LEGISLATIVE COUNCIL

Tuesday 8 September 2009

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

EQUAL OPPORTUNITY (MISCELLANEOUS) AMENDMENT BILL

His Excellency the Governor assented to the bill.

PETROLEUM (MISCELLANEOUS) AMENDMENT BILL

His Excellency the Governor assented to the bill.

APPROPRIATION BILL

His Excellency the Governor assented to the bill.

PUBLIC SECTOR BILL

His Excellency the Governor assented to the bill.

PUBLIC SECTOR MANAGEMENT (CONSEQUENTIAL) AMENDMENT BILL

His Excellency the Governor assented to the bill.

STATUTES AMENDMENT AND REPEAL (FAIR TRADING) BILL

His Excellency the Governor assented to the bill.

ANSWERS TO QUESTIONS

The PRESIDENT: I direct that the following written answers to questions be distributed and printed in *Hansard*.

AUDITOR-GENERAL'S REPORT

194 The Hon. R.I. LUCAS (18 February 2009). Can the Attorney-General advise the details of the expenditure of $14.7 million on Information and Communication Technology in 2007-08 and the details of the increase from $11.6 million spent in 2006-07 as outlined on page 116 of the Auditor-General's Report?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business): The Attorney-General has provided this information:

The expenditure of $14.7 million on Information and Communication Technology in 2007-08 can be broken down as follows:

- Mainframe, Wide Area Network (WAN) and Local Area Network (LAN) charges $8.2 million
- Data Communication charges $2.5 million
- Software purchases and maintenance $1.5 million
- Hardware purchases and maintenance $1.2 million
- Network maintenance $500,000
- Internet and email costs $400,000
- Database administration $200,000
- Other ICT related expenditure $200,000

Some of the increase in expenditure between 2006-07 and 2007-08 is owing to the full-year effect in 2007-08 for business units that were transferred to the Department during 2006-07. They were Forensic Science SA, the Office for Women, and the Office for Volunteers.

Other increases in expenditure are partially offset by an increase in revenue raised by the Attorney-General's Department from the cross-charging of ICT costs to other Justice agencies.

CHILD ABUSE

226 The Hon. D.G.E. HOOD (25 March 2009). Can the Minister for Families and Communities advise how many notifications of child abuse or neglect were received by Families SA in the 2008 calendar year?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy): The Minister for Families and Communities has advised that:

Families SA received 33,658 notifications of child abuse or neglect during the calendar year 2008.

SEXUAL OFFENCES

232 The Hon. D.G.E. HOOD (25 March 2009). Can the Attorney-General advise—

1. What was the average penalty imposed in cases where the offence of Unlawful Sexual Intercourse (section 49 of the Criminal Law Consolidation Act 1935) was the sole offence mentioned on a complaint or information within the Magistrates and District Courts for the 2008 calendar year; and

2. How does the abovementioned data break down by judicial officer, noting the number of cases heard and the average penalty imposed for the offence by each judicial officer?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business): The Attorney-General has received this information:

The information being sought is not in a format that would enable the CAA to meet this request. The CAA does not maintain any information about average penalties by offence. The Criminal Courts Australia Report published by the Australian Bureau of Statistics (ABS) and Crime and Justice in South Australia Report published by the Office of Crime Statistics and Research (OCSAR) would provide most of the information requested.

ASSAULT

234 The Hon. D.G.E. HOOD (25 March 2009). Can the Attorney-General advise—

1. What was the average penalty imposed in cases where the offence of Assault (section 20 of the Criminal Law Consolidation Act 1935) was the sole offence mentioned on a complaint or information within the Magistrates and District Courts for the 2008 calendar year; and

2. How does the abovementioned data break down by judicial officer, noting the number of cases heard and the average penalty imposed for the offence by each judicial officer?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business): The Attorney-General has received this information:

The information being sought is not in a format that would enable the CAA to meet this request. The CAA does not maintain any information about average penalties by offence. The Criminal Courts Australia Report published by the Australian Bureau of Statistics (ABS) and Crime and Justice in South Australia Report published by the Office of Crime Statistics and Research (OCSAR) would provide most of the information requested.

THEFT

236 The Hon. D.G.E. HOOD (25 March 2009). Can the Attorney-General advise—

1. What was the average penalty imposed in cases where the offence of Theft (section 134 of the Criminal Law Consolidation Act 1935) was the sole offence mentioned on a complaint or information within the Magistrates and District Courts for the 2008 calendar year; and

2. How does the abovementioned data break down by judicial officer, noting the number of cases heard and the average penalty imposed for the offence by each judicial officer?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business): The Attorney-General has received this information:

The information being sought is not in a format that would enable the CAA to meet this request. The CAA does not maintain any information about average penalties by offence. The Criminal Courts Australia Report published by the Australian Bureau of Statistics (ABS) and Crime and Justice in South Australia Report published by the Office of Crime Statistics and Research (OCSAR) would provide most of the information requested.

CHILD PROTECTION

237 The Hon. D.G.E. HOOD (25 March 2009). Can the Attorney-General advise—

1. How many applications were made by the Department of Families and Communities in the Youth Court for guardianship of a child for the 2008 calendar year; and

2. How many applications were denied?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business): The Minister for Families and Communities has provided this information:

Courts Administration Authority data shows that there were 645 applications for Care and Protection, and Investigation and Assessment Orders, involving 1,158 children between 1 January, 2008 and 31 December, 2008.

YOUTH HOME DETENTION

238 The Hon. D.G.E. HOOD (25 March 2009). Can the Attorney-General advise how many youths were denied home detention bail by the Youth Court for the 2008 calendar year on the basis that no monitoring anklets or bracelets were available?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business): The Minister for Families and Communities has provided this information:

In the 2008 calendar year six young people were denied home detention bail by the Youth Court on the basis that no anklets or bracelets were available.

Following December 2008, when changes were made to home detention systems, no young person has been denied home detention bail owing to a lack of bracelets or anklets.

The Department for Families and Communities and the Department for Correctional Services continue to work closely together to ensure home detention bail with a bracelet or anklet is always an option available to the court.

CHILD ABUSE

241 The Hon. D.G.E. HOOD (25 March 2009). Can the Minister for Families and Communities advise—

1. Optimally, how long should Families SA take to respond to Tier 1 complaints of child abuse or neglect?

2. In 2008, what percentage of complaints were investigated within that timeframe?

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): The Minister for Families and Communities has advised:

The practice standard requires that Families SA staff commence an investigation of a Tier 1 notification within 24 hours and record the outcomes of such an investigation within six weeks. An investigation may be conducted solely by Families SA social workers, or may be jointly investigated by Families SA social workers and SA Police officers. Tier 1 investigations may also include a forensic investigation conducted by Health SA Child Protection Service medical practitioners and/or psychologists. Where SA Police or SA Health Child Protection Services need to be involved, completion is usually expected to take more than six weeks.

The Client Information System (CIS) used by Families SA shows that in 2008 a response was commenced within 24 hours for 84 per cent of Tier 1 notifications.

Data from Families SA CIS indicates that 73 per cent of the 2008 Tier 1 matters had the investigation finalised and investigation outcomes entered onto CIS within six weeks from the receipt of the notification (the Families SA practice standard).

MAGILL TRAINING FACILITY

247 The Hon. D.G.E. HOOD (25 March 2009). Can the Minister for Correctional Services advise how many FTE staff were employed for 2008 solely to deliver rehabilitation programs to youth at the Magill Training Facility?

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): The Minister for Families and Communities is advised:

In 2008 a full time Families SA Programs Coordinator was employed at Magill Training Centre to coordinate and deliver rehabilitation programs for children and young people.

In addition, there are six Senior Youth Practitioners and part of their roles includes a responsibility to facilitate and deliver rehabilitation programs.

Many Families SA staff who are not based at Magill Training Centre attend to deliver rehabilitation programs as well, including psychologists and staff from Metropolitan Aboriginal Youth and Family Services (MAYFS).

In 2008 rehabilitation programs were also delivered by Drug and Alcohol Services South Australia (DASSA), Child Adolescent Mental Health Services (CAMHS) and Service to Youth Council (SYC) and some NGOs on an ongoing and occasional basis (eg first aid).

The Department for Education and Children's Services provide a comprehensive school based education program including life skills training at the Centre, five days a week during normal school hours. Ten teachers are employed at the Centre.

MEMBERS' REGISTER OF INTERESTS

The PRESIDENT: I lay upon the table the Register of Members' Interests—June 2009—Registrar's Statement.

Ordered to be published.

MEMBERS' TRAVEL EXPENDITURE

The PRESIDENT: I lay upon the table the Schedule of Members' Travel Expenditure 2008-09, pursuant to the Members' of Parliament Travel Entitlement Rules 1983.

PAPERS

The following papers were laid on the table:

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

Reports, 2007-08—
- Adelaide Hills Wine Industry Fund
- Barossa Wine Industry Fund
- Langhorne Creek Wine Industry Fund
- McLaren Vale Wine Industry Fund
- Riverland Wine Industry Fund
- SA Grape Growers Industry Fund

Terrorism (Preventative Detention) Act 2005—Report, 20 June 2009

Police Complaints Authority—Report pursuant to section 57 of the Criminal Law (Forensic Procedures) Act 2007

Police Superannuation Scheme Actuarial Report, 30 June 2008

Regulations under the following Acts—
- Administration and Probate Act 1919—Interest on Pecuniary Legacies
- Electricity Act 1996—General—Energy Efficiency Shortfalls
- First Home Owner Grant Act 2000—Disclosure of Confidential Information
- Gas Act 1997—
  - Energy Efficiency Shortfalls
  - Gas Infrastructure
- Legal Practitioners Act 1981—General

Plant Health Act 2009—General
Public Trustee Act 1995—Commission and Fees
Southern State Superannuation Act 2009—General
Subordinate Legislation Act 1978—Postponement from Expiry—Schedules 1 and 2
Superannuation Act 1988—Lyell McEwin Employees
Valuation of Land Act 1971—Fees and Allowances

Adaptation in South Australia—Minute to the Premier prepared by the Premier's Climate Change Council—May 2009

Government Response to Advice received from the Premier's Climate Change Council

Greenhouse Strategy—Minute to the Premier prepared by the Premier's Climate Change Council—May 2009

Return of Authorisations issued to Enter Premises under Section 83C(1) of the Summary Offences Act 1953 for the period 1 July 2008—30 June 2009

Return of Authorisations issued to Enter Premises under Section 83C(3) of the Summary Offences Act 1953 for the period 1 July 2008—30 June 2009

Return of Dangerous Area Declarations under Section 83B of the Summary Offences Act 1953 for the period 1 April 2009—30 June 2009

Return of Road Block Establishment Authorisations issued under Section 74B of the Summary Offences Act 1953 for the period 1 April 2009—30 June 2009

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

Regulations under the following Act—
Development Act 1993—Charles Sturt Development Plan

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

Aboriginal Lands Trust—Report, 2006-07

The Commissioners of Charitable Funds—Report, 2007-08

University of South Australia—Report, 2008

Upper South East Dryland Salinity and Flood Management Act 2002—Quarterly Report for the period 1 April 2009—30 June 2009

Regulations under the following Acts—
Animal Welfare Act 1985—Codes of Practice
Controlled Substances Act 1984—
General—Prescribed Professions
Poisons—Prescribed Professions
Environment Protection Act 1993—General
Family and Community Services Act 1972—General
Freedom of Information Act 1991—Exempt Agency—City of Burnside
Harbors and Navigation Act 1993—General
Local Government Act 1999—General—Prescribed Fees
Motor Vehicles Act 1959—Demerit Points—Mobile Phones
Natural Resources Management Act 2004—General—Water Allocation Plans—Transitional Provisions
Passenger Transport Act 1994—
Driver Eligibility
General—Taxis
Taxi Meters
Road Traffic Act 1961—
Miscellaneous—Expiation Fees—Mobile Phones
Miscellaneous—Wheels and tyres
Road Rules—Ancillary and Miscellaneous—Mobile Phones
Supported Residential Facilities Act 1992—General

Direction pursuant to Section 5 of the Motor Accident Commission Act 1992

District Council By-laws—
Copper Coast—
No. 1—Permits and Penalties
No. 2—Local Government Land
No. 3—Roads
No. 4—Moveable Signs
No. 5—Dogs

Kingston—
No. 1—Permits and Penalties
No. 2—Moveable Signs
No. 3—Local Government Land
No. 4—Roads
Inquiry into the Independent Gambling Authority—Response the Statutory Authorities Review Committee Report
Non-Metropolitan Railways Transfer Act 1997—Schedule of Approvals to Remove Track Infrastructure for the period 1 July 2008—30 June 2009
Playford Centre Charter

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

Regulations under the following Acts—
Land and Business (Sale and Conveyancing) Act 1994—Site Contamination
Liquor Licensing Act 1997—Dry Areas—Long Term—Loxton

NATURAL RESOURCES COMMITTEE

The Hon. R.P. WORTLEY (14:24): I bring up the 2008-09 report of the committee.

Report received.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE

The Hon. R.P. WORTLEY (14:24): I bring up the final report of the committee on desalination at Port Bonython.

Report received.

SELECT COMMITTEE ON CONDUCT BY PIRSA IN FISHING OF MUD COCKLES IN MARINE SCALEFISH AND LAKES AND COORONG PIPI FISHERIES

The Hon. J.S.L. DAWKINS (14:25): I lay on the table the report of the select committee, together with minutes of proceedings and evidence.

Report received.

MAJOR PROJECT DEVELOPMENTS

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:31): I seek leave to make a ministerial statement in relation to the proposed Stansbury marina and the Myponga/Sellicks Hill wind farm major developments.

Leave granted.

The Hon. P. HOLLOWAY: In the last session of parliament, questions were raised in relation to two proposed major developments, being the Stansbury marina and the Myponga/Sellicks Hill wind farm. In response to these questions, I can provide updates relating to the assessment of both these developments.

