# LEGISLATIVE COUNCIL

## Tuesday 11 November 2008

**The PRESIDENT (Hon. R.K. Sneath)** took the chair at 14:19 and read prayers.

### LONG SERVICE LEAVE (UNPAID LEAVE) AMENDMENT BILL

His Excellency the Governor, by message, assented to the bill.

### MURRAY-DARLING BASIN BILL

His Excellency the Governor, by message, assented to the bill.

### SUMMARY OFFENCES (INDECENT FILMING) AMENDMENT BILL

His Excellency the Governor, by message, assented to the bill.

### WATER (COMMONWEALTH POWERS) BILL

His Excellency the Governor, by message, assented to the bill.

### SELECT COMMITTEE ON FAMILIES SA

**The Hon. C.V. SCHAEFER (14:23):** I lay on the table the interim report of the committee.

Report received.

### PAPERS

The following papers were laid on the table:

By the President—

Joint Parliamentary Service—Report 2007-08

By the Minister for Mineral Resources Development (Hon. P. Holloway)—

Reports 2007-08—
- Department of the Premier and Cabinet
- The Institute of Surveyors Australia, South Australia Division Inc

Regulations under the following Act—
- Public Corporations Act 1993—General—Disclosure of Pecuniary Interests

By the Minister for Urban Development and Planning (Hon. P. Holloway)—

Adelaide Cemeteries Authority—Report 2007-08

By the Minister for Correctional Services (Hon. C. Zollo)—

Dame Roma Mitchell Trust Fund for Children and Young People—Report 2007-08

By the Minister for State/Local Government Relations (Hon. G.E. Gago)—

Reports 2007-08—
- Chiropractic and Osteopathy Board of South Australia
- History Trust of South Australia
- Occupational Therapy Board of South Australia
- Physiotherapy Board of South Australia
- SA Ambulance Service

Regulations under the following Acts—
- Marine Parks Act 2007—Establishment of Marine Parks
- Native Vegetation Act 1991—Exemptions

Corporations By-Laws—Prospect—
- No. 1—Penalties and Permits
- No. 2—Moveable Signs
- No. 3—Local Government Land
- No. 4—Roads
- No. 5—Dogs
- No. 6—Waste Management

By the Minister for Consumer Affairs (Hon. G.E. Gago)—

Regulations under the following Act—
Liquor Licensing Act 1997—Dry Areas—
Beachport
Spalding
Victor Harbor—Short Term

## COPPER COAST DISTRICT COUNCIL

**The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (14:26):** I seek leave to make a ministerial statement about the Copper Coast District Council.

Leave granted.

**The Hon. G.E. GAGO:** As members may be aware, there has been considerable media attention in recent months about the Copper Coast District Council, particularly its decisions and processes in relation to the Wallaroo Town Centre development. I have received some complaints about these matters and, further, I am aware of concerns raised in the public arena via the media.

As Minister for State/Local Government Relations it is my responsibility to ensure the integrity of local council processes and practices in compliance with the Local Government Act 1999. To that end, the Office for State/Local Government Relations has been examining these concerns. As part of that process I requested that legal advice be sought from the Crown Solicitor's Office. The Crown Solicitor's Office considered that it required further information in relation to these matters and, therefore, instructed the Government Investigations Unit to acquire that information.

Recently, a representative from the Government Investigations Unit travelled to the Copper Coast Council to make inquiries. That representative will provide a report of the information obtained to the Crown Solicitor. On the advice of the Crown Solicitor's Office, at this point I have not commenced a formal investigation by appointing an investigator under section 272 of the Local Government Act 1999. It is imperative that due process be followed in these situations and that I make sound decisions based on thorough and comprehensive advice and information. Therefore, it is proper that I await advice from the Crown Solicitor on these matters before deciding on whether any further action is required.

It is also proper that the principles of procedural fairness be followed during any investigation and, therefore, I do not intend to comment on the inquiries being made by the Government Investigations Unit while these matters are still being looked at. If anyone has any evidence that is pertinent to these inquiries, I encourage them to provide that information to me or to contact my office. I wish to make it clear that I am committed to ensuring that councils practise good governance and deal diligently with any concerns that are raised.

I would also like to remind the council of work that is already being undertaken. An outcome of the recent meeting between the Office of State/Local Government Relations and the council is that the Chief Executive agreed to my proposal to have an independent legal due diligence and governance audit undertaken and also to conduct an intensive community consultation engagement workshop for its elected members and senior staff. I wrote to the Chief Executive in September this year confirming these actions and offering to assist the council to deliver the workshop to its elected members and senior staff. The council has accepted my offer and the workshop is planned to take place on 26 November 2008.

The legal due diligence and governance audit (being undertaken by Wallmans Lawyers) commenced on 29 October 2008. It will assess the council's statutory compliance with the Local Government Act and other relevant legislation. The audit report will identify any areas where the council is currently noncompliant with any legislative requirements. I expect that it will particularly focus on issues of prudential management and propriety.

I am advised that the legal due diligence and governance audit report will provide the council with its findings and an action plan to address any areas of noncompliance, as appropriate. The Office for State/Local Government Relations will be informed of the outcome of this audit and

the resultant actions, process changes and training that might be required or recommended as a consequence.

## QUESTION TIME

### PLANNING AND DEVELOPMENT REPORT

**The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:36):** I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a question about the report provided to the minister by the Planning and Development Review Steering Committee.

Leave granted.

**The Hon. D.W. RIDGWAY:** I refer to Appendix G of the report presented to the minister by the Planning and Development Review Steering Committee containing the quantification of the potential benefits of the planning reforms. I note that Appendix G contains statements about the costs of administering the current system and the estimated savings to local government of adopting the review team's recommended reforms.

I recall that the estimates of savings were in the order of $75.6 million to applicants and local government, leading to an approximate increase of $3.5 billion to $5 billion in gross state product over the next five years. My questions are: can the minister confirm the quantum of the estimated savings and economic benefits documented in the report; and can the minister outline the methodology used by the review team in arriving at this level of savings and increases in gross state product?

**The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:37):** Those calculations were made by KPMG who, of course, were lead consultants to the review. As I have said on previous occasions, whatever methodology was used, even if the figure were half that, it would still be a very significant contribution to GSP. I have just given notice of the fact that I will introduce a bill in the council tomorrow, and part of that bill will define estimates of those particular savings to applicants, to local government and also to the economy at large. Obviously those figures were calculated by the methodology that KPMG employed.

### PLANNING AND DEVELOPMENT REPORT

**The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:38):** I have a supplementary question. Is the minister aware of any assumptions that were used to arrive at those calculations?

**The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:38):** The planning review is the property of the planning reviewers. There is no doubt that, if one streamlines our planning system as recommended by the planning review, there would be very significant savings. Quite clearly, the most significant of those savings will be in the opportunity costs—a reduction in holding costs—relating to land.

We have about 7½ thousand new dwelling applications every year. If the honourable member cares to look at it, the planning review report contained statistics detailing for every single council the average time for development applications. One would presume from those figures that they would have made an estimate about what the cost would be at current interest rates of holding that money if the applications linger in the system.

If it takes six to 12 months, as it has in some cases with some councils to get building approval through, clearly there is an enormous cost to consumers. If you are renting a house for that period of time, there is a cost there and, of course, if you have paid for a block of land, whether you are a developer or an individual wishing to build your own house, you are holding that cost for six to 12 months. If you multiply that by 7½ thousand applications for new dwellings across the state—not that necessarily all of those are on greenfield sites; at least half of them would be—the cost to consumers of that particular process soon involves very large sums of money.

If one is looking at the cost for local government, again, the planning review consultants went into a great deal of detail. In fact, they spent 12 months doing that to make those estimates. Of course, we had consultants do it because it would have been enormously demanding for government to carry out. However, whatever methods they used and whatever queries one might have about them, very significant savings will be made as a result of the introduction of the code. If

we can get the code right, we will be able to translate those enormous savings in GSP and in cost to local government, and consumers will be the beneficiary of those reforms.

## PLANNING AND DEVELOPMENT REPORT

**The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:42):** I have a supplementary question. Given the changes with the current economic climate, is the government still confident of achieving these savings or benefits to our economy?

**The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:42):** Regardless of what the figure is, I can say unequivocally that there will be enormous savings. I think it was up to $5 billion; the exact amount was something in the range of $3.6 billion to $4.9 billion over five years.

In the current economic climate one would expect a slowing in the amount of construction—even though South Australia was, I believe, the only state in Australia that had an increase in housing construction relative to the year before, according to the most recent figures (I think it was for October). So this state is, in fact, holding up better than most other parts of the country—or the world, for that matter. Nonetheless, one can expect a slowing in housing starts along with the credit crunch now facing the world.

So, yes, if there are fewer developments going ahead then I guess the savings will inevitably fall in the short term. However, sooner or later—and one would hope sooner—as the economy and the housing industry pick up, those benefits will be derived; they will be there forever. Saving six to 12 months in assessment time for a residential dwelling is a very significant saving to the individual householder who has that property or block of land. If you have to hold it for 12 months there are significant associated costs, so there will be benefits there if you can save that. With a slow-down there might be fewer people to help in the short term, but in the long term those benefits will be delivered.

## RESIDENTIAL TENANCIES ACT

**The Hon. J.M.A. LENSINK (14:44):** I seek leave to make a brief explanation before asking the Minister for Consumer Affairs a question about the Residential Tenancies Act.

Leave granted.

**The Hon. J.M.A. LENSINK:** In response to an election promise, in 2002 the Rann Labor government undertook a review of the Residential Tenancies Act. The discussion document outlined a range of areas, including the impact on the relationship between landlords and tenants, the tribunal and so forth. We have had amendments to the act—particularly with the implementation of the Residential Parks Act and the Statutes Amendment (Affordable Housing) Act—and, in reply to a referred question from the Hon. Kate Reynolds, the Attorney-General, through the Leader of the Government, stated that he had actually received two sets of recommendations and that the government was considering introducing amendments.

Given that it has been some six years since that review was conducted, is the minister aware of any report surrounding further amendments to the act? Will she undertake to provide those details to the parliament?

**The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (14:44):** I thank the honourable member for her question on this very important policy area. Indeed, in November 2002 the government did announce a review of the Residential Tenancies Act 1995 and a discussion paper was prepared, with approximately 170 submissions being received during the public consultation period.

I understand that a review working party, comprising the Commissioner for Consumer Affairs and senior staff from the Office of Consumer and Business Affairs, was established to report on those submissions. The range of issues was incredibly broad, and some matters warranted separate consideration due to their complexity, legal implications, etc.

The group delivered three reports arising from the review to the Minister for Consumer Affairs at the time. The first report contained recommendations proposing the introduction of new separate legislation setting out the rights and responsibilities of residents and operators of caravan and mobile home parks in South Australia. This resulted in a very important piece of legislation (the Residential Parks Act) which commenced on 5 November 2007. The second and third reports

contained the views and draft recommendations of the working party on the Residential Tenancies Act and the Residential Tenancies (Rooming Houses) Regulations 1999. Those recommendations are currently being considered.

A great deal of work has been done in relation to these matters. It is an area in which I have taken a very keen interest since becoming the Minister for Consumer Affairs, and it is something I have prioritised in terms of the response to those recommendations. Obviously I do not want to be overly ambitious, but I am pleased to say that, hopefully, I will announce something fairly shortly.

## PRISONS, HEPATITIS C

**The Hon. S.G. WADE (14:47):** I seek leave to make a brief explanation before asking the Minister for Correctional Services a question about hepatitis C.

Leave granted.

**The Hon. S.G. WADE:** Studies have shown that prisoners represent a major concentration of hep C carriers, with a prevalence rate of 40 times that of the general population. A recent article in the *International Journal of Infectious Diseases* reported on a study of South Australian prisoners in 2004 and 2005 which found that 42 per cent of prisoners were seropositive for hepatitis C. The article concluded:

> Of most concern was that HCV seropositive prison entrants were significantly more likely to commence injecting while incarcerated and that needle sharing was common in this group. This suggests that each needle currently in circulation within the South Australian prison system will almost certainly be contaminated with HCV, which has serious implications for prison staff and also for susceptible prisoners.

In a report on a case in 2000, the South Australian Coroner said:

> I agree that it is highly inappropriate that prisoners who have a communicable disease should be 'doubled up' with prisoners who do not. The health risks are obvious. If a prisoner does develop a communicable disease as a result of this process, then the department will have to bear the consequences.

My questions are:

1. Will the minister advise the council whether the government has a policy of not doubling up prisoners where one of the prisoners has hepatitis C?

2. What is the government doing to protect prison staff and susceptible prisoners from contaminated needles?

**The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs) (14:48):** I thank the honourable member for his question relating to prison health. Of course, prison health services are provided by the South Australian Prison Health Service, which is a unit of the Central Northern Adelaide Health Service.

If prisoners are doubled up, every action is taken to ensure that they are compatible in terms of personality, which I think is the word we are looking for here. Prison health is very important to us and, when somebody is admitted to gaol, they go through an assessment period and a system that ensures that, if they have any health issues, they are dealt with.

In relation to what action is taken for prison officers, there are very strict protocols in relation to needle-stick injury and any other bodily fluids injury. Those officers are immediately quarantined and taken to medical assistance as soon as practicable. So, to suggest that there are not any protocols is a clear nonsense on the part of the member opposite. Clearly, in an environment like a prison, health risks can be high, depending on the health risks that a person comes in with. The Prison Health Service takes its responsibilities very seriously in our South Australian institutions.

## GREATER ADELAIDE REGION

**The Hon. B.V. FINNIGAN (14:50):** I seek leave to make a brief explanation before asking the Leader of the Government and Minister for Urban Development and Planning a question regarding long-term planning for the greater Adelaide region.

Leave granted.

**The Hon. B.V. FINNIGAN:** Adelaide is facing some exciting challenges in the next 30 years. As our population grows, the city needs to accommodate extra residents. By simply

allowing the city to sprawl there is a risk that people become isolated from public amenities in existing suburbs. If we keep boundaries unchanged, pressure mounts to house these additional residents in Adelaide's older suburbs or within townships beyond the commuter belt.

As I understand, a far-reaching planning review looked at these challenges and made wide-ranging recommendations in June this year. The review estimates that greater Adelaide needs to accommodate up to 537,000 new residents in the next 30 years, requiring an additional 247,000 dwellings. Will the minister update members on the implementation of the review's recommendations and any action being taken to provide a framework for planning for Adelaide's future to address these issues?

**The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:51):** I thank the honourable member for his important question. There is probably no greater challenge facing this government than the need to plan for the future. Our population is growing, the percentage of aged people is also increasing, and our city remains constrained by the sea to the west and the Adelaide Hills to the east. The best way to address this challenge is through long-term planning, and the first requirement of long-term planning is a vision. Where do we want to be in 30 years, and do we want a road map to make sure that we arrive there?

The next three decades of our city's development will set the stage for our bicentenary in 2036. Unlike those members opposite, this government has a vision for the growth and development of this city, and it is a vision that extends beyond a sports stadium. Ensuring that South Australia has a long-term plan is even more crucial at this time of economic uncertainty when governments at all levels must ensure that finances are directed to the most pressing needs.

Unlike the opposition, this government does not have the luxury to promise all things to all people regardless of the cost and consequences. In fact, it is trying to reinvent history. We have the Leader of the Opposition out there: after attacking this government for the 2½ years he has been there for not having spent anything, now he is saying we are not putting money away, notwithstanding the fact that the government he was a member of could not run a budget surplus in any of its eight years. This one has had a surplus every year, and that is why members opposite are trying to reinvent history, but they will not get away with it.

Central to achieving a vision for this city is the creation of a new long-term plan for greater Adelaide. Yesterday marked the beginning of a nine-month consultative process to design a new 30-year program for greater Adelaide. This consultative process was kicked off this week with a series of workshops between state and local government. These workshops, conducted by the Department of Planning and Local Government, are the first steps in a multi-stage process which will include major community consultation during 2009.

To help guide these workshops the government yesterday published a directions statement. The directions document can be found online on the Planning SA website. This statement, endorsed by cabinet, reinforces the broad direction for Adelaide's growth and development, which includes some of the major initiatives announced in the past year. These include the $2 billion to be invested in electrifying and extending Adelaide's rail corridors and the scope this provides to encourage transit oriented developments. The government is also in the process of implementing the wide-ranging recommendations of the planning review, which include identification of future growth areas within the metropolitan area and in the vicinity of major townships around Adelaide. This 30-year vision focuses on creating a city that does the following:

- encourages urban regeneration and revitalisation, while sensibly protecting valued heritage and character;
- encompasses vibrant new higher density neighbourhoods created in and near the CBD and along designated transit corridors to the west, north and south;
- embraces well-planned fringe growth with new population centres closely connected to transport infrastructure and employment opportunities;
- encourages the sustainable growth of near country towns and townships, while protecting our most valuable environmental, agricultural and tourism assets; and
- is served by a high-speed mass transport system linked to the growth in residential housing and jobs.

This government is planning for a city that embraces a rapid transit system that allows people to live in energy and water efficient housing in both the inner city and the suburbs. It will be a city that is climate change resilient with a strong, affordable supply of housing to accommodate a growing population and a broad range of housing choices to suit young couples, families and the elderly.

This 30-year plan must detail where and how Adelaide is to develop, providing certainty but at the same time recognising regional differences, strengths, opportunities and constraints. We want to embrace the future while cherishing our past, so we aim to introduce a residential development code that streamlines the approval of new housing while making allowances for the character that is the distinguishing feature of our suburbs. The planning process must be a genuine partnership between state and local government, industry and agencies regarding local detail but with firm state leadership with respect to the broad direction.

The direction statement reinforces the direction of key government initiatives, including the $2 billion transport investment announced in this year's budget, the planning reforms package and the purchase of the Clipsal site in Bowden on the fringe of the parklands.

Last week, I announced a Growth Investigation Areas project to identify broadacre land to provide a 25-year rolling supply for Adelaide. Adelaide needs a 25-year rolling supply of land, including 15 years of supply zoned ready to go, if the predicted demand for new housing is to be met. This important project will evaluate the full range of broadacre development options for the greater Adelaide area, encompassing the review of township boundaries initiated earlier this year.

