LEGISLATIVE COUNCIL

Wednesday 25 March 2009

The PRESIDENT (Hon. R.K. Sneath) took the chair at 14:20 and read prayers.

LEGISLATIVE REVIEW COMMITTEE

The Hon. J.M. GAZZOLA (14:20): I bring up the 15th report of the committee 2008-09.

Report received.

STATUTORY AUTHORITIES REVIEW COMMITTEE

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:21): I seek leave to move a motion without notice concerning the appointment of a member to the Statutory Authorities Review Committee.

Leave granted.

The Hon. P. HOLLOWAY: I move:

That, pursuant to section 21(3) of the Parliamentary Committees Act 1991, the Hon. C. Zollo be appointed to the committee in place of the Hon. B.V. Finnigan (resigned).

Motion carried.

PAPERS

The following papers were laid on the table:

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

Rules of Court—Industrial Relations Court—Fair Work Act 1994—Industrial Proceedings Rules—Fire and Emergency Services

OLYMPIC DAM

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:21): I seek leave to read a ministerial statement made today in another place by the Premier in relation to the Olympic Dam expansion EIS.

Leave granted.

The Hon. P. HOLLOWAY: It reads:

This government is working closely with BHP Billiton to facilitate the approval processes necessary to expand the Olympic Dam mine. The planned five stage expansion would make Olympic Dam the world's largest uranium mine, the world's fourth biggest copper mine and Australia's biggest gold mine. It would also create, according to BHP Billiton's own calculations, up to 6,000 jobs during the decade-long construction phase. Once construction has been completed, it is estimated to create an additional 4,000 full-time positions at Olympic Dam to add to the existing 3,000 positions currently in place, and lead to an extra 13,000 jobs being established across the state that are required to support the mine's operations. That means that, when it is fully up and running, this expanded mine will support about 20,000 jobs statewide for many decades into the future.

The importance of this expansion to the state's economic future therefore cannot be underestimated, so it is critically important that we get the approval process right. Such a large project demands a rigorous assessment process, including the environmental impact statement (EIS), which is required by the South Australian government, the federal government and the Northern Territory government. The South Australian government is coordinating a joint process with the federal and Northern Territory governments on the preparation and assessment of the draft EIS through our dedicated Olympic Dam Task Force.

Recently, all three governments certified that the draft EIS developed by BHP Billiton over the past 3½ years complied with the guidelines for its preparation. This is one of the important statutory steps in this process. As a result, BHP Billiton is now printing the draft EIS for public release. The documentation is extensive, comprising a main statement of some 750 pages and more than 3,000 pages of appendices. The size of the document reflects the scale of this project. The documentation deserves and demands rigorous scrutiny by all interested parties and the community, as well as the government.

Accordingly, at a recent meeting in Melbourne with the chief executive of BHP Billiton, Marius Kloppers, the Deputy Premier and I [that is, the Premier] discussed the assessment process that will now apply to the draft EIS. I am aware, and so is BHP Billiton, that there is some criticism from a number of quarters that there is insufficient time

under existing arrangements for public comment and scrutiny of the EIS. This is a long life project and we must ensure that the assessment is done properly.

Some South Australians have raised concerns that the proposed eight week time frame for public comment on the draft EIS was not sufficient, particularly given the sheer size of the documentation and the scale of the proposed project. I do not want there to be any unease amongst the community about the expansion project or any perception that the EIS process is being deliberately rushed to avoid scrutiny. The community needs to have confidence that the potential economic benefits of the project are not overriding our requirements for environmental protection.

Our government is committed to balancing resource development with conservation, and the world's largest mine will not be an exception to this. BHP Billiton understands and respects this commitment and is working to ensure that its draft EIS report reflects this. In preparing the documentation, BHP Billiton has already engaged in very extensive public consultation over the past 3½ years. Nevertheless, we agree with Mr Kloppers that this next step in the process, where interested parties can provide their comments to government and BHP Billiton, must not be dominated by concern about the amount of time available to do this.

Accordingly, in agreement with BHP Billiton and the federal and Northern Territory governments, I announce today that the public will have 14 weeks to make submissions to government about the draft EIS from the time of its public release. Other parties have previously expressed concern that an eight week consultation period was not sufficient.

The Greens have expressed a view that the public consultation process should be extended to three months and the Liberal Party, only yesterday, called for it to be extended to four months.

They had probably just spoken to BHP and thought that they would jump the headlines as they normally do. It continues:

I therefore expect support from all parties for the extension to 14 weeks (or 3½ months) that we have negotiated with BHP Billiton. We have listened to the concerns of the community and, in conjunction with BHP Billiton, have found a solution that allows ample time for the public to read the draft EIS and provide comments back to the company and to government.

Mr Kloppers has confirmed that BHP Billiton's intention to publicly release the draft EIS by early May. BHP Billiton will ensure that the documentation is widely available. Arrangements are being made for online access and by very wide distribution of a DVD of the full documentation, as well as having hard copies available at public libraries and other locations.

In mid-April, newspaper advertisements will confirm these arrangements including dates for a series of public meetings convened by government to enable interested members of the public to seek further information about the draft EIS. In South Australia, these meetings will be held in Adelaide, Port Augusta, Whyalla and Roxby Downs.

It has been suggested that the draft EIS could be made available to the public now. This misunderstands the process. Following the recent certification of the federal, South Australian and Northern Territory governments that the documentation does comply with the guidelines and can be publicly released, BHP Billiton was able to proceed with its printing. BHP Billiton will release it very soon after it is available from the printers.

The extended public consultation period will mean that the government's decisions on the project are unlikely to be made before the middle of next year. This may be later depending on the extent of public and government responses to the draft EIS. Assuming a favourable assessment, a decision on the expansion can then be made by the BHP Billiton board. While the environmental assessment process is continuing, the South Australian government and BHP Billiton will continue renegotiation of the indenture agreement to reflect the project proposed in the EIS.

In our discussion, Mr Kloppers assured me that BHP Billiton remains committed to the long-term development of Olympic Dam. I can assure the house that BHP Billiton did not purchase the Olympic Dam mine to leave it as a car park in the desert. This mine has an estimated life of at least 70 years.

At the completion of the expansion, according to BHP Billiton's own figures, the combined open pit and underground mine will produce an estimated 750,000 tonnes of copper a year, 19,000 tonnes of uranium oxide per year, 800,000 ounces of gold and 2.9 million ounces of silver.

It will be one of the greatest mines in world history and, certainly, one of the richest. That is why this government remains totally committed to coordinating the approvals process and negotiating the indenture agreement required for the project to proceed.

QUESTION TIME

SOLAR HOT WATER REBATES

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:29): I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning, representing the Minister for Energy, a question about solar hot water rebates.

Leave granted.

The Hon. D.W. RIDGWAY: To be eligible for a rebate, the Department for Transport, Energy and Infrastructure outlines that applicants must be homeowners who install a complying water heater to serve their principal place of residence. I have been contacted by a number of residents of retirement villages who are not entitled to the rebate because of the 99 year lease arrangement on their properties.

I have contacted the Retirement Village Association, and the association indicated that it has communicated its concerns to the Minister for Energy but, unfortunately, this has fallen on deaf ears. The association argues that these people are living in their principal place of residence and that they are responsible for the purchase of the solar hot water service and the ongoing expense of running that service. I also add that, given the general demographic of retirement village dwellers, people in their senior years are often very frugal and given to living in an economical way, such as making sure they do not leave the lights on when they do not really need to, and they are often in a financial position to invest in a solar hot water system.

I note that in the written response to the Retirement Village Association about those concerns, the Energy Programs Manager in DTEI confirmed the position that the rebate is available only to owner occupiers and that retirement village arrangements do not qualify. My question is: given the government's announcement yesterday of free off peak travel for seniors in this state, will the government now recognise that the seniors in our community who wish to participate in these energy saving devices should be treated equally and fairly in the same way as other South Australian citizens?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:32): It is interesting that in his question the honourable member should remind us all about how this government will make available from 1 July free travel in off peak times, at a cost of some millions of dollars per year, to all holders of a seniors card. That is a very significant contribution—

Members interjecting:

The Hon. P. HOLLOWAY: It is amazing, Mr President, that we are hearing these sorts of comments from members opposite when this government, in very difficult financial times, has made the decision to help retirees, particularly self-funded retirees, many of whom have suffered significantly as a result of the downturn of financial markets and the falling stock market. In relation to the energy program, obviously there are rules that have been in place for many years.

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: How long have those rules been there?

The Hon. D.W. Ridgway: A long time.

The Hon. P. HOLLOWAY: That's right. This government recognises the problems faced by those people in our community who have suffered, particularly as a result of the global financial crisis, and the government's announcement yesterday in relation to public transport is one of the more practical ways that assistance can be given.

This government has, during this very difficult financial time, found the money for one very significant innovation and, instead of congratulating the government for what it is doing, members of the opposition have come out and demanded more.

We are now officially into the year before the election; it is now fewer than 365 days to the next election. Given the global financial conditions we face, members opposite can come up with their proposals about what they will spend and how they will manage it. However, this government, through its careful and prudent financial management, in the seven budgets over the course of its government, has been able to report surpluses. The government knows that, with the collapse in revenue (in particular, the decline in revenue from the GST) it will receive this year, we are in very difficult straits, and this government has taken action.

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: Of course, if we wanted to, we could think of various schemes on which we would all like to spend hundreds of millions of dollars to help the people in this state. However, at the same time, what we have to do is run a responsible financial policy for the state. We have done that over the seven years of this government. As I have said, we are able to

continue to provide for those most in need—such as all senior cardholders—new initiatives including this public transport initiative.

In relation to these other particular issues, of course the government is aware that there are many other claims, but they have to take their place in the assessment of need and benefit, along with the hundreds of other suggestions that are made. It is really time for the opposition to start to put up or shut up in relation to what it will be offering the people of South Australia in future elections.

Members interjecting:

The PRESIDENT: Order!

SOLAR HOT WATER REBATES

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:36): I have a supplementary question. How did country seniors benefit from the Premier's announcement yesterday?

The PRESIDENT: What does that have to do with it?

The Hon. D.W. RIDGWAY: He talked about the initiative. How did country seniors benefit?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:36): Perhaps I could ask the Leader of the Opposition how many retirement villages would qualify in many of the rural parts of our state and you would get the same answer.

Members interjecting:

The PRESIDENT: Order!

The Hon. D.W. Ridgway: There are old people in the country, Paul.

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Members are wasting a lot of their question time. We were late starting today because of the slowness of members to come into the chamber, and now they are wasting a lot of their question time.

TRAVEL COMPENSATION FUND

The Hon. J.M.A. LENSINK (14:37): I seek leave to make a brief explanation before asking the Minister for Consumer Affairs a question about the Travel Compensation Fund.

Leave granted.

The Hon. J.M.A. LENSINK: Under the Travel Agents Act, a person must not carry on a business as a travel agent, except as authorised by a licence under the act, and they must be a member of the Travel Compensation Fund in order to operate as an agent. The Travel Compensation Fund is a national body established under the jurisdiction, and its purpose is to provide compensation to consumers who purchase travel through an agent who has become insolvent.

There has been some discussion at COAG level, which has been looking at remodelling the scheme to a risk-based premium. It has been revealed through the online travel industry publication *Travel Today* that there is significant opposition to this revised system. In particular, I note the comments of the Australian Federal Travel Agents CEO and Magellan Travel. My questions for the minister are: has she received any advice of risk to tourism in South Australia as a result of the lack of confidence in this scheme, and has she received any advice as to the possibility of the collapse of this scheme if it is unviable?

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) (14:38): Indeed, there are considerations around the way that the Travel Compensation Fund is operating for travel agents. Proposals have been put forward to redesign and manage that in a different way. To the best of my recollection, those discussions are still at that stage, that is, they are being considered, and various stakeholders are being engaged in discussions around that.

At this point, I do not believe that any decisions have been made to incorporate any changes. I am aware that making any changes will have impacts on various stakeholders, but so, too, will leaving the fund as it is operating at the moment. I understand that there are issues around the way the fund is currently travelling and is anticipated and predicted to be operating within the foreseeable future. I do not have those details with me today but I am aware that there are a number of quite vexed issues around the fund. To the best of my knowledge, no decisions have been made about any changes, and at this point in time we are still in discussion with stakeholders in terms of exploring different options and the sort of impact that it might have on various stakeholders within the industry.

DOMESTIC VIOLENCE

The Hon. S.G. WADE (14:40): I seek leave to make a brief explanation before asking the Minister for the Status of Women a question in relation to domestic violence.

Leave granted.

The Hon. S.G. WADE: On 6 March the minister jointly issued a press release with the Attorney-General entitled 'Protecting victims of domestic violence'. In this release the minister spruiks the government's commitment to women's safety in South Australia and states:

> Family violence is a serious crime committed by partners, relatives and other family members—those who are supposed to love and care.

The minister foreshadowed laws which 'will ensure that neither gender can use violence, or the threat of violence, to control another person'. That was on 6 March 2009; 10 days later a child was killed and his mother and a sibling were seriously injured in a violent attack by his father, who was on a mental health licence at the time.

In a statement today, Ms Vicki Lachlan (who chairs the Coalition of Domestic Violence Services of South Australia) said that South Australia needs 'to examine the systems that these families are in and how the systems they turned to for help and protection failed to avert these senseless and preventable murders'.

Following the deaths, the Parole Board Chair (Frances Nelson QC) said that the Davoren Park deaths could have been avoided if the government had acted on law reforms she has been asking for since 2003. The Attorney-General responded by saying that laws to deal with people on mental health licences who are a threat to public safety are not a priority for his government.

I ask the minister: what credibility can the government have in its professed commitment to women's' safety when the state's chief law officer gives such low regard to dealing with the causes of domestic violence? Will she ensure that the laws on mental health licences are reviewed to prevent violence, particularly in the home and particularly against women?

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) (14:42): I thank the honourable member for his important questions. Indeed, domestic violence is an issue that has a very high priority in my mind. A great deal of work has been done around the review and reform of domestic violence laws. A review was conducted some time ago to consider a range of different issues, and some proposals were put forward. At this very moment, we are looking to develop new domestic violence legislation.

The sorts of issues that we are looking at are quite profound within the area of domestic violence and they are, indeed, quite complex and difficult issues. We are looking, for instance, to shift the onus when there is evidence of a domestic violence incident or situation. Under current provisions, the woman and her children are usually removed from the family home and found shelter and protection. We are looking at ways of changing that onus so that the perpetrator would be removed from the family home and the wife and children could be secured in the family home.

As the Hon. Stephen Wade would know, having a legal background, these are quite significant shifts and proposed changes and they need to be dealt with in a very sensitive and careful way. That is exactly what we are doing: we are making sure that we get it right so that we do not end up creating another set of legal problems for ourselves. We are looking at quite significant changes, and that is just one that we are looking at. That is well under way.

I know I have raised this matter in this place before so I will not go through it in detail, but there is a range of other initiatives that this government has been very active in taking. One of

those is the reforms to the rape and sexual assault legislation that are already in place. I think it was in April 2008 that we passed legislation to deliver major reforms in that area that made the perpetrator more responsible for their actions and provided greater support for victims of rape and sexual assault, and these laws are already in operation.

We have also put in place a trial for a family safety framework. We trialled that in three separate locations. That is a framework that provides case management, if you like, and risk assessment for those women who are at higher risk of suffering domestic violence, and it provides very quick and timely services around that woman and her family to support her and her family. We have trialled that, and the results from that evaluation have found that to be very successful. At present that framework is still in place in these three locations, so it is continuing, and we are now looking at the next step in terms of the further development of that framework in South Australia.

One of the other initiatives is that we have committed over $800,000 to an anti-violence public awareness campaign, and that campaign is aimed at informing and educating and ultimately reducing rape, sexual assault and domestic and family violence in South Australia. It is particularly aimed at young men, and it is challenging certain attitudes and behaviours around relationships that young men are involved in. That work is well under way as well, so we will be rolling that out fairly soon this year as well. So, as you can see, Mr President, this government has been far from complacent in being prepared to put its money where its mouth is and act to protect women from domestic and family violence.

SMALL BUSINESS

The Hon. I.K. HUNTER (14:47): I direct my question to the Minister for Small Business. Will the minister provide details of efforts being made to ensure that small businesses in our state are in a strong position to attract and retain staff even as they confront the challenges created by the current economic conditions?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:47): I thank the honourable member for his question. This government acknowledges the valued contribution of small business operators in supporting the South Australian economy, and we are strongly aware that such businesses face obstacles and challenges in their operations, especially in these uncertain times. One of the ways to better tackle these challenges is through improved workforce planning and development. I recently had the privilege of being invited to the Inner Southern Business Enterprise Centre to launch a building business capability program in the workforce development project.

Through the Department of Trade and Economic Development the government has worked with management consultant Strategon to develop a program of workshops to improve the capacity of businesses to plan for their workforce development. A range of very comprehensive and practical training and reference materials has been developed for these workshops, with input from both private and public sectors. I was particularly heartened that, in a climate where the business environment is at its most challenging for some time, small business operators were able to invest some of their valuable time to take part in this program.

Throughout the world, in every workplace, someone is being touched by the prevailing economic conditions over which they feel they have little influence, and businesses in South Australia cannot expect to be immune. The good news is that there are approaches and tools that firms can take to develop business plans that will allow them to compete in this environment. It was not that long ago that business forums were focused on the tightness of the labour market and the need to find better ways to attract and retain good employees. While higher unemployment is expected to be a feature of the economic outlook in the short term, South Australia's economy is well positioned to emerge from the current global downturn in relatively good shape.

Businesses, as well as government, need to plan ahead based on the long-term outlook, which, in terms of South Australia, remains promising. Businesses have to use this time to ensure that they are prepared for the changed conditions when the business cycle again turns in their favour. By developing modern work practices and analysing the strengths and development needs of their workforce, businesses can maintain a significant edge over their competitors until the next upswing begins.

As I just mentioned, I attended the launch of a workshop in the Inner Southern Business Enterprise Centre at Clarence Gardens. However, a number of organisations have confirmed their interest in offering this workshop program to select groups of small and medium sized firms,

particularly those employing five to 100 employees or contractors. These participating organisations include: the South Australian Centre for Innovation, Defence Teaming Centre, North Adelaide Business Enterprise Centre, Eyre Regional Development Board, Whyalla Economic Development Board, Yorke Regional Development Board, Mid North Regional Development Board and three industry skills boards.

The first of a monthly series of workshops began on 16 March at Port Lincoln and similar workshops will be held in the Upper Spencer Gulf region from the end of this month. Other programs are being developed for Gawler and Mount Gambier. The workshops will not be limited to metropolitan Adelaide but, rather, will be available to businesses throughout regional South Australia.

This government is committed to the development of small business. It is doing that through the development of the small business statement, which will help shape South Australia's future small business policy, and it is also doing it right now in terms of organising these workshops to build up the capacity of this important sector of the economy.

The small business statement has taken on added importance amid the unfolding economic crisis, the full impact of which is yet to be felt here in South Australia. With South Australian small business employing more than 46 per cent of the total non-agricultural private sector workforce it is vital that the government provides support during the current economic downturn. Maintaining the health of small business will be the key to minimising any job losses in this state.

The Rann government has slashed red tape, reduced payroll tax, rolled out services through the business enterprise centres and regional development boards, and responded to the Jaffe report into family business. All this action was taken before the financial global crisis arose to overshadow the national and local economies.

Small businesses have a crucial role to play in restoring economic growth, and supporting businesses during these uncertain economic times is an important step in warding off the threat of economic downturn and avoiding any major job losses.

BEVERLEY FOUR MILE NATIVE TITLE AGREEMENT

The Hon. M. PARNELL (14:53): I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question about the Beverley Four Mile native title agreement.

Leave granted.

The Hon. M. PARNELL: Currently, members of ATLA (Adnyamathanha Traditional Lands Association), along with native title named applicants, are in negotiation with Heathgate Resources over the Beverley Four Mile native title mining agreement, which would supersede the existing agreement between Heathgate and the Adnyamathanha.

At a recent meeting of ATLA on 16 January this year, a proposal was put to the people in attendance by Heathgate Resources. There were two key aspects: first, to consider how the Adnyamathanha People's Investment Trust might be managed into the future and, secondly, to amend the existing Beverley native title mining agreement.

The Adnyamathanha People's Investment Trust was set up to manage the receipt and distribution of royalties from the Beverley mine to the Adnyamathanha community. The trust is managed and controlled by Heathgate Resources and the ANZ Bank.

Following the 16 January ATLA meeting, I understand a letter, which was sent to ATLA members by lawyers acting on behalf of Heathgate, indicated that, if the Beverley native title mining agreement was not signed off in the next month, Heathgate Resources would be pursuing costs for the ongoing management of invested moneys.

I remind members that the public consultation period for the public environment report for the Beverley Four Mile project closed on 20 February this year. Neither the federal government, the state government nor the proponent have responded to the issues raised through that process. Despite this, Heathgate Resources is placing pressure on the Adnyamathanha community to sign off on the mining agreement before the details of the mining project have been finalised. My questions are:

1. Is the minister aware that Heathgate Resources is linking the successful resolution of the Beverley native title mining agreement with costs related to the Adnyamathanha People's Investment Trust?

2. Does the minister know why Heathgate Resources is forcing a decision on the Beverley Four Mile mining agreement before completion of the PER process?

3. Does the minister accept that linking the two issues and forcing an agreement imposes unfair duress and is a denial of due process?

4. Will the minister assure the council that the Adnyamathanha native title named applicants will not be forced to sign the mining agreement before completion of the PER process?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:55): The negotiations between mining companies and respective native title claimants are a matter for those companies. Most are kept confidential and the government does not necessarily know what arrangements are reached in many cases, and that needs to be understood. To put the question in perspective, we know that the Hon. Mark Parnell is opposed to uranium mining in any form and he keeps coming up with these red herrings. Yesterday, to get publicity, it was about a supposed spill that happened at Olympic Dam last year when, of course, any spills from uranium mines are recorded on the PIRSA website, as has been done.

We get this continuing train of issues in relation to uranium mining and in relation to Beverley itself. We know the Hon. Mr Parnell's view, as he put out a media release last month attacking the Beverley Four Mile project. We know where he is coming from: that is consistent, and he is entitled to do that. But let us not pretend that the Hon. Mark Parnell is an impartial observer in relation to anything to do with uranium mining at Beverley, as his press releases and other statements indicate. He will use anything and everything to bring it into his campaign to end uranium mining in this state.

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: Do you agree with him? It appears that the opposition is becoming increasingly anti-mining. We have seen the press releases put out by the shadow minister for mining continually attacking the mining industry. The mining industry is getting a little concerned about the anti-mining stance that is increasingly creeping into the attitude of the Liberal Party. Wherever I go among the mining industry, people express concern to me, because there has been in this state somewhat of a bipartisan approach with regard to general support for this industry, but there is a lot of concern about these negative comments coming from members opposite.

We know where the Hon. Mark Parnell is coming from, and he is obviously trying to use this issue again in the campaign that he consistently runs. I admire his consistency in relation to campaigning against uranium, but in relation to this matter the arrangements and royalty agreements between Heathgate and the Adnyamathanha people are matters for the parties concerned.

In the past the indigenous Adnyamathanha community has benefited significantly from the operations of the Beverley uranium mine and there are a significant number of people from the community who are working and have worked in that mine: something like 15 per cent of its workforce, if I correctly recall, come from the local Aboriginal community up there. Certainly I believe the relations between the Adnyamathanha and Heathgate historically have been cordial. In relation to the details, I imagine there will be some toing-and-froing on these issues, as there always will be in such negotiations, but I expect that when those negotiations are completed an agreement will be reached to provide significant benefits to the Adnyamathanha community, as well as significant benefits to the state, from the operation of the new Four Mile mine.

BEVERLEY FOUR MILE NATIVE TITLE AGREEMENT

The Hon. M. PARNELL (14:59): By way of supplementary question, does the minister think it is appropriate for the mining companies to put pressure on the traditional owners to agree to a mine when the PER process is not completed?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:00): The idea of putting on pressure is the honourable member's term. We know that Heathgate is keen to get its new mine

up and running so there will be continuity of employment not just for other South Australians who work there but also for the local indigenous community who work at that mine. I think it is in their interests—and in the interests of everyone—that there be some continuity, so that when the current Beverley operations are completed this significant new mine at Four Mile will be ready. So there are obviously certain timelines that Heathgate is seeking to achieve, and I think there are entirely reasonable reasons for trying to achieve those guidelines.

This government is certainly keen to see the operations continue to ensure continuity of employment in that region. However, if you come from the political position where you want zero employment in the uranium industry you will support whatever you can to try to disrupt that being achieved.

POLICE UNIFORMS

The Hon. T.J. STEPHENS (15:00): I seek leave to make a brief explanation before asking the Leader of the Government, representing the Minister for Police, a question about frontline police uniforms.

Leave granted.

The Hon. T.J. STEPHENS: In last month's issue of the *Police Journal* several members of the police force were asked to provide their opinion on the current front-line uniform. It was described as impractical, uncomfortable and not user-friendly, amongst other things. The shadow minister for police, the Hon. David Ridgway, and myself have had precisely the same feedback from police officers we have talked to about this issue over a long period.

The consistent message is that the current uniform is acceptable for ceremonial occasions or for those doing desk jobs but is totally impractical for today's front-line police work, where lightweight cargo-style pants and shirts would be far more efficient. This sort of apparel, which is being used in other jurisdictions along with baseball-style caps and polar fleece jackets, seems the best and most practical way to go in modern policing. My questions are:

1. Has the minister discussed this important issue with the police commissioner?

2. Can the minister advise whether the groundswell of support from our police for new front-line uniforms will be heeded?

Given that until recently the leader was the police minister, he may wish to comment himself.

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:02): I will certainly make one comment, and that is that the Hon. Mr Stephens seems to have a preoccupation with what our police wear and carry. This government's concern has been to protect the safety of our police force, and we believe in safety in numbers. That is why the size of the police force has grown from 3,400 in the mid 1990s to well over 4,000 at present.

This government believes that the best way it can guarantee the safety of our wonderful police force is by increasing the numbers of police; however, I am happy to refer the question to the minister in another place and obtain information regarding what is happening with uniforms. Clearly, from time to time it does make sense to change police uniforms consistent with current—

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: That is right; think of all the things—new weapons, including the tasers that we are trialling. What is more, there are new laws. Above all else, we have given police the laws they need. Look at DNA. South Australia leads the country in relation to that, and in relation to bikie legislation and the like. I think we have given police—

The Hon. B.V. Finnigan: Malcolm Turnbull says that they should have our bikie legislation; he's all for it.

The Hon. P. HOLLOWAY: Indeed, he does. In law and order, as in so many things, South Australia is setting the pace.

DOOR-TO-DOOR TRADERS

The Hon. R.P. WORTLEY (15:04): I seek leave to make a brief explanation before asking the Minister for Consumer Affairs a question about door-to-door traders.

Leave granted.

The Hon. R.P. WORTLEY: Consumers who are approached by door-to-door traders are often enticed by the ease and convenience of not needing to shop around for goods and services. My question to the minister is: can she advise what consumers should be wary of when approached by a door-to-door trader?

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) (15:04): I thank the honourable member for his important question.

Members interjecting:

The Hon. G.E. GAGO: At least ours get out and doorknock. The latest figures from the Office of Consumer and Business Affairs show that consumers are unhappy with the conduct of many door-to-door traders. Complaint figures for the financial year to date have already topped last year's figures, and common complaints are emerging.

One of the most common complaints that the Office of Consumer and Business Affairs is receiving is about traders who have approached consumers in their homes but have not shown identification, which immediately raises suspicions. Traders must show their identification to consumers whom they approach and any refusal to do so is a breach of the law. Door-to-door traders who do not properly identify themselves to consumers are breaking the law and face penalties of up to $5,000 if caught.

Other complaints that have been made against traders acting illegally is not giving consumers set forms outlining their rights or signing consumers into contracts before the cooling-off period has ended. A 10 day cooling-off period is not an optional condition: it is a safeguard to give consumers time to carefully consider any contracts that they enter into, which addresses the issue of some people being very vulnerable and easy to manipulate and persuade into buying goods that they do not really want and for prices that they cannot really afford.

I am calling for the public to report any suspicious door-to-door traders to the Office of Consumer and Business Affairs, adding that public involvement leads to informed and alert consumers. It is great to see consumers bringing these things to our attention. The more information that OCBA receives from the public, the faster it can keep consumers informed and ahead of scammers.

Many of these traders are dodgy. They travel from place to place using undue pressure to force and manipulate people to agree to have work done on their home or to hand over cash up front. Then they take the money and run, often leaving unfinished work or work that is way below standard.

There are a few simple tips that consumers should be aware of relating to door-to-door sales including: traders who ask for cash up front and give no cooling-off period or take money before the cooling-off period has finished; those who apply pressure to do work on the same day; and those who disappear leaving a shoddy and unfinished job or a faulty product. Do not be tempted by unexpected cheap offers. Only use established tradespeople who give written quotes. The old adage 'If it looks too good to be true, it probably is' is always a good thought to keep in mind.

If consumers have concerns about someone knocking at their door and are suspicious, they should contact the office of consumer affairs. There is a number for regional callers and there is also a website that provides some very sound information and advice.

LAND TAX

The Hon. J.A. DARLEY (15:08): I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development, representing the Treasurer, a question regarding land tax receipts.

Leave granted.

The Hon. J.A. DARLEY: The 2008-09 budget papers state that land tax receipts will be an estimated $485 million this financial year. Of this, an estimated $5 million is attributed to the potential effect of closing a loophole that allowed for the transfer of minority interests of up to and including 5 per cent in property for the purpose of avoiding land tax. My questions to the Treasurer are:

1. What is the current estimate of additional revenue to be gained as a result of closing the minority interests loophole?

2. How many owners were affected by this legislative change?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:09): I thank the honourable member for his important questions. I will get that information for him from the Treasurer as quickly as I can and bring back a reply.

CRIMINAL LAW AND MENTAL HEALTH

The Hon. R.D. LAWSON (15:09): I seek leave to make a brief explanation before asking the Leader of the Government, representing the Attorney-General, a question about criminal law and mental health.

Leave granted.

The Hon. R.D. LAWSON: On Monday last week, it was reported that David James Wyatt, aged 24, killed his two year old son and stabbed his partner and his baby daughter as well before fatally stabbing himself. Wyatt was the subject of a mental health licence, having been charged in 2005 in relation to a violent robbery. He was found not guilty by reason of mental incompetence and placed under a mental health supervision licence for four years.

It was later revealed by the Parole Board chief, Frances Nelson QC, that she had raised on a number of occasions (as recently as February this year) with the Attorney-General the ineffectiveness of provisions which would allow the Parole Board to provide greater protection for the public and for those who are on mental health licences. The Attorney-General, in a radio interview, initially denied that he had ever received any communication from Ms Nelson on this subject. Later, he recanted and admitted that he was wrong and that Frances Nelson was right.

It was in a letter written in February this year that Ms Nelson says the matter was last raised and had been raised on a number of occasions. In 2004, the Parole Board chief had written to the Attorney-General a letter that I had raised in this chamber previously. Later still, when forced to admit that the matter had been the subject of representation by Ms Nelson, the Attorney-General said, as *The Advertiser* reported it, 'Mental health is not our priority.' My questions are:

1. Following the letter of 24 May 2004 from Ms Nelson, did the Attorney obtain any departmental or Crown Law advice in relation to the issues raised by Ms Nelson?

2. What was the effect of that advice? Why was no action taken in relation to it?

3. In relation to the subsequent occasions described but not dated by Ms Nelson, did the Attorney on those occasions obtain any advice—and, if so, what advice—in relation to this matter?

4. When will the government take action, as requested by Ms Nelson, in the interests of public safety?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:13): I think the first point that ought to be made is that, regardless of what the law says, no law would necessarily be effective in stopping people from killing themselves and others. I will refer the question to the Attorney-General. In his question, though, the Hon. Robert Lawson did say something along the lines, 'Mental health is not our priority.' I am not sure that they were the words the Attorney-General used.

As I understand it, the Attorney-General indicated that the government had been pursuing a number of very important criminal law matters in relation to organised crime and other issues. However, I do not think the words attributed to the Attorney-General are necessarily those he used, but I will refer that question to the Attorney-General, and he can explain that. I do not think we should allow newspaper reports to put words into the mouth of the Attorney, but I will refer that question to the Attorney and bring back a response.

CRIMINAL LAW AND MENTAL HEALTH

The Hon. R.D. LAWSON (15:14): I have a supplementary question arising out of the answer. Was the Attorney-General correctly quoted by *The Advertiser* of 20 March 2009 when he said:

We get policy proposals coming to us every day of the week. I opened my own mail today and there were 50 items there. We decided at that time it was not proportionate—

The PRESIDENT: Order! The honourable member cannot include an explanation in a supplementary question. The honourable member must ask a question.

The Hon. R.D. LAWSON: I am.

The PRESIDENT: No, you are not. You are including an explanation and reading quotes. You should have done that when you asked your original question.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Lawson will ask his supplementary question without making an explanation or reading quotes from a document.

The Hon. R.D. LAWSON: Was *The Advertiser* correctly reporting what the Attorney-General said?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:15): I will refer that to the Attorney, and he can answer that.

Members interjecting:

The PRESIDENT: Order!