The proposal by the Stansbury Marina Development Company proposes the construction of a multicomponent commercial/recreational marina facility and associated waterfront residential development on land located to the north of the township of Stansbury. Presently, further assessment of the Stansbury marina development has been halted by the government. I have written to the proponents asking them to provide cause within three weeks as to why I should not advise the Governor to give this project an early no.

The quality of the EIS received from the proponents of the Stansbury marina project was considered unsatisfactory and did not warrant public consultation. This view was formed after advice from the Department of Planning and Local Government, in consultation with the Environment Protection Authority. The response to these issues from the proponents will form the basis of a submission recommending whether I should advise the Governor to give this project an early no.

In relation to the Myponga/Sellicks Hill wind farm, the state government has written to the proponent rejecting subsequent requests to vary the nature of the approval. To remind members, TrustPower had sought permission to reduce the number of turbines to 16 and to increase the size

of the turbines and their height from 100 metres to 110 metres, which was not part of the initial consultation process with the community.

The TrustPower project, comprising 20 x 100 metre high wind turbines, was approved in November 2003 after a thorough assessment using the major development process. Additionally, the original declaration of the Myponga/Sellicks Hill wind farm as a major development in 2002 predated the adoption of a statewide planning policy for wind farms.

Although the government strongly supports wind farms as a source of renewable energy, it has decided that, after six years of delays, it is no longer appropriate to further vary the development approval to such a large extent. TrustPower can either proceed with the approved 20-turbine proposal before 26 September 2010, as authorised by the Governor, or lodge a new development application with the Yankalilla district council.

QUESTION TIME

ROYAL ADELAIDE HOSPITAL

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:35): I seek leave to make a brief explanation before asking the Leader of the Government a question about the location of the new Royal Adelaide Hospital.

Leave granted.

The Hon. D.W. RIDGWAY: On 2 June this year, I asked the question: did the minister or any other member of the government seek advice on the location of the hospital from any of the three Thinkers in Residence or any other urban design practitioners? The minister was unable to give an answer and referred the question to the Minister for Health.

We have since learned that part of the land for the proposed Royal Adelaide Hospital is not owned or controlled by the government. In fact, 1.2 hectares of the site is owned by the Adelaide City Council, notwithstanding that there have been many trees removed from this land by the government. A recent Adelaide Parklands Authority meeting resolved to recommend to council not to give up control of that land to the government.

On 2 June, in response to a supplementary question relating to the location and the decision that was made, the minister said, 'Obviously, these are decisions of cabinet.' In light of that, my question to the minister is: can he, as a senior member of cabinet, explain how cabinet can sign off on a $1.7 billion project committing South Australians to at least four decades of public private partnership payments on land that the government does not control?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:36): My understanding is that the government proposes to beautify that particular strip of the Parklands to make it an appropriate entrance to what should be one of the best hospitals in the world. I suggest that honourable members go to the Royal Adelaide Show and have a look at the sorts of facilities that will be available at the new hospital. They are the sorts of things that you can provide if you build a new hospital, rather than try to renovate a 40 year old building, which is not only more costly but you cannot get—

The Hon. D.W. Ridgway: Not renovate, rebuild.

The Hon. P. HOLLOWAY: Rebuild; yes. Mind you, you can actually build a new one without all the inconvenience you would have if you are trying to operate on a building site. As I understand it, there is more than adequate land available on that particular site for the hospital. I believe the government is trying to achieve a sensible resolution with the council, as would befit such a major new facility. The little strip of land along there is deserving of such a major new facility—

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: If anything is arrogant it is the opposition seeking to hold it up. In which other part of the world would you have an opposition campaigning against a major hospital?

The Hon. R.I. Lucas: Wanting to save money.

The Hon. P. HOLLOWAY: Well, the thing is that it will not even do that. What will happen is that it will take a lot longer and provide inferior services. Why is it that in other parts of the world

you can build a new hospital? What is it that members opposite do not get about this new facility? If the council wishes to play games and do the bidding of the opposition on this, then I guess it will.

What I would have thought would be a better outcome for everybody—in particular the people of South Australia—would be if we could come to some arrangement with the council so that that particular strip in front of the hospital can be landscaped in a fitting manner. It is my understanding that members opposite, certainly in relation to other parts of the Parklands, had a policy of wanting to take control of the Parklands. That was their policy in respect of the old Victoria Park racecourse site a few years ago. So, if there is a change of policy on this matter then perhaps the opposition should tell us what its policy is relating to the Parklands.

ROYAL ADELAIDE HOSPITAL

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:39): As a supplementary question, will the minister explain, given that he raised the Royal Adelaide Show, why the view out of the window is misleading and shows a view of the Torrens and not the eight railway lines that will be between the hospital and the Torrens?

DEVELOPMENT POLICY ADVISORY COMMITTEE

The Hon. J.M.A. LENSINK (14:40): I seek leave to make an explanation before asking the Minister for Urban Development and Planning a question.

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: Order, the Leader of the Opposition!

Members interjecting:

The PRESIDENT: Order! We are delving into question time.

The Hon. J.M.A. LENSINK: I seek leave to make an explanation before asking the Minister for Urban Development and Planning a question on the subject of the Premier's Women's Directory.

Leave granted.

The Hon. J.M.A. LENSINK: Members would no doubt have seen an article published on Monday 31 August on the front page of *The Advertiser* entitled 'Board wife' in relation to the appointment of Mrs Davina Quirke to the Development Policy Advisory Committee. The minister was quoted in the paper as having said that Mrs Quirke was one of very few female applicants for the Development Policy Advisory Committee.

In relation to a debate in parliament, the minister is also quoted as saying in relation to another area in respect of board appointments:

> By the time you try to balance up all the factors (including gender balance), and with people with these types of experiences, the one thing I have learned in my experience as a minister is that the most important thing above all is competence in running a board. That is the overwhelming criterion.

Under freedom of information we have obtained correspondence between the minister's office and the Premier's Women's Directory in which a letter was sent to the minister's department outlining the role of the Premier's Women's Directory which, for the benefit of honourable members, contains over 600 names of qualified women, and its purpose is to promote the appointment of more women with relevant experience to boards. My questions are:

1. Did the minister conduct a search of the Premier's Women's Directory, given that only a few women had applied for the position?

2. How many people applied for those positions and, of those, how many were women?

3. Does the minister stand by his comments in *Hansard* of 5 June which I quoted in relation to criteria for appointments to boards?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:43): I was delighted to appoint members to the Development Policy Advisory Committee. There were 14 applications for the 10 positions—that much I can tell the honourable member—and roughly half of them were women—

The Hon. D.W. Ridgway: Very few?

The Hon. P. HOLLOWAY: I would have thought that was very few; given that there were 10 positions, one might have expected a lot more. Certainly, Mrs Quirke was the only woman elected councillor to nominate for a position. If the honourable member looks at the criteria for statutory positions for DPAC, she would see that two of those positions are for people with wide experience in local government. So, of those who applied, she was clearly the outstanding candidate. There were a range of other candidates. In relation to the Premier's Women's Directory, I have used that on occasions for other appointments, but not on this occasion because—

An honourable member interjecting:

The Hon. P. HOLLOWAY: No, it was not inconvenient at all. There are not a great deal of applicants for positions such as DPAC, which pays a little over $6,000 a year, involving meetings at least once a month, sometimes all over the state. Sometimes they are held more often. There is also a range of public meetings that have to be held. After all, the role of DPAC is to conduct consultation on behalf of the minister on development plan amendments, and some of those meetings can go until midnight and beyond.

Unfortunately, one of the reasons there were vacancies on the committee was that several other very capable women and other members in the past had not renominated because of the demands of this committee. There is no doubt that Mrs Quirke will do an excellent job. I think it is a bit rich for members opposite to complain about somebody who takes the interest to apply. Incidentally, after this matter was beat up—and, of course, it was Mr Winderlich from the Democrats—

Members interjecting:

The Hon. P. HOLLOWAY: Well, he did by admission. It was Mr Winderlich who campaigned against this. Presumably, it was something to do with what is happening on Burnside council, even though, of course, the appointment of Mrs Quirke was made well before those issues came to light; in fact, she was appointed in April this year and has attended a number of meetings. I would have thought that the tone of Mr Winderlich's press statement was potentially defamatory, but that is another story, and it is up to him to—

Members interjecting:

The Hon. P. HOLLOWAY: It is not up to me; it is up to them, but it was certainly incorrect. For example, it stated that Mrs Quirke was a member of the ALP; however, as I understand it, she resigned prior to running for local government, but that did not stop the honourable member. That was just one of the many errors in his press release. So, that is how all this came about, and it was quite incorrect.

I thought Mrs Quirke defended her position admirably in the media in response to those calls. She pointed out that she was one of 12 people who had been elected to the LGWA executive. So, although she has been in council for a relatively short time, she was able to be elected to the LGWA executive. I think it is about time that, rather than attacking people who show the initiative to nominate for positions, when it is hard enough to get people to do these jobs, members opposite congratulate those who come forward for these boards. Certainly they would not be on a board like this for the money they get out of it. I appreciate the members of the community who make the effort to nominate for these boards, even if members opposite do not.

In relation to the appointment of women to these boards, the State Strategic Plan has targets, and we try to balance it up. The article in *The Advertiser* on that Monday morning did not directly quote me but stated that Mrs Quirke was appointed because she was a woman. That was not the case. It was not a direct quote but, of course, that did not stop the Liberals phoning all their fellow travellers who write to *The Advertiser* and who ring up talkback radio. You could almost see Rob Lucas's words and tell whether it was a Lucas script when they talked.

A few people rang up and suggested that, because it was reported that way, I had appointed Mrs Quirke solely because she was a woman. The point I was making to the reporter was that it is state government policy that we attempt to get a balance in representation, not just a gender balance but a balance in representation right across the board.

I notice that in those press reports Mrs Quirke was denigrated because she did not have development experience. If you wanted a developer on DPAC, you would appoint someone with development experience. DPAC should be a committee that represents the local community, and

who better to be a member than someone who stands for local government and who runs for local government to represent their local community? Apparently, that is not the way things operate with members opposite. They do not believe that someone who bothers to take the time to run and represent their local community should be on a committee such as this. Mrs Quirke was appointed as one of the nominees for the committee because she is competent to undertake the position. As I understand it, she has been elected to the LGA executive, and I think that clearly indicates that her appointment has merit.

DEVELOPMENT POLICY ADVISORY COMMITTEE

The Hon. DAVID WINDERLICH (14:50): I have a supplementary question. Did any of the six other women who applied for the DPAC position have experience of local government that amounted to more than one term?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:50): As I indicated to the honourable member, Mrs Quirke was the only woman who was an elected member of local government. There were two positions for local government; in the other position I appointed Rosa Gagetti, who has worked in local government for 20 years but as a paid employee. I think that at least one other woman applied who was working for local government but not in an elected capacity.

I would have thought that, in the case of the Development Policy Advisory Committee, you would want not just planning experience but a balance with a view from elected officials. How often do we see in local government where there is a division? I see it all the time in planning where advice coming from planning officials will be different from that coming from elected officials, who have a different perspective.

In terms of getting the balance appropriate on this committee, even though it has a limited number of applicants, I appointed Ms Gagetti, who is a paid official of a council, a planning official, and also Mrs Quirke, who was an elected councillor. I believe that that is the sort of balance that is warranted for a committee like this. Certainly, if the honourable member wishes to argue that we should just have council public servants as representatives then he really needs to explain that to local communities. If we are doing that, why would we bother to have elections for local government officials if their councillors do not count and we only have people who are appointed?

DOMESTIC VIOLENCE

The Hon. S.G. WADE (14:52): I seek leave to make a brief explanation before asking the Minister for the Status of Women a question about domestic violence.

Leave granted.

The Hon. S.G. WADE: In a press release in November 2005, Premier Rann said that he had sought a review of domestic violence laws. The Premier's press release stated:

> The proposals for legislative and procedural change will be developed over the next three months. I propose to announce detailed changes to the law early next year. Legislation will be introduced as a priority following the election in March 2006.

Three years later, on 8 January 2009, in a letter to the Premier's Council on Women, the Premier stated:

> In the first half of this year, we intend to introduce legislation addressing domestic violence in parliament. We will ask members to prioritise this legislation to ensure that both South Australian victims and perpetrators of domestic violence understand that this government does not accept domestic violence in our homes.

The Coalition of Women's Domestic Violence Services SA and the Domestic Violence Death Review Advocacy Coalition SA held a public gathering last Friday to publicly acknowledge and mourn recent deaths due to domestic violence. Members from all sides of the council joined the commemoration, including you, Mr President.

The death of a woman at Pennington on 28 August 2009 was the eighth death in South Australia due to domestic violence in 2009. In publicising the rally on behalf of the Coalition of Women's Domestic Violence Services and the Domestic Violence Death Review Advocacy Coalition, Maria Hagias said:

> It is important that South Australian women are not left behind. Women in other Australian states are benefiting from progressive domestic violence legislation and death review processes. In South Australia, there has been no progress in the domestic violence legislation since our last rally on 26 March 2009, nor has there been any

movement towards the introduction and establishment of a domestic violence death review process. This is despite Queensland joining New South Wales, Victoria and a number of international countries in introducing a domestic violence death review in their state.

My questions to the minister are:

1. Why has the government breached its undertaking to the women of South Australia to introduce domestic violence legislation soon after the 2006 election and, again, in the first half of 2009?

2. Now that a number of international jurisdictions and the three largest states of the Commonwealth of Australia have committed to death review programs, what is the Rann Labor government waiting for?

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) (14:55): I thank the honourable member for his question and for the opportunity to talk about this government's achievements and its plans to continue its efforts to protect women and children from domestic violence.

An honourable member: Table the bill.

The Hon. G.E. GAGO: A bill will be tabled shortly—and a great deal of work has gone into that bill. A review was conducted by Maurine Pyke QC, and a lot of work and detail went into that as well. That report was then put out and a great deal of consideration and further consultation took place around that. This government is making every endeavour to ensure that South Australia has the best possible legislation for the women and children of South Australia, and an announcement will be made shortly. This piece of legislation will be one of which we can be very proud. This government is working very hard to ensure that it addresses issues around domestic violence through the following:

- supporting the work of the Family Safety Framework, which focuses on women and children at high risk of serious injury or death;
- undertaking a review of the domestic violence service sector;
- developing new domestic violence legislation; and
- participating in research on domestic violence death reviews.