This comprehensive study has begun by evaluating land in the Adelaide Hills in the vicinity of Mount Barker, Littlehampton and Nairne. Mount Barker is one of the most rapidly growing areas in Australia, so it is not surprising that there has been strong interest in further developing Mount Barker to the south and the east. This requires a thorough evaluation of the town's boundaries to enable appropriate rezoning and planning, such as the potential for additional access from the South Eastern Freeway to take local traffic away from the main street of Mount Barker.

All these initiatives—our transport revolution, the purchase of the Clipsal site, streamlining planning assessment and the project to identify land supply—are part of an integrated approach by the state government to planning Adelaide's future development. I look forward to working with councils, industry groups and the community in facing this exciting challenge of developing a vision for Adelaide and setting down a plan to ensure that we achieve this vision together during the next three decades.

## HEALTH AND COMMUNITY SERVICES COMPLAINTS COMMISSION

**The Hon. SANDRA KANCK (14:58):** I seek leave to make a brief explanation before asking the Minister for State/Local Government Relations, representing the Minister for Health, questions about the Health and Community Services Complaints Commission.

Leave granted.

**The Hon. SANDRA KANCK:** When the Health and Community Services Complaints Act was passed in 2004, there was great anticipation. This act was to enable users of health and community services to lodge any complaints about them and have them resolved. Section 19 of the act provides:

(1) The Commissioner must develop a draft Charter of Health and Community Services Rights.

(2) The draft must be presented to the minister within 12 months after the commencement of this part or within such longer period as the minister may allow.

(3) The Commissioner must report to the minister on the development of the draft at intervals of not more than four months until the draft is presented to the minister under subsection (2).

More than three years after the opening of the commission, there is still no charter. If a recent browse of the commission's website is any guide, it appears that work has not even begun on the charter.

Another requirement of the Health and Community Services Complaints Commission was to establish an advisory council and, again, that has not occurred. A number of constituents have contacted my office to express their disappointment with the commission's handling of their complaints. A recent survey by Health Rights & Community Action showed very high dissatisfaction with the commission. It recorded an average satisfaction level of less than 10 per cent. This contrasts with the 40 per cent satisfaction when the state Ombudsman was handling these complaints. My questions to the Minister for Health are:

1. As per the act, was the minister provided with a draft charter within 12 months of the proclamation of that section of the act? If so, why do we still not have a charter? Did the minister allow a longer time for its formulation and, if so, is more than three years enough time?

2. What communications has the minister had with the commission in regard to this apparent failure? What action will the minister now take to ensure a charter is established, and when can we expect that charter to be in place?

3. Why has an advisory council not been established, and what action will the minister now take to ensure it is established; and when can we expect an advisory council to be in place?

4. Is the minister aware of consumer dissatisfaction with the commission, and how does he propose to address this?

**The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (15:01):** I thank the honourable member for her questions relating to the development of a charter and the establishment of an advisory council, and I will refer those questions to the Minister for Health in another place and bring back a response.

## MAIN NORTH ROAD

**The Hon. C.V. SCHAEFER (15:02):** I seek leave to make a brief explanation before asking the Minister for Road Safety a question about road safety on Main North Road.

Leave granted.

**The Hon. C.V. SCHAEFER:** Anyone who travels on Main North Road would agree that there is a desperate need for more passing lanes. One of my constituents has been lobbying for some time to have the 80-kilometre speed limit extended a little further north of Auburn on that road. He has a small cellar door to the north of the town, and he has witnessed a number of near misses as customers attempt to turn into his cellar door at a point at the end of a sweeping bend going north towards Clare.

It has now been brought to his and therefore my attention that TransportSA intends to build a passing lane in that area—not as one would presume going north, where people could pass before going around the sweeping bend, but in fact heading south. This will have the effect of creating three lanes of traffic heading south around a relatively blind corner at 100 km/h on the outskirts of a town. It is also in an area where trucks carting grapes and other crops will be forced to enter traffic on the outside of a passing lane. It would seem that this does not pass the commonsense test. Does the Department of Road Safety have any input into the placement of passing lanes and into the matter of where roadworks take place and, if not, why not?

**The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs) (15:03):** In relation to the extension of the 80 km/h zone on Main North Road just north of Auburn, and the request by a constituent to see a designated speed past his cellar door, the honourable member has mentioned a passing lane, and I presume that she means an overtaking lane. Overtaking lanes are very important in helping to reduce road trauma, and the program itself is sitting in the budget of my colleague in the other place, the Hon. Patrick Conlon in his capacity as Minister for Transport. That is because construction of an overtaking or passing lane involves a major infrastructure change.

I need to place that on record, because the Hon. Stephen Wade has accused this government of completely removing the program, which is not the case. As to the reason for choosing that spot, I do not have the relevant information, so I will refer the question to my colleague in another place and take some advice and bring back a response for the honourable member. No doubt there would be a very good reason why that particular overtaking lane has been situated where it is.

## AUSTRALASIAN ROAD SAFETY CONFERENCE

**The Hon. R.P. WORTLEY (15:04):** I seek leave to make a brief explanation before asking the Minister for Road Safety a question regarding an Australasian road safety conference.

Leave granted.

**The Hon. R.P. WORTLEY:** I understand that this week Adelaide is hosting a 2008 Australasian road safety conference.

*Members interjecting:*

**The Hon. R.P. WORTLEY:** I cannot even hear myself think, let alone speak.

*An honourable member interjecting:*

**The Hon. R.P. WORTLEY:** I think the Leader of the Opposition ought to loosen his tie a bit; he is getting a bit fat in the chin there.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. R.P. WORTLEY:** I understand that this week Adelaide is hosting the 2008 Australasian Road Safety Research, Policing and Education Conference. Will the minister provide further details on the issues being addressed by the conference and how this information-sharing will assist South Australia to reach its road safety targets?

**The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs) (15:05):** I thank the honourable member for his important question. I hope that members opposite will stop being so derogatory to members on this side.

*Members interjecting:*

**The Hon. CARMEL ZOLLO:** We, on this side, are always so polite.

*An honourable member interjecting:*

**The Hon. CARMEL ZOLLO:** I have heard you say some nasty things about him. Road safety experts from around the world are this week converging on Adelaide for Australasia's premier annual road safety event, the 2008 Australasian Road Safety Research, Policing and Education Conference.

The conference, which I officially opened yesterday, brings together leading local and international road safety experts to explore the latest results in road safety research and activities. More than 350 delegates are discussing innovative road safety practices in policing, education, policy development and program management over a three-day program. There are three international keynote speakers: European traffic policing expert, Wolfgang Blindenbacher; Director-General of the Malaysian Institute of Road Safety Research, Professor Ahmad Farhan; and internationally-recognised road safety expert, Jeanne Breen OBE.

Visitors to Adelaide have had the opportunity of participating in workshops on a range of topics, including road safety in Australasia, education, vehicle secondary safety systems, speed enforcement and youth perspectives on graduated driver licensing. In road safety, it is crucial that policy makers understand the emerging countermeasures that are being applied all over the world.

Yesterday I had the pleasure of hearing two of the keynote speakers. The conference has also provided a valuable opportunity for our near neighbours in the region to learn and gather knowledge regarding initiatives and measures that have been proven to make a difference in the Australian jurisdictions. Some 20 delegates from Bangladesh, Cambodia, Indonesia, Laos, Papua New Guinea and Vietnam have also attended the conference.

On Sunday, leaders in road safety, transport, police and academic institutions from these countries attended a regional road safety knowledge and management program. The program was organised by the South Australian Department for Transport, Energy and Infrastructure in association with AusAID (the Australian agency for international development) and the World Bank Global Road Safety Facility, which funded the program. The program comprises a one-day introductory workshop, and subsequent attendance at the conference. The purpose of the program is to provide participants with access to a broad range of Australian and international understanding and expertise in road safety knowledge and management which attendees can take back to their respective countries. I am very pleased that South Australia has been able to facilitate this important knowledge transfer initiative.

## GAMBLERS REHABILITATION FUND

**The Hon. D.G.E. HOOD (15:08):** I seek leave to make a brief explanation before asking the Minister for Gambling a question about the Gamblers Rehabilitation Fund.

Leave granted.

**The Hon. D.G.E. HOOD:** Family First has obtained the 2006-07 information about the spending of the Gamblers Rehabilitation Fund and notes the following: first, uncommitted one-off funds, as at 30 June 2007, totalled some $2.08 million; secondly, amongst other interesting findings in the documents, funding in the amount of some $10,000 was given, via the AIDS Council of South Australia, to the Sex Industry Network Multicultural Gambling Project.

Information obtained from the NGO sector in gambling rehabilitation also reveals that, despite the NGOs submitting tenders for the next three-year funding arrangement (as they were asked to do, and, indeed, were submitted by 30 June 2008 in compliance with the request), some four months later they are still waiting for approval for the funding. To be fair, they have been given two extensions of funding to carry through service provisions, in the short term, to January 2009. However, the future of their funding status remains uncertain whilst this matter is undetermined. My questions are:

1. Has the minister mislaid the NGO three-year funding approvals and, if not, why have they been delayed for such a long period of time?

2. Can the minister explain the merits of a $10,000 grant being given for the purpose of funding a project for multicultural prostitute problem gamblers, and why could not this very small group of people access rehabilitation services in the same way as anyone else would?

**The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs) (15:10):** As the honourable member is probably aware, the Gamblers Rehabilitation Fund is the responsibility of the Minister for Families and Communities.

The Gamblers Rehabilitation Program funds programs and initiatives to provide services for problem gamblers. The service providers are the NGOs, and government and private suppliers are used for information, products and advertising. I am fairly certain that I responded to this question the other day, but services include: intensive therapy, financial and general counselling, community education, cultural-specific services, and a 24-hour gambling helpline.

The honourable member would also be aware that the government has undertaken a competitive process to determine future funding for service providers of these programs. I understand that the Minister for Families and Communities has also asked her department to conduct a review of the process to award the service agreements, and I am advised that this review is about to be finalised.

In the interim, as the honourable member has mentioned, all current service providers have been advised that they will continue to receive funding until 30 January next year to ensure the continuation of services. I understand that, as soon as the review has been completed, the providers will be notified of the outcome.

If I have not provided all the information requested by the honourable member in his question, I will refer it to the Minister for Families and Communities in another place, who is responsible for the fund, and ensure that the honourable member has a response.

## APY LANDS

**The Hon. R.D. LAWSON (15:12):** I seek leave to make a brief explanation before asking the minister representing the Minister for Aboriginal Affairs and Reconciliation a question about the APY lands.

Leave granted.

**The Hon. R.D. LAWSON:** Anangu Pitjantjatjara Yankunytjatjara is the body corporate (the landholding and governance body) established under the Pitjantjatjara Land Rights Act. Its affairs are controlled by an executive body elected by residents on the APY lands.

The APY executive does not have statutory responsibility in relation to the provision of municipal services on the lands, nor is it funded to do so. However, it is anxious, as one might expect, to ensure that those services are appropriately provided. There is another body called,

misleadingly, AP Services, which is based in Alice Springs and which has been contracted to provide certain services on the lands. For example, it has been required—and it is funded through recurring grants—to provide repairs and maintenance to housing. AP Services has received significant funding, but it has failed to complete its tasks. It receives very substantial moneys from Anangu, which moneys are deducted from the CDEP payments, and it receives rent for houses which actually belong to APY.

AP Services has failed to account for these moneys and rentals to the satisfaction of the Office of Aboriginal Housing or APY. Its involvement in housing repairs and maintenance ceased on 19 March this year. Notwithstanding that, AP Services has continued to receive about $6,000 a week in CDEP deductions, and it has paid out of its funds over the past 12 months approximately $100 million to non-Anangu (that is, non-indigenous) consultants.

APY has been criticised unfairly in the metropolitan media and on the ABC for failing to provide services, notwithstanding that that is not part of its function. APY has recently called upon the Auditor-General to conduct an investigation of AP Services. An Adelaide reporter, who favours AP Services, has reported that this is merely a request made by a faction of the executive board.

My questions to the minister are as follows: will the minister ensure that the desires of the APY executive are duly acknowledged and the responsibility of it, as the elected representative statutory body, is respected; and, secondly, will the government support the request of APY for an Auditor-General's investigation into the affairs of AP Services?

**The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (15:16):** I thank the honourable member for his questions, and I will refer them to the appropriate minister in another place and bring back a response.

## SCHOOLIES FESTIVAL

**The Hon. I.K. HUNTER (15:16):** I seek leave to make a brief explanation before asking the Minister for Consumer Affairs a question about Schoolies Week.

Leave granted.

**The Hon. I.K. HUNTER:** As year 12 exams are drawing to a close, many young people will converge on Victor Harbor to celebrate Schoolies Week once again this year. Will the minister please explain what is being done to help students stay safe at Schoolies Week this year?

**The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (15:17):** I thank the honourable member for his question. This year even more South Australian students were given the lowdown on how to have a safe schoolies festival before they even left the classroom. Alcohol consumption is the biggest risk factor for young people during Schoolies Week, but we hope that arming them with information at the right time will prepare students to enable them to make safe decisions about their behaviour.

Thanks to an additional $5,000 state government grant from the Office of the Liquor and Gambling Commissioner, the Safety at Schoolies education seminars, which were delivered by Encounter Youth, have reached about 2,500 students through 25 seminars. This year, the Office of the Liquor and Gambling Commissioner has joined a range of state government agencies already supporting Safety at Schoolies. The grant has enabled Encounter Youth to conduct 15 seminars in schools in the lead-up to the annual schoolies festival.

These seminars were a proactive way of conveying key safety messages to soon-to-be schoolies about a range of issues including alcohol use. For most students, finishing their SACE is certainly a good cause for celebration, and we obviously need to support them to have fun but in a safe way. While we do what we can to hone safety messages to schoolies when they are in party mode, there are many advantages of connecting with them before they actually finish their studies.

By talking to young people while they are still at school, we are able to engage more students at any one time. Most importantly, we can connect with them when they are at their most focused and will have more time to positively plan, ask questions and, ultimately, heed the warnings and, hopefully, not be subject to being caught up in the spur of the moment during the celebrations.

The seminars focused on safe partying tips, including information on responsible drinking, penalties associated with underage drinking and dry areas. The seminars challenge students to think about situations and, in turn, equip and empower them with safe partying strategies. I understand that the seminars are very interactive and scenario-based, so that young people think about what they would do if they found themselves in certain situations.

A wide range of schools, including public and private schools in both metropolitan and rural communities, have been included in these seminars. In addition, we encourage parents to educate their teenagers about staying safe, and looking after your mates and keeping an eye out for them is obviously part of that important safety message. Parents can also provide transport for their teenagers and their friends, while schoolies should ensure that they do not get into a car with a person who is under the influence of alcohol or drugs.

I congratulate our students and hope that they have a safe and fun time during their Schoolies Week.

## SCHOOLIES FESTIVAL

**The Hon. R.L. BROKENSHIRE (15:21):** I have a supplementary question. The minister would probably be aware that Encounter Youth, along with a significant number of volunteers, does great work at Victor Harbor every year during Schoolies Week. Can the minister advise whether the government is funding Encounter Youth; if so, for how much?

**The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (15:21):** As I have just said, the government has involved Encounter Youth in conducting these seminars and has paid an additional $5,000 in state government grants for that specific program. I am not sure to what that is in addition, but I can certainly find out; I can also find out about any other moneys that we pay Encounter Youth for those or any other services.

## WATER METERS

**The Hon. J.A. DARLEY (15:22):** I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development, representing the Minister for Water Security, questions regarding water meter readings.

Leave granted.

**The Hon. J.A. DARLEY:** I have been contacted by a constituent concerned that his water meter is being read incorrectly. The constituent was advised that the reading of water meters has been outsourced to a company called AMRS (Australia) Pty Ltd. Some meters are being read incorrectly, and ratepayers are being required to foot the bill as a result. My constituent expressed concern that a ratepayer would not necessarily know whether or not their meter had been read correctly. My questions are:

1. Can the minister confirm that the reading of SA Water meters has been outsourced to AMRS Pty Ltd of 20 Chief Street, Brompton?

2. How much does this outsourcing cost SA Water each year?

3. How many letters have been sent to ratepayers by SA Water in the past 12 months advising them of incorrect readings, and what has been done to make adjustments as a result?

4. What protection is there for ratepayers who would not necessarily know whether or not their water meter had been read correctly?

**The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:23):** I will refer that question to the Minister for Water Security and bring back a reply.

## GOVERNMENT CONTRACTS, PROBITY

**The Hon. R.I. LUCAS (15:24):** My question is to the Leader of the Government. What are the probity guidelines that apply to minister Holloway, the Leader of the Government, or any other Rann government minister, relating to processes for shortlisting bidders for major government contracts (such as the desalination contract, for example)? Do those probity guidelines allow the minister, or any other Rann government minister, to attend Labor Party fundraising functions

organised by Labor's fundraising arm, South Australian Progressive Business, and paid for and hosted by a company associated with one of the bidders for the government contract?

**The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:24):** In relation to this important matter, there are, of course, protocols in place for any upcoming PPP projects. The Crown Solicitor has advised that all contact with potential bidders and their advisers should be clearly and consistently managed. The aim is to provide clear, consistent information to each potential bidder. The advice is to encourage fair competition in the bidding process and, accordingly, both maximise the commercial outcome to the state and minimise the legal risk of litigation over the process.

The protocols are that no minister or ministerial staff—apart from the Deputy Premier who, of course, and as I pointed out when the Hon. Rob Lucas last asked this question, has carriage of these matters in a ministerial sense—should meet with any potential bidder or adviser to a bidder in connection with any PPP-related issue, nor discuss a PPP project directly or indirectly with any bidder or adviser to a bidder.

Where a minister wishes to conduct a fact-finding process concerning existing PPPs, it is recommended that he or she consult with the Premier for guidelines to assist in minimising risk. If approached in a public forum or another context, such ministers and ministerial staff should politely thank the person for their interest and refer all inquiries either to the Premier or, preferably, to the director of the respective project. If the party is insistent on discussing the matter, it can be emphasised to that party that the project director is best placed with more information to answer any queries. It is important from a probity point of view that the information come from a single source. I note that any genuine bidder should understand and accept this.