KANGAROO ISLAND

The Hon. CARMEL ZOLLO (15:15): Can the Minister for Urban Development and Planning provide an update on the initiatives being undertaken to provide guidance to Kangaroo Island residents on planning for the future?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:15): As members may be aware—

Members interjecting:

The Hon. P. HOLLOWAY: Just a few minutes ago, the opposition was trying to suggest that this government is not interested in regional matters, and when my colleague the Hon. Carmel Zollo asks a question about a very important part of regional South Australia—Kangaroo Island—what do they do? They pour scorn on it. Is the reality that they do not care about the country? Perhaps that is why a poll in *The Advertiser* the other morning had the headline 'Liberals collapse in country areas'. Perhaps there is something more to it. Perhaps there is something to that, and perhaps this is the reason why.

To return to the important question, the planning strategy for regional South Australia is gradually being replaced by various stand-alone volumes called regional land-use frameworks. This process, which involves extensive public consultation, began with the Yorke Peninsula regional land-use framework, which was adopted in December 2007. Since then, the government has published draft regional frameworks for the Mid North and the Far North.

I am pleased to inform the honourable member that the state government is now seeking public input into the formulation of a regional framework for Kangaroo Island. These frameworks are driven from the ground up and involve engaging local community representatives very early in the process. This allows the frameworks to closely align the aspirations of the community with the broader state government objectives.

As part of the final consultative process, the government has invited public submissions on this draft framework. The consultative period runs for two months and includes an informal community meeting. Community information drop-in sessions are to be held on 8 April 2009 from 2pm until 6pm in the Kangaroo Island council chamber meeting rooms at 43 Dauncey Street, Kingscote.

The draft framework allows a collaborative process involving the Kangaroo Island council working closely with the Department of Planning and Local Government, the Kangaroo Island Regional Development Board and the Natural Resources Management Board. The proposed framework broadly identifies where future housing, population and industry growth is best located, and not located, as the case may be, across Kangaroo Island, taking in the four major townships.

The draft framework identifies the roles and functions that different parts of the island can play, including the various townships. It tackles issues such as the interface between industry, residential areas and valuable environmental assets. The proposed framework also addresses issues affecting the island, such as increased tourism, changes in town populations and the future of primary industries. Once finalised, the Kangaroo Island regional framework is to be adopted as part of the state government's planning strategy for South Australia. This will give the framework—along with similar frameworks for other regions of the state—statutory effect and will provide formal direction to local councils and the private sector. In particular, these frameworks will guide the Kangaroo Island council in updating its local development plans which detail local zoning and other land-use policies.

These development plans are used to assess the appropriateness of all development applications within South Australia. A copy of the document can be found online at the Department of Planning and Local Government's website, and hard copies will also be available from council offices.

I urge all members of the Kangaroo Island community concerned about the future of their island to track down a copy of the draft framework, attend one of these informal meetings and lodge a submission so that their voice can be heard. Written submissions can be lodged with the Department of Planning and Local Government until 5pm on Wednesday 3 May. The Department of Planning and Local Government will now turn its focus to developing the final two regional land-use frameworks. With the assistance of local councils and local state government-based agencies, the department will be drafting frameworks for both the Eyre and Western regions and the Limestone Coast region.

Mr President, I am sure that you will follow with interest the development of these frameworks and, in particular, the Limestone Coast region with which you have such a close affinity.

FREEDOM OF INFORMATION

The Hon. R.L. BROKENSHIRE (15:20): I seek leave to make a brief explanation before asking the Leader of the Government a question regarding freedom of information laws.

Leave granted.

The Hon. R.L. BROKENSHIRE: Section 54AA was added to the Freedom of Information Act in 2004 and came into force on 1 January 2005. That section relates to the provision of information to the minister in relation to freedom of information laws. The wording of section 54AA explains that it is intended to enable a minister (meaning the minister responsible for the FOI Act) to monitor compliance with the act and to assist in preparing the annual report required under the act. Section 54AA also allows the minister to require by notice in the *Gazette* the information necessary to enable that compliance.

I have received concerning information from various sources that ministers are being tipped off about freedom of information requests from members of parliament in the media before the information yielded by the request is given to the member. I know of at least two of my own freedom of information requests where the information concerned mysteriously appeared as a media story featuring the relevant minister. The timing is far too coincidental and, in fact, I have heard claims that ministers are deliberately going to the media with members' FOI requests.

We heard on the television news last night and we see on page 16 of the newspaper today that the Rudd government is moving to 'turn around an official culture of secrecy which has been steadily growing since FOI laws were introduced in 1982'. Special Minister of State Faulkner said that the idea that the best way to protect responsible government is by keeping information about that government as confidential as possible has been very slow to die.

On 28 November 2002 the minister said in answer to a question from the Hon. Rob Lucas that he receives information in relation to FOI requests, namely, the existence of their arrival. The editor of *The Advertiser* stated in his editorial today:

> Revered US President Abraham Lincoln once said, 'Let the people know the facts, and the country will be safe.'

And he gave his endorsement to the federal government's transparency measures as a step in the right direction. Yet an accredited freedom of information officer recently told my office—I will not name the person because I respect and want to protect the officer's integrity within the Public

Service—that the law requires them to forward all FOI documentation to a minister a few days before the information is due to go to the person who sought it. Our reading of the law is that it does not do that whatsoever. My questions are:

1. What information does the minister receive about each and every freedom of information request?

2. Has a directive or protocol gone out to all accredited freedom of information officers?

3. Will the government eliminate FOI application fees, as the federal Australian Labor Party government is doing?

4. What was the rationale for these guidelines, set by State Records in January 2005, and why were they not put before the parliament?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:23): The honourable member's problem seems to be that, on the one hand, he talks about the need for the pubic to have information, but it seems that what he wants is information that the opposition can release and pretend that it has some secrecy value because it comes from FOI rather than the information itself being released. Why else would it be a problem?

His complaint seems to be that, if information being sought through an FOI is released beforehand, it seems to kill his media opportunity. Is that really what FOI is all about? Perhaps the game has been given away here, and perhaps all the protestations from the opposition and others about FOI are really about getting publicity for themselves under the pretence that if it is found through FOI it must be deliberately being withheld.

An honourable member interjecting:

The Hon. P. HOLLOWAY: It's about democracy. Well, Mr President, if information is in the hands of government, what is wrong with government releasing that information? That seems to be the problem of the honourable member.

Let me take another slant towards this FOI. I know the honourable member, my opposite number, the Leader of the Opposition, is continually requesting FOIs for a whole series of reports and consultancies which the government has undertaken to develop policy. Of course, members opposite get these and immediately try to pre-empt the government and try to pretend the policy is really their own. Even though, of course, the government has established these reports and set up these committees to receive advice, they try to pre-empt them.

That is all part of the political system, and good luck to them if they can get away with it, but let us not pretend that there is some magic in this information, and let us have none of this nonsense that somehow or other this sort of information is being withheld from the public. I think the honourable member's question really gives it all away when he says what he wants: 'We want to be able to get this information so we can release it and package it up with the spin on it that we want to give, rather than the information being given out.'

In so many cases with FOI, a lot of the information which is being sought—and to get back to the honourable member's question, obviously, I see the requests that come through, because after all they are directed in many cases through the minister's office, or the minister's office will have the information—makes it quite clear from very many of those requests that they are seeking information which is publicly available. What I can say is that taxpayers are spending millions of dollars more than they were when this government came to office in relation to all the employees who are now involved as freedom of information officers in collating the massive increase in the number of FOI requests we have. In this debate on FOI I think it is about time we had some cost benefit analysis towards it, because we often see these fishing expeditions, where you have hundreds of public servants involved—

An honourable member interjecting:

The Hon. P. HOLLOWAY: It's not secret government at all. You have hundreds of officers just trying to collate the requests. They are just fishing expeditions, and anyone who sees these requests would know that they are fishing expeditions. I have always believed that, if a government commissions a report, once it is completed and gone to government, then of course that information, which ultimately the taxpayers have paid for, should be released, unless of course it has some legal or other issues. Of course it should be out there, but what has happened is that we

have seen this enormous, massive increase in FOI requests, which is adding millions of dollars to taxpayers—

Members interjecting:

The Hon. P. HOLLOWAY: On the contrary. He says, 'Hard working opposition', but in fact it is an incredibly lazy opposition, because most of this information is available. The Hon. Mr Lucas is a classic; the sort of information he requests in relation to salaries of members and staff is all provided in the *Gazette* every year. Every single year on 1 July you will see in the government *Gazette* the information that relates to ministers' staff and advisers, but that does not stop members such as the Hon. Mr Lucas seeking to duplicate all that for different periods of time.

Since this government has come to office we have changed the freedom of information laws very significantly to increase the amount of information, and the number of FOI requests provided under this government has grown by a quantum change. What we see is the absolute laziness of some of those members opposite who are not prepared to do their own research and who simply use many of these exercises as a fishing expedition.

In relation to the last part of the honourable member's question, where he was asking about fees and what the commonwealth government might do, that is clearly a matter for them and the minister but, from my perspective in relation to fees, I think there has to be some limit, given that there has been a massive escalation in the costs of dealing with these. It is about time we had a cost benefit analysis as to whether all these exercises, which are largely fishing trips, really warrant the massive increase in expenditure.

Of course, MPs get them free anyway, but if every member of the public could get these things for free there would be not only a massive increase in the number of requests but also the cost to the taxpayer—and, ultimately, it is the taxpayer who must pay the cost—would go up exponentially.

There are two sides to this story and, to go back to the point the honourable member is making, if there is an FOI request of the government—and some of the information might be held in the minister's office—of course the minister will know that the request exists. If that information is released, so what? Is that not the whole purpose of FOI? Is the honourable member really saying that FOI should exist only to serve the media interests of non-government members? I do not believe so.

MATTERS OF INTEREST

MARINE PROTECTED AREAS

The Hon. C.V. SCHAEFER (15:31): I would like to spend time today talking about my concern—and I think the concern of many people—with the government's proposed marine protection areas. I note that they are called marine protection areas, not marine parks. There is a tendency to call them marine parks, which conjures up nice, comfortable recreation areas for recreational fishermen.

I want to make it quite clear that as far back as 1998 the Liberal Party released its 'Seas and Coasts: a maritime and estuarine strategy for South Australia'. It was quite comprehensive and outlined our views on the development of marine protected areas within South Australia. In April 2000, we published a guide to marine protected areas, and our 2002 election policy indicated that we intended to have this work completed by 2006. At the launch of that policy we had the agreement of the Seafood Council and the Conservation Council, who jointly released that policy with us. I make it quite clear that the Liberal Party is not against the development of marine protected areas. Far from it: we acknowledge the necessity to do so.

However, this government has taken a long time to develop a policy whereby 50 per cent, or thereabouts, of the state's waters will be subject to some type of marine protection and, to use the colloquial, I want to know—if the government simply wants to protect areas under threat for biodiversity; and it is a small area which will not affect commercial fisheries or recreational fishers—why does it need most areas of the state's waters, which in fact are used by both commercial and recreational fishermen?

If you need a five acre paddock, why would you put a fence around 500 acres? It simply makes no sense. Why would the government not outline and establish where these areas of concern are and reach agreement with the commercial fishers and the Conservation Council as to where those protected zones should be, rather than say, 'We will turn the whole lot into a protected

zone and then we will let you know after that where the zoning is and what activities are to take place within this designated area.'

It appears to me that the act provides that the zones can be proclaimed by the minister of the day. A large number of people are showing concern. There are some 320,000 recreational fishers in South Australia, many of whom are expressing their concern about how and when they will be allowed to fish under this system. Why would the government not let us know that in advance so that agreement can be reached?

The Hon. J.M. Gazzola interjecting:

The Hon. C.V. SCHAEFER: The Hon. Mr Gazzola interjects that it has. It has not. It has simply said that 45 per cent of the state's waters—almost all the waters that anyone wants to fish in—access to the beach and all of that will have a big fence around it, then the government will let us know what we can do inside that fence. Why will the government not let us know now? Is this, by stealth, a method of getting control of fisheries under the auspices of the environment department instead of under the auspices of the Department of Primary Industries, as it should be?

South Australia has one of the most sustainable fisheries in the world. People travel from all over the world to see how we have regulated our fisheries, largely voluntarily, so that they are sustainable.

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): I point out to the honourable member that she was going for a considerable time before the clock started. She has 30 seconds from now to conclude.

The Hon. C.V. SCHAEFER: That is not fair; I was just getting warmed up. I will continue this theme. This is putting the cart well and truly before the horse. The government is being pig-headed and failing to acknowledge public concern and the affect that this will have on regional South Australia. There is an opportunity to do this better, and I appeal to the government for once to stop being so arrogant and to listen to those whose livelihoods are affected by this piece of legislation.

Time expired.

ROYAL ADELAIDE HOSPITAL

The Hon. R.P. WORTLEY (15:38): I rise today to discuss a matter of interest to all South Australians: the new Royal Adelaide Hospital. I raise this matter today because of recent *Advertiser* reports about the opposition's plan with regard to this much needed facility. Brace yourself: they do not have just one plan but they actually have three. Obviously, you develop one plan and, when that does not fit, you get another plan and, when that does not fit, you try to conjure up another plan. You then manipulate an artist's impression, squash a 12-storey building into four floors, and deny the people of South Australia public consultation on the issue until after the election. These are the opposition's plans for the future health needs of our state.

As members would be aware, my colleague in another place, the Minister for Health, has said that here we have three sets of half-baked ideas. Sadly, this sort of wishy-washy, populist thinking amongst the ranks of the opposition and their fellow travellers are all too frequent. What is the result? It is uncertainty: uncertainty for all those involved in the planning and development process; uncertainty for the medical and allied health professionals and those who support them in their vital work; uncertainty for the community; and definitely uncertainty for every voter in next year's election.

Unlike Labor's plan, which is out in the open and which has been comprehensively discussed around the state, the Liberals are expecting voters to cast their ballot without any concrete idea of what to expect from the opposition for future health care in South Australia. What if, heaven forbid, they were to sneak home in the next election? The consequences would be a choice between multi-storey buildings on the northern, southern and eastern parts of the present site or an L-shaped multi-storey building on the northern part of the site or building directly in front of the current emergency department, which would restrict access, jeopardise patients and cause traffic chaos.

The interesting and most disgraceful thing about this whole plan is that they try to con and mislead the public by putting out an artist's impression showing a 12-storey building compressed into the size of a four-storey building next-door. The explanation for this, given by Ms Vickie Chapman in another place, is that it is a contemporary building and has a much lower floor-to-

ceiling height. I can only come up with two reasons for the explanation: one is that it looks like you are designing future facilities for the health of hobbits; or you are deliberately misleading the people of this state.

The ACTING PRESIDENT: Order! The honourable member should direct his comments through the chair.

The Hon. R.P. WORTLEY: Thank you, Mr Acting President. There are clear differences between the plans that Labor has for our future health needs and the plans of the opposition. The opposition will deliver this state second-rate health facilities at a very cheap price. On the other hand, this government is prepared to look at a facility which will provide the latest state-of-the-art technologies for the next 100 years for the people of South Australia. Adelaide's population and demographic projections demonstrate the need for a state-of-the-art facility to provide 21st century medical care for all South Australians, and Labor has the plans on the table.

I will draw a few comparisons between those plans and the amorphous L-shaped and other buildings proposed by the Liberals. This government's new hospital will contain single bed patient rooms, not six-bed bays with shared conveniences which those opposite contemplate, with the exposure of patients to the risk of cross-infection. Labor's new hospital will not be built on the foundations of an ageing infrastructure with the associated issues of outdated sewerage, heating and cooling, water supply and related systems. Rather, our new hospital will minimise power and water use, embracing environmentally sustainable practices and minimising our carbon footprint.

Time expired.

SOUTH AUSTRALIAN NATIONAL FOOTBALL LEAGUE

The Hon. T.J. STEPHENS (15:42): I was going to talk today about the South Australian National Football League, but I might just spend five minutes talking about the idiot opposite—

Members interjecting:

The ACTING PRESIDENT: Order! The honourable member should continue with his plan, I think.

The Hon. T.J. STEPHENS: I apologise and withdraw, Mr Acting President. I rise today to speak on the South Australian National Football League. As honourable members would be well aware, the 2009 season of the SANFL begins this weekend, and the league is again looking to build on the strong crowd attendances of 2008, which were up 6.8 per cent on the previous year.

The Hon. R.I. Lucas interjecting:

The Hon. T.J. STEPHENS: The Hon. Mr Lucas interjects that this is the most positive part of the year for him, because at this stage the mighty West Adelaide Football Club is undefeated—but maybe for only a short period of time! This figure includes a massive 11,827 fans turning out to the round 13 Glenelg versus Sturt fixture, which helped to deliver the best attendances since 2002, with 275,842 spectators in total making their way through the turnstiles in the 2008 minor round.

With the launch of its 2009 publicity campaign 'The Real Deal', the SANFL is keen to remind South Australians of what is a fantastic community based, family friendly, grass roots football competition that (according to SANFL's website) offers 'real action, real atmosphere and real value for money'. I have to say that last year's final series was an absolute delight for a football spectator—good, hard footy, fast, and with a lot less of the nonsense that we see with the AFL at times.

In these tough economic times, with the impact of the global financial crisis being felt by many South Australians, a day out with the family at the local footy becomes a very attractive entertainment option. I commend the SANFL's great initiative of giving free entry to children under 18 at all SANFL games, as it makes for both an affordable and enjoyable family day out. Round 1 of the Be Active league season kicks off this Friday night with traditional rivals Norwood and Port Adelaide doing battle at the Parade.

South Adelaide takes on West Adelaide on Saturday afternoon at Noarlunga Oval. In a first for the SANFL, a twilight game between Glenelg and Sturt will be played at 4.30 on Saturday at the Bay, and the round will be completed with Central Districts versus the Eagles at Elizabeth on Saturday night. North Adelaide starts this round with a bye.

There has been some speculation in the media in recent times about the financial position of the nine SANFL clubs and their viability going forward. It will be the SANFL's responsibility to

help clubs weather these tough economic times, and it must do all it can to support the nine clubs in consolidating their position as important community-based football clubs.

The success of the two Adelaide-based AFL teams is crucial to this with the SANFL holding both AFL licences in South Australia. I also take this opportunity to wish the Adelaide Football Club and, to a slightly lesser extent, the Port Adelaide Football Club all the best for the upcoming AFL season.

I urge all Port Power supporters to get along, no matter how painful it is, and watch their team participate; the SANFL certainly needs the revenue. The SANFL is a competition steeped in history and tradition with the 2009 season marking 132 years of Australian Rules football in South Australia. This makes the league one of the most decorated and oldest football leagues of any code in the country.

It undoubtedly plays a major part in the lives of many South Australians and contributes greatly to South Australia's rich sporting culture. It also remains the best state league competition in the country, acting as a feeder competition for the AFL. Its reputation as a breeding ground for the football stars of the future has been continued this year.

Season 2009 heralds the introduction of the elite under-18 competition, streamlining the old under-17 and under-19 competitions. This positive move brings the SANFL into line with other state leagues' underage set-ups around the country and will give many young South Australian fellows the best chance to realise their dream of playing at the elite AFL level.

Some other initiatives that the SANFL and the clubs will continue with in 2009 include having a number of themed rounds such as Rivalry Round, taking the game to primary schools with clubs conducting clinics at schools within their zones, and promoting the game in country areas with games at Encounter Bay and Waikerie.

The excellent standard of local footy played at various suburban ovals around Australia really must be seen to be believed, and it is matched by the passion of the supporters and the atmosphere that this generates around the grounds. Again, I encourage all South Australians and indeed all members to support their local SANFL clubs in the 2009 premiership season.

AUSTRALIA DAY

The Hon. J.M. GAZZOLA (15:47): We recently celebrated the foundation day of Australian history in the Australia Day awards and public holiday. As we are aware, this important holiday always attracts some debate and controversy, as witnessed this year, as to whether or not it is an inclusive day of celebration.

This year's Australian of the Year, indigenous leader and co-chair of Reconciliation Australia, Professor Mick Dodson, has questioned the suitability of the date, January 26, the day of the landing of the First Fleet in 1788. To many indigenous Australians, the date—but not the day—is inappropriate, celebrating what they see as 'invasion day'—a point of view, he maintains, that a mature Australia should, and now needs to, debate.

This is an interesting observation, given the enthusiastic acceptance of the much awaited apology to the Stolen Generation and the requirement of moral consistency in symbolic acknowledgements. Perhaps the strongest recognition of the need for reconsideration was captured in the article by football champion Che Cockatoo-Collins when he quoted the observation of the late and great Fred Hollows who, on the eve of the bicentenary, said, 'How on earth could Aboriginal people be expected to come to the party unless their rights...their sovereignty in this country is assured?'

The need for debate was also picked up by *The Advertiser,* which noted the merit of Professor Dodson's comment while also reviewing the incongruities and inconsistencies of the general public holiday calendar. I know that there are some members opposite who bridle at what they see as tokenism in these gestures, but we should not underestimate the importance and power of symbols as a gracious acknowledgement of common humanity, an expression of social responsibility and as a gateway to action.

We can still remember the mean, polarising and hard-edged bitterness that resulted from the Howard government's stubborn refusal to say sorry and the welcome relief generated by Prime Minister Rudd's address to the nation.

We all know that an apology by itself is not enough. There is much work to be done, but saying sorry was and is a mature and proper act. Such a view is consistent with what Justice

Michael Kirby said in his farewell speech upon his retirement, that is, that it is a bridge to reconciliation. As the Prime Minister pointed out, given that Australia Day is a holiday celebrating inclusiveness, one wonders about the purpose, wisdom and tenor of the message delivered by the Hon. Peter Costello to the Australia Day United Prayer at the Melbourne Town Hall, an event hosted by the Catch the Fire Ministries.

I turn now to the awards themselves. I belatedly congratulate the 500-odd individuals who received their well-deserved recognition. While the media heralded the well-known, I want to say a little about a less heralded South Australian award winner, Mr Ray Baldwin. Mr Baldwin served in the South Australian 2/27th Infantry Battalion, which was disbanded after World War II. He served in the Middle East, in New Guinea on the Kokoda track, on the northern beaches, and in the Markham and Ramu valleys, finishing in Balikpapan, Borneo.

He temporarily returned to Australia from Port Moresby in 1943. He, along with Senator Anne McEwen's father, was one of three officers and 87 other ranks of the 2/27th who survived. Another interesting aside is the fact that he and Doug McEwen survived for 14 days without food or shelter when a group of 13 were separated and cut off from the main force at Brigade Hill in August 1942.

Mr Baldwin was instrumental in keeping the memory of the 2/27th alive and keeping the remaining 60 battalion members in touch through the battalion journal. However, last September, after 22 years, the publication was cancelled. Mr Baldwin has been recognised for his service to the 2/27th AIF Ex-Servicemen's Association with an Order of Australia medal. In closing, I congratulate Mr Ray Baldwin and all the recipients of the Australia Day awards.

DISABILITY ADVOCACY

The Hon. D.G.E. HOOD (15:52): I rise today to address an issue of great concern to Family First, which I am sure all parties and Independents represented in this place share. I will highlight one service shortly, and I am talking specifically about the disability service sector in this state. There is a lot of information that I could put forward, but I really want to focus on one particular issue, which has been brought to my attention in recent times, that is, that there are only two metrics in the State Strategic Plan on disability, namely, doubling housing for people with disabilities by 2014 and an increase of 400 people in day options programs by 2014. It is encouraging that the government states that it is on target with both targets, and, on the face of it, that appears to be the case.

However, submissions that I have received from people who suffer from disabilities, their families and those affected by these terrible conditions in order to improve their lives and seek assistance through the appropriate channels present a very different story. Of course, whilst individual cases do not always represent the overall situation, some of these stories are very tragic indeed. I suggest that, because of that, two metrics in the State Strategic Plan are possibly not enough, and I urge the government to consider what other areas could be measured in terms of improving the lot of those people in our state who are suffering with a disability.

Against this background, I will explain the care sector's difficulties by referring to the case study of one advocate in particular who I think deserves specific mention. I am referring to a lady by the name of Jayne Lehmann, who is the mother of three daughters. One of Jayne's children has Dravet syndrome, a genetic disorder that has left her 14 year old daughter with significant intellectual, medical, physical and behavioural disabilities. Jayne's struggles in caring for her daughter have brought her to the point of speaking out in public in order to both educate and challenge us to improve the system.

As health professionals, Jayne and her husband John have a great deal of knowledge about both the health system and the care required for their daughter. Unfortunately, they have found that competency insufficient and, sadly, they have found that our health, disability, transport and education systems often come up short when they have tried to meet their daughter's needs.

Jayne's advocacy focuses on giving people with a disability the same life opportunities as those without a disability. If a system works for someone with a disability, it invariably works really well for everyone else. We need to include people with disabilities in our society in a way that values, respects and challenges them and allows them to participate in the rich tapestry of community life that, of course, can be so difficult for them to participate in—even the simplest of activities.

The steps taken years ago for deinstitutionalisation in this sector were significant but, of course, the job is far from done. Many of the services and organisations that the care sector have to use remain institutionalised. Successive governments forgot to plan—or perhaps neglected to plan—for the care sector after deinstitutionalisation. Jayne and John have been forced to work at a high level, lobbying departments, MPs and various arms of government, and the like, putting into disability policy and service delivery the sort of resources that are required to help not only their family but, indeed, the sector as a whole.

Jayne's advocacy has seen her previously appointed to the Ministerial Disability Advisory Council and as a current member of the Council for the Care of Children here in South Australia. She was one of the founding parents of Dignity for Disabled, and she works proactively with government organisations and service providers to evolve their services in practical and useful ways. Her advice is, indeed, valuable.

The care sector continually experiences stress, lack of practical assistance and understanding and, in particular, long-term uncertainty regarding the care of children of all ages. Jayne has produced resources for parents to help them care for their disabled children. She initiated and helped write a booklet on child protection for parents of children with disabilities. She has also set up and maintained an email network to share information with service providers and other parents of children with disabilities.

Family First congratulates Jayne and John for their work with the disabled, and encourages them—and others in the care sector—to keep up their campaign for equality, their fight for appropriate levels of funding, and justice for not only their own children, of course, but for all the children who might suffer a disability in South Australia.

WAVE POWER

The Hon. I.K. HUNTER (15:57): I rise today to speak about wave power and to congratulate the Premier on the announcement in February of this state's first wave power licence. As we all know, it is imperative for us to look towards sustainable forms of energy. Relying on fossil fuels that have powered our lifestyles to this point is not going to be possible into the future. They will soon run out and, in the meantime, they are doing damage to our environment.

The government has stated its commitment in the State Strategic Plan to increase the amount of renewable energy sources used and created in this state by 20 per cent by 2014. We are well on track for meeting this target.

The announcement that the Carnegie Corporation will establish a test site for wave power on the Limestone Coast will add to the work that has already been done in South Australia in renewable energy sources—wind, geothermal and solar energies to date. People have sought to harness wave power for more than 100 years—or even longer—but it is only in recent times that significant attention and resources have been put into utilising it.

The world's first commercial wave farm opened just last year in Portugal. There are many ways of capturing and using this power, and there are different locations in the ocean where energy can be harnessed—shoreline, near shore or even offshore. As larger waves generally have more power that can be harnessed than smaller waves, the South-East of this state seems like a very appropriate place for trialling the technology in Australia.

What is the potential for wave power? According to Pelamis, a company based in Edinburgh which currently has projects off the coast of Portugal, Scotland and the United Kingdom, marine and renewable energy could one day provide the United Kingdom with 15 to 25 per cent of its energy consumption. Transfer that sort of result to South Australian's situation and you can really see the sorts of possibilities that we are talking about.

With Australia's coastline having some of the best waves in the world, the potential for this technology is, indeed, very exciting. Of course, with all such new technologies, there are obstacles for those working in the field to overcome. Some of the main concerns that need to be considered in the development of this technology were covered in the report of the California Energy Commission and California Ocean Protection Council of October last year—'Developing wave energy in coastal California: potential socioeconomic and environmental effects'. The report states:

> Caution must be taken when developing wave energy conversion technology off the Californian coast. Impacts to human activities, wave exposure, benthic communities, fishes, birds and mammals are all certain, but the level of impact and the cumulative effects are currently difficult to anticipate and need further study.

Whilst the authors also describe the potential for impact on fisheries in the area, they also point to the employment opportunities for local communities working with those developing wave power technologies. Additionally, the costs of utilising wave power as a viable source of electricity are such that it will take time before it is really feasible. At the moment, it costs so much to construct and install the necessary equipment and to harness that power that it is not yet economically practical for the system to be widely used.

However, as with all things, new technologies are always expensive until someone works out how to do them just as well but without the prohibitive cost. I have no doubt that, as with other forms of alternative technologies, wave power will get to that point. There is simply too much urgency for us to convert to forms of alternative energy sources for this not to occur. However, these concerns must always be weighed against the option of not trying anything new, continuing to rely on the forms of energy that we have relied on to date, and accepting the damage that we are doing to our planet in the meantime. As I have said, this is really not an option.

Most of my colleagues would agree that, providing adequate attention is paid to the environmental and socio-economic impact of such technologies and any negative impacts are responded to appropriately, we need to be looking for these sorts of alternative energy sources and researching the possibility of their application in Australia. I look forward to seeing the results of the Carnegie Corporation's trial. I hope that it will soon be joined by other companies seeking to utilise alternative forms of renewable energy sources, and I congratulate our current governments, both state and federal, for giving this area of technological endeavour their full support.

CLIMATE CHANGE

The Hon. M. PARNELL (16:01): Today I want to speak to the climate emergency and the failure of governments—state, national and international–to deal with it. Nicholas Stern, in his famous report from only three years ago, described climate change as the greatest market failure ever. It was a very sombre warning of our need to act fast. Only in the past week or so he is back in the media and saying that politicians do not understand the risks of climate change and that, therefore, they are not taking sufficient action. He further said that his estimates of the cost of dealing with climate change were likely to now be as much as 50 per cent higher than he calculated in 2006. Members may recall that he likened the cost of not dealing with climate change as similar to the cost of all world wars added together.

In Copenhagen recently the world's scientists got together and released their toughest yet communiqué. The scientists are saying that urgent action is needed and governments should no longer pander to vested commercial interests. Denmark's climate minister (Connie Hedegaard) said:

> If we do not act now, we risk catastrophic changes to our climate, causing destabilising conflict and massive migration of refugees due to water and food shortages in many parts of the world.

The scientists' communiqué is all the more remarkable because it is directed to politicians and, therefore, it is beholden on all of us to listen carefully to what they say. The communiqué emphasises that the worst-case scenarios of previous records are now common scenarios and, in fact, the most likely outcome unless drastic action is taken.

On Friday, there will be a national day of action with people around Australia coming together to express their concern and alarm at the commonwealth government's Carbon Pollution Reduction Scheme. That is now being called the 'carbon polluters reward scam'. Most people who have any understanding of the science of climate change would agree that a 5 per cent reduction target is absolutely pathetic. It is also pathetic that we are giving free pollution permits to our nation's biggest polluters. However, at the South Australian level we have the Rann government's Climate Change Act.

When that act went through with great fanfare we made a big deal of the fact that we were the first state to legislate. However, the legislation is weak. It provides for a target that is now discredited—the target of reducing our emissions by at least 60 per cent by the year 2050—and it has been referred to as 'legislated volunteerism', which is virtually meaningless as a legal instrument.

Yesterday we had tabled in this place the South Australian government report under section 16 of the Climate Change and Greenhouse Emissions Reduction Act 2007, and that pointed out how little the government has in fact done to achieve the objectives of the act. The first thing to note is that we still do not have in place a target greenhouse pollution reduction by the year

2020. The debate we had at the time, members will recall, was that we should go back to 1990 levels, yet what the scientists are now telling us is that that is far too weak. The scientists who met in Poznan in Poland recently basically said that weaker targets for 2020 increased the risk of crossing tipping points and making the task of meeting 2050 targets more difficult.

With the document that was tabled yesterday I was particularly worried that the government has completely dropped the ball on reaching sector agreements with its own agencies. SA Water was not completed, and excuses were given. It has only just started talking to the Land Management Corporation, and it has just started talking to TransAdelaide, many months after these negotiations should have resulted in sector agreements. I remind members that this is not an academic exercise: this is the future of the planet that is at stake. We will be judged by our children and by their children, and we cannot make the excuse that we did not know the science and we did not know what was going on.

ARMENIAN-AUSTRALIAN COMMUNITY

Adjourned debate on motion of Hon. D.W. Ridgway:

That this council recognises that the Armenian genocide is one of the greatest crimes against humanity and—

1. joins the members of the Armenian-Australian community in honouring the memory of the innocent men, women and children who fell victim to this genocide;

2. condemns the genocide of the Armenians and all other acts of genocide as the ultimate act of racial, religious and cultural intolerance;

3. recognises the importance of remembering and learning from such dark chapters in human history to ensure that such crimes against humanity are not allowed to be repeated;

4. acknowledges the significant humanitarian contribution made by the people of South Australia to the victims and survivors of the Armenian genocide; and

5. calls on the commonwealth government to officially condemn the genocide of the Armenians.

(Continued from 4 March 2009. Page 1502.)