The proposed new domestic violence laws are intended, in particular, to improve the system of restraint and intervention in domestic violence, and to give the police more power to intervene at the time an incident occurs. They will make it easier for victims to remain in the family home, as the focus will be on removing the perpetrator from the home; this is particularly important when children are involved because when safe housing has to be found for women and children it can be very dislocating for children's lives and their schooling, as well in terms of their support systems of family and friends. This change will turn the tables in a significant way. The laws will also ensure that the police can impose restraint conditions quickly and without having to wait for a court listing.

The bill, which is currently being drafted, will stop alleged perpetrators from personally cross-examining their victims in court, and it will cover a wider range of relationships, including the relationship between a carer and a disabled or ill person. There will be increased penalties for breaching an order, and the bill will broaden the definition of family violence to cover physical, sexual, economic and emotional abuse. These are some of the matters being considered in the drafting of this new bill.

The Office for Women and the homelessness strategy division of the Department for Families and Communities are also working in partnership to develop a specific domestic and family violence service sector. The aim is to develop strong and positive working relationships between domestic and family violence support services, accommodation services, and law and justice services. A steering committee has been convened to oversee this process, and it consists of representatives from the Department for Families and Communities, the Office for Women, Health, and SAPOL representatives from the domestic and family violence service sector, including Aboriginal family violence in the Domestic Violence Coalition. The key features of the proposed model for South Australia include the following:

- improved conditions for the domestic and family violence support and accommodation services, with the criminal justice system;
- support for women to remain in their own homes when it is safe to do so, and helping to make their homes safe so that they can stay there;
- consolidation of domestic violence support and accommodation services across the state to produce more efficient and effective responses; and
- culturally appropriate responses to the issue of Aboriginal family violence.

I am advised that phased implementation of the endorsed model is expected to be carried out from January to June 2010. So, that is another area of significant undertaking by the Rann Labor government.

Domestic homicide review teams—and a lot has been said about this recently—focus attention on victims' contact with and access to intervention strategies and their effectiveness. These domestic homicide review teams are not about blaming service providers but are about understanding agencies' roles and their constraints in order to move forward for the improvement of service delivery and for effective risk assessment and management to prevent deaths in the future.

Domestic and family violence death reviews have recently been established in Victoria and New South Wales. Queensland has also announced that it will be establishing a death review panel. The Southgate Institute has established a research group, which aims to inform the development of the domestic violence death review process, with the ultimate goal of reducing domestic violence related deaths. The institute is also undertaking a research project to explore family violence homicides in South Australia.

The Office for Women is closely following existing domestic and family violence death review models being undertaken in other states to identify good practice models for our consideration here. So, we are looking at that. We are particularly interested in the evaluation of those models. There are different models in different states, and we are very interested to see what might be considered the most effective type of model.

Clearly, women's safety is a top priority for the Rann Labor government. Women and children clearly have a fundamental right to live without fear of violence. The Rann Labor government has undertaken significant initiatives, and we will continue our hard work to protect women and their children.

ECOTOURIST VILLAGE

The Hon. R.P. WORTLEY (15:02): Will the Minister for Urban Development and Planning provide any information about a proposal to develop an ecotourist village near Streaky Bay on Eyre Peninsula?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:02): I recently announced my decision to declare as a major development a proposal to build an ecotourist village at Cape Bauer on Eyre Peninsula. The declaration of a major development is consistent with the Eyre Peninsula coastal development strategy, which allows the provision of medium scale tourism development in coastal environments only after a detailed assessment of the landscape and the cultural, social and economic impacts or benefits.

The proposed development site, about 15 kilometres north-west of Streaky Bay, is currently zoned coastal and primary industry and is recognised for its natural clifftop scenery. The proponent, Streaky Bay Joint Venture Group Pty Ltd, is a joint venture company which has been established to develop this ecotourism resort and residential development. The proposal envisages the construction of ecotourism resort and seasonal holiday accommodation on about 150 hectares, comprising conference facilities, services of meals and drinks at the restaurant, recreational activities, a resort shop, 12 hotel-motel style room accommodation, 22 self-contained service coastal villas, and 30 individual dwellings on small allotments providing owner-occupied holiday accommodation.

It is proposed that about 320 hectares of land will be developed for rural residential purposes resulting in about 300 allotments ranging in size from one to two hectares. The proposal

also includes significant areas of habitat restoration and revegetation, including about 675 hectares of coastal dune habitat and 53 hectares of remnant mallee and tea tree scrub.

The nature of the Cape Bauer proposal on the environmentally sensitive Eyre Peninsula coast near Streaky Bay warrants an assessment under the major development provisions. The Independent Development Assessment Commission will now determine the level of scrutiny required for this project.

South Australia's major development provisions are not a fast track, nor is it a guarantee that a project will go ahead. The major development process allows proposed projects to be subject to the most stringent planning approval process available under the state's development laws. The declaration does not signal the government's support for a project but, rather, triggers a much stricter development assessment process than is available through local council development approval panels. It is a process which allows input from local councils—incidentally, the council supports the project and, indeed, came to the government with the proponent requesting it be made a major development—state government agencies and the South Australian community.

Applications are scrutinised by the independent Development Assessment Commission, which has the power to request an environmental impact statement (EIS), public environmental report (PER) or a development report (DR). The commission is also responsible for establishing the guidelines for preparing the targeted EIS for the development report. The proponent is required to respond to all submissions, including any of the matters raised by local councils, before final assessment by the minister.

Often, authorisation allows the government to impose conditions that must be met before a project can go ahead. Proponents also risk the prospect of an early no and are unable to appeal the final decision. The EIS guidelines and more detail about the major development assessment process can be found online. Obviously, at this early stage, the final proposal is yet to be received from the proponent.

Since taking up the position of Minister for Urban Development and Planning in March 2005, I have declared about 16 project, ranging from the Olympic Dam expansion to the upgrading of lights at AAMI Stadium, as major developments, which is an average of about four projects a year. The Cape Bauer proposal is the first to be declared in 2009. I think it would be difficult for anyone but anti-development zealots to argue, based on those numbers, that this is an overused provision of the Development Act.

ECOTOURIST VILLAGE

The Hon. M. PARNELL (15:07): I have a supplementary question. In relation to the online material to which the minister has referred, will the minister be uploading some plans or more detailed proposals for the proposed development to join the only two documents that are currently online, which comprise the minister's press statement and the *Government Gazette* entry?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:07): I sort of anticipated that question. That is why I said during my answer that, at this early stage, the proponents have come up with some initial plans, but they are obviously preliminary. What will happen now is that the proponent, now that the project has been given major development status, will go away and put in a more detailed proposal, which will then go the Development Assessment Commission (DAC). DAC will assess the guidelines for the project, based on that submission.

At this stage, we will await the more detailed appraisal, which would obviously then be put up on the website, but that may take some time. In relation to the last major project I did before this one, which was in November last year, I do not believe we have yet received the final plans. However, the proponent at that time did make available some preliminary drawings. I will see whether I can make sure the honourable member is provided with some of the preliminary details if that is possible. Clearly, the actual plan that will be the subject of the major development process is yet to be received, and it is that on which DAC will base its guidelines.

FAMILIES SA

The Hon. A. BRESSINGTON (15:09): I seek leave to make an explanation before asking the minister representing the Minister for Families and Communities questions about the conduct of her department, Families SA.

Leave granted.

The Hon. A. BRESSINGTON: Last week, I was approached by a foster parent from Port Pirie and her advocate about the removal of a child from her care. This foster mother had, over a 13 year period, been a highly successful and effective foster parent for some 24 children, three being long term and several children had a disability.

I was told that she had become aware on 30 January 2009 that there were some unspecified care concerns, delivered to her verbally, concerning one such child who had been in her care for over five years.

In February, after complaining to the department that the child's need for more resources was being ignored, the foster mother was required to attend a psychological assessment; she was told that it was a condition of the child receiving any further support or services. Instead of offering additional support, the department then put in place moves to remove the child from the care of this foster parent.

The foster parent wrote to the minister, with no reply. A meeting was scheduled for 21 July 2009, which I believe was the country cabinet meeting period. The minister did not attend. By August 2009, the foster family was given the first sign of the department's intent to remove the child from the family's care. With no case conference, and based solely on one psychological assessment, a decision was made to remove the child from the foster family.

On 3 September, this young girl (now aged 9) was removed and taken to a location 300 kilometres away, to unfamiliar surrounds, with no family, friends or support networks in place. No opportunity was given to say goodbye to school friends or family or to attend a family birthday that had been organised for that weekend.

My office was made aware that the minister's office was attempting to set up a meeting appointment time, but after much confusion between the constituents, their advocate and the minister's representative, Mr Matt Clemow advised that he would meet with the constituents for half an hour to make up for the time that the minister did not give the constituent in July. He made it clear that, in fact, this meeting was not to review the case or to consider any of the issues that the foster family wanted to raise about the poor conduct of the department, but rather just to appease.

When my office and the advocate requested that the purpose of such a meeting be clearly put into an email to ensure clarity for the benefit of all parties, Mr Clemow, in a rude and abrasive way, expressed to my office and the advocate, in separate calls, that he had no intention of clarifying the purpose and nature of the meeting to be held, whilst berating all parties concerned for the last minute cancellation and apparent lack of appreciation of his efforts to arrange the meeting. My questions to the minister are:

1. How many foster carers remain registered with the department who do not have placements with them at this point in time, and what is the main reason for those foster parents not having a placement?

2. What steps did the minister take to seek advice on the adverse effects this swift removal would have on a child who was placed in foster care because of ongoing abuse and neglect issues of her birth family?

3. What obligation does the department have to alert foster parents of a lack of skills to provide care to foster children?

4. Why cannot foster parents be provided with a clear and detailed report of why their long-term foster placements are removed, and why does not the department take steps to upgrade the training of these foster parents and stop this pain being caused?

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) (15:12): I thank the honourable member for her questions and will refer them to the Minister for Families and Communities in another place and bring back a response.

OUTBACK ROADS

The Hon. T.J. STEPHENS (15:13): I seek leave to make a brief explanation before asking the Leader of the Government a question about Outback roads.

Leave granted.

The Hon. T.J. STEPHENS: Prior to the parliamentary break, I raised some concerns about the state of Outback airstrips. I mentioned what the former Liberal government had said about sealing airstrips in Outback areas and stated that the process seemed to have come to a standstill under the Rann government. I detailed that it is very much a safety issue as these airstrips become unsafe to use when it rains, rendering the Flying Doctor Service inoperable, a scary thought in an emergency situation.

It is, of course, much the same with regional roads. Roads which are not maintained efficiently and roads which are not sealed are extremely hazardous, in particular for inexperienced drivers in those conditions, and of particular concern are international tourists. These appalling conditions have been recently highlighted in the media, and constituents have contacted my office to raise their concerns about the lack of Outback road maintenance. My questions to the minister are: is he aware of the appalling conditions of Outback roads at the moment; and what is his government doing about urgently rectifying those appalling conditions?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:14): Under the Rann government there has been something like a sixfold increase in capital expenditure. This government is now spending on capital investment, right across the board, something like six times the amount that was provided in the last budget of the previous government, and that is right across the spectrum. So, I do not accept the fact that this government—

Members interjecting:

The Hon. P. HOLLOWAY: We do not care about the country? Is that so? We care a lot more about it than the—

Members interjecting:

The Hon. P. HOLLOWAY: There has been a sixfold increase in capital expenditure under this government right across the board, and that has been across a range of government activities, including within the transport sector. So, it is all very well for members opposite to pick one relatively small part of that overall account, but if you look at the overall amount—

Members interjecting:

The Hon. P. HOLLOWAY: The fact is that under this government not only have we restored the AAA credit rating and retained it in most difficult financial times but we have also done it at a time when there has been a massive capital increase. It is all very well for members opposite to attack this government for not spending enough, even though we are spending six times more on capital expenditure generally than was the case under the former government; not only are we doing that, but members opposite are calling for this government to spend money on a whole lot of extra things, notwithstanding the fact that we are facing the most difficult budgetary climate we have faced for many years.

In six months we will face an election, and it will be up to members opposite to come up with their priorities, but they will have to balance their books and tell the public of South Australia—

Members interjecting:

The Hon. P. HOLLOWAY: The mess that we made? Heavens above! Under this government not only was the AAA rating restored but it has also been retained in that difficult situation. There are difficult financial circumstances facing this state, and it is all very well for members opposite to attack, saying this government should be spending more money on this and that. Scarcely a day goes past when members opposite are not criticising this government for not spending enough. Of the eight members over there, six are now shadow ministers, so we can imagine what will happen with these calls for more expenditure. Perhaps the only one who might defer that is the Hon. Rob Lucas, who has to try to pull some of these figures together and make them all balance up at the end of the day.

I have a lot of interest in roads. Road asset maintenance is of course a high priority for any government, and the government will ensure that the available maintenance funds are carefully prioritised to ensure the highest benefits to road users through improved rideability, reduced crash risk and improved conditions for freight transport.

The figures illustrate that in 2008-09 the state government boosted the rural freight improvement program by $6.8 million, which is $26.8 million over four years. This program is aimed at addressing particular safety, traffic service level and asset preservation concerns in the state's

Outback and rural areas. The state government has also established a targeted $29.4 million program over four years for the sealing of road shoulders on high priority rural roads based on traffic volumes, the nature of the road and crash rates.

This government I believe is spending something like $268 million this financial year on road maintenance, road rehabilitation, resurfacing and other road investment, nearly double the Liberal government's road transport investment spending in 2001-02. The economy has grown, yes.

Members interjecting:

The PRESIDENT: Order! I think honourable members will all have to stop dieting on bird seed during the breaks.

The Hon. P. HOLLOWAY: What this government spends overall in its capital expenditure has risen sixfold, but in relation specifically to road maintenance it has almost doubled. In fact, that illustrates the point that, right across the board, this government is spending more on the assets of this state than was spent in the eight years before we came to government.