The Ministerial Code of Conduct also applies and, subject to that code, hospitality from a potential bidder or their advisor may be accepted. However, on these occasions great care should be taken to ensure that there is no discussion on any aspect of the project. The Ministerial Code of Conduct does not prevent a minister from accepting moderate and occasional acts of hospitality, provided the minister first satisfies himself or herself that, in accepting the hospitality, ministerial independence will not be or appear to be compromised in any way. That assessment should take into consideration the sensitivity of the PPP bidding process and the nature and circumstances of the hospitality.

There is no prohibition on attending a function held for another purpose at which a potential bidder or their adviser happen to be present. However, it is important that any aspect of the PPP not be discussed with the bidder or adviser. In anticipating a supplementary question, I certainly have abided by those guidelines and have not discussed anything in relation to the government's PPPs at any fundraiser or other event; nor have I been approached to do so.

## GOVERNMENT CONTRACTS, PROBITY

**The Hon. R.I. LUCAS (15:27):** I have a supplementary question. I suspect that the minister is a bit sensitive, but I remind him that I did not ask about PPPs: I asked about shortlisting bidders for major government contracts such as the desal project, which is not a PPP.

Given what the minister just outlined in terms of the general principles, does he believe that there would be a perception of unfairness to other bidders for other major government contracts if, during a bidding process for a major government contract, a Rann government minister attended a Labor Party fundraising function organised by South Australian Progressive Business and paid for and hosted by a company associated with one of the bidders for the government contract? I repeat: this does not relate to a PPP project.

**The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:28):** If the honourable member wishes to talk about a particular occasion, let him do so. I have just indicated what the guidelines are. There is a Ministerial Code of Conduct, and it is a public document.

*The Hon. R.I. Lucas interjecting:*

**The Hon. P. HOLLOWAY:** I have indicated to the honourable member what those guidelines are; if he does not want to read them, that is his problem.

## GOVERNMENT CONTRACTS, PROBITY

**The Hon. R.I. LUCAS (15:28):** I have a supplementary question arising out of that answer. Is the minister saying that the guidelines he just read out would allow him, as a minister, to attend a Labor Party fundraising function organised by South Australian Progressive Business—

**The PRESIDENT:** Order! The minister did not say that.

**The Hon. R.I. LUCAS:** I am just asking a question.

**The PRESIDENT:** No; you are trying to put words in the minister's mouth.

**The Hon. R.I. LUCAS:** No, I am not.

**The PRESIDENT:** The minister did not say that. He quite clearly answered that part—

**The Hon. R.I. LUCAS:** Would you like to ask the question for me, Mr President?

**The PRESIDENT:** The minister quite clearly answered that part of the question.

**The Hon. R.I. LUCAS:** Would you like to ask the question for me, Mr President?

**The PRESIDENT:** The question is not directed to the President.

**The Hon. R.I. LUCAS:** Exactly. So, as a supplementary question to the leader arising out of his answer, is he indicating—not has he or did he—that the guidelines he outlined to the council would allow him, as a minister, to attend a Labor Party fundraising function organised by South Australian Progressive Business that was hosted and paid for by a company associated with one of the bidders for a major government contract?

**The PRESIDENT:** I remind members it is a repeat of a previous question.

**The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:30):** I assume it is a hypothetical question, in which case it is out of order.

## PREMIER'S WOMEN'S DIRECTORY

**The Hon. J.M. GAZZOLA (15:30):** I seek leave to make a brief explanation before asking the Minister for the Status of Women a question regarding the Premier's Women's Directory.

Leave granted.

**The Hon. J.M. GAZZOLA:** South Australia's Strategic Plan has a target which aims to achieve 50 per cent representation of women on government boards and committees. The Premier's Women's Directory was established to assist with meeting this target. Will the minister provide more information on the Premier's Women's Directory?

**The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (15:30):** I thank the honourable member for his most important question. The Premier's Women's Directory is indeed a very dynamic online database of South Australian women who are ready to serve on boards and committees. It was established in 2004 to assist in establishing a gender balance on boards and committees in South Australia and to achieve goals set out in the South Australian Strategic Plan. I am proud to say that the directory has the CVs, and it has just hit over the 600 mark, Mr President, which I know you are personally pleased and delighted about; I can tell by the expression of delight on your face.

*An honourable member interjecting:*

**The Hon. G.E. GAGO:** He is nodding; he is impressed; I have impressed him. We have hit the 600 mark, with 600 very talented South Australian women. The directory has been proven to be a highly practical and mutually beneficial resource, and I encourage organisations to take advantage of this database of board-ready South Australian women, in both the private and the public sectors.

The South Australian government is committed to promoting the percentage of women in all areas of decision-making. We want to be at the forefront of encouraging women's leadership, and we want to ensure it applies to all South Australian women no matter their location, ethnicity or background.

Women in this state should reach their full potential, and that is why this government has set targets in our strategic plan for women's leadership. South Australia has a proud history of women's achievements and remains at the forefront of setting clear and strong targets for balanced gender representation on government boards and committees.

As a result of the Rann government's commitment to women's leadership as well as the high quality of women listed on the Premier's Women's Directory, South Australia has become a national leader for women on government boards and committees. At 1 November 2008 women held 44.97 per cent of positions on government boards and committees. This represents an increase from 34.68 per cent at 1 April 2004, following the release of the South Australian Strategic Plan. These numbers provide a stark contrast with the very dark days of the previous Liberal government, during which the percentage of women on boards was only slightly over 30 per cent, which is a disgrace.

Also at 1 November 2008, women held 33.94 per cent of chaired positions on boards and committees, and this represents an increase of women as chairs from 24 per cent at 1 April 2004, following the release of the strategic plan. The Rann Labor government is committed to ensuring that women are not overlooked for leadership positions because of their gender. Through hard work and initiatives like the Premier's Women's Directory this government intends to set the bar in South Australia for balance on boards and committees.

## DESALINATION PLANT

**The Hon. M. PARNELL (15:34):** I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a question about the Port Stanvac desalination plant.

Leave granted.

**The Hon. M. PARNELL:** Today the government released the environmental impact statement for the Port Stanvac desalination plant. Recently, under freedom of information, I received a copy of the form 'Request for expressions of interest (or the EOI) to design, build, operate and maintain (or DBOM) the proposed Adelaide desalination project'. Under the section entitled 'Payment mechanism', in relation to operating and maintaining the plant, the document states: 'SA Water is proposing a monthly operate and maintain service payment to the operator that may include the following components', and one of the inclusions is, 'shutdown charge based on the period of plant shutdown (e.g. short, medium and long term) as requested by SA Water'.

These types of clauses are often described as 'take or pay' clauses, and they are usual inclusions in public-private partnership or DBOM desalination contracts. For example, the DBOM contract between the New South Wales government and the private operator of the Kurnell desalination plant includes a take or pay clause that requires the government to pay millions of dollars in holding costs even if the water is not needed.

In Victoria, similar questions have been asked about take or pay clauses in that state's desalination contract. For example, the business writer for *The Age*, Kenneth Davidson, made the comment that no bank would lend $3.1 billion to build a plant capable of supplying 40 per cent of Melbourne's water at a price five to six times the cost of present supply without a watertight contract guaranteeing the repayment of the principal and interest on the loan.

I understand that the Sydney DBOM contract also contains a clause allowing the operator of the desalination plant to operate full-time for the first two years of the plant, regardless of whether or not the water is required. My questions of the minister are:

1. Will the government rule out a take or pay clause in the final contract with the Port Stanvac desalination plant operator?

2. If, once the desalination plant is up and running, water is spilling over the Happy Valley reservoir, will SA Water be able to ask the operator to stop producing more water without being charged prohibitive fees?

3. Will the government rule out any guarantees of purchasing a minimum amount of water from the desalination plant in the initial period of the plant's operation?

4. If there are no take or pay clauses in the final contract, how will the contractor guarantee the income stream required to fund its investment in the plant and ongoing staffing and other costs?

**The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:37):** I would have thought that the last part of the question answers the member's question. If the government was not going through a PPP and had to fund this plant, it would have to pay—someone has to pay for the plant. I think it was interesting that, when the EIS was announced today, the Hon. Mark Parnell was down there to voice his opposition to it before it had even been released. But I guess we would expect that.

These operational issues are really matters for my colleague the Minister for Water Security, and I will refer the question to her for an answer. My role as the Minister for Urban Development and Planning is to ensure that the major development process is undertaken properly. The EIS is part of the major projects process.

The environmental impact statement was released today, and it is up for public consultation for six weeks. That period runs until Wednesday 24 December, with submissions to be lodged with Planning SA. In addition, a public meeting to be organised by Planning SA will be held on Monday 17 November at 7.30pm at the Hallett Cove Baptist Community Centre. I understand that the EIS is now up on the major developments section of the Planning SA website, and I would invite anyone with an interest in this matter to have a look at it.

The question that the honourable member asked was not so much about the environmental impact statement but about funding. That is clearly a matter for my colleague the Minister for Water Security, and I will refer it to her. However, I think we all understand that, if we are to have water security, we need an alternative supply of water and it has to be paid for by consumers. There is really no other way in which we can achieve that objective.

## REMEMBRANCE DAY

**The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:40):** I lay on the table a ministerial statement on Remembrance Day made today by the Minister for Veterans Affairs.

## DESALINATION PLANT

**The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:41):** I lay on the table a ministerial statement on the Adelaide desalination project EIS made earlier today in another place by my colleague the Minister for Water Security.

## PARTNERSHIPS (VENTURE CAPITAL) AMENDMENT BILL

Second reading.

**The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:42):** I move:

That this bill be now read a second time.

I seek to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

In 2002, the Commonwealth Parliament enacted the *Venture Capital Act 2002,* which was aimed at attracting venture capital to Australia. The *Income Tax Assessment Act 1936* (Cth) was also amended to allow these entities to be taxed as flow-through vehicles (that is, tax exempt) in accordance with internationally recognised best practice for the treatment of venture capital:

- a venture capital limited partnership (VCLP);
- an Australian fund of funds (AFOF); and
- a venture capital management partnership (VCMP).

The States then amended their various Partnership Acts to take advantage of these changes. In May 2005, the Governor assented to the *Partnership (Venture Capital Funds) Amendment Act 2005* (the *2005 Amendment Act*), which came into operation on 2 February 2006.

The Commonwealth has recently granted tax relief for another form of venture capital fund that invests in small businesses—the early stage venture capital limited partnership (ESVCLP). If South Australian small businesses are to take advantage of attracting investment from these sources, the *Partnership Act 1891* should be amended to provide also for their incorporation upon registration.

To recognise ESVCLPs and allow them to take advantage of the Commonwealth's tax relief, the Government proposes that section 51D(3) of the *Partnership Act 1891* be amended to include them. The other amendments proposed are consequential on that inclusion.

This measure is aimed specifically at encouraging investment in start-up enterprises with a view to commercialisation of their activities. The goal is that small and medium businesses seeking capital injections to finance future, high risk or expansionist activities or both should find it easier to obtain that capital. The ESVCLP. regime will complement the VCLP rules, and encourage additional funding at the smaller end of the market.

There may be significant benefits for small businesses by making it easier and potentially cheaper for them to raise finance to fund high risk projects or expand or both. If other States introduce changes to partnership laws to enable registration of an ESVCLP and South Australia fails to do so, it would put the establishment of locally based early stage funds, which (according to the Venture Capital Board) is already difficult because of the size of our investment market, at a further competitive disadvantage. The Government has been informed by the former Commonwealth Minister, the Hon. Ian Macfarlane, that one other State is well advanced in its deliberations on the need to amend its partnership law to accommodate the ESVCLP vehicle.

The amendment is necessary because only the States can provide for the incorporation of partnerships. Incorporation is necessary because that gives the partnership the legal capacity of an individual both inside and outside the State, including the power to acquire, hold and dispose of real and personal property, and the ability to sue and be sued.

The 2005 Amendment Act provided for a new form of corporate entity—the incorporated limited partnership—and followed similar legislation in other States. Any of the above entities (indeed, any partnership) can apply for registration under the *Partnership Act 1891* and automatically be granted corporate status by doing so. The register of incorporated limited partnerships is maintained by the Corporate Affairs Commission.

The incorporated limited partnership is the business structure preferred by international venture capital investors (particularly United States funds) and these vehicles are recognised by the new Commonwealth taxation regime. Under South Australian law, they must have at least one general partner and one limited partner. Limited partners are not allowed to take part in the management of any limited partnership, incorporated or otherwise.

ESVCLPs are limited partnerships that will be treated as flow-through vehicles for tax purposes. Partners, whether resident or foreign, will be exempt from income tax and capital gains tax on all income and gains derived from eligible investments and disposals of eligible investments made through the ESVCLP The aim of providing a tax concession for ESVCLPs is to encourage venture capital investment in the early stages of start-up to assist expanding businesses with high growth potential.

This new business structure effectively replaces the Pooled Development Funds scheme. It will offer tax free returns to both overseas and resident investors where the ESVCLP makes eligible early stage investments; that is, investments in eligible entities with total assets of not more than $50 million before the investment is made.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Partnership Act 1891*

4—Amendment of section 51D—Who may apply for registration?

The proposed amendment to this section is to include Early Stage Venture Capital Limited Partnerships (ESVCLPs) as limited partnerships to which the Act applies.

5—Amendment of section 52—Application for registration

6—Amendment of section 65A—Limited partner not to take part in management of incorporated limited partnership

7—Amendment of section 71E—Lodgment of certain documents with Commission

8—Amendment of Schedule 1—Savings, transitional and other provisions

Each of the amendments proposed to clauses 5 to 8 is consequential on the inclusion of ESVCLPs as limited partnerships to which the Act applies.

Debate adjourned on motion of Hon. J.M.A. Lensink.

## LIQUOR LICENSING (POWER TO BAR) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 28 October 2008. Page 434.)

**The Hon. M. PARNELL (15:42):** This bill is very much like the curate's egg: there are some good parts to it, but other parts are quite awful. The Greens support that part of the bill which gives the police the power to bar persons from licensed premises when such barring is warranted by their behaviour, particularly offensive behaviour, or on welfare grounds. Proposed new section 125B provides the police with those powers. It is a sensible amendment because the police in other aspects of society are charged with the responsibility of enforcing appropriate standards of behaviour in public places, and it seems that that should extend to licensed premises as well. It also has the potential to take off some pressure on licensees where the barring order can be instituted by the police, which might provide a level of protection for licensees. Whilst they may be happy with the barring order, because the licensee is not the one who has made it, they might feel a little safer if they were to come across barred persons in the street.

The main concerns I have with the bill are in relation to the police power to bar based on criminal intelligence. This concept of criminal intelligence is creeping its way into South Australian legislation. We saw it first with the anti-terror laws, and a majority of members of parliament, whether here or in the commonwealth parliament, saw that it was a compromise they were prepared to make, to sacrifice some of our standards of criminal justice, to sacrifice some of the human rights we have come to expect and have acquired over centuries, in the interests of fighting the odious threat of terrorism. We then found that the same principle was injected into other legislation, most recently in relation to the so-called bikies legislation. Now we find that criminal intelligence is finding its way into decisions about who can and who cannot drink in a bar.

The question has to be asked: where will this trend stop? Is this the end of criminal intelligence being inserted into South Australian statutes, or does it have a way to go yet? The police powers on using criminal intelligence are quite extensive. Under proposed new section 125A the police can bar a person from entering or remaining on: specified licensed premises; or licensed premises of a specified class; or licensed premises of a specified class within a certain area; or all licensed premises within a specified area. Taken to its logical extreme, it could include all licensed premises in South Australia, so it is an extensive power.

The power will be backed up by criminal intelligence. By its nature, criminal intelligence is information that is kept secret. In particular, it is kept secret from the person to whom it relates. The standard of criminal justice that we have come to expect in this state (before the introduction of the notion of criminal intelligence) was that everyone had a right to know of the case against them, particularly in relation to criminal matters. Now, however, we are talking about the case against them in relation to whether or not they should be barred from licensed premises. That is the first principle.

The second principle is that everyone should have a right to be able to test the evidence against them. That means being able to test its veracity and to ask questions of those giving evidence in support of whatever the sanction might be—in this case, the need to bar someone. Both those rights have been regarded as fairly fundamental in this state when someone's rights are about to be infringed, such as their right to liberty in terms of criminal matters—in this case, a lesser right, but still important: the right to attend licensed public premises. We can get to the situation with criminal intelligence where it seems that everyone knows what is going on in the system except the person who is most concerned, and that is most alarming.

The philosophical basis behind the use of criminal intelligence for barring orders is probably no different to what it was in the so-called anti-bikies legislation but it does have some quite sinister downsides in this place. One downside is that these barring orders could be used as a form of punishment or harassment against individuals without there being any real rigour attached to whether or not the barring order was appropriate. In a nutshell, the use of criminal intelligence in any regime, whether it is in relation to licensing law or criminal law, makes the system less accountable.

Whilst the Greens are happy to support the sensible measures in this bill in relation to involving the police in removing disruptive and abusive people from licensed premises, we do not support the open cheque that is given to the police in relation to barring people on the basis of criminal intelligence, so we do not support those parts of the bill.

**The Hon. R.L. BROKENSHIRE (15:48):** Family First will be supporting this bill. However, I did want to go on the public record about a couple of fundamental points. In the past I have spoken quite a bit on the public record, as well as in my capacity as a former police minister, about trying to improve law and policing situations to combat outlaw motorcycle gangs. First, we must remember that these gangs want to work outside of the law. They work outside of the law for two main

reasons: one involves getting huge amounts of cash as quickly as they can through undertaking, most of the time, illegal enterprises—if I can put it that way; and the other involves having far too much input into drug production and trafficking, which damages a lot of young people. This is done for the gangs' own gain but at a cost to our young generation who need to be protected and kept safe in public environments.

The government cites the history of the Tonic nightclub and the Gouger Street shootings as part of the impetus for this bill. While it is a reactive measure, I am happy to support the government in its endeavours to give the police more powers. The general public, in my opinion, need never feel afraid of tighter laws that are targeted towards outlaw motorcycle gangs. The police are very professional in the way they go about their work. If you are an average Jill or John out on the street enjoying yourself, you will not have to fear inappropriate policing activities as a result of this bill.

