over. As all present are aware, participants articulated their strong support for the concept of a republic plebiscite at the recent 2020 Summit. The question would be, simply, whether or not we want to become a republic. This threshold question would determine what we want. The answer would not be legally binding, nor would it change the Constitution. But only after that question had been answered could we move on—presuming the answer was yes—to a discussion of what model would be adopted. I believe the Australian public would welcome an accelerated debate on a republic. I am optimistic that this will take place, and I am hopeful that we will see an Australian head of state in our lifetime.

Time expired.

TEACHERS, INDUSTRIAL ACTION

The Hon. M. PARNELL (15:42): I want to talk today about the underfunding of the public education system in South Australia. Yesterday, I was very pleased to attend the massive rally on the steps of Parliament House, where we saw an estimated 6,000 to 8,000 teachers, parents and students rallying to show the government that they wanted a better deal for public education.

Much of the talk around the teachers' dispute has centred on pay rates and the fact that our teachers are the lowest paid. However, for me the dispute is also about the quality of education for our children, and that debate is inextricably linked to the work environment and the conditions under which our teachers teach and our students learn.

The Australian Education Union has, I think quite rightly, condemned the government's lack of movement on negotiating a decent set of wages and conditions for our teachers. But on the issue of overall funding of the education system, the Australian Education Union has just released a report by Adam Rorris, an education consultant who comes highly credentialed, having advised governments in Australia and overseas. In summary, this report states:

> The overall finding [and this is the main finding of the report] is that children in Australian public education systems are attending schools with per capita investment budgets that are below those enjoyed by private sector schools.
>
> The case for investing heavily in Australian public schools is now very strong. Apart from the intrinsic returns that can be generated by these investments, there is an immense gap in the resources available to public schools compared to the private sector....The current funding imbalance affects the quality of schooling and puts the public schools and their students at a disadvantage [compared] to the private sector.
>
> This imbalance also damages public schools by creating a resource incentive for families to move their children towards the private sector. Families may perceive that if they place their child in a private school they will have access to better facilities. This can impact on the size and demographic structure of public education enrolments. Ending the public/private divide in Australian schooling is a commendable objective. Restoring some balance in the resources provided across both sectors would be a good way to commence the healing process.

That is the summary of the 'Rebuilding Public Schools 2020 Investment Targets' report. But specifically in relation to South Australia, the report concludes:

> South Australia will need to reach $3.6 billion [in expenditure]—a significant jump from the current projected allocation of $848 million.

So, we do need to put the teachers' demands in perspective. They are well supported by research that shows that we have to start redressing that balance.

According to the Australian Education Union, the per capita funding model does not come with additional funds for implementation and, as a result some 175 schools (about one in three) will be worse off. The AEU analysis shows that country schools, those in disadvantaged areas and special schools will be the hardest hit. It means that seven Aboriginals schools, 127 primary schools, 13 junior primary schools, 13 secondary schools and 15 areas schools will be worse off by up to $250,000.

The education union has acknowledged that its action yesterday was inconvenient for parents, and it urged parents to support its decision to take the stop-work action because it states that it was in the long-term interests of their children's education.

I have had three children go through public education, and I have two still in public schools. I was very pleased to see my children's teachers at the rally yesterday, and I was glad that my high school age child saw fit to come along and support her teachers at Glenunga International High

School. I was very pleased to see that the teachers of the local primary school my son attends were all there, too.

I put on the record my congratulations to the Australian Education Union, the teachers and the parents who took the trouble to come out yesterday and tell the government what they want in terms of an education system for our children. My final plea is to urge the government to get back to the negotiating table so that we can resolve this dispute and have the best possible public education system in this state.

MERCY MINISTRIES

The Hon. I.K. HUNTER (15:46): Today, I would like to continue to read into the record the personal story of a young woman who suffered at the hands of Mercy Ministries. She writes:

Staff often talked about how young women go to Mercy Ministries to be 'reprogrammed' from their old lives, old beliefs, old selves. They would talk about Mercy Ministries taking the world's trash and making treasure from it. It hurt a little. I never considered myself to be trash. I was a person with an illness, and I was proactively seeking treatment. I wasn't trash!

I want to talk a little about the counselling at Mercy Ministries. I would see this unqualified counsellor once a week for about 40 minutes. Some weeks counselling was missed. The sessions normally opened with a prayer and the counsellor asking me a few questions such as who I got on best with out of the staff and who I got on best with out of the other young women.

She would then take the Restoring the Foundations casebook folder and read a couple of pages to me. I often then had to read a prayer out loud. Usually the session ended there for the week. It took me a little while to discover (due to the secrecy of the counselling sessions) that each young woman, no matter their illness or issue, was treated by the very same Restoring the Foundations materials. A young woman had to work her way through the folder during her counselling sessions before she could be termed a Mercy Ministries graduate.

I had severe panic and anxiety, which caused dizzy spells, cold sweats and difficulty in breathing. I tried to manage these panic attacks as best I could at Mercy Ministries. On my second day at Mercy Ministries I could feel an impending panic attack, so I tried sitting with my eyes closed and picturing a calm place, only to be disturbed by a staff member who told me indignantly that no sleeping was allowed during the day. I attempted to let her know that I wasn't sleeping and was trying to cope with the panic. However, she was not interested in 'excuses' as she called them and, according to Mercy Ministries, meditating was evil as well.

I did try substituting meditation for quiet prayer. However, at the time the staff did not permit me to go anywhere in the centre to be alone to pray. Throughout my time at Mercy Ministries girls came and went. In the end, more than half the girls I knew at Mercy Ministries left because of the type of program Mercy was or they were kicked out.

This makes a bit of a mockery out of the Ministry Ministries' claim that they have a 90 per cent success rate. She continues:

While at Mercy Ministries girls are not allowed to exchange contact information, phone numbers, etc., because once a girl leaves or is kicked out contact with that person is prohibited. I shudder to think about what may have happened to some of those girls.

Being at Mercy Ministries was a very confusing time, and it made me wonder how I was going to be able to manage my illness, especially given that I was in a much more stressful environment than I was when I was at home. I was removed from the medical care of my doctors; removed from the care of my qualified counsellor; removed from my family, friends and church; removed from my studies and work opportunities; and prevented from managing my illness the way I had been taught to by my doctors.

Even going to staff during a panic attack was considered taboo. I was accused of 'acting for attention'. It was obvious that the staff had little to no knowledge of how to help me or how to let me help myself.

Occasionally they would spare me the accusation that I was attention seeking and, instead, they would tell me to go and read a book called *God's Creative Power*, or read the Bible. They did not seem to understand, or take seriously, that I was suffering from a real illness that needed real intervention so that it could be managed. When reading *God's Creative Power* and the *Bible* did not prevent further panic attacks, a staff member told me to sit down in her office, and she shut the door. I was told that, seeing as I was not improving, she believed that it was demonic forces that were causing the symptoms I described. I was told that the 'world' may call it an illness, but they are wrong. She said that the 'world' does not have the power of God, and that only Mercy has the power of God and knows the truth—that demons cause what the world calls mental illness, and that only prayer and treatment from Christians can heal somebody of it. I was told that Mercy Ministries was the only place that could help me, and that the 'world' with all their qualifications has already failed me.

A couple of days later, I was forced to have an exorcism. Two staff members, one of them being my Mercy Ministries counsellor had me in a room with them. They shut the door and pulled the curtains so that nobody could see in, then had me stand in the middle of the room while they laid hands on me, and cast the demons out of [my body] one by one, calling them by name. They spoke loudly, then quietly, then loudly again, alternating between speaking in tongues and speaking in English. I wanted to cry. I didn't understand why they were yelling. I was so frightened. At one point, one of the staff members tried to reassure me. 'Don't worry,' she said. 'I am angry at Satan, not at you.'

After the exorcism, I was told that I shouldn't have any more symptoms because the demons that were causing them had been cast out. Although I am embarrassed to admit it, I held on to what they had said. I wanted to believe them. That I had been healed, that I wouldn't have any more symptoms, that they had 'fixed' me. And I was okay, for about two days.

When the next panic attack hit, being unable to manage it the way I had been taught by my doctors, I went to staff for help. I was having a lot of problems with my breathing. They took me to their office, closed the door, and proceeded to tell me about how disappointed they were in me. I was told that they had already cast the demons out of me, therefore if I was having any symptoms now, it was for one of two reasons: 1) I was acting for attention, or 2) I had knowingly and willingly invited the demons.

Time expired.

LEARNER DRIVERS

The Hon. J.A. DARLEY (15:52): Today I will speak about learner's permits and driving instructors. Recently, I was contacted by a constituent regarding the process of obtaining a learner driver's permit. In this case, the student involved had been learning to drive on his learner's permit for just over a year and a half. He had undertaken extensive driving experience of over 100 hours, which included driving in various conditions, both during the day and at night. He had clearly taken it upon himself to ensure he was confident and capable behind the wheel, as learner drivers are required to complete 50 hours before applying for their provisional licence.

As honourable members would be aware, there are two methods of passing from a learner's licence to a provisional licence. The first method is to complete a logbook with an accredited driving instructor who marks off particular competencies once completed in a satisfactory manner. The second method is to undertake a 'vehicle on-road test', which is a practical test completed in the presence of a qualified examiner who assesses whether the student has passed or failed. Both methods require at least 50 hours' driving experience, with a minimum of 10 hours to be conducted at night. The student in this case chose the latter method.

Whilst many people would regard themselves to be good drivers, the habits that many people develop over years of driving often means that they inadvertently pass on these bad habits to learner drivers. It is because of this that qualified driving instructors—who are experts on road rules—are often the best people to teach learner drivers, if their services can be afforded. The student was fortunate enough to have the support of family and friends who were willing and able to teach him to drive; however, he felt that engaging the services of a professional driving instructor would be beneficial in furthering his driving advancement.

The ensuing behaviour of several driving instructors is somewhat questionable. After paying for over half a dozen lessons, he never received a receipt. Time during paid lessons was wasted by sitting stationary and chatting about current affairs. Appointments were cancelled and rescheduled without sufficient warning. His appointment for his final driving assessment was cancelled at the last minute, as the examiner had forgotten to log it with the government agency.

When the student was finally able to find a driving instructor to take him for his final assessment, he was shocked that the test—which cost him over $50—was conducted in five minutes and consisted of a drive around the block. Furthermore, the instructor refused to provide feedback on why he had chosen to fail the student.

Investigations by the young man's mother were made to the road testing auditing department, and she was told that nothing could be done as driving instructors were independent from government control.

Furthermore, preliminary inquiries made by my office have proven how difficult it is to lodge such complaints. Representatives from the same department provided conflicting information which indicates that the complaints and review process are unclear. Driving instructors are subject to audits undertaken by government representatives on a random basis. However, notifications of these audits are given in advance. Instructors are licensed for a period of five years before the need for reapplication for their licence, at which time their competency is not reviewed: only a medical and police clearance is required.

There seems to be no standard code of conduct for driving instructors, and if they are not a part of a driving school the way in which they behave and conduct their business is entirely at their discretion. There are no other reviews except for the audits for which they are given advance notice. Whilst I understand that it is often difficult to investigate specific instances where there are only two witnesses, the student who is making the complaint and the instructor, I believe that there should be a more transparent system of reviewing the standards of driving instructors on a regular basis.

I would like to express my disappointment at situations such as those I have outlined today. The behaviour that was displayed would not have been tolerated by many who have had the life experience to know better; however, there are, no doubt, people who prey on those who are vulnerable. This situation is made worse by the fact that it seems these types of behaviours are becoming more common and, more importantly, unchecked.

Time expired.

CRIMINAL LAW (SENTENCING) (ABOLITION OF SUSPENDED SENTENCES FOR SUBSEQUENT SERIOUS OFFENCES) AMENDMENT BILL

The Hon. D.G.E. HOOD (15:56): Obtained leave and introduced a bill for an act to amend the Criminal Law (Sentencing) Act 1988. Read a first time.

The Hon. D.G.E. HOOD (15:57): I move:

That this bill be now read a second time.

I rise today to move this bill as a Family First proposal for reform to the criminal justice system. I want to start the debate on this bill with the words of Chief Judge Terry Worthington, the Chief Judge of the District Court of South Australia. On the Courts Administration Authority website he has issued an undated statement, which is a defence of suspended sentences. It is a somewhat lengthy statement that concludes as follows:

> It is not surprising that views will differ about whether a sentence should be suspended. Sometimes people say a suspended sentence is like being thrashed with a warm lettuce leaf. It is probably easier to say that if you are not the one who has a two and a half year prison sentence hanging over your head, with the prospect of losing everything, including the job you have trained hard to get, if you slip up. A suspended sentence is a real sentence but it gives a last chance.

The reference to a warm lettuce leaf is a surprisingly candid statement from the Chief Judge, but also a welcome one. I begin by congratulating the Chief Judge on having a public statement explaining the judiciary's view on suspended sentences readily accessible on the website, yet I think there is something revealing in that last sentence. The Chief Judge says:

> A suspended sentence is a real sentence but it gives a last chance.

How many last chances can a person have? If I am driving from Sydney to Adelaide and I reach Hay and I see a sign which states, 'Last chance to get petrol for the next 200 kilometres', how many more chances do I have to get petrol in the next 200 kilometres? Obviously, it is my last chance, unless I want to get stranded somewhere in the middle of the Outback.

I will quote a specific example of the matter of Richard John Francis Hinckley, decided on Tuesday 29 April this year at about 2pm: the offender in question got his fifth last chance. Let me summarise the facts of this case, from the sentencing remarks: police found 23 grams of amphetamines at his home; this is a trafficable quantity under the act, attracting maximum penalties of some 25 years imprisonment and/or a $200,000 fine. So, it is a very serious offence indeed. The jury found that he was in possession of these amphetamines for sale. He was 44 years of age at the time, with no dependants. He was a regular amphetamine user and had a record of dishonesty offences dating back to 1991.

Shockingly, he has had the benefit of some four suspended sentences previously. He had also served time previously (after 1993) on four charges of selling and possessing cannabis and amphetamines for sale and, yet, the sentence—which was very lenient in the first place; some two years and six months' gaol—was wholly suspended. The man in question is free today because the court gave him another last chance, another suspended sentence—his fifth suspended sentence; his fifth so-called 'last chance'. Clearly, the deterrent effect of the fear of a gaol term hanging over his head was no fearful matter for this person because surely, if he had such a fear, he would never have needed a second last chance let alone a fifth last chance.

Drug offenders are amongst the worst repeat offenders. They reoffend time and again and are given last chance after last chance—so-called—by the courts. I received a call from a constituent who claims his neighbour grows cannabis crop after cannabis crop in his house, despite having been on a suspended sentence bond for some time. Last Thursday's *Advertiser* ran a story about a case where a Hell's Angels bikie, convicted of theft and extortion, was granted a suspended gaol term of four years and three months even though he had had the benefit of a suspended gaol sentence in 2006 for having a loaded, high-powered pistol in his car—a second last chance in two years.

On 21 April this year another individual walked from court with a 24-month, 16-month non-parole suspended gaol term. He had been convicted of carrying an offensive weapon, aggravated assault by use of an offensive weapon, and committing aggravated assault where the victim of the offence was over 60 years of age. This defendant had grabbed a woman by the hair and held a knife to her throat while making—to quote from the transcript—'cutting motions as though you intended to slit her throat'. He swore at the victim calling her a whole series of names, including a 'mole', and threatened to kill her. He kicked her and continued to make threats against her life. He had previously, according to Justice Clayton, been convicted of similar offences in May 2005, just three years before; namely, common assault on a person other than a family member, for which a gaol term had been suspended and replaced with a good behaviour bond for 18 months. Despite the prior record, yet another suspended sentence was given.

On 9 May, Judge Tilmouth granted a further suspended sentence to a person who had set fire to a house belonging to the South Australian Aboriginal Housing Authority in Blair Athol, despite having a record of prior suspended sentences. In another case on 17 April in the District Court, Judge Millsteed granted a further suspended sentence to a person after he assaulted his de facto partner, hitting her in the head, pushing her into an oven and spitting on her face. He had previously been granted a suspended sentence for similarly assaulting his partner (and child) and threatening her life in 2004. I have zero tolerance for men engaged in domestic violence, and it is particularly disappointing that this violent man was allowed to offend again—and I am sure it is very disappointing for his victims.

In some cases it is not the court's fault but perhaps the DPP is somewhat to blame for not pushing hard enough for actual sentences and actual imprisonment. I note the comments in support of this by Judge Kelly in the Supreme Court in the matter of Graham on 5 May this year. This was an appeal against a suspended sentence rightly refused by the courts. In light of Mr Graham's prior record and the fact that he was on parole for other offences of violence and dishonesty when he and two others mugged someone outside the casino, the judge said:

> The prosecutor's concession that a suspended sentence was appropriate was not only generous but surprising.

So there are clearly examples where the DPP is not asking for imprisonment in the appropriate circumstances and, indeed, this is recognised in the comments of Judge Kelly, as I have just quoted.

This bill is about ensuring that a suspended sentence is a last chance, a genuine last chance—no second-last chances; just one in any 10-year period. Judges like to tell offenders that they are on their last chance but criminals get to know pretty quickly that it is sometimes a hollow threat and that there are more last chances on offer, if necessary, as is often the case. It makes a mockery of threats made during sentencing and, in fact, makes this state a laughing stock when convicted violent offenders especially are told that they have one last chance but then continue to be given subsequent so-called 'last chances'—and then another and another and another.

South Australian courts overuse suspended sentences. In fact, 48 per cent of all so-called imprisonment sentences in South Australia are wholly suspended. This is the highest in Australia by a large margin. Other jurisdictions are slowly freeing themselves of the farce of suspended sentences—or repeated suspended sentences, to be fair. In fact, New Zealand abolished the use of suspended sentences back in June 2002 and, contrary to dire predictions, the results were not disastrous at all. There was a modest increase in actual imprisonment of some 8 per cent, and two years later New Zealand was announcing the lowest crime rates in more than 20 years. Sexual offences were down 4 per cent, property abuse was down 6 per cent, and homicide was down 7.4 per cent. This is clearly a good result, which must have been at least partly due to the toughening up of those laws.

In Victoria the Sentencing Advisory Council (VSAC) has recommended sweeping changes to court penalties in a bid to eventually have suspended sentences wiped from their law books for serious crimes—wiped off, Mr President; not merely reformed; not retained for true last chances, but wiped off. The New Zealand and Victorian measures go much further than my proposal and, as such, there is nothing at all extreme about what is being proposed here.

The VSAC's chair Professor Ari Freiberg said, in comments recorded by AAP regarding the Victorian proposal, that 'the council believes that suspended sentences are flawed and have been overused in the past'. Professor Freiberg went on to say that, to facilitate abolishing suspended sentences, reforms to other forms of so-called 'intermediate sentencing orders' was required. I will say three things about that. First, I believe we have plenty of scope in the non-custodial orders

system to deal with the specific circumstances of offenders. Secondly, I am not now advocating abolition of suspended sentences, as is the VSAC: I am giving these last chance orders a last chance, if you like, to show their usefulness. Thirdly, these reforms are aimed only at serious offending; that is, I propose that the reforms be aimed only at serious offending and not at lesser offending, for which a variety of orders remain appropriate and are appropriately used by our court system.

Supporters of suspended sentences make the claim that actual imprisonment does little for recidivism rates. In other words, if you go to prison statistically you are more likely to reoffend than if you had been given the opportunity of a suspended sentence. The problem with the logic of this argument is that we send only the worst to prison in the first place, so it is no wonder that these people regularly reoffend upon their release. I have little doubt that reducing the number of suspended sentences granted will see less recidivism from prison parolees.

Some members may have noticed that the president of the Law Society recently wrote an opinion piece criticising or, to be fair, commenting on my efforts to reduce the operation of suspended sentences. It was a carefully written and informative opinion, and I thank him for putting his view on record. He claimed that my proposal would, in effect, increase the length of all suspended sentence bonds to 10 years. I have no trouble with that. The current limit, which I understand is three years, does not operate as a sufficient disincentive; indeed, in the future I may even introduce a bill to increase the maximum terms allowed on good behaviour bonds.

However, the bill proposed today goes a step further than this by negating the possibility of a subsequent sentence of imprisonment if the bond is breached by certain serious offending. In essence, the current loophole where a judicial officer will decide not to breach a suspended sentence bond will be removed, so long as it is clear that imprisonment is warranted—and 'so long as it is clear' is the important phrase there. Of course, if the triggering event is of a minor technical nature then other sentencing options, such as simple bonds or fines, are open to the court, and these measures will not be put into play. That is appropriate.

Despite the criticism, one thing I do know is that while a violent offender or drug dealer is behind bars they are not attacking innocent members of the public or selling drugs on the streets. Quite simply, it is impossible. In prison they should be receiving mandatory rehabilitation and counselling to more properly ensure that when they are released they can be reintegrated into society. I would like to add here that I believe our current system of rehabilitation in prisons is simply not up to scratch and that we need to spend more on quality rehabilitation within prisons. We should not just lock people away and forget them; I am not a supporter of that philosophy. We should invest in decent rehabilitation while people are incarcerated because, if they are invested in well and wisely and if the people themselves are willing participants in the program, studies have shown that outcomes are better. So, I am a strong advocate of such investment in rehabilitation.

In short, we used to call prisons penitentiaries—that is, for penitence—and cells were originally copied from the cells used by monks in monasteries. Sadly, the concept of rehabilitation behind bars needs to be put under the focus again. Our current prison rehabilitation program is seriously lacking, as I have just said, but I will leave that argument for another day.

Turning now to the specifics of this bill, it works as follows. First, there is a new section 37A of the Criminal Law (Sentencing) Act in which:

- Subsection (1) defines what a serious offence is for the exclusive purpose of this new reform. These serious offences mean drug trade offences, home invasion offences, offences that kill or permanently incapacitate people, sexual offences, bushfire arson, high speed police chases and any other deliberate acts that genuinely put lives at risk.

- Subsection (2) clarifies that a serious offence is not serious for the purpose of this reform if it carries less than five years' maximum penalty of imprisonment, and offences committed over 10 years ago do not count. The reason for that will be apparent in a moment.

Changes to section 38 will now only allow suspended sentences for the first serious offence a person commits within a 10-year period as an adult. Offences as a minor will not count. But, if as an adult, a person commits a serious offence, they may not commit another within the next 10 years and expect a suspended sentence. There will be no judicial discretion in that regard. The second judicial officer's hands will have been tied by the first, if you like.

If the first imposed a suspended sentence for the serious offence, then the second has no discretion but to impose an immediate term of imprisonment. The offender has had their last chance and must pay the price. However, if the first judge did not impose a suspended sentence,

the second judge is not bound to do so. The second judge might choose to impose an immediate custodial term, anyway, if all relevant circumstances in sentencing merit that result. However, it is open to that second judge to impose a suspended sentence, because the first judge did not provide the suspended sentence that ought to have served as a 'last chance' to the offender, and that should rightly be a matter for the courts.

The aim of this proposal is to ensure that a convicted serious offender is not granted one suspended sentence after another, as is occurring far too often in our court system today. As I said, South Australia has the highest number of suspended sentences nationally at some 48 per cent, and I have highlighted a number of cases where up to five suspended sentences have been given for very serious crimes, indeed. It is my expectation, if this bill becomes law, that judges will give very stern warnings to offenders of these reformed sections 37A and 37B. Indeed, we hope that lawyers let their clients know, and ultimately amongst the criminal elements, the words '37A' and '37B' are widely understood, as will be their implications. That, I believe, is the intended deterrent effect of criminal sentencing and, indeed, suspended sentences.

Something else is not immediately apparent in the drafting of this bill, but it is the legal effect, according to parliamentary counsel. I want to spend some time on this issue to make it absolutely crystal clear for members and also the judiciary and legal profession who, in some years to come, look at the second reading contributions on this bill so as to understand how this reform should work in my estimation. This 'something else' is the issue of relevant prior offending. I was shocked when I was advised that, for example, if I sell drugs and am sentenced for that offending, but then light a bushfire and am sentenced for that offending, the drug offence has virtually no relevance to how I ought to be sentenced for the bushfire offending, because I have not, in the eyes of the courts, lit fires before.

I find this logic astonishing, and this parliament should reject that sort of thinking outright. It is little wonder that the public is upset with the sentencing that we see commonly. Members of the public only see criminal offending as antisocial behaviour, not as one kind of offending and then another kind of offending irrelevant to the first. A person who commits sex offences and then leads police on a dangerous high speed pursuit, indeed, is showing a serious pattern of criminal behaviour and should not get the benefit of two suspended sentences. If the court gave him or her his or her last chance to reform their behaviour after the sex offence by issuing a suspended sentence, then any over criminal behaviour should result in the appropriate prison term.

There is this nonsense promoted in the legal community that, once a person has served their time under a suspended sentence, they are a free person under the law and ought to be treated as if they have never broken the law. I do not agree. I do not think the community agrees either. People who commit subsequent serious offences ought to be subject to a much higher standard in sentencing, simply because they have been through the sentencing process before and know what is at risk. We simply cannot have cases like those I have outlined; namely, people who reoffend on a periodical basis lie low while serving their suspended sentence—the so-called warm lettuce leaf floggings, if you will—and then offend again expecting the same treatment.

A time must come when a court must decide that, if a person is not reforming, they need to be taken out of community circulation to learn their lesson and, indeed, to protect the community at large. Indeed, in some cases the courts have failed to appreciate what the community expects in this regard, so this bill proposes changing the balance to ensure that suspended sentences are well and truly the last chance.

I commend this measure to members and look forward to hearing contributions from other members on the use of suspended sentences in Australia. I strongly believe that the debate over the appropriate use of suspended sentences needs to occur and should do so sooner rather than later. No doubt there will be conflicting opinions and members in this chamber will see things very differently, and I welcome those opinions. I look forward to the debate. The public is generally dissatisfied with what we see at the moment. A suspended sentence should be as it was originally intended. As the Chief Judge himself has stated, it should be a last chance and not a series of last chances: that simply does not make sense.

Debate adjourned on motion of Hon. I.K. Hunter.

ELECTORAL (ADVERTISING COST) AMENDMENT BILL

The Hon. M. PARNELL (16:16): Obtained leave and introduced a bill for an act to amend the Electoral Act 1985. Read a first time.

The Hon. M. PARNELL (16:17): I move:

That this bill be now read a second time.

This bill seeks to provide increased disclosure in government taxpayer-funded advertising and does this by requiring all government advertisements to disclose, alongside the authorisation, how much the particular advertising campaign has cost. The effect of this bill I hope will be to discourage governments from using taxpayers' funds for blatant party political advertising. Whilst my bill does not go so far as to ban any particular form of government advertising, it does draw attention to the cost of such advertising, which in turn will provide useful information to the public about how sensibly or otherwise taxpayers' dollars are being spent.

The most recent example of blatant taxpayer-funded political advertising relates to the recent state budget. We saw on television, on radio and in print advertisements the Premier telling us that his government had a vision. There was nothing in these advertisements that anybody needed to know that they could not have obtained elsewhere. A useful comparison to draw concerns editorial comment that can be procured around political matters. In other words, rather than the government putting advertisements in the newspaper telling people how great the budget was, almost every journalist in the state was in the gallery listening to the Treasurer deliver the budget.

It formed the lead item on all television news, and the newspapers the next day had multi-page spreads. There is no shortage of information about the budget. When it comes to taxpayer-funded advertisements, my view is that they should be limited to advertisements that fulfil a number of public interest criteria. At the head of those would be advertisements that seek to inform or advise the public about things they need to know.

In contrast to advertisements promoting the state budget would be television advertisements promoting the benefits of breastfeeding, encouraging women to feed their children for as long as they can. It has a clear public health outcome and it is a public service message. We are all familiar with advertisements that encourage people to save water and energy and with advertisements that tell people about new services that might be of use to them. There is no objection to advertising that the bus timetables will change. I think on Sunday 6 July the Hills bus timetables are changing, and we had a briefing in Parliament House at lunchtime. Of course, that information needs to get out to the community: people need to know that, and there is nothing improper about it.