There is no doubt that the need is acute. For example, our railway system in Adelaide had sleepers that were laid in the 1950s, and this government needed to find the money to upgrade the system—and it has. The Belair line has just been opened with new sleepering, and there will be very significant investment in future years in—

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

The Hon. P. HOLLOWAY: —the electrification of the rail system in Adelaide, which will take pressure off the roads. It is important for our rural sector and our rural produce to have access to the best ports, so this government has used this significant capital—

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

The PRESIDENT: Order! The Hon. Mr Dawkins has question No. 8, if we ever get there.

The Hon. P. HOLLOWAY: —expenditure on building not only ports for rural produce but also roads like the new Northern Expressway, which is well underway and which will make it much easier for people in the rural sector to get their produce to market. This government has funded a few things that are on the way in relation to bridges, rail links and so on.

In summary, under this government there has been very significant investment in both road maintenance and capital expenditure. This government cares for its rural constituents. I really look forward to members opposite coming up with all their plans for the next budget. I think they will have a lot of trouble getting the sums together, but we look forward to that.

OUTBACK ROADS

The Hon. R.L. BROKENSHIRE (15:22): As a supplementary question to the minister's response, can he confirm that every dollar of the sixfold increase in infrastructure spending is government money; if so, how much of it is as a result of the GST?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:22): The honourable member would well know that GST revenues that come into the state are part of the overall financial package as GST revenue has increased. However, in recent years it has declined, and that is why it will be interesting for members opposite, when they come to their budget, to take into account that there are—

Members interjecting:

The Hon. P. HOLLOWAY: It is interesting that members opposite and their federal colleagues have been opposing the federal government stimulus package. They are saying that, because it has worked so well and the economy has not dipped so much, therefore the revenues might be up a bit and the federal government should back off its stimulus. Of course, that would run the risk of not only commonwealth revenues but also state revenues falling.

The link between GST and federal government funding for the states is quite complex. The commonwealth has adjusted other revenue as the GST has gone up. If the honourable member is serious about getting that information, I suggest that he puts a question on notice to the Treasurer about the detail because, clearly, it is a complex arrangement. It is not just a simple matter of GST increases, and one would have to look at the overall commonwealth expenditure for this state.

This government welcomes the fact that the commonwealth government has provided significant money to the states for some of our major transport and other projects, particularly in relation to water. Had we not had that money from the commonwealth government, we would not have been able to spend the money for the honourable member's constituents in the lakes region. I think that there has been some $600 million of expenditure to try to bring potable water to those areas, and that has put a significant strain on expenditure in those areas. However, we welcome the commonwealth's support for that important infrastructure, recognising the fact that we have just been through (and probably, in fact, still are part of) the worst drought that this state has ever faced.

TRADE MEASUREMENT INSPECTIONS

The Hon. I.K. HUNTER (15:29): I seek leave to make a brief explanation before asking the Minister for Consumer Affairs a question about recent trade measurement inspections in the Riverland.

Leave granted.

The Hon. I.K. HUNTER: Trade measurement inspectors from the Office of Consumer and Business Affairs periodically check businesses' measuring instruments so as to ensure their measurements for consumers and traders alike are accurate. Will the minister advise the council about recent actions taken to ensure that weights and measures used by retailers in the Riverland are accurate?

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) (15:25): I thank the honourable member for his most important question. Last week trade measurement inspectors from the Office of Consumer and Business Affairs visited 50 small traders in the Riverland region to check that scales and other measuring instruments being used were accurate.

The inspections focused on places like pharmacies, jewellers, delis, and automotive and hardware retailers. I am disappointed to report to the council that very few of them passed without any fault. Hardware and automotive stores performed the worst, with over 80 per cent using incorrect length measures and, in some cases, none at all.

Inspectors found some traders relying on unapproved measuring instruments with many traders claiming to be unaware of their responsibilities under the trade measurement laws. Traders need to be aware that measuring instruments should only be obtained from organisations holding a licence issued by a trade measurement authority. Measuring instruments purchased through the Internet or from overseas are not necessarily guaranteed as approved for trade. Traders, regardless of their size or location, need to be aware of and comply with trade measurement laws.

Traders who were found to be in breach of the law were issued with warning notices and provided with information sheets about their responsibilities. Follow-up checks will be carried out and, if errors are found again, traders risk a penalty of up to $20,000 under the Trade Measurement Act 1993. This government is committed to exercising the powers granted to it under trade measurement laws to ensure that the South Australian community, as well as visitors from interstate and overseas, has full confidence that they will get what they pay for and, in fact, that they get their full measure.

BURNSIDE COUNCIL DEVELOPMENT ASSESSMENT PANEL

The Hon. DAVID WINDERLICH (15:28): I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a question about the Burnside council development assessment panel and gender equity.

Leave granted.

The Hon. DAVID WINDERLICH: Members will be aware that there has been some controversy about the appointment of Mrs Davina Quirke of Burnside council to the Development Policy Advisory Committee. That debate has been over whether Mrs Quirke (a first-time councillor with no experience of development assessment but extensive links to the ALP) was appointed on the basis of her ALP links. Mrs Quirke has told me that she is no longer a member of the Australian Labor Party.

On 31 August, the Minister for Urban Development and Planning defended the appointment of Mrs Quirke on the grounds that she was one of the few women who applied for the position.

Members interjecting:

The PRESIDENT: Order!

The Hon. DAVID WINDERLICH: The government's commitment to gender equity is reflected in the Development Act under section 56A, which provides:

> Unless an exemption is granted by the minister, the council should ensure that one member of the panel is a man and one is a woman and should ensure, as far as practicable, that the panel consists of equal numbers of men and women.

The Burnside council appointed a new development assessment panel on 16 December 2008. At that meeting, on three occasions, the majority of councillors voted against the appointment of the sole female applicant—a solicitor who holds an honours degree in architecture, is studying for a masters degree in urban planning and has served a full four-year term on a metropolitan council. Instead, they appointed three males—all with some relevant qualifications but none who appeared to be as strong a candidate as the single female. Mrs Quirke voted for the female applicant on one occasion and against her and in favour of arguably less qualified male candidates on two occasions. My questions are:

1. Is the minister aware that Burnside council appears to have chosen to appoint relatively less qualified men to the development assessment panel over a highly qualified woman?

2. Does the minister consider this to be a potential breach of section 56 of the Development Act which requires that, as far as practical, the panel consist of equal numbers of men and women?

3. Will the minister investigate this potential breach of the act?

4. What action will the minister take to promote the participation of women in the Burnside council development assessment panel and other council development assessment panels?

The PRESIDENT: In his answer the minister will avoid touching on those parts of the honourable member's questions in which he has asked the minister for an opinion on whether someone was more qualified than someone else.

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:31): I understand this matter has been raised with me through correspondence, and I recall writing to Burnside council some time back. I will recover that correspondence and get back to the honourable member in relation to the issue. If my memory serves me correctly, the matter has been raised with me and I have raised it with Burnside council; however, I will check the correspondence and get back to the honourable member.

PUBLIC-PRIVATE PARTNERSHIPS

The Hon. R.I. LUCAS (15:31): I seek leave to make a brief explanation before asking the Leader of the Government a question on the subject of probity in PPPs.

Leave granted.

The Hon. R.I. LUCAS: Members will be aware that in recent weeks there has been significant public controversy about the Rann government's public-private partnership involving the $323 million super schools project, its relationship with the activities of the fundraising arm of the Labor Party, SA Progressive Business, and the activities of former Labor senator Nick Bolkus. For some time questions have been raised about the probity of the Premier and his ministers involving themselves with major Labor Party fundraisers attended by bidders and advisers during the actual bidding process for major PPP projects.

For example, during the bidding process for the $323 million super schools project a number of bidders and advisers were actually involved in fundraisers organised through Labor's fundraising vehicle, SA Progressive Business. Documents provided under freedom of information have released the names of some of those involved, including the Plenary Group, Abigroup, and Babcock and Brown (who later dropped out of the process). My questions to the Leader of the

Government, as a senior minister in the Rann government, and bearing in mind that cabinet made the final decisions on the $323 million super schools project, are:

1. Can he assure this chamber that he did not participate in any SA Progressive Business fundraiser for the Labor Party which involved any bidder or adviser to a bidder during the bidding process for the $323 million super schools PPP project?

2. Do the government's current probity rules for PPP projects allow bidders and advisers to host and participate in major SA Progressive Business fundraisers for the Labor Party during the bidding process?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:33): The honourable member would well recall that he asked some questions on probity rules some time back, and I put on the record then what was my understanding of those rules. I think (if my memory serves me correctly) that that was in relation to an earlier PPP project, but as far as I am concerned those rules still apply.

Have I been to a fundraising function at which one of these people may have been present? I suppose one can never be certain. This is my 40th year of membership of the Australian Labor Party, and I have been going to fundraising functions for a long time—literally thousands of them.

During that particular period, I am not sure whether I was at a function at which one of those people was present or not; after all, one cannot always be certain who is present in the large crowds that we get at some of our functions. What I can say absolutely is that I have not, during that period, discussed any of the details relating to any PPP with anyone. Whether or not they are present, I suppose one could never be 100 per cent certain, but what you can be sure of is that I have not discussed any details in relation to it, nor should anyone from the government, unless there was some issue from the person conducting the process.

ANSWERS TO QUESTIONS

SAFEWORK SA

In reply to the **Hon. J.A. DARLEY** (19 June 2008).

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business): The Minister for Industrial Relations has provided the following information:

1. Yes. I have now received information from SafeWork SA regarding this incident.

2. The lift was repaired in October 2008 by Otis Elevator Co who manufacture, install and maintain lifts. Following this repair work, SafeWork SA undertook a thorough inspection of the lift.

The prohibition notice preventing use of the lift was signed off by SafeWork SA lift inspectors on 17 October 2008. The prohibition notice set out the requirements necessary to achieve safe operation of the lift, which Otis has now met.

The building owners have now also complied with three OHS improvement notices which related to operating instructions, levelling the basement landing and access to the basement in the event that the lift is not operational.

3. At approximately 5pm on 7 July 2006, SafeWork SA was notified of an incident at the premises. SafeWork Inspectors attended Port Art Supplies at 8am on 8 July 2006 and immediately commenced an investigation.

A Prohibition Notice was issued by SafeWork SA on 8 July 2006 ceasing all use of the lift until it complied with the Occupational Health, Safety and Welfare Act 1986 and Regulations made under that Act.

Compliance with this Notice was achieved on 17 October 2008 after SafeWork SA Inspectors were satisfied compliance was met.

SafeWork SA also issued three Improvement Notices to the building owner in relation to operating instructions and building issues. Compliance with these Notices was achieved on

13 November 2008 and further confirmed by an Inspector during a follow up visit on 18 December 2008.

4. The appropriate information has been supplied by SafeWork SA regarding this matter.

POLICE, APY LANDS

In reply to the **Hon. T.J. STEPHENS** (11 September 2008).

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business): The Minister for Police has provided the following information:

The Commissioner of Police advises that South Australia Police (SAPOL) is committed to securing a valued and engaged indigenous workforce, which meets or exceeds the strategic benchmark referred to. To that end, SAPOL's activity in this area includes:

In relation to non-sworn positions:

- SAPOL has recognised a difficulty in reliably securing Community Constables in some remote communities. In order to address that shortfall, SAPOL is trialling a new role of Police Aboriginal Liaison Officer. These new positions are non sworn (PSM Act) appointments of suitable local indigenous persons. Four such employees are currently deployed in the APY Lands, and upon review of the trial consideration will be given to expanding this segment of the workforce.
- SAPOL actively recruits Aboriginal trainees annually to fill Government Traineeship Scheme positions. To date, six Aboriginal trainees have been recruited during 2008.
- Using the Graduate Program, SAPOL has actively sought to identify suitable aboriginal Graduates for employment under the Graduate Program. Although not successful to date, this initiative will continue.

In relation to sworn (Police Act) positions:

- SAPOL has completed the analysis and draft policy for the introduction of a bridging course to enable suitable aboriginal Community Constables an easier transition into (mainstream) sworn appointments as police officers. This policy is now subject to consultation and approval, but it is expected to provide improved career attraction and options for indigenous people with an interest in policing.
- SAPOL's current recruit marketing campaign is based on extensive professional marketing research, which was required to address attraction and retention of a number of key employment groups including indigenous employees. The existing campaign subsequently incorporates elements specific to the attraction and retention of indigenous employees.
- SAPOL conducts a formal review of the recruiting process and its performance on a regular basis. This review incorporates a specific focus on the recruitment of indigenous employees, as well as those from a CALD (culturally and linguistically diverse) background. The last such review was completed in 2007, and it is intended to commence the next review in 2008.
- SAPOL has recently completed a collaborative initiative with the Adelaide TAFE College to implement a new Certificate 3 in Police Studies. This course is specifically designed to provide participants with knowledge, skills and aptitudes relevant to police pre-entry requirements, and it is due for a formal launch and commencement in the next few weeks. SAPOL is now working with TAFE to develop a unique program (based around the new Certificate 3 course) for prospective indigenous recruits.

Additional supporting strategies:

- In order to ensure that SAPOL's work environment is accepting and supportive of indigenous employees, SAPOL has (for some years now) maintained a regular and consistent program of Cultural Awareness Training for all employees.
- As an agency within the Justice Portfolio, SAPOL is committed to a range of underpinning strategies and targets contained within the Justice Portfolio's Indigenous Retention and Employment Strategy.

- SAPOL participates in ongoing meetings with Aboriginal Affairs and Reconciliation Division (AARD) within Department of Premier and Cabinet. This has included the development of strategies and performance indicators underpinning the Cultural Inclusion Framework.
- Through its established relationship with AARD, SAPOL is familiar with the broader range of government indigenous employment initiatives and accesses and supports those where it can:
    - Aboriginal Employment Register
    - 1800 Employment/Training Information Line
    - Skills Development Program
    - Aboriginal Recruitment Program
    - Career Enhancement Program
    - Aboriginal Apprenticeship Program Industry Initiatives

WATER BILLING

In reply to the **Hon. J.A. DARLEY** (25 September 2008).