Since the bill was introduced, we have seen more recent shooting incidents, which have raised public concern. Whilst giving the police additional powers is one thing (and, as I have said, I support that initiative), I would like to see the police provided with more resources. I am concerned about the number of illegal firearms that are getting into the wrong hands in South Australia, which is something that seems to have accelerated quite a lot. I know that the firearms section has in recent years been very restricted when it comes to resourcing, and the government should be looking to provide further funding and support in that line of the budget within SAPOL's overall budget.

We saw a June shooting at the Buddha Bar and, on Sunday 5 October, a shooting at Gaucho's Argentinian Restaurant, which was described in *The Advertiser* the following day as 'the shooting in the early hours of Sunday morning was the second to occur outside the popular Gaucho's Argentinian Restaurant, next door to Escobar'.

Police can rely upon their criminal intelligence to bar someone without an offence or threat having to occur. I note that a promotion for *Today Tonight's* program tonight claims that all the bikie gangs are forming a coalition to fight the government on its anti-bikie legislation, and I expect that this will be another bill that they will also contest.

My concern about this bill is whether there will be enough police to do the job. The Rann government made a commitment on police numbers, many of which we are yet to see delivered. I must ask whether, when that was agreed to, the anti-bikie regime and the massive expansion of Operation Avatar taskforce was foreseen. I would not expect a local traffic police officer or a general duties officer to be at the forefront of policing this legislation and implementing the power to bar.

Operation Avatar will require specialist police. I am concerned that Operation Avatar is undermanned, and I ask the minister to give due consideration to this issue. It is one thing to pass laws, but it is another to back it up with the right resourcing to ensure that, in practice, the laws work. I am concerned that Operation Avatar does not have the necessary number of police officers to be able to do this additional work for which they will no doubt be primarily responsible.

I also place on the public record my appreciation of all the good work done by SAPOL, particularly Operation Avatar, which is a very difficult area of policing. I commend those officers who are part of Operation Avatar.

We ask that the government report on the use and effectiveness of these provisions. I noted the comments made by my colleague in his speech preceding mine. Whilst we are happy to give these increased powers to police, I believe that, for transparency, the government must ensure that reports are put to the parliament that look at the use and effectiveness of these additional powers. These are increased powers for police and, in those circumstances, I think it is always worthwhile for parliament to receive a report from time to time on how its laws are working. After all, these are not the government's bills; they belong to the parliament, and the parliament is not only responsible but accountable for its bills. I think it is only fair that we are advised of progress once this legislation has been passed.

This afternoon, we received correspondence from the minister's office indicating that there will be new amendments to include barring powers for the casino. With respect, I say to the minister that, when we receive these notifications, it would be good if we were given a slight amount of time to do our homework before we have to come into this place to give our support, or otherwise, to these bills. A lot of legislation passes through this chamber, and it would be

appreciated if the government would give honourable members a little more time on occasions so that we can be properly briefed.

With those comments, I indicate that I have pleasure in supporting this bill. I trust that the bill will help to address safety issues in relation to nightclubs and licensed premises in South Australia.

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

**NURSING AND MIDWIFERY PRACTICE BILL**

Adjourned debate on second reading.

(Continued from 28 October 2008. Page 433.)

**The Hon. J.M.A. LENSINK (15:55):** I rise to address this bill briefly. Much debate on this bill has taken place already in another place, so I do not propose to cover that ground but to make some general contributions and also raise some questions and concerns to which, I trust, the government will respond.

This bill was introduced in the House of Assembly on 23 September this year, so we seek to move it fairly expeditiously through both houses. In many ways, it reflects the other health practitioner bills which this parliament has been amending and updating following the Medical Practice Act 2004. It modernises the Nurses Act 1999 which, in relative terms, is fairly new legislation, and I think that reflects that in the health sector things move fairly quickly and, indeed, consumers have greater expectations which we welcome.

This bill has taken several steps to modernise the regime. The bill has a primary act to protect the health and safety of the public, and it does a number of things to ensure that properly qualified people are registered as nurses and/or midwives, or enrolled nurses or indeed students. It also provides that corporate providers of nursing and midwifery care can be held accountable for the services of their employees as nurses under this act and that decisions of the Nurses and Midwifery Board are to be more transparent. It allows for nurse practitioners—of whom we currently have some 28—to continue with adequate training. It provides for new definitions of nursing and midwifery, and that practitioners have to be personally capable of providing care to another 'without endangering the other's health or safety'.

It provides that seven of the 11 members of the board must be nurses or midwives; that terms on the board are limited to three terms or nine years; that a complainant is entitled to be involved in the proceeding on the hearing of any complaint; that registers of nurses' roles are to be kept by the registrar, including a student register; that the board can impose a condition if a professional has not worked for five years or more; that the board, with the approval of the minister, can develop codes of conduct; and that practitioners are required to answer questions but that that information can be used only for disciplinary purposes and not as evidence for criminal proceedings.

It provides for inspectors and offences in relation to hindering or obstructing them in the carrying out of their duties; that, in certain circumstances, a single board member can determine a complaint; that the board will have power to suspend or impose conditions prior to the hearing of a complaint; and that the appeal process changes from the jurisdiction of the Supreme Court to the Administrative and Disciplinary Division of the District Court.

Those are the general provisions. I think one of the things that has already been mentioned in the council has been the welcoming of the special recognition of midwifery as a specialised arm of nursing, and a number of comments have been made already which I do not propose to go over. I note that, in the debate in the other place, concerns were raised by our health spokesperson, the member for Bragg, that mental health nursing has been downgraded, if you like, in its recognition through this act.

Instead of having a separate register, there will now be an asterisk, and people then need to find out what the asterisk means to realise that that signifies a mental health nurse. There was much discussion about that, and I will not repeat it, but I think that we need to recognise that the mental health nursing profession is a very specialised area. Most people would agree that it is very hard work and often challenging at times, and that those nurses undergo very highly specialised training in order to practice in that area.

One of the areas for which the minister undertook to bring back some answers between the houses related to training. As is the case with all allied health practitioners, at least, if someone

does not practise for five years then they must do some form of refresher course. Indeed, it is something about which I inquired in relation to my physiotherapy qualifications. I think there was a bit of a misunderstanding on the part of some other members who were not directly involved in the debate in the House of Assembly, and who talked about health practitioners being able to keep up their registration simply by reregistering. In fact, when we sign our registration form we must all sign a document declaring that we have practised within the 12 months.

A couple of years ago, when the physiotherapy legislation was changed, I was advised by the board that I would need to take out public liability insurance because the category of a non-practising physiotherapist no longer existed, so I have since dropped that. That is my long-winded way of saying that a person cannot continue to register unless they are actually working and have the relevant insurance, because it is not really worth it.

An issue has come up in relation to nursing. I think we all agree that if someone has not practised for five years they ought to do some form of refresher course—usually something in the order of 12 to 14 weeks. In relation to the Nurses Board, there is no actual legislative requirement for when someone has not practised for some 10 years; that is not prescribed in this legislation, and the minister has advised that the matter is dealt with by the board itself. The member for Bragg raised a couple of examples of people who had been out of the workforce for something like 10 or 15 years and who had been advised by the board that they would have to repeat the entire bachelor degree—something we think is quite unreasonable. The information the minister brought back provided us with a copy of the justification. In his letter he states:

> I am pleased to be able to provide you with the attached response from the board in relation to:
>
> - the board's ability to report in detail the number of suspensions and/or removals from the registry per year in the annual report provided by the board;
> - justification of the 10-year rule that requires the nurse or midwife who has not practised for 10 years or more to undertake educational training

Then he says:

> During the debate I referred to a copy of the *Australian Nursing and Midwifery Council's Code of Professional Conduct for Nurses and Midwives in Australia.*

So a number of documents have been provided, and I am grateful for that. It is a quite significant number of pages, but the pertinent part to which I would like to refer is from the Nurses Board of South Australia under the title 'Justification of 10-year rule to undertake educational training'. There is nothing in there that supports the individuals referred to by the member for Bragg having to undertake all the training again (it is a three or four-year bachelor degree), and I would like to read that into the record because I believe it is important to demonstrate that the Nurses Board does not seem to have that policy, yet people have been told that they do. It states:

> The Nurses Board of South Australia (nbsa) does not have a policy that requires a nurse or midwife who has not practised for 10 years or more to undertake a re-entry program before being eligible for reinstatement to the register or roll.
>
> Section 29(1) of the Nurses Act 1999 requires that where a registered nurse has not practised nursing for a period of five years or more, she/he must not practise nursing without first obtaining the approval of the board. This provision is to ensure that the public are protected and ensure that the person applying to return to the register can provide evidence that demonstrates they have the required contemporary knowledge and skills to demonstrate competence to practise nursing using the ANMC National Competency Standards for the Registered Nurse (2006) and can meet other relevant requirements for registration including medically fit and a fit and proper person.

An assessment is made by the board to ascertain whether registration can be approved or whether the person needs to undertake an approved Registered Nurse re-entry program. The assessment includes the length of time the person has been away from the practice of nursing, the breadth and depth of nursing experience the person acquired following initial registration, their continuing professional development in nursing and any nursing-related activities undertaken during the period of absence, as well as consideration of the changes in health care, particularly in relation to the use of technology, new medications and continuous improvement in therapeutic interventions and their impact on contemporary nursing care.

A board-approved RN re-entry program can be undertaken as a short continuing education course (with a minimum of 14 weeks' duration), including a theoretical component and clinical experience placement to demonstrate the National Competency Standards for the Registered Nurse 2006.

Alternatively, a board-approved RN re-entry program can be accessed as a pathway through the Bachelor of Nursing, whereby a person receives recognition of prior learning (RPL) for previous education and experience and completes the outstanding units of study, including a clinical experience placement to demonstrate the National Competency Standards for the Registered Nurse 2006. Commonly, this results in the person completing a minimum of two semesters of full-time study of the six-semester or three-year Bachelor of Nursing. The person is not only eligible to be registered with the board but also may have the added benefit of upgrading their existing nursing qualification to a bachelor degree. This concludes my comments on that aspect of the bill.

I have other issues I wish to raise which are not necessarily directly related to the provisions of the bill but which are relevant in other ways, including the national registration scheme through COAG arrangements that has been talked about. Through one of my Queensland colleagues, it has come to my attention that the Queensland government proposes to proceed with a national registration and accreditation scheme for health professionals. On 17 October 2008, the Queensland Minister for Health (Hon. Stephen Robertson MP) stated:

> Australian health ministers have agreed that I should provide to you a copy of the first bill for your information prior to its introduction into the Queensland parliament. A copy of the Health Practitioner Regulation (Administrative Arrangements) National Law Bill is attached. Subject to Parliamentary priorities, I expect to introduce the Bill into the Queensland Parliament this month.
>
> As the National Law Bill is based on the Intergovernmental Agreement signed by the Council of Australian Governments on 26 March 2008, a formal exposure draft process was not considered appropriate for this first stage of the legislative program.

This is the first formal information I have seen in a while about the new national registration scheme which, as I stated, has been talked about in relation to other health practitioner bills. Will the government advise whether this is a template bill, through the IGA process, that we will debate at some stage and, if so, when? Will the government also advise which aspects will come under the national scheme—whether it will be just the registration, in terms of contact details, or whether it will include disciplinary provisions and so forth? I think a number of health professionals will be interested to know about that matter.

The second matter I wish to raise, with some comments and questions for the government, is in relation to the Controlled Substances Act. This has been an issue particularly in aged care facilities, where a paper was circulated to the Nurses Board and so forth in relation to schedule 4 and schedule 8 medications and the level of qualification of workers (including care workers) and enrolled nurses, but not of registered nurses as they are allowed to administer those.

There are some different anomalies in low care facilities, with far fewer enrolled nurses, so they rely on their carers being able to administer some of these scheduled medications. In relation to low care facilities, enrolled nurses are permitted to administer S4 and S8 medications, while in high care facilities enrolled nurses are permitted to administer only S4, not S8 medications. That has been an ongoing issue for the aged care sector, so my question on that one is: will the government change the regulations and, if so, when?

My final issue is in relation to agency nurses, and I note from the member for Bragg's contributions on this bill that, when she made her general consultation—as we all ought to do—and she contacted all of the different stakeholders, she spoke to some of the agencies, and they had not been contacted by the government to gain their opinion on this bill. I think that is downright sloppy, but there you have it. A stakeholder has written to me as follows:

> Agencies are a growing force in our market, which has brought with it several disadvantages to aged care providers:
>
> 1. The hourly cost of staff from agencies is significantly above the rates paid for staff directly employed by providers.
> 2. There is no incentive for agencies to curtail rates. Indeed, as they are paid a percentage of the rates, they have an incentive for rates to increase.
> 3. In an environment of workforce shortages, the agencies actually contribute to the shortage by offering a better-paid, less responsible and more flexible alternative to direct employment.
> 4. Our members consider agency staff less effective than those directly employed because they are often unfamiliar with the procedures etc and accept less responsibility for things than the direct staff.

He then says:

We understand that several years ago the Victorian Dept. of Human Services set up its own agency and instructed a public hospitals to use it exclusively. This immediately brought down costs to the government and to other organisations using agencies.

He asks whether the government would consider such an agency itself. I ask a numerical question for the government: what is the total quantum of expenditure on nursing agencies throughout our health system in South Australia? With those remarks I endorse the bill to the parliament.

**The Hon. M. PARNELL (16:13):** The Greens are very pleased to be supporting this bill, which will modernise the regulation of the nursing and midwifery professions in South Australia. We note that in its mechanical form the bill is very similar to other bills which we have considered and which seek to regulate various branches of the health profession. I am particularly pleased that this bill acknowledges the important and separate role of midwives, because as a branch of the health profession they deserve special treatment, and I think society is moving towards recognising their special and unique role.

In relation to nursing and midwifery—and, in fact, all the caring professions—the Greens believe that they are generally underpaid and undervalued in society. In fact, I would lump in with the caring professions the teaching professions; in fact, those professions that offer us health and knowledge are undervalued compared with those that offer us material wealth, but that is an aside.

Nurses and midwives are usually with us at our birth and, in many cases, nurses at least are with us at our deaths. Most of us try to avoid them between those two periods.

**The PRESIDENT:** I married one!

**The Hon. M. PARNELL:** Mr President, I am glad that you married one. My mother was one, and most of us would find that we have them in our families. We try to avoid them unless we want to have families, in which case very often we choose to engage with the midwives, in particular. Many of us, when planning the experience of birth (if we are, in fact, in a position to do so), will often say that we want midwives to play a dominant role. Many people say, 'Keep the doctors away. I just want to deal with the midwives if I can.' I think that is a reflection of the role they play and their level of importance.

Many people who have babies choose to do so in the context of a hospital and, in recognition of the fact that doctors are not always needed, many hospitals have special birthing units where the doctor might be around the corner but plays no particular role in the delivery. Increasingly, people are looking to have more natural births, whether it is at home, in hospital or in a birthing centre. People like to know that the doctors are there, but they do not necessarily want them to be involved unless it is absolutely necessary. In relation to nurses, if one was to take a straw poll in Rundle Mall, for example, and ask people who they would prefer to give them an injection, a nurse or a doctor—

**The Hon. R.L. Brokenshire:** Neither.

**The Hon. M. PARNELL:** —I am sure that most people would go for the nurse—except the Hon. Rob Brokenshire, who does not want either to give him an injection.

In relation to these two professions, we find in society that they are often at the forefront of other moves for social change, even outside the field of medicine and health. For example, I recently attended a rally calling for a better deal for aged pensioners, which was held a few weeks ago in a church in the city. Members of the Nurses Federation were there in some numbers. The issue did not relate to them in their role as health professionals but, clearly, in the package of measures that go to make up a just society, the nurses clearly felt that they wanted to support pensioners in their quest for a rise in the aged pension.

The Greens have no objection to any of the mechanical parts of the bill. We think it is a timely bill. The separation in recognition of the two professions, I believe, is well overdue, and I just want to put on the record my support for both these groups and my recognition of the high standards they have maintained until now. I am sure that this bill will provide the framework for those high standards to continue into the future.

**The Hon. R.L. BROKENSHIRE (16:17):** I am pleased to contribute to the second reading of this bill. I note that this is part of a sweeping set of reforms across the medical and health care professions, which are welcome changes for greater recognition of health care providers and their professionalism.

Midwifery has been added to this bill, and I see it as a very welcome inclusion. In fact, just for the history books, midwifery dates back to the 12th century BC (Mr President, I am sure you have studied this). It is recorded in the book of Exodus in the Bible that the Hebrew midwives were praised for their bravery in protecting Hebrew newborns from the state-sanctioned genocide of the Egyptian government under the pharaoh. Midwifery is not a new concept, and I doubt that it will ever go away.

In fact, I really appreciated the assistance of the midwives on the occasion of the birth of our two daughters and son—and particularly on the third occasion, when both the doctor and I were late getting there: we arrived just in time to see the midwife carrying out the delivery. Also, putting up with me on three occasions is enough to realise just how great they are at their job. It is hard enough looking after the mother to be, let alone the father who is next to hopeless and more nervous than anyone. However, new life is just a beautiful thing to behold, and I am sure that the midwives derive great pleasure from their work.

I understand that the 2007-08 annual report of the department reveals that there are 28,000 nurses and midwives, comprising roughly three-fifths registered nurses, one-fifth enrolled nurses and one-fifth registered midwives. I am also advised that some 7 to 9 per cent of nurses are now male, which is good to see. The 2006-07 Nurses Board of South Australia Annual Report indicates that there were 173 complaints against nurses, comprising 133 against registered nurses or midwives, and 27 against enrolled nurses, all of which complaints were reportedly investigated and none of which went to the District Court.

As the nursing profession becomes more professional it brings the inevitable question of whether nurses will need to engage in more professional development. At present I understand they are not required to do so, but I also understand that the profession nationally will be driving towards that as an outcome for the nursing profession. Matters of ethics are not contained in this bill, as is the case with a number of other professions, but I place on record my appreciation of the code of ethics to which the profession adheres and, in particular, the way in which that operates in allowing conscientious objection to participating in abortions. A great number of nurses quietly and politely decline to take part in abortion in city and country hospitals alike, and I believe this parliament should uphold and applaud their decision to do so.