Advertisements relating to services that people need to access and advertisements that encourage behavioural change are appropriate. Advertisements that give us warnings, special notice of road closures, and so on, are all appropriate forms of advertisement. The only behavioural change from the budget advertisements we have just seen is the government hoping that people will vote Labor. That is the only behavioural change it is trying to illicit, and that is an inappropriate way to spend taxpayers' money. The new tram extensions are important, so let us have ads, when they have built it, telling us where we can catch them, where they are going, and all the useful information we need to know. What we do not need to know through taxpayer-funded advertisements is that the government has a vision and that in 10 years it might spend some money on some projects that might interest us; that is inappropriate. Rather than try to legislate for those indicators of appropriate government advertisements—it is not for me to say through legislation what is appropriate—it seems that the best method is for disclosure, in particular in relation to the cost of advertising campaigns.

By way of explanation of clauses, my bill proposes to insert a new section 116AA in the Electoral Act, a section headed 'Disclosure of public money used to finance government advertising'. There are three main provisions in this new section: first, to create an obligation on the part of the person who authorises, causes or permits the publication of a publicly-funded political advertising campaign to disclose the cost of that campaign where the total cost exceeds $10,000. We are all used to seeing at the end of advertisements 'Authorised by'. Under this bill, after 'Authorised by' it will also have 'The cost of this campaign was', and that is the obligation created. Secondly, there is an obligation on the minister each year to prepare a report on the cost of publicly funded advertising campaigns; and, thirdly, for that report to be tabled within six sitting days before both houses of state parliament.

So, it is a very simple piece of legislation designed to curb the excesses of whichever party is in office so that they are more likely to spend taxpayers' money on genuine government advertising that tells us things we need to know. It will help to modify behaviour, or warn us of danger we need to know about, and it will discourage governments from using taxpayers' money for blatant party-political electoral advertising. I commend the bill to the council.

Debate adjourned on motion of Hon. I.K. Hunter.

STATE CYCLING STRATEGY

The Hon. M. PARNELL (16:24): I move:

That the Legislative Council notes—

1. The following actions under objective 2 of the State Cycling Strategy (entitled Safety in Numbers)—

   (a) include in all new urban road projects or road upgrades safe, direct and attractive cycling facilities that are planned, designed, constructed and maintained in accordance with 'Austroads, Guide to Traffic Engineering Part 14—Bicycles'; and

   (b) extend and improve cycling routes along dedicated public transport corridors (e.g. Glenelg Tramway and the Willunga-Marino Rail Corridor);

2. State government investment of over $500,000 so far on creating an uninterrupted cycle pathway between Glenelg and the city as part of the City of Glenelg tramway cycling route project;

3. Strong support for a shared use pathway for pedestrians and cyclists across South Road as part of the public consultation on the South Road Upgrade Glenelg Tram Overpass project;

4. The need for major transport infrastructure in response to declining fuel supplies and the need to reduce greenhouse pollution, to include appropriate facilities for cyclists and pedestrians;

5. Poorer public health outcomes in the western suburbs of Adelaide, emphasising the importance of providing active transport opportunities; and

6. The negative impact on traffic flow along South Road if an on-demand street level crossing is provided to cyclists and pedestrians to enable safe passage across South Road;

and calls on the state government to ensure that the proposed tram overpass across South Road at Black Forest includes a shared use path for cyclists and pedestrians along the elevated platform tram corridor.

This motion calls on the state government to ensure that the proposed tram overpass across South Road includes a shared-use path for cyclists and pedestrians along the elevated platform tram corridor. This is a subject on which I asked a question in parliament recently and also a subject on which I attended a public meeting at the Unley Town Hall last evening. At that meeting, there were more than 100 people, mostly cyclists, who were very concerned about the possibility that the tram overpass across South Road will not provide adequately for cyclists and pedestrians.

Most members would be aware that the government is spending a lot of money on South Road. Members would be familiar with the Anzac Highway/South Road overpass/underpass arrangement. Another part of the South Road project is for the Glenelg tram to be put on an overpass to enable the removal of the level crossing. Apparently, some 150 trams cross South Road per day, and each of those trams disrupts the flow of traffic along South Road. That is the main purpose of the project.

In many ways, the motion I have before the council is similar to the one I moved (and this council passed) over a year ago in relation to the Bakewell Bridge (an underpass in that case). That motion, members might recall, called on the government to put in decent off-road cycle and pedestrian facilities on both sides of the underpass. As it has turned out, the government did not heed the wisdom of the Legislative Council and the underpass was constructed with a footpath on just one side. That infrastructure will be with us for a long time and, as petrol prices go up and more people want to walk and ride to combat climate change and to combat peak oil, that structure is very much a sub-optimal facility.

When it comes to the tram crossing over South Road, this is likely to be even worse than Bakewell. At least with the Bakewell underpass we have a facility on one side. The fear is that with the tram crossing we will have no facility at all.

On 24 October, in a press release announcing funding for cyclist and pedestrian crossings for the City to Glenelg Tramway Cycling Project, the minister said:

> 'This shared pathway, on land that was previously inaccessible, is proving to be extremely popular with commuting cyclists and walkers,' says the minister. 'It's part of our commitment to improving the safety and convenience of alternate forms of commuting. The new shared use path is part of ongoing efforts to provide a safe and convenient route for cyclists from Glenelg to the City.'

The 10-kilometre tramway cycling route is a combination of shared paths and nominated suburban streets, and it is shown on the state government's BikeDirect website. If you go to that website, it clearly shows the tramway cycling route travels along the tramway. It intersects with South Road

and travels into Black Forest and then into the city. Most days, I ride along that part of the tramway bike path which is in Goodwood and which is part of my route into town.

The issue here is how cyclists and pedestrians using that path will cross South Road. When the government was undertaking its community consultation (a process that I understand is ongoing), the issue of safe and easy access across South Road was one of the key design principles that was identified by the government team as well as by people who made submissions. In fact, the number one principle listed in the December 2007 community update newsletter promoting the project is to 'provide all pedestrians, public transport users, cyclists and motorists with safe, enjoyable and easy access across South Road'.

Key actions, under another government document (the State Cycling Strategy, entitled 'Safety in Numbers'), include the following:

- include in all new urban road projects or road upgrades safe, direct and attractive cycling facilities that are planned, designed, constructed and maintained in accordance with Austroads, Guide to Traffic Engineering Part 14—Bicycles; and
- extend and improve cycling routes along dedicated public transport corridors (e.g. Glenelg Tramway and the Willunga-Marino Rail Corridor);

That is why I have included those two principles in the motion and that we should note those principles.

We also need to look at this project in the context of the western suburbs. The western suburbs, largely through this South Road project, are bearing the brunt of increased traffic and, in particular, freight traffic. In many ways, it is a part of Adelaide which is more poorly serviced and which has less access to many services. Health statistics show that there are poorer health outcomes (in particular, heart and lung disease) in the western suburbs than in other parts of Adelaide.

We also need to note that there is a strong demand for cycling. The census data on cycling to work shows that a considerable number of people cycle; notwithstanding the fact that census day is always mid-winter, it is often raining and that it is only every five years. Nevertheless, cycling to work has increased by about 17 per cent between the last two census dates of 2001 and 2006. During the same time, the increase in cycling in Adelaide was 28 per cent, and the average of people cycling to work was 1.6 per cent. In Adelaide, above average increases in walking to work were also recorded at 22 per cent.

Cycling and walking are things people want to do, so we have to make sure that the facilities are adequate for people to do them. I could quote other figures, but I will not go into a lot of detail. Bicycles outsell cars every year and have done so for the past eight years yet, when the government is planning a major piece of infrastructure, it very often neglects to provide for cyclists. It seems to me quite bizarre that, in an era of climate change and our facing the challenges of peak oil, we are not doing everything we possibly can to provide for cyclists.

The alternative to providing for cyclists on the proposed new overpass across South Road alongside the tramline is a push-button crossing on South Road. You only have to think about it for a minute to realise that it would entirely defeat the purpose of sending the trams across South Road to enable South Road to flow freely. If you have a push-button light, you will stop the traffic on South Road every time a cyclist or a pedestrian wants to cross.

My theory is that, even though the government is saying that that is a fallback position, it will not happen. My prediction is: there will not be a cyclist or a pedestrian crossing at grade on South Road. Bikes needs to go over the top, and the alternative is a Glenelg to city cycle corridor with an effective brick wall in the middle, because South Road is not an easy road to cross.

In fact, last night a representative from the Department for Transport pointed out that only 50 cyclists a day cross South Road in the vicinity of the tram crossing. Why only 50? Because it is so hard to do. There is no light, and it is not easy to do. It is like asking how many pedestrians try to cross North Terrace in a very busy spot where there is no median or where it is not easy to do: the numbers would be fairly low.

We are told that consultation is still occurring, but it seems to me that the government is fairly locked into building this structure without the shared pathway. I am encouraged by the noises that say it is not finalised, and I have been doing whatever I can to urge the cycling and pedestrian community to agitate to ensure that we get a proper crossing here.

The government points out that there are difficulties in providing the continuous running of trams during the construction of the overpass and, at the same time, build these facilities. However, at the end of the day, those difficulties can be overcome. We know that there is sufficient land within the corridor, which is 20 metres wide. Four metres are needed for each of the two tram tracks (eight metres); there will be a platform on the overpass in the middle of South Road (seven metres); and five metres are left. There is no doubt that there is sufficient room if the government has the will to build this facility.

I have collected a number of brochures that illustrate the facility I am talking about, and I will provide them separately to members. They will see that the first artist's impressions all include a cycle path; the later impressions do not. So, with those words, I urge all honourable members to support this motion. It makes absolute sense to insist that a piece of infrastructure that will last for half a century or more include adequate facilities for cyclists and pedestrians.

Debate adjourned on motion of Hon. J.M. Gazzola.

PORT WATERFRONT REDEVELOPMENT

The Hon. M. PARNELL (16:35): I move:

That the Legislative Council notes—

1. The open letter sent to Premier Mike Rann from a group of prominent Australians calling on the Premier to ensure that opportunities are fully explored to integrate Port Adelaide's maritime heritage and character into the Port Waterfront Redevelopment in an enlightened way;

2. The importance of historic working boatyards and related marine heritage as a tangible and integral element of the sense of place of Port Adelaide and LeFevre Peninsula;

and calls on the Premier to—

1. Allow the three remaining historic working boatyards in Jenkins Street, Birkenhead, another year of operation beyond 30 June 2008 to enable a thorough Burra Charter assessment of their significance; and

2. Ensure greater recognition of the importance of Port Adelaide's marine heritage in the overall Port Waterfront Redevelopment.

This motion relates to a subject we have talked about before in this place, but it is a matter that needs to be resolved very urgently, that is, the protection of heritage in Port Adelaide. My motion proposes that this council notes the open letter that was sent to Premier Mike Rann from a group of prominent Australians calling on the Premier to ensure that opportunities are fully explored to integrate Port Adelaide's maritime heritage and character into the Port Waterfront Redevelopment in an enlightened way.

Members might not have seen the letter that appeared on the opinion page of the Adelaide *Advertiser* of Tuesday 17 June under the by-line of Sir James Hardy (a person who would be familiar to everyone) and entitled 'Last chance to save our Port history.' The open letter, as it appears in the paper, was slightly abridged, so I want to put its full text on the record. The letter, dated 16 June, states:

Dear Premier,

Along with the majority of the Port community, we applaud the development of the Port Waterfront as a much-needed regional revitalisation. However, we see a challenge in Port Adelaide and call upon you, as Premier, to meet it.

The challenge is to ensure that the redevelopment honours the importance of the birthplace of South Australia and its history and contributes to regional economic growth to maximum extent, by building on national and international examples of the successful incorporation of maritime industry and heritage. These include Helsinki, Cape Town, Boston, London, Oslo, Seattle, Wellington, Vancouver, Sydney, and Copenhagen.

In Port Adelaide, the maritime character of its waterfront is being stripped away, with one of the last remaining opportunities to retain some of this irreplaceable character about to be lost for good.

In other port cities around the world where best practice urban design is applied, this same character is being embraced to enrich the revitalisation of their waterfront zones, but in Port Adelaide it all stands to be lost.

In 2001, the Land Management Corporation (LMC) called for registrations of interest for a 'Port Adelaide waterfront redevelopment opportunity'. It produced a vision for the Port, with paramount objectives for the redevelopment that included 'achieving excellence in planning and urban design, which recognises Port Adelaide's maritime use, character and heritage' and its 'rich heritage of unique waterfront character'.

Responding to the LMC's vision and aims, the Newport Quays consortium, and their architects talked of their plans for a development that would have a unifying theme consistent with the maritime and heritage nature of the existing environment. Heritage was an integral component of the consortium's proposal to ensure that the cultural, social and historical significance of the Port was retained and enhanced, and that Burra Charter principles

were applied to comprehensively assess this heritage. As recently as 2004, the LMC stated in its prospectus that it would 'continue to ensure that the redevelopment appropriately accounts for the maritime history and culture of the area'.

What has happened to this vision that is allowing the character and heritage to be eroded and why haven't Burra Charter principles been applied in order that a comprehensive heritage assessment be carried out?

At this stage, I would just break that letter to mention briefly this notion of the Burra Charter, because some members might not be familiar with it. The Burra Charter defines the basic principles and procedures to be followed in the conservation of heritage places. These principles and procedures can be applied to a monument, a courthouse, a garden, a shell midden, a rock art site, a cottage, a road, a mining or archaeological site, or a whole region or district. In fact, they are very comprehensive.

The creation of the Burra Charter follows a previous international charter developed in Venice in 1966. In 1977, the Australian International Council on Monuments and Sites decided to review the Venice Charter in relation to Australian practice. In 1979, a meeting in the South Australian town of Burra Burra developed an Australian version of the charter, which has since been known as the Burra Charter. The Burra Charter accepted the philosophy and concepts of the Venice Charter, but wrote them in a form which would be practical and useful in Australia. The Burra Charter is the result of the collective wisdom and experience of people working in the conservation of heritage places in Australia and overseas.

I refer to the Burra Charter in my motion, and the open letter to the Premier also refers to the Burra Charter principles. The open letter to the Premier goes on:

The vision has been lost through incremental erosion. The 'maritime use' has been curtailed by opening bridges that will open twice a day, forcing the sailing clubs, tugs, fishing boats and active tall ships out of the inner harbour. The 'maritime heritage' will be represented in the 53 hectare waterfront redevelopment only by one item, Fletcher's Slip (while Sydney Harbour has 137 items) with all other items deemed, at this stage, to have no formal heritage value and therefore in line for demolition. We are losing the majority of our precious maritime character in direct contradiction to the desired vision for the redevelopment.

We are concerned that the three remaining historic working boatyards at Jenkins Street, Birkenhead, are required by the LMC to close at the end of this month and are scheduled to be demolished soon after. They have long histories; one of them is a five-generation business. If they are removed from the inner harbour then we have missed a significant opportunity to enrich and diversify the revitalisation of Port Adelaide. The boatyards are rich in character and culture. If they close their doors on 30 June, they will be lost for good, with the irreplaceable infrastructure and assets contained within being dissipated through auctions and rubbish skips, to say nothing of the loss of the culture of boatbuilding that has taken place using the same tools and skills in the same place for the last 170 years.

Every LMC-initiated community consultation since 2001 has consistently, and in our view rightly, identified the boatyards and related maritime heritage as tangible and integral elements of the character that defines the sense of place of Port Adelaide and the Le Fevre Peninsula and contributes to the thriving tourism economy of the region.

We would like to revisit the intent of both the LMC's 'Port Adelaide waterfront redevelopment opportunity' and the development consortium's earlier vision for a multifaceted development that respects Port Adelaide's unique maritime character. We call on you to intervene to ensure that opportunities are fully explored to integrate the Port's maritime heritage and character into the new development in a creative, enlightened and vibrant way, one which is enriched and guided by the vision that was espoused on day one, providing a development that benefits all and is uniquely Port Adelaide.

We ask that the boatyards be given another year of operation so that adequate time is provided for a thorough Burra Charter assessment of their significance to be undertaken, and that from this, design concepts be developed where the boatyards and other maritime items and character might be incorporated into the master plan for the redevelopment.

Yours sincerely,

I have read that whole letter into *Hansard,* because I think it is important that we take seriously the call from these prominent South Australians and Australians. In fact, there are some international experts on this list as well.

The signatories are: Anita Aspinall, President of the National Trust of South Australia; Professor Philip Cox AO, Director of Cox Architects and Planners; Bryan Dawe, ABC TV political satirist, writer and former Birkenhead boy; Professor Mads Gaardboe, Head of School at the Louis Laybourne Smith School of Architecture and Design at the University of South Australia; Steve Grieve, Chairperson of Country Arts SA; Sir James Hardy KBE OBE, yachtsman, businessman and community leader; Elizabeth Ho, Executive Director of the Hawke Centre; Dan Houston, Editor of Classic Boat Magazine in the UK; Emeritus Professor Alison MacKinnon, President of the History Council of South Australia; Jack Mundy, union leader and instigator of heritage protection through 'Green Bans'; Professor Nancy Pollock-Ellwand, Head of School, School of Architecture,

Landscape Architecture and Urban Design at Adelaide University; and Mary-Louise T Director of the Australian National Maritime Museum. They are prominent people whose views we ignore at our peril. That is why my motion proposes that we call on the Premier to do the same things that these prominent Australians have called for: to give these boatsheds another year of operation to enable a thorough charter assessment of their significance and to ensure that we get proper recognition of the Port's maritime heritage into the Port Waterfront Redevelopment.

I will conclude with one very brief quote from one of the signatories to this letter, and that is Dan Houston, who is the editor of *Classic Boat Magazine*. What he says is:

> We meet people all the time who bemoan the loss of boatyards where there were maybe wooden boats and a working skill base. This whole idea that we can all live in cracker boxes near the sea and sail plastic boats brought all the way from China, with no idea how they are designed and made, is anathema to the human spirit. They let something real go and then five years later realise that they have destroyed the soul of a place. By then, of course, it is too late.

I would urge all honourable members to support this motion.

Debate adjourned on motion of Hon. I.K. Hunter.

MARBLE HILL (PROTECTION) BILL

The Hon. J.M.A. LENSINK (16:47): Obtained leave and introduced a bill for an act to provide for the preservation, management and use of Marble Hill; and for other purposes. Read a first time.

The Hon. J.M.A. LENSINK (16:48): I move:

That this bill be now read a second time.

This bill is essentially to reinforce the heritage agreement that the government and proponents of the Marble Hill sale will be entering into. I point out that it is fairly consistent with the position that the Liberal Party has taken in the past in relation to other historic properties that have been in public ownership.

I would refer principally to the issue of Beechwood Gardens, which, for the benefit of members who are not aware of the circumstances, is located at Stirling. The gardens there were the property of the Botanic Gardens and maintained by the Botanic Gardens but were too expensive to maintain in such a state. The difference with that particular property is that it included a private residence and essentially the private owners of that house, for the weeks when it was not an open garden, were having the Botanic Gardens maintain the splendid gardens that are there.

The reason it became an issue is that a number of the local residents felt that they had not been adequately consulted about that sale. Indeed, the local council had expressed some concerns as well in relation to consultation. The local member for the area, Mrs Isobel Redmond, the member for Heysen, sought to have the heritage agreement inserted into an act of parliament so that it would be kept in perpetuity. So, really it was to reinforce that particular arrangement.

It is difficult to draw an exact comparison of any particular historic residence with Marble Hill, given that the building itself was substantially destroyed in the Black Sunday fire of 1955. So, it has existed as a ruin which is a very popular spot for bus tours, a location for weddings, open days and so forth, and it has been maintained in more recent years by the Friends of Marble Hill.

Another possible example of adaptive reuse of a previously government building is the Treasury building, which is located in the city. In that sense, people still have some access, obviously because it is a commercial licensed premises these days, but it is also a hotel. It has been splendidly restored and I think is a very lovely part of Adelaide's history of which we can be greatly proud.

In relation to this particular site, the Liberal Party has raised on many occasions its concerns, both through the media and through questions in this parliament. I would like to refer to those, just for the record.

We have been concerned about private ownership because there had been rumours, since the expression of interest was released and also since documents were obtained under freedom of information, which indicated that the government was realigning boundaries and so forth. There were concerns that it may well be subdivided, but that has now been ruled out.

In particular, the Friends of Marble Hill have raised concerns with the Liberal party, as well. The Hon. Iain Evans, who was then shadow environment minister, expressed his concerns on 5 March 2007, as did I on 5 May 2007, in relation to a sale of the property. It has also been raised

in parliament. On 7 December 2006 the Hon. David Ridgway asked a question of the minister, the Hon. Gail Gago, who replied on 26 July 2007 as follows:

> Expressions of interest have been sought to encourage the widest range of innovative proposals for the future management of Marble Hill that will provide for continuing public access while conserving the heritage significance of the site. All options for the site will be considered including adaptive reuse. While sale of the site is not the objective, it will be considered should the most outstanding proposal be based on sale of the property. The Marble Hill site is on Crown land and the sale of land under the Crown Lands Act 1929 is not privatisation. There are no government employees working at Marble Hill.

This particular response from the minister was in relation to questions raised in estimates in 2007, the questions regarding Marble Hill being: what does the government anticipate through the expression of interest, and what are the time frames? The response was as follows:

> I am advised that the government's purpose for the expressions of interest was to encourage innovative proposals for the future development and management of the Marble Hill site which respect, preserve and interpret its cultural and natural significance and allow for continuing public access. Expressions of interest have now closed. Whether the negotiations with the proponent will result in a contractual arrangement for the site is expected to be known in the latter part of 2007.

I also refer to some comments that I made in October 2007 in a media release that stated, 'Expect the government to announce it will sell Marble Hill but not until after the federal election.' That was based on some information that we had in a letter written in January 2005 to the Adelaide Hills Council from Planning SA stating:

> ...the proposal was generally consistent with these policies in that it intends to separate state heritage place from land subject to a native title claim. The separation of the heritage building will facilitate its sale or lease.

As I have previously stated, the minister had already indicated to parliament that sale was 'not the objective' and had indicated that a decision on the expression of interest was 'expected to be known in the latter half of 2007'. This issue has had some interactive history. I think the anxiety of the Friends of Marble Hill is quite understandable in that they have had an ongoing interest in working on the property for no benefit except that they are history buffs. At one point they were directed to not take any further bookings and so forth, which meant that they would not be able to raise income.

I think it is fair to say that if we are not very mindful of preserving our history—and I also refer to a couple of other valuable sites which are in government hands including the Old Adelaide Gaol, which I have banged on about many times in here—we will suffer death by a thousand cuts. It is interesting to note that, in speaking to this, I have followed the Hon. Mark Parnell talking about Searle's boatyard, and we have an issue again at Stepney. I think it is time for South Australians to make sure that we are conserving our heritage because, once it is gone, it will not come back. I think we need to have a consistent approach to heritage issues which also need to be transparent processes.

The Liberal party has clearly stated in the past that it is very concerned about a sale that may end up locking out the community from this magnificent property and so this bill is consistent with those expressions. That is to say that we do not oppose private funds being used to restore properties and that people who are prepared to invest money ought to have some benefit from that. I think the examples to refer to there are the Treasury building on Victoria Square and also places like Mount Lofty House, where adaptive reuse principles are applied. I note that the minister referred to adaptive reuse principles in some of her replies in parliament to these sorts of questions. We also did not oppose the use for commercial purposes, as long as access issues are retained.

I think there are some who would oppose the particular proposal that the government has undertaken because they would prefer to see Marble Hill remain as a ruin. I place on record that we do not concur in those remarks. I direct anybody to look at the photograph published in the most recent *National Trust Magazine*, and if we can restore Marble Hill to that sort of glory then I think that would be a valuable process. I understand that heritage is a costly process, and over past decades I believe that ideas have been discussed regarding the government itself restoring Marble Hill. I think that was probably unrealistic, or perhaps the proposals did not stack up.

If this bill is passed and referred to the House of Assembly, our leader, Mr Hamilton-Smith, will no doubt speak at length about his vision for duplicating the types of activities that take place in Europe, where castles and the like are leased to investors at peppercorn rentals as long as they abide by heritage principles and restore the properties. They become exquisite and iconic places for people to stay.

I would like to acknowledge the proponents of this proposal, Dr Patricia Bishop and Mr Edwin Michell, who are well-known philanthropists and who have, I think, most recently been very involved in raising significant funds for our botanic gardens. I would also like to acknowledge the fact that they are great supporters of history and have a very good understanding of authentic restoration, and they are very respectful of this property—particularly, I understand, as Dr Bishop grew up very close to the site.

The Liberal Party would like to establish some principles. It believes there ought to be some access to part of the house and that this needs to be defined through the heritage agreement. It is also concerned that the heritage agreement is subject to two parties—that being the proponents and the minister of the day. It is no reflection on any of the present parties; however, there is a possibility that, should something untoward happen to the proponents and the property be on-sold, at some stage someone may approach the minister of the day and seek to have the heritage agreement altered. That would then be done by the proverbial stroke of a pen rather than, as with the Beechwood agreement, by an act of parliament that would require any significant variation to be made through that process.

I believe those principles are very strongly supported by the National Trust. I would describe myself, in somewhat comical tones, as a bit of a National Trust junkie. They provide very good advice, and I think that anyone involved with public policy and specifically heritage should carefully consult with the National Trust, as they are people who care very deeply for the heritage of our state.

There is also an issue about the number of days, and there have been comments made in the media recently about visits and whether it should be three days or seven days. I believe the Liberal Party would support something comparable to the current arrangements of the second Sunday in every month, which equates to 12 days per year. I understand that recently Marble Hill has been opened many more days than that, as this year there has been an additional 23 days for bus tours and an additional two open days for Heritage Week. That is 25 days in addition to the normal monthly openings. I believe it would be unreasonable to expect that, as 25 days plus 12 days a year would be hugely onerous. Having open days would be quite disruptive and would be a great deal of unnecessary work for the people involved while restoration work is proceeding—and, indeed, after that work is completed. The Liberal Party believes that something like 10 days per year would be reasonable.

I am grateful to Dr Bishop and Mr Michell for providing us with the heads of agreement, but it is not entirely clear what the 'four pre-booked of the seven occasions' means. It also refers to 'access to such parts of the Marble Hill land' and does not mention the actual building. I believe that those provisions could be made firmer, and that is also outlined in this bill.

For several years the concern has been that the property may be sold and a 'Keep out' sign placed on the front gate. I have been given assurances that that will not be the case with this proposal but I think that, for the sake of all South Australians, this situation should be a little more transparent. In the future, the Liberal Party will announce a government-owned heritage buildings policy in the lead-up to the next election. This process has not been ideal, going from what was initially flagged, calling for expressions of interest to manage Marble Hill (and I think a number of people expected that, rather than it being managed by volunteers in their spare time, it would be done on a more professional basis) to a sale, which was certainly not anticipated.

I think that some of the anxiety is quite understandable. I think that, had I been minister, I might have handled the process quite differently. We will be outlining those particular policies at a later stage, but indicate that we would like to reinforce the perpetuity of retention of this property as one which is very much for the people of South Australia. I urge members to support the bill. I seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Preamble

The Preamble to the Bill provides a summary of the provisions in the Bill, which are to provide for the preservation, management and use of Marble Hill; and for other purposes.

Clause 1: Short title

This clause is formal.

Clause 2: Interpretation

Provides definitions of Heritage Minister, Marble Hill and Marble Hill building for the purposes of this Bill.

Clause 3: Preservation of Marble Hill Subclause (1)

Provides that Marble Hill must be kept reasonably available as a community facility for the benefit of South Australians and visitors to the State. Subclause (2)

Provides that subclause (1) does not prevent the improvement or restoration of any Marble Hill building or the use of Marble Hill for certain purposes so long as the principle established in subclause (1) is maintained. Subclause (3)

Provides that a person in occupation of Marble Hill must ensure that Marble Hill is open to the public on at least 10 occasions, for at least 4 hours (between 9am and 5pm) on each occasion, in any calendar year.

Clause 4: State Heritage significance

Provides that Marble Hill must not be removed from the South Australian Heritage Register.