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business): The Minister for Watery Security has provided the following information:

1. $0.9 million annually.

2. While options other than quarterly meter reading have been canvassed within SA Water, these options, including a minor software programming amendment to 'estimate' quarterly water use were not considered appropriate. While this option would have involved only a small one off programming cost it would not provide our customers the assurance many expect that their bills reflect their consumption. Estimates of water use are sometimes used currently when necessitated by meter and meter reading issues but they are not popular and are the source of significant customer concerns.

Moreover, quarterly meter reading provides customers with more timely and accurate usage information. This is considered desirable to reinforce the pricing signal inherent in water use charges and necessary to reinforce responsible water use practices.

Quarterly meter reading is common for other utilities and many water authorities' interstate.

AUDITOR-GENERAL'S REPORT

In reply to the **Hon. D.W. RIDGWAY (Leader of the Opposition)** (27 November 2008).

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business): The Department of Planning and Local Government have recently undertaken a recruitment and selection process for the following executive positions:

- Director, Legislation and Governance
- Director, Strategic Policy and Sustainability
- Director, Communications
- Director, Major Projects

The selection process was completed on 15 May 2009 and offers have been made to the successful applicants.

PORT LINCOLN, PLANNING

In reply to the **Hon. M. PARNELL** (5 March 2009).

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business): I thank the Honourable Member for the opportunity to respond to his supplementary question about the City of Port Lincoln Building Heights and Design (City Centre) Development Plan Amendment (DPA).

As indicated previously, the purpose of the Building Heights and Design Centre (City Centre) DPA is to address a lack of policy in the existing Development Plan with regards to the height and design of buildings in the city centre of Port Lincoln.

The Department of Planning and Local Government has recently forwarded its advice to me on the DPA. This advice includes a review of all public and agency submissions.

When considering the DPA for final approval I will take into account all concerns raised in the submissions and any recommendations of my department. One of the options available to me is to refer the DPA to the Independent Development Policy Advisory Committee for further consideration. I will make my decision on this matter shortly.

Specifically, in relation to the supplementary question put forward by the Honourable Member:

The DPA was approved by me for interim operation approval at the commencement of the consultation period on 21 August 2008. This was requested by Council in order to prevent development occurring during the consultation stage which would be contrary to the intent of the DPA. In this case there was a lack of policy in the existing development Plan with regards to the height and design of buildings in the city centre of Port Lincoln.

Indeed I am advised that Council was infact approached by development interests in mid 2007 regarding a proposal for a 13 storey building in a area of the City Centre. The use of interim operation is a standard practice and allows the merits of the proposed policy to be examined without any prejudicial development occurring during the consultation period.

Interim operation of the DPA is due to lapse on 21 August 2009.

PUBLIC-PRIVATE PARTNERSHIPS

In reply to the **Hon. R.I. LUCAS** (8 April 2009).

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business): The Treasurer has provided the following information:

1. The State asked bidders to clarify some matters related to their proposal and invited them to improve their position on significant departures that were unsatisfactory to the State.

2. The State's bidding position has remained the same, i.e. to achieve value for money for taxpayers.

3. The government's requirement in the New Schools RFP is that a minimum of two schools should be available for opening in the 2010 school year.

WORKCOVER CORPORATION

In reply to the **Hon. A. BRESSINGTON** (29 April 2009).

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business): The Minister for Industrial Relations is advised that:

1. WorkCover's General Counsel, determines whether a particular dispute constitutes a significant case in consultation with both Employers Mutual and WorkCover's legal provider Minter Ellison.

2. WorkCover advises that it has not maintained individual records over the past twenty years of matters that were considered either scheme critical or significant cases. The cost of litigating these disputes is covered as an ordinary legal cost. WorkCover has never differentiated between scheme critical or significant case costs and the costs of resolving ordinary disputes.

3. The Scheme Critical List was initially developed by the Manager of Claims Operations, in or about 1994. As the significant case list performs an administrative function only, the practice of formulating and circulating such a list did not require the approval of the Minister or the Parliament.

4. There is no 'remedy' which the Minister should provide for significant cases as they are matters that raise specific issues concerning the viability of the Scheme or the interpretation

and application of the legislative amendments. The identification by WorkCover of a matter as a significant case has no impact on the outcome, which is decided by the Tribunal or court on the evidence.

5. There appears to be no relevant matter for such a referral.

POLICE RECRUITMENT

In reply to the **Hon. R.D. LAWSON** (12 May 2009).

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business): The Minister for Police has provided the following information:

The South Australia Police (SAPOL) have advised that since 2004, SAPOL recruiting teams have visited the UK six times and the total costs to date for UK recruiting has been $450,501. The costs include airfares, residential and office accommodation, meals, hiring facilities and freight. Relocation costs incurred and visa fees are the responsibility of the UK recruits. Subsidies are not provided by SAPOL.

SAPOL began recruiting from the UK in 2005, since then 399 UK police have been recruited.

SAPOL recognises prior police service (RPS) of officers employed from other Australian police services, the UK and New Zealand. Prior service is recognised and is relevant to determining a minimum probationary period, pay related calculations for positions held at the rank of constable and in relation to recognising service required to enable in-situ promotion to senior constable. SAPOL calculates RPS by acknowledging 50% of former continuous service and active police service with an approved police jurisdiction. Each applicant must have three years continuous and active police service within the previous five year period prior to recruitment. It is limited to a maximum credit of seven years service.

SAPOL also recognises prior learning and current competence (RPL). Applications relating to promotional qualifications can be made by a permanently appointed member who has held a substantive rank position at the rank of senior constable or above within an interstate or approved overseas jurisdiction. Periods of relieving or acting rank are not considered. If the member's previous police service does not have a senior constable equivalent rank, there is no opportunity to apply for RPL.

Applications are assessed through an internal SAPOL Committee. Members whose previous substantive rank was as a sergeant or above are required to complete the Advanced Diploma of Policing and pass the sergeant/senior sergeant exam and course to be qualified for sergeant and senior sergeant. They can apply for status with TAFE for previous tertiary study towards the Advanced Diploma of Policing.

RPL can also be applied for by permanently appointed members in relation to SAPOL vocational courses. Applicants must have completed a similar approved vocational course within their originating service.

UK (and interstate) recruits undertake a ten week conversion course at the Police Academy. RPS is one element considered when determining the subsequent probationary period for each recruit. Probationary periods can be six, nine or twelve months, dependent on the individual's skills and experience.

RPS has been discussed with each applicant during the recruiting process conducted in London before they are invited to accept a job offer with SAPOL. More recently, information regarding RPS and RPL has been posted on the recruiting website www.achievemore.com.au for applicants to consider prior to submitting their application for employment.

ADELAIDE AIRPORT

In reply to the **Hon. R.D. LAWSON** (14 May 2009).

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business): The Government, Department of Planning and Local Government (DPLG), the Department for Transport, Energy and Infrastructure (DTEI) and the Office of Major Projects and Infrastructure (OMPI), are members of the Adelaide Airport Limited (AAL) Consultative Committee for both Adelaide and Parafield Airports. The Committee meets quarterly. The function of the Consultative Committee is to provide

an advisory forum for the free exchange of views on airport matters between various sections of the aviation industry and the community, provide airport management with information of developments from others that could have effect on the future of the airport and for airport management to provide and discuss with Committee Members details of airport developments and changes to operations that could affect their respective sector of responsibility.

Membership of the Committee comprises representatives from Local Members of Federal and State Parliament, AAL, Commonwealth Department of Infrastructure, Transport, Regional Development and Local Government, State Government Departments, neighbouring Local Government, Airservices Australia, Airline Operators, General Aviation, Concessionaries, State Tourism and Local Interest Groups. In addition to the Consultative Committee, a planning sub-group also meets to specifically discuss planning related issues. Membership of the sub-group comprises the State Government Departments, AAL and neighbouring Local Governments.

The Consultative Committee has informed the government of the preparation of the Adelaide Airport master plan. The government was given the opportunity to informally comment on the initial workings of the master plan. Although, it should be noted that the level of detail that is now presented in the master plan document was not then available. OMPI collated the initial responses on behalf of Government Departments.

The government is aware of the sensitive planning issues that are associated with development at Adelaide Airport. DPLG, DTEI and OMPI are currently undertaking a detailed review of the master plan document to ensure it is in line with relevant State Government policies, in particular the State Strategic Plan and the Planning Strategy for Metropolitan Adelaide. OMPI will collate a whole of government response, which is to be submitted to AAL prior to finalisation of the master plan and consideration by the Federal Minister for Infrastructure, Transport, Regional Development and Local Government.

REPRODUCTIVE TECHNOLOGY (CLINICAL PRACTICES) (MISCELLANEOUS) AMENDMENT BILL

In committee.

Clauses 1 to 6 passed.

Clause 7.

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

Page 4, lines 3 to 9 [clause 7, inserted section 4A]—

Delete inserted section 4A and substitute:

4A—Welfare of child paramount

> The welfare of any child to be born as a consequence of the provision of assisted reproductive treatment in accordance with this act must be treated as being of paramount importance, and accepted as a fundamental principle, in respect of the operation of this act.

This amendment seeks to essentially bring the bill back to what it was prior to the introduction of the government's bill. I will read out a section of my proposed amendment as follows:

> The welfare of any child to be born as a consequence of the provision of assisted reproductive treatment in accordance with this act must be treated as being of paramount importance, and accepted as a fundamental principle, in respect of the operation of this act.

The difference in the bill as it currently stands, as presented by the government, is that section 4A of the bill talks about both the person who is undergoing the reproductive treatment and the child being of fundamental importance. My amendment seeks to essentially hold the status quo; that is, maintain that the current situation is that the welfare of the child should be of paramount importance. That has been the case since we have had reproductive technology legislation.

There are a number of reasons for moving this amendment today. The first one is simply that I think whenever there is a change sought by a group, whether it be a government, as in this particular case, or any group, they need to make that case for change; that is, the onus is on those seeking the change. I do not believe that that test has been met in this particular case.

Where is the case for change in this instance? Why should the children no longer be considered the sole paramount consideration as my amendment proposes and, indeed, as the law is currently?

However, that is not the only reason I have moved this amendment today: there are a number of other reasons. The second reason is that, when an adult goes into any assisted reproductive technology process, they go into it with their eyes wide open; that is, as an adult, they understand what are the implications and consequences of their decision, and they have an opportunity to consider all the pros and cons and to make a decision based on that assessment. However, children often do not have that opportunity. In the case of assisted reproductive technology, they certainly do not have that opportunity.

Furthermore, if the act is amended in the way the government seeks, as the bill is presented we would see the actual proposal run contrary to a number of United Nations Conventions on the Rights of the Child. Indeed, article 3 of the United Nations Convention on the Rights of the Child states:

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

Article 7 states:

> The child shall be registered immediately after birth and shall have the right from birth to a name, a right to acquire a nationality, and, as far as possible, the right to know and be cared for by his or her parents.

Furthermore, section 60CA of the Family Law Act 1975 provides:

> In deciding whether to make a particular parenting order in relation to a child, a court must regard the best interests of the child as the paramount consideration.

Section 60CC provides:

> In determining what is in the child's best interests...The primary considerations are:
>
> (a) the benefit to the child of having a meaningful relationship with both their parents.

Furthermore, section 4 of the Children's Protection Act 1993 requires that Families SA focus on:

> the child's wellbeing and best interests as the paramount considerations.

There are a number of other bodies, as we have heard in this debate, including the United Nations itself, the commonwealth Family Law Act, the Children's Protection Act, etc., all of which state that the welfare of the child should be the primary consideration. That is the law as it currently stands. I do not believe that the case for change has been made in any way, shape or form—certainly not to my satisfaction. The question is: why should that be changed, and why should we include the welfare of the parents as being of equal and fundamental importance? I do not believe that should be the case, and for that reason I have moved this amendment to maintain the current situation, should this bill pass.

The Hon. G.E. GAGO: The government believes that this amendment makes a positive contribution to the bill. The government supports the amendment.

The Hon. S.G. WADE: Can the minister expand on the statement that the government believes it makes a positive contribution? What remedy is sought to be addressed by this amendment and what change will be produced.

The Hon. G.E. GAGO: I should correct what I have said. The government does not support this amendment. It is a conscience vote, so the government does not have a view. However, I indicate that I support this amendment.

The Hon. S.G. WADE: I was not asking the minister to comment on Mr Hood's amendment; I was asking the minister to comment on the clause which Mr Hood's amendment would knock out. Why did you include that clause?

The Hon. G.E. GAGO: This particular clause was included on the advice of the South Australian Council of Reproductive Technology that the welfare be extended to all parties. I have indicated that I support the Hon. Dennis Hood's amendment, which has the effect of emphasising the welfare of the child and does not diminish the entitlements or conditions of other parties. In that respect, it enhances the bill.

The Hon. CARMEL ZOLLO: As previously indicated in my short second reading contribution, I support the Hon. Dennis Hood's amendment, in that I believe it does put the best interests of the child first.

The Hon. D.G.E. HOOD: I thank the minister for her contribution and her position on that. I am grateful also to the Hon. Ms Zollo and others who have indicated their support, privately or at other times.

Amendment carried; clause as amended passed.

Clause 8.

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

Page 6, lines 1 to 8 [clause 8, inserted section 9(1)(c)(i) and (ii)]—Delete subparagraphs (i) and (ii) and substitute:

(i) if, having regard to all of the circumstances of a particular woman, the woman would be unlikely to become pregnant other than by assisted reproductive treatment;

Essentially, the amendment is to change the requisite conditions for treatment at a South Australian clinic from that of medical infertility to a situation whereby in a doctor's opinion a woman is unlikely to fall pregnant without ART. I advise the chamber that this is essentially a direct lift from the Victorian legislation, albeit phrased in the superior language of the South Australian parliamentary counsel. The effect is to make the bill less restrictive so as to allow women who want access to donor sperm to have some confidence in that sperm not being able to cause a genetic defect or to pass on a viral infection.