I cannot conclude, however, without mentioning country hospitals and the terrible shame that faces us with respect to the country health changes. A number of hospitals no longer provide midwifery services, as we saw in version 1 of the Country Health Care Plan, and now version 2 has been tabled, which we are reviewing. Midwifery services were to be withdrawn from or no longer guaranteed in a number of country hospitals. To give some glaring examples, I cite the South-East, Yorke and Eyre Peninsulas and McLaren Vale. My wife and three children were all born in the McLaren Vale War Memorial Hospital, so I have seen the work done by the midwives, nurses, doctors and, importantly, the volunteers there in developing a new birthing unit, sadly to see it operating for only a couple of years. Through decisions of government, that birthing facility has been closed.

Family First does not agree with this sort of action being taken by any government. We do not want to see families faced with the prospect of births taking place by the roadside or wives relocating away in their last trimester to be nearer to hospitals where they can safely give birth. However, that is happening in country areas at the moment. It is an unfortunate and undesirable situation and I believe that women throughout the state deserve fair and equitable access to midwifery. With those general comments, for the reflection of the minister and others within his department responsible for the bill, Family First supports this bill.

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

## PLASTIC SHOPPING BAGS (WASTE AVOIDANCE) BILL

Adjourned debate on second reading.

(Continued from 28 October 2008. Page 436.)

**The Hon. J.M.A. LENSINK (16:24):** I rise to indicate the Liberal Party's opposition to the bill and to place some comments on the record. There are developments that should give us cause to rethink these provisions. We will support the second reading but, if necessary, will call for a division at the third reading. I give that notice so that other members can make a firm decision on the way they feel about this measure, one way or another. This bill is a classic case of using a sledgehammer to crack a peanut. These single-use plastic bags are one of the most maligned but

useful objects ever created and, whilst I agree that we ought to undertake measures to decrease their use, we think it is quite patronising of a government to declare that they must be outlawed and that South Australians will no longer be able to use them.

They are a very conspicuous part of the litter stream which is, I think, why they have been picked on and, yet, they are a very narrow part of the litter stream. As honourable members will be aware, it is fairly obvious that there are much more hazardous parts of the litter stream, such as ewaste, and there are parts of the litter stream which are much larger in volume. Indeed, there is some research which demonstrates that these particular bags (single-use bags) which are being banned may actually play some role in stabilising methane gases in landfill.

As a bit of background, this measure was announced by the government earlier this year and, initially, it was to take effect on 1 January next year. I think the government has wisely listened to the retail sector which said that, as it will be in the middle of the silly season, the government may not want to introduce major changes, because if retailers are to redefine their checkouts that would take place in the middle of December, which is clearly a peak time. I am pleased that the full ban will not commence until 4 May—if, indeed, this measure gets through.

This bill bans plastic shopping bags which are made of HDPE, have a thickness of less than 35 microns and must include handles. I have to say that this topic is one which startles people when you tell them what is actually being banned. These are the so-called barrier bags. It would not surprise me with particular products that people purchase at the moment (mostly meat products as people often do like to have a plastic bag) that there would need to be some sort of a substitute. Indeed, I think there will be a lot of substitution of the humble checkout bag as people will then need to purchase bin liners and so forth for hygiene reasons.

Looking at the history, in 2003 the Australian Retailers Association developed a code of practice with a commitment to reduce plastic bag usage by 50 per cent by the end of 2005. The target was not reached but plastic bag usage was reduced by 45 per cent, so it only fell shy by some 5 per cent. One would think that, once the voluntary measures have been extinguished, it is time to bring in other things—the stick approach, if you like. The Liberal Party's formal position is that it prefers a levy rather than an outright ban. Indeed, there are three options: the status quo, the levy, or an all-out ban.

We have heard much about injuries to wildlife which, obviously, is a huge concern. However, there are also issues that a lot of people in the community are not aware of: for example, the fact that the so-called biobags (which I note will be banned) actually break down into smaller pieces of plastic and are of greater concern because they can enter the food stream via leaching into watertables and the marine environment. I am pleased that they will not be exempt and, in any case, because of hygiene reasons, if they are going to break down then they are also hazardous.

The Liberal Party believes in choice. It does not believe that people should, in some blanket way, be banned from having a choice, particularly as there is much research showing that up to 80 per cent of these bags are reused. Indeed, there is a trial taking place in Victoria of a 10 per cent levy in three regions: Fountain Gate—which, of course, has been made famous by the television show *Kath and Kim*—Wangaratta and Warrnambool. A survey by KPMG has indicated that some 60 per cent of customers reuse their plastic bags as bin liners. That, of course, does not include people who might reuse them for other purposes. If I have not mentioned it here I have certainly mentioned to some of my colleagues that my sister's child-care centre is always asking parents to bring them in because they use them for the disposal of nappies.

The survey also showed that, of the customers who reused their bags as bin liners, 57 per cent expected to buy more bin liners as a result of the change. This trial has been an outstanding success with a reduction in plastic bag use of 79 per cent.

Other parts of the survey show that, during the 10 per cent levy trial, green bag sales rates increased by more than 50 times in week one, and then declined over the four-week period as customers began to reuse the green bags purchased in week one. The trial showed that plastic bag demand is highly elastic, with the 10 cent charge making customers re-evaluate their desire to use plastic bags. Of the customers surveyed, 99 per cent responded that they had tried to use reusable bags, with 70 per cent claiming they were able to maintain this practice and 87 per cent of customers indicating that they would use reusable bags if the 10 cent charge became permanent.

If these bags are banned, what is the alternative? Honourable members may recall that I raised a question with the then minister for environment about whether the government would mandate an alternative, particularly in relation to the Shop, Distributive and Allied Employees'

Association, which has reversed its previous opposition to the banning of plastic bags, mainly for occupational health and safety reasons. I think it is important that the alternatives should be explored by the government because of the practicality of the design of checkouts. I think it would provide some certainty and some indication to the retail industry about what it can expect and what it should be designing and beginning to implement, because it has not been given a very long period of time to make these changes.

I have been provided with a report by a consultancy by the name of Nolan ITU (now part of Hyder Consulting) dated December 2002, and it provides all these different options. The report makes for interesting reading, because the bags have different capacities. The current plastic bag, which is a single HDPE, has a relative capacity of one, which is six to eight items; the PP fibre, which is the 'green' bag, is 1.2, so it has 20 per cent capacity; and the calico-type bag has a further 10 per cent capacity. The Shop, Distributive and Allied Employees' Association has a concern that the greater capacity of the bags will mean additional weight for employees to lift.

The report, entitled 'Plastic Shopping Bags and Reusables—A Comparison', looks at some of the footprints of these various bags. The single HDPE has a greenhouse CO2 equivalent of 6.08, which is based on some 52 shopping trips a year; the biodegradable starch-based bag comes out at 6.61, which is higher; the paper bag comes out at 11.8; and the PP fibre green bag does very well in that it is 1.96.

One of the other ironies of the proposal is that the so-called boutique bags, which people would be familiar with as those bags used in department stores and so forth, will not be banned. These bags have a much thicker density and therefore do not fall within the ban, although they do have handles. If we compare these bags with the much maligned so-called single-use plastic bag (which is about six on this measure), those boutique bags, which really are single-use bags (I have cupboards stuffed full with them, and I never reuse them), are 29.8, which is five times the rate, yet those boutique bags are not being banned. I am quite happy to share this research with any of my colleagues who might be interested. All of this research and information really reinforces the claim we have made that this measure is merely targeting a fairly narrow part of the litter stream.

The study in Ireland has also been quoted and, before the research came out from Victoria, this was the latest research that had been quoted, going back to March 2002. Ireland introduced a levy of 15 eurocents and the reduction in use fell by some 90 per cent.

Not surprisingly, a number of business groups have expressed their opposition to this, in particular, Business SA, which believes that it will affect the state's competitiveness, will impact significantly on smaller retailers and will not reduce the overall level of waste produced by our community.

The Independent Supermarket Council of South Australia, while supporting a graduated introduction of a ban, has raised a number of concerns in relation to banning plastic bags, including health, hygiene and the eventual disposal of reusable green bags. The State Retailers Association has expressed similar concerns.

In short, we do not believe that the alternatives, which are the cornstarch bags, have been sufficiently available on the market to meet this ban by 1 January. They would really be the alternative that everybody would look to, but they are certainly much more expensive. There are concerns about hygiene, about occupational health and safety, and about the fact that this really is a rather tokenistic approach to the matter.

I would also like to share with honourable members the information that Target South Australia will actually introduce its own regime from 1 December 2008, which (surprise, surprise!) will mean that alternatives are available but at a cost. The compostable bags will cost 10¢, and then there will be a range of other bags ranging from $1 to $2.99.

A number of retailers, particularly organisations such as Bunnings, have demonstrated that they are prepared to get involved in reducing waste in response to community concern, but we do not think that plastic bags should be banned outright, and we will not support this bill.

**The Hon. I.K. HUNTER (16:37):** I will make some brief remarks in support of this bill. South Australia has been addressing the problem of waste for a long time with creative and world-leading solutions. This bill is another example of that leadership, and it will prohibit the supply of lightweight supermarket-style checkout plastic bags. The ban will 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 nation's beaches, in our parks, streets and on our highways. They also kill marine life and damage waterways. Most go to landfill where they take many years to break down, contributing to greenhouse emissions as they do.

In comparison with reusable green bags, lightweight plastic bags have been found to be less efficient in terms of resources and energy used in manufacturing. South Australia has long been a pacesetter on environmental issues. More than 30 years ago, the South Australian government enacted the container deposit legislation, which introduced a refund on drink containers, and that legislation was opposed at the time, too, by major retailers.

That has been an overwhelming success in reducing litter and encouraging recycling. Now, once again, the government wants to lead the way on another environmental issue. While South Australia cannot solve the plastic bag problems of the entire country, South Australians can show leadership in our own backyard by removing lightweight plastic shopping bags from our lives.

The bill describes the product to be regulated (plastic shopping bags) and a 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 a retailer.

Bags that will be subject to the ban are those made from polyethylene which are used or intended for the use for carrying or transporting 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, or bags on a roll, will be excluded from the ban. These are bags without handles, those one would usually see in the supermarket fruit and vegetable aisles. They are typically used to hold unpackaged foods—for example, loose fruit and vegetables, nuts, breads and cakes—or 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—despite the Hon. Ms Lensink telling us that she does not.

The government's intention is that this prohibition will come into effect on 4 May 2009 after a transitional period. This proposed transitional period is designed to get retailers and their customers prepared for the ban. The intention is for the proposed transitional period to begin on 1 January 2009, and during the proposed transitional period retailers who supply plastic bags will also be required to supply alternatives—such as reusable bags or biodegradable bags that meet the Australian standard. Signage requirements will also apply during this transition phase to help retailers and their customers adjust to the new regime. The signage will remind customers that a plastic bag phase-out is in place and will notify them that alternatives to plastic bags are available.

A public information and education program will be undertaken in the lead up to the ban coming into place. Occupational health, safety and welfare education will be included to assist retail staff to be ready to manage alternative shopping bags. A plastic bags phase-out task force has been established, chaired by Zero Waste SA, 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 of SA, the Conservation Council, the SDA, and the Hardware Association of South Australia. Throughout the lead up to the phase-out the task force has advised the government of impacts on industry.

There are those who call for a voluntary scheme to reduce the impact of plastic bags, as we have just heard. Trials overseas—most notably in Ireland—have shown that voluntary schemes are only partially successful. A 10¢ charge on a plastic bag (which is what some are proposing) will reduce plastic bag usage, but it is less effective than a ban. Under such schemes there will still be millions of plastic bags in our waterways and landfills, and the overseas experience shows that the effectiveness of the charge is eroded over time. People simply get used to paying for bags and usage creeps up. Such a charge will not encourage one manufacturer to come up with a biodegradable alternative.

Many South Australian shoppers have already made the change to recyclable bags, and they should be congratulated. At any check-out on any day around the state you will see people with their recyclable bags doing the right thing. In fact, a recent *Messenger* newspaper survey in Adelaide revealed—

*Members interjecting:*

**The ACTING PRESIDENT (Hon. B.V. Finnigan):** Honourable members, please keep the hubbub down.

**The Hon. I.K. HUNTER:** Thank you for your protection, sir. A recent *Messenger* newspaper survey in Adelaide revealed that 51 per cent of people do not use plastic bags for their weekly shopping. The federal member for Makin, Tony Zappia, recently undertook a survey in his area and found overwhelming support; 88 per cent of nearly 2,000 respondents said it was important to remove plastic shopping bags from the environment. In Victoria, a trial involving the state government and the Australian National Retailers Association found that 86 per cent of consumers supported the initiatives to reduce plastic bag usage.

There are a number of good corporate citizens in the state already setting an example. Borders bookshop imposes a plastic bag charge as a way of making customers think about whether they really need one; Bunnings does not offer any plastic bags at all; and today Target has announced that its stores in South Australia will no longer offer customers single use plastic bags from 1 December 2008. So much for the claim that industry cannot or has not had enough time to adjust to the changes. I understand that instead of offering plastic bags Target will offer a compostable bag for 10¢ or reusable bags starting from $1. If the Liberals took any notice of Target, or the other corporates who are heading down this track, they would see that they will get the best of both worlds—a ban on plastic bags and a levy on compostable bags, which is partly what they are calling for.

Community sentiment is clearly moving quickly against the plastic bag, and I suppose in some ways this parliament is merely catching up with that community sentiment. South Australia has been a world leader in tackling environmental issues and social change, and we are not afraid to show leadership in our own backyard. China, India, parts of Africa, Taiwan, San Francisco, France and Italy have already banned these bags or are about to. We lead the nation on a whole range of green measures: solar power, wind power and a refund on our recyclables. Now we can lead the nation in doing something about plastic bag litter.

**The Hon. SANDRA KANCK (16:45):** The ubiquitous plastic bag was not always so. Some of us in this place are old enough to remember when they first appeared in the mid-1950s.

*The Hon. D.W. Ridgway interjecting:*

**The Hon. SANDRA KANCK:** Yes; some of us are that old! The bags were given free on a box of soap powder; I am not sure whether it was Rinso or Surf. My mother bought Lux Flakes, and the kids whose mother bought Surf (or was it Rinso?) could come to school with their sandwiches in waxed paper in a plastic bag. The bags were about A4 size and clear on one side and white with printed coloured polka dots on the other. You could get white with yellow polka dots, white with red ones, white with green ones or white with blue ones. I could not convince my mother to buy the product that had the free plastic bag, and I felt incredibly disadvantaged that I did not have one.

I mention this because 50 years ago plastic bags were a unique and prized item. We have now got to the point where they are taken for granted, if not a nuisance. They are certainly not given any value by consumers, and I think it is a pity, because the feedstock from which most of the plastic is made comes from the petrochemical industry; in other words, we are talking about the use of oil, which is a non-renewable resource. So, in using and throwing out plastic bags, we are effectively discarding a large source of embedded energy. We are not treating it with the respect we ought.

In addition, I believe that there are some severe negative values in terms of the pollution that comes from plastic bags: the awful sight of plastic bags blowing about in the wind and the problem of marine pollution or of animals eating them and, in some cases, actually dying as a consequence. There is just shocking waste. If you go to a place like Wingfield and see the bulldozers turning over and flattening the waste, you will see the enormous amount of plastic that is regarded as waste, rather than a resource.

My party, the Democrats, has felt very strongly about plastic bags for a long time. In the lead-up to the 2002 election, part of our waste management policy was a promise to introduce legislation to put a deposit on plastic bags. I introduced the bill in 2003 with a 15¢ deposit. At that time, I argued that in about 1967, when plastic bags first started appearing in shops, we had to pay 5¢ for them (they were not given out for free), and 15¢ seemed to me to be a reasonable amount, compared with the 5¢ we paid in the sixties.

This bill has a very different approach to my bill, although both are aimed at reducing some of the plastic in our litter stream. I welcome the bill. To some extent, the South Australian government has had to go out on a limb with this measure, and the industry has fought very much against it—surprise, surprise! We have seen that in regard to container deposit legislation, when South Australia went out on a limb. Whenever any other state has attempted to introduce a similar scheme, the industry has come in and lobbied very intensely, and each time it has managed to prevent it from happening. So, if we're going out on a limb, I guess we can expect a reaction from the industry.

As someone who chooses not to use plastic bags, I go through a regular conversation at the checkout which goes like this. As I start to take out the things from my shopping trolley I turn to the checkout attendant and say, 'No bags, thank you,' and there is almost always a surprised, 'No bags?' question in response. Then I have to nod my head and say, 'No bags.' Despite that, in some cases I still find the shop assistant putting my groceries into a plastic bag and I have to stop them, and I think that is because most people do expect the plastic bags.

I recognise that this bill will not address all plastic bags; it is only some of them, so it is limited, but despite that the industry is resisting, and only a couple of hours ago I received an industry email about it. I could not believe that they were proudly boasting that it is a good thing that these plastic bags do not break down in landfill. Their argument is that a lot of the stuff in landfill creates methane and that therefore plastic bags not breaking down to produce methane is a good thing. I think that just shows what an incorrigible industry we are dealing with here.

The fact is that, if you look at the sort of soil that is created in the breakdown of everything else that is in that waste, those plastic bags persist and persist and persist. You cannot use it for clean fill; you certainly cannot use it for putting on your garden; that soil is contaminated forever.

This bill is limited. It will apply only to some plastic bags, and it is disappointing to hear the opposition say it will oppose it. I think the Hon. Michelle Lensink said that her party supports choice, but having the choice to pollute is not really a very good choice. Although the bill itself is limited, the Democrats recognise the value that is there and the beginnings of a path that we will tread in this regard. I indicate support for the second reading and also my keenness to see it progressed.

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

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

Second reading

**The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (16:53):** 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.

Parliament is being asked to consider amendments to the South Australian *Prohibition of Human Cloning Act 2003* and *Research Involving Human Embryos Act 2003* to bring these Acts into line with the equivalent recently amended Commonwealth Acts. The amendments to both Acts are contained in a single Bill, the *Statutes Amendment (Prohibition of Human Cloning for Reproduction and Regulation of Research Involving Human Embryos) Bill 2008*, and it is proposed that they be considered in a cognate debate.