Clause 5: Heritage agreement Subclause (1)

Provides that an approved heritage agreement must be noted against the relevant instrument of title before the whole or any part of Marble Hill, or the whole or any part of an interest in Marble Hill, may be transferred. Subclause (2)

Provides that for the purposes of subclause (1), an approved heritage agreement is a heritage agreement under Part 6 of the Heritage Places Act 1993 that has been authorised by a resolution of both Houses of Parliament. Subclause (3)

Provides that a heritage agreement entered into for the purposes of subclause (1) must not be varied so as to provide for a significant variation; or terminated, unless the variation or termination has been authorised by a resolution of both Houses of Parliament. Subclause (4)

Provides that a notice of a motion for a resolution under this clause must be given not less than 14 sitting days before the motion is passed.

Clause 6: Dealing with land Subclause (1)

Provides that subject to compliance with the preceding sections, the whole or any part of Marble Hill, or the whole or any part of an interest in Marble Hill may be leased or transferred. Subclause (2)

Provides that a person or body in occupation of any part of Marble Hill may exclude members of the public from a part of Marble Hill for any purpose related to health or safety, the preservation of any Marble Hill building, or any other matter relevant to the proper management, conservation or protection of Marble Hill or a Marble Hill building.

Clause 7: Endorsement on land record

Provides that the Registrar-General must endorse on any instrument or record of title or Crown holding for any part of Marble Hill a memorandum to the effect that Marble Hill is subject to the operation of this Act.

Debate adjourned on motion of Hon. R.P. Wortley.

IRRIGATION BUYBACK

Adjourned debate on motion of Hon. S.M. Kanck:

That this council—

1. Notes the crisis in the Murray-Darling Basin and calls on the Rudd Labor government to urgently commence the purchase of water from irrigators for environmental flows utilising the $3 billion allocated by the Howard government in 2007 for this purpose.

2. Directs the President to convey this resolution to the Prime Minister of Australia.

To which the Hon. C.V. Schaefer has moved to amend after paragraph 1 by inserting new paragraph 1A as follows—

1A. Calls on the government to acknowledge the critical state that the Lower Lakes and Coorong now faces, to further acknowledge that any action arising from the recent MOU will have no benefit to the region within the next three years and take immediate action to acquire water to preserve this vital environmental and commercial asset.

(Continued from 9 April 2008. Page 2362.)

The Hon. R.P. WORTLEY (17:09): I move:

Leave out paragraph 1 and insert new paragraph as follows:

1. The state government commends the Rudd Labor government on its announcement of the MOU for the Murray-Darling Basin and commends the federal government on their announcement of a 10-year plan with $12.9 billion investment in water priorities which includes $3.1 million for the buyback of water.

After paragraph 1 insert new paragraph 1A as follows:

1A. Commends the federal government on its announcement of 'Water for the Future' and notes the Lower Lakes and Coorong and Murray Mouth form one of the Murray-Darling Basin's icon sites which therefore identifies these locations where recovered water is prioritised for use.

The reason I move these amendments is that I think we all realise how important the issue of the River Murray is and the problems we have with the River Murray. The state government and the federal government have always viewed this issue as being one needing bipartisan support. The state government supported the Howard federal government's $10 billion national plan for water security. We did this, even though, whilst all the promises were made, not one drop of water was purchased for the environment by the former federal government.

We are strongly supportive of the new federal government's recent decision to spend $50 million to buy back water licences from an over-allocated river system. Of course, we recognise that this amount will only buy a small volume (25 gigalitres) of the estimated 1,500 gigalitres required for a healthy river. However, as has been recognised by the Prime Minister and the federal Minister for Climate Change and Water, this is only the first step.

On 26 March 2008, Prime Minister Rudd and first ministers from across the Murray-Darling Basin forged an historic agreement for the future of the basin. All parties agreed to a new approach to drive reform by securing water for people, farms and the long-term health of the basin. This deal included the purchase of water from willing sellers. On 29 April 2008, the federal Minister for Climate Change and Water announced the federal government's new 10-year $12.9 billion investment in water priorities, to be known as 'Water for the Future'. The new program includes $3.1 billion for the buyback of water entitlements for irrigators.

The South Australian government is committed to recovering water to provide water for environmental purposes. We recognised some time ago that the purchase of water from willing sellers for environmental needs was a long-term commitment. Other ways we intend to recover water is by improving water use efficiency from irrigation districts and by reducing evaporative losses. We have already taken action to recover water.

Under the Murray-Darling Basin Ministerial Council's Living Murray initiative, South Australia was the first state to have water accredited on the Murray-Darling Commission Environmental Water Register. This comprises 13 gigalitres of water that was made available to the environment as a result of efficiencies within the Loxton irrigation district following rehabilitation of the water supply system, and the purchase of water from irrigators on the Lower Murray reclaimed irrigation areas. Our target under the Living Murray First Step is to recover a total of 35 gigalitres, and with similar efforts in Victoria and New South Wales, a total of 500 gigalitres is intended to be recovered by mid-2009.

However, this is only a first step. It is essential that additional water from upstream is secured for the environment. This poses a problem for South Australia. Under the Living Murray agreement, we have no authority to purchase water for the environment from outside the state. This is where it is critical that the commonwealth government takes the lead in purchasing water and in establishing a water management authority to coordinate the use of this water.

South Australia will also continue to support water use efficiency programs that result in real savings of high security water. Renmark Irrigation Trust recently received $500,000 Australian government funding for irrigation modernisation planning. At a recent meeting with the Renmark Irrigation Trust Board, I found real enthusiasm coming from the local community to put in place new irrigation management practices that bring benefits to their industry and to the environment.

We will continue to advocate for environmental water to be treated equally with other water. The River Murray will not survive if water is made available to the environment only when it is not needed to meet other requirements. The federal government should be commended for entering the market to purchase water from willing sellers for the environment. The recovered water will be prioritised for use on icon sites like the Lower Lakes, the Coorong and the Murray mouth.

The Hon. M. PARNELL (17:16): The Greens are pleased to support this timely motion, an issue that is certainly more important than many of the things we debate here; in fact, it is of critical importance. As well as commending the Hon. Sandra Kanck for bringing this motion to the council, I indicate my strong support for the Hon. Caroline Schaefer's amendment to the motion, which is remarkably timely given the events of the past day or two in relation to the Lower Lakes and Coorong. I will oppose the Hon. Russell Wortley's self-serving amendments, which are designed to paint the Rudd Labor government into a position that it does not deserve; that is, it gives the perception of real action rather than words.

The motion is timely and comes on for a vote today because we have had over the past day or so some revelations about information that has been provided to the Murray-Darling Basin Ministerial Council that indicates that the situation in South Australia's Lower Lakes and Coorong is absolutely dire and that the fate of those wetlands will be decided in months rather than years. Greens Senator Rachel Siewart, the federal senator responsible for water, issued a statement earlier today calling for an emergency rescue water package for the Coorong and Lower Lakes. Senator Siewart's statement says:

> Unless 450 gigalitres of water can be delivered to the Coorong and Lower Lakes through winter and spring, these ecosystems will hit a crucial tipping point, beyond which acidity problems will be out of control and the runaway collapse of these ecosystems is almost certain.

The senator's statement goes on to say things we all know—that it is an internationally listed site under the RAMSAR convention—but the most important thing in her statement is that she draws attention to the recent revelation that in May the Murray-Darling Basin Ministerial Council received a scientific report that said that we only had six months to act, yet that body is not going to meet again until I think November, by which time the window of opportunity to put in place a rescue package may well have been lost.

I also put on the record that I do not find helpful the comments of our own water security minister (Hon. Karlene Maywald), who on radio this morning said that these simplistic options, as she calls them, in relation to putting water back into the system were not worth pursuing. She said on 891 this morning:

> We could drain Cubbie Station and it wouldn't get the water down here into South Australia, that's the problem. It's sitting right up there in Queensland. There is one difficulty in making these simplistic assumptions, is how do you get that water from up there down to here without losing it all before it gets here. That's the logistics we're dealing with and simplistic solutions do not help the debate.

The Hon. Sandra Kanck: Well, leave it up there.

The Hon. M. PARNELL: As the Hon. Sandra Kanck says, do we just leave it up there? There is a method of getting the water from there to here: it is called the River Murray, and it will not all evaporate before it gets here.

To give the minister some credit, there are some issues in relation to intermediate storages that we need to deal with, and in particular we need to look at the storages in New South Wales and Queensland, in particular the Menindie Lakes. The Greens today have called for federal water minister Penny Wong to secure the release of water stored in the Menindie Lakes and to purchase some of the water in other major storages in northern New South Wales.

The Greens also propose to encourage irrigators to loan water as part of a rescue package, and that these irrigators be later rewarded for their efforts with extra water in future. The situation is so dire that we are looking at desperate measures. We know that the indicators of ecosystem health are now in the red. The water birds, fish, frogs, turtles and native plants that make up and rely on the ecosystem are now all on the line. Because it is a major rescue operation, and because the need is urgent, we have to put in place measures now and not wait for the Murray-Darling Ministerial Council to meet again in October.

The scientific report the ministerial council has been sitting on sums up well the situation we are in and supports the Hon. Sandra Kanck's motion for an urgent inflow of water to be acquired. The summary of the report states:

> The long-term reduced flows have reduced the resilience of this system to harsh conditions, such as the current drought, and have left it on the brink of ecological collapse. The record low inflows for the River Murray into South Australia have accelerated the ecological decline of the region to such an extent that species are unable to adapt to the changes, with some endangered native fish now only surviving in captivity. An early impact from low inflows was the need to continuously dredge the mouth to ensure some connectivity between the sea and the Coorong. A further impact was the closure of the barrages, preventing spawning and recruitment of fish and other biota. Receding lake levels, inability to operate the fishways, exposure of acid sulphate soils and rising salinity followed this.
>
> The terrestrial and aquatic habitat condition has become severely degraded. Large areas of wetlands and lake margins have dried, over 1,000 ha of sediment has acidified, and salinities are 3-5 times higher than pre-drought conditions.
>
> Usually, Lake Alexandrina flows into Lake Albert and maintains its water level. The connection between the lakes is now very shallow and there is a very low gradient between the lakes. The Murray-Darling Basin Commission has approved the Lake Albert pumping project that will enable an average of 400ML of water to be pumped from Lake Alexandrina to Lake Albert each day for six months. This will cover losses from Lake Albert during this time thus maintaining its current lake level and preventing further exposure of sulfidic sediment. After this time, a greater

volume (up to 1 GL per day) will be needed to prevent the lake level from dropping or other options will need to be considered.

The report concludes:

> The habitat condition decline has resulted in major ecological impacts including the localised loss or decline of native fish species, tortoise deaths due to an invasive species, declining frog and bird numbers, and negative impacts on vegetation in and around the lakes. There is a shift in ecological state occurring and further predicted decreases in water level in the Lower Lakes could result in salinities and acidity that destroys their entire ecological character. The decline in ecological character can only be halted and reversed if substantial freshwater inflows are received within the next six months

So, that is the call: within the next six months. I commend the Hon. Sandra Kanck for putting this matter on the *Notice Paper* and for bringing it to a conclusion today. We do need to call on the federal government to urgently commence the purchase of water from irrigators for environmental flows. The $3 billion has been allocated, and we need to be using it now. As I have said, I also strongly support the Hon. Caroline Schaefer's amendment, which focuses our mind even more on our own Coorong and Lower Lakes, but I do oppose the Hon. Russell Wortley's motion because the federal government has clearly not done enough.

The Hon. SANDRA KANCK (17:25): I thank all honourable members who have contributed to this debate—it is clear that everyone recognises that we have a problem—and I thank the Hon. Caroline Schafer for her amendment; it is one which I accept and with which I am very comfortable. However, for a number of reasons, I cannot accept the amendments proposed by the Hon. Mr Wortley. In framing the motion, I was very careful to make sure that it neither condemned nor commended anyone. I wanted to keep it as non-political as one can under these circumstances, when you are talking about writing to the Prime Minister. Unfortunately, the Hon. Mr Wortley's amendment has gone down the path of making it party political.

I will talk about some of the content of that and indicate why I cannot accept it. In the first instance, the Hon. Mr Wortley says that he wants it amended to include a statement that says that 'the state government commends'. Maybe that says something about the Labor Party in this place—that it thinks the Legislative Council belongs to the state government. If there were to be such an amendment, it ought to be 'the Legislative Council'. The fact is that the Labor Party does not own the Legislative Council. So, the wording is incorrect. Also, later on in that same sentence, the Hon. Mr Wortley talks about '$1 million' when, in fact, the agreement that was reached was $3.1 billion.

The Hon. C.V. Schaefer interjecting:

The Hon. SANDRA KANCK: I acknowledge the interjection from the Hon. Caroline Schaefer. What is interesting is that, at the time the MOU was signed, the Rudd government did set $3.1 billion, and it seemed to me that this was just this little bit of one-upmanship to say, 'We went one better than John Howard's $3 billion,' and I cannot say that I was particularly impressed by that little bit of one-upmanship, anyhow.

I do not quite know why the Hon. Mr Wortley is so gung-ho about this, because this MOU is not particularly strong. It is still, in a sense, under negotiation; there are more meetings to go (I think in October this year) to further consider it, and what is there gives almost nothing to South Australia. I think all members would be aware that, under that MOU, Victoria does not have to do anything for 10 years—it gets all its existing entitlements; it does not have to cut back on anything—and I do not see that this chamber should be particularly excited about it. The second section of the Hon. Mr Wortley's motion, again, apart from being party political and barracking for his own, also fails to—

The Hon. R.D. Lawson interjecting:

The Hon. SANDRA KANCK: —yes—recognise some of the facts about which the Hon. Mr Wortley, being a member of the Natural Resources Committee, should be aware. This section of the wording he proposes talks about the Murray-Darling Basin icon sites. However, when Wendy Craik from the Murray-Darling Basin Commission appeared before the Natural Resources Committee, in I think late April, I specifically asked her a question about water being available for the Coorong, and she very clearly said that that was not one of the sites to which they would be directing water at the present time. So, I do not understand why the Hon. Mr Wortley has included that, given that he has that knowledge.

The timing of the motion and bringing it to a vote today is obviously not something I had any advance notice of in terms of the leaked report showing that certain wetlands in the system are going to die—the situation is almost irremediable or irredeemable (maybe irredeemable and

irremediable)—if they do not get any substantial amounts of water by October. So, a lot is happening on this issue in terms of statements and maybe memoranda of understanding and research that keep on being released.

The reality is that South Australia remains at the sewer end of the Murray-Darling Basin. As a parliament, I think we have to become much more active on this issue. Last week, I attended the Conservation Council's conference, where the keynote speaker, Peter Cosier from the Wentworth Group, attacked South Australians for not being more vocal and fighting the good fight to save the Murray River. Again, I indicate support for the Hon. Caroline Schaefer's amendment but not for that of the Hon. Russell Wortley, and I thank all members for their support of this motion.

The Hon. R.P. Wortley's amendment negatived; the Hon. Caroline Schaefer's amendment carried; motion as amended carried.

DESALINATION PLANTS

The Hon. J.M.A. LENSINK (17:32): I move:

That the Environment, Resources and Development Committee inquire into the environmental impacts of the proposed desalination plants at Port Stanvac and Port Bonython, and in particular—

1. the introduction of additional salts and chemicals into the marine environment;
2. the adequacy of tidal movements to disperse brine and chemicals;
3. the potential impact on a range of marine flora and fauna;
4. the potential impact on commercial and recreational fishing sectors;
5. the potential impact of contamination leachate from the location; and
6. any other matter.

Essentially, I believe that this referral to the Environment, Resources and Development Committee is necessary because a number of concerns have been brought to our attention by the community in that the process the government is undertaking with the change of use at the Port Stanvac site has not been given enough scrutiny.

The first issue is that of contamination. It is really an unknown quantity, although we have been told that the contamination is being managed adequately and so forth. I note that the Co-operative Research Centre for Contamination Assessment and Remediation of the Environment (CRC CARE) is carrying out an extensive project in relation to the contamination there. I think the fact that this CRC has been brought in is an indication that there is significant contamination that needs to be addressed at that site.

People who have been familiar with the site over the years will tell you about the sorts of practices that used to take place, which were acceptable for those times but which I think most of us would agree are not acceptable now, and we passed a site contamination act through this parliament to deal with such issues. A picture was published in the Messenger newspapers that was obtained from one of the government environment agencies. It shows a contaminant plume on the regional groundwater table at sea level, and clearly there is some danger of its seeping through.

Petrochemicals are particularly nasty, and they are very well known to cause cancer. One of the scientists I have spoken to told me about the sanctuary area that was set aside adjacent to Dyson Road. There were native animals, such as kangaroos, emus and so forth, but they had significant genetic defects, so the animals are no longer kept there, as they would probably be pinged by the RSPCA for cruelty to animals if they did so.

There has been a long history of very poor practices on the site. As I said, we passed the site contamination bill, so I think it is incumbent on this government to make sure that Mobil does the right thing by the community and properly cleans up the site. This leads me to another issue on which I think the government might have jumped the gun. If you announced that you wanted to use a contaminated site for another purpose, but you also indicated that you wanted it cleaned up, I think you would weaken your bargaining position. However, I think that is probably an argument for another day. So, there is contamination, and I think most people suspect that it is quite significant.

I now come to the matter of a desalination plant. One of the issues we will look at (and questions have been asked in this place) is the government's claim that it is carbon neutral—a claim I think that is probably farcical. However, last year I visited Israel as part of a water trade mission. It is well recognised that the Israelis are particularly experienced in the construction and

management of desalination processes. I have been provided with a copy of an article entitled 'The footprint of a desalination process on the environment.' In the abstract, it states:

> Processes of desalination of sea water are intended to reduce the deficits in potable water both at present and in the future.

And, yes, I think we agree that that is a problem in South Australia, and that is why we support one. The article continues:

> Water desalination processes offer various environmental benefits (related to sanitation, water softening, quality of sewage effluents), but the process is also accompanied by adverse environmental effects. These effects can be minimised by the appropriate planning. Most of the effects anticipated would then affect the local environment in the vicinity of the desalination plants. Desalination may have an impact on five domains: the use of the land, the groundwater, the marine environment, and noise pollution, and finally the intensified use of energy. The impact on land use is caused by the use of the coastal land for the purpose of building factories, thus converting the coastal area into an industrial zone instead of an area for tourism and recreation.

That is not the case here, as it is already industrial. The article continues:

> The impact on groundwater mainly occurs if pipelines carrying seawater or brine are laid above an aquifer. It also occurs in the case of feed drilling. In such cases, the aquifer may be damaged either by infiltration of saline water or by disturbances of the water table. The impact on the marine environment takes place mainly in the vicinity of the concentrated brine discharge pipe. Even though the concentrated brine contains natural marine ingredients, its high specific weight causes it to sink to the sea floor without prior mixing. In addition, chemicals, which are administered to the water in the pre-treatment stages of the desalination process, may harm the marine life in the vicinity of the pipe's outlet. The actual placement of the discharge pipe may also damage sensitive marine communities.

It talks about noise pollution, which is probably not an issue, because it is not directly located in a residential area. The article goes on:

> A desalination plant may also affect the environment indirectly, such as via the intensified use of energy by the plant. This increased use of energy results in an increased production of electricity by the respective power station, which in turn results in increased air pollution, pollution by coal dust, thermal pollution, etc. The severity of these effects differs in different areas according to...

So it continues. Its conclusion is that environmental awareness and preliminary planning can minimise the adverse effects of the desalination process on the environment. That was published in 2002.

Some of our local scientists have raised concerns about this particular location because of the lack of tidal movement, particularly in summer months. I will not attempt to pretend to be a scientist and explain those issues, but they do relate to lack of oxygen at the sediment water interface and a potential increase in acidity of the marine waters.

I would draw members' attention to an article in the southern *Messenger* newspaper, published in March this year, in which oceanographer, Dr Jochen Kaempf, and marine biologist, Dr Kirsten Benkendorff—who I think received a young scientist award a couple of years ago—raised very specific concerns about the impact of this proposal on the environment and the fishing industry.

We have been given reassurances. I think Dr Alan Holmes has said on radio that the desalination plant will not have a negative impact on the marine environment; however, the water that is returned to the gulf has twice the salinity of ordinary seawater. These scientists have raised the concern about low oxygen content, which will greatly threaten squid eggs, I think, in particular.

There are concerns about other aspects of the marine environment. The Adelaide Coastal Waters Study recently published has flagged a number of issues in relation to the damage that has already been done to marine coasts. I think these issues could more adequately be examined by the ERD Committee of parliament, as a multi-partisan committee. I think it would be a very worthwhile exercise to examine these issues in greater detail, not to slow the process down in any sense, but to have a far more transparent approach to what impact this will have on our environment from many points of view.

I also note that the local mayor and a number of councillors from the Onkaparinga City Council—which is the local council—really have not been given much reassurance about a number of aspects of this. They have also gone on the public record to raise their concerns. With those remarks, I seek the support of the Legislative Council to refer this reference to the ERD Committee. I look forward to further debate on the motion.

Debate adjourned on motion of Hon. I.K. Hunter.

PALESTINIAN STATE

Adjourned debate on motion of Hon. S.M. Kanck:

That this council—

1. Recognises the event known to the Palestinian people as Al-Nakba—the Catastrophe;

2. Affirms the special connection of Australia to the land of Palestine and the Palestinians;

3. Regrets the failure of both sides, over the last 60 years, to reach an agreement which guarantees justice and lasting peace for both Israelis and Palestinians; and

4. Calls for the rapid establishment of the State of Palestine within the 1967 borders in accordance with UN Resolution 242.

(Continued from 7 May 2008. Page 2769.)

The Hon. B.V. FINNIGAN (17:44): I oppose the motion moved by the Hon. Sandra Kanck. The question of Palestinian claims to sovereignty is a complex one. There are many arguments and debates about what has happened in the past and what ought to happen in the future. What I do not consider particularly helpful is one-sided partisan support for one side or the other, and I believe this motion errs in that direction. The wording of the motion reads, 'recognises the event known to the Palestinian people as Al-Nakba—the catastrophe'. This event is known to most of us as the creation of the state of Israel in 1948. In my view, this motion essentially therefore condemns the creation of Israel, which is not a position that I support.

The Hon. Sandra Kanck interjecting:

The Hon. B.V. FINNIGAN: The Hon. Ms Kanck interjects that she made sure that it does not say that, but wording is very important. If we were to look at the British troops going into Northern Ireland in 1969, you could call that an invasion, or an occupation, or you could call it troops being sent in to restore public order. How you choose to describe that action would give away a lot as to how you viewed the rightness or otherwise of that happening. When you refer to the creation of Israel as 'Al-Nakba—the Catastrophe' and all that that suggests to Palestinians, I think that is taking a clear position.

I think the better approach is that taken by the federal parliament, which recently passed a motion congratulating the state of Israel on reaching 60 years of statehood. The motion also acknowledged and honoured the important role Australia played in the establishment of Israel. It is important to maintain a balanced position on this issue, one that recognises the creation of Israel and its right to continue to exist in peace. I do not consider that this motion reflects that need for a balanced position and I oppose it.

The Hon. J.M.A. LENSINK (17:46): This is a very sensitive and complicated issue and I think it is very hard for us, as Aussies, to understand what happens in the Middle East, when we live in such a vast continent and in such relative peace. The second and third paragraphs of this motion state:

2. affirms the special connection of Australia to the land of Palestine and the Palestinians;

3. regrets the failure of both sides, over the last 60 years, to reach an agreement which guarantees justice and lasting peace for both Israelis and Palestinians.

That is something that we would agree with. As I mentioned in a contribution on a previous motion, I went to Israel last year. I think that two of the aspects of our water trade mission, which did not actually have anything to do with water, affirmed those two aspects of this motion in quite a profound way. One of them was that we happened to attend the 90th anniversary of the ANZAC battle at Beersheba, which is where the battle of the Light Horse Brigade took place. As I said, it was quite profound and very moving, when you consider that all those years ago our Aussie battlers were on the other side of the world. We may complain about a 20 or 30-hour plane trip, but lord knows how many months it took for our troops to go over there.

It was outlined to us in great detail about the amazing feat that they undertook, in that the horses and the men, I think, waited in the desert and went without food and water for three days. I think part of the reason that they were successful is that they changed the military rules, in that rather than charging and then getting off their horses to fight, they rode over the trenches. A number of those horses were gutted in quite a violent way, but they continued to press on to capture the wells—obviously water is incredibly important in that part of the world—and change the direction of World War I in that region. That was a very important military victory for the allies in World War I.

Another part of our program was a meeting with Shimon Peres. I cannot quite remember what the question was that I asked Mr Peres, but being a politician of many years' experience he did not answer it. However, he did say, 'Well, of course, Australia is a country with not a lot of history and a great deal of land, and Israel is a country with a lot of history and not a lot of land.' Everybody said, 'Wow, that's so profound', and completely forgot that he had not answered the question. But he was quite correct.

When we were over there we had a bodyguard with a gun stationed at the front of the bus, and he was with us for the entire trip. Thankfully, I do not think we were under any threat whatsoever, but it is a bit strange to hear the distant gunfire that occurred in southern Israel when we visited the Ashkelon desalination plant—it was quite disturbing.

I also remember (I think it was last year) when there were a bunch of ministers of different denominations, who were largely based in New South Wales, who went over to Israel and were highly critical of some of the things that Israel was undertaking. I thought to myself: I do not think there is any place in this country where you could understand what it is like to live under those conditions, where your near neighbours would, quite frankly, like to blast you off the face of the planet.

I agree with the third paragraph, in that both sides have issues. They are very different cultures and I do not know how you resolve those issues. I think, as Australians, it is probably not our place to be giving advice to other countries. We certainly have our own problems to solve. As a place that offers a safe place for refugees, I think that is very appropriate.

Shimon Peres has started what I think is a very worthwhile program, which is to be commended in speaking to this motion. He has been the instigator of the Peres Centre for Peace, which is described as an independent, non-profit, non-governmental organisation which he founded in 1996—he is a Nobel laureate and former prime minister of Israel—with the aim of furthering his vision in which the people of the Middle East region work together to build peace through socioeconomic operation and development and people-to-people interaction, which I think is largely the words which he used when we met with him, that he, in fact, tries to get the young Palestinian and Israeli people together so that they can try to understand each other's cultures. I think that is probably one of the more effective ways of initiating long-term peace, so that people do not have those sorts of divisions where they do not understand and therefore they hate.

Overall, I do not support this motion. I think it is quite simplistic. I agree with the previous speaker in that I think it does put the case of one side over another and, therefore, I encourage other members not to support this motion.

The Hon. R.D. LAWSON (17:52): I had not intended to speak but I would like to very briefly, on this occasion, register my reasons for not agreeing to the passage of this resolution.

I agree with previous speakers that the expressions in the first and fourth paragraphs of the resolution appear to indicate support for the Palestinian cause in this long-standing dispute. I do not believe that it is appropriate for a state parliament in Australia to pass international resolutions of this kind, especially given the extensive history in relation to the Israel-Palestinian issue and also the high-level negotiations which are presently (one would hope) proceeding in relation to the resolution of the issue. First, I do not agree that it is appropriate for us to be seeking to project ourselves onto the international stage in this manner and, secondly, even if it was appropriate for us to be doing so, I do not believe that the expressions used in this resolution are sufficiently neutral to warrant support from us.

The Hon. D.G.E. HOOD (17:54): I rise to very briefly indicate Family First's position on this motion. It is probably not surprising to note that Family First opposes this motion for a number of reasons which I think have been well canvassed by a number of speakers already. I will very briefly highlight two reasons why we oppose the amendment. The first is that I do not believe it is appropriate for this parliament to be debating matters of international significance. We are a state parliament and our jurisdiction, I believe, unless under the most extreme circumstances, should be limited to discussions of things that affect the hard-working taxpayers who pay our salaries. Our conversations and our debates should be limited to servicing the needs of our constituents, not those in Israel or Palestine.

That is a general comment but, as highlighted by the other speakers, the very use of some of the terms in this motion, certainly to my reading (and I am not sure whether that is the intention of the mover) indicate a strong bias towards the Palestinian side of the situation. The very use of the term 'Al-Nakba' (or 'the catastrophe' in English) suggests a bias against the Israeli side of the

situation. Quite simply, in Family First's view, the creation of Israel was not an Al-Nakba or a catastrophe at all; it was a legal act of the United Nations in 1948.