I will not repeat my second reading speech, but I will summarise by saying this: the class of woman affected by my amendment, i.e., those not classified as medically infertile, have access to ART under similar legislation in Victoria, New South Wales and the ACT. If my amendment is not successful it will mean that these women will not be precluded from accessing sperm through clinics in other states but will be precluded from accessing that very same treatment in South Australia.

Women who want to become pregnant via ART will then either have to travel interstate for that treatment, at great cost and inconvenience, or be forced to use the old method of turkey baster insemination at home using sperm that they have obtained in some fashion, and that is, of course, sperm not screened by a clinic for genetic problems or, indeed, for the transmission of a virus.

I do not believe that we should be in the business of denying women the ability to use safe donor sperm in South Australian clinics which they could otherwise access interstate. I, for one, would much prefer to see that children born via insemination are free of possible genetic disorders or viruses, like HIV or Hep C, or that, in the alternative, women are not forced to travel interstate (frequently and expensively) to access this treatment.

Finally, the Hon. Mr Lucas made some comment in his second reading contribution, I think alluding to my foreshadowed amendment, about the cost of ART and the amount of public funds that are used in the provision of such a service.

My advice is that for infertile women the amount of public funding is substantial, but that has no bearing on my argument. My advice is that, for non-clinical circumstances, to which my amendment leads (that is, for women not considered medically infertile), that woman is responsible for the full cost of treatment, so my amendment would have no effect in terms of public funding of that treatment.

The Hon. G.E. GAGO: I support the Hon. Ian Hunter's amendment. I have a particular personal commitment to this amendment. The amendment removes the requirement that a woman must be clinically infertile in order to access ART. The amendment seeks to require that consideration be given to the individual circumstances of a woman seeking to access ART so that access is not based only on clinical (that is, medical) infertility.

The Hon. Mr Hunter's amendment makes it possible for single and lesbian women to access ART. I wholeheartedly support this approach, as does the commonwealth Sex Discrimination Act and other areas of Australia. I remind members that other Australian jurisdictions, including Victoria and Queensland, do not preclude the use of ART by single or lesbian women. As a former health care professional, I am committed to ensuring that women have access to safe, quality fertility and medical services. Currently, women wanting to have children and who cannot access ART may—and we are aware that at least some do—engage in unsafe practices in order to become pregnant. This should not occur, and it is very easily avoided.

This is a bill about making family life possible, and it is inequitable to exclude women who genuinely want children just because they do not conform to outdated ideas of what families should

look like or who should be raising children, because they are the issues that are usually raised when debating the consequences of this provision.

There is no evidence that single parents and gay couples do not provide loving and nurturing homes for children. Australian research into single parenting tells us that single parent households are increasingly common. In fact, they are the fastest growing type of family in Australia. There is little evidence to support the assumption that children are disadvantaged emotionally by being raised by a sole parent. Indeed, research tell us that the quality of care received by a child matters far more than who provides it.

A study by the Urban Institute Think Tank and the Williams Institute at the UCLA School of Law concluded that gays and lesbians are a great untapped parenting resource, considering that 500,000 children are in foster care across the United States and an estimated 2 million gay, lesbian and bisexual people are interested in adopting.

The study, based on 2000 census data, states that same sex couples who are raising adopted children are more educated, older and have more economic resources than other adoptive parents. Past studies on how children fare with gay, lesbian and bisexual parents have found no negative consequences, according to the Urban Institute report. Others also note that there is no major difference in parenting or child development between families headed by lesbian or single heterosexual mothers.

A study by the American Academy of Pediatrics found that children who grow up with one or two gay or lesbian parents fare as well in emotional, cognitive, social and sexual functioning as do children whose parents are heterosexual and that a child's optimal development seems to be influenced more by the nature of the relationships and the interactions within the family unit than by the particular structural form that they take.

The American Psychological Association as well notes that three decades of research shows that children of gay and lesbian parents are just as mentally healthy as children with heterosexual parents. The USA National Longitudinal Lesbian Family Study was, I am told, the longest running study ever conducted on American lesbian families and was published last year.

The study followed planned lesbian families with children conceived by donor insemination since 1986. The study found that discrimination is more likely to harm children than the sexual orientation of their parents—a lesson for us all. Australian research supports this finding. This is obviously real food for thought.

We should not encourage discrimination of any kind. We should be working towards embracing and accepting all kinds of families. I remind members that in this place we recently passed amendments to the Equal Opportunity Act, and I think we all agreed then that discrimination was wrong; however, I believe that this bill, as it stands, allows for discrimination to occur. I am pleased to support the bill and the amendment of the Hon. Ian Hunter.

The Hon. S.G. WADE: I have a question for the minister about how the bill would operate if it were amended in the way in which the Hon. Mr Hunter suggests. In her second reading explanation, she said:

> I stress the stringent requirements in this portion of the bill. I believe that there are adequate protections within this proposal to ensure that the welfare of the child is paramount. The required counselling, as well as clinical ethics committee advice, would ensure that all social, legal and psychological issues are explored and addressed prior to anyone having treatment.

Is a potential parent's suitability to be a parent assessed as part of the screening process for ART? Would an unsuitable set of parents be excluded from ART?

The Hon. G.E. GAGO: The short answer is yes to both questions: counselling, screening, etc. occur and unsuitable parents can be excluded. However, access to treatment is based on the proposed conditions of the bill, and clinics would not, as stated, be legally able to refuse someone on the ground of sexual orientation. So, it is consistent.

The Hon. S.G. WADE: I would like to take a different approach to that of the Hon. Ian Hunter and the Hon. Gail Gago. In my second reading contribution, I highlighted that, in considering this bill and the amendments to it, I was determined to give primacy to the welfare of the child. In this regard, I have had to balance two elements: first, I needed to consider the relevance of the family context of the commissioning parents to the interests of the child.

Some contributions suggest that, by definition, to allow a child to be conceived in a non-traditional family is not in the best interests of the child. As a Christian and a Liberal, I have profound respect for the traditional family, and I am old-fashioned enough to expect that, in most cases, a family headed by a mother and father is more likely to be in the best interests of the child.

However, I do not consider that, by definition, other family models cannot be in the best interests of the child. Therefore, I do not consider that non-traditional family models should be legislatively prescribed under this legislation. I reiterate my strong desire that assisted reproductive technology services should have high quality assessment and counselling support that can look out for the best interests of the child.

The second aspect in considering the best interests of the child in this bill and in this amendment is the risk of not providing children with the protections available under the ART framework under the bill. I am very concerned that children being conceived outside the framework of the bill are not being provided with a range of protections. For example, they would not be given the protection of the assessment and counselling services, they would not be given the protection of the full medical support of ART services and they would not be given the protection of screening to avoid the transmission of sexual diseases and genetic conditions.

There are family models I would find challenging but, particularly because they are challenging, I think it is important for the sake of the welfare of any children who might be conceived in these family models that these children have the protection of the act. Accordingly, on the ground of the interests of the children, I will be supporting the amendment of the Hon. Ian Hunter.

The Hon. D.G.E. HOOD: I will be opposing the amendment and I would like to make a couple of points about that. In the minister's second reading explanation she outlined the government's position on the bill, being a government bill in the first place, and said:

> Access to treatment is still based on clinical need.

That is the intention of the bill and, obviously, as the Hon. Mr Hunter has himself said, this amendment will take the bill outside that scope and it will expand ART services to those who do not have a clinical need, as such—that is, they are not clinically infertile. That is the first reason to oppose the amendment—that is, it is not within the intention of the bill itself. I will read the Hon. Mr Hunter's amendment for members' interest. It states:

> ...if, having regard to all of the circumstances of a particular woman, the woman would be unlikely to become pregnant other than by assisted reproductive treatment—

meaning, of course, that she may not necessarily be infertile but there may be other facts which would mean that she would not have access to IVF services.

We have focused mainly on the lesbian issue in the debate so far: that is, should lesbians have access to IVF? The problem with the amendment, as I see it, is that it is not just about lesbian access to IVF: it is much broader than that. Potentially, for example, we could have a situation (some people may feel that this is an acceptable situation; others may not), certainly on my reading of this amendment, where women in prison could argue that their circumstances dictate that they would not normally be likely to become pregnant.

Should this amendment pass, they would then qualify for assisted reproductive technology services. We do not have conjugal visits in South Australia and, as a result of that, it is virtually impossible for a woman in prison (a convicted criminal) to become pregnant and, therefore, she would qualify—according to the advice I have been given and on my simple reading of this amendment—for assisted reproductive technology services under this amendment. The question is: is that what people want?

The list could go on and on. Potentially, we could have a situation where, because there is no age limit, very elderly women could seek reproductive technology treatment under this amendment. For those who think that is unlikely, I have a clipping here from the *Mail* Online of 14 July about a 72 year old woman in the UK who is accessing assisted reproductive technology treatment over there. Her reason for not falling pregnant by normal means is that she says she has never had a long-term relationship, so this would include people like her.

I have been advised that celibate people, for example, would qualify for assisted reproductive technology services under this amendment, or people who may consider themselves to be too busy for a relationship. It is a very wide net we are casting with this proposed

amendment. I am not sure whether that is the intention of the mover but I am sure he will comment on that. However, I think the bill, as it currently stands, deals with a specific condition—and that is infertility. Somebody who is trying to have a child and is unable to have a child has a medical avenue to pursue in order to assist in that regard. However, this amendment casts the net very wide, indeed, and I will not be supporting it.

The Hon. CARMEL ZOLLO: I mentioned in my second reading speech that I did not believe the Hon. Ian Hunter's amendment would necessarily serve the best interests of the child. I have heard the debate thus far and I will not be able to support this amendment. It is a conscience vote, so I thought I should place that on the record.

The Hon. J.S.L. DAWKINS: The first thing I would like to observe in relation to the amendment is that the Hon. Mr Hunter is sincere and consistent in his wishes for this legislation (similar to what he wished to do with the altruistic gestational surrogacy measure that I have had in this chamber, and still have in the House of Assembly), so I give him great credit for that. However, I believe I have also been consistent in my views throughout that debate on issues such as this.

Like the Hon. Mr Hood, I think this bill is about technology to help people who are infertile. We should remember that the definition of infertility relates not just to people who cannot conceive naturally but to many others who can conceive naturally but cannot then carry the child. They are also regarded as infertile in the terminology used for this bill. Having made those remarks, I indicate that I cannot support the Hon. Mr Hunter's amendment.

The Hon. J.M.A. LENSINK: I will not be as eloquent as the people who have preceded me but I do see that this is an important health protection measure and, if we are to err on one side or the other, we should err toward the best interests of health for the child and the mother; therefore, I will support this amendment.

The Hon. A. BRESSINGTON: I indicate that I will be supporting this amendment. We seem to be living under the misconception that heterosexual couples have got all this right. We have a high divorce rate; we have abused children under the care of heterosexual parents; we have a myriad of social problems, all of which indicate that the best interests of the child are not going to be any further affected by extending reproductive technology to same-sex couples. I would like to remind members in this place that same-sex couples are becoming impregnated by most unhygienic and primitive means. We are talking about people's health and welfare and, as well as the best interests of the child, we should be taking into consideration the fact that these practices are going on now. We are using turkey basters, instead of medical technology with its safeguards.

I think this debate is old. The other night I watched a movie called *Milk*, which was about the beginning of the gay lobby movement, and I was surprised that the arguments put forward against gay rights way back then were exactly the same. The arguments put forward then are the same now; nothing has changed. We have continued to resist moving forward and accepting the fact that homosexuality is (I believe) actually a part of nature. Homosexuals have been discouraged from coming out and owning their sexuality because of social pressure; we are now moving into a time when more and more people are owning that, and I believe they deserve the right in our society to enjoy the possibility of having a family, and to live as much of a normal (if you could call it that) life as possible, without all the prejudice and discrimination they have had to face for all these years.

It is time for this debate to be over. I urge members to put their personal views aside and look at this as a whole of society issue that needs to be addressed.

The Hon. I.K. HUNTER: If there are no further contributions—

The Hon. R.I. Lucas: That's not necessarily so; you don't close the debate.

The Hon. I.K. HUNTER: I am not presuming that, Mr Chairman, but no-one else has stood up, so I will speak before you put the amendment. I thank those members who have spoken so far on my amendment. I would like to say, in respect of the views expressed by the Hon. Mr Hood, that lesbians and single women have access to ART now under the existing legislation; lesbians and single women will have access to ART should the bill before the council pass without my amendment. The difference is that only lesbians and single women who are medically infertile currently will have access to ART. The situation I am seeking to reflect is the one that pertains now in Queensland, New South Wales, Victoria and the ACT, whereby the consideration of medical infertility is too restricting, and to open it up to those women who would otherwise, in the opinion of a doctor, be unable to fall pregnant.

The Hon. Mr Hood (as is his wont) gives some extreme examples—old age or some age limit, or that prisoners may access this treatment—to try to show that my amendment is open to abuse. I do not think that is right. The fact is that anyone who wants to access this treatment must still go through the stringent counselling and screening procedures, and also meet the requirement we have just passed—an amendment moved by Mr Hood—that the provision of treatment be in the best interests of the child. If all those boxes are not ticked you will not have access to the treatment, so to say that women in prison or very old people will naturally get a leave pass to access this treatment is just wrong.

Mr Hood says to us that we are casting a very wide net with this amendment. I say, respectfully, that he is drawing a very long bow.

The Hon. D.G.E. HOOD: I need to respond to that. There is no doubt at all that, in the reading of this amendment, the examples I gave are correct. The Hon. Mr Hunter may have a different view—and that is fine; he is entitled to do so—but the advice I have, and the plain reading of the amendment, is that the examples I gave are legitimate and that those people would have access, subject to the safeguards in the bill (as Mr Hunter points out). Subject to those other considerations in the bill, they would indeed have access, should this amendment pass.