Human cloning and embryo research legislation has been subject to a conscience vote in every jurisdiction, including in the South Australian Parliament, when the Bills for these Acts were first debated in 2003. This Bill raises important moral and ethical questions that require deep consideration, and I note that both major parties have accorded their members a conscience vote on the amendments to the South Australian laws.

The national scheme and recent changes

The Commonwealth Acts were passed in 2002, and the South Australian Parliament passed equivalent legislation in 2003. The original Commonwealth legislation prohibited the creation of embryos for research, allowed research using embryos donated to research by couples who had completed their infertility treatment, but restricted what could be done with such embryos; the current South Australian laws are consistent with this original model.

The Commonwealth legislation, together with equivalent legislation in all States and Territories and the National Health and Medical Research Council Embryo Research Licensing Committee, creates a national legislative scheme for prohibiting human cloning and regulating embryo research. This national scheme regulates the use of human embryos that are excess to fertility treatment and hybrid embryos, but not animal embryos nor human embryonic stem cells. The Commonwealth amendments extended the national scheme to also regulate

embryos created by means other than fertilisation and human eggs used for such processes. In South Australia, clinical reproductive medicine practice is separately regulated by the *Reproductive Technology (Clinical Practices) Act 1988*.

The national scheme needs to be responsive to developments in technology and shifts in community attitudes and standards. For that reason, the Commonwealth Prohibition of Human Cloning Act and the Research Involving Human Embryos Act included requirements for a 3-year review. The Review, chaired by the late John Lockhart AO QC, was conducted in 2005 and held consultations around the country. South Australian experts, academics and community representatives contributed to the inquiry.

On the basis of their consultations and background research, including into community attitudes to embryo research, the Lockhart Review made 54 wide ranging recommendations. The Review proposed changes to legislation to extend embryo research to allow the creation of embryos for research, but recommended that the prohibition on the creation of embryos by fertilisation for any purpose other than assisted reproductive medicine procedures be retained. They also recommended that certain research procedures be permitted on embryos created through laboratory techniques, but not on embryos created by the fertilisation of an egg by a sperm. Most of the recommendations aimed to streamline current processes for embryo research licensing and to strengthen oversight.

The recommendations of the Lockhart Review were referred to the Australian Parliament and the Council of Australian Governments in December 2005. Some recommendations required changes to legislation while others related to national policies and procedures. A Private Member's Bill tabled by Senator the Hon Kay Patterson reflected almost all the Lockhart Review's recommendations for legislative changes and was passed by the Australian Parliament on 12 December 2006. The Commonwealth amendments were promulgated on 12 June 2007.

Human reproductive cloning remains prohibited in Australia. The Commonwealth amendments retained limitations on research and training using embryos created by fertilisation, but now permit the creation of embryos for research by means other than fertilisation whilst prohibiting the implantation or development of any embryo created in a laboratory for more than 14 days.

Corresponding Act status

The Commonwealth legislation makes provision for the Minister for Health and Ageing to declare a State or Territory Act corresponding for the purposes of the national scheme. State and Territory laws rely on the NHMRC Licensing Committee established under the Commonwealth legislation to licence embryo research. Only a corresponding State law can effectively confer regulatory powers and functions on the NHMRC Embryo Licensing Committee.

When the Commonwealth amendments came into force on 12 June 2007 the Parliamentary Secretary to the Minister for Health and Ageing advised that he had revoked the previous declaration. The South Australian *Research Involving Human Embryos Act 2003* then ceased to be a 'corresponding Act', so the NHMRC Embryo Licensing Committee can no longer exercise functions under the State Act. If the Act is amended, South Australia will need to ask the Minister for Health and Ageing to determine whether the State Act is corresponding and make a new declaration. This Bill has been drafted to amend South Australian laws to make them substantially the same as equivalent interstate laws (where amendments have already been made). It is expected the amended legislation would be regarded as corresponding with the amended Commonwealth laws.

At the meeting of the Council of Australian Governments in April 2007, the Premier of South Australia, together with his colleagues from all Australian jurisdictions, signed an Agreement that commits all State and Territory leaders to use their best endeavours to introduce corresponding legislation into their legislatures by 12 June 2008 and for all parties to maintain nationally consistent arrangements over time.

State and Territory governments are considering the relevant Commonwealth amendments and their implications for local laws. The Victorian, New South Wales, ACT, Tasmanian and Queensland Parliaments have amended their equivalent legislation. The Western Australian Parliament did not pass amendments to their equivalent laws. As it has ceased to be a 'corresponding Act' and has not been amended, the Commonwealth's NHMRC Licensing Committee cannot issue a licence for research using human embryos under the WA Act. It is unclear whether NHMRC inspectors could inspect and monitor compliance with prohibitions and research requirements by Western Australian laboratories.

This Parliament now has an opportunity to consider changes to these challenging but important laws.

Coverage of Commonwealth and State laws

Why do we need both State and Commonwealth legislation? Commonwealth legislative powers are not wide enough to cover all agencies and individuals in South Australia that might possibly undertake reproductive technology activities or human embryo research. In summary, the Commonwealth laws cover Australian Government authorities, constitutional corporations, and trade and commerce. The Commonwealth laws do not cover South Australian Government agencies, non-trading corporations nor individuals operating outside a trading corporation; these are covered only by the South Australian Acts.

The South Australian and national laws are currently different; embryos can be created under Commonwealth laws that would be unlawful under State law. As Members would know, the section 109 of the *Australian Constitution* provides that *when a law of a State is inconsistent with a law of the Commonwealth, the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid*. Since 12 June this year, South Australian researchers regulated under the Commonwealth Acts have been able to apply for a licence under the Commonwealth legislation to conduct research that is currently not permitted by State legislation. The corresponding

Act declaration has been revoked, so researchers covered only by South Australian Acts are currently not permitted to seek a licence from the NHMRC Licensing Committee.

All current South Australian human reproductive medicine and embryo research and training activity is being conducted within either a corporation (Repromed laboratories) or a university (the University of Adelaide Medical School laboratories). It is thought to be unlikely that future research or training proposals will emanate from facilities that are not a university, a research institute or a corporation. There is, however, some legal uncertainty about whether our universities are constitutional corporations and are therefore facilities covered by the Commonwealth legislation.

To date, no South Australian researchers have sought a licence to conduct human embryo research, but have focussed their efforts on either animal embryos or human embryonic stem cell lines developed elsewhere which do not require a licence. However research teams are planning to apply for such research licences in the near future, and since embryonic stem cell research is often conducted as part of national collaborations, legal clarity and national consistency is important.

If Parliament does not pass this Amendment Bill, then researchers will still be able to apply for a licence to conduct research that is legal under the Commonwealth Acts provided they are clearly operating within a corporation. However the capacity of researchers operating within the university environment to contribute to national research collaborations may be compromised if their legal status remains uncertain.

Amending the South Australian Prohibition on Human Cloning Act and the Research Involving Human Embryos Act to ensure consistency with the equivalent Commonwealth Acts will ensure that, wherever they conduct their work, all South Australian researchers will be covered by substantially identical legislation, providing regulatory consistency where the legal coverage of Commonwealth and State laws is considered uncertain.

Induced Pluripotent Stem Cells (iPSCs)

The use of induced Pluripotent Stem Cells (iPSCs) has not superseded embryonic stem cell research as some Members in the other place have suggested.

Although iPSCs may be a promising tool for basic research, disease modelling and drug trials, they remain an unknown quantity. IPSCs are genetically modified and the use of genetic alterations and viruses in their creation makes them less predictable and risks causing tumours.

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

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

Embryonic stem cells (*ESCs*) are a known quantity—they bring embryo cells forward to their final form in the body, a normal process in embryo development which after 20 years of research is now relatively well controlled.

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

Summary of the proposed amendments

The proposed amendments mirror the changes to the Commonwealth laws and apply them to the South Australian Prohibition on Human Cloning Act and the Research Involving Human Embryos Act. The Bill retains a prohibition against human reproductive cloning, which is universally unacceptable, and a strict licensing, monitoring and compliance regime. Not all the Commonwealth amendments need to be reflected in the South Australian Acts as some relate only to the activities of the NHMRC Embryo Licensing Committee established under the Commonwealth legislation.

The Bill amends each Act to include a new definition of an embryo that changes the point of identification from the *commencement* of fertilisation (which is impracticable to ascertain) to its *completion* (which is detectable microscopically). The Bill extends the scope to regulate the creation, development and use of all embryos, not just excess ART embryos, and to regulate the use of donated eggs (oocytes).

The amendments differentiate between embryos created by fertilisation of an egg by a sperm for the purpose of creating a baby, and embryos created by technical manipulation of cells and DNA for research and potential therapies. For clarity I will refer to embryos created by fertilisation as *reproductive embryos* and embryos created by technical manipulation as *research embryos*.

Creating reproductive embryos for research purposes remains prohibited; they can only be created for the purpose of establishing a pregnancy but couples undergoing infertility treatment will still be able to donate their excess embryos to research.

Strict legislated criteria must be met before a licence will be issued to create research embryos; implanting embryos not created through fertilisation is prohibited.

Neither reproductive embryos nor research embryos will be able to be developed for more than 14 days in a laboratory; this is the point at which the rudimentary nervous system—the 'primitive streak'—first appears.

When the Bill was first introduced in the other place, this 14 day limit also applied to the creation and use of hybrid embryos. However, given that a licence in relation to hybrid embryos can only given for testing sperm quality and only up to the first mitotic division—that is, generally less than 24 hours, an amendment was passed to correct this inconsistency. As a result, the Bill now proposes that hybrid embryos may only be developed up to the first mitotic division and not 14 days as is the case for other research and reproductive embryos. The Minister for Health has advised that he will be writing to the other jurisdictions regarding this inconsistency.

The amendments required to the SA *Prohibition of Human Cloning Act 2003* to ensure it corresponds with the amended Commonwealth Act include:

- changing the name to reflect that it is reproductive cloning that will be prohibited; and
- increasing penalties for breaching prohibitions to 15 years; and
- reclassifying prohibited practices into those completely prohibited and those prohibited unless authorised by a licence.

In general, prohibitions on using reproductive embryos for research will be retained. The 'embryo parents' decide whether to donate their excess embryos to research and the type of research to which they are prepared to donate them, and can set binding conditions on researchers when they consent to their use.

Creating a chimera by adding components of an animal cell to a human embryo and implanting any type of human embryo in an animal will remain completely prohibited. Creating embryos with genetic material from more than two persons or from precursor cells will remain completely prohibited for reproductive embryos, but permitted for research embryos under licence.

Creating hybrid embryos by combining human and animal cells will remain completely prohibited, with the single exception of a diagnostic test for sperm quality which will be permitted only under licence in reproductive medicine clinics. A licence will be permissible for using animal eggs to test the fertilisation capacity of sperm, but embryo development will only be permitted in this case until a detectable change indicates a result, which is the first cell division which generally occurs in less than 24 hours.

The amendments required to the SA Research Involving Human Embryos Act 2003 to ensure it corresponds with the amended Commonwealth Act include:

- extending criteria for licences issued for research and training to include the use of embryos not created by fertilisation; and
- clarifying what constitutes proper consent by donors and embryos unsuitable for implantation.

Somatic cell nuclear transfer and other research techniques

The Bill will legalise the creation of embryos under a licence by a range of laboratory techniques now allowed under the amended Commonwealth Acts.

These will include:

- somatic cell nuclear transfer or SCNT, where the nucleus of a human egg is replaced by the nucleus of a somatic cell (a cell from a human body) and the resultant cell is stimulated to develop for 5 to 7 days to blastocyst stage when embryonic stem cells can be removed; and
- parthenogenesis, where a human embryo could potentially be formed by stimulating a human egg to undergo spontaneous activation; such embryos may have the capacity for limited development.

SCNT was used to create 'Dolly' the sheep, but since development past 14 days and implantation of such embryos will be prohibited, SCNT in humans will only be licensed to derive embryonic stem cells or for laboratory research, not to produce babies.

Embryonic stem cell research seeks to generate patient-matched stem cells for research to enable development of specific cellular therapies with the potential to overcome problems such as tissue rejection, so this process is sometimes called 'therapeutic cloning'. SCNT will also allow the development of embryonic stem cells containing specific disease genes, which may assist better understanding of the causes of disease and identification of drugs and treatments.

Excess ART embryos are not suitable for this type of research because stem cells derived from ART embryos would not be a genetic 'match' to the patients for whom potential cellular therapies were being developed or would not carry the disease in question. However, maintaining and improving the quality and safety of infertility treatment and procedures and minimising the risks to children born of assisted reproductive medicine relies upon excess reproductive embryos generously donated by parents to research and training.

Protections

The *Research Involving Human Embryos Act 2003* will retain its stringent licensing and reporting requirements. Before the NHMRC Embryo Licensing Committee issues a licence for research, diagnostic testing or training, very strict criteria must be met, including:

- research ethics approval from the local Human Research Ethics Committee; and
- restricting the number of embryos to that likely to be necessary for the project; and
- the likelihood of significant advance in knowledge, treatment technologies or other applications from the proposed project; and
- evidence of proper informed consent by those donating cells or embryos and their partners; and
- accounting for every embryo licensed and abiding by conditions set by donors; and
- transparent reporting requirements.

The Bill does not change any of these criteria, but strengthens and extends the consent provisions to include all donors whose genetic material is incorporated in the cells used, and their spouses if the embryo is a reproductive embryo.

The Commonwealth Amendment Bill extended the monitoring, oversight and search provisions for NHMRC inspectors. However, the amendments required to State laws are minimal because the South Australian provisions are already more comprehensive than those in other jurisdictions' legislation.

NHMRC Guidelines

Researchers and clinicians are required under Commonwealth and State law to abide by guidelines issued by the NHMRC. The NHMRC has produced criteria to define embryos unsuitable for implantation, and recently revised and released their *National Statement* and their *Ethical Guidelines on the Use of Assisted Reproductive Technology in Clinical Practice and Research*, which are referenced in the South Australian *Research Involving Human Embryos Act 2003*.

A clause was added during the Act's passage in 2003 requiring that any NHMRC guideline or policy referenced in the legislation be tabled in Parliament within 3 sitting days from changes taking effect and referred to the Parliamentary Social Development Committee, both initially and each time it is changed. This requirement is unique to South Australia.

The NHMRC reviews and revises its guidelines routinely every 5 years and South Australia keenly engages in its national consultations. The Social Development Committee considered revised NHMRC Ethical Guidelines in 2005, and considered further revisions to both the NHMRC Ethical Guidelines and the National Statement in 2007. The Social Development Committee cannot in fact change nationally agreed guidelines issued under the Commonwealth *NHMRC Act*.

The Bill retains the requirement for relevant new or revised NHMRC guidelines to be tabled in Parliament and referred to the Social Development Committee, but extends the time period from 3 to 6 sitting days (which is the usual period in South Australian legislation) from commencement of their operation to allow final printed copies to be procured for tabling in the Parliament.

National consistency and transparency

This is an area of rapid change, not only in research capability but also in community attitudes and standards. Governments and Parliaments have a responsibility to encourage high quality and ethically sound scientific research and medical practice. Society generally needs to be assured that research that uses embryos is strictly regulated under a coherent national scheme. South Australia hosts a recognised centre of excellence for infertility research at the University of Adelaide, and scientists and researchers are seeking the surety of nationally consistent regulation and licensing so the public can be confident that they operate according to nationally endorsed legal and ethical standards, with strict oversight and monitoring and transparent accountability requirements.

This Bill will ensure that further advances in this field are made within a responsible regulatory framework with strong oversight and protections and transparent public reporting. The Commonwealth Acts provide for a further review in 3 years, allowing for continuing Parliamentary oversight into the future.

An explanatory guide with more detailed explanations and fact sheets for the public have been prepared and are available on the Department of Health website.

I commend the Bill to the House.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Prohibition of Human Cloning Act 2003*

4—Amendment of long title

5—Amendment of section 1—Short title

These clauses amend the long and short titles of the Act to reflect the fact that the Act, as amended by this measure, will no longer prohibit the creation of human embryos for research purposes.

6—Amendment of section 3—Interpretation

This clause amends section 3 of the Act to replace the existing definition of *human embryo* with a new definition developed by the NHMRC. It also clarifies that 'human embryo' refers to a living embryo only and does not include a human embryonic stem cell line or a hybrid embryo, and that a reference to a human oocyte is the same as a reference to a human egg.

7—Substitution of Part 2

This clause substitutes Part 2 of the Act. The new Part contains 2 Divisions. Division 1 deals with practices that are completely prohibited and Division 2 deals with practices that are prohibited without a licence issued by the NHMRC Licensing Committee.

Part 2—Prohibited practices

Division 1—Practices that are completely prohibited

5—Offence—placing a human embryo clone in the human body or the body of an animal

This section makes it an offence for a person to place a human embryo clone in the body of a human or in the body of an animal. The effect of this provision is to ban human cloning for the purposes of reproduction. The maximum penalty is imprisonment for 15 years.

6—No defence that human embryo clone could not survive

This section provides that it is no defence that the human embryo clone did not or could not survive.

7—Offence—creating a human embryo for a purpose other than achieving pregnancy in a woman

This section makes it an offence for a person to create a human embryo by fertilisation of a human egg by a human sperm outside the body of a woman, unless the person's intention in creating the embryo is to attempt to achieve pregnancy in a particular woman. The maximum penalty is imprisonment for 15 years.

8—Offence—creating or developing a human embryo by fertilisation that contains genetic material provided by more than 2 persons

This section makes it an offence for a person to create or develop a human embryo by fertilisation of a human egg by a human sperm outside the body of a woman if the embryo contains genetic material provided by more than 2 persons. The maximum penalty is imprisonment for 15 years.

9—Offence—developing a human embryo outside the body of a woman for more than 14 days

This section makes it an offence for a person to develop a human embryo outside the body of a woman for more than 14 days, excluding any time that the embryo's development is suspended. The maximum penalty is imprisonment for 15 years.