Clearly, under law, Israel has a right to exist and that needs to be acknowledged by all sides of the conflict before a real discussion can start. Until that occurs I do not think we will have any progress in that part of the world on the issue of the Palestinian people. Certainly, there has been suffering by the Palestinians and no-one disputes that—and I am sure the Israelis would acknowledge that. However, this motion does not go anywhere near far enough in balancing the ledger to get Family First's support. I repeat: the creation of Israel was not a catastrophe; it was a legal act by the United Nations in 1948.

The Hon. SANDRA KANCK (17:57): I am deeply disappointed by what I have heard in response to this motion. It was an attempt at balance. People have talked about balance, but earlier this year there was a motion moved by the federal government which was supported by the opposition, and there was a formal luncheon in Parliament House recognising the 60th anniversary of the creation of Israel. That motion gave no consideration at all to the impact that had had on the Palestinian people. In framing the wording of this motion I was extremely careful not to condemn or congratulate anyone, but to put something in there as a recognition of the history of the past 60 years.

The Hon. Michelle Lensink talked about her time over there and having a guard travelling in the car with her. If she had read what I had to say when I moved the motion, she would know that she was more at risk of having a car accident and dying from road trauma than she was from any attack from the Palestinians. The road statistics in Israel far outweigh any of the deaths that occur in Israel as a consequence of this conflict.

A comment was made about the suitability of motions regarding international issues being debated in this chamber. This chamber has, on numerous occasions, debated motions about international issues. I believe we should look at these things—particularly in light of what the Hon. Mr Hood said—so that we can service the needs of our constituents. There is a considerable number of displaced Palestinians living in South Australia. They are people who, as a consequence of what has happened in Israel and Palestine, have no home—as in a homeland. They are not allowed to return to the land of their birth. I would have thought that that is something that should be considered by members of this chamber. I really am quite devastated that there is no support on this, but I indicate, for the Palestinian constituents in South Australia, that I will be dividing on this motion so that they can see how the Labor, Liberal and Family First parties (and anyone else) vote on this issue.

The council divided on the motion:

AYES (2)

Kanck, S.M. (teller)	Parnell, M.

NOES (14)

Darley, J.A.	Dawkins, J.S.L.	Finnigan, B.V.
Gago, G.E.	Gazzola, J.M.	Hood, D.G.E.
Hunter, I.K.	Lawson, R.D.	Lensink, J.M.A.
Lucas, R.I.	Schaefer, C.V.	Stephens, T.J.
Wade, S.G.	Zollo, C. (teller)	

Majority of 12 for the noes.

Motion thus negatived.

[Sitting suspended from 18:04 to 19:45]

ALCOHOL CONSUMPTION

Adjourned debate on motion of Hon. D.G. Hood:

That the Social Development Committee inquire into and report on the adequacy and appropriateness of laws and practices relating to the sale and consumption of alcohol and, in particular, with respect to—

1. Whether those laws and practices need to be modified to better deal with criminal and other antisocial behaviour arising from the consumption of alcohol;

2. The health risks of excessive consumption of alcohol, including—

(a) 'binge drinking'; and

(b) foetal alcohol syndrome;

3. The economic cost to South Australia in dealing with the consequences of alcohol abuse; and

4. Any other relevant matters.

(Continued from 9 April 2008. Page 2353.)

The Hon. R.I. LUCAS (19:48): I rise to speak to the motion of the Hon. Mr Hood which seeks support to refer this important issue to the Social Development Committee. Speaking at the outset, I indicate that my party room has not yet formed a position on this particular reference. I will express my own vies at this stage, although, having spoken to a number of my colleagues, I would be surprised if there was not majority support for the reference that the Hon. Mr Hood is seeking, at least from my party. In speaking to this motion, I have been motivated on this issue, in part, by what I have seen over the past days and weeks, and perhaps months. I must say that I am becoming increasingly angered and frustrated by the views that are constantly being expressed by the anti-alcohol, anti-drinking health nazis who seem to populate the world and Australia and, sadly, now seem to be populating Labor governments federally and at the state level, as well.

In speaking to this motion, I commend the Hon. Mr Hood, because at least this particular motion is saying, 'Okay, let someone in South Australia look at this issue, gather some fact and evidence, and make some decisions on the basis of some fact and some evidence.' Sadly, at the national and state level, in my view, we are seeing all sorts of foolhardy notions being put forward by governments, politicians and others purporting to be a response to the excessive drinking of alcohol problem characterised as binge drinking—and exactly what this is I will address during my contribution this evening.

As I said, at least this particular motion is saying, 'Well, let the Social Development Committee look at the issue and come back with some recommendations before we head too far down any particular path.' At the outset, I will read at length from a recent article which appeared in *The Sunday Age* of 15 June. It is an excellent article by Michael Bachelard, a feature piece in *The Sunday Age*. The article is headed 'Hitting the drink' and states:

The language is urgent, the message alarming: alcohol is out of control, a time bomb, a silent epidemic. Alcohol-fuelled violence is mounting, our cities becoming perilous, our youth in more danger of brain damage and assault.

Politicians, journalists, police and politicians are delivering the same message, driven by a group of anti-drinking health professionals recommending new restrictions on Australia's favourite social lubricant.

In federal and state parliaments, the message is finding its target. Governments are increasing taxes and contemplating restrictions on alcohol advertising; we may soon confront labelling laws that put gruesome pictures of cirrhotic livers on wine bottles; the state's police chiefs are coordinating their power to curb binge drinking; and the nation's alcohol guidelines are about to be changed to declare that more than two drinks a day constitutes risky drinking, and more than four is a binge. The Victorian government, citing research now beginning to show that a significant proportion of Victorians drink too much, is restricting liquor licences for the first time since the 1980s. It is contemplating an increase in licence fees, enforcing a trial 2 am lock-out and considering recruiting underage operatives to buy grog and trap unwary publicans...

The rhetoric suggests that the problem is suddenly escalating, but it's not. Quietly in the midst of it all the Australian Institute of Health and Welfare produced a little study that poured cold water on the enterprise. The overall drinking status of the Australian population has been stable over the past two decades, it said. It went on, 'There has been virtually no change in the pattern of risky drinking over the period 2001 to 2007, and 2.4 per cent more people are teetotallers [that is, in 2007 compared with 2001].

Presenting to the Senate committee investigating Kevin Rudd's alcopop tax increase, the government-funded study based on interviews with more than 20,000 Australians identified a slight increase in preference for ready-to-drink mixed spirits, but mainly among older groups, and said this did not appear to have directly contributed to an increase in risky alcohol consumption. In fact, among the underage women who are the target of the tax rise the institute identified a decrease in numbers taking risks on a monthly basis from 32 per cent to 27 per cent. On the question of total alcohol consumption there is surprising unanimity, even from the health professionals keenest on urgent government action.

Per capita alcohol consumption in Australia reached a peak in the early 1980s and has since declined by about 25 per cent, Alex Wodak, the Director of St Vincent's Hospital's Alcohol and Drug Service, told another Senate inquiry recently. 'Fundamentally, consumption seems fairly stable' said Robin Room, the head of the Centre for Alcohol Policy Research at Turning Point in Melbourne. Australia's alcohol consumption—about 9.9 litres of pure ethanol a person per year—is in the middle ranks among comparable developed nations, but according to Wodak asking whether alcohol consumption is rising, falling or staying about the same is nothing more than the detail. 'The first order question we should be asking is whether Australia regards the health, social and economic costs of alcohol to be acceptable', he says.

With a new study suggesting an annual economic cost of $15 billion from alcohol, and 3,500 alcohol-related deaths, there's little doubt that alcohol remains a problem, some say the most serious drug problem in Australia. It is just that it has always been there. What has changed is the amount of concern. Alcohol is receiving enormous attention. There are 12 national inquires into alcohol policy at the moment. The National Health and Medical Research Council is reviewing the official drinking guidelines; the Food Standards Authority is looking at health advisory labels on alcohol containers; Council of Australian Government ministers have an alcohol policy forum later this month; there are two Senate inquires; and, there are at least two separate inquires on taxation levels and alcohol.

In Victoria mental health minister Lisa Neville is pushing through a number of measures as part of the Victorian alcohol action plan, which includes the controversial 2 am lock-out.

The article goes on to talk about international trends and a variety of other issues in relation to taxation, and it is a much longer article than the lengthy analysis or quote I have just taken from 'Hitting the drink'. The point the journalist Michael Bachelard is making there is that the evidence in accord with this recent government study of 20,000 Australians has demonstrated that the overall drinking status of the Australian population has been stable over the past two decades, that there has been virtually no change in the pattern of risky drinking from 2001 to 2007, and that in fact 2.4 per cent more people were teetotallers in 2007 than in 2001.

At least some people out there are trying to get some perspective into this whole debate on alcohol consumption and binge drinking. It is the political flavour of the month. It has been booted along by publicity seeking Labor politicians in the main: Prime Minister Kevin Rudd, Premier Mike Rann in South Australia and his ministers Mr Holloway and Ms Gago, who are all outspoken and staunch advocates of the controversial lockout policy which they are trying to impose on South Australians, and I will address some comments to that in a moment.

The other extraordinary media story I have seen in the past couple of weeks that has prompted me to speak out this evening on this issue was being generated from the National Health and Medical Research Council. Again, this was a story in *The Sunday Age* but also covered in many other national papers on the weekend of 15 June. The heading in *The Sunday Age* was 'Three drinks with dinner and you're out', again, an article by Michael Bachelard and co-authored by Heath Gilmore. To quote from that article:

Three glasses of wine during dinner is about to be redefined as a binge drinking episode under the federal government's new official drinking guidelines to be released next month.

I look at some colleagues in this chamber and, if three drinks of wine during the dinner break are to be defined as a binge drinking episode by the federal government, sadly we will have a fair few people in this chamber and elsewhere classified and defined as binge drinkers under this new policy that has been contemplated by the National Health and Medical Research Council. The article continues:

In what one health professional has slammed as a message that makes no sense at all, the guidelines will say that having more than four standards drinks a day constitutes a binge. An average glass of wine is 1.5 standard drinks. That means that if a man is sharing a bottle with his wife and takes a slightly larger share, that he has had a binge, says Paul Haber, the medical director of Drug Health Services Addiction Medicine at Sydney's Royal Prince Alfred College.

Former health minister Tony Abbott said Australia was now in a 'moral panic' about alcohol and has accused the Federal Government of ignoring illicit drugs.

A draft of the National Health and Medical Research Council guidelines attracted controversy when it was released in October because it removed any difference between men's and women's safe drinking rates, saying that neither sex should have more than two standard drinks a day.

The former guidelines said men could safely consume four drinks, and women two. Risk was then graded according to the increasing number of drinks, with 11 or more for men, and seven or more for women, being 'high risk'.

But the head of the council's alcohol guidelines committee, John Currie, told *The Sunday Age* that when the final guidelines were released next month [in July] the two-drink limit will remain. He said the former safe limit for men—four drinks—would become the absolute upper limit.

'There's a new section there that says on any occasion, if you're going to set a top limit you really need to set a limit of four drinks at the most. So our definition of binge drinking will drop as well; that is new,' Professor Currie said.

The risk limit had been set there because 'from four drinks upwards the risks of accident and injury on any single occasion...escalate really quite dramatically'.

The new guidelines will also contain no 'medium risk' or 'high risk' categories. "At the moment you've got 'low risk', 'risky' and 'high risk'. What we'll now have is 'low risk' or 'above low risk'", Professor Currie said.

This has big implications for alcohol researchers, whose figures will show that people previously thought to be drinking at safe levels are now considered at risk, or even binge drinkers.

Professor Haber, who treats alcohol-addicted people every day, said his informal survey of acquaintances suggested that the new guidelines were 'indefensible'.

'I think that the message is a fairly extreme position, and it's just difficult to sell...I think that several members on that committee, as individual people, don't see the value in drinking, and don't see the social value in drinking for other people.'

Professor Haber said that 'most of the harms from alcohol come from patients who drink a lot', and that the level of risk the NHMRC committee was prepared to recommend was arbitrary, and too low.

'What are the lifetime risks of bushwalking, surfing, skiing, bicycle riding or driving a motor vehicle?

'Most human activities entail both risks and benefits and our lifestyle decisions are properly based on a broad consideration of both, rather than simply the potential for harm.'

The article then goes on to discuss the concerns one would expect from the alcohol industry and a spokesman from the distilled spirits industry, so I will not quote those; they would be the expected comments.

What I am saying is that we have, with Prime Minister Rudd at the federal level and Premier Rann and ministers Gago and Holloway at the state level, this push at the moment to crack down on what they are describing as an exploding or ever-increasing problem that is out of control, and they talk about binge drinking. At the same time, we have the National Health and Medical Research Council indicating that, if you have three or four drinks with dinner or on a particular occasion, you are now going to be defined as a binge drinker.

I think that is so out of touch with the real world as to be laughable. With this push from politicians and leaders, such as the people I have mentioned, and, associated with that, this particular recommendation on binge drinking, we could find ourselves in a situation where ordinary Australians who are going about their normal business and enjoying themselves, in moderation, having three or four drinks, being classified as binge drinkers and part of a problem. Frankly, I find that ridiculous.

As I have said, that is part of the paranoia that is being generated at the moment by governments and politicians. The anti-alcohol health nazis, supported by leading politicians at the state level, are engendering this panic and paranoia and saying that we have to take ever more extreme measures in terms of tackling the problem.

Yes, there is a problem in relation to alcohol and excessive alcohol consumption, but I will never support—and I hope the majority of members in this chamber, on reflection, will not support—a notion that someone who has three our four drinks of an evening is a binge drinker. My message to you, Mr Acting President, and to some of your colleagues in the caucus who might share that view, is that they ought, at this stage, to be asking questions of people such as minister Gago and minister Holloway, together with Premier Rann, who are leading this charge in cracking down on what they classify as binge drinking.

If there are any of you in the caucus who share the concerns and views I have, now is the time for you to be raising them with those ministers to find out what they are getting up to at these ministerial council meetings. As we have seen (and I will raise this issue in a moment) with this foolhardy idea of a lockout, minister Gago and minister Holloway go off to these national conferences and come back with these bold proclamations whereby they have this jolly good idea to lock people out of clubs and bars in Adelaide at 2 or 3 o'clock in the morning, and they agree to these trial lockouts at a national level, at the ministerial council meeting they have just attended.

In my view, these are the sort of decisions that should be made by governments and, ultimately, parliament. The licensing laws and trading laws, over the years, have been based on decisions taken by the parliament. However, what I have highlighted over recent days about the actions of recent weeks is that Premier Mike Rann has been trying to ensure that we implement a 3am lockout of clubs and bars, without any reference to the parliament, by having police visiting licensees of clubs and bars and trying to get them to sign an administrative order under the Liquor Licensing Act for a supposedly voluntary lockout at 3 o'clock in the morning, together with some other conditions.

If the Premier wants to institute a policy like that, as has occurred in the past, it is my strong view that he should take it through his caucus and, if his caucus supports him, he should come to the parliament and the parliament should vote on these sorts of issues and if, ultimately, the parliament agrees to that policy, so be it. As a member of parliament, I will be in a minority. I

will speak against the bill, but I will accept the decision the parliament makes on issues such as this.

It should not be the case that the Premier of the state, together with the police force and others, should sneak through the back door and try to ensure that up to 100 licensees in the CBD sign a supposedly voluntary administrative order for a voluntary lockout of clubs and pubs.

As I highlighted in question time this week, a number of those licensees have said to me that they will not sign. They felt pressured, and I gave the example of one licensee who received three separate visits from police officers on two consecutive working days, a Friday and a Monday. For the life of me, crime is going on out there and members have highlighted what the police ought to be doing; however, they have the capacity for an individual licensee (and a number of them, I assume) to receive three visits, with the one who visited on the Monday morning saying, 'If you haven't signed it now, we'll come back this afternoon to see whether you are prepared to sign it then.'

The licensee said to me, 'I'm feeling pressured by all this. They are telling me that I am one of the last ones left.' As I have demonstrated to the council with the front page of *The Advertiser* today, that is not true: at least 25 to 30 per cent of licensees have not signed the voluntary order. However, they were being told by the police, 'First, this is going to happen; secondly, you're one of the last to sign; and, thirdly, if all of you sign, it will mean that the parliament won't have to consider legislation.'

The licensee also said, 'If I am one of the only ones left not to have signed this, the police have considerable powers in relation to the Licensing Enforcement Branch of the South Australian police force. I am concerned that maybe we will get more than our fair share of random inspections and audits over the coming years.' I hasten to say that nothing like that was said to them by the police, but it is a genuinely felt concern put to me by the licensee.

He asked me, 'Is it true that we are one of the only ones standing out?' I said that I did not know but that I had received a number of calls and that at that stage, on the basis of those, I did not believe that what he had been told was true. Subsequently, I became aware of other information that indicated that it was not true that they were one of the last few remaining. As I said, on the front page of *The Advertiser* today Inspector Duval from the South Australian police force confirmed that 25 to 30 per cent of licensees had not signed the voluntary order.

There is a range of reasons why I, as an individual, oppose this proposition. In the debate tonight, I do not intend to go over all those again, as I gave a brief five-minute contribution during the last week of sitting and highlighted some of those issues. There is no doubt that a lot of mainly young people enjoy going to bars and clubs in the early hours of the morning and, although it is predominantly younger people, a number of older people enjoy it, too.

Their view, and my view, is: why should the vast majority of people, who are going about their business and enjoying themselves listening to music and bands, enjoying meeting friends and new people in the early hours of a Sunday morning and not causing any trouble or grief to anybody else (and, I concede, perhaps at a time when many of the members of this chamber are safely in their beds), be penalised because of the unruly behaviour of a minority? Why should that be the case?

It is a bit like saying that all members of parliament shall not drink in the Parliament House bar because we had an example of a member complaining about the behaviour of two senior state government ministers through the excessive consumption of alcohol one evening. Why should all members be penalised because one or two could not behave themselves? Why should all people who enjoy clubs and bars in the early hours of the morning be penalised because a minority cannot behave or handle themselves properly?

I think it is a relatively simple proposition, and it is one I think members of the government caucus and committees ought at least to contemplate before they sign off on this. The voluntary lockout is not going to happen because, on the basis of what some licensees are telling me, they are not going to sign. Inspector Duval said that, if there is not 100 percent sign-up, there will not be a voluntary lockout.

As I understand it, the options that remain are that the Commissioner must go to the Licensing Court and try to argue for conditions on licences for up to 100 venues, and those licensees will have the opportunity to argue their case. It will be interesting, because the Commissioner will have to demonstrate that the actions of those licensees are the cause of the problem.

Those members in the chamber who have any experience of young people these days will know that many of them have consumed alcohol at home or at private parties before they go to clubs and bars (and members should look at the National Health and Medical Research Council findings). Why? Because they cannot afford to buy a lot of drinks at some of the clubs and bars. They queue up at places like Electric Circus, pay $10 to $20 to get it in and then pay somewhere between $7 and $13 for a drink such as a cocktail or a beer.

If you are the Treasurer of the state you may be able to afford it, but not many young people can afford an excessive number of drinks at those sorts of prices, so they consume alcohol before they go out and visit clubs and bars, where they will, of course, have something further to drink.

What the licensees are saying is that, if there are licensees breaching the current laws—that is, alcohol cannot be served to intoxicated persons—crack down on them, the ones who are offending. The police minister makes this point, too, and I agree with him.

If people are breaching the peace outside the venues, crack down on them. We need a greater police presence. The minister thinks that he has a major point, because a couple of years ago I raised the issue of an increased police presence in the CBD. It is entirely consistent with the position that I am putting today. The solution to this problem is not a curfew that punishes everybody; the solution to this problem is to tackle those who are causing the problem, and we need police to do that. If people are misbehaving in the streets, in public, we need to crack down on them, and we need police to crack down on any licensee who is breaking the law by selling alcohol to clearly intoxicated persons. That is fair enough. The licensees will accept that but, in the end, in many cases, it is not the licensees and the management of the venues who offend.

One particular licensee said to me that, in the discussion he had with officers from the liquor licensing enforcement unit—and I will not put their names on the record at this stage—when he challenged the officers with this particular argument, they said, 'Look, we accept that the management of these venues is not the problem.' If the management of the venues is not the problem, why then are commercial enterprises being penalised and why then are mainly young people who attend these venues about to be penalised by the government?

As I said, I will not go through all of the arguments in relation to the curfew—there will be other occasions for that—but I highlight it as an example of why I hope a motion like this might be accepted. Before the government, its caucus and the parliament goes down the path of a knee-jerk response to the latest issue, I hope that someone sits back and looks at it dispassionately. I have quoted from articles in *The Sunday Age*. There may well be other reputable bodies quoting research studies that challenge some of the work from the National Health and Medical Research Council and a survey by the Australian Institute of Health and Welfare, although, as I said, that survey evidently involved 20,000 participants.

I readily concede that there may well be other studies and there may well be other academics who challenge the validity of these issues, but let us at least have somebody in South Australia have a look at this matter before we charge willy-nilly down a certain path, whether it be a curfew at 3 o'clock, or anything else. The point that I have made to some licensees—and some of them are out there making this argument—is that it is better to have a curfew at three, because you never know what the government, or somebody else, might want to do. They might want to make it 2 o'clock. My argument to some licensees is that, once they have a curfew at 3 o'clock, they will want to continually cut the curfew back. It will not stop at 3 o'clock.

Already evidently tonight the Mayor of Glenelg is saying that there should be a 12 o'clock curfew for the hotels in his area. I think the current curfew, or lockout, I should say, is 2 or 3 o'clock in the morning. Inevitably, once your foot is in the door in relation to whatever the time is—2 or 3 o'clock—there will be pressure for it to be cut back further when it comes to reducing the capacity for people to enjoy Adelaide's nightlife.

The final point I make in relation to the curfew is that the motion talks about only the CBD. So, those of you who know the West Thebby pub, which has a 24-hour licence—I see a nod—the Arkaba, which goes to at least 5 o'clock, the Royal, places like the Hackney, and others, which are very close to the CBD, of course, they will not have a lockout enforced. Therefore, people will be attracted to those particular venues.

In Melbourne, a very vibrant entertainment industry has developed in Chapel Street, which is further out of the Melbourne CBD than the West Thebby, the Royal, the Hackney or, indeed, the Arkaba in Adelaide. Whilst all this is going on—and I do not oppose it—the casino has its own act. I think it can take in 5,000 or 6,000 drinkers and gamblers of an evening, so if anyone is going to

benefit from people being forced out at 2 or 3 o'clock on a Saturday or Sunday morning, or whenever it happens to be, it is the casino. If I were in the casino's position, I would be rubbing my hands together with glee, because I will be the only game in town. Everybody else's commercial enterprise will be disadvantaged and the only place to go will be the casino.

The government is talking about a token attempt to try to convince the casino to close down the Loco Bar—or Loco's—on North Terrace. I do not know what the casino wants to do, but I would be amazed if it agrees to a voluntary lockout of Loco's. But, even if it did, there is still room for another 5,000 or 6,000 people in the drinking and gambling areas of the rest of the casino.

As I said, I am expressing a personal view in relation to this. The party will determine the position in relation to the motion to refer this matter to the Social Development Committee. I am certainly very sympathetic to the principles which underlay this motion, and I certainly hope my party will support the reference to the Social Development Committee. If this matter is referred to the Social Development Committee, I hope that members will throw some light, some substance, some fact and some evidence on this debate rather than the knee-jerk political stunts and responses which, sadly, we have seen so far.

Debate adjourned on motion of Hon. J.M. Gazzola.

PIPI FISHING QUOTA

The Hon. C.V. SCHAEFER (20:22): I move:

That the regulations under the Fisheries Act 2007 concerning Pipi Units, made on 13 December 2007 and laid on the table of this council on 12 February 2008, be disallowed.

This motion is to do with the Pipi fishing quota system in Goolwa and the Lower Lakes, in particular. The Hon. Mark Parnell is not here, but he often mentions that I give history lessons in this place, which is probably another reason why it is time for me to leave. It would be of interest to the chamber to understand a little of the history of what is, in fact, the cockle fishing industry in South Australia. For a very long time cockles have been merely a low value bait commodity and, as such, their original licences were generally attached to the commercial licences of wild catch fisheries.

There was always a small number of cockles sold for human consumption, but a few years ago it was discovered that the cockles in the Goolwa area were highly prized and sought after, particularly in the Sydney and Melbourne markets. They are a larger cockle and their value has gone, I believe, from something like $1 per kilogram for bait to up to $40 per kilogram for human consumption. In order to catch for human consumption, however, there is considerably more work required. The cockles have to be cleaned and purged before they can be put on the open market, so there is a greater expense to catching those cockles.

Obviously, when any commodity moves from $1 per kilogram to $40 per kilogram the interest from those holding licences grows exponentially, and that is exactly what has happened in South Australia. Of the 32 licensees with access to the fishery, 29 are Lakes and Coorong licensees and three are marine scale licensees with cockle endorsements. It was decided by the government late last year to introduce a regulatory system to ensure that there is a sustainable industry, as has been done with fishing for most, if not all, species in South Australia.

A review committee was set up and the decision was taken to introduce a total allowable catch quota regime for the fishery. Let me make it very clear from the start that the opposition is not opposed to a regulatory system and is, in fact, very much in favour of a sustainable fishery and sustainable licences. So, we agree with the regulation of the industry.

It is also acknowledged that a number of the fishers over time have not exercised their rights to take cockles over recent years, possibly not even ever. As I have said, their traditional market has been for bait and only in recent years has a human consumption market (mainly domestic and some export) been developed.

In the winter of 2007, it was estimated that approximately 40 per cent of the harvest went to the domestic market in Sydney. So, an allocated advisory panel was set up to decide on what would be a fair and equitable method of distributing the licences as they were held and allowing people to rake for cockles, because that is how they are caught. This is where the opposition has a disagreement with the method that has been used by the government to sort out these licences.

In particular, there is one fisher (but there are others) who has been severely disadvantaged because they bought their licence, taking the opportunity to develop a commercial market. They paid what was considered at the time to be an outrageous amount for that licence

and, as I say, were, I think, some of the pioneers of developing a domestic market for human consumption.

However, when they bought that licence it was an unregulated market and so they had no catch history. The total allowable catch (or tonnage) that these people were allowed was, therefore, nothing, or very little, because they did not have the catch history of those who had been licensed for a long time. So, that is where we, as an opposition, disagree with the decisions of the government.

Let me give you an example. If one fisher had concentrated wholly on the lucrative human consumption market he would probably have a moderate catch history, because bear in mind, as I have said, that it is considerably slower and more difficult to catch, purge and prepare cockles for human consumption than it is to simply catch them for bait. If fisher 2 had traditionally supplied the low value bait market he would probably have, therefore, a large catch history, but he can now move straight into the domestic market as it has been developed in Sydney.

Both fishers have the same stake in the fishery, because it provides their living, but fisher 2 will have a significant advantage by getting an allocation based simply on historic catch and subsequently applying that catch to another higher value market. When the committee was set up to decide on a method of allocating, 22 of the 29 Lakes and Coorong licensees put a joint submission to the advisory panel outlining a different method of proportioning the total allowable catch. That submission appears to have been ignored.

It also needs to be noted that the catch taken from the cockle fishery in 2007-08 is substantially down on what has been taken in recent years. It has been suggested that the total catch has only been approximately half of the 1,150 tonne total allowable catch for the 2007-08 season and so, as with most of these licences, everyone's total allowable catch will be allocated downwards in order to retain a sustainable fishery.

This would, therefore, put people who had bought into this regime in good faith out of business. We believe it would be unconscionable for the government to change the management of a fishery in such a way that it would destroy the business of an individual fisherman without compensation. Those of you who have heard me wax lyrical about compensation for fisheries because of decisions of the government will not be surprised that I am opposed to this method of deciding who shall and who shall not make a living, without compensating those who are most disadvantaged. My understanding is that the minister and the shadow minister have agreed to enter into further discussions on this matter and, given that development, I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

STATUTES AMENDMENT (MINIMUM SENTENCES) BILL

The Hon. D.G.E. HOOD (20:32): Obtained leave and introduced a bill for an act to amend the Criminal Law Consolidation Act 1935 and the Controlled Substances Act 1984. Read a first time.