The Hon. R.I. LUCAS: I would like to ask a question of the minister. Is it the government's position that the bill, as introduced, is a government bill and the party vote and any amendments are a conscience vote for members, or is it a conscience vote in respect of the whole legislation and the amendments? I understand that the minister herself may move an amendment. If the amendments proposed for this bill are part of the conscience vote for government members, does that extend to the minister's own amendment?

The Hon. G.E. GAGO: I thank the honourable member for his question. The whole bill is a conscience vote for government members. It has been tabled under government business, and permission has been given to table this legislation but with the provision that it remains, in its total form or parts thereof, a conscience vote for all government members. I am tabling this and debating it on behalf of the government, but it is a conscience vote. The bill itself is a conscience vote, or parts of the bill are a conscience vote, and all amendments are subject to a conscience vote.

The Hon. R.I. LUCAS: Just to clarify that; given that the Hon. Mr Hood's amendment was supported earlier by, I think, all members in this chamber—

The Hon. S.G. Wade: I think it was on the voices with no division.

The Hon. R.I. LUCAS: Okay; so the majority of members supported it without a division being called. Given that that is now to be part of the proposed legislation, can the minister clarify the specific level or position of the officers (not their names) who make the difficult judgment about the prospective cases that the Hon. Mr Hood has raised, and to which the Hon. Mr Hunter has responded, in terms of the best interests of the child? Specifically, what is the nature and position of the individuals who have to make decisions in relation to who may or may not access the treatment under this proposed amendment?

The Hon. G.E. GAGO: I have been informed that those decisions about the welfare of the child are made via a team approach—of those who provide the service—and that includes counsellors, clinicians and their medical director. They are required to abide by the NHMRC ethical guidelines, and the clinics themselves have to be accredited and meet certain requirements and standards.

The Hon. R.I. LUCAS: Can the minister indicate whether this is a constituted panel comprising those persons who formally vote on it? One can imagine that there may well be conflicting views on occasions about what is in the best interests of the child. So, if there are differing views, how is that conflict resolved? Is there a majority vote of all those people indicated by the minister on a panel, or does one particular individual have the final say in terms of what is in the best interests of the child?

The Hon. G.E. GAGO: I have been advised that we are proposing that any disputes within the team—that is, between counsellors, clinicians and the medical director—that might occur in relation to these decisions will be dealt with by a clinical ethics committee, which will be prescribed in regulation.

The Hon. R.I. LUCAS: If we can work through the example that I outlined, where there is a difference between the clinicians, the counsellors and the medical director—if that is the correct

title—as to whether or not it was going to be in the best interests of the child for this particular individual to have access to the treatment: the minister is now saying that that will go to an ethics committee, which I assume at this stage has not been prescribed. Can the minister indicate the nature of the ethics committee and who would sit on it? Secondly, I assume the minister is indicating that the decision of the ethics committee—however that is constituted—would be the final decision as to whether or not an individual accessed the treatment.

The Hon. G.E. GAGO: I am advised that it is intended that the clinical ethics committee would act as an appeal mechanism to resolve those disputes from the service providers. So, if there was not a unanimous decision, appeals would be sent to the clinical ethics committee. In relation to who would be on the committee, we intend to develop guidelines around that. We are considering the types of skills and expertise that might be needed, and the degree of independence would obviously be an issue for consideration. We have given a commitment to consult broadly to assist us in putting those guidelines together.

The Hon. R.I. LUCAS: I thank the minister for that detail, but I guess it does leave members—or certainly myself—a little unclear as to what this process is. The minister has made it clear that, unless there is a unanimous position, it will be referred to the clinical ethics committee, so that resolves one issue. If there was a strong vote, if I can put it that way, to allow a service and a minority vote from one of the service providers—so if there is not unanimity, as the minister has indicated, it would be referred to the clinical ethics committee. I thank the minister for the clear assurance given to the committee.

Given the significance of the issues being raised by way of the Hon. Mr Hood's previous amendment (which was successful) and the questions that he raised, from my viewpoint, it certainly would have been preferable to actually see in the legislation exactly how this process is to operate. It is easy to say that this will be done in the best interests of the child, but who will make that judgment? It must be seen to be a fair, reasonable and impartial process in relation to these judgments, and the prisoner example and the 72 year old female example will have to pass muster—if I can use a colloquial expression—in terms of this assessment. If it is not a fair and reasonable process, that is no assurance at all, and the intentions of the amendment, the legislation and the assurances given in the chamber count for precious little. It certainly would have been preferable to see some of these assurances in the legislation, but that is not the case, and I hope not to delay the passage of the legislation.

The minister has given an assurance in relation to unanimity, and I thank her for that. However, in relation to the construction of the ethics committee, there is precious little detail at this stage as to how that might be comprised.

In the first instance, I ask the minister to give an assurance on behalf of the government that all the members of the clinical ethics committee will be completely independent and have no role at all in the initial decision-making and discussions. In other words, it is the counsellors, the medical director and the clinicians who will be involved in the first decision-making process where unanimity cannot be achieved and would be part of what is meant to be the independent ethics appeal process that the minister is proposing.

The Hon. G.E. GAGO: I have been advised that the guidelines for the composition of the ethics committee have not yet been developed. We have certainly given a commitment to consult broadly in relation to who would be best placed to sit on that committee. We are certainly committed to consulting with the sector generally and also the South Australian Council of Reproductive Technology. We need to be mindful that there are probably very few people in the field who have a high degree of technical expertise in this area. I think that, until we have consulted and drawn up the guidelines, that process is a fair and reasonable way to proceed and that it will ensure that we protect the interests of the child and ensure that the best possible decisions are made.

The Hon. J.S.L. DAWKINS: Further to that, my understanding is that the bill we are debating will abolish the Council of Reproductive Technology and that it will be replaced by what I understand will be an ethics committee based on the health advisory committee model that now exists around this state under this government. Can the minister clarify whether that ethics committee is different from the clinical ethics committee to which the minister referred when answering the questions asked by the Hon. Mr Lucas?

The Hon. G.E. GAGO: I have been advised that the honourable member is right; that is, that we propose to remove the South Australian Council of Reproductive Technology and replace it

with a health advisory council. The advice I have received is that it will not be the same beast as the clinical ethics committee that I have outlined in relation to assisting in dispute resolution or the appeals mechanism for decisions about welfare suitability.

The Hon. B.V. FINNIGAN: Just for the sake of completeness, perhaps I should put on the record that I oppose this amendment, which I think I indicated in my second reading speech. I do not see that it is appropriate that we extend assisted reproductive technology beyond those who are medically infertile.

I know some have talked about the fact that there are single parents and same-sex couples raising children and doing a good job of that, and I think I also said in my second reading that that is undoubtedly the case. I do not think anyone is suggesting that the traditional nuclear family, or whatever way you want to describe it, of a mother and father is the only way in which children can be brought up successfully, or that they have a monopoly on love or caring or anything else. However, I think we need to consider what is the ideal and what is in the best interests of children generally.

Once we accept the principle that ART should be extended beyond the infertile, I think that would lead us to a position where anyone who wants a child and is prepared to love the child should therefore be able to access ART. I am not suggesting that the Hon. Mr Hunter's amendment does that on this occasion, since it is still looking at people who would otherwise be unlikely to conceive, but I think that is the ultimate end point of accepting that proposition. I oppose the amendment.

The Hon. R.I. LUCAS: I note from the minister's response to my last question that she was unable to give the assurance that I sought, and that was that the clinical ethics committee composition would be completely independent from those who had already been involved in the process. I invited her to do so, and she gave an answer which did not give that undertaking. I can only assume, therefore, that the government will keep open the option that it will not be completely independent from the earlier process. I think that is the only logical conclusion one can reach from the minister's response to that question.

I indicated in my second reading contribution that I would listen to the debate on the Hon. Mr Hunter's amendment. I indicated that I was more unlikely to support the Hon. Mr Hunter's amendment than likely. Having listened to the debate, I have not been convinced by the Hon. Mr Hunter's argument or, indeed, those who support it, and I will oppose the amendment.

The committee divided on the amendment.

AYES (10)

Bressington, A.	Gago, G.E.	Gazzola, J.M.
Hunter, I.K. (teller)	Lawson, R.D.	Lensink, J.M.A.
Parnell, M.	Wade, S.G.	Winderlich, D.N.
Wortley, R.P.		

NOES (11)

Brokenshire, R.L.	Darley, J.A.	Dawkins, J.S.L.
Finnigan, B.V.	Holloway, P.	Hood, D.G.E. (teller)
Lucas, R.I.	Ridgway, D.W.	Schaefer, C.V.
Stephens, T.J.	Zollo, C.	

Majority of 1 for the noes.

Amendment thus negatived; clause passed.

Remaining clauses (9 to 14) passed.

Schedule.

The Hon. G.E. GAGO: I move:

Page 12, lines 21 to 37—Delete the Schedule and substitute:

Schedule 1—Related amendments and transitional provisions

Part 1—Related amendments to *Family Relationships Act 1975*

1—Amendment of heading to Part 2A

Heading to Part 2A—delete "medical" and substitute:

fertilisation

2—Amendment of section 10A—Interpretation

Section 10A(1), definition of *fertilisation procedure*—delete the definition and substitute:

fertilisation procedure means—

(a) assisted insemination (within the meaning of the *Assisted Reproductive Treatment Act 1988*); or

(b) assisted reproductive treatment (within the meaning of the *Assisted Reproductive Treatment Act 1988*).

3—Amendment of section 10B—Application of Part

Section 10B(1)—delete subsection (1) and substitute:

(1) Subject to this section, this Part applies—

(a) in respect of a fertilisation procedure carried out before or after the commencement of the *Reproductive Technology (Clinical Practices) (Miscellaneous) Amendment Act 2009* either within or outside the State; and

(b) in respect of a child born before or after commencement of the *Reproductive Technology (Clinical Practices) (Miscellaneous) Amendment Act 2009* either within or outside the State.

4—Amendment of section 10D—Rule relating to paternity

Section 10D—after subsection (2) insert:

(3) Subject to this Act, if a woman undergoes, in accordance with this or any other Act, a fertilisation procedure in consequence of which she becomes pregnant using the semen of a man—

(a) who has died; and

(b) who, immediately before his death, was living with the woman on a genuine domestic basis as her husband; and

(c) who had consented to the use of the semen for the purposes of the fertilisation procedure,

the man—

(d) will be conclusively presumed to have caused the pregnancy; and

(e) will be taken to be the father of any child born as a result of the pregnancy.

5—Insertion of section 10EA

After section 10E insert:

10EA—Court order relating to paternity

(1) This section applies to a child if—

(a) the child is domiciled in this State; and

(b) the child was conceived as a result of a fertilisation procedure carried out in this State; and

(c) 1 or more of the following applies:

(i) the paternity of the child is not able to be determined by the operation of section 10D;

(ii) the operation of section 10E(2) does not reflect the wishes of both the provider of the sperm used for the purposes of the fertility procedure (the *sperm provider*) and the mother of the child;

(iii) the fertility procedure was carried out in any other circumstances brought within the ambit of this paragraph by the regulations.

(2) The Court may, in relation to a child to which this section applies and on the application of the sperm provider in respect of the child, make an order under this section.

(3) However, the Court must not make an order under this section unless satisfied that both the mother and the sperm provider freely, and with a full understanding of what is involved, agree to the making of the order.

(4) The Court must, in deciding whether to make an order under this section, regard the welfare of the child as the paramount consideration.

(5) In deciding whether to make an order under this section, the Court may take into account anything it considers relevant.

(6) If the Court makes an order under this section, the effect of the order will be as follows:

(a) for the purposes of the law of the State—

(i) will be conclusively presumed to have caused the pregnancy; and

(ii) will be taken to be the father of any child born as a result of the pregnancy.

(b) the relationships of all other persons to the child will be determined according to the operation and effect of paragraph (a).

(7) If the Court makes an order under this section, the Court may make any other ancillary order the Court thinks fit.

(8) In this section—

Court means the *Youth Court of South Australia* constituted of a Judge.

Part 2—Transitional provisions

1—Existing licensees

(1) A person who, immediately before the commencement of this clause, held a licence under Part 3 of the *Reproductive Technology (Clinical Practices) Act 1988* (as in force immediately before the commencement of this clause) will be taken to be registered under Part 2 of that Act (as enacted by this Act).

(2) Any licence condition to which the licence was subject under section 13(3)(a) and (e) of the *Reproductive Technology (Clinical Practices) Act 1988* (as in force immediately before the commencement of this clause) will be taken to continue to apply as a condition of registration under Part 2 of that Act (as enacted by this Act).

2—Record keeping

A person who held a licence under Part 3 of the *Reproductive Technology (Clinical Practices) Act 1988* (as in force immediately before the commencement of this clause) must keep any record required to have been made or kept as a condition to which the licence was subject under section 13(3)(d) of that Act (as in force immediately before the commencement of this clause) as if the record were a record required to be made or kept under that Act after the commencement of Part 2 of this Act.

As members are aware, the bill before us allows for the posthumous use of sperm under limited circumstances. I have been advised that, as a result, amendments are required to the Family Relationships Act 1975 to assign legal parentage to children born in these circumstances. The Family Relationships Act assigns parentage for children conceived from a fertilised procedure.

The Family Relationships Act provides that where a child is conceived using donor sperm the donor is not the father by virtue of section 10D, even if the husband or partner is the donor. So, that is the current provision. Instead, the husband or partner is recognised as the father by virtue of his relationship with the mother, which is appropriate in the majority of cases. However, where a husband or partner is deceased when the child was conceived he is considered the donor and, therefore, not the legal father. So, it would affect inheritance and such matters.

This has implications for the child's inheritance and has other legal consequences. To ensure that children born in these circumstances have legal clarity about their parentage, I seek members' support for this amendment. It replaces schedule 1 containing the transitional provisions and substitutes it with the amendments to the Family Relationships Act.

The Hon. J.M.A. LENSINK: While this is a conscience issue for all members, I think it is fair to say it is a commonsense amendment. It would be a rather perverse situation, I would think,

where the rightful parent was not included on a birth certificate, so I indicate I will support the amendment. While I say it is a conscience issue for all members, I would be surprised if there were too many objections.