10—Offence—heritable alterations to genome

This section makes it an offence for a person to intentionally alter the genome of a human cell in such a way that the alteration is inheritable by descendants of the human whose cell was altered. The maximum penalty is imprisonment for 15 years.

11—Offence—collecting a viable human embryo from the body of a woman

This section makes it an offence for a person to remove a human embryo from the body of a woman, intending to collect a viable human embryo. The maximum penalty is imprisonment for 15 years.

12—Offence—creating a chimeric embryo

This section makes it an offence for a person to intentionally create a chimeric embryo. The maximum penalty is imprisonment for 15 years. A chimeric embryo is a human embryo into which a cell of an animal, or any component part of a cell of an animal, has been introduced. It includes anything else that is declared by the regulations to be a chimeric embryo.

13—Offence—developing a hybrid embryo

This section makes it an offence for a person to intentionally develop a hybrid embryo that has undergone the first mitotic division. The maximum penalty is imprisonment for 15 years.

14—Offence—placing of an embryo

This section makes it an offence for a person to intentionally place a human embryo in the body of an animal, or in a part of a human body other than a woman's reproductive tract. It also makes it an offence

to intentionally place an animal embryo in the body of a human for any period of gestation. The maximum penalty is imprisonment for 15 years.

15—Offence—importing, exporting or placing a prohibited embryo

This section makes it an offence for a person to intentionally import an embryo into South Australia knowing that, or reckless as to whether, the embryo is a prohibited embryo. It makes it an offence for a person to intentionally export an embryo from South Australia knowing that, or reckless as to whether, the embryo is a prohibited embryo. The section also makes it an offence for a person to intentionally place an embryo in the body of a woman knowing that, or reckless as to whether, the embryo is a prohibited embryo. The maximum penalty is 15 years.

A prohibited embryo is—

(a) a human embryo created by a process other than the fertilisation of a human egg by human sperm; or

(b) a human embryo created outside the body of a woman, unless the intention of the person who created the embryo was to attempt to achieve pregnancy in a particular woman; or

(c) a human embryo created using human egg and human sperm and containing genetic material provided by more than 2 persons; or

(d) human embryo that has been developing outside the body of a woman for a period of more than 14 days, excluding any period throughout which development is suspended; or

(e) a human embryo created using precursor cells taken from a human embryo or a human fetus; or

(f) a human embryo that contains a human cell whose genome has been altered in such a way that the alteration is heritable by human descendants of the human whose cell was altered; or

(g) a human embryo that was removed from the body of a woman by a person intending to collect a viable human embryo; or

(h) a chimeric embryo or a hybrid embryo.

16—Offence—commercial trading in human eggs, human sperm or human embryos

This section makes it an offence for a person to intentionally give or offer valuable consideration to another person for the supply of a human egg, human sperm or a human embryo, or to intentionally receive, or offer to receive, valuable consideration from another person for the supply of a human egg, human sperm or a human embryo. The maximum penalty is imprisonment for 15 years. However, valuable consideration does not include the payment of reasonable expenses incurred by the person in connection with the supply.

Division 2—Practices that are prohibited unless authorised by a licence

17—Offence—creating a human embryo other than by fertilisation, or developing such an embryo

This section makes it an offence for a person to intentionally create a human embryo by a process other than fertilisation of a human egg by a human sperm, or to develop a human embryo so created, if the creation or development of the embryo by that person is not authorised by a licence. The maximum penalty is imprisonment for 10 years.

18—Offence—creating or developing a human embryo containing genetic material provided by more than 2 persons

This section makes it an offence for a person to intentionally create or develop a human embryo by a process other than fertilisation of a human egg by a human sperm, if the human embryo contains genetic material provided by more than 2 persons and the creation or development of the embryo by that person is not authorised by a licence. The maximum penalty is imprisonment for 10 years.

19—Offence—using precursor cells from a human embryo or a human fetus to create a human embryo, or developing such an embryo

This section makes it an offence for a person to use precursor cells taken from a human embryo or fetus, intending to create a human embryo, or to intentionally develop an embryo so created, if the person does so without being authorised by a licence, and knows or is reckless as to the fact that the person is acting without a licence. The maximum penalty is imprisonment for 10 years.

19A—Offence—creating a hybrid embryo

This section makes it an offence for a person to intentionally create or develop a hybrid embryo. The maximum penalty is imprisonment for 10 years. A person does not commit an offence if the creation or development of the embryo by the person is authorised by a licence.

Part 3—Amendment of *Research Involving Human Embryos Act 2003*

8—Amendment of section 3—Interpretation

This clause amends section 3 of the Act to replace the existing definition of *human embryo* with a new definition developed by the NHMRC. It inserts definitions of *hybrid embryo*, *unsuitable for implantation* and *use*, and substitutes the definitions of *proper consent* and *responsible person*. It clarifies that 'human embryo' refers to a living embryo only and does not include a human embryonic stem cell line or a hybrid embryo, and that a reference to a human oocyte is the same as a reference to a human egg.

9—Substitution of heading to Part 2

This clause substitutes the heading to Part 2 of the Act.

Part 2—Regulation of the use of excess ART embryos, other embryos and human eggs

10—Insertion of sections 5A and 5B

This clause inserts 2 new sections into the Act.

5A—Offence—use of other embryos

This section makes it an offence for a person to intentionally use an embryo if the embryo is—

(a) a human embryo created by a process other than the fertilisation of a human egg by a human sperm; or

(b) a human embryo created by a process other than the fertilisation of a human egg by a human sperm that contains genetic material provided by more than 2 persons; or

(c) a human embryo created using precursor cells taken from a human embryo or a human fetus; or

(d) a hybrid embryo,

and the use is not authorised by a licence. The maximum penalty is imprisonment for 5 years.

5B—Offence—certain activities involving use of human eggs

This section makes it an offence for a person to undertake research or training involving the fertilisation of a human egg by a human sperm up to, but not including, the first mitotic division, outside the body of a woman for the purposes of research or training in ART if the person is not authorised by a licence to undertake the research or training. The maximum penalty is imprisonment for 5 years.

11—Amendment of section 6—Offence—use of embryo that is not an excess ART embryo

This clause amends section 6 of the Act to make it an offence for a person to intentionally use, outside the body of a woman, a human embryo created by fertilisation of a human egg by a human sperm if it is not an excess ART embryo and the use is not for a purpose related to the assisted reproductive technology treatment of a woman carried out by an accredited ART centre under a South Australian clinical practice licence, and the person knows or is reckless as to that fact.

12—Insertion of section 7A

This clause inserts a new provision.

7A—Person not liable for conduct purportedly authorised

This section makes it clear that a person is not criminally responsible for an offence against the Act in respect of particular conduct if—

(a) the conduct by the person is purportedly authorised by a provision of a licence; and

(b) the licence or the provision is invalid, whether because of a technical defect or irregularity or for any other reason; and

(c) the person did not know, and could not reasonably be expected to have known, of the invalidity of the licence or the provision.

13—Amendment of section 10—Person may apply for licence

This clause amends section 10 of the Act to expand the classes of activities for which a licence may be sought. Currently only the use of excess ART embryos may be licensed. Under the proposed changes a person will be able to apply to the NHMRC Licensing Committee for a licence authorising 1 or more of the following:

(a) use of excess ART embryos;

(b) creation of human embryos other than by fertilisation of a human egg by a human sperm, and use of such embryos;

(c) creation of human embryos other than by fertilisation of a human egg by a human sperm that contain genetic material provided by more than 2 persons, and use of such embryos;

(d) creation of human embryos using precursor cells from a human embryo or a human fetus, and use of such embryos;

(e) research and training involving the fertilisation of a human egg by a human sperm up to, but not including, the first mitotic division, outside the body of a woman for the purposes of research or training in ART;

(f) creation of hybrid embryos by the fertilisation of an animal egg by a human sperm, and use of such embryos up to, but not including, the first mitotic division, if—

(i) the creation or use is for the purposes of testing sperm quality; and

(ii) the creation or use will occur in an accredited ART centre.

The section makes it clear that (a), (b), (c) and (d) do not permit the NHMRC Licensing Committee to authorise any use of an excess ART embryo or other embryo that would result in the development of the embryo for a period of more than 14 days, excluding any period when development is suspended.

14—Amendment of section 11—Determination of application by Committee

15—Amendment of section 14—Licence is subject to conditions

The amendments made to sections 11 and 14 of the Act by these clauses are consequential on the amendments to section 10. It ensures that the provisions relating to the determination of applications for licences and the imposition of licence conditions apply in relation to licences authorising activities relating to human eggs and embryos other than excess ART embryos.

16—Amendment of section 16—Suspension or revocation of licence

This clause amends section 16 of the Act to alter the reference to legislation the title of which is amended by this measure.

17—Amendment of section 19—NHMRC Committee to make certain information publicly available

This clause amends section 19 of the Act to require the NHMRC Licensing Committee to include in its licence database the number of ART embryos or human eggs authorised to be used under a licence, and the number of other embryos authorised to be created or used under a licence.

18—Amendment of section 21—Interpretation

This clause amends section 19 of the Act to enable the holder of a licence to apply for a review of a decision to modify NHMRC guidelines in respect of the licence. The relevant guidelines are those issued by the CEO of the NHMRC under Commonwealth legislation and prescribed by regulations under the Commonwealth *Research Involving Human Embryos Act 2002* for the purposes of the definition of *proper consent* in that Act.

19—Amendment of section 22—Review of decisions

The amendment made to section 22 of the Act by this clause is consequential on the insertion of section 14(8) in the Act.

20—Amendment of section 23—Powers of inspectors

This clause amends section 23 of the Act so that if, during a search of premises, an inspector believes on reasonable grounds that there is at the premises, a human egg or embryo other than a human embryo that may afford evidence of the commission of an offence against the Act, the inspector may secure the egg or embryo pending the obtaining of a warrant to seize it.

21—Amendment of section 30—NHMRC guidelines

This clause amends section 30 of the Act so that alterations to NHMRC guidelines are required to be tabled in Parliament within 6 sitting days of taking effect under the Act.

Part 4—Transitional provision

22—Transitional provision

This clause provides that if an application for a licence under section 10 of the *Research Involving Human Embryos Act 2003* made before the commencement of this clause has not been determined at the commencement of this clause, the application is to be determined as if it had been made after that commencement.

**The Hon. SANDRA KANCK (16:53):** It seems peculiar to me that in this one area of scientific research parliament will make a decision about the conditions of its practice in this state. Because members of both the government and opposition parties have been granted a conscience vote it is resulting in a lot of lobbying. To me it is creating more heat than light, however. The Democrats have always prided ourselves on exercising a conscience vote, and every time I make a decision on bills I exercise my conscience. But for the major parties it is allowed only on these issues which are perceived somehow as moral issues, although I think there are many other bills that are moral issues.

It makes me wonder why a conscience vote is allowed only on this sort of technology. We have not, for instance, ever had a vote about researchers working on nuclear power, and I think

that the implications of nuclear power with respect to human life are far worse than anything that could result from this legislation.

In 2003, we had a bill that was the precursor to this one, and at that time I observed the old adage that there is no point in shutting the stable door after the horse has bolted. I also expressed some concerns about the bill and, just as I did then, I am going to express similar concerns now.

I wonder why there is so much fuss about a bill such as this. I think we should be really clear about it. This is a bill aimed at financially comfortable people in a developed country. There might be a trickle down theory that is arguable (I have not heard it yet) that, as a consequence, people in developing countries might gain some benefit, and if there is such an argument I would be interested to hear it. However, most of the arguments that I have heard and read in support of this type of research are about people in our country and how they could benefit from it.

We in the developed world, despite all our wealth and possessions, are so fearful of dying and of imperfection that it seems that we are prepared to throw in enormous amounts of money and effort to procure cures. We look at ways in which to alter what are seen as imperfections through cosmetic surgery through to ways that might make us live longer, such as stem cell research. To a large extent, I see these as mere indulgences.

As part of the population of the developed world, we are the ones who are hugely responsible for environmental destruction and climatic change on a per capita basis. Yet the aim of this type of research is principally to ensure that we in the rich part of the world survive even longer and, if we survive even longer, it means that we can continue to make even greater demands on this planet. By contrast, every day in this world 25,000 people die of poverty and hunger.

With that in mind, I attended a briefing on this bill from a group of MPs who were opposing it expecting to be given information like that, because the arguments that we are hearing about this bill are about the value of human life. I did not stay the course at that briefing; they lost me almost from the start when it became clear that their argument was about an embryo being a human being. The view of the presenters at that forum appeared to be that cloning was okay provided it did not use human embryos. So, they did not address my concerns at all. It seems, from what they were saying, that, provided human embryos are not involved, we can still go down that path of hang the expense so that we can be brought closer to either physical perfection or living longer lives.

Since this legislation was introduced in the House of Assembly last year, I have received about 70 emails opposing it, but 50 of those have been in the past two weeks. Many of those emails are arguing that the embryos that will be used in experimentation are human lives. I would argue that, yes, they are alive and, yes, they are the genesis for a human being, but they do not meet my expectation of a human life.

The legislation envisages that embryos that would be used would be no more than eight weeks old, although my understanding is that in the laboratory the embryos used are usually four to seven days old. In my view, that is nothing more than a collection of cells. Most women who have had a miscarriage (and I am one of them) would not have looked at that small blob of blood and tissue and described it as a baby.

So, where should our research efforts and the associated funding be directed? Unfortunately, this bill does not grant us the opportunity to be involved in the debate to answer that question. If I was able to do so, I would be talking about the more than 6,000 people who each day in sub-Saharan Africa die of AIDS.

On our doorstep, PNG is on the edge of an AIDS epidemic. The World Health Organisation has estimated that on present rates one in five men, women and children will be infected with HIV in the next decade. Might it be better for our researchers to put their efforts into that field? For me, we are not having the right debate.

Many of the emails, as with the briefing I went to against the bill, argue for a different technology and claim that, with this new technology, the use of embryonic cells will be made redundant. If that is the case, it will be able to establish itself as a viable methodology and the use of embryonic stem cells will gradually fade out. It does not necessarily argue against this current legislation.

In terms of the aspects of the bill dealing with cloning, my understanding of this technology is that there are still a lot of problems with it. In the highly celebrated case of Dolly the sheep, the new lambs were, from a cellular perspective, as old as Dolly herself, so the technology is very

limited. In a sense the research being done is speculative and, without solving that problem of inbuilt age that comes with the cloning, it is a form of research that is hardly likely to take us anywhere. It reminds me of the sign in the pub 'Free drinks tomorrow', and when the punters turn up to get their free drinks the barman says, 'This is today; tomorrow is tomorrow'. So tomorrow never comes, but it is always a tantalising dream.

Similarly in the energy sector, for two decades I have been hearing of the breakthrough that is to happen soon or next year with hydrogen technology, and it never happens. So, just like the promises of a hydrogen-based economy, I am not even sure that the new technology of cloning will ever deliver.

Despite that cynicism on my part, I support the bill because it might reduce some costs in our health system. If through this technology we are able to treat spinal injuries so that the health system does not need to provide permanent beds in institutional care or other imposts to the health system, we could be a lot better off. I do not know whether this outcome will eventuate. In closing, although this bill is exciting a lot of people, it fails to excite me but not enough to oppose it and I indicate my support for the second reading.

**The Hon. D.G.E. HOOD (17:03):** I rise to state the Family First position on this bill, and at the outset I indicate that my colleague the Hon. Mr Brokenshire will also make a contribution, probably in the next sitting week. In many ways this legislation is completely unnecessary. Today we are being asked to consider this legislation, which is not only unnecessary but also ethically problematic. I will make a few initial points, which I will attempt to address during my brief contribution today.

This bill was introduced prior to scientific developments, which in my view now render it completely unnecessary. Despite those developments, which of course were the discovery of the iPS cells in November last year, we still have a situation where we are forced to debate this bill. That is the first issue I will cover in my contribution.

The second one is to alert the chamber, for those who are not aware, that Western Australia has recently refused to pass a very similar bill to this one because, in short, that state came to the conclusion that the technology and therefore the presumption behind the bill is now obsolete. Thirdly, I will make mention of the fact that Professor Sir Ian Wilmut, famous for cloning Dolly the sheep, has abandoned this form of research in favour of the reprogramming of skin cells, which accomplishes the same thing that is attempted to allow for in this bill.

There we have the founder of this cloning science, Professor Sir Ian Wilmut, who cloned Dolly the sheep, now moving on from this type of cloning to focus more on what he sees as the newer more promising arm of science, namely, the iPS technology. The fourth aspect that is very important and deserves mention in this discussion is that the new so-called induced pluripotent stem cell technology, to which I just alluded, is producing stem cells in large quantities, while the old cloning technology, with which this bill deals and is being debated today, has yet to produce a single stem cell from a cloned human embryo in the whole world.

To paraphrase and repeat that, the new technology (iPS) is producing useable stem cells that are being used in the preparation of creating treatments for serious disease states which, of course, is the whole point of the iPS technology. However, the cloning technology, which we are debating here today, has never produced a single useable stem cell in all the time that it has been researched.

What we are debating today is: should we continue down a path of using a technology that has, so far, proved to be totally unhelpful, if you like—that is, it has never produced a single stem cell from a cloned human embryo—or do we have the courage to do what they did in the Western Australian parliament and say, 'That technology is no longer necessary'? Not only is it unnecessary and redundant, it is also regarded as ethically contentious, to say the very least, by many people—and not just people who have a religious faith. I have been approached by many people who claim not to have a religious faith but who do have some strong concerns about the ethical nature of the bill before us today.

In summarising my introduction, that is why I say this bill is both ethically questionable and obsolete at the same time. This bill permits the cloning and destruction of human embryos solely for research purposes. It also allows the mixing of human and animal genetic material to create an embryo. That is a significant step in its own right. Back in 2003 this parliament voted to outlaw, if you like, or to ban, the mixing of hybrid embryos—the mixing of animal and human embryos. The parliament voted resoundingly to defeat that bill in 2003. This bill, if passed—so as to be clear and

to place on the record—will allow the mixing of human sperm with animal embryos for the creation of what is called a hybrid embryo—a mixture of a person and an animal in one embryo.