The Hon. D.G.E. HOOD (20:32): I move:

That this bill be now read a second time.

I will explain why this bill has been on the *Notice Paper* for some time. This bill and the other one I introduced earlier today were both to be introduced some weeks ago but, unfortunately, there were drafting delays and some amendments had to be made before they were filed, so my apologies for the slight delay.

The bill provides for mandatory minimum sentencing to be rolled out in South Australia. Family First believes that victims of injustice need justice from our courts, and we insist that the government ensures families and children feel safe in their homes. I strongly believe that our system of justice is, in some instances, failing the people of this state. As this parliament continually increases the maximum penalties for a wide range of offences, the judiciary has failed to put that will for tougher penalties into practice.

Sentences imposed in a number of recent cases are wildly out of step with community expectations and, indeed, with the will of this parliament. Instead of continually setting a maximum penalty bar higher and higher, this bill proposes a new minimum sentencing bar for a range of serious drug and driving offences. Minimum sentences will ensure that offenders are adequately punished by the judiciary, ensuring that imprisonment will follow a conviction for certain serious offending.

The Family First bill will impose mandatory minimum periods of imprisonment for the major indictable manufacture and cultivation, sale, supply and possession for sale of illicit drugs. Given the appalling initial decision in the Dundovic case, this bill also proposes mandatory minimum periods of imprisonment for the offence of aggravated dangerous driving causing death and serious injury.

Minimum sentencing is nothing new for South Australia. The offence of driving with a prescribed concentration of alcohol (that is, drink-driving) already has a minimum period of disqualification no matter what the offender's reasons for offending or their personal circumstances. Illegal use of a motor vehicle on a second offence (section 86A of the Motor Vehicles Act) carries a minimum term of imprisonment of three months and a maximum of four years. Mandatory minimum sentences are nothing new in South Australia and this measure is not revolutionary.

Courts in this state are already constrained to impose minimum sentences for some offences, as I have stated. If someone is caught driving dangerously on two occasions they face a minimum of three years licence disqualification. If they are driving a stolen car on both occasions they already face a minimum of three months' imprisonment. This is already the law in South Australia.

This bill proposes that, if the same driver also kills a member of the public while driving dangerously in circumstances that amount to aggravated dangerous driving causing death or serious harm, they should face a minimum of 10 years' imprisonment. It will be up to the judicial officer whether that sentence is suspended or a nonparole period is set below that. However, it will constrain the judiciary to impose a sentence of a length demanded by the public.

Earlier this year the horrific case involving the defendant Denis Dundovic came before the District Court. The defendant was a drug addict high on meth who slammed into and tragically killed the newly-wed Peter Godfrey during a police chase. He was already on parole for two previous and very serious police chases. It was an horrific and unjustifiable crime. Despite all that, he was initially sentenced to just five years and two months' imprisonment with a nonparole period of only four years and two months. He will be out of prison in just over four years. Thankfully, an appeal later increased the sentence.

Of course, I criticised the initial decision—and it is my democratic right to do so—and so did Mavis Godfrey, the victim's mother, who called the decision 'terribly sad'. She also added a question asking, 'This is to Mr Rann and Mr Atkinson: what is it going to take—a politician's child or a judge's child to die in an accident like this before a judge has the guts to give a longer sentence?'

Peter Godfrey's wife, Michelle, quite rightly said the sentence was not enough and said in the media:

> I think that for killing someone you should get more than five years, especially with these new laws...There's got to be something done because otherwise some other family is going to have to go through the same thing we have to go through and it's not right, it's not fair.

Quite right. I have a personal view that when we see victims or their families leaving the courtroom in tears then clearly the courts have not done their job.

The above quote from Mr Godfrey's wife Michelle outlines her absolute disappointment with the outcome, and she has spoken publicly in support of both my and the Hon. Mr Xenophon's calls for minimum mandatory sentences for the worst examples of killer drivers. I am grateful for her support, and I introduce this bill with the memory of her horrific tragedy in mind.

Mandatory minimum sentencing is a very old principle of our criminal law. During the 18th and 19th centuries mandatory sentencing was used for a wide variety of offending. It was introduced again in the Northern Territory in 1997 and I must say, and I want to make this absolutely clear, that I believe the method of mandatory minimum sentencing there was quite inappropriate. I say this because I believe that the Northern Territory mandatory minimum sentencing imposed imprisonment for even relatively minor first-time property offences, which is quite inappropriate. There was a quite ridiculous case there where an Aboriginal man was imprisoned for a year for stealing a towel. I certainly do not support anything like that.

Indeed, that is similar to a case in California where, under its draconian sentencing scheme, a man was imprisoned for 25 years for stealing a slice of pepperoni pizza. I am not making this up. That actually happened, and I want to make it clear that that is not what I am talking about. I am talking about very, very serious crimes where people have an absolute disregard for public safety. I am not proposing anything like that.

The implementation of the idea was poorly done in the Northern Territory. I prefer the Western Australian implementation of 1996, that saw people convicted for home burglary on a third occasion facing a minimum 12-month imprisonment. Like Western Australia, my proposal targets only very serious criminal activity—serious drug dealing and aggravated dangerous driving causing death and serious injury, to be specific.

In this regard I have been led by the research contained in the Australian Institute of Criminology report into mandatory sentencing, report No. 138. I do not pretend that the report recommends a roll-out of mandatory sentencing, but it does put forward arguments for both sides of the debate. Nevertheless, the report concludes that mandatory minimum sentencing should not target minor offending, and I totally agree with that. The report recommends that mandatory minimum sentencing should be 'targeting serious offences, which should attract mandatory sentencing with more specificity so that only dangerous offenders are incapacitated.' I believe that by focusing on a range of serious, specific offences I have complied with that recommendation.

I am presently in the middle of a debate in *The Advertiser* with Mr Grant Feary, president of the Law Society, over suspended sentences and mandatory minimum sentencing. The point he made most recently, in his opinion piece published on Monday, was that my proposals reduced the discretion of the judiciary. In his words, each case should be decided on its merits and therefore judges must have absolute discretion. Judges should not make decisions without carefully considering all the implications, and I am sure they do not. Discretion is often vital in weighing the human factors in each case; however, human judgment should also be tempered with some boundaries to ensure parity in sentencing and ensure that the will of this parliament—which, in effect, is the will of the people—is enforced. Sentences should also match community expectations.

There is a fiction that judges are basically comparable when it comes to sentencing; that is, the sentences they hand out are basically comparable. Indeed, the reason for the wig and gown the judges wear is to present an impersonal image, that is, an image of impartiality in terms of being a cog, if you like, in the machine of justice, and choosing an individual court to hear a case (a practice known as forum shopping) is prohibited—and rightly so. However, the facts speak of judges somewhat in need of sentencing guidelines and boundaries in many cases offering substantially different outcomes for similar charges put before them.

One case in point is the frequency of imprisonment for the fairly usual offence of theft. Last year, research conducted by Family First found that one magistrate, who had presided over 174 theft cases in 2006, sent just one thief to prison, while another imposed prison sentences in 90 of the 282 theft cases he dealt with. Another judge sent nine to prison from 190 theft cases while another sent 34 to prison from 157 cases. Weighing all that up means that, for the same offence with the same legislative penalties, there is a less than 1 per cent chance of imprisonment before one magistrate and a 31 per cent chance of imprisonment before another. Clearly, inconsistency is the rule.

While each case may have different facts and circumstances, the aggregate numbers do not lie. There is a clear need for parity in sentencing within our judicial system. It would be one thing if all our judges were hard on criminals or they were all soft, but an immense unfairness is done when you are up to 55 times more likely to go to prison if you appear before one court than if you appear before another for exactly the same offence with the same legislation requiring the same penalty. Clearly, inconsistency rules.

For this reason, New South Wales recently implemented what are termed 'standard non-parole periods' for a series of offences. That is, judges can deviate from these periods only in rare circumstances, and I will run through the list. In New South Wales the Crime (Sentencing Procedure) Amendment Bill is similar in some respects to the bill I propose today. However, and specifically, if you commit murder, for example, in New South Wales you will automatically receive a 20 year standard non-parole period; if you are convicted of assaulting a police officer you will receive a standard three year non-parole period; sexual assault has a seven year standard non-parole period; and serious criminal trespass has a five year standard non-parole period. This is regardless of the judge before whom one appears. In New South Wales if one produces a large commercial quantity of cannabis one immediately faces a standard 10 year non-parole period. These sentencing guidelines do more than ensure that the will of the parliament for a tough stance on law and order is enforced; they also ensure that each defendant is provided with parity in sentencing, so it is also fair to the defendant.

Drug penalties need to be reviewed. Sentencing for drug dealers is generally light, because there is no apparent victim jumping up and down for justice; however, the fact is that drugs fuel other crime and have a detrimental effect on communities as a whole.

A recent check my office did of the Courts Administration Authority website found that only one of the 11 drug judgments published by the Courts Administration Authority involved a period of actual imprisonment. In every other reported case, the defendant escaped without an actual term of imprisonment. I believe that this is substantially out of step with community expectations and, frankly, I do believe the Premier when he says he wants to be tough on crime. We have seen in this place time and again a series of tough law and order measures introduced by this government. However, continually raising the maximum penalty is of no value when the maximum is never given.

The facts are that mandatory sentencing works. Despite the commonly argued position that it does not work, studies routinely show its effectiveness. Following on from Western Australia's laws, we saw downward trends in car theft and youth convictions. Studies were done on this. The Loftin, McDowall and Wiersema study of 1992 also demonstrated a clear link between mandatory sentencing for firearms offences and a reduction in gun-related homicides in the US.

The previously mentioned study by the Australian Institute of Criminology quoted one criminologist as saying:

> As long as offenders are incarcerated they clearly cannot commit crimes outside of prison.

The report concluded:

> There is some evidence incapacitation works...[and] a recent authoritative report on crime prevention concluded that 'incapacitating offenders who continue to commit crimes...is effective in reducing crime.'

That report, referred to by the Institute of Criminology, entitled 'Preventing Crime: What Works, what doesn't, what's promising: A Report to the United States Congress' was dated 1998, if members wish to access it.

I submit that this bill is a proportional response to the issues I have listed. It is not heavy handed, it does not call for imprisonment for minor offending—in fact I would oppose that—but it is focused on very serious crime and appropriate responses to it. The judiciary, under this bill, will retain significant discretion, except on the imposition of a minimum penalty. They will retain discretion as to whether that sentence is suspended, or whether a nonparole period is set and at what level. However, it will constrain the judiciary to impose a sentence of a length demanded by the public. I commend the bill to members.

Debate adjourned on motion of Hon. I.K. Hunter.

STATUTES AMENDMENT (SURROGACY) BILL

Adjourned debate on second reading.

(Continued from 9 April. Page 2370.)

The Hon. M. PARNELL (20:48): The Greens support this bill, which provides appropriate recognition and protection for children and other parties involved in what is known as altruistic gestational surrogacy. This is a situation where a woman carries and bears a child not directly related to her for another person or couple. It is a relatively recent development involving the use of invitro fertilisation. Generally it is used by women who may or may not be able to conceive, but who cannot carry a child to full term due to a medical condition or serious risk to health.

I acknowledge the work done on this issue by the Hon. John Dawkins and also the representations made to me and other members by Kerry and Clive Faggoter, whose personal circumstances have very much informed our need for this legislation. This bill has also been scrutinised by the Social Development Committee, and I note that the committee, having examined all the evidence relating to legal parentage, has concluded that the current situation is untenable and there is an urgent need for legislation to be enacted to ensure a better process is in place for commissioning parents to be legally recognised as the parents of their biological child.

At present, the situation is one of confusion, embarrassment and injustice, since the law does not adequately acknowledge the true parents of the child, for example, on the child's birth certificate. Having stated the Greens support for the bill, I now need to address the amendments foreshadowed by the Hon. Ian Hunter. These amendments seek to widen the scope of the legislation to 'domestic partners', rather than the narrower qualifying term being persons who 'have cohabited continuously together in a marriage relationship for the period of five years'.

Under the honourable member's amendment, this legislation would be available to same sex couples. The Greens support this amendment, although I understand that the likelihood of its use would be very much lower in the case of same sex couples than in heterosexual relationships.

The Greens support this amendment, which we believe is consistent with the approach that we took earlier in the term of this parliament to remove from the South Australian statute books all references to discrimination on the grounds of sexual relationships. So, it makes sense to remove it now.

However, having said that, if the amendment fails, I will support the bill in its current form. It is not the ideal outcome to be passing legislation that does not treat heterosexual and same sex couples the same. However, on balance, I prefer that approach to taking a dog in a manger approach, if you like, or throwing the baby out with the bath water is another analogy. We still have much more to do in the area of equality for same sex couples, including legislation to legalise same sex marriages, which the Greens support. But for now, focusing on the narrower terms of this bill, the Greens are happy to support the legislation in relation to gestational surrogacy.

The Hon. T.J. STEPHENS (20:51): I think it is important that I state my position. I will be very brief. I support the Hon. John Dawkins and his bill. Members would know that I am a reasonably conservative sort of fellow and it is a fair shift for me to support the Hon. John Dawkins and this particular bill, but—

The Hon. J.S.L. Dawkins: I'm pretty conservative.

The Hon. T.J. STEPHENS: Of course. I say that I have been privileged enough to meet face-to-face a number of people who are actually affected by this particular bill. I have been moved by them. I understand how genuine these people are. I have done some things in my life I am proud of and some things maybe I am not so proud of, but one of the greatest privileges for me is to be a father and have the pleasure of children. It is for those reasons that I am inclined to support the bill. I am not really inclined to support the bill in any form other than that which the Hon. John Dawkins has moved. I have probably moved further than I would have anticipated some time ago. With those few words, members know exactly where I stand on this issue.

The Hon. J.M. GAZZOLA (20:53): I support the bill as proposed to be amended by the Hon. Ian Hunter. However, I cannot support the bill in its unamended form. I support the proposed amended bill in that it will ensure legislation consistent with state and commonwealth anti-discrimination legislation, as endorsed by the Social Development Committee in its excellent report, 'Inquiry into Gestational Surrogacy' tabled in the council on 13 November 2007. With those brief words, I urge all members to support the amended bill.

The Hon. B.V. FINNIGAN (20:54): The Standing Committee of Attorneys-General is considering the matter of surrogacy from a national viewpoint, with a view to coming up with nationally consistent legislation. That is the right approach to take and arising from that I expect a bill will come before us in the not too distant future. I will make a more considered contribution on the matter at that time, but will briefly put on record my views on this bill.

There are three issues in relation to surrogacy: first, whether or not the state should allow gestational surrogacy and facilitate that happening through the state health system (I have the gravest philosophical and moral reservations about that happening); secondly, whether or not the state should enforce surrogacy agreements (and again it would be an extraordinary step for the parliament to take to give courts the power to remove children from their birth mothers for the sake of enforcing a surrogacy agreement, however well intentioned and however much we feel for the people affected); and, thirdly, the legal issues that arise out of the offspring of gestational surrogacy that may happen in this jurisdiction, if the bill allows it, or in other jurisdictions. There are issues to be worked through there and I am sympathetic to the problems that arise. It would be better if a bill addressed those issues separately.

On the basis of what I have said, I have serious reservations about the bill sufficient that I will vote against it and will oppose the amendments moved by the Hon. Mr Hunter. I appreciate that the proponents of the bill are hesitant to rely on the vagaries of the national process and how long that might take, but on balance we should as a parliament generally err on the side of caution when it comes to taking what I see as the fairly major steps that this bill provides. For those reasons I oppose the bill.

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (20:57): I commend the honourable member for his commitment to the issues related to surrogacy, gestational surrogacy in particular. I will only speak briefly, but would like to put a few things on the record. I acknowledge the work of the Social Development Committee, chaired by the Hon. Ian Hunter, who prepared an excellent report on this issue. Perhaps the most significant issue covered by this bill is that it allows the commissioning parents to be recognised on the birth certificate of

their child. Currently I understand that the surrogate mother appears on the birth certificate, meaning that the commissioning parents have to adopt their own child. Allowing the parents to be recognised by law is a needed improvement to the Family Relationships Act and one that I support. It is a significant step forward in the recognition of a child's genetic parents and removes a needless bureaucratic barrier to recognising a child's familial relationships.

The structure of families continues to change in our society, and I am sure that members here, regardless of their position on this bill, would agree that the most important thing is for children to be raised amongst those who love and care for them. I believe this bill will help society to recognise and value a committed family unit that has come about through surrogacy. However, we need to be inclusive of all caring family relationships in modern society, and valuing loving relationships is the best set of values we can teach our children. I will therefore support the amendments put forward by the Hon. Mr Hunter to overcome the discriminatory provisions of the bill. The definition of a couple who can take part in surrogacy under this bill does not reflect the growing community attitude that people in a same sex relationship deserve the same rights as heterosexual couples. I recognise that these social issues are often difficult for this place to deal with and I commend all members for their genuine and considered contribution to the debate. I support the bill.

The Hon. I.K. HUNTER (20:59): I do not propose to take a lot of the chamber's time in my comments on the second reading. I direct members who have an interest to my tabling speech of November last year or directly to the report of the Social Development Committee. I take the opportunity to commend the Hon. John Dawkins for bringing the matter to the attention of the parliament. It was my hope that we would see government legislation that was nationally consistent, but I understand the Standing Committee of Attorneys-General has not yet been able to expedite the matter.

I understand therefore why the Hon. Mr Dawkins is bringing the matter to a vote, but this presents me with some problems. From my perspective the bill is not ideal; it has some issues to do with requirements on cohabitation periods and issues dealing with the level of counselling required and it also includes discriminatory provisions, provisions that restrict the operation of this bill to heterosexual couples only, and people will not be surprised that I have a problem with that.

That brings me to the three amendments I will be moving. I understand that I have support from six honourable members for the first two amendments, and the Hon. Mr Dawkins has indicated that he will not oppose the third amendment. Obviously, with only seven voting for my amendments, they will probably not get up, which brings me to a really big problem because I want to see this bill succeed.

I think it is time we had legislation enabling gestational surrogacy in this state. However, I am compelled to say that I cannot, in conscience (as this is a conscience vote) vote for a bill that seeks to again incorporate into legislation provisions that discriminate against gays and lesbians: I cannot, in all conscience, vote for such a provision. So, I will be voting for the amendments but, if they are not successful, I will not be voting for the bill. I hasten to say that I have no expectation that my colleagues who have indicated support for my amendments will follow my example: this is a position that I take alone.

However, I do want to read into the record a few brief comments from the inquiry, which may assist members in making up their mind about some of the issues I have raised in relation to the amendments I will be moving. The committee's report into gestational surrogacy states:

> While the South Australian Reproductive Technology Council recommended legalising non-commercial gestational surrogacy, it expressed a number of reservations about the proposed Statutes Amendment (Surrogacy) Bill [the original bill]. In its written submission, the Council questioned why the Bill included a requirement for continuous cohabitation in a marriage relationship for a period of five years.
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> According to the Council this requirement is not only inconsistent with the Reproductive Technology Act 1988; it also contravenes the Commonwealth Sex Discrimination Act 1984. If the intention of the cohabitation requirement is an attempt to deal with concerns about the family environment into which a child is born, the South Australian Reproductive Technology Council argues that the current principle that underpins the Reproductive Technology Act...stipulating that the best interests of the child born as a consequence of an artificial fertilisation procedure must be treated as paramount, [that] is adequate for this purpose.
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> Furthermore, the council argued that because those who participate in reproductive technology treatment need to undergo a mandated counselling process and sign a statutory declaration in relation to any past criminal behaviour...this serves to further demonstrate the likelihood of a positive outcome more so than a requirement regarding continuous cohabitation of five years.

The concluding remarks of the report are as follows:

The Committee has heard no evidence to suggest that either marital status or sexual preference can predict whether or not an individual will be a good parent. The Committee does not support the restriction of surrogacy based on discriminatory criteria. As noted, both South Australian and Victorian legislation restricting access to assisted reproductive technology to married woman has been deemed discriminatory.

I support the second reading of the bill, and I seek the support of honourable members for my amendments. On the presumption that this bill will pass, I congratulate again the Hon. Mr Dawkins on his achievement with this bill being passed. I suggest to members of the council that they, too, vote for the bill, but I cannot.

The Hon. R.D. LAWSON (21:04): I begin by commending the Hon. John Dawkins for his longstanding commitment to this bill and the underlying subject; he has been most persistent and is to be commended for it. I commend also the Social Development Committee, whose inquiry into gestational surrogacy resulted in a comprehensive report, which was tabled in November last year, and I commend to the parliament that report.

I have been most concerned about the moral and philosophical aspects of surrogacy, not only commercial surrogacy but altruistic surrogacy as well, and I note the objections to it that are recorded in the report of the inquiry of the Social Development Committee.

I should put one argument out of play immediately because it has not had much affect on me. I recognise that, in most other Australian jurisdictions, altruistic gestational surrogacy is permitted, subject to various conditions. It is suggested by some of the proponents of this bill that, because surrogacy is allowed in other states, we ought to allow it here because, if we do not allow it here, South Australian couples who seek to avail themselves of surrogacy services will simply go across the border and obtain them there.

I do not believe that should be a serious consideration for us here. We have to make a decision of this parliament as to whether this is appropriate for South Australia and be prepared to stand up for our own philosophical and moral principles on that matter. So, notwithstanding the fact that surrogacy of this kind is available in other states, I believe we here ought make a decision of our own.

I have been most impressed by coverage of some of the issues in a book by Bishop Tom Frame, a well known Australian cleric and commentator, entitled *Children on Demand: The Ethics of Defying Nature*, which was published earlier this year. In the chapter entitled 'The perils of surrogacy: compassion and commercialism', Tom Frame describes some of the issues. He says, at page 149:

Surrogacy potentially creates three types of mothers: genetic, gestational and social; and two types of fathers: genetic and social. A single child could have as many as five known parents: its genetic mother and father (the man and woman who provided the gametes), its social mother and father (the man and woman who will raise the child), and its surrogate mother (the woman who brought the child to birth).

The simple statement that a child might have five known parents creates moral dilemmas that are worth examining if one is truly interested in the welfare of children. Frame comments that gestational surrogacy is becoming increasingly attractive but then poses this question:

But what of the moral, social and emotional costs to those involved, particularly the surrogate and the child? Might this be a situation in which society should not encourage a person to carry another's burden?

All members of parliament, and people in the community generally, have every sympathy with those married couples who wish to have a child but who, for various medical reasons, are unable to do so. There is no doubt that they have our every sympathy, and I certainly have sympathy for them.

However, the question one has to ask oneself is: what of the child who is born of such procedures? Is it not the interest of that child that must be the paramount consideration of parliament? If parliament allows such children to be brought into existence, we should not be concerned so much with the interests and desires, hopes and aspirations of the parents but with those of the child. What of the child who has, as Frame mentions, five persons who can be called their parents? At page 151, Frame continues:

There are a number of practical and philosophical objections to altruistic surrogacy. They begin with concerns for the welfare of the surrogate mother. In many instances, the surrogate will be a sibling motivated by compassion to assist someone she loves. The first case of successful surrogacy in Australia was reported on 23 May 1988, after Linda Kirkman gave birth to Alice, the genetic child of her older sister, Maggie, who was unable to carry a child. Maggie provided the egg, which was fertilised with donor sperm because her husband was infertile. But a sibling is not always available as a potential surrogate, and it requires an especially close non-filial relationship for one woman to be willing to bear the child of another.

One must also consider that no surrogate, however altruistic, can possibly know how she will feel once the child is born and she is required to relinquish 'her' baby. This makes the likelihood of informed consent highly problematic. As Susan Dodds and Karen Jones, two philosophers working in the areas of feminism and bioethics at the University of Wollongong, explain:

'No two women experience pregnancy in quite the same way, and the same woman can experience different pregnancies differently...Thus, how can a woman give fully informed consent to part with a child she will have felt growing and developing inside her, that she will have given form to through her body, before she knows the feelings these experiences will have produced?'

He continues:

It is clearly a heart-wrenching experience for the surrogate, with many women declaring that they did not know how difficult it would be to 'give away' the child they had carried inside their bodies for nine months. They were, after all, 'their children'. Without the protection and nourishment provided by their wombs, the children would not exist. The child owes its existence to the surrogate. This might explain evidence which suggests that a slightly disproportionate number of surrogates have either had an abortion, or relinquished a child for 'adoption' and subsequently deal with the undischarged feelings of guilt or remorse by acting as a surrogate.

Frame continues:

In my view, surrogacy does play down and minimise the importance of gestation to parenthood. Experience makes plain the essential link between them. The woman who bears the child is the child's mother for a period of nine months. There is no other means of describing surrogacy than motherhood. The surrogate mother's whole being is oriented towards a child that will be born only to be relinquished. Additionally, the law regards the woman who gives birth as the child's legal mother. However much we might try, the biological cannot be separated from the relational.

He refers to the Australian ethicist, Peter Singer, who (not surprisingly to those who know his work) is in favour of surrogacy. Singer says that surrogates would 'get over' their experience. Frame quotes Singer as stating:

The surrogate who receives an IVF embryo has no genetic relationship to the child she carries. Attachment may still of course occur, but it is plausible to suppose that the lasting effects of separation will be less severe when the surrogate has no reason to think of the child as 'her' child, but rather the child [she] 'looked after' for nine months of its life.

Frame continues:

The evidence overwhelmingly suggests quite the contrary. Women are deeply affected by surrogacy and very few are willing even to think about serving as a surrogate a second time should they be asked.

I realise that I am stretching the patience of the council by quoting extensively from Frame, but I think that he very clearly articulates some of the issues in a way that is pertinent to this debate today. He cites an American lawyer, Anita Stuhmcke, who insists that 'altruistic surrogacy is more exploitative than commercial surrogacy'. She believes that the experience of family dynamics may make it impossible for the surrogate to keep the child if she so desires.

Frame mentions Elizabeth Kane, America's first legal surrogate mother. She became an advocate with the National Coalition Against Surrogacy after she gave birth in November 1981. She insists that 'the transferring of one woman's pain to another woman is not the solution in any society' to infertility and regards surrogacy as 'reproductive prostitution'. One might presume that she was not well prepared emotionally for the experience, and one might possibly conclude that she would be rejected today as a potential surrogate. I acknowledge here that there are provisions for counselling and certification which are designed to overcome that particular difficulty in the honourable member's bill.

I notice that one of the important elements—I think the mover of this bill sees it as an important protection—is that a surrogate mother under this regime can only be a mother, step-sister, sister or first cousin of the woman who may provide genetic material for the child. I gather that the reason for that particular provision is to reduce the possibility of disputes when the child is born about whether it ought to be relinquished. Presumably, if your mother or your sister has decided to be a surrogate, they will not renege on the deal, as it were, at the end.

That, of itself, does raise an issue, because it is likely in the ordinary course of events that, throughout the child's life, it will have an ongoing relationship with its mother as well as its surrogate mother. It is interesting to see—and Frame mentions this—that Senator Conroy, I think it is, a prominent Australian, had a surrogate child with his wife. He explained, I think admirably, that the reason they chose not a friend or a relation but some third-party surrogate was in order to avoid the possibility of the child having feelings towards its maternal mother—its actual mother—and its surrogate mother. Rather, they chose somebody who would have no ongoing relationship with the child.

Anyone who has had the pleasure of having a teenage daughter might well recognise the sorts of conflicts that can arise between a teenage daughter and her mother. If on every Christmas occasion and every birthday occasion that child is present not only with its mother but also with the surrogate mother, the possibility of conflicting loyalties, conflicting feelings and difficulties would arise. For that very reason, Conroy chose someone else. But under the regime now proposed in South Australia—but not applicable in other places—you would be allowed to employ a mother, a sister, etc. as the surrogate. That is a matter I intend to pursue during the committee stage, and I am sure that the mover will be able to provide some answers.