The Hon. B.V. FINNIGAN (16:07): I thank the council for its indulgence in allowing me to bring forward this matter. I rise to support the motion to recognise and commemorate the Armenian genocide, and I commend the Leader of the Opposition for moving this motion. The reason I wanted to deal with it straight away was that we have representatives with us here today from the Armenian National Committee of Australia, and I acknowledge Mr Vick Kalloghlian, Mr Vache Kahramanian from the Armenian Cultural Association of South Australia and Mr Gevik Abedian, the President of that organisation. I do apologise if I mangled the pronunciation of their names.

I commence my contribution with the words of a great orator and wartime leader, who wrote:

In 1915 the Turkish Government began and ruthlessly carried out the infamous general massacre and deportation of Armenians in Asia Minor...the clearance of the race from Asia Minor was about as complete as such an act, on a scale so great, could well be. ...There is no reasonable doubt that this crime was planned and executed for political reasons. The opportunity presented itself for clearing Turkish soil of a Christian race opposed to all Turkish ambitions, cherishing national ambitions that could only be satisfied at the expense of Turkey, and planted geographically between Turkish and Caucasian Moslems. It may well be that the British attack on the Gallipoli Peninsula stimulated the merciless fury of the Turkish Government.

The author of those words was Winston Churchill, in the volume *The World Crisis*, Volume 5, published in 1929 by Scribner's Sons.

The Armenian genocide started on 24 April 1915, the eve of the landing of Australian and New Zealand troops at Gallipoli Cove. The genocide, often called the first of the 20th century and the event in connection with which the word 'genocide' was used for one of the first times, was centrally planned and administered by the Turkish government against the entire Armenian and Pontian Greek, Assyrian and other Christian populations of the Ottoman Empire.

It took place between 1915 and 1918 and then from 1920 to 1923. This horrendous act fits the definition of genocide, as it was the intentional attempt to exterminate all members of a certain race, nationality or ethnic group. It is estimated that 1.5 million Armenians perished between 1915 and 1923. The Ottoman parliament passed a law in May 1915 known as the Tehcir law 'for regulation for the settlement of Armenians relocated to other places because of war conditions and emergency political requirements'. By 1923 the entire land mass of Asia Minor and historic West Armenia had been expunged of its Armenian population.

Most Armenian political, religious and cultural leaders were arrested and murdered, beginning with the events of 24 April 1915. Many people were killed in their towns and villages or on death marches towards camps in the Syrian desert. Those Armenian males not executed were conscripted into the Ottoman army, disarmed and put in special labour battalions. Most were either worked to death or killed when they outlived their usefulness. The remaining population of elderly people, women and children, were rounded up by death squads and either forcibly converted to Islam or raped or massacred. Most of the survivors were deported from their ancestral lands and exiled around the world.

The horrors did not end there. The very existence of the former Armenian population in Turkey was denied, maps and histories were rewritten, and churches, schools and cultural monuments were desecrated and misnamed. Small children, who had been snatched from their parents, were renamed and farmed out to be raised as Turks.

Some people might question the relevance today of events that happened a long time ago. It is important to remember that in today's modern Republic of Turkey it is an offence under section 306 of the Turkish penal code, punishable by up to 10 years' imprisonment, to affirm the Armenian genocide.

While the genocide was being carried out, almost all major powers condemned the Ottoman government's campaign of executions, yet it continued unchecked. At Versailles—at the end of the First World War—the United States, Britain and France could have forced the Turkish government to make restitution to the Armenian people for their immense material and human losses, but nothing was done.

Unfortunately, there have been many other acts of genocide in the world since the Armenian genocide, and it is still happening in some countries. In particular, I refer to the horrific treatment of the Pontian people. For the Pontian Greeks, all ended in tragedy in the years between 1914 and 1922. Of the 700,000 Greeks living in Pontus in 1914, some 300,000 were killed as a result of Turkish government policy and the remainder became refugees.

Three millennia of the Greek presence were wiped out by a deliberate policy of creating a Turkey for the Turks. The Pontian people were denied the right to exist, the right of respect for their national and cultural identity, and the right to remain on land they had lived on for countless generations. Like the Armenians, the Pontians are a distinct people with their own dialect, culture and traditions.

There have been many large scale massacres based on race or religion on almost every continent, including the Jewish Holocaust, the Balkans, the Hungarian minority in Romania, the hill tribes of South East Asia, Guatemala and Haiti and, of course, in almost every part of Africa.

Australia and South Australia are populated with significant communities of refugees who have suffered from so-called ethnic cleansing—and still they come to seek a better life here. In recent years we have received several thousand humanitarian refugees from the former Yugoslavia, Africa and the Middle East.

Besides the obvious cause of recognising the monstrous genocide of the Armenian people during and after the First World War, I believe that this parliament should support this motion to honour the Armenian community that today exists in Australia and South Australia. Although from the 2006 census about 16,000 Australians claim Armenian ancestry, the actual number of Armenians in Australia is estimated to be 50,000. The community is made up of Armenians hailing from not only Armenia but also 43 other countries, including Egypt, Lebanon, Syria, Jordan, Israel, Turkey and India.

Here in South Australia more than 200 people identified themselves in the 2006 census as being of Armenian ancestry. Most Armenian South Australians are the descendants of Armenians who survived the 1915 genocide and settled in Middle Eastern countries after World War I. They came to South Australia after 1963 from countries including Palestine, Egypt, Syria, Iraq and Lebanon, where they settled after the genocide. They emigrated because of their uncertain future as minority groups in these lands. Having lived in a variety of places before their migration to Australia, most Armenians were multilingual and spoke English upon arrival.

The last significant wave of Christian Armenians arrived in South Australia from Iran after the 1980 Islamic Revolution. In South Australia we have a small close-knit Armenian community. Not surprisingly, that community is vocal in its campaign to pressure the Turkish government to admit the Armenian genocide occurred. Many things have occurred recently to give this resolution

even greater impetus. Internationally we have seen a steady increase in the number of actions that constitute recognition of the Armenian genocide, whether those actions are in the form of parliamentary resolutions, laws, statements, declarations, communiqués or reports. The Armenian National Committee of Australia has compiled a list of 51 such actions. That list includes:

- a 2007 resolution of the South American Parliamentarians Coalition;
- statements and resolutions by parliamentary chambers in Chile, Argentina, Lithuania, Venezuela, Germany, Poland and Canada;
- two resolutions of the European Parliament in 2005;
- a Vatican City communiqué in 2000; and
- a resolution of the New South Wales parliament in April 1997 and, I understand, a vast majority of the states of the United States.

Following on from the New South Wales parliament resolution, the New South Wales government installed a memorial stone inside Parliament House in Sydney in 1998. At that time the Hon. Bob Carr MP, then premier of New South Wales and minister for ethnic affairs, said:

> The destruction of churches and the elimination of peoples is the destruction of cultural diversity on this planet. Surviving monuments and artefacts of Armenian civilisation are testimony to that nation, as is their acceptance of Christianity as a state religion in the year 301. The remaining churches represent a unique cultural and architectural style and reflect the rich Armenian civilisation. Today, as a result of the work of Armenians around the world, including that in Australia and the United States, an increasing number of people are aware, first, how tumultuous Armenian history has been and, secondly, of the scale of crimes committed against them, which began in 1915. Turkey must face up, as Germany has, to crimes committed in its name. The Armenian people are right to insist that this great crime against their people, their culture and the universal rights of humankind must be acknowledged.

That concludes the words of the Hon. Bob Carr on that occasion. Just last month another New South Wales parliamentarian—this time a federal member of the Liberal Party—spoke out in support of the Armenian people and their efforts to have the Armenian genocide properly recognised. The former Howard government minister, Hon. Joe Hockey MP, told the House of Representatives on 20 October 2008 that the Armenian community was still struggling to achieve recognition of the genocide.

After recounting the facts of the case, Mr Hockey noted that the Australian government had not officially recognised the Armenian genocide. 'This weighs heavily on me', Mr Hockey told the house, 'particularly as my own grandfather was himself a survivor of the genocide. He never knew the fate of his siblings and his friends as they were presumably led to their death.' Mr Hockey said that Australia had prospered through the immigration of people from countless nations, including Armenia, and he urged parliament to recognise the Armenian genocide for what it was—not alleged, not supposed and not so-called.

Before closing, I mention two other developments that have made this resolution timely. In late August in Adelaide the Armenian Cultural Association of South Australia hosted an event called 'An SOS from beyond Gallipoli'. That event, which included a superb photographic exhibition, highlighted the efforts of Australia from 1915 to 1929 to help the people of Armenia in response to the genocide.

Members interjecting:

The PRESIDENT: Order! Members and people in the gallery are very interested in the contribution. Could we have some order or take the conversations outside, please.

The Hon. B.V. FINNIGAN: Those efforts are considered by many to have been Australia's first major international humanitarian relief mission. In 2008, very few Australians were aware of that effort and even fewer know that it was heroically led in part by a South Australian, Reverend James Cresswell of Adelaide's Congregational Church. Reverend Cresswell became the national secretary of the Armenian relief fund in 1922, and the following year he embarked on a trip that saw him investigating the conditions in which Armenian refugees and orphans were living. He oversaw many relief programs, including the setting up of an Australian-funded orphanage, which today remains an important site for the Armenian people.

Just one of the legacies of Reverend Cresswell's fine work is a collection of photographs he took during his travels through Greece and Armenia between 1921 and 1923. Those

photographs were exhibited in Adelaide as part of the event I mentioned a moment ago, and I understand that they are being displayed in other parts of Australia.

The second event which has spurred on this resolution was of the Armenian National Committee of Australia Advocacy Week, held in November last year. The week is designed to raise the profile of Armenia and the importance of international recognition of the Armenian genocide. I realise that some people, including representatives of Turkey, will try to represent support of this resolution as somehow an attack on multiculturalism or on the local Turkish-Australian community. It is not and should not be taken as such. No-one is trying to reflect on the character of our Australian communities, and I respect the contribution all migrants have made to our nation.

In light of growing international awareness of the Armenian genocide, and given the horrific nature of the genocide itself, it is time we South Australians did our part. It is time for the South Australian parliament to stand up and be counted on this issue. I thank the Leader of the Opposition for moving this motion. I thank members of the Armenian National Committee of Australia, who have attended my speech today and to witness what I hope will be unanimous support for this resolution, and I commend them and their organisation for all the work they do on behalf of the Armenian community in Australia and, in particular, to highlight the atrocity of the Armenian genocide and to ensure that it is properly commemorated and remembered by Australians. I commend the resolution to the chamber.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (16:22): I thank the Hon. Bernard Finnigan for his contribution on behalf of the government, and I thank the Legislative Council for its indulgence in allowing us to debate this matter a little earlier today. As the Hon. Bernard Finnigan mentioned, we have a number of members of the Armenian community in the gallery today, and one or two have to get back to Sydney at some point. We are doing this to facilitate that travel, and I thank the council for allowing that to happen.

Today is a very important milestone, with parliament recognising the Armenian genocide. It was an important time in the history of Armenia and I believe it is also important for South Australia, as the great multicultural community that we are, to recognise events that have happened around the world affecting all sorts of different people in all sorts of different places. We recognise that it is important to their community, and we also recognise that we are all Australians going forward. We look forward to working with them in the future as part of our wonderful South Australian and Australian multicultural community. With those few words I commend the motion to the council.

Motion carried.

VICTIMS OF ABUSE IN STATE CARE (COMPENSATION) BILL

The Hon. R.L. BROKENSHIRE (16:24): Obtained leave and introduced a bill for an act to establish a scheme for the payment of statutory compensation to persons who have suffered abuse or neglect while in state care. Read a first time.

The Hon. R.L. BROKENSHIRE (16:25): I move:

That this bill be now read a second time.

I am very proud to introduce this bill, which continues the very good work done by the Hon. Andrew Evans, whom I was privileged to replace. I am most grateful to him for being able to take his seat in this place and for giving me the opportunity to represent families and the cause of justice in South Australia.

For the record, it is worth reflecting that it was, of course, the Hon. Andrew Evans who opened up the opportunity to see justice for victims of sex crimes committed prior to December 1982. Despite the government's constant spin that it made that revocation occur, it was actually the Hon. Andrew Evans—although I do acknowledge the bipartisanship of all parties after it was raised, and I think it is important that it continues to be bipartisan. I think that the clarification has been secured and admitted by all parties concerned in this place.

We need not retrace the whole history of this matter, but I will state a few dot points to highlight the reasons I am introducing this bill, as follows:

- the Mullighan inquiry that followed;
- the arrests and prosecutions of paedophiles that have since occurred; and
- the blanket apology to wards of the state that occurred in the middle of last year just prior to my being sworn in.

Dissatisfaction amongst those abused in state care remains—and rightly so. While it was important that the government give a blanket apology—and Family First participated in that apology in this parliament—up to now there has been no redress for the victims. Yet recommendation 40 of the Mullighan inquiry states:

> That a task force be established in South Australia to closely examine the redress schemes established in Tasmania, Queensland and Western Australia for victims of child sexual abuse; to receive submissions from individuals and relevant organisations on the issue of redress for adults who where sexually abused as children in state care; and to investigate the possibilities of a national approach to the provision of services.

Whilst I acknowledge and support the fact that there is some work being done across state borders via a national approach, what progress have we seen with respect to genuine redress and payment to those abused in South Australia? Up to this point we have not seen anything; the answer is none.

The government can say that victims can go to a lawyer to try to sue the state through the Victims of Crime Act or at civil law, but one can hardly say that that is responsible behaviour by a legal entity—namely, the state government—which is the same legal entity today (although of a different political persuasion) as it was when it allowed children to be abused in state care decades ago. It has an obligation to do what it can for those children, who suffered abuse under that duty of care.

The state government is on record in *The Australian* of 2 April 2008 saying that it believes its victims of crime compensation fund does the job for victims of abuse in state care. We disagree. There are a number of problems with the government's argument in that regard, principal of which is to ask why, if that were so, have three other states set up redress schemes? In fact, I understand that some of those have concluded their redress, made their payments, and allowed those abused victims to begin to put their lives together again.

I will not expand on that argument or run through other arguments now as I will seek leave to conclude shortly in the interests of allowing other business to proceed today. Let me contrast the government's position with that of some of the major churches that have not only admitted that abuse occurred and apologised but, via their leaders' public statements, invited victims to come forward and seek compensation which those churches have set aside for that specific purpose.

I am very pleased to see the churches leading the way in justice and reconciliation in this way, and the government ought to learn from their example. Nobody approves of the sexual abuse of children that happened in public and private institutions. It is repugnant behaviour and should be eliminated.

However, when I see what the churches are doing compared to what the state government is doing, I have to say that I am disappointed in the government's comparative inaction. The government is also out of step with its interstate counterparts on providing compensation to victims. Tasmania, Queensland and Western Australia have established time-limited redress schemes and, by 30 April 2009, which is just over a month from now, all of those states will have concluded their compensation payouts.

To be more precise, Tasmania has put forward approximately $10 million for redress compensation payments. That is an ex gratia payment capped at $60,000. This scheme ran from April to June 2008—a very short time period for claimants to come forward—and follows a previous 2005 compensation scheme. Claimants received a personal apology and personal counselling.

Queensland's scheme cost approximately $100 million, with a maximum ex gratia payment of $40,000. That scheme ran from October 2007 for one year—initially meant to be six months. I note that the amounts payable under that scheme in a two-tier arrangement are the same as I have put forward in this bill, namely, $7,000 for all victims and an additional $33,000 for victims of serious abuse or neglect.

Western Australia's scheme was costed at approximately $114 million and had a maximum $80,000 payout. It started on 1 May 2008 and concludes, as I mentioned, on 30 April 2009. Their tier system is $10,000 for all and a further $70,000 for serious abuse or neglect. Claimants also receive an apology and support services.

Family First has endeavoured to find a happy medium in relation to these schemes, and I think it is an embarrassment to this government that it has not introduced such a scheme to date with three other state governments having done so. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

ADELAIDE PARKS, TREES AND GARDENS

The Hon. DAVID WINDERLICH (16:33): I move:

1. That the Legislative Council establish a select committee to inquire into and report upon the future sustainability of Adelaide's urban forest of parks, trees and gardens and, in particular:

(a) the economic, social, health, community and ecological benefits of parks, trees and gardens;

(b) inefficiencies and inequities in water restrictions;

(c) the impact of council and state planning policies;

(d) measures to help reduce the water use of parks, trees and gardens while still maintaining Adelaide's urban forest;

(e) the implications of climate change for Adelaide's urban forest; and

(f) strategies to engage home gardeners, the nursery industry and the community in protecting parks, trees and gardens.

2. That the committee consist of three members and that the quorum of members necessary to be present at all meetings of the committee be fixed at three members and that standing order 389 be so far suspended as to enable the chairperson of the committee to have a deliberative vote only.

3. That this council permits the select committee to authorise the disclosure or publication, as it sees fit, of any evidence or documents presented to the committee prior to such evidence being reported to the council.

4. That standing order 396 be suspended to enable strangers to be admitted when the select committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating.

The gardens of South Australia reflect the general water crisis that is afflicting all of us. According to gardening expert Jon Lamb, with just moderate water restrictions, already a third of gardeners have given up. Imagine what will happen if the drought continues or what will happen if outdoor watering is banned. It is not just the drought: urban consolidation, which I support if it is done sensitively and intelligently and in conjunction with increased open space, is turning Adelaide's backyards into pocket-sized courtyards.

Adelaide is supposed to be a garden city, but it appears that the government and this parliament do not value gardens, parks or trees. Some of our experts dismiss gardens. Professor Mike Young, who is making a great contribution to the national debate on water, told Carole Whitelock recently that gardens are a luxury. I know that some members are not convinced of the necessity for yet another select committee on what they see as a relatively trivial topic, but gardens make a profound economic, social and environmental contribution to our lives.

They make Adelaide beautiful. Imagine Adelaide without its parks, trees and gardens—what a bleak, hard, harsh and hot vista that would present. What sort of backdrop for the Tour Down Under or the Clipsal event would Adelaide be without its trees and gardens? They protect biodiversity; Professor Chris Daniels of the University of Adelaide says that the average home garden has six times the number of species of wildlife that our parklands have because of the greater variety of plant types.

Most people would be surprised to learn that Adelaide is one of the state's top biodiversity hot spots. At a time when natural environments are under stress, our backyards and, to a lesser extent, our parks, provide a refuge. Adelaide and the towns across South Australia are arcs against the flood of habitat destruction that is going on all over the state due to climate change and over-development. Trees and gardens are nature's air conditioners. The Nursery and Garden Association of Victoria states that one tree can reduce energy costs, as a result of less need for heating and cooling, by 20 per cent; and multiple trees can reduce energy costs by up to 40 per cent . Anyone who has a garden can testify to the fact that trees generate a cooling breeze on hot nights.

Adelaide's parklands provide a visual buffer and a natural cooling belt of green around the city, as well as a stage for the major events we do so well. One of the reasons WOMAD and major elements of the Fringe work is that they take place outside in the parks.

Our gardens have an important social function. All those people pottering in their front garden are the informal neighbourhood watch and local support group. Without gardens, we would just retreat into our sealed, air-conditioned homes and never speak to someone walking their dog or never wave at a passing jogger.

The National Gardening Industry Association cites health benefits. It refers to the fact that numerous studies have found that gardening and walking through gardens, or even looking at gardens, can lead to improved medical outcomes, faster recovery rates, lower stress levels, lower blood pressure, and improved mental and physical wellbeing.

The National Garden Association again cites studies that suggest that 45 minutes of gardening is equal to a 30 minute gym workout. Everyone would agree that it is more pleasant and more convenient to garden than to stand on a treadmill.

If recent history has taught us anything, it is that soft issues such as the environment, the community and preventative health just do not cut it. It is all about economics. So, let us look at the economics of this sector and this industry. The CEO of the Home Garden and Nursery Industry of South Australia, Geoffrey Fuller, informs me that the home garden and nursery industry has an annual turnover of $512 million in South Australia and that it is part of a national industry worth $6 billion. This sector creates jobs. Thousands of people working in nurseries and hardware stores have jobs only because we are a garden city and a garden state.

The Nursery and Garden Industry Association of South Australia informs me that the industry employs 3,700 full-time employees and 650 casual employees. So, this industry is a significant employer and a significant generator of economic revenue. This industry can either shrink or prosper, depending on the type of policies the government pursues.

Like almost all other gardeners, I recognise that we are on the edge of a crisis when it comes to water, and like almost all other gardeners I want to do the right thing and be part of the solution. I lug buckets of water out of the shower onto my lawn. I siphon water out of the wash trough, using the primitive method of the garden hose stuck through a window, over a ladder and out onto the lawn, and then I suck. It is a good thing I have healthy lungs, because sometimes it is quite an effort. I have found that it is important to choose an organic washing powder because then you do not put too many chemicals into your garden. The other advantage is that you do not put too many chemicals into your mouth when you swallow the odd mouthful! Somehow, I think we need a more sophisticated approach than sucking on a garden hose.

The Hon. R.I. Lucas: Hear, hear! Very dangerous.

The Hon. DAVID WINDERLICH: It is.

The Hon. R.I. Lucas: Particularly late at night.

The Hon. DAVID WINDERLICH: No doubt; hyperventilating after a night in the parliament. We need to redesign our private gardens and public parks so that they are cooling, water wise havens for wildlife and people and to ensure that Adelaide remains a green city and that our country towns also remain green.

All the government would have to do is to provide a bit of advice and information to home gardeners and the nursery industry. They would do the rest, because it would be in their interests to do so. Instead, home gardeners in particular are an easy target. Pools, spas and long showers are fine. In fact, any amount of indoor water use is entirely acceptable. However, using water outside is a matter for suspicion and snooping. It does not have to be that way.

What is happening to our gardens and how we approach this matter is an apt metaphor for this government's approach to governing. Instead of engaging people, the government seeks to control them. Instead of tapping into the goodwill and energy of the people, the government seeks to repress their activity. In taking this authoritarian approach, the government turns what should be an asset into a liability, turning people who could be the government's supporters into its opponents. It is short sighted and it is wrong.

I realise that we have a queue of select committees lined up, and all this takes resources. However, I believe this select committee would be a practical and low maintenance approach. It would have only three members, and it need not have a long life. There is a whole network out there of businesses and individuals that are all part of the solution. People such as Malcolm Campbell, Michael Keelan and John Lamb know all about gardens. People like Chris Daniels understand how that fits into a broader ecological perspective, and other experts can relate that to the broader water crisis. There are lessons we could learn from interstate. Victoria and New South Wales do far more to support their home garden industries than does South Australia.

I am aware that members may still see this as a trivial matter in the scheme of things, despite the fact that it affects a $500 million industry. I put the following questions to members. If

you knew of something that enhanced the life of hundreds of thousands of South Australians and you knew it was under threat, would you want to protect and enhance it? If you knew of an initiative that acted as a social inclusion mechanism and neighbourhood watch and you knew that was at risk, would you want to protect it? If you knew of a sector where jobs could be protected by appropriate policies in a time of rising unemployment, would you want to protect it? If you knew of a low cost volunteer-based but effective mental health and exercise strategy, would you want to protect it? If you knew that you could do all this for very little cost, would you be interested?

I say to honourable members: that is what we have in the garden industry in particular, and that is the resource we have in our parklands. We have an enormous resource that relates to a wide range of government and community objectives, and we have a large and willing workforce that will get out there and do it for free.

It is my intention that the select committee will fairly quickly develop a coherent plan for how we can use parks, trees and gardens to achieve this wide range of government objectives, mobilise that incredibly large community workforce and link in with the garden industry. I hope honourable member will support the motion.

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

GOVERNMENT APPOINTMENTS

The Hon. R.I. LUCAS (16:45): I move:

That this council notes with concern recent appointments and actions by the Rann Labor government and other related matters.

In recent years, I have given a number of speeches in this place on the issue of Rann government appointments, in particular, concentrating on Rann appointments to boards and committees. Members would be delighted to know that I do not intend to repeat that particular exercise.

For those avid readers of *Hansard,* and those who might be interested, they can go to my website for the most recent update of Rann government appointments to boards and committees. I refer to a press statement on 7 January 2009, which lists a very long list of persons appointed to government boards and committees, who have strong associations with the Australian Labor Party, and also a release on 13 December 2008 relating to Rann's new favourite power couple—Fabulous Phil Bentley and Marvellous Margaret Wagstaff—and the number of boards and committees that they have been appointed to. *Adelaide Now* was also interested enough in the issue to put it on its website—for those members who might be interested in an update on the recent round.

My contribution today concentrates on a new area, looking at what I describe as a disgraceful and despicable new process by Mr Rann and his government to provide jobs to Rann's boys and girls in the public sector.

The PRESIDENT: Premier Rann.

The Hon. R.I. LUCAS: Well, it might be Premier, Mr President. It is a deliberate strategy of Premier Rann—or Mr Rann, the member for Ramsay; however you want to describe him—and the Rann government to parachute a team of his spin doctors into senior, safe and very well-paid positions in the Public Service prior to the 2010 election. It is my contention that it is a conscious policy of Premier Rann and his government coming towards the end of their eight-year term in office.

Today, I propose to go through my initial list of 13 Rann government spin doctors who have been parachuted into prominent positions within the public sector, most of whom have been parachuted in within the past 12 months. I hasten to say that this is possible only as a result of the work of my office and those who provide information to my office. I am sure that there are probably many more and, through my contribution today—which I will post on my website and also place a synopsis on my Facebook site—we certainly welcome further contributions from persons with information of interest in relation to this issue.

My interest in this issue has been ongoing, but it was particularly raised just six months ago when, in August of last year, the Premier announced a significant (as he described it) restructure in which one of his most trusted and loyal advisers over a long period of time, Mr Lance Worrall (he is described as a senior Rann economic adviser in the media and in the *Gazette*), was parachuted into a senior position in the Department of the Premier and Cabinet, no less a position than the Chief Executive Officer of the Public Sector Performance Unit.

Mr Lance Worrall has been a long-term economics adviser and adviser to the Premier, the same Lance Worrall whose thesis for his degree at the University of Adelaide Department of Politics went under the title of *Marxist Theory and the State*. It is interesting to look at the sort of economic advice that this government has been getting for the last few years. I guess we are now going to see—in terms of public sector performance management—some gems from that particular contribution. I will refer briefly to only two. I will quote from the introductory section of his thesis, under 'Marx and Engels':

> On the eve of the appearance of *Capital*, Marx could justly claim to note the economic base of capitalism with the precision of natural science.

That is an extraordinary contention. Nevertheless, it goes on:

> Marx and Engels could not claim to have analysed either the state or the political processes in a comparable manner. The lack of a systematic and sustained account of the political superstructures of capitalism is surely a matter of some importance, with significant political and theoretical implications.

As I have said, there are many gems in the considered work of Mr Worrall. I will just quote one last one for the record. On page 44 of his thesis, he states:

> The political forms resulting from determinate conjuncture of the class struggle are thus irreducible to the effects of struggle between the two antagonistic classes of the 'pure' capitalist mode of production, as depicted in the Communist Manifesto. In its schema, the capitalist mode has complete dominance in the social formation, progressively simplifying class foundations and antagonism into the contradictions between bourgeoisie and proletariat, via dissolution of antediluvian and intermediate classes, and elimination of mediaeval prejudices, making for the unfettered and demystified conduct of class struggle. Its corresponding conception of the capitalist state as the executive committee for managing the common affairs of the whole bourgeoisie is, as noted above, not its misrepresentation as the passive instrument of an economically dominant class. On the contrary, it embodies a social and political relation between social classes.

I am sure that it is clear to all members exactly the point that Mr Worrall is driving home in his thesis, *Marxist Theory and the State*. It is perhaps not surprising that this state and this government, if that is the quality of the economic advice that the Premier has been receiving, is confronting some of the problems of both an economic and a social nature at the moment. Clearly, that sort of thinking, in the Premier's view, well suits him to take on the new senior position of Chief Executive Officer of the Public Sector Performance Unit of the Department of the Premier and Cabinet.

As I have said, when this was publicised in August last year, I thought it was an extraordinarily interesting development. Someone who had been loyal to the Premier over many years in opposition and in government was being parachuted into a safe position within the public sector—a very well paid position, because when he left the government he was on an employment package of almost $150,000, and I am sure he did not move into his public sector position for a reduction in salary, although there is obviously some degree of protection there.

I think the point to make, as I go through the early list of 13 that we have put together at the moment, is that, of course, one of the attractions for former spin doctors within the government is that there is protection should there be a change of government in March 2010. A new government does have some flexibility in relation to persons who hold the position of chief executive officer of various departments and, to be fair, we have seen that within the Liberal and Labor governments in the past, and we saw a little bit of that when the Rann government was elected in 2002 as well.

We may well remember someone whose star has risen in recent days but, in 2002, Mr Jim Hallion was frogmarched out of the position of being in charge of the Department of Trade and Economic Development because the government believed that he was not up to that particular job. Of course, he has now risen to some prominence and his praises are being sung by minister Conlon, minister Foley and others after a period of time serving in PIRSA (I think) and other agencies.

Whilst any new government has the capacity to make changes to chief executive officer positions, if people are parachuted into well-paid senior management positions no new government has the capacity to make changes at that particular level. No minister has the power under our Public Sector Management Act to walk through the door and say that the head of that particular divisional unit is not going to be employed there, and has no capacity to influence decisions or appointments at that particular level. As I said, that was in August last year. As a result of that, my office then instituted a comprehensive series of FOI applications. The Leader of the Government might indicate that they are fishing—

The Hon. B.V. Finnigan interjecting:

The Hon. R.I. LUCAS: My staffer did not get into the Lion, so he wasn't kicked out of the Lion.

Members interjecting:

The PRESIDENT: Order!

The Hon. B.V. Finnigan interjecting:

The Hon. R.I. LUCAS: If we want to talk about the Lion I can certainly recount stories of the new Minister for Gambling (Mr Koutsantonis) and persons associated with him being asked to leave the Lion late in the evening—if the Hon. Mr Finnigan wants to go down that particular path—not because of wearing shorts but because of other issues.

The PRESIDENT: The Hon. Mr Lucas will stick to the script, and the Hon. Mr. Finnigan will cease interjecting.

The Hon. R.I. LUCAS: I am doing that, Mr President. I am talking about a number of issues.

The Hon. B.V. Finnigan interjecting:

The PRESIDENT: The Hon. Mr Finnigan will stop interjecting.

The Hon. R.I. LUCAS: If the Hon. Mr Finnigan wants to raise issues about the Lion Hotel, or Twitter or anything else, I am very happy to respond in kind to him.

That was back in August. As a result of that we instituted a comprehensive series of freedom of information applications. As I said, the Leader of the Government tried to demean those freedom of information applications as mere fishing exercises with no point. As I will outline today, we have now managed to put together a comprehensive list of former government spin doctors who have been parachuted into senior Public Service positions over this particular period.

What we have put together is a list of all the government media advisers—about which earlier in question time today the minister was complaining and saying that there was no point in asking for some of this information. We have been able to do cross-referencing in relation to the minister's spin doctors list (which we have had to get in recent years under FOI), together with the use of the SA Direct service, which is available to all members, indicating the name of the person and the particular position they hold. The positions I will outline today result from the final checking undertaken through SA Direct.

If I could now move through the list of the persons that we have established: Lance Worrall is the first one; then Susan Close, Sylvia Rapo, Paul Summerton, Ben Tuffnell, Geoff Baynes, Danny Bertossa, Brigid Mahoney, Julia Grant and Emma Lawson; and the two who were mentioned by my colleague the Hon. Mr Ridgway yesterday, George Vanco and Lois Boswell; then, finally, Don Frater. As I said, the vast majority of those people have been appointed to these senior positions in the past 12 months and, of course, have not been appointed as a result of the panel process.

Yesterday the Leader of the Government confirmed that Mr Vanco's and Ms Boswell's appointments were made without any advertising of the positions or any normal merit based assessment. It will be interesting, over the next couple of weeks, because other information gained through freedom of information indicates that some of the unattached persons being held at the moment were former senior officers within the planning department with planning qualifications.

Now, the Leader of the Government yesterday was indicating that they had to appoint these former Rann government spin doctors to these senior positions because there was no other option; they had to get this department up and going, and the only way they could do it was by parachuting these two officers into the department to fill these well paid positions.

When one has a look at the salaries that most of these people were being paid when they were ministerial advisers one sees that, whilst Mr Worrall's at $150,000 was the highest of the lot, persons like, for example, Mr Baynes, Mr Tuffnell and Mr Frater were all being paid salaries as chiefs of staff of about $120,000 a year. Some of the other ministerial advisers were being paid salaries from the mid 80s up to about $100,000 as either media or ministerial advisers on ministerial contract within the departments and agencies.

I will work through the list, and I will come back to some of these in a moment with a bit more detail. Susan Close, a former adviser to minister Gago, is now holding the position of

Executive Director of People and Strategy, Department for Environment and Heritage. Sylvia Rapo is a former media adviser to Treasurer Foley, who obviously won a new legion of fans this morning when it was revealed that he refused to allow a couple to take his photo at the Clipsal, and a letter of complaint about that appeared in the newspaper this morning. Sylvia Rapo's position now is Executive Manager of Strategy and Development in the Department for Environment and Heritage. Mr Paul Summerton, who is a former adviser to Treasurer Foley and then minister Wright, is now holding the position of Manager Executive Services, Shared Services in Treasury. Mr Geoff Baynes, who is a former chief of staff to minister Wright, is now the Executive Director (Building Communities), of all things, in Justice. I am not sure what expertise Mr Baynes has as Executive Director of Building Communities in Justice, but that is his well paid new position.