Why on earth would we want to do that? If we really take time to think about that, it is a repugnant thought to most of us. Very few people would see it as any sort of advance whatsoever. Let me be clear: this bill has little to do with embryonic stem cell research per se. It is already allowed under legislation in South Australia.

One of the things I found somewhat disturbing in my discussion with others about this bill is that there appears to be some level of misunderstanding which is that, in passing this bill, we are not, as a parliament, allowing or preventing embryonic stem cell research as such. Many forms of embryonic stem cell research are already legal in South Australia. The defeating of this bill—that is, voting against this bill—will not stop the current forms of embryonic stem cell research that already occur in South Australia on a daily basis.

For example, if a couple go through IVF treatment and they deem, at some point, that they no longer wish to have any more children—and let us say they have been fortunate and had two children through the IVF process and they have four remaining embryos and they choose not to use them because they believe two children is the right number for their family—then their remaining embryos, under law in South Australia at the moment, can be used for research purposes so long as the couple agree.

Embryonic stem cell research is alive and well in South Australia—not that I agree with it; I do not—but that is the state of law in South Australia. I want to make that clear to other members when they are considering their position on this very important issue. Voting against and defeating this bill will not stop embryonic stem cell research in South Australia.

I do not like any sort of embryonic stem cell research but, as I said, this bill will neither ban it nor allow it. This bill is solely about—and this is the important point—extending research into new and unknown realms which allow for the cloning of embryos; that is, making a copy, if you like, of embryos which are destined to be destroyed, and the mixing of human and animal genetic material.

In a nutshell, this bill allows the creation (or cloning) of embryos specifically for the purpose of destroying them—they will be subject to research, and they will then be destroyed. The most repugnant aspect of this bill is that, all of a sudden, there will be the capacity for the combination of human sperm and animal embryos.

Family First strongly opposes this bill, as we have strongly opposed previous measures to allow human embryonic stem cell research. On 26 September, I presented a petition to this place, signed by 1,993 residents of South Australia who are opposed to this bill. I remind members that many people across South Australia, whether or not they are people of faith, although people of faith have a particular interest in this legislation, are concerned about the prospect of this bill being passed. I reiterate that it is not just church people or people of religious faith who object to this legislation.

I have been approached by dozens of people who claim to be of no religious faith, but they have concerns, particularly about the prospect of the combination of a hybrid embryo (that is, the creation of an embryo with genetic material from a human being and genetic material from an animal), and that is what this bill will enable to be done.

Organisations that have been leading the fight against this bill, such as FamilyVoice Australia, Medicine with Morality, and Australians for Ethical Stem Cell Research, speak for thousands of people deeply concerned about this bill. I for one do not welcome human/animal hybrid embryos or the creation of human embryos simply for the purpose of destroying them.

I will explain in simple terms how this technology works. I have consulted some learned people, and I believe this is a very simple and good summary of the basic science. To the best of my understanding, in cloning the nucleus is removed from an egg cell and a nucleus from another part of the body (that is, a somatic cell) is inserted. To trick the egg cell into believing that it has been properly fertilised, it is then 'zapped' with electricity and becomes a zygote (that is, a new individual), with the potential, if implanted in a womb, to develop and be born, just like Dolly the sheep.

A cloned human embryo, like a human embryo produced in a glass dish by IVF, is fully a human being, in my view. I say that because, if that embryo were to be implanted in a womb, it would develop into a human being who would live and breath and do all of the things that a baby would do. Similarly (and this is a horrifying thought for many people), if a hybrid embryo (that is, a

combination of human and animal embryos) were to be implanted in a womb, it might develop into whatever—I am not sure what name we would give it; we could call it an animal, or half human/half animal, or whatever it is. If such an embryo were implanted in a womb (and an animal's womb could be used), it would be born and have life.

Returning to the science, this kind of cloning is called somatic cell nuclear transfer (or SCNT). One difficulty is that only about 95 per cent of a cell's DNA is within the nucleus proper, within the nucleus itself. In the fluid surrounding the nucleus, there are small particles called mitochondria, which also contain DNA, up to 5 per cent of the total content.

Suppose a person wants to be cloned in this way. Imagine that one of the cells in his or her body is inserted into a woman's donated egg cell, and then it is 'zapped' to make an embryo clone of the patient. The embryo's DNA will be only 95 per cent the same as the patient. The embryo's mitochondria, with 5 per cent of the cell's total DNA, will be the same as the woman egg donor. Any stem cells produced from the cloned embryo would be a close match—and this is very important—but they would not be a perfect match to the patient. So, that is the science of embryonic stem cell research.

In stark contrast, adult stem cells are an exact 100 per cent match, because they come entirely from the patient, that is, the nucleus and the mitochondria. Further, there are no rejection risks of any kind. The combination of these two factors is why research into adult stem cell technology is now producing such significant results.

Just to reiterate that point, one of the problems and the reason for the lack of success with embryonic stem cell research as a whole—that is, the whole field; not just cloning—is that it is not a perfect match. It cannot be a perfect match because the material comes from two different places, whereas, in the case of adult stem cells, the match is absolutely perfect.

There is no risk whatsoever of rejection, and that is why all of the breakthroughs so far that have occurred with respect to this technology, and all of the advances in terms of actually developing substances that can treat serious conditions such as diabetes and these other conditions that we all would love to see cured, have come from the adult stem cell research side of the equation—all of them, without exception.

There are other problems with SCNT cloning. To create Dolly the sheep, Professor Ian Wilmut—and this is not widely known, although it is certainly fact—zapped some 277 eggs but only one embryo cloned in this way ended up as a viable sheep. Creating cloned embryos requires many eggs and that itself is a problem now.

To produce them, women have to take powerful drugs to stimulate their ovaries and, unfortunately, one of the side effects is that up to 8 per cent of women who take these drugs develop a condition known as ovarian hyperstimulation, which is a very painful and serious condition and, indeed, some women have died from this condition.

A woman who is close to my family has actually experienced that condition of ovarian hyperstimulation. I was able to have a discussion with her recently about the symptoms she endured while she was suffering from ovarian hyperstimulation, and she quite emphatically said to me that she wished she were dead during that period, that it was absolutely horrifically painful. She was hospitalised and she did come through it, thank goodness, but it took seven or eight days or so before she got back any sense of functioning at all. She was essentially in tremendous pain in hospital.

The research shows that up to 8 per cent of women who take these drugs develop ovarian hyperstimulation. The point I am trying to make is that this is not problem-free science. It worries me to think that, in many well-documented examples overseas, poorer women, particularly, who have been coaxed into undergoing this dangerous procedure using various inducements, have actually suffered the unfortunate consequence of ovarian hyperstimulation.

Even so, supplies of human eggs are actually difficult to obtain. Because of the shortage, some scientists want to use the eggs of other mammals such as rabbits, cows, sheep or monkeys whose mitochondrial DNA is even more different from human beings and, importantly, shows greater difference from the patient who, ideally, will be assisted by this technology.

So, in this bill, there is a paradox. Human-animal hybrids are supposedly banned, but clause 13 would allow testing of the viability of human sperm by placing the sperm with eggs of a rabbit or cow or some other animal creating for a short time a human-animal hybrid. I believe this is

the thin end of the wedge. There are other ways to test sperm which have been well documented also, and even better ways could be developed.

I do not believe that we should head down this dangerous, ethically unacceptable path of mixing humans with animals. Just to be clear, members who choose to support this bill in its unamended state are choosing to support experiments using a combination of human sperm and animal embryos to form one embryo.

I can barely begin to imagine the significant moral and ethical problems that will emerge if a scientist were to attempt to incubate one of these human-animal embryos or implant it into an animal's womb. In fact, there have been one or two cases of human-animal embryos being created by scientists and living for several days in a test tube before dying. Again, I reiterate that if that embryo were placed in a womb—all things being equal, assuming a healthy womb and the like—it might take hold and then go through the process of becoming a full-grown animal (I guess, is the best word for it).

It is concerning that, because of this bill, we have to even address and specifically prohibit this repugnant practice from occurring in clauses 5 and 14. I remind members that in the past week or so a Flinders University laboratory has been shut down for unauthorised genetic experiments on mice. Who would have thought, five years ago when MPs in this place emphatically ruled out all forms of human cloning, that we would now be debating a bill to allow some human cloning—even human-animal hybrids in certain circumstances.

I think at this point it is valid to ask: if in 2003 the parliament (of course, I was not here at the time) made the decision that this form of science was unacceptable, what has changed that makes it acceptable now? If someone voted against the bill in 2003, what has changed in that five-year period that would make them vote for it today?

If anything, there are more reasons to vote against such a bill today than there were in 2003—and I will go into that a little now. Since then, research teams in the United States and Japan have famously shown that a simple lab technique involving skin cells can rival the complex and highly controversial idea of extracting stem cells from cloned embryos. The stem cells derived from a patient's own skin cells have exactly the same DNA as the patient and so are a much better match than the embryonic stem cells, as I mentioned earlier.

So, at a time when there are calls to wind back and remove the 2007 federal cloning legislation from the statute book (including a call from Emeritus Professor Jack Martin of the University of Melbourne), we in South Australia are being asked to pass new laws allowing the practice. As I mentioned at the outset, Western Australia, one of the first jurisdictions in the world to consider embryonic stem cell research following the discovery of induced pluripotent stem (iPS) cells, recently refused to pass cloning legislation.

My understanding is that it was the first parliament in the world, since the discovery of induced pluripotent stem (iPS) cells last year, to actually debate the issue of therapeutic cloning. If I am correct (and I believe I am), the first jurisdiction to debate the matter since the discovery of iPS cells rejected the legislation; as I said at the outset, they mentioned that the new discoveries rendered legislation such as the legislation we are considering today completely unnecessary.

Professor Sir Ian Wilmut, the scientist who became famous for cloning Dolly the sheep (after 276 unsuccessful attempts, I might add), has now announced that he will abandon cloning in favour of research into ethnically reprogrammed skin cells, called induced pluripotent stem cells (the iPS cells to which I alluded a moment ago).

This research does not involve harm to human embryos; that is his primary reason for making the change, as well as his belief that—and I am paraphrasing of course, but I think I am safe in doing so as he said it publicly—iPS cells and that whole field of science offers so much more scope for genuine advancement in the field.

Eleven years after the Dolly experiment (and Dolly had to be put down because of bad health problems) there has been zero progress in finding cures or treatments using cloned embryonic stem cells. Again, even the fathers of the field, the great leaders of the field such as Professor Wilmut, are abandoning that science. Yet here we are debating it today.

In stark contrast to embryonic stem cell research, adult stem cell research—with no ethical problems whatsoever; there is no group lobbying against adult stem cell research; as far as I am aware, everyone is completely comfortable with the ethics of adult stem cell research—has seen a

number of achievements, including treatment for over 70 conditions such as heart disease, bone and blood-based cancers, and leukaemia.

There is such a thing as backing a winner, and I think in the case of adult stem cell research the runs are on the board. This is science where breakthroughs are actually occurring—in stark contrast to embryonic stem cell research where there has been no progress, certainly nothing that has resulted in anything like a treatment for any of those conditions.

Let me touch briefly on some of the arguments made in the other place for cloned embryonic stem cell research over the iPS method. I have been through most of the contributions, and I note that one member (and I will not name them) argued that iPS cells cause tumours. I am afraid that they do not fully understand the science, or really understand it at all, because the truth is that that is the science—that is, adult stem cells and embryonic stem cells cause tumours; that is how they work. They are so reactive, so to speak, that they create tumours, and that is exactly why they are useful.

If anyone has been seduced by the argument that iPS cells cause tumours, allow me to put their mind at rest once and for all. Whilst that is true, it is absolutely true for embryonic stem cells as well; indeed, it is useful that they do, and that is why they work and why the science is so exciting and unexplored at this point.

Both embryonic and iPS stem cells form tumours when injected into a patient because they are pluripotent. They have the power or potency to form plural (that is, more than one) types of tissue. So, they form not only the tissue you might want, such as heart cells, but they also form tumours containing teeth, skin, hair and so forth. Let me say it again: that is true of not just iPS cells but also of embryonic stem cells. That is the science. It is not a negative issue on either side of the debate: it is true for both sides, if you like.

Despite years of expensive research, no scientist has yet been able to produce a stem cell from a cloned human embryo—not one. Yet in just one year iPS stem cells have already been produced in large numbers—again with no ethical problems whatsoever. It was also mentioned in the other place by another member that it was guessed, if you like, that it may be five, 10 or 15 years until cures are available from iPS cells and therefore embryonic stem cell research should go ahead.

The reality is that there is nothing to support that statement whatsoever. Indeed, I have a letter from Australians for Ethical Stem Cell Research that goes into great detail to debunk the claim that it will be many years before we see breakthroughs using adult stem cells or the iPS cell method. Remember: as we speak, the runs are on the board for iPS cells—breakthroughs are occurring frequently with this technology and actual treatments are being used. There has been real progress in that field. At this stage, there is no progress whatsoever in embryonic stem cell research in any usable way.

Both embryonic and iPS stem cells form tumours and cannot be used in direct treatments for diseases. Human iPS cells are already proving useful for research and drug development, and they are being studied right now in major diseases. However, embryonic stem cells from cloned human embryos do not yet exist. They are not yet providing cures and, according to many learned people in this field, they are not likely to do so in the future. Indeed, Professor Ian Wilmut has made comments to that effect, and it formed one of his reasons for abandoning the embryonic stem cell field of research.

The only stem cells that are safe and tumour free are adult stem cells, because they are also free from immune rejection. Indeed, they are the cells extracted from the patient's bone marrow (or even from the nose in some cases) that are now being used in direct therapy for dozens of conditions world wide.

In summary, even if we put ethical questions aside (and I accept that people have different views on these matters), many scientists say that cloned embryonic stem cell research is proving to be a dead end. To be clear, if this bill goes through, that is the path we are going down. Professor Norman wrote to MPs on behalf of the Robinson Institute asking that the legislation be passed. The one and only justification he gave for cloning, as allowed by this bill, was:

> Therapeutic cloning would allow patients or groups to have personalised stem cells which minimise their need for immunosuppression and would allow disease specific cell lines to be made from patients which could be used to study a disease and test drugs.

However, as Professor Martin has advised members through his letter recently, this argument has not been valid since November last year, now that the exact same personalised stem cells are up and running in dozens of patients using iPS technology, nor are the viral concerns raised by Profession Norman relevant any more, given discoveries in September just this year which have allowed the generation of iPS cells without viral vectors. In short, there is no reason to use the embryonic stem cell method. It is I think disappointing that members have received a letter which omitted those two very important facts.

Scientists across the world who were researching in the area of cloned embryonic stem cells have turned their back on that research due to the cost and simply because the results they were getting were not satisfactory. That is not every scientist, of course; there are some who still want to go down that path but, clearly, many leaders in the field are publicly walking away from that arm of research. Why? Because there were no breakthroughs; not necessarily for ethical reasons, although some of them would have had ethical challenges with embryonic stem cell research, but because many of those scientists have taken a pragmatic route and said, 'This is too hard; the iPS research is so much more promising,' and, as a bonus, it has none of the ethical questions surrounding it that embryonic stem cells do.

I have a letter from Dr van Gend, who in his letter sums it up this way:

> Cloning has been made redundant by iPS and can be rejected as both unethical and unnecessary.

This is a professor in his field. I repeat that:

> Cloning has been made redundant by iPS, and can be rejected as both unethical and unnecessary.

I realise that this is a complicated issue and that the science for many of us can be baffling at times. I am happy to provide members with a copy of the letter which explains these specific scientific concerns, although I understand Dr van Gend sent members copies of the letter that he sent to me. He has indicated to me personally that he would be happy to talk on the phone with any member who so chose—I have his mobile phone number—for as long as they liked so they could understand the issues. He is not attempting necessarily to blind people to his opinion, if you like, or get them over to his side of the argument—although I guess that is ultimately what he would like to do—but he is happy to explain the science so that people can make their own decisions.

I reiterate that, if you look at this, in one form of this research, that is, the iPS cells, there have been tremendous advances on that side of the science. There have been no substantial advances on the embryonic side at this stage. Furthermore, there are significant ethical questions with embryonic stem cell research.

Further research must be directed towards adult stem cell research and not cloned and embryonic stem cell research, and I sincerely hope that the current, unnecessary bill will be soundly defeated in this place. If a member is considering voting for this legislation, I ask them to outline one single advantage that embryonic stem cell research offers over iPS cell or adult stem cell research. Any member doing that will come to the conclusion—and has to come to the conclusion, because it is fact—that there are simply no advantages in the embryonic stem cell research method over adult stem cell research. There is not one. I challenge anyone to name one. There simply is not one, and therefore this bill is absolutely unnecessary.

Given the current pace of change, I propose that we let this bill lapse. If there does in fact turn out to be a real demand for cloned embryos in the future, as some have speculated, the government can revisit this issue then. I think it is highly unlikely—in fact, I think it is absolutely unlikely. Stem cell research will continue in the meantime, as it has since 2003 when this parliament decided that cloning was unacceptable to it, but currently there is no sound argument for expanding the technology into cloning and, specifically, the mixing of human and animal DNA.

I will conclude with a few remarks. At the end of the day, it comes down to this: there are no documented advantages with embryonic stem cell research over adult stem cell research (or iPS cell research) at this time. It is as simple as that. Secondly, so far it has proved impossible to develop any genuine advances using embryonic stem cells.

The reality is that many senior scientists who have devoted their careers to stem cell research are abandoning embryonic stem cell research at a rate of knots, including the famous Professor Wilmut, who was responsible for cloning Dolly the sheep. So, the issue there is that there have been no advances. Senior people in this field are abandoning it, because they see it as offering limited scope for genuine advancement.

The other issue is the very significant ethical questions contained in this bill, and specifically they are as follows. If we pass this bill, we as a parliament will say that it is okay to create life—to create an embryo—for the sole purpose of destroying it. We will also have a situation where, for the first time, we will allow the mixing of genetic material from human beings and animals. That is something of which I will not be a part, and I strongly oppose this bill, Family First opposes this bill, and I urge members to stand with me in opposing it.

Debate adjourned on motion of Hon. J. Gazzola.

At 17:36 the council adjourned until Wednesday 12 November 2008 at 14:15.