I think it is also important to recognise that, whilst this is a very important issue for those involved, according to the report of the Social Development Committee, gestational surrogacy—whilst it occurs in some other places—is not a terribly common occurrence. Some might see this as a relevant consideration and some might see it as not relevant. Even if only one child were able to be born by surrogacy, that would be sufficient to require us to change the law.

The committee reports that, for example, in a place like the United Kingdom—a country of some 65 million people—only about 35 IVF surrogacy procedures are performed each year. I have looked at a number of the theological objections to IVF. I think they are better described as denominational objections. Some people are opposed to IVF procedures generally. They are philosophically opposed. They believe that IVF is unnatural, it is wrong and it is not appropriate and, because they come from that particular position, they are opposed to surrogacy.

IVF is a necessary element of the sort of surrogacy we are talking about. Therefore, people oppose surrogacy because they oppose IVF. I do not happen to oppose IVF; I am entirely supportive of it. I think that medical developments in relation to reproductive technology are entirely beneficial. I support them. I think they have been a wonderful example of medical technology. So, I certainly do not come to this debate with any opposition to IVF procedures, but I do have, and have had, serious concerns which I think Frame appropriately articulates in relation to the general topic of surrogacy.

Notwithstanding, however, the concerns I have and my belief that the current bill is a little too narrow in limiting surrogacy to the circumstances which I earlier described about having a mother who is related to the persons providing the genetic material, I will be supporting the second reading of this bill. I think a number of matters really do have to be explored during the committee stage. They are rather technical issues, but they are important issues, and I look forward to the committee stage so that I can receive assurances or perhaps move amendments to overcome some of the difficulties which arise.

I will highlight one of them as an example. The issue in surrogacy is that once the child is born there has to be an application made to the court. There has to be an agreement beforehand. The agreement has to have been certified by a lawyer that the parties were not induced to enter into the agreement by some form of coercion. But then, when the matter gets to court, the question that the court has to decide, according to the bill, is that the welfare of the child must be regarded as the paramount consideration. That was not the issue when the agreement was entered into.

The agreement that is entered into—no doubt for the noblest of motives—is an agreement that is for the benefit of the adult parties. When the court gets to make an order based upon the welfare of the child as the paramount consideration, I think that is almost an impossible test to ask a court to apply, because the court will have before it the parties who have entered into an agreement and it will be in their interests to ensure that the agreement is enforced and that people are held to the promises they have made.

There might be some circumstances where, for example, the parents have become drug addicts or drunks or one has died or there has been a divorce, or there might be some other issue, but in the ordinary course, leaving those things aside, I think it is almost window dressing to suggest that in the ordinary course a court is then determining the welfare of the child. What the court will be doing is enforcing an agreement that was entered into. There are a number of those other technical issues which I will be very happy to pursue in committee.

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs) (21:24): As this matter is a conscience vote I would like to place my views on the record. I commend the Hon. John Dawkins for his genuine sincerity, but I place on the record that I am unable to support his bill and I will not be supporting your amendment, Mr Acting President.

The Hon. Bernie Finnigan, I believe, has already articulated what my sentiments are. I do share his concerns, which are, briefly, first, whether or not the state should allow surrogacy, and I too have moral and social reservations; secondly, whether the state should enforce surrogacy agreements; and, thirdly, the legal issues that may arise out of the offspring of surrogacy. As was mentioned also, we will see federal legislation before all the parliaments, I suspect, and I think the debate is best had at that level.

Again, I appreciate the commitment of the Hon. John Dawkins but I am unable to support his bill. Whilst I am on my feet, the Hon. Paul Holloway has indicated to me that he will be supporting the bill but will not be supporting your amendment, Mr Acting President.

The Hon. D.G.E. HOOD (21:26): I think it will come as no surprise, given my dissenting remarks to the report that the Social Development Committee made (as I was a member of that committee), that Family First will oppose the bill presented by the Hon. Mr Dawkins. I had intended to list a whole range of reasons for that—in fact, I have them here before me—but the truth is that they have been highlighted quite well, both by the Hon. Mr Finnigan and especially by the Hon. Mr Lawson, who outlined, in fact, in one case, the exact quote I was going to use. So, that, I think, puts our position forward.

To put it in simple terms, Family First's opposition to surrogacy really comes down to the issue of what is in the best interests of the child. People will debate this, and I accept that, but fundamentally, as far as we are concerned, surrogacy is an arrangement that is in the best interests of the adults concerned, not the child. If I can just quote from article 3 of the Convention of the Rights of the Child, it states:

> In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

I am not suggesting that those adults do not enter that agreement with what they perceive to be the best interests of the child at heart but, again as the Hon. Mr Lawson outlined very succinctly, the truth is that there are many unforeseen circumstances in these very complex arrangements. Human emotions are, at times, uncontrollable for all of us, particularly when it comes to our children.

As a new father myself, I can certainly vouch for the level of emotion that one has for one's child, and I can foresee many difficult circumstances arising from surrogacy arrangements in the future. That is not to say that some of them will not go well: it may be the case that they do, and it may even be the case that the majority of them do, but in good conscience—and I speak for myself and for the Hon. Andrew Evans, having discussed the matter with him at length—we do not feel that we can support a bill which could potentially see difficulties arise for children down the track.

I will paint one very obvious example. Again, the Hon. Mr Lawson gave a few very succinct examples, but one that really jumps out at me, and it is almost too obvious, is a situation, as is proposed under this bill, where a family has possession (if you like) of the child from the surrogate mother, and those two women are sisters. You can imagine the child (let us say it is a girl), when she is about 13 or 14 and reaching those difficult years, has conflict with her parents, which is certainly not uncommon at that age. We can imagine that, if she has a real falling out with her mother (the woman she lives with) and if she has a good relationship with her birth mother, she may decide that she is the mother she really wants to live with. That is a real possibility.

It would be a terribly difficult thing for the parents involved, not to mention the child. I think it is not parliament's role to intervene in those sorts of things. These situations are incredibly difficult, and I think the emotion involved would be overwhelming. So, for that reason, and for the reasons outlined by the Hon. Mr Lawson and all of those potential problems down the track, Family First opposes the bill.

Turning to the amendments put forward by yourself, Mr Acting President, I am sure you will not be surprised to hear that Family First also opposes the amendments. There is a variety of reasons for that but perhaps I can quote from a recent submission to the Commonwealth Human Rights and Equal Opportunities Commission by Dr Robert Pollnitz. He warned about the implications for children in the gay parenting debate. He noted:

> By its implication that marriage between a man and a woman has lost its special value, we believe that the inquiry fails to respect the best interests of our Australian children. My views on this issue are shaped by over 30 years' experience as a specialist doctor caring for children. Throughout this time I have observed that children develop best, both physically and emotionally, when they are reared in a stable heterosexual, two-parent family. Without criticising single parents or making judgments about people's situations or experiences, when families

fracture we see large increases in health problems, emotional imbalances, learning disorders, defiant behaviours, drug use, sexual promiscuity and criminality.

He went on to say:

> Studies show that gay and lesbian relationships are often unstable. While lesbian unions tend to last longer, a 1990 study found that 50 per cent of lesbian couples break up after less than six years.

Of course, that is not true of all couples, and I am not suggesting that it is. However, the primary consideration here has to be the welfare of the child and we certainly will not be endorsing a situation that does not put that as the paramount consideration.

To bring it down to a very simple level (and this is perhaps an easy illustration or one that makes sense to me) if we make the claim that two dads, for example, can raise a child as effectively as a mother and a father, then I think we undervalue the role that women play as mothers in the rearing of children. In my own experience I observe my wife with my beautiful daughter, and she is terrific with her. Again, that is not to say that some gay couples would not be able to achieve that, but the research indicates that it is difficult, on average. Again, if we have two mothers raising a child then the truth is that that undervalues the role that fathers play in raising children.

I guess what I am saying is that the ideal model is a mother and a father. That is not always true even in heterosexual relationships and I accept that. However, as a legislative body that should be the standard that we aim for in all cases. As an absolute minimum we should be aiming for the welfare of the child to be paramount in all of our deliberations. Again, that is why we will be opposing the amendments.

The Hon. C.V. SCHAEFER (21:33): I was not going to speak, but it looks like I am now. Given that it is a conscience bill I suppose I should put my position. I do not have the science that my colleague alongside me does but I will not be supporting this bill or the amendments. I have great sympathy for parents who have difficulty in conceiving and carrying their own children but, to be quite frank, and in a very unscientific way, I find the idea of carrying my daughter's child or my daughter carrying her sister's child quite repugnant and I cannot support this legislation.

The Hon. R.I. LUCAS (21:34): I must admit that I found this particular legislation one of the most difficult that I have confronted in my parliamentary career, in terms of finally arriving at a position. I can genuinely say that, as I stand here tonight, I have still not resolved a final position in relation to the legislation. I have listened with interest to all of the contributions from members, both this evening and earlier.

I followed with some interest the contribution from my colleague the Hon. Mr Lawson and I must confess, as I listened to his argument, I thought he was opposing the legislation. At this stage, he has indicated that his position is support for the second reading, and it is for him to determine his position, obviously, through the committee and remaining stages. I found myself influenced by the views of the Hon. Mr Lawson on the legislation.

In commenting on some of the issues that the Hon. Mr Lawson and, indeed, the Hon. Mr Hood raised, there are two specific examples. The Hon. Mr Lawson raised the point, I think based on the learned author he quoted (Frame), that some children under this particular procedure might have five parents in the future. However, the reality is that at the moment I can think of family circumstances where a particular child has, at a relatively young age, had one mother and three fathers, as the mother has married three times.

The problems that the Hon. Mr Lawson's author potentially identifies are in relation to the child and conflicting pools. I think it is fair to say that some children, in current circumstances, already confront those sorts of problems. The learned author may well argue: well, why add to it?—and we can have a circular argument in relation to those issues. At the moment there are children in families where circumstances are such that they have a pool between a significant number of parents, more than what many of us would support as being ideal—which is obviously two parents. If you did have a 13-year-old daughter who had difficulty with her mother, the circumstances identified by the Hon. Mr Hood were if the daughter found some affinity with the surrogate mother (in this case, the sister). One could also argue that there are possibly some positives in that, in that the daughter would have someone other than her mother to turn to, rather than turning to the streets (as we know can sometimes occur) or to the wonderful advice that other 13 year old girls can give in terms of what she ought to do.

A 13 year old might think that their mother is the worst person in the world—that she does not understand them, that she does everything she can to make their life difficult and they therefore

ought to turn somewhere else. Someone else in their life who loves them and to whom they can turn could hopefully, in an ideal world, encourage them to see that their mother does love them and, after a period of disputation (however long that might be), could encourage reconciliation.

Clearly there are circumstances where young people can hate their mother or father, or both of them in equal measure, but some are lucky to have uncles or aunties, or grandmas or grandpas more often these days, who end up looking after them. I understand the arguments the Hon. Mr Hood and the Hon. Mr Lawson quote from the learned author, but I think one can also mount arguments on the other side in relation to these matters. So, whilst I do understand I do not see them as being determining issues.

I enter the debate on this issue a product of my conservative Catholic upbringing. I am still a believer, and I understand the very academic (I thought) position put on behalf of the Catholic Church to the Social Development Committee, which opposed what is proposed here. However, as the Hon. Mr Hood and others said in their contributions, ultimately we ought to be guided in this issue by what is in the best interests of the child. As I said, as I stand here tonight I have not finally resolved my position. I am a product of my upbringing and I am naturally uncomfortable with this; 20 or even 10 years ago I could not imagine myself even contemplating supporting this legislation. However, having listened to the arguments from the Hon. Mr Dawkins and others who support this, as well as those of the opponents, I am contemplating support for the legislation.

I am uncomfortable with the proposition that the Hon. Caroline Schaefer made in her short and succinct contribution, that of the notion of a woman's mother carrying the child, and I guess that is an issue I will have to reconcile in my own mind before I finally determine a position on the legislation. I intend to support the second reading of the legislation; however, I reserve my position on the committee stage.

We are aware of amendments to be moved by the Hon. Mr Hunter, and I am indebted to the 623 people who emailed me between 1 o'clock and 9.30 this evening to put their points of view on those amendments. I have to be honest and say that I have not read each and every one—

An honourable member interjecting:

The Hon. R.I. LUCAS: Well, the ones I have read so far do not seem to support it. However, I have to be honest; I have not opened them all and there may be some who come in strongly towards the end who support it. I did note that there was one from Rob Lawson urging me to oppose the amendments, but I hasten to say that it was not the Hon. Rob Lawson—

The Hon. T.J. Stephens: It wasn't 'the' Rob Lawson.

The Hon. R.I. LUCAS: It was not 'the' Hon. Rob Lawson; it was another Rob Lawson. So, I am indebted to those 623 people who took the trouble to email me between 1 o'clock and 9.30. There may well be more as I return to my office this evening.

The Hon. Mr Lawson indicated that he will be questioning the Hon. Mr Dawkins during the committee stage and may well move amendments. Given the flavour of the Hon. Mr Lawson's second reading contribution, I will be interested in the amendments he may be moving. I will consider them, and will reserve my position for the third reading.

The PRESIDENT: There are no further speakers. Being a conscience issue I will declare which way I would vote had I a casting or deliberative vote. I believe that having children is the most rewarding and wonderful experience one can have; at times it is also one of the most costly, so I remind those people who are thinking of having them that that can be a little bit of the downside. However, having been blessed with four children and six grandchildren so far—with more to come, I hope—I cannot possibly deny this wonderful experience to others. Therefore, I totally support the bill.

The Hon. J.S.L. DAWKINS (21:45): I do not intend to delay the council too long in my summing up. I thank all members who have made a contribution and others who have put their views to me either by way of a colleague or privately. I am honoured by the fact that 16 members of this chamber, other than me, have contributed to this debate. I hold dearly the sincerity in which everyone has contributed to this bill. This is the first time for some considerable time in this chamber that every member has had a conscience vote. I am not quite sure of the last time the Labor Party had one, but it is some time ago, anyway. I am grateful for the fact that Labor Party members were able to secure a conscience vote on this issue.

I also think that the debate has been handled in a way that makes me proud to be a member of the Legislative Council. The manner in which people have gone about dealing with me

over this issue has been excellent and, in many cases, people have been quite clear in the way they feel about this issue. No-one has played any games with me over it, and I am grateful for that.

In relation to the first two amendments to be moved by the Hon. Mr Hunter, it might not surprise members of this chamber, given the make-up of the two bills that I have had in this chamber, that I will not be supporting them. I do respect the sincerity in which the honourable member has moved them and the position he has outlined this evening, but it is my view that we should be retaining the provisions that I have always had in the bill in relation to the people who will be eligible to have altruistic gestational surrogacy.

It is two years next week since I first introduced the bill into this place. It is much longer since I first started working on the issue. I think it is something like 3½ years. It is two years since the first bill was introduced in June 2006. We all know that it was referred to the Social Development Committee on the motion of the Hon. Mr Hunter, with my agreement, in September 2006; and subsequently that report commenced in February last year and a report was brought down in November last year. I have said previously in this place that, while I did not agree with every essence of the report produced by the Social Development Committee, it was a significant body of work on the subject. I thank all members and staff of that committee for the work they did in that regard.

The report was brought down in November and noted in this chamber. The government response took a little while. I think it was about 4½ months after the report came down. Certainly, the government has indicated its wish to be part of the Standing Committee of Attorney-Generals combined move to prepare uniform legislation. I think at the time the Hon. Mr Hunter thought I was a bit of a cynic when he said that he thought there would be a government bill in the council early in the new year and I did not believe him. I think he is starting to realise that I have been in here a little longer and I know that governments of both flavours take a fair while to develop these things. I would be delighted if eventually there is uniform legislation across this country, but I can see that we will be a long time getting all the Attorney-Generals in this country to develop legislation and to get to the table, and that is why I wanted to continue with this bill.

I will make a few closing comments. A number of comments have been made about various scenarios or situations that could occur with children born through a surrogacy arrangement. The Hon. Mr Stephens and you, sir, have emphasised the great delight and the privilege that it is to be a parent. I think those of us who have that privilege should never underestimate it. There are people in the community who have gone through extraordinary hardship in their life because they have not been able to be a parent. This measure allows that to happen to people who have a deep commitment to having a child. I know that people are concerned about the rights of the child and that this is all about the parents. The reality is that these are people who deeply want to have a child and give that child everything they could possibly give them. I think we should never overlook that.

We must not overlook the fact that, under this legislation, with respect to the people who will assist a couple to have their own child, I have prescribed it very narrowly: the Hon. Mr Lawson is quite right. However, I have done so because those people are the ones who want to give that gift to that couple, and they are loved ones. People talk about surrogate mothers being deeply affected. I think the Hon. Mr Lawson quoted Bishop Frame about surrogate mothers being deeply affected. I think they are deeply affected—and in the right way, in most cases. I know of several instances where the connection between the child and the surrogate mother is very strong, and I would support that. I think that is the way it should be.

We have heard suggestions that there could be a problem later in life with teenagers, with another mother, so to speak, on the scene. However, this situation and other matters that have been raised can equally happen with respect to children who are naturally born. There could quite easily be a situation similar to what the Hon. Mr Hood raised. I think he gave the example of a young female teenager who has some problem with her mother and goes to the auntie who carried her. That could happen whether the auntie carried her or not; it could happen with any naturally born child. I think that, with respect to a lot of the issues that have been raised, we have to realise that these things happen in normal situations where people have children without undergoing any of these procedures.

I have mentioned this before, but more than 25 years ago when my wife and I had a little girl we wanted to have a second child, and we had a lot of difficulty. We went through a prolonged period (this was before IVF) of undergoing all the intrusive testing and being told when we should have sexual relations, and so on. No-one understands that until they go through it. The people who

in more recent times have had to undergo IVF or surrogacy procedures experience that much more than we ever did.

Subsequently, we were lucky to have a second child—and that second child is now nearly 25 and bigger than I am. However, the reality is that my wife and I both remember the intrusion and interference in our lives that we experienced when we were trying to have a second child. However, that would pale into insignificance with what the people who undergo IVF treatment or surrogacy arrangements have to go through, and I think we should never underestimate that.

Again, I endorse this bill. It may not be a perfect bill, but when we think I have had to develop this bill with the help of the passionate supporters of surrogacy in the community, Mrs Kerry Faggotter in particular, and with the resources of parliamentary counsel and my staff, it is a good bill and one that I commend to members. I thank members for the way in which they have conducted themselves in their relationship with me, even if they do not agree with where this bill is headed. I commend the bill to the chamber.

Bill read a second time.

In committee.

Clause 1.

The Hon. A. BRESSINGTON: I will be brief, as I was in my seconding reading contribution. I point out the concerns that have been raised over this bill by some members, which I find quite interesting. I am not invalidating any person's views or concerns in this chamber. However, I remember when I was becoming a parent my father told me that anyone can be a parent but that not everyone can be a mother or a father.

While we are talking about people who are desperately wanting to have children and are prepared to go through the processes that are needed, either IVF or surrogacy, it really is not our place to legislate against that because reproduction and survival of the race is a natural urge. Some women do not get that urge, and that is fine, but if and when they do and then cannot carry through with carrying the child or falling pregnant, as the Hon. John Dawkins mentioned they go through terrible emotional strife and depression. As I said on the WorkCover legislation, we are here to work for the true welfare of the people of this state. Although this is a terribly emotional debate we are having, it is necessary.

The Hon. Rob Lawson mentioned that, should there be conflict later with the surrogate mother and the parents and it goes to court, what would be in the best interests of the child. We have thousands of cases in this state at the moment where the best interests of the child cannot be defined, as federal governments Liberal and Labor have refused to create a definition of 'best interests of a child', so why are we concentrating on that particular aspect of this for this surrogacy bill? We have situations raging around us at the moment where families are breaking down and children are at risk and nobody is bothering to define 'best interests of a child'. So, why specifically would that be so different for surrogate children?

I am not saying that we do not need a definition of 'best interests of the child' because we do, but why is that particular issue brought up around the surrogacy bill when nobody even wants to discuss that on family law issues or child protection issues that are happening right here right now. The what ifs of what might happen to these children, as the Hon. John Dawkins said, are no different to what may happen and what probably does happen to most children in those rebellious teenage years.

I think we are probably getting a little bit too precious about the welfare or best interests of surrogate children having five parents. My children had four parents. Four out of five of them have turned out fine, thank you very much. The one that did not turn out fine certainly was not because she had four parents; it was because life happens. In Africa the saying is that it takes a village to raise a child. We do not have enough of that in Australia at the moment. We are becoming a very 'me-ism' society. We are becoming separated from our extended family and anything we do that can pull a family together in order to keep it close and keep it there to protect our children and provide them with a safe, warm, loving and nurturing environment cannot be bad.

As to the conflict that was raised between the surrogate mother, the birth mother and a teenage child, as the Hon. Rob Lucas said, is it so bad that a child would run to the person who is his or her surrogate mother for support, love and a safe environment when there is conflict in the family? Or do they go to someone on the street? So often we hear about children who are lured away from their family because of conflict, who are taking up with people who probably do not have the best interests of that child at heart, and there is not a great deal that parents can do about that.

Just to share a story: my cousins adopted a child born out of wedlock and that child grew up around the adopting mother and the natural mother, and the relationship between all three of them was healthy. It was supportive and there was no conflict of interest between the parents. We are underestimating the emotional intelligence of women who agree to be surrogate mothers and the emotional reasons why women would agree to be a surrogate mother. I think we are certainly underestimating women's strength in being able to hand over a child to a loving, happy family member, knowing that at any time they can have contact with that child and provide it with the support it needs as a member of the extended family.

As far as IVF goes, we have men out there who have fathered 200 or 300 children. Those children do not know that they are related. They do not know who their natural father is. What future do those children have? If we are going to go into the what ifs and the futures of this, we are not going to know whether we have sisters marrying brothers or brothers and cousins marrying each other. That is a far more complex issue than altruistic surrogacy (gestational surrogacy) that we are debating here right now. I remember with the IVF debate that we had all of these major concerns about genetic deformities and all the rest of it. Really, there has been no proof of that. In concluding my remarks, I support the bill and the title of the bill.

Clause passed.

Clauses 2 and 3 passed.

Clause 4.

The Hon. R.D. LAWSON: I have a question for the mover about the definition of 'fertilisation procedure' and its relationship to the general scheme of this act. 'Fertilisation procedure' is defined as artificial insemination; fertilising a human ovum outside the body and transferring it into the body; or transferring unfertilised human ovum into the body for the purpose of fertilisation within the body. The contents of the agreement must be that the pregnancy is to be achieved by the use of a fertilisation procedure, and these seem to be all what one might term artificial insemination-type or IVF procedures.

The report of the Social Development Committee referred to traditional surrogacy (which is said to have been around for hundreds of years), namely, where the man who desires to have the child (presumably with the wife) simply impregnates the surrogate-to-be by natural sexual intercourse. If couples want to engage in that form of traditional surrogacy, is any authorisation provided by this legislation for that type of surrogacy?

The Hon. J.S.L. DAWKINS: The answer to that question is no. As we know (and we talked about this earlier tonight) it is quite clear that this legislation is based around the use of the necessary technology, which has been developed over a number of years, to allow the surrogacy to take place. Certainly, under no circumstances are we allowing such a situation as the honourable member has described to take place. I know some people say that this is not a reason to introduce a bill, but I think we all know that there are places in the world where this has occurred, and it has been so throughout history; the Hon. Sandra Kanck has on a couple of occasions put it in Hansard. The Social Development Committee heard evidence of practices in some areas of the South Pacific Island where that is exactly what happens. In what I would call our civilised society, we do not believe in that practice, and my strong belief is that this bill does not allow that.

The Hon. R.D. LAWSON: I suppose the next question is: if it does not allow it, why should it not allow it? What is especially morally reprehensible about the natural practice of surrogacy as opposed to the artificial practice of it?

The Hon. J.S.L. DAWKINS: The first thing I want to say to that is that the people I have had the pleasure of knowing throughout the years I have been advancing this debate have made it quite clear that they do not wish to have a sexual relationship with the surrogate mother; the father does not want that to happen, and the commissioning mother does not want that to happen. Let us face it: those things can and have been done, and they have been done outside the law and people do not know about them. The Hon. Ms Bressington has referred to that sort of arrangement, where we do not quite know who belongs to whom. Part of this legislation is about trying to make this as tight as possible.

I referred to that earlier in relation to the fact that I want, except under special dispensation, the surrogate mother always to be a close relative, and I just reiterate the fact that all of the people who I have had experience in dealing with who have been in a situation similar to Mrs Kerry Faggotter have no wish to have a natural conception.

The Hon. SANDRA KANCK: I would just make a comment that, looking at the legislation, I would think that although it is not actually set out saying that it would or would not be the case that when you look at some of the definitions, it almost excludes it because in clause 12 (the new 10HA) it describes the surrogacy agreement as requiring the surrogate mother to be a prescribed relative of at least one of the commissioning parents or to have a certificate issued under subsection (3).

A prescribed relative is in turn described as a mother, sister, stepsister, or first cousin, so I think you would be talking about incest in some instances if that were to be considered, which I believe is against the law anyhow.

The Hon. R.D. LAWSON: Not necessarily. Obviously, a father-to-be and the sister of his spouse would not be an incestuous relationship, and obviously more remote relationships as well.

The Hon. J.S.L. DAWKINS: If I could just add to that, all I can say is that, of all the people that I have dealt with who are supportive of this bill, no-one has ever suggested that that is the way they want to go, and I really want to assure the Hon. Mr Lawson that I do not believe that that is an issue.

The Hon. R.D. LAWSON: I am really asking these questions for the point of information, but obviously we are not legislating for the particular people who contacted the Hon. John Dawkins. This is legislation that will apply to people who might have the noblest of motives and those who might not have noble motives, but who might wish to avail themselves of the legislation. I do not think when we have an act coming in which will have public application, we can say, 'Well, the people who actually gave me this idea wouldn't ever do such a thing.'

I think the mover and others have put on the record their notion of whether the act would cover that form of issue, that is, traditional surrogacy, but I move on to another related topic. The report of the Social Development Committee on page 17, not in relation to traditional surrogacy but in relation to artificial insemination, states:

> Artificial insemination—where the sperm is placed into a woman's genital tract by a non-coital method—is 'neither new nor high tech'. Research suggests it has been practised for well over a century and 'can be performed without medical assistance involving a simple turkey baster'.

That is artificial insemination, and the fertilisation procedure that is defined in this act includes artificial insemination. Presumably it includes the type of artificial insemination described in the report as well as medically-supervised fertilisation procedure. Does the mover accept that that form of artificial insemination might be the subject of a surrogacy agreement?

The Hon. J.S.L. DAWKINS: I thank the honourable member for pursuing these issues, and I think it is important that we do so. No, I do not believe that, because I do not believe that that would come under the various acts that we are amending here but, in relation to artificial insemination—and I know the member talks about the ways in which that has been practised—my limited knowledge tells me that those forms of artificial insemination while sometimes successful, the great majority of times are not successful.

Some 33 years ago, I was trained to artificially inseminate cows. I recall the instruction, and you have to know what you are doing to inseminate a cow. I am not saying that it is the same with a woman, but the reality is that it is the same principle. The fact that I succeeded in getting a cow to have a calf was something of which I have always been proud.

The Hon. R.I. Lucas interjecting:

The Hon. J.S.L. DAWKINS: It was actually black and white—and I am not a Port Adelaide supporter! To be serious, the point I am trying to make is that, while it may well be possible to artificially inseminate a woman through the non-sophisticated methods to which I think the honourable member refers, the success rate is far lower than when those involved are properly trained to perform the procedure.

The Hon. A. BRESSINGTON: I just make the point that the methods the Hon. Rob Lawson refers to happen now, regardless of this legislation. Turkey basters and other means of do it-yourself type procedures will not be encouraged by this legislation, and they certainly will not be stopped by it. I believe that it is way beyond the means of this bill to try either to police or predict whether those practices will be more or less predominant as a result, but that is not really the debate we are having about the surrogacy bill.

I know of many gay women who have used a turkey baster, and some have been successful. Although it might be not pleasant for some people to think about or contemplate that it happens, it does. This bill will not change that one way or the other.