Mr Danny Bertossa, an adviser to minister Weatherill, is now the Director of Policy and Strategy, Aboriginal Affairs and Reconciliation in the Department of the Premier and Cabinet. Brigid Mahoney is a former adviser to minister Gago. They all seem to want to leave minister Gago's office for some reason. I am not sure whether there is a message there; they seem to be queuing up. Ms Mahoney attracted some recent publicity when she was attracted from the left faction to the right faction through last year, with some manoeuvrings which the Hon. Mr Finnigan would be well aware of, and some inducements, and now Brigid Mahoney finds herself as a Senior Policy Consultant in the Department of Health.

Julia Grant, a former adviser to Premier Rann, is now the Director of Sustainability and Industry Partnerships in the Department of the Premier and Cabinet. Georgie Vanco who, as the Hon. Mr Ridgway advised yesterday, was an adviser to minister Holloway, is now the Director of Major Projects with Planning SA. Ms Boswell, a former chief of staff to minister Gago (there is another one), is now the Director of Strategy and Sustainability in the Department of Planning and Local Government. Ms Emma Lawson, an adviser to Premier Rann, is now Executive Director (Cabinet Office) of the Department of the Premier and Cabinet. Don Frater, former chief of staff to minister Conlon, is now Executive Director (Cabinet Office) in the Department of the Premier and Cabinet.

In relation to Mr Frater, to be fair, I think he did go via minister Wong's office federally. He certainly has made it well known that he never much enjoyed working on minister Conlon's staff and has moved on, but nevertheless he has landed safely in the Department of the Premier and Cabinet.

Finally, on this list of 13, Ben Tuffnell, a former chief of staff to minister Foley, is now the Manager of Corporate Affairs in the Motor Accident Commission. I think I should note that Mr Tuffnell is a former ministerial liaison officer both when I was there as Treasurer and then for Mr Foley before he went, if I can use the phrase, over to the dark side and became ministerial adviser and finally a well paid chief of staff at $122,000 or something like that, and now he has landed on his feet in the Motor Accident Commission. In relation to that one, and I stand to be corrected, there may well have been a panel process, but I am not sure.

We are in the process today of lodging further FOIs in relation to all of these appointments to establish whether or not the positions were advertised, panels were appointed and the proper, merit based appointments were implemented in relation to these. It is our information that the overwhelming majority did not involve merit based appointments with appropriate panels; people were tapped on the shoulder or, as minister Holloway embarrassingly yesterday tried to defend Mr Vanco and Ms Boswell going straight into these positions, he said it was on the basis that, well, they had to get the department up and operating quickly and there was really no-one else they could appoint to those positions.

Some of these people have been very active within the Labor Party. I think, to be fair, some of them have not been very active in the Labor Party, even though they have been part of the ministerial spin doctor contingent advising current Labor government ministers as part of the Rann government. Certainly, all of them in recent times nevertheless have established close associations and connections with Rann government ministers. As I said, if you look at those positions, they are all either chief executive officers, executive directors or directors, basically, within the public sector.

The only position that sounds less prestigious and important—although it may be paid as much—is that of Ms Mahoney who is a senior policy consultant. Everyone else is a director, executive director, chief executive officer or manager within a government department or agency. There is no doubt that some of them would be paid significantly in excess $100,000, and it is my judgment that virtually all of them would be paid more than $100,000 (total employment cost package) in these new positions. In fact, I suspect that a small number of them may be nudging

close to $200,000 a year at a time when this government is crying poor and indicating that it has to cut back right across the board.

There appears to be one rule for those in the disability sector, the hospital sector, the schools sector or those in rural and regional communities who are arguing for additional bus services or hospital services: you have to cut everything and cut it to the bone. However, when it comes to Rann government spin doctors and advisers, they grow like Topsy within the ministers' offices. When these people move on, those positions in the ministerial offices do not disappear; they are replaced immediately. They are being parachuted into safe, secure and well paid positions within the public sector in order to give them a degree of protection over future years.

This is not just about the issue of appointments and parachuting spin doctors into the public sector. I asked a question in early March about the appointment processes in relation to Ms Noske being appointed to the department of the Minister for Urban Development and Planning in a position of strategic communications. I note from the comment that Ms Noske is a former Labor government ministerial staffer—many years ago, to be fair. Regarding the process that was outlined to me in terms of her position, again, it would seem that the position was not advertised, no panel was appointed, and there was no true merit-based appointment in relation to the selection for what is a job of $120,000 a year, plus a car.

I put those questions to the minister on 5 March and, some two or three weeks later, we do not have a reply. That is not surprising; we are still waiting for answers from minister Holloway to questions that were asked seven years ago. Clearly, if something was wrong in relation to the question that I asked, I am sure minister Holloway would have been in the council very quickly, trying to highlight the point. The minister's silence, I think, indicates the substantive accuracy of the information that has been put on the public record.

Again, this highlights one of the problems with an arrogant government that has been in power for almost eight years. It now feels that it can do what it wishes in relation to appointments. If it wants to parachute its spin doctors into senior positions, it will do so. If it wants to move someone to another department, it will do so. If it wants to appoint more ministerial spin doctors across the board, it will do so.

In the interests of trying to get through the program, I will not make all of my contribution today, but I want to repeat the detail of a claim that I made on 9 February 2005, to which there has been no response at all from the government. I made a serious accusation in the chamber in relation to the appointment process for Mr Mark Johns when he was appointed the CEO of the Department of Justice.

I will not read all my contribution on page 959 of *Hansard*, but I indicated that over a period of six months there had been a process of trying to appoint a new CEO of that particular department and that the Premier had wanted Mr Mark Johns to be appointed. Mr Mark Johns had prominent supporters in people such as Mr Alexandrides in the Premier's own office, Debbie DePalma (within the justice department at the time) who had contacts with the Premier's wife, and others in the Premier's office who were lobbying for Mr Johns—and the Premier lobbied for Mr Johns. I outlined in that contribution that, after a number of panel processes, Mr Johns had not been appointed and that the Premier had a meeting with Mr McCann (the then CEO of the department) and the Attorney-General. On the record I said:

> At that meeting the Premier told Mr McCann, 'You were told what to do to get [Mark] Johns up and you have failed.' I will repeat that. The Premier told Mr McCann at that meeting, 'You were told what to do to get Johns up and you have failed.'
>
> At that meeting the Premier turned to the Attorney-General (Hon. Mr Atkinson) and said, 'Will you oppose his [Mark Johns] appointment?' Surprise, surprise, Mr Atkinson said, no, he would not oppose the appointment of Mr Johns to the position of chief executive.

After a period of panels which did not result in the appointment of Mr Johns and which recommended various other people, Mr Johns was appointed chief executive of the department. As I said, that was supposedly a panel-based, merit-based appointment process. Governments in the past (both Liberal and Labor), particularly at the start of a term, have taken it upon themselves to make changes in relation to chief executive officer positions. However, once a panel process is established you are required to abide by the guidelines of the Commissioner for Public Employment in relation to panel processes; and that should cover everyone, including the Premier, the Chief Executive Officer of the Department for the Premier and Cabinet and the Attorney-General. At that time, I outlined the detail in relation to that case and now, four years later, there has been no reply from anyone in relation to that particular set of circumstances. Everyone

knows the sensitivity of the Attorney-General if anyone dares indicate anything he disagrees with or thinks is inaccurate: he is on the record very quickly correcting it. In four years there has been no indication of that, nothing from the Premier, and nothing—not that I would have expected it—from Mr McCann as the chief executive of the department.

So, we have some significant problems right across the board—not just those I have talked about of parachuting ministerial spin doctors into the Public Service, most without advertising, panels and appropriate merit-based appointments but also problems relating to the moving of people within departments and without appropriate processes. I have highlighted examples on the record relating to the appointment of chief executives.

In seeking leave to conclude my remarks today, I indicate that a significant amount of information we have received so far has come from freedom of information requests we have submitted, but significant leads have also been provided through my Facebook site and through website responses I have received from, in the main, anonymous whistleblowers within the Public Service. I have been required to double check such information to ensure it is correct, but it is an indication that the use of websites, Facebook and other interactive sites is helpful.

The technological troglodytes in this chamber like the Hon. Mr Finnigan and others shy away from any sort of interaction with the real world, whether it be through a website, Facebook or Twitter, and do not understand or appreciate the capacity this gives to people who, if they want to identify themselves, can do so to provide information and follow up but who in many cases provide such information as whistleblowers. People go to a lot of trouble to protect their identity. A number of people provided information for this contribution and, when you try to reply to the email address, they have constructed their address so that you cannot reply to them. No response is received. One, innovatively labelled 'Don's party', has been a regular provider of whistleblowing information about goings on at senior levels of various government departments and agencies.

I wrap up my conclusion on that basis, because I will place this contribution on my website and an extract on Facebook, and through those forums I encourage whistleblowers within the public sector, who have information and wish to blow the whistle on the Rann government in terms of its arrogance and excesses in this area, to provide further information so that the opposition is able to pursue the government and hold it to account in terms of some of these processes. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

VICTIMS OF ABUSE IN STATE CARE (COMPENSATION) BILL

The PRESIDENT (17:18): Earlier this day the Hon. Mr Brokenshire introduced the Victims of Abuse in State Care (Compensation) Bill. After examination of the bill it has been noted that clause 6 in relation to payment of compensation is a money clause. Subclause (7) provides:

(7) a payment to be made under subsection (1) must be made out of the Consolidated Account (which is appropriated to the necessary extent).

As the compensation constitutes the main object of the bill, I rule that this is a money bill, which cannot be introduced in the Legislative Council. Accordingly, I rule that the bill be laid aside.

Bill laid aside.

RACING INDUSTRY

The Hon. T.J. STEPHENS (17:20): I move:

1. That a select committee of the Legislative Council be appointed to inquire into and report upon—

   (a) the sale of Cheltenham Park Racecourse;

   (b) the rezoning of Cheltenham Park Racecourse;

   (c) the relationship of decisions made in connection with the sale of Cheltenham Park Racecourse with proposals for the redevelopment of Victoria Park;

   (d) matters of corporate governance within the South Australian Jockey Club up to and including March 2009;

   (e) the role of Thoroughbred Racing SA in relation to the above matters; and

   (f) any other relevant matter.

2. That standing order 389 be so far suspended as to enable the chairperson of the committee to have a deliberative vote only.

3. That this council permits the select committee to authorise the disclosure or publication, as it sees fit, of any evidence or documents presented to the committee prior to such evidence being presented to the council.

4. That standing order 396 be suspended to enable strangers to be admitted when the select committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating.

This matter has been played out in the media and it has not done justice to all parties involved, which is why I move for a select committee. Not all members are keen racing fans, unlike you, Mr President, so I will try to provide a brief explanation and make it simpler for all members to follow what has been happening within the industry of late.

Thoroughbred Racing is the umbrella body for horse racing in South Australia. The South Australian Jockey Club, with regard to assets, prize money and attendances, makes up the vast majority of racing in this state, but there are many other racing clubs, obviously much smaller, that make a significant contribution to the racing code and generally to their communities. Thoroughbred Racing South Australia appointed legal firm Lipman Karis in December 2008 to conduct an independent review of the corporate governance of the South Australian Jockey Club following allegations of membership and voting irregularities in the lead-up to board elections in November 2008.

The investigation was part of a deal done by Thoroughbred Racing South Australia and a group of racing club members who had launched legal action challenging the validity of memberships and therefore any decisions made by a board elected by those members. Their concerns went back to membership-based decisions taken since 2004, including the sale of Cheltenham. Those members abandoned their legal action in exchange for an agreement to an independent investigation and the eventual release of the Lipman Karis report, which has been made available to very few people. The full report has been provided to the Independent Gambling Authority for its review, the SAJC board has seen it, and the Minister for Recreation, Sport and Racing has had a copy. Any request made by the opposition for a copy of the report has been refused point blank. I would like to say that I have had discussions with Mr Bentley regarding the report on a number of occasions, and I have conceded that there may be names that could be blanked out to protect the identity of people who have given evidence, but no cooperation whatsoever has been given.

On Tuesday 10 March Thoroughbred Racing South Australia met with the South Australian Jockey Club and advised it as follows:

- the TRSA has key concerns about the involvement of individuals in securing members for the November 2008 board elections;
- the TRSA has key concerns about the involvement of individuals in influencing the way members voted;
- the TRSA has key concerns about the application forms for membership and the processing of memberships for the past several years;
- the TRSA has key concerns about the governance standards within the South Australian Jockey Club;
- the TRSA recommends the termination of the CEO, Mr Steven Ploubidis; and
- the TRSA recommends the resignation of the current board and the conduct of a fresh election, with fresh nominations, to be carried out by the Electoral Commission.

Opposition members, whilst not privy to the report, are concerned about the position in which Mr Ploubidis was put. We are not making a judgment on any of the allegations because, quite frankly, we have not seen the report, but it seemed to be very unfair that Mr Ploubidis' employment was terminated yet he still has not seen the report or the allegations contained within it. In the interests of natural justice, I would have thought that a person could see the accusations made against them and be given the opportunity to defend themselves.

I will give a brief timeline of events to further assist members, as follows:

- in September 2004, the SAJC announced that Cheltenham racecourse would be sold;
- in November 2006, the Rann government commissioned Mr Philip Bentley, a close friend of the Premier, to write a report into the future of racing in South Australia;

- in December 2006, the Rann government announced its master plan for Victoria Park, with the SAJC committing to providing at least $10 million to the project, using funds from the sale of Cheltenham;
- in May 2007, Mr Philip Bentley released his report, 'A Study for the Future of the South Australian Racing Industry';
- in October 2007, Mr Bentley became chairman of Thoroughbred Racing South Australia, a move that was strongly criticised by the state Liberals (I do not need to revisit my comments of the time, but I believe I was reasonably clear on what I thought of that move);
- in November 2007, the South Australian Jockey Club announced the sale of Cheltenham racecourse for $85 million; and
- in December 2007 the South Australia Jockey Club walked away from the Victoria Park master plan after the Rann government announced it would no longer support the plan.

We then move on to 2008:

- in September 2008, rumours surfaced of vote stacking at the South Australian Jockey Club when 400 new, young SAJC members were recruited over a short period of time;
- on 12 October 2008, the South Australian Jockey Club announced a $20 million upgrade of Allan Scott Park at Morphettville using funds raised from the sale of Cheltenham;
- on 16 October 2008, Mr Ian Hart quit as chief executive of Thoroughbred Racing South Australia (in a conversation I had with Mr Hart, he mentioned that he could no longer work with Mr Philip Bentley, the chairman);
- on 25 November 2008, the South Australian Jockey Club board was served with a Supreme Court injunction on behalf of Mr Bill Spear to prevent the election of four new board members;
- on 26 November, Justice Tom Gray ordered a two-day civil trial, but the South Australian Jockey Club advised that election votes and members lists had been shredded;
- on 1 December, an affidavit was filed in court by a law clerk stating that she allowed her ballot paper to be filled out by a third party prior to becoming an SAJC member;
- on 4 December, Mr Bill Spear reached agreement with Mr Philip Bentley to put his court case on hold after Mr Steven Ploubidis was ordered to take paid leave while an inquiry into the SAJC was conducted; and
- on 10 December, the TRSA announced that the law firm Lipman Karas had been appointed to conduct a review of the SAJC, as agreed in the out of court settlement.

Moving to 2009:

- on 5 March, the TRSA received a report from Lipman Karas and gave copies to the racing minister and the Independent Gambling Authority;
- on 9 March, the racing minister forwarded the report to police;
- on 10 March, the TRSA presented the SAJC board with the report findings and its five main recommendations, including the recommendation that Steven Ploubidis' contract be terminated (there was no mention of Mr Ploubidis being able to actually see the report);
- on 11 March, the state Liberals announced that they would seek the establishment of an upper house select committee to explore untested matters relating to the operations of the SAJC; and
- on 14 March, Mr Steven Ploubidis held a press conference at Allan Scott Park and announced that he is not guilty of any improper or unlawful behaviour and, as such, would not be resigning from his position as chief executive of the SAJC.

It is a brief timeline leading up to recent events which have raised further concerns about issues of justice and secrecy, and about people being able to raise their concerns.

Some people have asked me what right the South Australian parliament has to investigate the goings-on of what is essentially a private club. From the outset, I would like to say that I believe

all South Australians, directly or indirectly, have an interest in the industry; if you are a $1 punter who has one bet a year with the TAB, you certainly have an interest in the way the racing industry is conducted in this state.

However, it is more than that. At different times the taxpayers of South Australia have put significant amounts of money into what is acknowledged by the Liberal Party as being a very important industry for the state. Back in 1990, it is believed that around $10 million was committed to upgrading Cheltenham Park—a significant amount of taxpayers' money.

In the last state budget, the Gawler Racing Club was given a $6 million grant for upgrade of its track and facilities and, whilst the Gawler Racing Club undoubtedly does a wonderful job, part of the rationale for this particular grant, I am sure, was to make sure that we had a backup course—a very important backup course—for Alan Scott Park if, for some reason, you could not race there.

A further $5 million was made available for a second turf track at Morphettville and, of course, the jockey club itself has committed to a $20 million upgrade of Morphettville, which has been bankrolled by the Cheltenham Park sale.

The Liberals have been very supportive of measures to get money back into the industry. The industry sorely needs increased stake money which, compared to other states, really has fallen way off the pace. Whilst that may not mean much to some people, it certainly damages our breeders in this state. It can damage the amount that breeders can fetch for what are essentially high quality horses in this state, and the actual wagering and tax reform from the government was a very welcome initiative.

However, to give members an idea of the sorts of moneys involved that are being given back to the industry, in 2008-09, the projection was $3.5 million; 2009-10, $5 million; 2010-11, $6.3 million; 2011-12, $7.4 million; and 2012-13, $8.4 million. So, to say that the taxpayers of South Australia should not have an interest in this is actually quite ridiculous and, as I said, whilst the Liberals support the taxation reforms it is incredibly important that there is a transparent and open industry in which everyone can, in fact, be well and truly confident.

Unfortunately, on this particular issue, the opposition and crossbench members have basically been left in the dark by the government. We have been told that it is on a need-to-know basis, and we are obviously not important enough to know, but we have followed with great interest this whole issue being played out in the media.

I am going to remind members of some of the comments that have been made by a number of journalists, and I think that will help paint a reasonable picture as to why we are actually concerned with all of these particular goings-on. I will start with Mr Craig Cook, writing in *The Advertiser* of 5 March under the headline 'Reveal all for world to see'. This is his analysis:

> Our parents told us honesty is the best policy. They advised from a very young age—if you are ever in trouble tell the truth and everything will turn out for the best. Racing in this state needs to follow that lead. Lipman Karas' report into the activities of the South Australian Jockey club must be posted on the Thoroughbred Racing SA website—for all the world to see.
>
> Total transparency is the only way to clear racing's name, regardless of what is contained in the most eagerly awaited report in the history of South Australian racing. Never mind the naysayers who claim the sensational headlines of the past few months have damaged the sport and more headlines will only damage fortunes further.
>
> The only permanent taint on racing's image, if, as is now openly anticipated, the report reveals concrete errors of serious wrong-doing, will be if the sport's authorities try to keep it all in-house.

Profound words, I say. Mr Cook continues:

> Airing your dirty washing in public might be unpalatable but shoving it in a cupboard and locking the door ensures the stench will pervade. If there are evident legal constraints resulting from the report, then an abridged version might be acceptable. The names of witnesses and their specific evidence need not be revealed but anyone complicit cannot be spared and every recommendation must be detailed.
>
> There will be no opportunity to hide behind 'confidentiality agreements' or claim this is an independent organisation dealing with matters in its own sweet way. The racing industry is not the Ku Klux Klan—or any other kind of secret society—and it is time its administrators stopped acting as though it is. TRSA chairman Philip Bentley is on notice to ensure there is no semblance of a cover-up and to set racing on the path to absolution.
>
> If the rumours sweeping the racetrack are true—and they have rarely been far from the mark in this saga—then there will be a minimum expectation at the end of this process. Senior figures at the Jockey Club will have to go. And if there is the slightest whiff of criminality, the police must be involved.
>
> Furthermore, if the findings of the Lipman Karas report are as anticipated, then the whole of the SAJC board should stand down. Racing must have a clean slate. A new board without any links or associations with the

immediate past is the only way forward. Racing has had many false dawns in recent years and this is its last chance to get it right and regain the confidence of its benefactor—the paying public.

In an article dated Thursday 5 March under the headline '$110,000 bill to see if racing is all above board', Russell Emmerson, state political reporter, writes:

A report into South Australia's racing industry cost taxpayers almost $110,000—double the original estimate. The report's author, Thoroughbred Racing SA chairman Philip Bentley—who is widely acknowledged as a friend of Premier Mike Rann and is now investigating allegations of alleged vote-stacking at the SA Jockey club—claimed room hire and secretarial fees of $9,686 paid at $170 per hour, a cost described as 'excessive' by Racing department officials.

'I thought the amounts sought to be reimbursed were at an excessive rate...but that, in any event, his agreed expenses were capped under my budget allowance of $10,000', a departmental briefing note says. However, Racing Office director Denis Harvey said payments for an additional $9,600 were fair and reasonable because of the additional media interest in the report and the two-month extension of the inquiry.

'I can vouch for this extra time on the basis that he has kept me regularly informed of the progress and contacts he has had with industry representatives as they proceed to digest the content of his report,' he wrote. Mr Bentley, who received almost $90,000 last financial year from his government board memberships of WorkCover SA and the HomeStart finance board originally estimated the inquiry would take 50 days and cost $50,000 to $80,000.

The HomeStart Finance Board, as an aside, I actually think is wrong. I think there was a retraction of that. It continues:

Treasurer Kevin Foley said the bills were justified as 'Mr Bentley would work a lot harder than a lot of public servants'.

The article goes on to talk about how I had made the comment that secretarial service costs left a lot to be desired. The article goes on to state:

Racing Minister Michael Wright demanded a copy of Mr Bentley's current report into vote-stacking at the SA Jockey Club in mid-December, but told Parliament yesterday that he was still waiting. 'I've only had a briefing about the process, not the content,' he said...'To the best of my memory, the discussion was more about process.'

A spokeswoman said Mr Wright was expected to receive a copy of the report 'in the near future' and would ensure that any allegations of a criminal nature would be referred to SA Police.

I now move on to Saturday 7 March. An article entitled 'SAJC report under wraps' stated:

An explosive report into allegations of corruption and impropriety at the South Australian Jockey Club will not be made public. Thoroughbred Racing SA has received the highly anticipated report from specialist legal firm Lipman Karas, but claims it is a confidential independent document and it has no obligation to make it public.

'The report provided by Lipman Karas will not be publicly released because it is confidential legal advice to TRSA,' says a media release.

Lipman Karas was appointed by TRSA in early December to conduct an investigation into allegations of membership and voting irregularities in the lead-up to SAJC's November election. The investigation began after TRSA stepped in to end legal action taken by SAJC board member Bill Spear against the jockey club late last year.

Before the intervention by TRSA chairman Philip Bentley, Spear's legal representatives were due to lay out in full his argument against the SAJC in front of a Supreme Court judge. The Lipman Karas inquiry has covered alleged wrongdoing over many years at the SAJC, including suspected vote-rigging for the approval to sell Cheltenham Racecourse. Racing Minister Michael Wright also received the report and immediately sought a legal opinion.

'Last night (Thursday), I received a copy of the Lipman Karas report into corporate governance matters from the SAJC,' Mr Wright said. 'I have referred the matter to the Crown Solicitor's Office for advice.' The minister said that he would not make any comment about the report until he received and considered Crown advice.

TRSA will meet the SAJC board on Tuesday to enable the directors to consider the report and TRSA's recommendations. Following the meeting, TRSA intends to make a statement to media and industry stakeholders.

So, it was starting to become quite clear that this report was being withheld by a group of people who felt they were above the people of South Australia, notwithstanding the amount of money that has been committed to supporting this industry in this state. On Saturday 7 March, *The Advertiser* editorial, under the heading 'Racing must come clean on SAJC report', stated:

A report into the activities of the South Australian Jockey Club must be made public. The secretive approach adopted by the racing industry's governing body, Thoroughbred Racing SA, to hide the findings of the report commissioned by TRSA chairman Philip Bentley, is unacceptable and does nothing to dispel suggestions of a cover-up.

It is time for the industry—on the eve of its biggest annual racing meeting, Adelaide Cup—to wipe the slate clean and take the first significant step in redeeming a reputation heavily tarnished by its bitter off-track battles.

The allegations against the SAJC are significant, with claims of corruption and a systemic failure to deliver positive outcomes for the industry by appropriate means. The processes under scrutiny are fundamental to the heart of racing's structure. Many of the racing industry's issues are of significant public concern.

The sale of Cheltenham racecourse to property developers still attracts high levels of public opposition, as does the SAJC's decision to walk away from Victoria Park. The racing industry is the state's fourth largest employer, with as many as 9,000 people working in the sport at any [given] time.

In June last year, the SAJC was the beneficiary of a $5 million government grant for improvements at Allan Scott Park, Morphettville. The State Government also has provided tax relief to the industry that is expected to reach $8.4 million annually by 2013-14. That alone is enough to make racing answerable to the public.

To declare the South Australian public should not be told the findings of the report, prepared by forensic legal firm Lipman Karas, is preposterous. Mr Bentley's suggestion the report cannot be made public because it contains confidential advice simply does not hold water. The racing industry—and TRSA in particular—must face its public responsibilities, regardless of how painful that process may be. To prosper, the racing industry must first be seen to be transparent. Mr Bentley's decision to keep the Lipman Karas report under wraps does nothing to enhance the public's perception of racing.

The onus now is on Racing Minister Michael Wright to table the report in State Parliament. He must demonstrate leadership, even if Thoroughbred Racing SA refuses to do so. It is not good enough for Mr Wright to sidestep this issue and pass responsibility for leadership back to Mr Bentley.

How can the public have any faith in TRSA to act appropriately on the recommendations of the Lipman Karas report if those findings are not made public?

The pain of the SAJC controversy is worth every bit of the suffering if it can assist racing's long-term prosperity and allow the sport to move forward. A fresh start can offer fresh hope—and that is the most logical option for any industry that must resurrect itself.

The editorial goes on to say:

Monday's Adelaide Cup meeting at Morphettville will be a day to celebrate all things good about racing. Tuesday should be the day to acknowledge publicly the industry's problems and set it on the road to redemption. It is time for the industry to put the dark days of recent months behind it and start building for the next generation.

I now move on to an article by Mr Michael Owen, well known ex-journalist of *The Advertiser* now working for *The Australian.* The article, dated 7 March, states:

A report into allegations of widespread corruption, fraud, embezzlement, money laundering and intimidation at the South Australian Jockey Club could result in criminal charges against key figures in the troubled racing industry.

South Australian Racing Minister Michael Wright was last night awaiting Crown Law advice on whether a case existed for the report to be referred to police. Mr Wright, who received a copy of the report on Thursday night and was forced to sign a confidentiality agreement, yesterday immediately forwarded it to the state Crown Solicitor's Office.

Just on the point that 'the minister was forced to sign a confidentiality agreement' by the umbrella organisation for racing, a group that South Australian taxpayers have committed to giving over the next five years some $29 million, it beggars belief that the minister would be prepared to have the tail wagging the dog. The article goes on:

The state's Independent Gambling Authority used its legal power as a statutory body to demand a copy of the report, and rightly so. A spokesman for Thoroughbred Racing SA—

which initiated a three-month inquiry by the legal firm Lipman Karas into the jockey club's activities—

said that it had complied with the requirement but had not waived legal professional privilege. The inquiry was launched after claims of ballot rigging for the club's election of four new board members last November.

It is understood that the legal team widened its investigation after uncovering allegations of serious impropriety at the club over several years. A racing industry source familiar with the report's contents yesterday said that there was no doubt that there were some serious issues contained in the report.

Thoroughbred Racing SA Chairman, Philip Bentley, said yesterday, 'Representatives will meet the jockey club's board next week. The meeting will enable the directors to consider the report and recommendations', Mr Bentley said. 'Following this meeting, the Thoroughbred Racing SA Board will make a statement to the media, industry and all stakeholders'.

That is big of him. I will now read into *Hansard* a copy of a transcript of an interview on 10 March with David Bevan and Mathew Abraham and Mr Philip Bentley, the Chairman of TRSA, and Michael Wright, the racing minister, as follows:

Bevan:...as things were unravelling very quickly for the SAJC late last year, we went down to the court and we heard all sorts of allegations being made about all sorts of practices...they were just allegations at that time, but a group of people within the SAJC were asking the court to take a good look at the membership records...they believe

that people had been signed up for membership for the SAJC in recent months and perhaps several years ago when these people didn't have a clue what really they were joining and there were also allegations that the SAJC had paid for the membership of these people...stop and think about that, here's a club which is going to make some very important decisions and made some very important decisions just a few years ago...one was the sale of Cheltenham and here are allegations of people being signed up by the club, paid for by the club and then asked to go along and vote at meetings...there were also allegations that people were signed up in bulk and various organisations around Adelaide may well have been involved in that...the court was certainly very interested in that and was taking it very seriously...the SAJC, although it had pooh-poohed these suggestions for the last few months and going back several years [ago], the same group that were raising the allegations, each time they were dismissed...the court took them seriously, at that point, Thoroughbred Racing had to intervene...

Abraham:...the court action was effectively dropped in return...for an inquiry which has been run by a prominent, very thorough lawyer, Skip Lipman and his law firm.

Bevan:...we spoke to the chairman of Thoroughbred Racing, that's the body that oversees racing in this State, his name is Philip Bentley, he's a close friend of...the Premier and he's been given various work by the Premier and by the state government over the years...he said to this program that he was going to take these allegations very seriously, but we then asked him, what about making the report public and that's where things got interesting when we were talking to him back in December.

There is an excerpt of the interview:

Bevan: Will the report be made public?

The question of whether we release the report to the public will be TRSA's decision and its decision alone...the most likely position will be that we won't release it to the public.

Bevan: Why not?

Because it's not public property, part of the reason for getting it out of court settlement was to stop racing image being tainted by the unfortunate events that have occurred.

Remember: this man has said that it is not public property. I have just quoted that we were about to give them $29 million out of taxpayers money for the next five years. The arrogant attitude is quite appalling. It continues:

Abraham:...there's substantial public funding...of racing in this State?

Bentley said:

No there isn't.

Well, if $29 million is not substantial, I do not actually know what is. It continues:

Bevan:...you don't get any money from the taxpayer?

We don't get any money from the taxpayer, we pay taxes.

Bevan:...you don't think there's a public interest in the way racing has been administered in this State?

There is and will certainly be making a statement when the review has been conducted.

Bevan:...but you won't release the result to the report?

No, I didn't say that, I was just flagging—

Bevan:—I'm asking you [unclear] release the report?

No, I'm not going to give a commitment.

Abraham: Will you give the Premier a copy?

No, it is none of his business.

So, again, we are giving them back $29 million and his friend does not even rate the Premier as worthy of having a copy. It continues:

Abraham: You're a close friend of the Premier and have been for decades.

That's true, there's a lot of friends I don't tell things to, so it's not an issue.

Abraham: Not all of them are the Premier though.

Abraham: Now that was Philip Bentley, as we said, good friend of Premier Mike Rann and Premier—

The Hon. J.M. GAZZOLA: I have a point of order, Mr President. If it will assist the Hon. Terry Stephens, the point of order is that he can table the transcript of the interviews rather than just read it to us. He can also table the newspaper, if he wants.

The PRESIDENT: I was hoping he would get to 1323 and start singing us a song.

The Hon. T.J. STEPHENS: Mr President, if it is okay, I have a number of transcripts that I would be very happy to table without reading them. It does confuse me that—

Members interjecting:

The PRESIDENT: Order! No, the honourable member cannot table the transcripts. If he is going to read all the transcripts, so be it. I would rather listen to 1323.

The Hon. T.J. STEPHENS: I am going to have to read them. I heard your ruling the other day. I will continue:

Now that was Philip Bentley, as we said, a good friend of Premier Mike Rann and Premier Mike Rann has been very up-front about it and saying well yes he is a friend, I appointed him because he is the best person for the job to Thoroughbred Racing, however that was the stand back then, didn't take long for the Government to say well bad luck, we don't know what took place behind the scenes, but certainly Sports Minister, Michael Wright ended up with a copy of this report late last week and very quickly handballed it to the Crown Solicitor.

Bevan: That's right, he handed the report to the Crown Solicitor.

Abraham:...and appropriately I might add.

Bevan:...that report, we've been told by the government, has now been handed on to the police, this is before the report's even been given to the SAJC, they don't get their copy until this afternoon, so the government has ended up working very quickly in the last week to make sure this report gets to the hand of the police, that wasn't always their position, this is Michael Wright back in December.

This is an excerpt of minister Wright. It continues:

Bevan: What will this inquiry do if allegations of an illegal nature are made?

Well, I suppose that's more a matter for Thoroughbred Racing SA and would depend upon the nature of what the investigation finds, but if it finds that there have been irregularities, I think there would be serious ramifications.

Bevan: What I'm putting to you though is that you wouldn't want any investigation by Thoroughbred SA to perhaps contaminate evidence ... we don't know what may or may not be put to this inquiry, but if ... an allegation of an illegal nature was put to this inquiry, wouldn't that inquiry be required to be refer to it immediately to the police or the Director of Public Prosecutions?