The Hon. R.D. LAWSON: I am certainly pleased to hear the Hon. Ann Bressington's assurance that these practices are happening in South Australia. The only point I make is that, when this bill is passed, it will be possible to have what is called a 'recognised surrogacy agreement' in relation to such a practice. At the moment you are not able to do so, and certain consequences follow from the capacity to have such an agreement.

It seems to me that, based on what I have heard in relation to this discussion, as 'fertilisation procedure' includes artificial insemination, and as a 'recognised surrogacy agreement' is defined as an agreement which states that the parties intend:

(A) that the pregnancy is to be achieved by the use of a fertilisation procedure carried out in this State—

and honourable members have assured me that that includes the turkey baster method, and—

(B) that at least 1 of the commissioning parents will provide human reproductive material with respect to creating an embryo for the purposes of the pregnancy...

I did not understand that that actually would include the provision of sperm by the intended father for use in a turkey baster. What is being suggested is, indeed, that would be so, and it is possible that this method can be used in a recognised surrogacy agreement.

The Hon. R.I. LUCAS: The Hon. Mr Lawson might choose not to answer, and that is entirely his wish. Having listened to his question on traditional surrogacy, I am interested to know, as a learned QC, what is his view in relation to the definition of whether or not traditional surrogacy is legally allowable under the legislation before us.

The Hon. R.D. LAWSON: I agree with the Hon. John Dawkins that it is not contemplated, because the definition of fertilisation procedure does not appear to include natural intercourse.

Clause passed.

Clauses 5 to 11 passed.

Clause 12.

The Hon. I.K. HUNTER: I move:

Page 5—

Lines 1 and 2 [clause 12, inserted section of 10HA(1), definition of marriage relationship]—

Delete the definition

Lines 21 to 23 [clause 12, inserted section 10HA(2)(b)(iii)]—

Delete 'have cohabitated continuously together in a marriage relationship for the period of five years' and substitute:

where domestic partners (within the meaning of section 11A and whether or not declared as such under section 11B)

These amendments go to the heart of my concerns with this bill. They are to delete the phrase 'marriage relationship' and replace the cohabitation line with a provision that will bring this bill into consistency with the domestic partnership legislation, which we passed last year. It is my contention that there can be no valid reason for reintroducing a provision in the legislation to prohibit homosexual couples from accessing this bill, notwithstanding the fact that they probably never will.

If one understands the situation that we are facing, it is highly unlikely that two women in a relationship will both be medically infertile. It is possible to contemplate it, but I think it would be a highly unlikely situation. In addition, in regards to a gay male couple, they will probably never avail themselves of this provision. A gay male couple generally uses traditional surrogacy methods and will not be able to enter into a surrogacy agreement through this process either.

I am not seeking to amend this clause because I want to make these provisions available to homosexual couples: I am seeking to no longer set up a process in this house where we put into legislation provisions that discriminate against people on the basis of their sexuality. That is the basis of my two amendments.

The Hon. J.S.L. DAWKINS: I reiterate that I respect the views of the Hon. Mr Hunter in moving this amendment. However, in both bills I have consistently maintained the position that this bill is designed to assist those heterosexual couples in a significantly long relationship who have significant difficulties—in fact, no luck whatsoever—in being able to have a child naturally. I respectfully disagree with the member in relation to the fact that he and some others may think that it is a discriminatory measure, because I am designing this for a certain group of people who have been under great stress.

I take note of the recommendation of the Social Development Committee, but it is my view, and the view of others who have a passionate interest in this bill, that it should remain as it is. In recent times, I have given more thought to that, and I think the honourable member understands that. However, I remain committed to the bill as it stands and, for that reason, I oppose both amendments moved by the Hon. Mr Hunter.

The Hon. J.M.A. LENSINK: I also rise to state that I will oppose this particular amendment, and I endorse the comments of the Hon. John Dawkins as a proponent of this bill. The representation that I have received, which I found very compelling, is from heterosexual couples who have sought assistance through this particular bill. The Hon. Ian Hunter referred to deleting the definition of 'marriage relationship', and I am mindful of the fact that the definitions in the relationships bill, of which I was obviously a very strong supporter, sought to replace the definitions of 'de facto' and 'spouse' with 'domestic partner'. Personally, I feel that the recognition of marriage is a very important part of our social fabric and, together with the Lion of Hartley, the Hon. Joe Scalzi, we sought to ensure that the word 'spouse' was retained in the legislation.

I have had no representation from gay and lesbian couples in relation to this particular issue. It is not worth tanking this bill. I think it is a separate issue and therefore ought to be determined on a separate basis.

The Hon. A. BRESSINGTON: I rise to indicate that I will be supporting the amendment of the Hon. Ian Hunter, and I do so probably in a different frame of mind than I would have been in maybe 15 years ago. I also was raised as a good Catholic girl.

Members interjecting:

The Hon. A. BRESSINGTON: Hey, what do you think I am doing here? Anyway, that was my background. But as life has progressed and I have been exposed to many different scenarios that just happen, I have come to believe that, whether or not a person makes a good parent does not necessarily depend on gender. We are all products of our life experiences. We are all products of our upbringing and the values that we have been brought up with. In our teenage years, we often rebel against the values of our parents just because that is what teenagers do. That is our process for forming our own views and opinions based on our very own life experiences.

I have seen many gay couples who make exceptional parents. I have seen gay couples who have struggled to be able to have a child because of legislative restrictions, and you know what? They feel the same pain, they suffer the same emotional distress and they go through the same deep depression that a heterosexual person does when craving and wanting a child. We could get into the whole argument about what is in the best interests of the children, or is this about parents? Which comes first, the chicken or the egg? If you want a child, you want a child, and you will go to the ends of the earth to have one.

Gay and lesbian couples have children. Gay and lesbian couples are now inseminated and they travel interstate to have the procedure done. If they cannot afford to do that, they do it in perhaps not the most scientific and hygienic circumstances.

I think that as a parliament we are here, as I said before, to legislate in the true welfare of the people of this state. We are not here to make moral judgment. We are not here to bring—I would not think—our values based on our individual life experiences into this place to form legislation. We are here to ensure that the people of this state are well served by the decisions that we make. Over the past 2½ years I have seen legislation passed in this place that has inflicted pain and distress on the people of this state. I think that, if we are going to take the high moral ground about whether or not gay and lesbian couples should be included in this bill, we all need to cast our mind back to not so long ago and look at the decisions that we made about families and about how families would be impacted by the decisions that we made in this place, and maybe take a step back from our high moral ground and think again.

I support the amendments of the Hon. Ian Hunter for many reasons, and I know that there are many people out there who will be probably quite angry and quite shocked that I would do this

based on my stand on illicit drugs, but I see this as two different things. I do not see the choice to use illicit drugs as a moral choice. They do harm. I have never known anybody who has desperately wanted a child and achieved that outcome to be harmed by that experience.

The Hon. S.G. WADE: I was wondering whether I could ask a question of the mover of the amendment and, in fact, the mover of the bill may also want to comment from his perspective. I just wondered on what basis the mover of the amendment considers that the bill, as it stands, is discriminatory and, if it is discriminatory, what would be the consequences for the operation of the bill. Similarly, I put the same question to the mover of the act. In other words, if the act as it stands is discriminatory, what might the consequences be to the operation of the bill?

The Hon. I.K. HUNTER: I thank the honourable member for his question. I think I made it quite plain that my view of the discriminatory provisions is that the bill restricts the services offered under this bill to people in a married relationship and that is defined as being married, or—

The Hon. S.G. WADE: Sorry; I was asking whether either the mover of the amendment or the mover of the bill have legal advice or parliamentary counsel advice. I do not know whether it is appropriate to refer to that, but on what legal basis do we feel that this will be discriminatory and, if it is discriminatory, what would be the consequences? Could it be challenged? Could it be declared invalid by a court?

The Hon. I.K. HUNTER: I think I have alluded to the fact that parliamentary counsel do not usually give that sort of advice, and they certainly have not in this case. However, the Hon. Mr Wade was a member of our Social Development Committee. He also heard evidence about I think it was the McBain challenge in the High Court and the Pearce challenge (I think Pearce was from South Australian and McBain was from Victoria, from memory), and those challenges overturned certain laws on the basis of marriage, I think.

It is possible, but you could only go that far I think as a layperson (the Hon. Mr Lawson might be able to help us there), to conclude that passing the bill without my amendments may also leave the act open to challenge, but that, of course, would depend on someone taking up that challenge through the court system.

The Hon. J.S.L. DAWKINS: I will respond briefly. I understand the comments that were made in the Social Development Committee report, and I think both the Hon. Mr Hunter and I referred to it in noting that report. I note that I emphasised the fact that he has said 'may', and I understand the fact that that may be the case and, as the Hon. Mr Hunter indicates, someone may want to challenge that. I believe that the bill is appropriate as I have put it forward, and I do not believe that it is unconstitutional as it stands. I respect the views of people who may have a concern about it, but I think I have made it pretty clear why I want it to be in that form. I thank the honourable member for his question.

The Hon. SANDRA KANCK: It is very clear, and we see it almost on a daily basis in our newspapers, that the quality of parenting of a child has nothing to do either with sex or sexuality. Just this morning many of us would have been horrified with the story about the Brisbane mother and her estranged husband who simply allowed their twins to die by not feeding them. It seems almost beyond comprehension.

What this bill is about is parents who really want to have a child and, from my perspective, therefore, it matters not whether that parent is either gay or straight. What I am concerned about is the fact that the Hon. Mr Hunter has, in a sense, boxed himself in by saying that if his amendments do not get up that he will not support the bill. I would ask him to reconsider that position.

There are things about this bill that I am not 100 per cent supportive of. For instance, I do not like the prescriptive part of the bill that says that the surrogate mother has to be a prescribed relative or have a certificate issued. I think it could be much more broad-ranging than that, but that is not going to be enough to have me vote against the bill. I think that when we get legislation we look at it first of all and say: 'Is the principle a good idea?' I think in this case making surrogacy legal in some form or another is a good idea.

From there you move to: 'Okay, I might not like this bit so I will amend it.' If your amendment does not get up you are still left with the principle that the bill is a good bill and, therefore, you support it. I like to remind people from time to time of an example of where that intransigence of 'my amendment has to get up or the bill will not get my support' leads us.

I think it was in 1970 that legislation came before parliament for prostitution law reform. There was one clause that was particularly controversial. The Women's Electoral Lobby, in particular, lobbied on that clause and the amendment it wanted did not get up. The consequence

was that pressure was put on members to vote against the bill—and in this case we had a speaker who had a casting vote and the pressure was on him to vote against the bill—because of that one clause.

There was a belief that new legislation would be introduced very quickly. It did not happen, and a quarter of a century later we still have the same prostitution legislation in place as was in place at that time. I understand the point of the very strong emotional involvement that the Hon. Mr Hunter has in regard to this amendment, but I think he would be doing himself a disservice if he was seen to vote against a bill that, at its heart, has good intentions.

The Hon. I.K. HUNTER: I thank the Hon. Sandra Kanck for that contribution. She probably will not be surprised to know that indeed I have struggled with this dilemma. I have not gone into it in great detail with her, but I have with the Hon. Mr Dawkins. For me there are two competing principles. As I have said in my second reading contribution, yes; I do strongly empathise with those people who want to have a child, who cannot and who need to avail themselves of these provisions that are offered under the Gestational Surrogacy Bill. However, I also struggle with the position, having lived with discrimination all my life.

For me to stand up here today and say, 'I will make an exception and say that in this circumstance I will allow, by my support, discrimination to be enshrined in the legislation once again that discriminates against gays and lesbians', I think would be betraying my conscience and some of the people who put me here today. I would love to be able to support a bill which did not discriminate against gays and lesbians but allowed gestational surrogacy, but I certainly cannot support a bill that enshrines in the legislation discrimination once again.

We fought that battle and won it, and I do not want to retreat. I understand other members will have a different emphasis in terms of their decision about this—members who wish to support my amendments and also the bill. As I said earlier, I do not require my colleagues who have indicated support for my amendments to follow me down this line and reject the bill. That is a matter for their conscience, but I in conscience cannot.

The committee divided on the amendments:

AYES (5)

Bressington, A.	Gazzola, J.M.	Hunter, I.K. (teller)
Kanck, S.M.	Parnell, M.	

NOES (12)

Darley, J.A.	Dawkins, J.S.L. (teller)	Evans, A.L.
Finnigan, B.V.	Hood, D.G.E.	Lawson, R.D.
Lensink, J.M.A.	Lucas, R.I.	Schaefer, C.V.
Stephens, T.J.	Wade, S.G.	Zollo, C.

PAIRS (4)

Wortley, R.P.	Holloway, P.
Gago, G.E.	Ridgway, D.W.

Majority of 7 for the noes.

Amendments thus negatived.

The CHAIRMAN: The next amendment to clause 12 is No. 3 of the Hon. Mr Hunter.

The Hon. R.D. LAWSON: I have some questions before that amendment on this same clause. Is it appropriate to put them now or after the honourable member moves his amendment? I am in your hands, Mr Chairman.

The CHAIRMAN: The honourable member might have some questions on the amendment. Perhaps we will get the Hon. Mr Hunter to move his amendment.

The Hon. I.K. HUNTER: I move:

Page 7, after line 12 [clause 12, inserted section 10HA]—

After subsection (4) insert:

(4a) Without limiting any other kind of counselling that person may seek, the counselling contemplated by subsections (2)(b)(vi) and (4)(b) must be consistent with—

(a) any guidelines related to such counselling published by the Australian and New Zealand Infertility Counsellors Association; and

(b) any relevant guidelines published by the National Health and Medical Research Council.

Very simply, this amendment seeks to strengthen the provisions relating to counselling to ensure that the counselling is consistent with the guidelines already in use for IVF treatments by reproductive technology laboratories and clinics.

The Hon. J.S.L. DAWKINS: I have researched the bodies that are incorporated in this amendment, and I have satisfied myself that this amendment will strengthen the counselling procedures. I was of the view that it was strong enough, but, with the assistance of my staff, I have checked as much as possible. You cannot get a lot of information from one body unless you are a member of it. However, it is a strengthening of the provision and a strengthening, perhaps, of the hurdles that we put people through. For that reason, I will be supporting this amendment.

The Hon. R.D. LAWSON: I note that the mover will be supporting the amendment. I have no particular problem with it, but I do remind the committee that this counselling service is required to issue a certificate. The certificate is that the person to whom it relates has received counselling about the personal and psychological issues that may arise in connection with the surrogacy arrangement. So, it is a fairly limited certificate about personal and psychological fitness. I notice from its report that the Social Development Committee considered not only that evidence from one area (which I will come to) but also it suggested there ought be more requirements merely than a certificate from a counselling service. Page 62 of the report states:

The South Australian Council on Reproductive Technology stated that surrogacy should only be allowed in instances where the commissioning parents needed access to assisted reproductive technology because of the medical indications. According to the council, eligibility should also be based on a thorough assessment of the child's best interests. For example, the commissioning parents would be ineligible if either partner had been found guilty of a sexual offence involving a child or had a child permanently removed from their guardianship other than by adoption.

What was there being argued and is referred to is a requirement not merely of psychological fitness to be a parent but also to be of good character. I cannot see in these certification procedures (it may be that they are there and I have missed them) any requirement about the criminal fitness, if I might use that expression, of the commissioning parents. I wonder whether the mover could indicate whether there is any such requirement, or is it envisaged that there will be regulations which will impose requirements of that kind, because there are provisions in the bill which say that other requirements prescribed by regulation must be complied with?

The Hon. I.K. HUNTER: Perhaps I could assist the committee in relation to the Hon. Mr Lawson's question. He is quite right: the counselling that is referred to in my amendment is certainly about the psychological fitness of people to become parents through this process. However, there are other requirements under the IVF program which mean that the ethicists—and Mr Wade might be able to correct me here—have to assess the counsellor's certificate, as well as other material, and make their own recommendation about whether the commissioning parents and the surrogate should proceed through the process. So, that is a separate process to the one I am referring to in this amendment.

The Hon. J.S.L. DAWKINS: My understanding is very similar to that of the Hon. Mr Hunter. In relation to the question asked by the Hon. Mr Lawson about the aspect of criminality, I know he referred to some criminality perhaps in relation to a sexual offence. I am not sure whether he specifically meant that. I am not sure that we are going to stop someone who has had a criminal offence in their career that is nothing to do with sex at a later time becoming involved with surrogacy. I am not sure that we need to go that far. Certainly I would have some concerns about someone who had a sexual offence in their background.

I go back to the fact of the hurdles that we are putting people through. I know those who have been through those hurdles in other jurisdictions would tell you that they are significant hurdles to jump, and they are made to give a very strong demonstration that they are fit to enter into such an arrangement. The reason I support the amendment is that I believe that this adds another hurdle, and certainly one that should be jumped by people who are going to undertake a surrogacy arrangement.

The Hon. T.J. STEPHENS: I would like to ask a question of the mover of the amendment. What are the cost implications of this extra counselling? Are we going to make it prohibitive to

people who are not wealthy or who do not have disposable income? Parenting is not necessarily just about money, and I hope it is not going to make it too prohibitive for some.

The Hon. I.K. HUNTER: I have to advise the Hon. Mr Stephens that, in fact, this whole process is prohibitively expensive and, in the current situation, commissioning parents who want to have a child are spending $50,000 up to $100,000 to engage in this process. By having this legislation passed—and I am probably speaking on behalf of the Hon. Mr Dawkins—we will reduce the cost of that process quite significantly, but it will still be of the order of $15,000 and perhaps $25,000 to go through this process, perhaps several times. I do not believe the counselling would add too many layers of expense to this. In fact, the counselling in this amendment is counselling that people who go through the IVF program must go through anyway.

The Hon. J.S.L. DAWKINS: I respect the question from the Hon. Mr Stephens, because I know he has become aware over a period of time of the significant costs that people have had to incur to undertake surrogacy. I think the Hon. Mr Hunter referred to this; that is, one of the things that the passage of this bill will reduce in the way of cost for those people is that they will no longer have to go interstate. All the testing and all the regular things that you have to do in such a pregnancy can be done in Adelaide, rather than having to fly interstate.

The Hon. R.D. LAWSON: I do thank the members who have responded to my question about the suggestion in the Social Development Committee report about criminal ineligibility for participation. I suppose the comment ought to be made that we have just excluded by statute same sex couples from participating in this procedure, but we have no similar prohibition against persons who have been found guilty of sexual offences involving children, or even violence against children or child destruction and so on, and certainly no explicit prohibition, although it is possible that the regulations might do that. I draw to the attention of another place that is perhaps one issue that ought be more closely examined whilst the bill passes through the parliament.

The Hon. S.G. WADE: I agree with the honourable member that this issue might be considered between the houses. The Hon. Mr Hunter referred to the committee report and the codes of clinical practice. In that context, I do note that, in the Reproductive Technology Code of Ethical Clinical Practice Regulations 1995, there is a requirement that a statutory declaration be signed by both parties stating that neither spouse is as at the time of the signing of the declaration subject to a term of imprisonment in this state or elsewhere, or to outstanding charges for an offence for which imprisonment may be imposed on conviction; that neither spouse has been found guilty in this state or elsewhere of a sexual offence involving a child; whether either spouse has been found guilty in this state or elsewhere of an offence involving violence; and whether either spouse has had a child permanently removed from his or her guardianship under acts or laws of this state or any other place.

Subject to that being confirmed as being operative, as I understand the practice of the clinics, to be able to offer a service to a couple in this situation, a clinic would have that statutory declaration before them, and it would not only deal with sexual offences but a range of other matters.

The Hon. R.D. LAWSON: I thank the honourable member for that comment. I do have another comment on another topic but still under this same clause. The definition of 'prescribed relative' means 'mother, sister, stepsister or first cousin'. I have previously commented on this, and so have other members during the second reading debate, as well as during the committee stage. My question to the mover is: can he inform the committee of the situation in other states where gestational surrogacy is permitted? Are there similar restrictions on the relationship of the surrogate mother to the commissioned parents?

The Hon. J.S.L. DAWKINS: The honourable member raises a relevant topic. I cannot recall which jurisdiction. I think there was one jurisdiction, and it may have been overseas, that certainly had similar restrictions.

The Hon. I.K. HUNTER: Israel.

The Hon. J.S.L. DAWKINS: I thank the Hon. Mr Hunter. I am of the view (and so were others who are in favour of this bill being enacted) that such a provision would strengthen and tighten the bill, and reduce the risk of some of the problems that were suggested could happen with such an act. I should remind the committee that the bill also incorporates that the minister can give a special dispensation if there is no close relative available who is either able or willing to perform the surrogacy. That does enable the minister to allow a close friend or someone else who wishes to give that loving gift to the couple.

The Hon. R.D. LAWSON: I think the point I was making earlier about the undesirability of so restricted a class of surrogates is rather confirmed by the fact that no local jurisdiction can be pointed to where a similar restriction applies, and that Israel was the only country identified (as it was identified by the Hon. Ian Hunter), which does tend to suggest to me that we are being too restrictive. Notwithstanding that, I do not propose to move the deletion of that clause.

The Hon. Mr Dawkins referred to the fact that the minister can authorise a person who is not a prescribed relative. I notice, however, that section 10HH allows the minister to delegate that particular power to virtually anyone he likes. That is on page 13 of the bill: the minister may delegate a function or power to virtually anyone. I must say that what looks like a fairly tight requirement may not, in fact, be very tight at all, given that power of delegation.

The Hon. J.S.L. DAWKINS: My understanding (and I remember when we drafted this) is that it be not so tightly held that only the minister could do it and that a senior member of the minister's department could use that delegation to allow such a dispensation to be made in the case of perhaps the minister being unavailable or unable to do so. I personally do not think it is an irregular thing and it may well be that it is consistent with other delegations in many other acts.

The Hon. S.G. WADE: I wonder whether the member has considered an officer other than a parliamentarian or a political person playing this role. I am reminded of the controversy at the federal level in relation to RU486, when a minister holds a public office which may conflict with his or her personal moral views, or may be perceived to conflict with his or her personal moral views. It may either put the officer in an invidious position or undermine the operation of the act. I wonder whether it might be possible even to have a person from the South Australian Reproductive Technology Council as the person who makes that sort of certificate.

The Hon. J.S.L. DAWKINS: Other alternatives were considered, but in my view the Minister for Families and Communities, which I think is under this section, is the person most appropriate to make that decision and to take any advice from his or her department as is necessary.

The Hon. R.D. LAWSON: Just taking that point a little further, I must say I do agree with the Hon. Mr Wade. Bearing in mind that all of the mercurial decisions in this particular act are vested in the Youth Court I would have thought that was the most appropriate place where dispensation ought to be obtained. The courts have powers to allow people to marry and make all sorts of adoption and other orders. In fact, indeed, it is the Youth Court that makes adoption orders. I would have thought that was the appropriate body to judicially decide issues of this kind. Notwithstanding the views of some who might think there are delusional and daft magistrates, there might be some who think there are delusional and daft ministers.

Amendment carried; clause as amended passed.

Clause 13 passed.

Clause 14.

The Hon. J.S.L. DAWKINS: I move:

Page 14

Lines 2 and 3—Delete subclause (1) and substitute:

(1) Section 13(4)(a)(i)—Delete 'by the court' and substitute:

by a court

(1a) Section 13(4)(a)(i)—Delete 'of the court' and substitute:

of the court

Line 4—Delete '(2)' and substitute:

(4)(b)(i)

These amendments tidy up some minor clerical errors that were made in the bill, and I seek the support of the committee to correct those.

The Hon. R.D. LAWSON: I have a general question in relation to the registration procedure. After an application and an order are made, will the birth certificate disclose the full genetic particulars of the child or will it reveal only the deemed parents of the child?

The Hon. J.S.L. DAWKINS: The bill covers the situation where the birth certificate will detail the commissioning parents and the genetic parents. I think the committee would understand

that in a lot of these situations the commissioning parents are the genetic parents of the child anyway. None of these details would be available to the child until they were

Amendments carried; clause as amended passed.

Remaining clauses (15 to 22), schedule and title passed.

Bill reported with amendment.

Bill read a third time and passed.

INTERNATIONAL PANEL ON CLIMATE CHANGE

Adjourned debate on motion of Hon. M.C. Parnell:

1. That this council notes—

(a) the release this week of the final part of the Fourth Assessment Report of the International Panel on Climate Change; and

(b) that a 2° Celsius (median value) increase in global average surface temperatures above pre-industrial levels is accepted by the European Union as the limit beyond which there will be sufficient adverse impacts on the earth's biogeophysical systems, animals and plants to constitute 'dangerous' climate change;

2. And agrees that the imperative of constraining global temperature increase to no more than 2° above pre-industrial levels should underpin government policy responses to global warming.

which the Hon. S.M. Kanck has moved to amend after 1(a) by inserting:

'(b) The Interim Report by Professor Ross Garnaut released on 21 February 2008; and'

(Continued from 27 February 2008. Page 1872.)

The Hon. J.M.A. LENSINK (23:12): I apologise to the mover of the previous motion that, as a party, we were unprepared for this. However, I will not name anyone within our party who might have been responsible for making sure that we had a party position on this. Suffice to say that I understand that this motion is to expel the climate change sceptics, wherever they may be lurking within the parliament, and to advise that they do not exist in the Liberal Party, at least at a state level, and also to acknowledge that the IPCC is the pre-eminent body in terms of recognition of the valuable science with respect to climate change. Therefore, we support this motion.

The Hon. M. PARNELL (23:13): I thank honourable members who have spoken: the Hons Ian Hunter, Sandra Kanck and Michelle Lensink. It is a very straightforward motion, which has this council agreeing with the world scientists that our climate change policies should be underpinned by science and, in particular, should be underpinned by a commitment to try to limit the increase in global warming to no more than 2° above pre-industrial levels. I urge all members to support the motion.

I support the amendment that has been moved. It adds some information that was not available in November, when I first introduced this motion, and that is the Garnaut report, and I would urge all honourable members to support the amendment.

Amendment carried; motion as amended carried.

LANDLORD AND TENANT (DISTRESS FOR RENT—HEALTH RECORDS EXEMPTION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 30 April 2008. Page 2520.)

The Hon. M. PARNELL (23:16): My contribution will be brief. This is a sensible piece of legislation: it fixes a situation that most people would find untenable, that is, that a person's medical records can be withheld as distress for rent. It is a sensible bill that all members should support and the Greens are happy to do so.

Debate adjourned on motion of Hon. R.D. Lawson.

PLASTIC SHOPPING BAGS (WASTE AVOIDANCE) BILL

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (23:18): Obtained leave and introduced a bill for an act to restrict the supply of single use plastic shopping bags. Read a first time.

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (23:18): I move:

That this bill be now read a second time.

This bill will prohibit the supply of lightweight plastic bags to reduce littering, prevent environmental harm and improve resource efficiency. The estimated national consumption of plastic bags for 2007 was 4.24 billion, of which 40 million were estimated to have ended up as unsightly litter on our beaches and in our parks and streets. They also kill marine life and damage waterways on land. Most go to landfill, where they take many years to break down. In comparison with reusable green bags, lightweight plastic bags have been found to be less efficient in terms of resources used for manufacturing, embodied energy, contribution to global warming and primary energy used.

The Governor, in her speech to open parliament on 27 April 2006 stated that 'South Australia has set the pace nationally by announcing the abolition of single-use plastic shopping bags from the start of 2009'. A voluntary scheme to reduce the use of plastic bags has only been partially successful while attempts at agreement on a national regulatory approach have not been realised. While South Australia cannot solve the plastic bag problems of the entire nation, we can show leadership 'in our own backyard' by removing lightweight plastic shopping bags from being supplied.

The bill describes the product to be regulated (plastic shopping bags) and the policy objective (avoidance of waste). The bill provides that a retailer must not provide a plastic shopping bag to a customer as a means of carrying goods purchased or to be purchased from the retailer. The government's intention is that this prohibition will come into effect on 4 May 2009.

Bags that would be subject to the ban are those made from polyethylene, which are used or intended for use for the carrying or transporting of retail goods, which have handles, and which are less than 35 microns in thickness. Other thicknesses or types of bag could be prescribed by regulation in the future to ensure that the intent of the bill is preserved.

Barrier bags will be excluded from the ban. These are bags without handles, typically presented on a roll in retail outlets, which are used to hold unpackaged foods—for example, loose fruit and vegetables, nuts, breads and cakes—and products that may leak or contaminate other foods if not placed in a barrier bag. Boutique-style reusable plastic bags are also excluded from the ban. These are not subject to the ban because they are made of a heavier material than conventional shopping bags and are designed to be reused on a number of occasions.

The ban will occur following a transitional period. The intention is for the transitional period to begin on 1 January 2009. The transition period has been requested by retailers to overcome challenges associated with introducing an absolute ban in the Christmas retail period. During the transition period, retailers who supply plastic bags will also be required to supply alternatives. This will provide customer choice and ensure that retailers are adequately prepared for the introduction of the ban. The types of alternatives that would be stocked are prescribed as either being biodegradable (as defined by the Australian Standard) or reusable—that is, designed for regular use over a period of approximately two years.

Signage requirements will apply during the transition phase from 1 January 2009. Signage requirements will be prescribed by regulation, requiring notification of a prescribed size to be displayed in a prescribed locality within retail outlets. The signage will remind customers that a plastic bag phase-out is in place and notify customers that alternatives to plastic bags are available.

A public information and educational program will be undertaken in the lead up to the ban coming into place. Customers and businesses will be targeted to assist in managing all the impacts of the phase-out. Occupational health, safety and welfare education will be included to assist retail staff to be ready to manage alternative shopping bags.

A Plastic Bag Phase Out Task Force has been established which is chaired by Zero Waste SA and which comprises representatives from the Environment Protection Authority, Restaurant and Catering SA, Keep South Australia Beautiful, the State Retailers Association, the Local Government Association, the Consumers' Association SA, the Conservation Council, the Shop Distributive and Allied Employees' Association and the Hardware Association of SA. Throughout the lead-up to the phase-out, the task force has advised the government of impacts on industry.

Long-life, multiple use alternative bags are increasingly being given away by local councils or by businesses as part of promotions. Zero Waste SA will increase its supply of free reusable

bags as part of the implementation of the phase-out. The government also intends to supply some signage as part of the information and education program. The bill allows for a maximum penalty of $5,000 and an expiation fee of $315. Compliance will be undertaken by the Environment Protection Authority. I commend the bill to members and I seek leave to insert the remainder of the second reading explanation in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

1—Short title

This clause is formal.

2—Commencement

This clause provides that operation of the measure is to commence on a day to be fixed by proclamation.

3—Interpretation

Clause 3 provides definitions of a number of terms used in the measure.

An authorised officer is a person who is an authorised officer for the purposes of the Environment Protection Act 1993. A carry bag with handles is a plastic shopping bag for the purposes of the Act if the body of the bag comprises (in whole or part) polyethylene with a thickness of less than 35 microns. Other kinds of bags may also be brought within the definition of 'plastic shopping bag' by regulation. A plastic bag that constitutes, or forms an integral part of, the packaging in which goods are sealed prior to sale is not a plastic shopping bag. The prescribed day is a day prescribed by regulation.

4—Retailer must provide alternative shopping bag until prescribed day

During the period beginning on the commencement of clause 4 and ending on the day before the prescribed day, retailers who make plastic shopping bags available to customers as a means of carrying purchased goods will be required under this clause to also be in a position to provide alternative shopping bags. An alternative shopping bag is a carry bag that is biodegradable or designed to be used on a regular basis over a period of approximately 2 years. The regulations may bring other kinds of carry bags within the ambit of the definition of alternative shopping bag. Retailers will not be prevented from charging a fee for the provision of an alternative shopping bag.

Retailers will also be required to display a notice, or notices, in compliance with requirements specified in the regulations.

The maximum penalty for a failure to comply with these requirements is a fine of $5 000. An expiation fee of $315 is also included.

5—Retailer not to provide plastic shopping bag

If a retailer provides a plastic shopping bag to a customer as a means of carrying goods purchased, or to be purchased, from the retailer, the retailer is guilty of an offence. This prohibition has effect from the prescribed day. The section applies whether or not a fee is charged to the customer for provision of a plastic shopping bag.

The maximum penalty for a breach of the section is a fine of $5 000. An expiation fee of $315 is also included.

6—Interaction with Environment Protection Act

The Plastic Shopping Bags (Waste Avoidance) Act 2008 and the Environment Protection Act 1993 are to be read together and construed as if the two Acts constituted a single Act. This clause authorises authorised officers to exercise their powers under the Environment Protection Act 1993 for the purposes of the administration and enforcement of the Plastic Shopping Bags (Waste Avoidance) Act 2008.

7—Regulations

This clause provides a power for the Governor to make regulations contemplated by, or necessary or expedient for the purposes of, the Act.

The regulations may exempt specified persons or classes of persons from the operation of the Act or of a specified provision of the Act.

Debate adjourned on motion of Hon. J. M. A. Lensink.

STAMP DUTIES (TRUSTS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 17 June 2008. Page 3309.)

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (23:25): I thank the Hon. Russell Wortley and the Hon. Rob Lucas for their contributions to this most important bill.

During the second reading stage, the Hon. Rob Lucas asked when the Treasurer was first advised by RevenueSA. I am advised that the Treasurer was first advised in September 2006. Advice to the Treasurer was not provided prior to this time on the basis that the decision was a Victorian land tax case and the commissioner was not initially concerned that the CPT case would have any impact on stamp duty in South Australia. It was only in June 2006, following the WA decision applying it to stamp duty, that the potential implications became apparent.

In answer to the Hon. Rob Lucas's question in relation to when were the objections lodged against the assessment of stamp duty, I am advised that there have been no objections lodged in relation to the CPT case, but 25 objections were lodged in relation to exemption 26 between February 2004 and February 2008, and the total stamp duty in dispute in these matters is approximately $900,000.

In response to the question: 'So, what was the total at-risk revenue', etc. (it is quite a lengthy question, so I will not read the whole question if that is okay), I am advised that there is significant revenue at risk if the amendments are not passed, given that unit trusts are a commonly employed means to hold high value property, such as office buildings and shopping centres. The Treasurer was first advised on 1 September 2006. A Commissioner's Circular announced in December 2006 the intention for retrospective legislation to be enacted. It is considered that there has been minimal revenue leakage, given the announcement that the position has been accepted by industry and that no objections have been received as a result of the High Court case. The decision has no impact on the land rich provisions of the Stamp Duties Act.

In relation to the question: 'On what date after 28 September 2005 did the Crown Solicitor advise the commissioner', etc., I am advised that the Crown Solicitor's advice was provided to RevenueSA on 29 August 2006 and the Treasurer was advised on 1 September 2006.

In relation to the question: 'I understand there was no consultation with the industry in relation to the legislation', etc., I am advised that detailed consultation was undertaken with industry in relation to all the matters in this bill, other than the exemption 26 amendment, which is closing a loophole.

In response to the question, 'I seek confirmation that the government did not consult any individual', I refer the honourable member to my previous answer in this regard. In relation to the question, 'I also seek a response from the Treasurer specifically in relation to the issues that were identified as "at risk",' the response is as previously advised. The CPT case dealt with the Victorian land tax provisions. The commissioner was not initially concerned that the CPT case would have any impact on stamp duty in South Australia. It was only in June 2006 following a WA decision applying to stamp duty that the potential implications became apparent.

In response to the question, 'I also ask particularly in these areas as to whether the government had any other legal advice at any time', I am advised that the legal advice on the CPT issue was provided by the Crown Solicitor and Solicitor-General and this advice confirmed that the private unit trust provisions required amendment but the land rich provisions did not. No other advice was sought or received in this matter other than comments provided by industry through the consultation process.

In response to that question, 'I also seek advice from the Treasurer regarding the extent of revenue at risk should parliament not confirm these provisions', I am advised that it was not possible to quantify the revenue risk and no figure was included in the cabinet submission. However, the risk to revenue would be high if the amendments are not passed.

In response to the question, 'Regarding the objections I also ask what, if any, position has been arrived at in terms of people who have lodged objections', I am advised that there have been no objections lodged in relation to the CPT case and no arrangements have therefore been made. The provisions will operate to ensure that they continue to apply in the same way that they did prior to the CPT decision in the High Court.

In relation to the question, 'My questions to the commissioner through the minister are as follows: first, have I understood what the second reading explanation is trying to tell us as legislators is the nature of the issue here', and there is a second question following that as well, I understand that this relates to the following part of the second reading explanation and I quote:

> ...the bill amends section 71(5)(e) to exempt from ad valorem duty distributions from unit trusts or transfers of property to superannuation trusts to the extent of the value of the unit holder's or fund member's interest in the trust.

I am advised that the honourable member has understood the second reading explanation correctly in relation to the nature of this issue. The advice of the Crown Solicitor was sought in this matter after senior RevenueSA officers questioned how the relevant provisions should be interpreted. The Crown Solicitor advised in May 2002 that the 2000 amendments had unintended consequences in relation to which the honourable member referred.

Since that time exhaustive consultation was undertaken with industry in order to remedy the problems that the amendments created. As already conceded by the honourable member, this is a complicated area of law and negotiations between RevenueSA and industry have been protracted as care needed to be taken so as not to provide any greater or lesser exemption than that which is intended.

As indicated in the second reading explanation, the commissioner has continued to provide the exemption in the circumstances intended by parliament, that is, the status quo position prior to the decision in the MSP case. That is, the commissioner has interpreted the relevant section broadly in favour of taxpayers pending legislative clarification of the issue. In the intervening period, further issues have arisen in relation to the operation of the private unit trust provisions and the government considered it was better to deal with them in the same bill at one time.

Whilst the government acknowledges that resolution of all these issues in this area has taken some time, it is of the view that the current bill should be passed in order to finalise the issue. In response to the question, 'Will the commissioner also indicate what level of stamp duty is covered by this particular area', I am advised that it is not possible to quantify the figure as records are not kept in this regard. I look forward to the bill's quick passage through the committee stage.

Bill read a second time.

NATIONAL GAS (SOUTH AUSTRALIA) BILL

Adjourned debate on second reading.

(Continued from 17 June 2008. Page 3286.)

The Hon. R.I. LUCAS (23:36): I rise to support the second reading of this important piece of legislation. Given the lateness of the hour and the fact that this measure is essentially based upon the same principles as those in the substantive debate on the national electricity legislation at the end of last year and, prior to that, on a significant tranche of legislation in relation to the national electricity market, I do not intend to make a long contribution at the second reading stage.

As the government noted in its second reading explanation, the national energy market has been a long time in the making. I note comments made by the minister in another place when he sought to divert responsibility for the national gas market to the former government. I am not entirely sure whether, in his contribution, he was talking about the former state or federal government.

I remind the minister in another place that a recent statement made by former prime minister Keating in *The Australian* newspaper in the past month boldly proclaimed that one of the great achievements of the Keating federal Labor government was the establishment of a national electricity market, which of course was the precursor to the national gas market.

I think that all in the national market at the moment accept that the original impetus for this came in the early nineties with decisions taken by the former federal Labor government. At that time, the former state Labor government (under, I think, Lynn Arnold) signed some of the original agreements with the federal Labor government.

Obviously, those in-principle agreements have moved a long way over the subsequent 15 years to 2008. During that period, they have been supported by state and federal Liberal governments. It suits the state Minister for Energy in another place on occasions to try to push aside responsibility for the establishment of this regulatory framework, the national electricity market and the national gas market, when he is involved in debate in the parliament.

Of course, when he talks to industry groups and associations, he is quick to accept the kudos from industry and business leaders when they congratulate the government and the current ministers on the move towards the national market.

As I said, it is a cute game that the minister plays. If there are any political thorns in relation to the national market, he immediately says, 'Well, look, I'm not entirely sold on all of this; it was done by the former government and we are just following it through.' When he talks to industry and business leaders in relation to the national market he readily accepts responsibility for the move

towards the national market, which business and industry leaders have certainly been supporting and urging for some time.

The regulatory regime which is outlined in this bill, and in the second reading explanation in particular, is significantly similar to the regulatory regime debated at great length for the national electricity market. In regard to bodies such as the Australian Energy Market Commission and the Australian Energy Regulator, when we debated the national electricity market we said at that stage that they were involved in the regulation of the national electricity market and would at some stage become responsible for the national gas market. Well, indeed, through this legislation and subsequent rules and regulations, that will indeed be the case.

In debating the national gas market, Mr Acting President, I noted with interest your contribution in the second reading debate, and I look forward to the minister's response. I think it is important that we get a detailed response from the minister to the pricing differentials in the gas market between South Australia and the eastern states, which you identified quite rightly. I will not put it beyond him, but it would be very hard for this minister to blame the former Liberal government for those pricing differences, but I am sure that, given his form, he will endeavour to do so in some way.

As I said, a lot of the work in the gas market, which followed the electricity market, has been done from 2000 to through to 2008. The various reports that you, Mr Acting President, and other members referred to—the Parer report and others—were all published post-2002. All the Ministerial Council on Energy decisions were taken post-2002. All of the significant national reports done in recent times were based on ministerial council decisions post-2002. Minister Conlon has had his fingerprints, thumbprints and footprints all over the responsibilities for the various decisions that have been taken.

I will await a response with interest. I hope that we can get a response from the minister's office early tomorrow and that we can adjourn on motion the final debate on the national electricity market to some time later in the day to give some of us an opportunity to look at the minister's response and, indeed, consult with one or two people with whom we might like to in relation to the important issues that you raise as to the reasons we see those big pricing differentials.

One of the points that I want to put on the record is in relation to the national gas market. I think that it was your contribution, Mr Acting President, that made reference to some of the significant infrastructure decisions that have been taken in other states. Again, I think that was an important point: states have made decisions in relation to infrastructure to regional areas. I have seen the minister's response in, I think, the House of Assembly to similar points that were raised by the shadow minister, the member for MacKillop.

The reality is that, in the national electricity market, for example, where distribution and transmission businesses have decided that it was not economically viable to undertake various electricity infrastructure works, on occasions the government at the lower level has used regional infrastructure funds to provide electricity infrastructure in regional areas. Far be it for me to provide advice to you, Mr Acting President. I think it would be instructive in your discussions, both on this bill and perhaps on other occasions, to get from the minister where the government has expended public funds in regional areas through the Regional Development Infrastructure Fund or other funds available for electricity infrastructure in regional areas.

I know that the government likes to say that it does not pick winners in relation to providing funding to the industries or particular companies. It was only that terrible former Liberal government that used to do that, according to this government. But there are certainly a number of examples where the government has indeed made decisions in relation to corporate infrastructure welfare, in regional areas in particular, by way of electricity infrastructure. Now that we have a national energy market, exactly the same principles could be applied by the government, if it so chose, in relation to regional infrastructure.

The former government, in my view, made a number of significant decisions and undertook a number of significant actions during its term in government. One of the least heralded decisions that it took, but one which at the time I felt was one of the most momentous decisions, was the decision to initiate the process for the second gas pipeline into South Australia.

During my period in government, first as the minister for education but latterly as treasurer, we were engaged in a series of discussions and debates with gas producers. We were a captive of one gas pipeline coming to Adelaide from Moomba, and a whole range of decisions instituted from, in essence, that monopoly in terms of the provision of gas to Adelaide.

In the latter years of the former Liberal government, a significant amount of work was done and, as treasurer, I was actively engaged in some of that work with obviously the premier and the former minister for mines, and probably one or two other ministers as well—mineral resources I guess it would have been. The cabinet took a decision to initiate the process for the SEAGas pipeline from Victoria through the South-East to South Australia. I remember at the time saying to the then premier and other colleagues that, in my view, this was one of the most significant decisions the government would take, because the state should no longer rely on a single pipeline to Adelaide. We were a captive of the producers and a captive of the problems, if there were problems with that particular pipeline.

Previous governments for many decades had not tackled that particular issue. The former government did tackle the issue and initiated a particular process. At the time, there were two competing ventures for the SEAGas pipeline. It was always evident that there would have to be one in the end. I note with some amusement that the current minister soon afterwards—when the decisions were finally resolved, I think in 2004—claimed that it was the new government's sole responsibility that had delivered the SEAGas pipeline to South Australia. The reality is that the key decisions were all taken by the former government, and the new government saw the good sense in that. It obviously did not reverse that process. It saw the good sense in the decisions that had been taken and followed those decisions through. Inevitably, there was never going to be two competing pipelines built from Victoria to South Australia. Inevitably there were the sensible negotiations which led to one pipeline and a bigger pipeline in terms of the commercial reality.

In that single decision, the energy future for South Australia was significantly improved in that we were connected to the national market, we had competing gas producers, or competing gas sources for the Adelaide market. If there was a problem with the Moomba line, we had the SEAGas line and vice versa. If there was a problem with the SEAGas line, we had the Moomba line. That decision, in and of itself, as I said, was a very significant one and one which, as I said to the former government, has not received the accolades that it should have in terms of the importance of that particular decision.

The only area that I want to place on notice in terms of a question to the minister is now that we have reached this particular stage—and, as I said, I am interested in the answers to the questions on pricing which we might pursue in the committee stage—as the lead legislator I am looking to the minister for an update in relation to the impact now on the staffing and resources of ESCOSA. The original intention of those who wanted to see a national market was that we had too many state and federal regulators; that we were going to get rid of the state regulators and have the Australian Energy Regulator.

The inevitable reality is that the state-based regulators, in my view, were always going to retain some ongoing function. That clearly appears to be the case, but nevertheless when we debated the national electricity law, we were advised that there would be a reduced need for staff within ESCOSA because the Australian Energy Regulator would have taken over a significant number of the functions for ESCOSA, both for electricity and for gas, and that staff within ESCOSA would be offered entitlements to move to the Australian Energy Regulator.

I seek from the minister an update in terms of the inter-relationship between ESCOSA and the Australian Energy Regulator; what level of staffing has now been removed from ESCOSA and moved into the Australian Energy Regulator; what staff have left ESCOSA and have not gone into the Australian Energy Regulator; and have the total budget and resources available to ESCOSA now been reduced, or are they to be reduced as a result of the reduced workload that ESCOSA will now confront, or face as a result of the transfer of significant responsibilities and functions to the Australian Energy Regulator?

I will not repeat all of the issues that were raised during the debates on the national electricity law. The same general principles could be made, or could have been made by the opposition in relation to that, but in my judgment, it serves no great purpose. I look forward with interest, as I said, to the issues in relation to pricing that have been raised, which we can explore in the committee stages of the debate.

Debate adjourned on motion of Hon. J.M. Gazzola.

SUPPLY BILL 2008

Adjourned debate on second reading.

(Continued from 17 June 2008. Page 3291.)

The Hon. J.S.L. DAWKINS (23:54): I rise to support the second reading of this bill which provides, I believe, some $2.3 billion to ensure the payment of public servants and the continuation of state government services from 1 July until the Appropriation Bill for 2008-09 passes both houses. As we know the Supply Bill gives parliamentary authority to the government of the day to continue delivering services via public expenditure. The government is entitled to continue delivering these services in accordance with general approved priorities, that is, the priorities of the last 12 months until the Appropriation Bill is passed.

I do not intend to delay the council for any great period tonight, but I do wish to speak to an area that I know a lot of members know I have a strong interest in, and that is the area of mental health. Obviously, I have a particular interest in suicide prevention. I first want to note the efforts that the government has put on the record about the work that they are doing in relation to mental health, and particularly in the area of suicide.

I note the minister's presence in the council and I recognise that only last week she put on the record, in response to a question from me, a particular amount of detail of the way in which the government is spending money around mental health, and particularly in the area of suicide. Certainly, she did detail quite a bit of work that is being done, not only government programs but programs that have come through other organisations such as *beyondblue.* She did, indeed, talk about programs such as *square*, ASIST and SafeTALK, amongst others, and also the Mental Health First Aid program.

I commend every effort that is made in the area of mental health and every effort that is made, certainly, in relation to suicide, whether it be intervention/prevention or another important area and that is postvention. I think that some of the work that has been commenced recently, along with community groups in relation to those people who have had a family member or someone close to them commit suicide, is extraordinarily important.

Having said all of that, I will return to a program that I have worked very closely with since December 2006, and that is the Community Response to Eliminating Suicide program. I do again raise that program in this council because I think it is one of the most cost effective and generally community-based programs that has a significant effect on suicide rates in local communities.

Having undertaken some training, along with a number of other people in South Australia recently, I attest to the value of that program. It certainly is a very cost effective program, because for a figure of $350,000, with a little bit of administrative assistance from the department, we could roll 10 of those programs out across South Australia. There is community concern about the need for additional programs that get right down to the community. Certainly, no-one denigrates the work that has been done, but in many cases programs such as CORES are an excellent first step, which can get to some of these people where some other programs do not.

I continue to get letters and emails from people who have either experienced the CORES program or done the training and wish to have it introduced into their region. A number of community groups, such as Rotary, Salvation Army, the Loxcare group at Loxton and a number of other NGOs have had some exposure to CORES and would like to expand it. However, they all need some financial support in order to do that.

One of the people who recently had some exposure to CORES was particularly keen to get a program into their area, which, like many places, is suffering from several consecutive droughts. Unfortunately, the request to get some funding for a CORES program was replaced by the implementation or the availability of the *square* program. I am not an expert about the *square* program, but this person (who had undertaken some training from CORES) indicated that *square* is cold, clinical and impersonal compared with the CORES program.

I think they are relevant points. If we want to achieve absolute prevention of suicide in our community, we need something that is not cold, clinical and impersonal. We need a program that gets right into the community. Members have heard me say before that the CORES program is one which is as identifiable in the community as the CFS, a football club or a Lions club—or any other local body—where people are proud to wear the emblem of that organisation on their chest.

I cannot understate the importance of work in the area of suicide. We have a situation across our communities in not only rural areas but also suburban areas where more people are at risk. The statistics have been going up in South Australia in recent times. One of the things we know is that that is only registered suicides. There are many more deaths which most of us would presume are suicide, even if it cannot be proven. I recommend to the government that it considers at least one of these programs being run as a pilot program somewhere in South Australia.

I compliment all those people who work in the mental health area. I am sure the minister would agree with me that it is a difficult area in which to work. No two cases are the same, so I take off my hat to all the public servants, people from non-government bodies and volunteers who do so much work in that area. Again, I commend the Salvation Army, because I think it does terrific work in that area, as it does in a lot of areas into which a lot of other people will not go. As I said earlier, I do support the Supply Bill, which, of course, provides $2.3 billion for the provision of state government services to the community. In supporting the bill, I also support the facilitation and continuing delivery of public services by those public servants—and, of course, I have highlighted the area of mental health—who are committed to delivering them to the people of South Australia.

Debate adjourned on motion of Hon. I.K. Hunter.

STATUTES AMENDMENT (POLICE SUPERANNUATION) BILL

The House of Assembly disagreed to the amendments made by the Legislative Council.

CRIMINAL LAW (SENTENCING) (VICTIMS OF CRIME) AMENDMENT BILL

The House of Assembly agreed to the time and place appointed by the Legislative Council for holding the conference.

STATUTES AMENDMENT (BUDGET 2008) BILL

Received from the House of Assembly and read a first time.

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (00:07): I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

This Bill contains measures relating to first home buyer assistance and pay roll tax relief that form part of the Government's budget initiatives for 2008 09.

The Bill amends the First Home Owner Grant Act 2000, the Stamp Duties Act 1923 and the Pay-roll Tax Act 1971.

With effect from today, the Government will provide additional assistance to first home buyers through the replacement of the stamp duty first home concession scheme with a first home bonus grant.

First home buyers who qualify for the Government's $7 000 First Home Owner Grant ('FHOG') will also be eligible for a first home bonus grant of up to $4 000 if the market value of the home is less than $450 000.

The first home bonus grant will be available for first home contracts entered into on or after 5 June 2008 and for owner builders who commence construction on or after that date, subject to applicants meeting the FHOG eligibility criteria.

A $4 000 first home bonus grant will be provided in respect of first homes with a market value up to $400 000. The $4 000 grant will phase out for first homes with a market value between $400 000 and $450 000 at a rate of $8 for every $100 in excess of $400 000.

Where a first home buyer purchases land and subsequently builds a home on the land, the market value will have regard to both the value of land and the home built on the land.

The Bill also provides for an increase in the pay roll tax threshold from $504 000 to $552 000 from 1 July 2008 with a further increase to $600 000 from 1 July 2009. The pay roll tax rate will also be reduced from 5 per cent to 4.95 per cent from 1 July 2009.

Around 6 500 employers are expected to benefit from these pay roll tax measures, including an estimated 300 employers who will no longer be liable for pay roll tax when the threshold increases to $600 000.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

Part 1 and Schedule 1 will commence on the day of assent. Parts 2 and 3 will be taken to have come into operation on 5 June 2008. Part 4 will be taken to have come into operation on 1 July 2008.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of First Home Owner Grant Act 2000

4—Insertion of section 18B

The Act will now provide for the payment of a bonus grant if the commencement date of the eligible transaction under the Act is on or after 5 June 2008 and the market value of the home to which the eligible transaction relates is less than $450 000. If the market value of the home to which the eligible transaction relates does not exceed $400 000, the bonus grant will be $4 000. If the market value of the home to which the eligible transaction relates exceeds $400 000, the bonus grant will be reduced by $8 for every $100 of value in excess of $400 000.

The market value of the home to which an eligible transaction relates will depend on the nature of the relevant eligible transaction. The Commissioner will be able to make a determination as to market value in appropriate cases. As is the case under section 60A of the Stamp Duties Act 1923, the Commissioner will be able to seek satisfactory evidence of market value or require a valuation to be undertaken if the Commissioner considers that this is necessary to determine market value.

As is the case with section 71C of the Stamp Duties Act 1923, special provision is made for situations where the home is situated, or to be built, on a genuine farm.

Part 3—Amendment of Stamp Duties Act 1923

5—Amendment of section 71C—Concessional rates of duty in respect of purchase of first home etc

This amendment will provide that section 71C of the Act ceases to apply to conveyances where the relevant date for the purposes of the section is on or after 5 June 2008.

Part 4—Amendment of Pay-roll Tax Act 1971

6—Amendment of section 9—Imposition of pay roll tax on taxable wages

The rate of pay-roll tax imposed on taxable wages paid or payable on or after 1 July 2008 is currently 5%. The amendment made by this clause has the effect of reducing the rate in respect of wages paid or payable after 1 July 2009 to 4.95%.

7—Amendment of section 11A—Deduction from taxable wages

8—Amendment of section 13A—Meaning of prescribed amount

9—Amendment of section 14—Registration

10—Amendment of section 18K—Interpretation

The tax-free threshold is currently $504 000. The amendments made by these clauses relate to an increase in the threshold to $552 000 for the 2008/2009 financial year and to $600 000 for subsequent financial years.

Schedule 1—Transitional provisions

1—Transitional provisions

The transitional provisions will address various issues associated with the application of section 71C of the Stamp Duties Act 1923 and the period between 5 June 2008 and the date of enactment of this Act.

In particular, it will be necessary to ensure that the commencement of the legislative entitlement under new section 18B of the First Home Owner Grant Act 2000 does not lead to a doubling up of payments. Equally, a process needs to be in place in case a person receives an ex gratia benefit under the scheme that is to be established and then obtains a benefit under section 71C of the Stamp Duties Act 1923. A provision is also to be included to provide a right of recovery if a person obtains a benefit under section 71C of the Stamp Duties Act 1923 despite the 'closure' of the scheme under that section on the enactment of this measure (due to timing issues).

Debate adjourned on motion of Hon. R.I. Lucas.

APPROPRIATION BILL

The House of Assembly requested that the Legislative Council give permission to the Minister for Police (Hon. P. Holloway), the Minister for Environment and Conservation (Hon. G.E. Gago) and the Minister for Emergency Services (Hon. C. Zollo), members of the Legislative Council, to attend and give evidence before the estimates committees of the House of Assembly on the Appropriation Bill.

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (00:08): I move:

That the Minister for Police, the Minister for Environment and Conservation and the Minister for Emergency Services have leave to attend and give evidence before the estimates committees of the House of Assembly on the Appropriation Bill, if they think fit.

Motion carried.

At 00:09 the council adjourned until Thursday 19 June 2008 at 11:00.