I would imagine that would be the case, I think if there were illegal situations that took place, obviously it is a matter for TRSA, but I would imagine anything of an illegal nature that was proven or needed to be tested, may well become a police matter.

Bevan: As Racing Minister wouldn't it be a good idea for you to send a very clear message to Mr Bentley and say to him as Racing Minister, I would like an assurance that any allegation of an illegal nature is immediately referred to either the police or the Director of Public Prosecutions?

I've already spoken to Mr Bentley about this particular situation, he has assured me that he will keep me brief on a regular basis and I am sure we will have regular dialogue.

Bevan:...would you like to send him that requirement?

I'll have my discussions in private with Mr Bentley.

Bevan: You don't think our listeners would be reassured if you gave him that instruction?

I'm sure your listeners know that I have a very passionate interest in racing and I want this to be cleaned up in every department.

Abraham:...are you going to get a copy of his report?

Well I haven't discussed that with Mr Bentley...

Bevan:...he suggested to our listeners that he wasn't going to hand it over to the government...and it wasn't going to be made public.

I guess it's TRSA's report, it's Mr Bentley's decision as to where the report goes.

So the minister is saying, 'I'll be at Mr Bentley's behest again, given that we have committed $29 million over the next five years.'

The Hon. J.M. Gazzola interjecting:

The Hon. T.J. STEPHENS: The Hon. Mr Gazzola badgers me, Mr President. I think that is most unfair.

The PRESIDENT: I think he is waiting for the 6 o'clock news.

The Hon. T.J. STEPHENS: It is only five minutes away; he will be fine. I will go on to read an interview with Mr Rod Sawford, a member of the SAJC and a former very prominent federal member of the Labor Party, as follows.

Bevan: Rod Sawford has been a member of the SAJC for many years, he's a former federal MP, he represented the Labor Party in the seat of Port Adelaide ...good morning...Rod Sawford, I think it's fair to say that you've been part of a relatively small group who have been agitating for reform within the SAJC for many years, you're a good friend of [Mr] Bill Spear, it was [Mr] Bill Spear who brought this court action back in November, which forced the inquiry…how far back do your concerns go regarding the governance of the SAJC?

Well it goes back to the election prior to 2002 when in my view the state Labor policy was to save the open space of Cheltenham, whether it be used for racing or not was irrelevant, it was to save it for stormwater management and of course South Australians all realise now that we've got a huge water problem and a third of Adelaide's water supply could come from the underground aquifers if floodwaters were put in to the Cheltenham racecourse, that was the original reason, I'm a racing person also and I wanted to see racing also remain at Cheltenham, but that was another issue, the most important issue was water...the Labor Party policy, as far as I was concerned prior to 2002, was to save the open space at Cheltenham whether that was used for racing or not...in particular, the 2004 annual general meeting of the SAJC, in which the vote was taken, it was certainly two thirds to one third, but there were a lot of people there none of us knew and I was sitting with a group...we looked at a group in front of us, about 100 people who none of us knew and there were people on the right of us who we also didn't know and so even though the vote was two thirds to a third to sell Cheltenham, we were very suspicious about these people, the racing industry is a very closed [industry] everybody knows everybody and all the questions we asked around that night, nobody knew who these people were...we knew some of them came from the Norwood community club and there was some mention, the number of staff, people and people associated with staff and families seemed to be there, but they'd never been known as members before, so we suspected a bit of a voting stacking, but we didn't have any proof at that stage.

Abraham:...that was a crucial meeting...the 2004 meeting in terms of the vote to sell Cheltenham.

Bevan:...those concerns were repeated last year, why so?

Rod Sawford goes on to say:

They were repeated last year because basically the late Jim O'Connor was a very good friend of mine...the former secretary of the SAJC Mr Ploubidis [sic] was suing me for a matter of defamation and Jim O'Connor said to me that he believed I was correct and that he would get information that would help me in a court case, but then it formed a coalition of people like Bill Spear, SAJC, a board member ... Joe Canazaro, a former vice-chairman of the SAJC, the late Jim O'Connor, myself and a media person who I don't think wants to be named at this stage...we knew something was wrong, something smelt, it just wasn't quite correct, well the late Jim O'Connor got the information that we needed and as you know, I showed that information to you confidentially and also to Craig Cook and Ben Scadden of *The Advertiser* on a confidential basis...this I think gave us good grounds to suspect what we'd always suspected that the vote in 2004 was stacked and that the decision to sell Cheltenham was not valid.

Abraham:...when we were talking to Phil Bentley about this, this inquiry was not designed to go back to the sale of Cheltenham...

Bevan:...he was very clear about that and he said it would not be going back...I don't know how that transpired in the end, did the inquiry go back that far, do you know if allegations were put to Skip Lipman who conducted this inquiry about 2004?

I'm certain that the situation went back further than 2004, I think people who went and were interviewed by Skip Lipman would have gone back even further and put in context the whole development and what's happened at the SAJC for probably the last 20 years...

Bevan:...were the concerns that you raised put to Philip Bentley, the Chairman of Thoroughbred Racing, when he conducted an inquiry into the various [racing] codes some two, three years ago?

I can certainly speak on behalf of myself, I did, not entirely all the allegations because all the information we didn't have available, but in general those allegations were put to Mr Bentley and I know there were at least a dozen other people who put similar allegations to Mr Bentley at the time...we understand subsequently they were dismissed as hearsay and scuttlebutt, well I don't think they're hearsay and scuttlebutt any more.

Bevan:...lets get this quite clear, Philip Bentley is the man who's running the board as Thoroughbred Racing, which oversees racing, that is the board which has required this latest report, which has now been referred to the police, which will be given to the SAJC today, but you're telling our listeners that Philip Bentley was given at least some of these allegations two or three years ago?

Yes that's correct, by me and others and I can name those others...it could even be as many as 20 or 30, but I know at least a dozen, I was trying to count those names this morning...

Bevan:...should the report that's been handed to the Government and to the SAJC today be released publicly?

I believe it is subject to the needs of the police if it's going to be a criminal investigation, of course people will have to be patient, but I believe the public need to understand what has been going on, they put a lot of money—Cheltenham for example had $14m of taxpayers money, in the latest round of Government assistance to racing, we're talking about millions of dollars for Morphettville and for the Gawler race club and maybe country race clubs,

so the taxpayer has an interest in this and the SAJC, of which I'm a member, have been for 20 years, is not a private club, it depends on the public and the public have a right to know what is going on in their racing clubs.

[Sitting suspended from 18:01 to 19:48]

The Hon. T.J. STEPHENS: The interview continues:

Bevan:...so make the report public, but on the proviso that it doesn't prejudice any other inquiries done by the authorities.

...you want to protect staff.

Abraham:...there is also a presumption of innocence on all parties involved here under our legal system, so you could effectively...remove the names or blank out the names because you don't want to compromise any inquiries and you also don't want to unfairly reflect on people who haven't had a chance to defend themselves if it ever came to that in court...but you'd still know the substance of the allegations and the concerns raised by Skip Lipman.

Bevan:...here's another alternative, if the authorities say we don't want any of this made public—

The Hon. R.P. Wortley interjecting:

The Hon. T.J. STEPHENS: Russell, I'll tell you that I am shortening this substantially, but I can easily do the lot; so, just shut up. It continues:

what about releasing a copy of the report on a confidential basis to the opposition so that both sides of politics in this state could be absolutely satisfied that they understand what's been going on...and we wait for the authorities to deal with it.

I'm not here to explain to the opposition, but of course they should have a copy, I think it's prudent for good government they have a copy and I believe eventually it will come out to be public and people who stand in the way of being made public and being made open and transparent are doing the industry a great deal of harm.

I move on to the editorial appearing in *The Advertiser* of Wednesday 11 March, entitled 'Shed more light on racing's woes', which states:

The partial release of the report into allegations of impropriety at the South Australian Jockey Club is a significant and positive step in cleaning up a scandal that has consumed the racing industry in this state. Recommending the dismissal of the chairman, deputy chairman and chief executive from any organisation represents a need for a major change in culture and acknowledges deep-seated problems.

For such action to be taken within the staid and conservative walls of the SAJC, one of our state's most prestigious sporting clubs with a history going back to 1838, confirms fundamental deficiencies within the industry's governance structure.

While the areas of concern outlined by Thoroughbred Racing SA Chairman Philip Bentley yesterday may be incomplete, they alone portray a disturbing picture of racing administration in this state. The TRSA board has acted strongly and decisively, as was expected. But to truly cleanse racing of this stain and revive its public image, it is vital that a fuller and franker acknowledgment of the industry's problems is delivered.

A three-page media statement is inadequate when informing the South Australian public of the darkest day in this state's proud racing history. The immediate and natural temptation is to suppress the details in the hope these black marks can be washed away. But while doubts remain about the nature of the allegations against the SAJC, dark clouds will continue to linger over the industry.

While acknowledging sources who have provided confidential information must be protected, *The Advertiser* again urges the Racing Minister, Michael Wright, to table the report in State Parliament. This duty must rest with Mr Wright and we expect him to deliver on his responsibilities in the interests of rejuvenating this most important sport and industry.

For the Premier to claim that this is a stunt by the opposition and that we are just trying to turn this into some sort of political sideshow when so many groups, members of the public and the media are looking for some clarity just beggars belief. I move forward to 16 March and an interview with Matthew Abraham and David Bevan: report into the SAJC. The transcription reads as follows:

Abraham:...I think they might as well release [the report] now...it was an absolute bombshell by Nigel Hunt—

and we are talking about Nigel Hunt's expose in the *Sunday Mail*—

...he's one of the top journalists in Adelaide [and] he has impeccable connections certainly with the police but also with a lot of other figures around town. And here we've got this almost charade now of not even Steve Ploubidis who's...going to lose his job out of this has been shown the report...

The Hon. I.K. HUNTER: Sir, I rise on a point of order. This evening I (and, I guess, many others in this chamber) have heard in the news that Mr Ploubidis is seeking some legal redress

through the Federal Court. I invite your ruling on whether, in fact, it is appropriate for any member of this chamber to reflect on Mr Ploubidis or his potential case at this point in time.

The Hon. T.J. STEPHENS: Mr President, I am unaware of any such report.

The Hon. S.G. Wade interjecting:

The PRESIDENT: Order! I have also seen the ABC news, on which Mr Ploubidis was reported to be taking some sort of court action. So, I advise the honourable member to be very careful in any contributions where he might want to mention Mr Ploubidis, the CEO of the racing club. I understand that, in fact, Mr Bentley could also be involved. I advise the honourable member to be very careful.

The Hon. T.J. STEPHENS: Thank you for your guidance, Mr President. The interview continues:

> They're not allowed to keep a copy of the report but the *Sunday Mail* has obviously got a copy of the report and has splashed with it. And I would think there'll be a sequel next week...it is quite a remarkable situation now.
>
> Abraham:...that is right...for instance, the last conversation I had with the Premier on—well actually the last conversation I had with the Premier was a few minutes ago and I can't repeat that one—but the last conversation I had with the Premier a week or so ago about this, he hadn't read the report, he doesn't want to see it because it's gone to the police. Well, if you're the Premier I don't think there's any—you're not going to compromise the police investigation by reading the report. You're allowed to read the report if you're the Premier...if I was Premier I'd want to read it and perhaps you might then make a judgment and say...once the police have looked at this, once they've decided they're going to do something, and...we need to maintain a presumption of innocence here, then I might want to have a royal commission for instance or I may not want to have a royal commission. But certainly you'd think it'd be something you'd be flicking through with your bedtime reading.

There are many more transcripts I could read into *Hansard*. There is an enormous amount of community angst. I would urge all members to consider the future of racing. We would like to lift the cloud off racing once and for all. The only way we will be able to do it is to have an open and transparent inquiry.

Given that this issue has been bubbling along for some months, and given that the government has steadfastly refused to release the Lipman Karas report, I am asking members to give this particular motion urgent consideration, and I suspect I will be calling for a vote within a couple of weeks. With that, I commend the motion to the council.

The PRESIDENT: Any releasing of the report will have to be considered after any potential court case, of course, but that is up to the minister and the government.

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

FAIR WORK (POWERS OF ENTRY AND INSPECTION) AMENDMENT BILL

The Hon. M. PARNELL (19:57): Obtained leave and introduced a bill for an act to amend the Fair Work Act 1994. Read a first time.

The Hon. M. PARNELL (19:57): I move:

> That this bill be now read a second time.

Last Wednesday in the Senate, the Greens, Labor, Senator Fielding of Family First and Independent Senator Nick Xenophon combined to remove a provision of the commonwealth Fair Work Act that gives special concessions to workplaces owned by members of the religious sect known as the Exclusive Brethren. These concessions involve the power to exclude unions from attendance at Brethren businesses. My bill seeks to achieve the same thing in South Australian law by removing the equivalent provision from the South Australian Fair Work Act.

This is an issue I have followed closely for the past three years. I asked a question in parliament in 2006 and another one on 16 October 2007. My question of minister Holloway concerned the Exclusive Brethren's lobbying activity and the role of various ministers in providing a special exemption that has the effect of keeping unions out of Exclusive Brethren owned businesses. I will come back to the minister's answers to my questions shortly, but, in the meantime, I want to put my bill into context by outlining the change I am proposing.

The bill is very simple. It seeks to delete subsection (5) of section 140 of the Fair Work Act. Section 140 is headed 'Powers of officials of employee associations'. The main provision is as follows:

(1) An official of an association of employees may enter any workplace at which 1 or more members of the association work and—

(a) inspect time books and wage records, at the workplace; and

(b) inspect the work carried out at the workplace and note the conditions under which the work is carried out; and

(c) if specific complaints about non-compliance with this Act, an award or an enterprise agreement have been made—interview any person who works at the workplace about the complaints.

So, these are what are referred to as right of entry provisions for trade unions. The subsection I am seeking to delete in this bill reads as follows:

(5) Despite a preceding subsection, an official of an association may not enter a workplace under this section if—

(a) no more than 20 employees are employed at the workplace; and

(b) the employer—

(i) is a member of the Christian fellowship known as Brethren; and

(ii) holds a certificate of conscientious objection under section 118 that has been endorsed in a manner that indicates each employee employed at the workplace agrees to the exclusion of this section; and

(c) no employee employed at the workplace is a member of an association registered under this act.

The effect of my bill is to remove subsection (5), which is precisely what the Senate voted to do last Wednesday night. The minister's response to my question of 16 October 2007 concluded with the following words:

> The bottom line is whether or not that clause should have been passed and should that group with those views [meaning the Brethren] have been exempted. This parliament to my recollection unanimously said it should have.

That was the minister's conclusion to his answer to my question: Well, we passed it, and I am asking the parliament to remove that clause. Let us look at the question of who are these people, the Exclusive Brethren. I will not spend a great deal of time because members may be familiar with some of these references, but certainly Prime Minister Kevin Rudd said:

> I believe this is an extremist cult and sect. I also believe that it breaks up families.

Premier Rann has described the Exclusive Brethren as 'seriously weird gear' and he stated, 'I mean, they are like a cult.' In another interview on FIVEaa he described the Exclusive Brethren as 'weird, weird, weird gear'. That is what our Premier and Prime Minister say about the Exclusive Brethren. In parliament last Wednesday Senator Bob Brown made the following reference:

> The Prime Minister did refer to the Exclusive Brethren as an extreme cult, and not without warrant. This is a cult that within recent decades required members to drink whiskey because the elect vessel did.

The elect vessel is the leader. He goes on:

> It is a cult that requires that women not be in a position of authority over men under any circumstance. More notoriously it is a cult that separates for life parents from children and children from grandparents and brothers and sisters. It breaks up families in the most cruel circumstances if they happen to leave the cult because they are excommunicated. The literature on that is far and wide.

I will not repeat all the stories and read extracts from media reports, of which there are many, including a *Four Corners* report from a couple of years ago, but I will put on the record a couple of sentences from government Senator Ludwig in the debate on Wednesday night in the Senate. I remind members that Labor voted in favour of this proposal to remove that special exemption for Exclusive Brethren employers. Senator Ludwig said:

> There does not appear to be any compelling reason why an employer's religious doctrine or belief should prevent a union from being able to talk to individuals whom that employer employs. Whether or not those employees wish to talk to the union, of course, should be a matter for them. On this point I note that the bill maintains the current protections that unions may only talk to employees who want to take part in those discussions.

So, the Senate passed these amendments, yet every other state in Australia—bar Victoria, I believe—has similar provisions on its statute book, including South Australia, and I think it is now time for us to remove this provision. As I have said, Labor and Family First both supported precisely this move in the Senate last week. There is no reason it should remain in state legislation.

This bill is about ensuring that our industrial laws apply in all workplaces in South Australia without fear or favour, and I commend the bill to the council.

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

KANCK, HON. S.M.

The Hon. DAVID WINDERLICH (20:08): I move:

That this Council—

1. notes the remarks made under parliamentary privilege on Thursday 19 February 2009 by the Hon. Michael Atkinson concerning a former member of this council;

2. affirms the important role of parliamentary privilege as a means of enabling members to bring important truths to light and to speak out on behalf of ordinary people against powerful vested interests and urges all members to use this privilege judiciously and for the greater good rather than to pursue personal agendas and vendettas; and

3. conveys this resolution to the House of Assembly.

I understand I am getting a reputation for short speeches. Tonight you have a long one, with not too many media extracts. On Thursday 19 February, Michael Atkinson, Attorney-General and the first law officer of this state, made a very strange speech as part of the adjournment debate.

The Hon. J.S.L. Dawkins: It is not the first time

The Hon. DAVID WINDERLICH: Weird gear, yes. He essentially spent his time attacking someone whom he says is irrelevant about things that happened years ago from a party that is in decline, and perhaps abusing parliamentary privilege in the process. I am taking the equally unusual but, I believe, more defensible approach of responding to the speech made in the other house and, if this council supports my motion, sending our resolution back to the House of Assembly.

In my remarks I will make three key points. First, I will defend someone who cannot defend herself in parliament (Hon. Sandra Kanck) and who was attacked by the Hon. Michael Atkinson from behind the shelter of parliamentary privilege. Secondly, I will be making the point that parliamentary privilege should not be cheapened by being drawn into service to settle old personal scores. It exists, as the motion says, to allow us to tell truths and to speak out for the powerless against the powerful. Thirdly, I will be asking whether the Attorney-General should find better uses for his time.

Let me begin with the Hon. Sandra Kanck. When I started asking people what I should do about this attack on the reputation of a long-term member of this parliament and my former employer, I received two kinds of advice. The political advice was: don't do it; it's risky—you need to distinguish yourself from your predecessor. Then I received much more everyday, morally-based advice from everyday people: you have to respond—what he did was not fair. What was most compelling was a conversation I had with an employee of this parliament (one who does not have a political or legislative role). It went something like this: 'It's not really my business to talk about politics, but what are you going to do about what Atkinson said about Sandra?' We had a chat. I talked about the difficulty of balancing the political calculation with the moral imperative and found myself talking myself into just this course of action—doing the right thing instead of the political thing. So, thank you to that person.

I should also point out that Sandra Kanck herself never asked me to respond and was non-committal when I said I was thinking about responding. She did send me an email of her views on what the Attorney-General said, and I will refer to that several times during this speech.

So, now for Michael Atkinson's speech. I will not go through every detail but will just quote a few selected low lights. He begins:

> Good manners dictate that we speak well of departing legislative councillors at a joint sitting of the house to replace them. Now that the joint sitting is over it is time to speak frankly. I served in the parliament with Sandra Kanck from the time she filled a casual vacancy—

In fact, that is an error. She did not fill a casual vacancy: she was elected twice at a general election. He continues:

> Any person who had teenage children or loved ones who were prone to depression would remember Sandra Kanck as the person who, on 30 August 2006, sought to publish under parliamentary privilege easy ways to commit suicide.

The Attorney-General is fully entitled to disagree with Sandra Kanck and with that course of action. He is entitled to criticise, but an honest representation is that she felt impelled out of compassion for the suffering of the terminally ill to take this course of action, and that compassion was based on her seeing, first-hand, people die slow and painful deaths.

If the aim was to smear, one could invert the Attorney-General's comments and reflect on how he and his government are condemning people to painful, lingering deaths by their inaction, but I know that many people are passionately opposed to voluntary euthanasia, and I will give the Attorney-General the benefit of the doubt and assume that he approaches the issue as a serious moral question and not as an opportunity to score political points. The Attorney-General continues:

> During the 2006 general election, the Democrats issued a news release referring to the death of...(Pope John Paul II) as the death of an 85 year old Polish man in Italy, without using his name or title, and criticised the state government for spending money on a memorial service for him. The news release was headed, 'He's dead. How much money does he need?'

I think this media release was tasteless, offensive and unwise. I would not have done it, and Sandra did not. Another former MLC sent out this media release, and this is guilt by association, which is consistent with some of the legislation that the Attorney-General has brought to South Australia. He continues:

> My opinion is that the author of this news release was Hendrik Gout, now a reporter with *The Independent Weekly*. I asked him to confirm or deny this by email yesterday but, most unlike him, he has not responded. I tried searching for this news release in the Democrats online archive but could find it only in a bowdlerised form re-headed, 'When was the last time three lines worked for you?'

Frankly, who cares if Hendrik Gout authored this release? It is ancient history; you could almost carbon date this stuff.

The interesting point is why the Attorney-General would spend his time raking up such old muck. The man has a pretty important day job. Why is he spending his time working his way through the Democrats' website? The Attorney-General goes on to talk about a Social Development Committee inquiry into prostitution on which he sat with Sandra Kanck. He says:

> Sandra feared she did not have the numbers, so her allies sought to disband the committee. After discussions between Sandra Kanck and a sex worker who had been a witness before the committee...the witness petitioned the Governor to disband the committee owing to the aggressive and humiliating questioning by men on the committee. If asking the Governor to shut down a parliamentary committee was Sandra's purpose, the English Civil War and the Glorious Revolution of 1688 were not strong points in her reading of history...Once she was in the majority, Sandra no longer wanted the committee disbanded.

Sandra wrote in an email that she had no idea what he is talking about. I was not there, but one thing that I can say about Sandra is that she was never worried about being in a minority. In fact, she was quite used to it, so any account of her trying to shut down a committee because she was in a minority does not quite ring true. The Attorney-General continues:

> Sandra Kanck invited members of the outlaw motorcycle gangs into Parliament House for a so-called balanced justice forum, but she did not invite any of their victims.

The truth of this matter is that an email list of over a thousand people were invited. Some who came along were bikie groups, of which none were outlawed at the time, and the fact that they were invited makes eminent sense, as they were likely to be affected. Those bikie groups included, amongst others, the Christian Long Riders, Bikers Against Child Abuse and the Motorcycle Riders' Association.

There are parts of the Attorney-General's speech with which I have absolutely no problem. The Attorney-General comments on the parlous state of the Democrats, pointing out that, in the 2007 federal election, we ran a vigorous campaign but polled less than the Democratic Labor Party. That is a matter of historical fact and entirely fair comment. The Attorney-General can say it as often as he likes, and I will not quibble, but most of his speech is just character assassination. Here is another example:

> In the 1980s and early 1990s, an elderly constituent of mine, Albert Geisler, lived alone in a room on the corner of Drayton Street and Fifth Street, Bowden. Albert had often been a victim of break-ins and beatings; he was deaf. One night he heard his window break and realised that it was yet another burglar breaking in. Albert had been a skeet shooter in his younger days. He reached for his rifle and shot the intruder.

The Attorney-General then went on to say that Sandra Kanck said that Mr Geisler should be charged with homicide. I will quote Sandra's response directly, as follows:

As for Albert Geisler, again a long time ago but the point I was making (and I do have a *Stateline* interview record of this) is that no matter how sympathetic any of us might be to a person defending themselves, it is not up to us to circumvent the normal processes of justice. It's a long time ago, so I can only paraphrase myself, but I said those processes must be followed through, but I suggested that a jury might not find him guilty, and a judge might not record a conviction.

So, it is a point about due process and law—the sort of perspective you might expect from an attorney-general. On it goes; I have given members an adequate taste.

In summary, he paints a picture of a person who is intolerant, offensive, seeks to stifle dissent and manipulate process and so on. He has done what he can to tear down the reputation of a former politician, a person to whom reputation is a main tool of trade.

It sounds a lot like defamation. In fact, if you look at the *Law Handbook Online*, it sounds exactly like defamation. That handbook states that the law of defamation protects individual reputation. The law assumes that all people are of good character until the opposite is proved. The test of what is not defamatory depends on the standards of the community as a whole and not just of some narrow section or group. It does not matter if the person intended to refer to or disparage a particular person. It is enough if the words reasonably lead persons acquainted with the complaining person to believe that she or he is referred to or that the material discredits the person's character and reputation.

I think it is pretty clear that the material is intended to disparage the particular person. It is pretty clear to whom the words refer and it is pretty clear that the material discredits the person's character and reputation. So, it certainly is defamation but carried out from behind parliamentary privilege.

It is useful to compare the portrait of the Hon. Sandra Kanck with what some of her colleagues (members of this chamber) said about her last year. I will read selected passages from the adjournment debate on Sandra's last day in parliament on Thursday 2 December 2008. Several of these are from people who found Sandra a thorn in their side or who disagreed violently with her on key issues. The Hon. Paul Holloway said:

Although as Leader of the Government I have often questioned her stance on many of the bills before this place, I could certainly never question her passion and her firm belief in the correctness of her position.

The Hon. David Ridgway said:

On a personal level, I have always found her extremely easy and understanding to work with and, even if we have not agreed on a position, we have worked well professionally together on the ERD Committee initially, and I certainly appreciate that.

The Hon. Mark Parnell said:

One of the things that I think Sandra personifies in relation to the legislative agenda is courage, and it is one of those words whose currency has been devalued by *Yes, Minister* as much as anything else, because when they talk about 'courageous decisions', they are talking about decisions that are deeply unpopular, which no person in their right mind would make. However, there are some incredibly important issues that we deal with which most of us do not have the courage to name. Quietly in the bar or quietly in the corridors, we might say to each other, 'Yes, she is right, but I'm not going to say it in parliament.' Sandra has the courage to do that and she has paid the price...

When you think about the strong opposing views around drug policy of the Hons Ann Bressington and Sandra Kanck, you might think that the Hon. Ann Bressington would be a person who would be less likely than anyone to see the good in the Hon. Sandra Kanck, but she said:

To the Hon. Sandra Kanck, I also would like to convey my best wishes. I have a great deal of respect for her serving 15 years in this place. I think that, in itself, deserves a medal and, although we have disagreed on some issues, it is always appropriate to acknowledge that disagreement in here should never reflect what we feel about a person on an individual or personal level. I do see that the Hon. Sandra Kanck is a person who has a kind heart, and she has served her constituency base faithfully and persistently over that 15 years. I have also had the honour to share a couple of constituents with her, and I know that she has gone above and beyond the call of duty for those particular people to try to seek justice for them.

The Hon. Rob Lucas said:

I acknowledge first her courage on a range of issues, but I also acknowledge her respect and support for the institution of the parliament and, in particular, the Legislative Council.

So, the people who worked most closely with the Hon. Sandra Kanck saw her as courageous, kind-hearted, easy to work with and a defender of the institution of parliament—even when they disagreed vehemently with most of what she had to say. In other words, they could see past the policy to the person. I worked with Sandra for two years, and many of those points ring true.

However, one aspect of Sandra that really stands out is that she was a dedicated, diligent and passionate legislator. She loved this institution, which makes the Attorney-General's attack on her even more unfair.

So, what on earth was the Attorney-General doing? As I have said, he was using parliamentary privilege to throw mud. He was pursuing his own personal agendas and vendettas from behind the petticoats of parliament. I, too, could use parliamentary privilege in the same way to reflect at length upon aspects of the Hon. Michael Atkinson's career by referring to intemperate and inflammatory remarks and serial law suits and, of the little I know about him, I would not have even scratched the surface. I know there are people in this chamber who could tell us a lot more, but is that what parliamentary privilege is for?

I can think of three reasons that parliamentary privilege is important. First, it is a way of bringing truth to light that would otherwise be hidden by the threat of defamation. Secondly, it is a way in which we can strengthen the hand of an individual or community group locked in battle with powerful vested interests: they cannot afford to speak out; we can speak out for them. Finally, it is a way of defending the innocent from unfair attacks. As I said, it is a tool I could use today, and maybe one day I will; however, I do not choose to use it in this speech. I do not believe I have said anything I could not say on the steps of Parliament House. The New South Wales Public Library Research Service published an extensive discussion on parliamentary privilege.

Members interjecting:

The PRESIDENT: Order!

The Hon. DAVID WINDERLICH: I will quote from Stockdale v Hansard, a judgment of 1839, which leapt out at me. It states:

> All persons ought to be very tender in preserving to the Houses all privileges which may be necessary for their exercise and to place the most implicit confidence in their representatives as to the due exercise of those privileges. But power, and especially the power of invading the rights of others, is a very different thing; it is to be regarded, not with tenderness but with jealousy; and unless the legality of it be clearly established, those who act under it must be answerable for the consequences.

So, members, do you think the Attorney-General treated this institution and the concept of parliamentary privilege with appropriate tenderness by using it to launch a personal attack on a former member? Do members think he used parliament to invade the rights of others? I think the answer to both those questions is absolutely yes.

Finally, let us reflect on how the Attorney-General, our first law officer, spends his time. When we look back at his speech, we see a combination of painstaking research, sloppiness and smears. The sloppiness is evident in basic errors, such as whether the Hon. Sandra Kanck was elected as a result of a casual vacancy or in a general election. The smears are evident when he seeks to link the Hon. Sandra Kanck to things about which she had no knowledge and for which she was not responsible.

However, it is the research I find most interesting. Consider this: the Attorney-General spends his time looking through the Australian Democrats' website. If he actually starts concentrating on his day job, our statistics will suffer, and we may have to come up with strategies to keep up the website stats!

He chased up Hendrik Gout about some ancient history, and I assume he pores over yellowing old newspaper clippings for some of his material. So, the first law officer of this state is spending his time trawling websites, contacting ex-press secretaries about old stories and reading old newspapers. Does he not have anything better to do with his time? Perhaps he needs some suggestions.

I will refer now, although not at length, to an article, entitled 'Atkinson: Bikies, dope growers took priority over mental health', that appeared in *The Advertiser* of 19 March 2009. As members would be aware, the story refers to the Attorney-General's rejecting claims that his failure to act on reforms to the powers of the Parole Board in relation to the mentally ill led to the tragic stabbing in Davoren Park, when a man and his son died and his newborn baby was stabbed. The article states:

> Mr Atkinson defended the lack of action in changing the laws, saying that the government was inundated by policy proposals and had to make priorities. 'We have given priority to cracking down on the drug trade, on hydroponics and outlaw motorcycle gangs, we're coming to (mental health laws) now, we're coming to it with an open mind,' Mr Atkinson said at a press conference today. 'We get policy proposals coming to us every day of the week. I opened my own mail today and there were 50 items there. We decided at that time it was not proportionate

and not high enough on the scale of legislative changes to be made.'...Ms Nelson [of the Parole Board] said she had asked the Government to amend the laws to give her board the power to detain offenders as far back as 2004.

I appreciate that the Attorney-General is busy, and I appreciate that there are many legislative priorities, but maybe if he spent less time on our website and more time on other legislative priorities he might have been able to include necessary changes to mental health legislation.

In summary, I have responded because what the Attorney-General said is an attempt to destroy the reputation of a controversial but fundamentally good and brave person, and he did this by sheltering behind parliamentary privilege. As several ordinary, everyday, non political people said to me, 'That is not fair; that is not right,' and I would add that it is not very brave, either. I have done what I can to stick up for someone who is at a disadvantage in this context.

However, the Attorney-General's actions raise more important questions that should concern us all. What do we make of an Attorney-General, the first law officer of the state, the person who knows more about the purposes and history of these institutions and traditions than almost anyone in the country—what do we make of a person in that position with that knowledge using parliamentary privilege not for the greater good but in pursuit of some personal and rather arcane historic and irrelevant vendetta?

What do we make of an Attorney-General, our first law officer, spending his time trawling the internet in search of ammunition for use in old wars? What sort of values does this person have? What sort of priorities does he have? Well, I think we have identified a way in which he can find some more time, but I think the larger issues are important. We are talking about a very important tradition here, that of parliamentary privilege. It is there to be used for the greater good: it is not there to be used for personal gain or personal vendettas.

I urge the Legislative Council to support this motion so that we can convey this important sentiment back to the other place in the hope that it concentrates the minds of the Attorney-General and other people who have attempted to misuse parliament on their important job of representing their constituents, running the legal systems of this state or administering their departments. I commend the motion to the council.

Debate adjourned on motion of Hon. B.V. Finnigan.

FOREIGN AID

The Hon. I.K. HUNTER (20:28): I seek leave to move the motion standing in my name in an amended form.

Leave granted.

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

That this council congratulates Australia's Foreign Minister, the Hon. Stephen Smith MP, for lifting the ban on Australian foreign aid being spent on abortion services and counselling on 10 March 2009 following the lifting of the global gag by the President of the United States of America, Barack Obama, on 23 January 2009.

The original motion, and now the substantive motion, notes that, as one of the first acts of the US President, Barack Obama removed the global gag, also known as the Mexico City Policy, which prevented non-government organisations from using United States taxpayer aid funds to educate women overseas about unsafe abortion, or provide them with safe abortions. It also notes that the Hon. Stephen Smith has now aligned our position with that which is most commonly held by western nations around the world.

The phrase 'global gag' grew out of the rigidity of the rules. Clinics that even mentioned abortion to women who had unplanned pregnancies were unable to receive any US taxpayer funds. The rule was brought in by Regan in 1984, revoked by Clinton, reinstated by Bush Junior, and then rescinded by Obama. Its fate can perhaps be seen as a signifier for the contemporary state of the culture wars in the United States.

The United States under George W. Bush, and Australia under John Howard, gave family planning aid to developing countries on the condition that no information on abortion was to be provided to women under any circumstances, even when that woman's life might be in danger.

Whilst President Obama has been prompt in rescinding the US equivalent, the AusAID Family Planning Guidelines were until recently firmly in place, despite much lobbying of foreign affairs minister Stephen Smith. It was not a hard change to be made. The Family Planning Guidelines are in policy, not in regulation or legislation. A change did not require debate in

parliament or bipartisan support: it was made with the stroke of a pen—the stroke of a pen that would save lives. Surely, it does not get any easier than that to save lives.

Unsafe abortions account for 13 per cent of maternal deaths globally. As I have said before in this place, the lack of provision for safe abortions does not stop women from seeking abortions: it just means they are more likely to die in the process. We must remember that one woman dies from an unsafe abortion somewhere in the world every eight minutes. Every eight minutes one woman dies somewhere in the world through unsafe abortion practices.

It is not our place to dictate to other countries what their laws should be. I am not proposing that we fund abortions in nations where they are illegal. What I am saying is that we need to make sure that women who live in countries where these services are legally available are financially able to access them.

There were so many reasons that the Australian government needed to make this change. We do not need to look far from our own borders to see where such a change would make a huge difference. According to the United Nations, Papua New Guinea (one of our closest neighbours and one of our highest aid recipients) has seen the maternal death rate increase by more than 56 per cent in the past few years. In PNG, the number of women who died in childbirth, or from related complications, doubled last year. It is not only those women who die who are impacted: their families suffer the loss of a mother, a wife, a partner, a friend and a breadwinner; and the impact on girls is often compounded by the fact that, in too many instances, the eldest daughter is required to drop out of school to raise her younger siblings. Surely it is negligent on our behalf to turn a blind eye to such suffering.

Women around the world—particularly in Third World countries—still face too many barriers: to justice, education, representation, health-care access and employment opportunities. To deny them control of their reproductive health and fertility is tantamount to keeping those barriers firmly in place. After all, who are we to impose such restrictions on women overseas when we do not impose them on women in Australia? So, this is one real, tangible way that we can assist those women in their struggles. I congratulate the Australian government and the Hon. Mr Smith on this change in policy, and I commend the motion to the council.

Debate adjourned on motion of Hon. T.J. Stephens.

TAXI INDUSTRY

Adjourned debate on motion of Hon. R.L. Brokenshire:

1. That a select committee of the Legislative Council be appointed to inquire into and report upon practices and opportunities for reform in the taxi industry in South Australia (including vehicles holding themselves out to be taxis, such as country taxis) and, in particular—

   (a) the commercial and advisory structure of the industry and potential for conflicts of interest thereto;

   (b) allegations of fraud and corruption in the industry;

   (c) commercial practices on the transfer and leasing of plates, including alleged incentive or collateral payments;

   (d) the adequacy of training given to drivers and resultant quality of tourism service and other standards of service;

   (e) causes and remedies for assaults upon drivers and assaults by drivers;

   (f) problems arising from the existing system of taxi classification;

   (g) the opportunities for introduction or expansion, and the estimated cost, of technology such as global positioning system (GPS) tracking of taxis, video-camera recording, electronic charging via Cabcharge, electronic disability identification tags and other possible technological reforms for the industry; and

   (h) any other relevant matter.

2. That standing order 389 be so far suspended as to enable the chairperson of the committee to have a deliberative vote only.

3. That this council permits the select committee to authorise the disclosure or publication, as it sees fit, of any evidence or documents presented to the committee prior to such evidence being presented to the council.

4. That standing order 396 be suspended to enable strangers to be admitted when the select committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating.

(Continued from 18 February 2009. Page 1306.)

The Hon. B.V. FINNIGAN (20:36): I thank the Hon. Robert Brokenshire for his sudden interest in the taxi industry. However, on behalf of the government, I rise to reject this call for a select committee. When the honourable member decided to move that a select committee be set up, he painted a picture by ignoring or selectively choosing facts to support his politically motivated attacks on the industry.

To start with, the Hon. Mr Brokenshire spoke about the profile of the industry, particularly the ratio of taxis to booking companies. I am advised by the Department for Transport, Energy and Infrastructure that his figures are incorrect and, in any event, a comparison with other jurisdictions is misleading and potentially meaningless. The Hon. Mr Brokenshire fails to mention that each central booking agency needs to meet accreditation standards.

The honourable member raised concerns about the number of complaints in the taxi industry. The government actively encourages passengers to lodge concerns they have in relation to taxis, but the facts are that complaints represent 0.02 per cent of the estimated eight million journeys provided per year.

The Hon. I.K. Hunter: How many?

The Hon. B.V. FINNIGAN: 0.02 per cent. I think even the Hon. Mr Brokenshire and the supporters of this motion would acknowledge that 0.02 per cent is a very small number.

The Hon. Mr Brokenshire selectively uses a survey by the Tourism and Transport Forum and enthusiastically quotes national results. He has failed to mention the results for those specific-to-Adelaide taxis. When asked what was the least favoured city for catching a taxi, only 1 per cent of respondents named Adelaide.

Regarding the concerns about safety, the government takes driver and passenger safety seriously and has put in place a range of measures relating to both of these. Assaults involving taxi drivers are criminal actions and are referred to South Australia Police if they have not already been reported to them by the individuals concerned. The Passenger Transport Standards Committee can also address these matters.

Permanent on-duty tracking of vehicles through global positioning systems is now a requirement in the Passenger Transport (General) Regulations 1994. Permanent on-duty GPS tracking, when combined with identification of drivers through PIN systems, is useful where passengers involved in incidents cannot recall the identity of the taxi driver but can specify location and time of pick-up.

Regulations supporting the introduction of PINs and permanent on-duty GPS tracking were introduced by the government to coincide with the implementation of PINs by the industry on 1 November 2006. The regulations require that work can only be dispatched to drivers who are logged on using a PIN and drivers cannot divulge or misuse their PIN or pass booked work to other drivers.

Drivers can be successfully identified by South Australia Police through the use of GPS records and driver PINs. One CBS has installed dispatch systems in its fleet which fully meet the regulations for permanent on-duty GPS tracking of vehicles and other CBSs are evaluating other next generation dispatch systems.

In addition, a national project is being undertaken to develop improved specifications for security camera systems. The specifications will include greater retention and quality of images and recent requirements for Victoria. These cameras are currently being trialled. Other initiatives include drivers' ability to request a deposit for a fare up to the estimated value of a fare in advance, that is, prepayment. CBSs have now included information on this in their telephone hold messages and provided stickers for taxis.

Taxis can be fitted with security shields. The Department for Transport, Energy and Infrastructure and the Taxi Council supported a trial of shields in a taxi with a new security screen for taxis which costs under $400. The government approved an initiative with the Taxi Council of South Australia for improved signage in taxis and a customer charter which includes the

responsibilities of customers, information regarding drivers requesting prepayment of fares, and refusal to accept a hiring.

The Hon. Mr Brokenshire mentions the Premier's Taxi Council in less than glowing terms. The facts are that, since it was established as a government initiative in 2002, the Premier's Taxi Council has provided for the first time a mechanism by which the industry can provide high-level advice directly to government on issues relating to it. A number of initiatives have resulted directly from advice from the Premier's Taxi Council, including the establishment of a one-stop shop for taxi services which combined services previously provided by different government agencies, including accreditation, licensing and registration, and collocated with the Taxi Council South Australia Incorporated. The Premier's Taxi Council has also been the forum where many of the safety initiatives previously discussed were initiated.

It is almost comical that the Hon. Mr Brokenshire says that he would like to have the president of the Taxi Council appear before a select committee to hear his thoughts. Perhaps he should ring him, because I understand that he has not contacted the president of the Taxi Council. In fact, the president of the Taxi Council said only last week at the Premier's Taxi Council that he did not support a review of the industry; he would prefer to just get on with the job. That is what this government does: we get on with the job.

Regarding driver training, last year the government approved new driver training for taxi drivers that was developed by the taxi industry and key interest groups through the Taxi Training Taskforce, convened by the Taxi Council of South Australia. The new training program was implemented in March 2008. As part of the new training, the English language requirements were increased from level 2 to level 3 of the International Second Language Proficiency Rating.

Other areas of driver training, including tourism, disability and customer service, have been enhanced. The new training program requires a high level of achievement, and drivers who do not meet these standards do not pass. Taxi drivers cannot gain full accreditation until they have passed the training.

Another specific issue that has been raised is the notion of a person needing to drive for 12 months on a full Australian licence before becoming a taxi driver. This issue was discussed in detail at the Premier's Taxi Council last week, and there is now agreement that this should be managed through the accreditation process, something being considered by the government.

Country taxis were also mentioned and, specifically, that the new regulations have been foisted upon the operators of country taxis. The facts are that this has been the subject of lengthy consultation over some years and intensive consultation over the past six months with representation from the Country Taxi Association.

The government is firmly of the view that all the issues raised are already being addressed by the government or by industry. This government has established a proper consultative mechanism. The Premier's Taxi Council not only includes representatives from the CBSs and the Taxi Council of South Australia but also drivers, operators, country taxis and Access taxis. Driver representation was also recently increased from one representative to three. Through the council and other consultative mechanisms, the government continues to actively address issues to improve the quality of taxi services in metropolitan Adelaide and regional South Australia.

Again, here we have a call for a select committee when the industry and the government are getting on with the job. For the reasons stated, the government does not support the call for a select committee at this time.

The Hon. R.D. LAWSON (20:45): I indicate that Liberal members will be supporting the motion, and at this juncture I want to move an amendment to the motion, as follows:

Paragraph 2—

Insert the words 'That the committee consist of six members and that the quorum of members necessary to be present at all meetings of the committee be fixed at four members and' before 'That standing order 389'

The purpose of this amendment is to ensure that as many members of the council as possible have an opportunity to participate in this important select committee.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.D. LAWSON: It is lamentable that the government, through the person of the Hon. Bernard Finnigan—

The Hon. B.V. Finnigan interjecting:

The PRESIDENT: The Hon. Mr Finnigan will come to order.

The Hon. R.D. LAWSON: I will be suggesting to the JPSC that the Samboy chicken chips not be stocked in future! It is appalling, really, that the government, through the person of the Hon. Mr Finnigan, should present such drivel to the council in opposition to this motion. It is entirely appropriate that an investigation be conducted into this industry. The turmoil that has been created by, for example, the change to the regulations under the Passenger Transport Act, which regulations I have moved the disallowance of and sought and obtained leave to conclude my remarks on the last Wednesday of sitting, indicates just one area that ought be thoroughly investigated. I look forward to the deliberations of this important committee.

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

That the debate be adjourned.

The PRESIDENT: Adjourned debate—the Hon. Mr Brokenshire?

The Hon. R.L. BROKENSHIRE: Mr President, I actually stood up at the same time as the Hon. Mr Hunter.

The PRESIDENT: Order! It has been moved, seconded and voted on.

The Hon. R.D. LAWSON: It has not been voted on.

The PRESIDENT: Yes, it has.

The Hon. R.L. BROKENSHIRE: No, sir; I actually stood, sir.

The PRESIDENT: Order! The Hon. Mr Hunter moved that the debate be adjourned, to the next Wednesday of sitting. I put it and the ayes had it.

The Hon. R.L. BROKENSHIRE: On a point of clarification, Mr President, I respect you, obviously, but it was my intention and I did stand up to call a vote on this because I think it is really important that we keep moving. I would ask for your generosity in acknowledging the fact that I did stand up at exactly the same time as the Hon. Mr Hunter to put my select committee motion to a vote.

The PRESIDENT: I disagree that you stood up at the exact same time as the Hon. Mr Hunter because I gave him the call. However, you had the opportunity to say something when you stood up that you did not want the debate adjourned.

The Hon. R.D. LAWSON: On a point of order, Mr President, assume that the honourable member did move the debate be adjourned. The tradition is that you ask the mover of the motion to indicate the time to which the debate should be adjourned. Perhaps the Hon. Mr Brokenshire was thinking of saying, 'To later this evening.'

The PRESIDENT: The Hon. Mr Brokenshire said what he was going to say; and the Hon. Mr Lawson will stop using his skills as a QC to put words in other people's mouths. The Hon. Mr Lawson does not have a point of order and he will resume his seat.

The Hon. R.D. LAWSON: Mr President—

The PRESIDENT: The Hon. Mr Lawson has another point of order?

The Hon. R.D. LAWSON: Mr President, I ask you to rule. Is it not the case that the time to which the debate will be adjourned is a matter for the mover to mention, not for any other member of the council to dictate?

The PRESIDENT: The Hon. Mr Hunter did not move that the debate be adjourned on motion: he moved that it be adjourned. I called on the Hon. Mr Brokenshire to say when the debate would be next heard. The Hon. Mr Brokenshire has argued that he stood up at the same time as the Hon. Mr Hunter, but he did not; he was slightly slower. I gave the call to the Hon. Mr Hunter. I put the question that the debate be adjourned and said that the ayes had it. I then asked the Hon. Mr Brokenshire when he would like the debate to be adjourned to.

There might be others in the council (or others who are not in the council) who might like to speak to the debate, and that is why the question was put. The Hon. Mr Brokenshire will have to

wait until the next Wednesday of sitting to put his motion to a vote unless there are other speakers, and then he will have to wait until the other speakers have spoken to put it to a vote. It always amuses me how members here think they can determine when their business is voted upon but government business takes so long to be voted upon. The Hon. Mr Brokenshire, the debate is to be adjourned until?

The Hon. R.L. BROKENSHIRE: Mr President, I acknowledge that I have to accept your guidance.

The PRESIDENT: Hear, hear!

The Hon. R.L. BROKENSHIRE: I am a little surprised about this matter but, if I have to, then it has to be the next Wednesday of sitting.

Members interjecting:

The Hon. R.L. BROKENSHIRE: I thought I was taking guidance from the President. I will put it on motion.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Stephens will withdraw those remarks.

The Hon. T.J. STEPHENS: I withdraw those remarks, Mr President.

The PRESIDENT: Otherwise, he will not be here for rest of the night.

Debate adjourned.

GOVERNMENT ADVERTISING

Adjourned debate on motion of Hon. M.C. Parnell:

1. That a select committee of the Legislative Council be established to inquire into and report on taxpayer-funded government advertising campaigns with specific reference to:

(a) the establishment of guidelines dealing with the appropriate use of South Australian government advertising;

(b) the cost of government advertising;

(c) a process for dealing with complaints about government advertising from the general public; and

(d) any other matters that the committee considers relevant.

2. That standing order 389 be so far suspended as to enable the chairperson of the committee to have a deliberative vote only.

3. That this council permits the select committee to authorise the disclosure or publication, as it sees fit, of any evidence or documents presented to the committee prior to such evidence being presented to the council.

4. That standing order 396 be suspended to enable strangers to be admitted when the select committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating.

(Continued from 18 February 2009. Page 1317.)

The Hon. R.L. BROKENSHIRE (20:52): I know I am from the country and a bit slow, but eventually I get to stand up. Family First will be supporting the motion of the Hon. Mr Parnell. It runs parallel to a bill that Family First has before the parliament at the moment with respect to the outrageous situation we are seeing at the moment where, year by year, there has been a massive increase in the amount of taxpayers' money that is being spent on blatant government political advertising. I see it as a further strengthening of our argument with respect to the bill currently before the council that we support this select committee. It is now past a joke.

Whilst previous governments for some period of time have spent certain amounts of taxpayers' money on political and government advertising, what we are now seeing is almost unbelievable. One of the latest examples is when one of my staff members turned on the radio to listen to one of the highest rating radio programs for young people to hear the minister and member for Adelaide (Hon. Jane Lomax-Smith) promoting the Fringe and Fringe activities. That went on for a few seconds, after which she started talking about climate change and her government's policies for climate change. What climate change and the other issues she discussed have to do with the marketing of the Adelaide Fringe is just beyond belief.

We have also seen many more examples of political advertising at taxpayers' expense. The one that really gets up my nose is the one where the Premier has this magnificent footage of the River Murray, including areas not very far from our own farm. My own community is suffering like you would not believe in the Lower Lakes and the Premier is talking about what he is doing to save the Murray. Instead of promoting himself, the best thing he could do to save the Murray would be to use that taxpayers' money to buy some temporary water and get some water flow down the system. The list goes on and on, and I mention here the Tour Down Under and the marvellous promotion of that event, which is another classic example, featuring the Premier and, in this case, Mr Armstrong.

As a former emergency services minister and as a former active CFS member, I do not understand why the Premier needs to be on television, radio and in the print media right across the state talking about people cleaning their gutters and how important it is to undertake bushfire prevention, because I would have thought that, quite frankly, it was the chief fire officer or the chief fire officer's nominee who should be doing that; namely, someone who is an operational firefighter and who has some credibility over and above us as politicians. I did not see the former minister, the Hon. Carmel Zollo (who was highly respected by the emergency services organisations) on the television in her CFS overalls. Instead, she was ensuring that they were getting some sort of reasonable budget.

I acknowledge that some of this is not the fault of the government, but this budget is in an incredible stressful situation right now. Having had a briefing recently with Treasury, and comparing their forecasts and projections with the commonwealth government's, we have major problems with our budget, yet, interestingly enough, one of the only areas in which we are seeing a substantial increase in expenditure is in government advertising.

The Labor Party is cashed up like you would not believe because not only does it have the unions filling its coffers but it has developers pouring truckloads of money into its election campaign funding. Given that it has so much money and given that we are now in a 12 month election campaign, if the Premier, other ministers, members of the government or any future government want to promote what they are or are not doing by spinning propaganda to the community, then they should use their own party's money. Do not use taxpayers' money when we have constituents who cannot get basic services in this state at the moment.

I think this select committee has a heck of a lot of merit. It will be very interesting to get to the bottom of some of the issues around blatant political advertising. I hope there will be opportunities to call organisations such as Starcom to appear before this select committee. I alert members to the issues around Starcom. I have been doing quite a bit of work investigating Starcom, and the money that that one organisation is getting out of this government is unbelievable. This is a watchdog house. It is a house without fear or favour. It is not controlled by the government. I strongly support any initiatives and moves in this chamber to keep the government accountable. Family First will be supporting this select committee.

The Hon. R.I. LUCAS (20:58): I rise to support the motion. I do so—

The Hon. P. Holloway: Why doesn't your Budget and Finance Committee do this? I thought that's what it was supposed to do.

The PRESIDENT: The minister will not encourage the Hon. Mr Lucas.

The Hon. R.I. LUCAS: As the Leader of the Government knows, there is so much waste and inefficiency right across the board, the Budget and Finance Committee is fully stretched keeping up with most of the inefficiency—

The PRESIDENT: The member will not debate interjections.

The Hon. R.I. LUCAS: —and wastage right across the board. This is just a specific example, Mr President.

The Hon. B.V. Finnigan: I can understand why you didn't do ads when you were treasurer.

The Hon. R.I. LUCAS: Why's that?

The Hon. B.V. Finnigan: 'We have a record deficit,' said Rob Lucas, Treasurer.

The Hon. R.I. LUCAS: That interjection comes from a member of a government which is about to go into massive deficit—'massive', if I could quote the Premier of South Australia. It is a

massive deficit on all three measures, whether it be cash, operating result or, indeed, the net lending result. We are likely to see the Hon. Mr Finnigan defending his Treasurer from his faction. Again the potential is that, in the coming months, this state will lose its AAA credit rating, so the Hon. Kevin Foley will join the only other treasurer in the state's history, another Labor treasurer, to have lost the AAA credit rating from South Australia. If the Hon. Mr Finnigan wants to talk about deficits, surpluses and performance, I am very happy to engage with the Hon. Mr Finnigan on those issues.

The PRESIDENT: The Hon. Mr Lucas may be better off addressing the motion.

The Hon. R.I. LUCAS: I will talk about the Rann government's hypocrisy on party political advertising and trace a little of the history of this issue. Back in June 2001, Premier Rann (then leader of the opposition) held a joint press conference with Nick Xenophon supporting legislation to ban taxpayer-funded political advertising. He made a promise to the people of South Australia that, if elected, he would implement a ban on taxpayer-funded party political advertising. I will quote from the Sunday afternoon press conference. I said to the Hon. Mr Xenophon afterwards, 'And you believe the premier?' He said, 'Well, I have no reason to disbelieve him'. If you ask the Hon. Mr Xenophon these days whether he has reason to disbelieve the Premier in relation to some of his promises, you may get an entirely different response. What did he say on that lovely Sunday afternoon at a joint press conference with Mr Xenophon? Mike Rann on Channel 9 on 3 June 2001 stated:

> When you see a politician in an ad, then you know basically its about politics.

He continued:

> South Australian ministers will be forced to pay $100,000 out of their own pockets if they authorise the use of taxpayers' money for party political advertising.

So, Mike Rann was promising that, if a Labor minister under his premiership was to involved in using taxpayers' money for party political advertising, they would be forced to pay $100,000 out of their own pockets. *The Australian* further stated:

> No pokies MP, Nick Xenophon, who will introduce a bill into the upper house on Wednesday in an effort to curb spending on political advertising, was at a press conference with opposition leader, Mike Rann, yesterday that announced Labor would support the legislation.

So, that was the promise this government and then leader of the opposition Rann made to the people of South Australia.

In the period leading up to the 2006 election—as the Hon. Mr Brokenshire indicated, we are now in the countdown to the 2010 election—we saw, to quote the Leader of the Government, a massive increase in taxpayer-funded political advertising prior to the 2006 election. Did it relate to the announcement of new policies like pensioner concessions or things like that? Let us look at some of the taxpayer-funded campaigns prior to the election. There was the Rann government State Strategic Plan advertisement claiming stunning results, such as the new Adelaide Airport terminal, which was started before the plan was even announced. This television advertisement was claiming stunning results, yet that terminal had started even before the State Strategic Plan had commenced.

There was a television commercial on the air warfare destroyer contract, with Mr Rann telling everyone that we had won the contract after the decision had already been announced. It was not as if it was providing information and detail that had not been provided. The decision had been announced that South Australia had won the contract—and one can argue about respective roles of the federal Liberal government or the state Labor government, but nevertheless it was an open debate at the time.

We then had television commercials with a man on the phone saying, 'G'day, Premier, I've got some very good news: ASC has won the contract.' Mr Rann said, 'Its about jobs for our kids. It is about jobs for our kids for decades to come.' Then there was the South Australian government logo on the left and the voiceover still saying, 'This is just the beginning', and then another voice over, 'Authorised by Mike Rann, Adelaide'. The South Australian Strategic Plan had that lovely jingle from Ben Lee 'We're all in this together', and I will ask the Hon. Ms Zollo to sing that for the chamber.

The Hon. Carmel Zollo interjecting:

The Hon. R.I. LUCAS: I can claim a passionate interest in truth and accountability but I certainly do not claim to be a good singer. We had the dulcet tones of that, and I will not go through all that script.

Then we had the law and order ad and Mr Rann telling us what a good job he was doing keeping people safe. This is what Mr Rann said:

> This is Mike Rann. Everyone is entitled to feel safe in their homes and communities and, while I am pleased that crime rates are coming down, the state government will continue to do more to ensure our neighbourhoods are safe. We now have a record number of police on the beat and we are still recruiting. We are also providing more money for crime fighting, including DNA testing, and we have been changing the laws with much tougher sentences to ensure the punishment fits the crime.
>
> Last week we announced a new community policing initiative designed to put extra police on the ground where they are needed, and we are expanding the Neighbourhood Watch program to better educate communities on crime prevention. Let's keep our state safe.

Then the voiceover is 'A message from the government of South Australia'. It is all Mike Rann to camera in the law and order radio advertisement.

Then, of course, we had the massive news of the airport terminal opening and Mr Rann telling us about free bus services to the airport for the opening. That was important enough to have more electronic media, and this was Mike Rann again:

> Hi, this is Mike Rann. South Australia is on the move—first the train to Darwin and then winning the giant air warfare destroyer project, and our new trams will be arriving here soon. This weekend you'll have your chance to see Adelaide's brand new airport terminal. We're providing special free bus services to and from the airport so that everyone can have a look, and it's fantastic. So, check the papers for details or call the Adelaide Metro Infoline, but don't miss out.

Again, that was Mike Rann in the radio advertisement.

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): The honourable member will refer to the Premier by his title.

The Hon. R.I. LUCAS: I would love to, Mr Acting President, but the actual script says, 'Hi, this is Mike Rann.'

The ACTING PRESIDENT: I understand that.

The Hon. R.I. LUCAS: The script says 'Mike Rann' but I will refer to him as the venerable Premier. They were the important television advertising campaigns, and we found out through FOI after the election (and I put out a release in April 2006) that the documents showed—the ones we were able to get, and this is half the argument—they had spent more than $2 million on that advertising binge in the lead-up to the campaign. There was the Eventful Adelaide campaign, the climate change campaign, the Strategic Plan, the state budget, Real Choices at Work, Nursing SA, the AFC contract, free buses to the airport, and policing. There were nine separate electronic media campaigns in that period leading up to the 2006 election.

This came from a person who in June of 2001 stood up with the Hon. Nick Xenophon and promised that if his party were ever involved in any taxpayer-funded party political advertising the ministers would be fined $100,000 out of their own pockets. That is how tough he was going to be on advertising.

There was a series of other releases over the last two years that I have put out releases about as a result of FOI. In terms of last year's FOI requests about taxpayer-funded advertising, we had always sent these FOI requests to the Department of the Premier and Cabinet because Premier and Cabinet has a coordinating communications committee which was a subcommittee of cabinet and all requests for taxpayer-funded advertising had to go to that committee. So we would send the document requests to that area. After a lot of fighting we got some of them, and we had to appeal others, etc., and it was a long and difficult process.

However, this year, when we put in the same requests, they came back with answers such as 'no documents exist'. For example, we put in a request for the documents about the use less energy television campaign which had been running last year which I think all members would have seen, and it came back 'no documents exist'.

From another FOI, we found a reference to the black balloon advertising campaign costing $400,000 to $500,000. It was the same advertisement of course: the black balloons that came out of the household appliances. So, we went back on appeal and said, 'Well, you tell us no documents

exist. We know that there's advertising. What's going on here?' They said to us, 'Oh, do you mean the black balloon advertisements?' They did not realise that the tagline to the commercial, 'Use less energy'—which had been used in the FOI request—related to the black balloons, or so they said.

In regard to a number of other requests, they have said, 'We don't hold documents. You need to go to the other agencies.' Recently, at Budget and Finance (to answer, in part, the Leader of the Government's question), we have pursued respective areas. When Premier and Cabinet were to appear before Budget and Finance, lo and behold! On the morning of the day that the chief executive was to appear before Budget and Finance, he was urgently required by the Premier to attend the cabinet and could not attend Budget and Finance, so poor Greg Mackie had to pinch-hit and answer questions, and he took them on notice.

However, we put questions to Premier and Cabinet and said, 'What's going on here?' There is something that is now called the Premier's Communication Group, and we have a list of the five people who are in that group. As you would expect, Paul Flanagan, one of the corporate communication gurus and a former spin doctor to Mike Rann, is on the committee, as are a number of other spin doctors. We said to them, 'What's going on? Are you trying to suggest to us that, even though there is a Premier's Communication Group within Premier and Cabinet, you don't keep any documents when they come to you seeking approval to go out for a government advertising campaign?'

I think that is a fanciful proposition, having myself been, I might say, a chair of the communication group, whatever it was called, or the subcommittee of cabinet in the last four years under the last Liberal government. There was a secretariat for that group as there is with all cabinet subcommittees and, of course, it kept all the documentation in relation to government advertising. So, one of the tasks for this committee is to get to the bottom of what is actually going on within that communications group in terms of approvals and so forth.

Another issue, again, to assist the Leader of the Government, who is interested to know what Budget and Finance has been doing on this, is that, without the work of Budget and Finance, we would not have established another big promise that the member for Ramsay—the Premier—made in the 2006-07 budget. He said, 'Look; we are cutting back on government advertising. We are going to cut $9 million out of the government advertising budget over the forward estimates: $1 million in 2007-08; $3 million in 2008-09; and $5 million in the period leading up to the state election.'

The cynics at the time, I guess, wondered whether that could indeed be true, but that was his promise on behalf of the government in the budget documents: $9 million out of the forward estimates on government advertising, with the biggest chunk—$5 million—to come out in the period leading up to the election. That was a momentous change for Premier Rann and his government. Having splurged all that money prior to the 2006 election, he was saying he was actually going to cut the advertising budget by $5 million in that period leading up to this election.

Of course, no-one had pursued that issue other than the Budget and Finance Committee. We pursued that issue with the Under Treasurer last year, and he said, 'Well, look; I'd better take that on notice. Yes; it was in the budget document. I'll take that on notice.' Eventually, we got a reply back which, I think, was tabled before the committee in February of this year (or it might have been late last year), and that indicated that that decision had been deferred.

A decision had actually been in taken in 2007 straight after the budget, but they had not told anybody that that decision had been deferred. Cabinet officers were looking at alternative mechanisms to achieve the same budget savings, or so we were told. If the questions had not been asked in the Budget and Finance Committee, we would never have heard of it.

There is one interesting thing that we will pursue in Budget and Finance with Treasury. For those members who follow the budget documents, Budget Paper 3 always lists the new decisions and their impact on the forward estimates for each department or agency. So, if you go to chapter 2 or 3 under expenditure, members can look at each agency and see each decision that has been taken—either an increased expenditure or a cut in expenditure for each agency—and then straight after that section is a list of all decisions taken since the previous budget and their impact on the forward estimates.

If, since the previous budget, a decision has been taken, which means either more expenditure or less expenditure and the impact on the forward estimates, it is listed in that section. If you go to the budget documents, the decision to defer the cut in government advertising is not listed. It was hidden deliberately by Premier Rann and Treasurer Foley. Every other decision—

many of them much smaller than $9 million in terms of the impact on the forward estimates—is listed in a separate line, but this particular decision was hidden, because they did not want people to know that they had made the promise and that they had not delivered it.

There are many reasons why we should have a Budget and Finance Committee, and that is just a further example. If it had not been for the work of the Budget and Finance Committee, this premier and this government would have got away with that and no-one would ever have known that the promise they made in 2006 had been deferred.

Now we have pursued that with the Department of the Premier and Cabinet this year, and we are now being told that cabinet is about to look at other options where the $9 million might be shared out amongst all departments and agencies. When we asked the question, 'Does that mean that the agencies might have to achieve it perhaps through cutting back in a publicity office or something like that, rather than cutting back on taxpayer-funded government advertising?', they said that, yes, that would be possible. There will be no $5 million cut in government advertising during that period.

The final point I want to make, and here I pay some tribute to the Hon. Mr Xenophon. In the period after the 2002 election (possibly even before—I cannot remember the exact dates) the Hon. Mr Xenophon introduced legislation into this place, which was by and large opposed by the government and Liberal Party at that time, in order to introduce the new notion of the involvement of the auditor-general in government-funded political advertising.

I think the drafting of that bill was way too wide; everything right down to the merest information booklet that a department might prepare for the information and benefit of consumers would have had to go through the auditor-general's department. I think the purview and the breadth of that was much too wide.

I pay credit to the Hon. Mr Xenophon because that particular notion, albeit back a bit, is starting to have some credence in some jurisdictions around the world. I was fortunate enough to have made it a point to look at the electoral disclosure legislation on my last trip to the United States and Canada, and I have spoken earlier on this. I also looked at donations, the activities of lobbyists and some of the changes that have been implemented in the Canadian and American jurisdictions.

I looked at this in Toronto (there is certainly no equivalent in the United States) because it was the only place I could see in Canada where the auditor-general is required to provide oversight for government-funded political advertising. I am not suggesting that, if this committee is established, we should travel to Toronto to have a look at that. The Hon. Mr Parnell may want to do that, I am not sure, but I would not support that notion.

I think the committee ought to look at the experience. I have gathered some information that I am happy to share with the committee but, independently of me, the committee should collect information as well. I met with the auditor-general officers, and they took me through the processes they go through. For particularly controversial advertising campaigns, they appoint a panel of independent advertising consultants to try to provide some advice to the auditor-general who makes the final decision as to whether or not a particular campaign is party political.

It is a vexed issue. It is one of the problems with the Xenophon legislation and it is still one of the problems in the Toronto legislation; it is not perfect. In relation to some of the things which got through in Toronto, whilst they did not have the face of the premier or the leader of the party there, clearly the party and the opposition may well have seen that as making a political point on a particular issue.

It is a vexed issue, and it does place the Auditor-General, or whatever committee it is, in a very difficult situation when making those decisions, and both sides of parliament would want to have confidence in the integrity and impartiality of the Auditor-General to entrust that sort of decision to them. Labor Party members, if they speak or if they have already spoken on this motion, will make the point in relation to federal Liberal government advertising, as critics at the moment will make criticisms of the federal Labor government advertising, as they have done in the past as well.

In Toronto, I saw enough of that to think that it is worth exploring. Of course, since then we have seen its introduction in the commonwealth arena. I am indebted to my federal colleague, the member for Mayo, who took up the issue, I think in the last two weeks, with the appropriate federal committee when the federal Auditor-General appeared before that committee. They showed the

Auditor-General some of the Rann government's television advertising and said, 'Would this sort of advertising be accepted by you under commonwealth law?', and the answer was no, that, under the current commonwealth restrictions and guidelines, the Rann advertising would not be acceptable. It was certainly deemed by the Auditor-General to be party political in terms of what was included.

That is one of the issues I think this committee ought to look at, in addition to government processes for authorising and approving campaigns. There may well be other models that might be recommended to the parliament in terms of providing some restriction on the government of the day in relation to the massive amounts of taxpayers' funds that can be used to fund government advertising. With those remarks, I indicate my support and the Liberal Party's support for the motion before us.

The Hon. I.K. HUNTER (21:22): I am astounded and a little sad about the depths of cynicism evident in the contributions made by the preceding two speakers, both of whom are former Liberal ministers. The wilful confusion of the term 'party political advertising' with government advertising is not very helpful to a transparent and clear debate on this matter. However, I think we can dismiss those last two contributions as mere political posturing, but it does make me sad.

I will now move onto the more balanced contribution made by the mover of the motion, the Hon. Mr Parnell. As he conceded when introducing the motion, there are perfectly legitimate reasons for government advertising. Giving information to the public about services provided by the government is often a necessary part of providing those services.

As a government, we should be committed to providing South Australians with access to information about policies, services, programs and initiatives, and other matters that affect their benefits, rights or obligations, and it is perfectly proper to use public funds for these purposes. What is critical is that the advertising is for proper government purposes and not for party political purposes. What is critical for this to happen is that there are appropriate guidelines in place, and that is precisely what we have in South Australia.

The State Government Advertising Policies and Guidelines set out the rules for government advertising. They are based on the legitimate purposes for advertising I have outlined, and it is hard to argue with any of them. They are as follows:

- to maximise compliance with the law;
- to achieve awareness of a new or amended law;
- to raise awareness of a planned or pending initiative;
- to ensure public safety, personal security or encourage responsible behaviour;
- to assist in the preservation of order in the event of a crisis or emergency;
- to promote awareness of rights, responsibilities, duties or entitlements;
- to encourage usage of, or familiarity with, government products or services;
- to report on performance in relation to government undertakings;
- to encourage social cohesion, civic pride, community spirit, tolerance or to assist in the achievement of a widely supported public policy outcome.

They clearly set out that party political advertising is not a legitimate use of public funds. They provide that public funds should not be used for communications where:

- the party in government is mentioned by name;
- a reasonable person could misinterpret the message as being on behalf of a political party or other grouping;
- a political party or other grouping is being disparaged or held up to ridicule;
- members of the government are named, depicted or otherwise promoted in a manner that a reasonable person would regard as excessive or gratuitous;
- the method or medium of communication is manifestly excessive or extravagant in relation to the objective being pursued; or

- there is no clear line of accountability, appropriate audit procedures or suitable purchasing process for the communication process.

The guidelines go on to stipulate that the processes must be gone through in order for an agency to seek to advertise. Importantly, the guidelines require that an evaluation of every advertising campaign be undertaken to ensure accountability for the expenditure and also ensure effectiveness of the provision of information.

So, what we have in South Australia is a set of clear, appropriate and responsible guidelines governing the use of government advertising. This is not the commonwealth government under John Howard, where abuses of this form of advertising were legion, where, according to *The Age* on 9 July 2007, that government spent over $2 billion on advertising. This, of course, notoriously included massive campaigns to sell the GST and WorkChoices in what were classically politically partisan campaigns.

We are not that government, which is why we have clear guidelines ensuring that the expenditure of public funds for government advertising is confined to legitimate uses of that sort of advertising. The Hon. Mr Parnell raised issues dealing with recent advertising about the new hospital. Is he really suggesting that we cannot provide information about that? This is a significant new initiative, and there is real public interest in it. Is the honourable member really saying that, when invitations for public comment on the design were advertised, the advertising was illegitimate, or is he saying that we should not involve the community in these decisions? Can you just imagine the howls of protest and outrage from the community and, dare I say it, members opposite if we did not make the government plans on the hospital widely known!

Members interjecting:

The Hon. I.K. HUNTER: Exactly right: secret state—that is what they would be saying. I do not think that the Hon. Mr Parnell meant that at all. There are proper purposes for government advertising and there are appropriate guidelines for that advertising. Given that, the motion is unnecessary in our view. Government members will not be supporting it.

The Hon. M. PARNELL (21:27): In closing this debate, I would like to thank members for their contributions. I would particularly like to thank the Hon. Rob Lucas and the Hon. Robert Brokenshire for their support. I thank the Hon. Ian Hunter for his contribution. I look forward to working with him and debating with him, in the committee, the guidelines that he says already exist and are already effective. I think that is clearly at the heart of the terms of reference of this committee. I look forward to the council establishing this committee tonight, and I am looking forward to getting down to work as soon as possible.

Motion carried.

The council appointed a select committee consisting of the Hons I.K. Hunter, J.M.A. Lensink, R.I. Lucas, M. Parnell and Carmel Zollo; the committee to have power to send for persons, papers and records, and to adjourn from place to place; the committee to have leave to sit during the recess; and the committee to report on 17 June 2009.

TAXI INDUSTRY

Adjourned debate on motion of Hon. R.L. Brokenshire (resumed on motion).

(Continued from page 1743.)

The Hon. R.L. BROKENSHIRE (21:29): I will be brief in summing up. I thank all honourable members who have made a contribution to this debate, which involves my motion to establish a select committee on the taxi industry. I thank honourable members who have indicated their support to me with respect to the taxi industry select committee. I believe that it is an important industry that needs a very serious and focused look at how we can improve the transport industry for the future of our local community and also for those from interstate and overseas.

It is also important that we actually get to the bottom of the allegations, including those that have been put in the press in recent times concerning possible corruption and other misuse and abuse regarding funding and other appropriation matters within the taxi industry. On that note, I commend the motion to establish a select committee.

Amendment carried; motion as amended carried.

The council appointed a select committee consisting of the Hons R.L. Brokenshire, J.A. Darley, J.S.L. Dawkins, B.V. Finnigan, J.M. Gazzola and R.D. Lawson; the committee to have power to send for persons, papers and records, and to adjourn from place to place; the committee to have leave to sit during the recess; and the committee to report on 17 June 2009.

ROXBY DOWNS (INDENTURE RATIFICATION) (OLYMPIC DAM EXPANSION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 4 March 2009. Page 1508.)

The Hon. M. PARNELL (21:33): I move:

That this order of the day be discharged.

I want to speak very briefly to the motion to discharge this order of the day. I want to put on the record—so that it does not come out of the blue—why, having put a bill on the *Notice Paper*, I am now asking for it to be withdrawn. As members would know, this bill was to amend the Roxby Downs (Indenture Ratification) Act to provide a three-month public consultation period on the EIS. The reason that I am now withdrawing this order of the day, and subsequently will move to withdraw the bill, is that this afternoon the Premier announced that the government had seen reason and that the eight-week public consultation period that was proposed for the environmental impact statement was, in fact, too short. The Premier has now committed to a 14 week public consultation period which, in rough terms, is around 3½ months. So, the Premier having met the Greens' position—that we need longer—there is no pressing need for this bill to proceed.

I thank the many South Australians who took the trouble to write to the government and point out that this project (which is earmarked to be the biggest in this state's history) and this document (which is to be the biggest document ever printed in this state) requires longer than an eight-week public consultation period.

I thank all those people who engaged in the debate. I believe that this council would have passed legislation requiring a longer period of public consultation, but on the basis of the Premier's undertaking that is not now necessary. So, I am very pleased that the Greens' campaign to get the government to see reason has been successful.

Order of the day discharged.

Bill withdrawn.

UNIVERSAL DECLARATION OF HUMAN RIGHTS

Adjourned debate on motion of Hon. M.C. Parnell:

1. That 10 December 2008 is the 60th anniversary of the adoption by the United Nations General Assembly of the Universal Declaration of Human Rights;
2. That 9 December 2008 is the 60th anniversary of the adoption of the Convention on the Prevention and Punishment of the Crime of Genocide;
3. Recognises that the realisation of the rights in the declaration is a responsibility of all, including those in this parliament;
4. Pays tribute to those Australians who played leading roles in the development and adoption of these important instruments of international law and who, since then, have contributed to their implementation;
5. Recalls that the adoption of the declaration and the convention were a response to the suffering of those who had experienced human rights violations, especially the 'barbarous acts' perpetrated during World War II;
6. Recognises, with regret and disappointment, that in the intervening 60 years, violations of human rights, including acts of genocide, have continued to occur around the world;
7. Affirms that 'the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want [is] the highest aspiration of the common people';
8. Declares its own 'faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women';
9. Commits itself to the principles contained in the Universal Declaration of Human Rights as 'a common standard of achievement for all peoples and all nations' and to their promotion throughout South Australia.

(Continued from 26 November 2008. Page 943.)

The Hon. I.K. HUNTER (21:37): I commend the Hon. Mark Parnell for his motion on the 60th anniversary of the adoption by the United Nations General Assembly of the Universal Declaration of Human Rights. I indicate now that later in my contribution I will move two amendments to that motion.

The UDHR was adopted on 10 December 1948, and was historically referred to as the 'Magna Carta of all mankind' by Eleanor Roosevelt, who had been the chair of the drafting committee. It was one of the first major achievements for the United Nations and was based on the notion of all humans having fundamental rights and freedoms. It was conceived as a broad-based international declaration that could be used in the defence and advancement of human rights.

The drafting committee of the declaration was made up of eight people, including an Australian, William Hodgson, a World War I veteran and career diplomat, who pushed for a multilateral convention on human rights and an international court to implement it. The committee was made up of people from very different ideological backgrounds, but they agreed on some basic principles: non-discrimination; civil and political rights; and social and economic rights. As the preamble to the declaration states, the members believed that the 'inherent dignity of all members of the human family is the foundation of freedom, justice and peace in the world'. In all, the declaration contained 30 articles for human rights.

Today, in this place, the rights and freedoms outlined in the Universal Declaration of Human Rights seem to be obvious, but those who drafted the declaration did so with the raw scars of World War II exposed for all the world to see. The fact that human rights were not automatically afforded to all citizens was glaringly and painfully obvious.

Despite how remote that world might seem from the one that we inhabit today, the reality is that we are blessed not only by time but also by place. For the rights and freedoms that we, by and large, enjoy in Australia, and which most of the western world have similarly enjoyed in the aftermath of World War II, are not rights and freedoms that have been available for those everywhere, despite the universal aims of the UN when the declaration was adopted. We must not forget the words of Martin Luther King Jr, 'Injustice anywhere is a threat to justice everywhere.'

As was demonstrated by the very need for the UN statement on lesbian, gay, bisexual and transgender rights back in December last year, in which 66 members of the United Nations General Assembly supported a statement confirming that international human rights protections included sexual orientation and gender identity, there is still far too much injustice in our world.

In eight countries still today, the maximum penalty for homosexual behaviour is death, whilst in a further nine it is life imprisonment. In a world where human rights were valued and where such injustice had been eradicated, we would not need such statements. Such a world seems so very far away still to many people.

Sadly, it is all too true when the Hon. Mark Parnell notes that, in the 60 years since the adoption of the declaration, human rights continue to be violated. We need not look to distant shores to see such instances, the most obvious being the removal of Aboriginal children from their families, our stolen generations. That is an all too real reminder that Australians cannot claim to have upheld the ideals of the declaration as well as we should like to have done.

While we focus on the declaration of human rights, it seems an appropriate time to reflect briefly on the need for an Australian bill or charter of rights. For all the benefits of the declaration, it remains a non-binding document. Prominent human rights defender Julian Burnside QC has written:

> It is only by having such a charter that we can have local legal protections for the human rights that we recognised in the United Nations declaration.

At the moment we do not; we have an ideal that we generally uphold, but it is not an ideal that is enforceable by law and, while some argue that we do not need it to be enacted in legislation because of Australia's high standards of human rights, the reality is that we should not take these things for granted.

I am pleased that the federal Attorney-General, Robert McClelland, has announced plans for a consultation process about a bill of rights for Australia. We are, I understand, the only democratic nation on earth not to have such a bill, and it is time that we did.

I know that there are many concerns that a bill of rights would centre too much power with the judiciary but, rather than becoming some sort of lawyers' picnic, it is normal, everyday people who benefit from enshrining human rights. Geoffrey Robertson QC, the prominent human rights lawyer, spoke in Sydney last December about the UK's Human Rights Act enacted 10 years ago. Robertson said:

> Recent reports in Britain, assessing 10 years of the charter, showed that the greatest beneficiaries are ordinary people: law-abiding citizens treated unfairly by public servants, by bureaucrats, in ways that are never noticed by the press, never mentioned in parliament.
>
> And it is in the nursing homes, in the hospitals and the schools that a myriad of demeaning, humiliating practices have been stopped. They haven't even had to come to court in most cases, because the doctors, nurses and community groups—aware of what the act is saying, aware of the need for greater respect for human dignity—are bringing them to the attention of the public servants, who are realising the error of their ways.

Furthermore, under the Westminster system we, as a parliament, are meant to be an equal partner with the judiciary, not above them, ruling down. I wish Father Frank Brennan all the best in the task ahead of him. I urge him to remember that, despite all of the noise that opponents will no doubt make, 90 per cent of Canadians support their charter of rights and freedoms, which was introduced in 1982 and, surely, that gives us some idea of how popular the idea such a charter might be if introduced in Australia.

On the anniversary of the Universal Declaration of Human Rights in December last year, states from around the world came together to deliver a statement recognising that human rights violations based on sexual orientation and gender identity continue around the world. I was pleased that Australia was amongst those nations taking such a stand. Australia and other nations must continue to make such stands if we are to truly uphold the declaration, and particularly article 7, which provides:

> All are equal before the law and are entitled without any discrimination to equal protection of the laws.

I urge all members of this parliament to remember article 7 as they contemplate the equal opportunity legislation currently before us. We cannot cherry-pick those aspects of human rights which we want upheld.

There are two points about this motion that the government does have some reservations about, and those are parts 3 and 9. I indicate that I will be moving an amendment to address our concerns. Part 3 of the motion, read in context, states:

> The Legislative Council recognises that the realisation of the rights in the declaration is the responsibility of all, including those in this parliament.

The mover said in his speech:

> As a state government we should commit ourselves to the principles contained in the Universal Declaration of Human Rights, and as a parliament we should promote it throughout South Australia.

We might not, at first glance, have any issues with that statement; it seems simple enough. However, the signatory to this declaration is the commonwealth of Australia, not the state of South Australia. As a state it is important that our parliament be given the opportunity to debate international laws before they are integrated into state laws.

There is some concern that the Hon. Mr Parnell's words could—and I emphasise the word 'could'—be taken to imply that the parliament means to apply the entire declaration. Perhaps it is far-fetched, but I suppose that lawyers are paid to weigh the possible ramifications of words, and those in this chamber with some legal training might want to talk to me about that later. I am sure that, in the past, they have enjoyed the benefits of being paid for weighing the ramifications of words. Therefore, I move:

> Leave out paragraph 3.

Paragraph 9 of the motion asks the Legislative Council to commit itself to the principles of the declaration and to their promotion throughout South Australia. I move that the motion be amended as follows:

> Leave out paragraph 9 and insert—
>
> 9. Agrees with the principles contained in the Universal Declaration of Human Rights as a common standard to which the nation aspires.

To recap very briefly, the government does not want to give the impression that parliament has just created an instrument to be used in the courts by simply agreeing to this motion—far-fetched it may

be, but it is a possibility. That is not our intention. The amendments I have moved would alleviate these concerns and allow government members to support this very important motion.

Before I conclude, I wish to draw to the council's attention to two other articles of the declaration, in relation to which, in the not too distant past, Australia's record of upholding has been dismal—articles 11 and 14. Article 11 provides for the assumption of innocence. This is perhaps the most basic human right of any justice system; but, in the aftermath of the terrorism of the earlier part of this decade, we were all too quick to forget that basic tenet. I hope that this has passed and that, once again, no matter what the charge, we live in a world where we remember that everyone is entitled to the presumption of innocence. Imagine what it must be like—

The Hon. M. Parnell interjecting:

The Hon. I.K. HUNTER: I think not. Imagine what it must be like to live in one of the many nations that still do not recognise this right. Closely tied into Australia's recent history to Article 11 is Article 14, section 1, which states:

> Everyone has the right to seek and enjoy in other countries asylum from persecution.

Again, in that awful period of fear that was fuelled by the political motivations of the previous Howard Liberal government, we forgot our international obligations and insisted that these people were queue jumpers, that they were seeking something to which they were not entitled, but in fact they were, and that was freedom.

Let us hope that this cultural amnesia does not return. Again, I congratulate the Hon. Mark Parnell for bringing this motion to the chamber, and I indicate that the government supports its passage with the amendments I have outlined.

Debate adjourned on motion of Hon. M. Parnell.

LAKES AND COORONG FISHERY—PIPI QUOTAS

Order of the Day, Private Business, No. 46: Hon. J.M. Gazzola to move:

That the regulations under the Fisheries Management Act 2007 concerning Lakes and Coorong Fishery—pipi quotas, made on 26 June 2008 and laid on the table of this council on 22 July 2008, be disallowed.

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (21:49): On behalf of the Hon. J.M. Gazzola, I move:

That this order of the day be discharged.

Motion carried.

MARINE SCALEFISH FISHERIES—PIPI QUOTAS

Order of the Day, Private Business, No. 47: Hon. J.M. Gazzola to move:

That the regulations under the Fisheries Management Act 2007 concerning marine scalefish fisheries—pipi quotas, made on 26 June 2008 and laid on the table of this council on 22 July 2008, be disallowed.

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (21:49): On behalf of the Hon. J.M. Gazzola, I move:

That this order of the day be discharged.

Motion carried.

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

In committee.

Clause 1.

The Hon. G.E. GAGO: I would like to respond to some specific questions asked by the Hon. Rob Lucas during his second reading contribution. I was not able to address them in my second reading speech, and I take this opportunity to do so. The Hon. Rob Lucas asked me to provide whatever factual information was available to accept statements as being correct or to indicate that time has moved on and that they are no longer as accurate as they were in 2003. He stated:

Given that we are 5½ years down the track, will the minister provide information to members in relation to the summaries produced in the federal parliament by members to whom I have referred in relation to embryonic stem cell research in terms of actual treatments of many of these very desirable and worthy aims...

In response to that, work in science to develop basic discoveries to the point of effective treatment is often very laborious and slow. Behind every breakthrough there may be decades of hard work. Some important medical advances have taken persistent and repeated experiments to reach therapeutic results. For instance, Gardasil, the cervical cancer vaccine that helps to protect against the human papillomavirus, took 18 years from discovery to an effective vaccine.

Australian researchers laboured for many years before it became clear that stomach ulcers can be caused by a bacterium called Helicobacter. Treatment for ulcers has changed dramatically in a short period of time as a result of the persistence of two Australian scientists. The research was slow and painstaking but, once the breakthrough came, the therapy followed very quickly.

Adult stem cell treatments, such as bone marrow transplants and skin grafts, have been around for 50 years, but in the beginning we did not know that it was adult stem cells that were involved. However, after 50 years, most other adult stem cell treatments are still in the clinical trial phase, yet embryonic stem cells have already reached the clinical trial stage after only 10 years, even though legislation has held the research in check for most of the time.

Researchers are now ready to move from animal to human models. iPSCs are so new that they are unlikely to reach the clinical trial stage for many years. So, stopping embryonic stem cell research now, just as clinical trials are being approved, makes little sense, and after decades of work on animal models clinical trials in humans have just been approved and are about to commence in the USA with respect to embryonic stem cells. Both basic science and applied clinical research should be supported to ensure that work on adult and embryonic stem cells yields robust therapeutic results.

It is clear that the two research streams have informed each other. Advances in adult stem cell research and application have depended on work already done with embryo derived stem cells, and vice versa. Many researchers work in both streams. Scientists are advising us that this collaborative work must continue to gain the most advantage out of time, effort and persistence that so many have invested already.

The Hon. R.I. LUCAS: I had not realised we were coming to this quite so quickly, so I have not heard the first part of the minister's response, and therefore apologise if I am traversing ground she might have canvassed already. One of the issues I raised in my second reading contribution was the overlap between federal legislation and state legislation. My reading of the minister's second reading explanation is that Repromed and the University of Adelaide (which are the two groups currently involved in this area of research) will be licensed under federal legislation. Is the minister aware of any other group which is not covered by federal legislation in South Australia and which is seeking a licence to operate in this particular area?

The point I made in the second reading was that, whilst all members will continue to express their firmly held conscience views on this legislation, my reading of it appeared to be that the practical impact will not be much at all if the federal legislation covers everyone in South Australia who wants to operate and who is operating in this field. Will the minister clarify those issues for the committee?

The Hon. G.E. GAGO: Both state and commonwealth legislation is required because commonwealth legislation 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. The commonwealth laws cover Australian government authorities, constitutional corporations within the meaning of section 51(20) of the Constitution, and trade and commerce with other countries and other Australian states. The commonwealth laws do not cover South Australian government agencies, non-trading corporations or individuals operating outside of trading corporations. These are covered only by South Australian acts.

This means that researchers operating within a research institution are covered by both their state acts and commonwealth acts, unless the institution is a state government facility such as a public hospital. However, there is some uncertainty about whether our universities are constitutional corporations and therefore are facilities covered by the commonwealth legislation. An individual researcher may be determined to be covered by state legislation. Our universities are involved in embryonic research on animals currently.

The Hon. R.I. LUCAS: Can I clarify that the only two organisations or groups currently involved in this endeavour of research are Repromed and some part of the University of Adelaide's medical school laboratories? Is that correct?

The Hon. G.E. GAGO: At present, that is correct.

The Hon. R.I. LUCAS: Does the minister's advice indicate that there is any other group such as an individual, a state government agency or a non-trading corporation, which is not covered by the federal legislation, that is considering research or has been applying to involve itself in research in this field in South Australia?

The Hon. G.E. GAGO: At present, no.

The Hon. R.I. LUCAS: Therefore, it is quite clear, even on the government's advice, that Repromed is a trading corporation and is covered. The minister has indicated that there might be a grey area in relation to the University of Adelaide Medical School laboratory. The legal advice provided to me is that the university is covered and the interpretations in other states is that universities are covered as well. I suspect that the minister's advice is that that is probably the case, but in the end if someone was to take an action against it a court would determine that. I suspect the government's advice is that it is likely that it is covered, and that is the information I have been provided with as well.

In relation to the university, is the minister in a position to indicate what section of the University of Adelaide is involved in this field of activity? As the minister would know, there are a number of trading corporations and institutions in the University of Adelaide. Is the minister aware of what institute or corporation of the University of Adelaide actually conducts this sort of research?

The Hon. G.E. GAGO: I have been advised that the organisations involved are the Robinson Institute, the Research Centre for Reproductive Health, the Centre for Stem Cell Research, and the Research Centre for Early Origins of Health and Disease.

The Hon. R.I. LUCAS: They are in the university of Adelaide?

The Hon. G.E. GAGO: That is the advice I have received.

The Hon. R.I. LUCAS: I thank the minister for that clarification. Based on the advice provided to me, the view would be that it is believed that those bodies will be covered in other states as well. I accept the minister's view that if someone—I cannot imagine who—was to take legal action, ultimately it would be for a court to determine. The point I made in the second reading and make again now without prolonging debate on clause 1 is that it is the view of a number of people who have looked at this legislation that, whilst we will express our views in this chamber, in practical effect what is occurring under federal legislation in those institutions, centres for research and in the Repromed laboratories will be allowed to continue under federal legislation, whatever happens to the legislation before us.

If this parliament—and I do not imagine it will—were to defeat the legislation, Repromed and those three centres and institutes the minister has outlined—the only bodies involved, with no-one else being aware of anyone else who is interested in getting involved in South Australia at this stage—will continue that research along the lines we are talking about.

The Premier wants to support animal sperm and human eggs being combined into hybrid embryos, but even if this legislation is defeated he will still get his way because the federal legislation, which he would clearly support, will allow it to occur as well. That is the point I was endeavouring to make in the second reading. We have seen confirmation in essence from the minister that that will be the case, whatever final conclusion this committee reaches in relation to the form of the legislation.

The Hon. G.E. GAGO: As I have stated previously on record, there is a degree of ambiguity about that, and that is the legal advice I have received and the information that I provide to this chamber. That is the best information we have available.

However, the other issue is that, if parliament does not amend the South Australian acts to correspond with the commonwealth acts, South Australia would no longer be party to the national legislative scheme and, if this were the case, the NHMRC embryo research licensing committee would not be able to issue licences to researchers under the South Australian Research Involving Human Embryos Act 2003 and may not be able to issue licences to South Australian researchers at all. Only a corresponding act can authorise the licensing committee to issue a licence.

The Hon. R.I. LUCAS: The minister is reading that advice to the committee, and I accept that, that if we were to amend the legislation we would be nonconforming or noncomplying, whatever the correct phrase is, with the federal legislation and therefore the NHMRC will not issue licences to the two particular bodies. However, Repromed and the University of Adelaide will continue to be covered by the federal legislation and will have licences to continue research. If the minister is saying to the committee that, if there is any amendment to the legislation, Repromed and the University of Adelaide will not be able to continue, I think that is a point the minister should make, because therefore there would be a result of this parliament's either amending or defeating the legislation.

The point I was making earlier is that, if they continue to be registered and licensed under federal law, whatever we do—amend it or defeat it—is neither here nor there because Repromed and the various institutes of the University of Adelaide would be able to continue their work under federal licences. So, the point I am making to the minister is exactly clarifying her point, that is, is she saying that, if this legislation is amended, suddenly, Repromed and the University of Adelaide would lose their federal licences and would be stopped immediately from continuing the research they are currently undertaking?

The Hon. G.E. GAGO: They currently do not have licences here in South Australia. That is my advice.

The Hon. R.I. LUCAS: But would they be able to get them under federal law? That's the point.

The Hon. G.E. GAGO: A South Australian researcher in a corporation could apply under the amended commonwealth laws for a licence. If the licensing committee determined that it could and should issue a licence—which it may decline to do, given the legislative uncertainty—the researcher may find themselves caught between two laws that operate simultaneously but inconsistently. If the licence permitted them to conduct research that relied on the recent amendments to the commonwealth laws, two things would be true: their research is lawful under commonwealth law but illegal under South Australian law. That is clearly an untenable and irresponsible position to be leaving organisations in.

The Hon. R.I. LUCAS: That set of circumstances has been well canvassed and, if there is an inconsistency between federal law and state law, federal law takes precedence. I am sure the minister's legal advice will have confirmed that already, and I think that was referred to in the debate in the House of Assembly. So, the issue of inconsistency between federal and state law is a well canvassed terrain and the Hon. Mr Lawson would be able to explain it much more eloquently than I, but, certainly, if there was an inconsistency, a federal law would prevail. The point the minister is making is that there are no current licences but Repromed, under the advice the minister has given, is a trading corporation and there is no doubt that under a federal licensing law it would be able to get a licence under that provision because it is a trading corporation.

In relation to the issue in relation to the various institutes and centres in the University of Adelaide, the minister says there is some ambiguity there. The information provided to me is that in other states and in South Australia the view is that the universities and those centres would be covered and would also get licences. I am not in a position, obviously, to speak on behalf of the NHMRC, or whatever the appropriate federal body is, to say that is definitely the case, but that certainly has been the advice and, I think, the understanding in relation to these issues.

In regard to the issue of the inconsistency between federal and state law, I understand the point the minister is making, but in Western Australia at the moment there are pretty inconsistent circumstances between the federal and state position, and the proof of the pudding, I guess, will be in the eating, if I can use that phrase. We will see whether or not bodies equivalent to Repromed and the University of Adelaide in Western Australia will be licensed.

My advice is that it is likely that they will be. The minister, in relation to Repromed, will probably have to agree that that is likely in relation to the University of Adelaide. She is saying that her legal advice is that that is arguable and might be ambiguous and that, ultimately, if a licence were issued and someone wanted to take it to a court, then it would be tested. Who would do that, I do not know, but there may well be somebody who might want to fund a court case.

The Hon. G.E. GAGO: It boils down to the issue that researchers are unlikely to be applying for research licences or will be less inclined to do so when they know that it is illegal in this state irrespective of the hierarchy of jurisdictions. What they would be more inclined to do is move their research interstate. The only other issue is that it does not account for future developments

where other organisations that are not corporations might want to move into the area of this sort of research.

The Hon. R.L. BROKENSHIRE: Just regarding the short title, I ask the minister whether she can explain to the committee where the ova are actually intended to come from? If the minister's answer is that some could come from precursor cells from aborted girls' ovaries, then will the minister advise the committee whether the mothers of those aborted girls know that this will happen?

The Hon. G.E. GAGO: I did, in fact, go into considerable detail around precursor cells and the consent required around the use of those cells from aborted foetuses in my second reading summing up, which the honourable member obviously has not had a chance to look at. I outlined there that the specific consent of the mother of the foetus and her partner is required to use foetal material for research or any other purpose in the same way as parents can consent to the donation of tissues from their children.

The NHMRC ethical guidelines specific to the use of foetal tissue would apply. These stipulate that the foetus is available for research only as a result of separation by natural processes or by lawful means and where proper and separate consent has been obtained. These guidelines have been in existence since 1992, and research using foetal tissue has been conducted since then.

These ethical guidelines also specify that, if a foetus or foetal tissue becomes available as a result of a termination, the process through which the woman is informed about donation and her consent sought should be separate from that under which she decides to terminate her pregnancy and should not begin until a decision to terminate has been made. Obviously, we do not take termination of pregnancy lightly, and we believe that there are significant protections around this particular procedure.

The Hon. R.L. BROKENSHIRE: As to timing and informed consent, and what I see as the exploitation that will occur when that mother has the child aborted, what provision will be made around all that to ensure that the mother has clear and reasonable opportunities to consider the consequences of this? What sort of informed consent will they be required to sign?

The Hon. G.E. GAGO: I am advised that the issue of informed consent is outlined in the ethical guidelines, and they cover a wide range of elements associated with consent. They cover information about risks associated with procedures, the consent procedures, timing, etc. I have been advised that in terms of the time requirements, it is believed that the guidelines stipulate 'sufficient time', but what might provide some reassurance to the honourable member is that the people making the decision about what constitutes 'sufficient' are clinicians, not the researchers. The medical practitioner involved would be making that decision, not the researchers.

The Hon. R.L. BROKENSHIRE: I appreciate the minister's answer to an extent, but I do not think it answers my question. My concern here is a fundamental concern that, when the mother consents to an abortion, she knows that, if this legislation were to be passed, the aborted girl's ovaries can be used for research. I want the minister to explain to me—and, frankly, I am not that interested in what a clinician may be doing as opposed to the scientists—whether the mother will be informed that, through this abortion, the girl could end up being used for research.

The Hon. G.E. GAGO: There are two separate processes involved here: one is the consent for a termination, which is not under discussion as it is not an element of the bill before us; and the second, which I have already said is quite a separate process, is that once a termination decision has been made, then a process is available to invite consent to use the ova for the purposes of research. It is a separate event, a separate process—one that is covered clearly by a set of very carefully constructed guidelines to protect the interests of the client (the patient).

The Hon. R.L. BROKENSHIRE: Can the minister categorically guarantee to the committee that no aborted girl's ovaries would be used under this proposed legislation for any sort of scientific research without the knowledge and consent of the mother?

The CHAIRMAN: Hasn't the minister just done that?

The Hon. G.E. GAGO: Quite categorically, yes. Informed consent must be given for ova to be used in research.

The Hon. B.V. FINNIGAN: In relation to this question of precursor cells being obtained from aborted foetuses, can the minister advise at what level of gestation the foetus would likely be

and by what method would the termination be carried out? Is that a factor in determining whether that aborted foetus would be a suitable candidate from which to obtain ova? I apologise if the minister has covered this already in a previous contribution.

The Hon. G.E. GAGO: I am advised that they would need to be cells from a late-term aborted foetus of sufficient gestational age that the ovaries were identifiable. Also, it is clinically impossible to fertilise precursor cells from adults or foetuses with the sperm.

The Hon. B.V. FINNIGAN: Thank you for that answer, minister but, in relation to the method of termination, can the minister advise whether the method to be used will be determined by whether or not the aborted foetus will subsequently be used to obtain ova, with the consent of the mother?

The Hon. G.E. GAGO: I do not really understand the question. Is the honourable member asking whether different termination techniques are used if cells are to be extracted for the purposes of research?

The Hon. B.V. FINNIGAN: Yes. Essentially, I am asking whether or not the cells to be extracted will be a factor in the method of termination used.

The Hon. G.E. GAGO: My advice is no.

The Hon. R.L. BROKENSHIRE: Based on the answers so far, can the minister clarify the gestational age of the baby when its eggs are harvested?

The Hon. G.E. GAGO: The only information I have is what I have already provided, namely, that to be useful they need to be of a late gestational period. Other than that, I do not have any more exact information.

The Hon. B.V. FINNIGAN: I wonder whether the minister can advise how potential candidates of aborted foetuses suitable for the extraction of precursor cells are identified. The minister has mentioned that there are consent procedures and that that is a matter for the medical practitioner, not the researchers. I am wondering by what process they identify suitable candidates and whether it is the medical practitioner who initiates a discussion with the mother about obtaining consent.

The Hon. G.E. GAGO: I am advised that these procedures have not been completed here in South Australia, nor are they contemplated. We have no further detailed information, other than the information I have provided; that is, those cells that would be suitable are those that are of a late gestational period.

The Hon. R.I. LUCAS: The minister will be delighted to hear that I have only two further general areas of inquiry in relation to clause 1. One is in relation to the sort of research that occurs at the moment but will be sanctioned by the legislation, if it is passed, in relation to the testing of pharmaceutical products. My understanding is that this legislation will allow the continuation and extension of the testing of pharmaceutical products in the sort of research that we are talking about here. What restrictions are there on the sort of pharmaceutical products that can be used in the research that we are being asked to sanction?

I am assuming—and I use the word advisedly to a female minister—that trivial research, as I would deem it in relation to perfumes, hair shampoos, and things like that, are clearly in some way prevented. I am assuming that the legislation in some way would allow research into pharmaceutical products, which might be an anti-cancer drug or something like that. Can the minister confirm that? Where is this line drawn between what we might deem to be a worthy pharmaceutical product, which can be used and tested, and what might be deemed to be an unworthy pharmaceutical product?

The Hon. G.E. GAGO: The short answer is that the licensing committee is being set up in a way to apply criteria to ensure that trivial use does not occur. The licensing committee would require justification for using embryos. It would need to satisfy itself on a number of levels, including:

- all the criteria outlined in the amended act;
- has proper informed consent by those donating cells or embryos, and their partners;
- abides by the conditions set by donors;
- has research ethics approval from local institutional Human Research Ethics Committee;

- contributes to significant advances in knowledge, treatment, technologies or other applications;
- could not be achieved by means other than the use of embryos;
- restricts the number of embryos to only those likely to be necessary for the project;
- accounts for every embryo licence; and
- meets transparent reporting requirements.

Obviously, trivial research would simply not be licensed.

The Hon. R.I. LUCAS: Clearly, those guidelines are not part of the legislation.

The Hon. G.E. GAGO: They are.

The Hon. R.I. LUCAS: Where in the legislation are those guidelines included?

The Hon. G.E. GAGO: In the commonwealth legislation.

The Hon. R.I. LUCAS: What provision of the commonwealth legislation includes all of those restrictions?

The Hon. G.E. GAGO: I will get back to the member once I hunt down that information.

The Hon. R.I. LUCAS: The minister's answer, as I understand it, is that she will come back to that in terms of the specific provision, which is that the commonwealth legislation makes it clear. If that is the case, why does our legislation not make that clear? If, for example, an individual or a non-trading corporation is to be licensed, why are those same restrictions not included in the state legislation?

The Hon. G.E. GAGO: I have been advised that it is because a commonwealth act sets up the commonwealth licensing committee.

The Hon. R.I. LUCAS: We have just been through a long debate, and I will not repeat it, but there were certain bodies, such as a non-trading corporation, an individual or the state government agency that are not covered by the federal licensing regime. The minister is saying that we must have a state licensing regime to cover those, because there is the potential that an individual or a state government agency might want to involve itself in this particular area.

They will not have federal licences; they will have state licences. Why would there not be a similar provision in this state legislation to restrict the sort of research, using pharmaceutical products, which the minister indicates is included in the federal legislation?

The Hon. G.E. GAGO: I have been advised that it is our South Australian state legislation that will empower the Commonwealth Licensing Committee to be able to issue licences.

The Hon. S.G. WADE: I understand that the minister has deferred giving an answer to one of the Hon. Mr Lucas's questions. In giving that answer, I wonder whether the minister might be able to clarify whether the guidelines are actually a schedule, are incorporated into commonwealth legislation or, rather, that a section of the commonwealth act authorises the guidelines to be made by regulation or in some other form.

The Hon. R.I. LUCAS: I just want to return to the minister's response to my last question. As I understand it, what the minister is now saying to us is that there will not be state licences, that the state legislation is going to in some way empower the issuing of federal licences to bodies like state agencies, non-trading corporations and individuals. So, the minister indicates that, through that mechanism, there is not a requirement to have these restrictions in the state legislation. That is as I understand the minister's response.

The Hon. G.E. GAGO: That is my advice.

The Hon. R.D. LAWSON: I have a comment to make in relation to the matters first raised by the Hon. Rob Lucas in relation to the inconsistent state and commonwealth laws. I note from the contribution made by the member for Enfield in the assembly that he opined that the South Australian bill was an entirely academic exercise, unnecessary and futile, because anyone working in the field in South Australia would either be covered by commonwealth legislation and hold the necessary commonwealth licence or, as the member for Enfield put it, their lawyers would soon get them incorporated with a $2 company to bring them within the purview of the commonwealth legislation.

So, there are really two views arising out of that argument. One is to pass the legislation. If it is going to have no effect, pass it. The alternative is that the member for Enfield was correct and this is futile. Clearly, those in the field do not consider that it is futile. In response to questions by the Hon. Rob Lucas, the minister mentioned a number of researchers. It is suggested that Repromed is the major one here, although I see that, on 29 October last year, Professor Robert Norman, the Director of the Robinson Institute, wrote to all members. He referred to the fact that he represents the University of Adelaide's Research Centre for Reproductive Health, the Centre for Stem Cell Research and the Centre for Early Origins of Health and Disease; also incorporating but not representing researchers from the Hanson Institute, the IMVS and the Women's and Children's, the Royal Adelaide, the Queen Elizabeth and the Lyell McEwin hospitals.

Professor Norman said that 150 research and clinical scientists bring in more than $25 million per annum of competitive money for medical research. He pointed to the fact that their work was based on National Health and Medical Research Council guidelines and that some of their work is regulated by state and federal statutes regarding reproductive technology. He went on to say:

> We wish to see this bill pass so that we can practise our research with the support of the population of South Australia.

It is signed Robert Norman, on behalf of the Robinson Institute and the other institutes that I mentioned, and Repromed.

It is clear that those in the field have not seen the suggested futility of this legislation. Professor Norman would not be writing to members of parliament if he felt that he could snub his nose at the South Australian legislation and simply rely upon a federal licence.

I notice also that the minister indicated that, when the commonwealth amendments were passed, the parliamentary secretary to the Minister for Health and Ageing—that is the commonwealth minister—advised that he had revoked the previous declarations that made the equivalent state and territory laws corresponding acts for the purposes of the national scheme.

This meant that the National Health and Medical Research Council Embryo Licence Committee could no longer issue research licences under the state acts. That committee, at that stage, issued licences under the state acts, and I gather now that it will continue to do so if the state acts are passed.

I do not believe that it is quite as simple as might be suggested by some, that this is a futile piece of legislation, therefore, why pass it? I think it is a major issue if one has inconsistent laws on the statute book: a law which states that under one act you are allowed to do something in the state of South Australia, and under another you are not.

We in this parliament seek to make laws for the peace, order and good government of the state of South Australia. We seek to control what happens in this state within the area of our legislative competence, and it is undesirable to have on the statute book two inconsistent laws. It is simply a situation that is constitutionally undesirable. Either we are going to be part of a national scheme, and if so we pass this bill; if we are not, and some people take the view that we should not be, then we will not pass the bill. I do not think one can say that this is a futile piece of legislation. Those who are practising in the area do not regard it as mere window-dressing. They regard it as important.

The Hon. G.E. GAGO: In relation to the question about where it is in the commonwealth legislation, I have been advised that it is section 21, 'Determination of application by committee', and it is detailed in subsection (4). I have a copy here if you want to have a look at it.

The Hon. S.G. WADE: I take it, from the brevity of that answer, that means that subsection (4) authorises the making of guidelines and that those guidelines are made by regulation?

The Hon. G.E. GAGO: I am advised that it is not in regulation but it is, in fact, incorporated into the act itself.

The Hon. S.G. WADE: So, the detail of the guidelines are in one subsection?

The Hon. G.E. GAGO: That is what I have been advised.

The Hon. R.L. BROKENSHIRE: I have a subsequent question to part of one of the minister's answers on clause 1. The minister explained about specific consent being obtained. I am

aware of one recent case where a lady was very traumatised as a consequence of the way her abortion was handled, where she was appalled to discover that her aborted foetus might be used for research.

The clear impression that I get from that case is that the research questions were actually asked at the time the abortion was offered, not on a separate occasion, as the minister previously indicated. I am also aware, from extensive research, that there is precious little monitoring or research done on abortion clinics' compliance with the law, and the Abortion Reporting Committee is little more than a clearing house of statistics.

The minister said that the process through which a woman is informed about donation and her consent sought, should be separate from that under which she decides to terminate her pregnancy and should not begin until a decision to terminate has in fact been made.

I ask the minister three questions with respect to the answer she has given to the chamber tonight: what guarantee can she give that the various abortion clinics are following and will follow the procedures and guidelines to the letter; can she report on when any compliance checking or investigations were conducted in abortion clinics; and, if none have occurred, can she guarantee to the committee that such a review will take place?

The Hon. G.E. GAGO: In terms of the example cited by the honourable member, that would, in fact, be in breach of the HMRC national guidelines that bind researchers to a particular code or standard. In relation to the second part of his question, as I have stated already in this place, there have been no examples of precursor cells being collected for the purposes of embryonic research, so none of that information is available.

The Hon. R.I. LUCAS: I do not often disagree even slightly with my learned colleague the Hon. Mr Lawson, but at least in part we have differing views on some aspects of what he has said. The only point I make—and we will explore this later in the bill when we get to the specific provisions—is that, if one adopts the position of my learned colleague, one certainly will not be accepting significant amendments to the legislation in relation to the removal of hybrid embryos, because the bill will then be non-complying (or whatever the correct phrase is) with federal law and we will have inconsistent legislation between the state and federal jurisdictions. However, I am sure we will explore that in vigorous but good humoured debate in the appropriate clauses.

The last general area that I wanted to raise at this stage was something which I raised in the second reading and which a number of members did also, including the Hon. Ann Bressington, in a much more colourful way than I did. I think she summarised her contribution, after reading 73 particular diseases onto the public record (which I see have been faithfully replicated by *Hansard*) as, in her words, 'Adult stem cells, 73; embryonic stem cells, 0.'

In a less colourful way I quoted the contributions of my two very good friends in the federal parliament, Nick Minchin and Chris Pyne (and Kevin Andrews, as well, I think), who also highlighted the fact that most of the advances we are seeing at the moment from research, in terms of treatment of diseases, were coming from adult stem cells and that there had been nothing from embryonic stem cells. I think the Hon. Mr Hood covered this point in his contribution, as well.

I might have missed it if the minister addressed that issue in the early part of her contribution tonight, but I was interested to know (even though, personally, I do not intend to prolong the debate) what the government's position is. Do the minister and the government not accept the views that have been put by the Hon. Mr Hood, the Hon. Ms Bressington, and my very good friends in federal parliament, Chris Pyne and Nick Minchin, in relation to the state of the research at the moment?

I certainly read a lot about the potential of embryonic stem cell research, as opposed to what is actually happening, but I am interested in the government's response, as it is the author and proposer of the legislation.

The Hon. G.E. GAGO: I believe I have already addressed those issues partially in my second reading summary, as well as in my opening remarks this evening. Rather than go through it all again, just to summarise, they are issues around the fact that the research can take many years yielding very few clinical or treatment outcomes, and the examples I gave were in the area of skin grafts and bone marrow transplants. The fact that it has not yet generated treatment results is not a good argument to cease all further research. The other point I made is that both forms of research inform each other and help develop potential outcomes for both areas of research.

Clause passed.

Clauses 2 to 6 passed.

Clause 7.

The Hon. R.L. BROKENSHIRE: I move:

Page 6, line 13 [inserted section 13]—Delete:

that has undergone the first mitotic division

Any creation of human/animal hybrids is a fundamental breach of the historic recognition of the dignity of humanity and the sanctity of human life. The second point is that the claimed purpose of this provision to facilitate the testing of human sperm using animal eggs lacks scientific justification, and the only test used anywhere in the world, the hamster egg penetration test (HEPT), has fallen into disrepute. The HEPT proved to be an insensitive and unreliable assay in identifying sub fertile males. Lee Mee Ho stated all this during the correlation between semen parameters and the hamster egg penetration test.

Moreover, hamsters and their eggs have been a prohibitive import in Australia for some time for quarantine reasons and, accordingly, the provision has no practical application. I believe strongly in the amendment standing in my name, and I will be urging colleagues to contribute to it. Having said that, I will be looking at some divisions with respect to some of my amendments.

The Hon. S.G. WADE: I rise to support this amendment and to take the opportunity to foreshadow my own amendments and to contrast them with those of the Hon. Mr Brokenshire. As I indicated in my second reading contribution, while I do not object to the main thrust of the bill, I do have specific concerns about the proposal for limited use of human/animal hybrids. As parliamentarians we have the duty on behalf of the wider community to legally prescribe the acceptable limits of scientific activity taking into account what is morally acceptable. The Lockhart committee considered that the higher the potential benefits of activity the greater the need for ethical objections to be of a higher level and widely accepted in order to prevent that activity.

I accept that argument and consider that, in a pluralist society and on an issue that does not lend itself to moral clarity and consensus, it is appropriate that we allow research cloning. Conversely, I would argue that, where ethical objections are significant and widely accepted and the activities are of less benefit and higher risk, research should be prohibited. On that basis, I oppose the proposal to lift the prohibition on creating hybrid embryos. I appreciate that the use of such embryos under this bill is proposed to be limited, but I am concerned that even this limited use should not be permitted.

Creating human/animal hybrids may diminish human dignity and blur the moral boundaries and the distinction between humans and hybrids. We do not have the ethical clarity and the widespread community support in relation to hybrid embryos. On this point, I again refer to the Lockhart review. The Lockhart review itself noted that there is strong community objection to the implantation of hybrid embryos, and in another place the committee said that it had an 'implicit understanding that the creation of such entities could be of concern to the community'.

On this issue, I found a paper by medical ethicist Dr Denise Cooper-Clarke in *Zadok Perspectives* to be very helpful. In it she said:

> At a popular level, human-animal chimeras and hybrids are associated with a powerful yuk factor. This is especially so for something as extreme as the humanzee, but even the news in Britain that scientists had applied for a licence to inject human nuclei into rabbit eggs was accompanied by tabloid headlines of 'Frankenbunnies'.
>
> In examining this 'yuk' factor it is apparent that the technologies outlined above raise two fundamental moral questions. First, which if any are permissible and secondly given that some of them do proceed, what is the moral status of the various creatures so produced? The two questions are related, since uncertainty as to how we should regard parahumans is one reason some people are opposed to it or at least uneasy with them, but also the reason some others think they ought to be permitted...

Later in the same article, Dr Cooper-Clarke continued:

> Some bioethicists are uneasy about crossing species boundaries, even if they don't think they really exist. Some say it would be cruel to the creatures produced, and would offend the basic ethical principle that humans (or this in case part humans) should never be treated as a means to an end rather as ends in themselves.

The CHAIRMAN: I remind the honourable member that he has made a second reading contribution and he should have included this in it. We have before the committee an amendment moved by the Hon. Mr Brokenshire. Are there any questions with respect to clause 7, rather than speeches? It is getting late.

The Hon. S.G. WADE: This is—

The CHAIRMAN: I know what it is. It should have been included in your second reading contribution. You have indicated that you support the Hon. Mr Brokenshire's amendment and that you might have a question of the minister with respect to clause 7.

The Hon. R.I. LUCAS: I rise on a point of order, Mr Chairman. There is nothing within the standing orders of this chamber that prevents a member, in speaking to a particular amendment or clause, from rising on any number of occasions and, indeed, raising any particular issue, other than if you were to rule that it was repeating information the member had raised in the second reading, and you may well have some discretion in that area.

Certainly, what the member is raising was not raised by the member in the second reading contribution and, in my view, there is no restriction under our standing orders on a member standing up and providing information as to why he or she either supports or opposes a particular position. My point of order is that there is no power under the standing orders to prevent a member doing what the Hon. Mr Wade is doing.

The CHAIRMAN: The Hon. Mr Lucas has been here long enough to know that when the Chairman of the committee directs a member he has good reason to do so. The honourable member when he first got on his feet mentioned his own amendments, which do not come into play until clause 10. So, I ask the honourable member once again to speak to the amendment moved by the Hon. Mr Brokenshire, which he has already indicated he supports. He has already asked questions of the minister on clause 7. It is getting late.

The Hon. S.G. WADE: As I understand it, the committee is debating the Hon. Mr Brokenshire's amendment. I am offering arguments as to why—

The CHAIRMAN: On clause 7.

The Hon. S.G. WADE: —on clause 7, the amendment to clause 7—I believe members should find that amendment attractive.

The CHAIRMAN: We know that you find it attractive. Other members will have their reasons as to what they find—

The Hon. S.G. WADE: With all due respect, I hope that some of my considerations might be of assistance to other members as they consider how they may view Mr Brokenshire's amendments.

The Hon. R.I. Lucas interjecting:

The Hon. S.G. WADE: Thank you, the Hon. Mr Lucas. Dr Cooper-Clarke continued:

> Others point to the moral confusion which would arise—the threat to the conceptual, social and moral boundaries that set humans apart, and the uncertainty about our moral objections to parahumans.

I do not argue that this bill will involve the creation of parahumans, but I do not think that we should embark on this path without being mindful of the ethical issues that it raises. With stem cell research not involving animal cells, the moral risk is primarily the destruction of human life. It is a weighty issue but it is a risk of negation, the negation of life.

On the other hand, with animal/human hybrids, the permutation of options is wide and the ethical issues that arise are broad and ongoing as that cell develops. I am of the view that we need more clarity on the moral issues involved before we take the path. It may be that appropriate community discussion leads the community to become more comfortable with such activities. I believe that we have no such moral consensus at this stage. I think it is important that the moral issues are given due consideration before we reach the decision point, not after we reach that point.

Science and morality both contribute to human civilisation. Neither should be hostage to the other; neither should be jettisoned for the other. Just as Christians who choose to be blind to the contribution of science in the name of morality do us a disservice, likewise, I consider that some advocates of biotechnology are not as willing to allow any moral considerations to intrude as what they see as the inexorable march of science.

To me the healthy path is an active dialogue between science and morality. Sometimes scientific discoveries will put pressure on morality to catch up, but at other times it is appropriate for morality to put a check on science. In my mind, animal/human hybrids are one such issue. We

should err on the side of caution until there is some consensus and ethical clarity on the moral status of a human/animal hybrid. I would urge other members who are supporting stem cell research to be discerning. The bill deals with a range of matters and many are not related. A member can support stem cell research without accepting animal/human hybrids. Supporting my amendments gives members the opportunity to do so.

The CHAIRMAN: It certainly sounds like your second reading contribution to me. I was nearly going to support the amendment until I heard that.

The Hon. G.E. GAGO: You were not. For the sake of brevity, we oppose this amendment. Obviously it relates to the prohibition of human cloning and makes it an offence to develop a hybrid for any period. As I have already indicated, the bill only allows a hybrid embryo to be created or used for the purpose of testing sperm quality. The bill makes it an offence to develop a hybrid embryo past the point of where the embryo reaches the first mitotic division early on day 2, and anything beyond that attracts a term of imprisonment of 15 years.

If such diagnostic tests are required but we prohibited the use of animal eggs, women may have to go undergo ovarian stimulation and egg harvesting to use their own eggs to test their partner's sperm. For anyone who has had either friends or family go through that experience, indeed, it is very traumatic and not a particularly pleasant procedure. I remind members that the bill enables the creation or use of hybrid embryos only in an accredited ART centre and only with a licence, and it cannot be transferred into a woman.

The Hon. A. BRESSINGTON: I am curious about the comments that the minister just made about women having to go through ovarian stimulation in order to test the veracity of sperm. I seek clarification on this, but I thought that we did not use that technique at all for testing the veracity of sperm: that there is a whole lot of other tests that couples go through. Why are we now going to use this particular technique to test sperm?

The Hon. G.E. GAGO: Indeed, the honourable member is quite correct. In South Australia, we have never used that procedure. However, I have been advised that in the past it was used regularly in New South Wales, and then laws were changed and it was not able to be used and other techniques were then applied. The honourable member is quite right in that a number of different techniques are available for this particular procedure. Ovarian stimulation is one of those. I am not a technician, I do not have a great deal of expertise in this area, but I have been advised that ovarian stimulation is one of those techniques.

The Hon. R.I. LUCAS: One of the issues in relation to considering this amendment is to see whether or not there is any disagreement with the notion that this is, in essence, part of the package in terms of either supporting or defeating hybrid embryos. I know, Mr Chairman, that you are a bit grumpy at the moment and you do not like the Hon. Mr Wade referring to his amendments, which come later, but the practice of the chamber has been that, if you have consequential amendments—

The CHAIRMAN: The honourable member is reflecting on the chair.

The Hon. R.I. LUCAS: I am not—that is a compliment. You are a grumpy person, Mr Chairman, and I like grumpy people. My father was a grumpy person and I loved him dearly whilst he was alive. It was a term of endearment and one of the seven dwarfs, as well.

This is a conscience issue, so it will be extraordinarily difficult, but, in relation to consideration by the committee of the package of amendments, if there are consequential amendments, clearly, if everyone agrees that this is part of the package of hybrid embryos, we can use it as a test clause, which might short-circuit the debate in the later stages. There may well be questions about aspects of the other clauses, but it may well help. I would be interested in other contributions from the government and other representatives in the chamber on whether they agree that this is in essence a test clause for a series of votes either for or against hybrid embryos, and that would assist the committee, which is all I am interested in doing. That is the question I put, and I am interested in the response of members. If it is, I will make another contribution about the general issue of hybrid embryos on this clause as opposed to the more substantive clause, as I see it—the definition of 'hybrid embryo' on page 10 of the bill.

Having raised that matter with the minister, will she indicate what animals we are talking about with the combination of animal sperm and human eggs and human sperm and animal eggs? Is there any restriction in the federal legislation? Are we talking of the family dog or cat, goats, camels or what? Where is there any restriction in relation to the type of animal sperm or animal egg

that the member for Ramsay and his supporters want us to support in the formation of human embryos?

The Hon. G.E. GAGO: In relation to this being a test, I am happy for this clause to be the test for the hybrid as it is a sensible thing to do. In relation to the issue of eggs, my advice is that the test was first developed in the UK using hamster eggs; New South Wales uses sheep and cow eggs.

The Hon. R.I. LUCAS: I thank the minister for the indication of New South Wales using sheep and cows and someone else using hamsters. However, is there no restriction? Can the licensing body, having received a request to use a dog, a cat, a hippopotamus, a camel, a goat, a giraffe or a unicorn, if they can find one, be restricted as to what it can licence under the federal legislation? There does not appear to be any restriction in the state legislation as to what animal the member for Ramsay and his supporters would like us to use—

The Hon. S.G. Wade: Or a thing.

The Hon. R.I. LUCAS: Yes, or a thing when we come to the subclause on page 10.

The Hon. G.E. GAGO: I do not have a lot of detail in relation to this question but the information I have is that the legislation does not put any limitations on the animals to be used. However, there could be restrictions under the research guidelines that are used and developed by clinicians and other research personnel in terms of the suitability and availability, and things such as the housing of animals in laboratories. It would be difficult to house a giraffe, for instance, and it might not be in anyone's interests to house a lion. So, there are some restrictions around that but they are not included in the legislation.

The Hon. A. BRESSINGTON: I am curious. The Hon. Robert Brokenshire mentioned earlier that the hamster test—I cannot remember what it was called—was proven to be flawed and we cannot get the hamsters or their eggs in Australia. The minister's referring to that in her last answer is, in fact, a bit of a furphy, I would think, because that hamster test is just not possible.

The other question for the minister is: if, in fact, there is no restriction on what animal's eggs or sperm we can use in this process and it is a matter of how we house the animals, will the animals have to go through ovarian stimulation as well to harvest their eggs? If that is the case, I see a high level of hypocrisy over all the kerfuffle about the animal protection act that we debated some months ago and the rights of animals, yet we are prepared to put those animals through the pain and trauma of ovarian stimulation that is not desirable for humans.

The Hon. G.E. GAGO: I am sorry if the honourable member misunderstood my reference to the use of hamster eggs. In fact, I never suggested that we used hamster eggs in Australia because we cannot import them. What I indicated was that hamsters were first used in the UK and that Sydney had used sheep and cow eggs. I have never referred to them using hamster eggs. I am sorry if the honourable member misunderstood that but, if she reads *Hansard*, she will see that I was quite clear about that.

I cannot read their minds but I would imagine that one of the reasons researchers in Sydney chose to use cow and sheep eggs is that they are easily available from the abattoirs. The advice I have received is that ovarian stimulation is not required to be used in harvesting these eggs. In fact, they are readily and easily obtained from the abattoirs.

The Hon. D.G.E. HOOD: I would like to state for the record that I wholeheartedly support the amendment moved by the Hon. Mr Brokenshire and I completely reject the use of hybrids, whether they be for scientific or other purposes.

The Hon. B.V. FINNIGAN: If it will be of assistance to the committee, in line with the suggestion of the Hon. Mr Lucas and as would be very evident from my second reading speech, I oppose the creation of hybrid embryos for any purpose, so I support this amendment and other amendments which would aim to prevent the use or increase the penalties for use of hybrid embryos, and so on.

I am not certain that we can regard this amendment as a test in relation to hybrid embryos given that the clauses on page 10 which deal with the definition of hybrid embryo canvass some greater issues, I think, in relation to regulation—particularly clause 8(1)(e) which refers to a thing declared by the regulations to be a hybrid embryo, and that has been referred to by some members.

I think that opens up some further questions as to what the potential limits or constraints of that clause are. I am not certain that you can regard this necessarily as a test clause but, in order to assist the committee, I am happy to indicate that I support the amendment and will support other amendments that are essentially in opposition to hybrid embryos.

The Hon. CARMEL ZOLLO: Also, if it assists the committee, I indicate that I will be supporting the amendment and any other similar amendments in relation to hybrid embryos.

The Hon. A. BRESSINGTON: That goes for me, too. I will be supporting the Hon. Robert Brokenshire's amendment and any others that prevent the formation of hybrids as well.

The Hon. S.G. WADE: On the issue of a test clause, I am of the view that this is a test clause as to whether the prohibition of hybrid embryos will be maintained. If members wish to maintain the prohibition of hybrid embryos, they would need to support the Hon. Mr Brokenshire's amendment. In subsequent amendments, if they want to prohibit the hybrid embryos but allow research cloning, members will need to choose between my amendments and those of the Hon. Mr Brokenshire.

The Hon. R.D. LAWSON: As this is to be a test case, could the minister place on the record the effect of clause 13 as the government intends? We have had the spectre raised of the so-called 'yuk factor'—as I think it was referred to earlier by the Hon. Mr Wade—with the creation of hybrid embryos raising the spectre of the existence of creatures comprising genetic material from various species. What is the true effect of prohibiting the development of a hybrid embryo prior to it undergoing the first mitotic division?

The Hon. G.E. GAGO: I have already outlined these. It is only up to the stage of the first division and only in an accredited ART centre. There were a number of restrictions that I have already put clearly on record.

The Hon. R.D. LAWSON: There is a suggestion that that means 14 days as a maximum, I gather, from an earlier explanation given. Am I mistaken in regard to that? Now, 24 hours is being suggested.

The Hon. G.E. GAGO: More than one day but less than two days for that first mitotic division.

The Hon. S.G. WADE: Just so the Hon. Mr Lawson might not be confused as to my argument, I am not asserting that this bill will produce 'parahumans' or 'Frankenbunnies' or whatever it might be. I am asserting, though, that this is the first step on a path that we morally should not take.

The Hon. R.I. LUCAS: Just on the point that the Hon. Mr Lawson raised, there was certainly debate about whether it was 24 hours or 14 days in the other place. I think the minister conceded that there was an inconsistency, as he termed it, in the bill. Some of us might have seen it as a sneaky way of getting 14 days in without members knowing, but let us accept the minister at his word. That was tidied up by an amendment in the other place and, as I understand the government's position, it is roughly 24 hours, or maybe a bit above that.

I indicate my support for the amendment. I accept the point that the Hon. Mr Finnigan has made that there are some aspects of subsequent clauses, such as the subclause he referred to on page 10 which refers to a thing declared by regulations to be a hybrid embryo and, as I said earlier, whether this is passed or defeated, I will still have some questions on other aspects of the legislation that relate to hybrid embryos.

I would have thought that, once this has been determined, it is part of a package of amendments that either supports hybrid embryos or does not. I think that will assist the committee, and I will therefore mount my argument at this stage.

I spoke on this in the second reading and I do not intend to repeat those arguments, but at that stage I hinted at something that I want to expand on now: this debate lacks one thing—a public debate about it. As I said, yes, there has been debate about cloning and embryonic stem cell research but the issue about whether or not we should cross this line, albeit the minister says at this stage we are only going to do it for 24 hours or so, but it is the first significant step. We highlighted earlier what has occurred in the past five years; who knows what we are going to be asked to support in the next five years.

So, it is a significant step, and there has been no public debate about this at all because no section of the media has touched the issue at all, even though members like the Hon. Mr Hood and

others have raised the issue. It is their commercial judgment that it is not of interest either to them or their readers or listeners. I disagree with that.

Late last evening, I took advantage of the limited tools available to me to place a message on my Twitter and Facebook sites. The message that I put there was something like:

Rann votes for bill that will allow animal sperm and human eggs to form a hybrid embryo. What next?

You are only allowed 140 characters, so you cannot really—

The Hon. P. Holloway: Great contribution!

The Hon. R.I. LUCAS: Well, there has been no public debate. The Hon. Mr Holloway—there has been no public debate about this issue of hybrid embryos. In a short space of time, there was a very vigorous response to the Facebook site, in particular, from people saying they knew nothing about it, people asking me to provide more information about the bill. This morning I provided a reference to the bill and a copy of my contribution on my website. I posted a section of my contribution as it relates to my views on Mr Rann and his support for this proposition on my Facebook site, as well. Again, I have received responses in relation to that.

An honourable member interjecting:

The Hon. R.I. LUCAS: It was a very vigorous response which was negative towards the proposition of hybrid embryos and the position that Mr Rann was adopting. That is the thing that is missing from this whole debate. I think everyone in this chamber, whichever way they vote on this, realises that it is a reasonably significant (some would argue a very significant) decision that has been taken in relation to the future direction of research.

Some people describe it as having a 'yuck' factor; that is not a phrase that I have used, but when you raise it with people they have very strong views, and they are not aware at the moment because no section of the media is involved, other than, as I said, using the capacity I have through Facebook and Twitter to advise at least a very small section of the community that this is going on at the moment, this is how your Premier has voted, the parliament is currently having to consider these important issues.

The views of people out in the community ought to be important when we are making these decisions. I am the last person in the world to argue that we need to reflect the majority views on particular issues, because in some cases the way I voted has been consistent with the majority view and in other cases it has been inconsistent.

However, on this issue we have not had any indication, as members. We are receiving thousands of emails on other pieces of legislation expressing views on the legislation but not on this issue of hybrid embryos. I suspect other members have not received any submissions. I would be interested if any member in this chamber has received a submission on the issue of hybrid embryos in relation to the legislation. There might have been some limited numbers, I do not know. I certainly have not received any at all.

We have had confirmed tonight from the minister that there is no restriction at all in the licensing of what sort of animal sperm or egg can be used in relation to this. Friendly little hamsters so far have been used, as have nice cows and sheep, but there is no restriction at all on the type of animal that can be used in this sort of experimentation. The minister indicated—

The Hon. I.K. Hunter: It's not experimentation. It's only viability tests.

The Hon. R.I. LUCAS: You call it viability; I call it research and experimentation. You use your words, the Hon. Mr Hunter; I will use my words. We may well not agree. The Hon. Mr Hunter can make a contribution if he wishes. He can stand up and do so.

As I have said, the minister has indicated that there is no restriction, and I think that is an amazing position. The best response she could give to the committee was that the licensing body might put some guidelines on these issues. However, there is no guideline at all. Any animal you could think of that can produce sperm or eggs can be used in terms of this provision. I think it is an extraordinary proposition to be asking members of this committee to support. As I indicated in my second reading speech, and I do so again today, I support the amendment.

The committee divided on the amendment:

AYES (9)

Bressington, A.	Brokenshire, R.L. (teller)	Finnigan, B.V.
Hood, D.G.E.	Lucas, R.I.	Ridgway, D.W.
Stephens, T.J.	Wade, S.G.	Zollo, C.

NOES (10)

Darley, J.A.	Gago, G.E. (teller)	Gazzola, J.M.
Holloway, P.	Hunter, I.K.	Lawson, R.D.
Lensink, J.M.A.	Parnell, M.	Winderlich, D.N.
Wortley, R.P.		

PAIRS (2)

Schaefer, C.V.	Dawkins, J.S.L.

Majority of 1 for the noes.

Amendment thus negatived.

Progress reported; committee to sit again.

At 23:26 the council adjourned until Thursday 26 March 2009 at 11:00.