I raised an issue in my second reading speech, and I think members would have received correspondence from people who are donor conceived adults and who have some concerns that they are not able to access their parental information, which is not something that this bill was going to amend. However, I do have an understanding that the minister in another place may have undertaken to look into the matters of voluntary registers for donor conceived people, so I ask the minister whether she has any further information about this situation.

The Hon. G.E. GAGO: I have been advised that a register will be established: that a model will be developed in consultation with donor conception groups, the sector and the council. The detail of the model will be described in regulations. There will be a voluntary component and a mandatory component to the register. Anyone can submit their own information to the voluntary component. The mandatory component will be only for children conceived after the commencement of the act.

Amendment carried; schedule as amended passed.

Long title.

The Hon. G.E. GAGO: I move:

Page 1—After '1988' insert:

and to make related amendments to the Family Relationships Act 1975

Amendment carried; long title as amended passed.

Bill reported with amendments.

Bill read a third time and passed.

ELECTORAL (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 2 July 2009. Page 2767.)

The Hon. R.D. LAWSON (16:45): This bill to amend the Electoral Act contains a number of technical amendments which have been recommended by electoral commissioners in their reports over the years, and many are uncontroversial. However, mixed in with these technical or procedural amendments are a number of significant alterations to the law relating to elections. These amendments have serious political ramifications and appear to have been crafted with the object of advantaging the Australian Labor Party—sometimes subtly, sometimes quite blatantly.

In one sense, this is a committee bill because it contains many small and subtle changes, the effect of which can be exposed and explained only during the committee stage. For example, I note that amendments proposed by the Hon. Mr Winderlich cover some seven pages, and the Hon. Mr Parnell has some six pages of amendments on file. I look forward to the committee debate to examine fully some of the technical and procedural amendments proposed not only by those members but also by the government.

I will leave my questions relating to many of those smaller matters to the committee stage. However, some matters of policy should be dealt with at this second reading stage. The main topics that cover these policy areas may be described under the following headings: first, and most important, restrictions on electoral advertising; secondly, provisions relating to itinerant electors; and there are provisions relating to how-to-vote cards, to the electoral roll and to the registration of political parties that require comment at this stage.

As to restrictions on political advertising, this is a major element in the bill and, although they appear later in the bill, I will deal with them first. The important amendment proposed in the bill is to section 115 of the Electoral Act. It is the introduction of a prohibition of any electoral advertisement which is exhibited on a public road or in a public place. This is a major change, and it has undoubted political consequences.

Any restriction on political advertising or activity will prove to be an advantage to incumbent members and to an incumbent government. Quite apart from that fact, such restrictions are

restrictions on the concept of free speech and ought be very closely examined. We on the Liberal side oppose these amendments in the strongest possible terms.

The history of controls under section 115 is important, and I will come to that matter shortly. However, I begin by describing the current law and the amendments proposed by this bill. Currently, sections 112, 113, 114 and 115 deal with electoral advertisements. 'Electoral advertisement' is defined to mean an advertisement that contains 'electoral matter'. This expression is defined as 'matter calculated to affect the result of an election'. It is important to note that these provisions apply to advertisements whenever they appear and are not limited to advertisements that appear during the 'election period'. This expression is defined as the period between the issue of the writ and 6pm on polling day.

Section 112 requires advertisements to carry the name and address of its author or authoriser, as well as the name and place of business of the printer. The current maximum penalties are $1,250 for a natural person who offends that section and $5,000 where the offender is a body corporate. In clause 38, the bill amends those provisions by extending them to electronic publications on the internet, which is fair enough. It also increases the maximum penalties to $5,000, in the case of an individual, or $10,000, for a body corporate. In other words, these fines are increased by 400 per cent in relation to individuals and 100 per cent in relation to companies.

We query why it is necessary to increase these penalties so substantially. In our experience, most failures to comply with these provisions are inadvertent and accidental. I believe that we should be encouraging people to participate in the political process. Fining them heavily for an inadvertent breach is hardly the way to encourage participation.

Section 113 currently deals with misleading advertising, the current penalties for which are $1,250 and $10,000 respectively. It is proposed to increase those to $5,000 and $25,000 respectively. Again, in our experience, most infringements of this provision are inadvertent or accidental, and the imposition of draconian penalties is hardly necessary, particularly when one considers that there is already a mechanism within the section that enables the Electoral Commissioner to require withdrawal of advertisements and the publication of retractions.

Section 114 requires newspapers to insert the word 'advertisement' in letters not smaller than 10 point type at the head of any electoral advertisement. The penalties are $750 and $2,500, and these are increased to $1,250 and $5,000 respectively. Again, the comments made earlier apply to these substantial increases in fines.

Section 115 is the most important section in the current context. It limits the size of electoral advertisements to one square metre and imposes a fine of $1,250. This fine increases to $5,000.

The maximum size of posters is not changed; however, the siting of them will change whereby, if the bill passes, they will only be allowed on private property. This amendment is clearly aimed at corflutes which are usually affixed to electricity poles. Corflutes are the most common form of electoral advertisement today. Typically, they carry a photograph of the candidate and the name of the party or other status—for example, Independent.

Political parties and candidates for office use corflutes extensively. Most of them are related to the particular candidate and are placed in particular electorates. Some might refer to the leader of a party but most, as I say, relate to the candidate in the particular area. Some, but not many, contain a political slogan or other message. Typically, these corflutes are 90 centimetres by 60 centimetres. In more recent times, there has been greater use of somewhat narrower corflutes which fit more comfortably on Stobie poles. They are a very important way in which candidates can put themselves before the electorate to gain some name recognition for themselves and/or their particular party.

It is appropriate to look at the history of restrictions on the size of electoral posters because it is this restriction which has, I believe, led to the extensive use of corflutes. Section 115 of the current act was originally section 155B and was introduced in 1955. At that stage, the then premier, Thomas Playford, said:

> Proposed new section 155B restricts the size of electoral posters. A national security regulation for this purpose was introduced by the commonwealth during the war and afterwards incorporated in the Commonwealth Electoral Act. It limits the size of electoral posters to 60 square inches.

That is, to 10 inches by six inches. Playford continued:

Under the commonwealth act this limitation applies not only to each individual poster but to any combination of electoral posters. In other words, it is an offence under the commonwealth act to post up two or more electoral posters in combination with each other if the total area of all of those posters is more than 60 square inches. It is difficult, however, to decide whether posters are in combination with each other and the government is informed that the language of the commonwealth act has caused some embarrassment to those responsible for enforcing this particular provision. In order to avoid this difficulty the present bill declares that every poster which is less than three feet from another poster shall be regarded as forming part of that poster.

Playford went on to state:

It may appear that 60 square inches is rather small but the commonwealth law on this point has been in force since 1946 without amendment and it is advantageous to have uniformity between the state and the commonwealth on this point.

That was said on 9 November 1955 at page 1497 of *Hansard*. Frank Walsh, for the Labor opposition at that stage, said:

Clause 14 limits the size of any poster or publication. This could result in a reduction of electioneering expenses. In my district government candidates have advertised extensively on the hoardings and I have done likewise with considerable success. I have a soft spot for this means of silent advertising and I would be the last to criticise those who undertake it.

The then member for Norwood (Don Dunstan) was a little more perceptive when he said:

I was amazed at the new section 155B until I realised its purpose. The section provides that electoral posters for an election in South Australia should be no larger in area than 60 square inches. The premier said the amendment would bring our electoral act, in that regard, into line with the commonwealth act.

When was the reference to 60 square inches placed in the commonwealth act? It was introduced in wartime to restrict the use of materials. It was a national security measure and it was inserted for no other purpose. What will be the result of restricting our electoral posters to 60 square inches? It must mean a quieter election because, when there are large hoardings and streamers on fences and windows of houses drawing attention to vital issues, people interest themselves in the election much more than they will if hoardings cannot exceed 60 square inches in area. Why does the government want a quiet election?

Dunstan then went on to say:

The purpose of this section 155B is to take people's minds from the electoral issues before them, particularly the composition of this house.

That was said on 16 November 1955 at page 1644. During the committee stage of the debate, Don Dunstan went further and stated:

I cannot see any point in restricting the size of electoral posters. Electorate expenditure is restricted, therefore, no-one can spend more on electoral publications than is allowed under the act. If a person chooses to spend the amount allowed on large hoardings instead of pamphlets, he should be allowed to do so.

Mr Dunstan later proposed an increase in the size, from 60 square inches to 120 square inches, and the government agreed to that amendment. Sir Frank Perry, in this council, made a highly perceptive comment. He said:

I think the idea is to eliminate posters altogether. A poster 10 by 6 inches is designed for distribution by handing out because it is useless posting up posters of that size. This is one of the main reasons why it was done. I should say that most reputable political organisations adhere to the 60 square inches…

This history is relevant, because it shows that this government is quite happy to leave in this act an outdated restriction on the size of advertisements but will implement a further restriction by limiting the locations at which such posters can be placed.

It is a clear example of this government's desire to close down the debate, to restrict opportunities for political engagement, and to limit the capacity of small parties and newcomers to participate. The reason is obvious. This government sees itself as riding high in the polls; the Attorney-General has said publicly, and somewhat arrogantly, that he regards the Australian Labor Party as the natural party in government in South Australia. Clearly, he wants to keep it that way.

We do not pretend that corflutes are popular with the public or with local councils; many regard corflutes as visual pollution. However, that is not really surprising, as many people are disdainful of the whole political process, and regard letters and brochures from aspirants to political office with annoyance and irritation. All the polling shows that they get heartily sick of electioneering. The way to overcome that cynicism is for us, as political parties and candidates, to engage the public and enthuse them. The government has chosen the easy way—namely, banning the most visible form of political activity—but the opposition does not believe that is the way to go.

I should remind the council that parliament has endorsed the use of roadside electioneering signs in recent years. There was a time when local councils had the power to ban signs by way of by-laws, and to my recollection at least one—Burnside council—did ban corflutes. However, this parliament, by enacting section 222 of the Local Government Act 1999, removed from councils the power to ban roadside signs in relation to state, federal and local government elections. There are some restrictions in relation to such signs—namely, they can be posted only after the issuing of the writ and they must be taken down immediately after the election—but the fact is that the Local Government Act authorises the use of roadside signs.

The Local Government Association has issued guidelines in relation to them, and councils do have policies. For example, I have in my hand the policy promulgated by Mitcham council in relation to election signs. They are sensible restrictions, including that the signs must not be placed on carriageways of roads, on dividing strips, traffic islands, or roundabouts, or within 50 metres of a signalised intersection or a pedestrian-activated crossing. They cannot be placed on the South-Eastern Freeway or the Southern Expressway (both of which are in the area of Mitcham), and they must not be placed within 6 metres of an intersection or junction, or any other location that may pose a hazard to pedestrians or road users. When posted on a pole they can only be between a height of 2 and 3 metres from the ground, with nothing above those signs—in fact, there is a prohibition against placing the signs any higher than 3 metres from the ground. Incidentally, I notice that part of Mitcham council's policy requires that council consent be obtained, but the fact is that section 226 of the Local Government Act 1999 actually prohibits councils from imposing conditions of that kind.

Finally, the government's proposal to ban electoral posters in public places is the most cynical exercise of all. This new provision will expire on 31 March 2014, after the 2014 election. Clearly the government, in its arrogance, believes it will win the 2010 election; but it may not be in such a comfortable position after 2014. It may no longer have the value of incumbency and it has decided, in its wisdom, to restrict the operation of this clause to that election—clearly so as to advantage itself. I should indicate that in another place the member for Mitchell moved that corflutes be limited to 200 per electorate, but the Labor majority ensured that that amendment was not passed.

In very brief conclusion, the opposition is strongly opposed to the restriction on electoral advertisements. They are already an important part of our political process. There are already in place adequate controls and regulations over them. Indeed, one might say there is actually over-regulation of electoral signs, but this is a politically motivated proposal to improve the prospects of the current government and should be opposed. It is an essential part of this package of measures.

I move next to the provisions relating to itinerant electors. In the second reading explanation, certain electors are referred to as 'homeless electors', thereby seeking to excite the sympathy that invariably attaches to homeless people and to tie the notion of these amendments to the Electoral Act with the governments' (both state and federal) emphasis on addressing homelessness.

This bill does not describe homeless electors but correctly refers to them as itinerant electors. This is a truer and more neutral description and actually explains the origin of this proposal. There are similar provisions in the commonwealth Electoral Act which were introduced on the grounds that, these days, many people, especially retirees, sell their home, buy a caravan and travel the country. Why should citizens who choose to adopt that lifestyle be denied the opportunity to cast a vote? In the past, they would have always been enrolled. They are voters, so why should they be denied the right to be enrolled? Accordingly, the commonwealth Electoral Act was amended to allow them to do so.

The commonwealth act has very important provisions which are absent in this bill. The commonwealth provision—section 96—provides that a person who is not eligible for enrolment on the basis that they have not been living in one particular place for one month may apply, and the electoral office shall cause the name of the applicant to be added to the roll. But which particular roll? The commonwealth provision states:

(a) for the subdivision for which the applicant had last had an entitlement to be enrolled;

(b) if the person has never had such an entitlement for a subdivision for which any of the applicant's next of kin is enrolled;

(c) if neither paragraph (a) or (b) applies for the subdivision in which the applicant was born, or if none of the foregoing apply, the subdivision to which the applicant has the closest connection.

That is an important hierarchy, because it prevents the sort of rorting that could occur if a homeless person could simply nominate the particular electorate in which they wish to be enrolled. However, that issue is simply not addressed in this bill. Rather bizarrely, the provisions of our bill are that the homeless person has to nominate a postal address within the particular electorate for which they wish to be enrolled. The matter is then left largely to the discretion of the Electoral Commissioner.

In a briefing provided to members, the Electoral Commissioner said that she would apply the hierarchy which applies in the commonwealth legislation, which I have just described. However, that is not satisfactory. The commissioner should be required to observe conditions laid down by the parliament rather than simply referring without statutory authority to the legislation of another state. Here, the Electoral Commissioner will cause the name of the itinerant elector to be added to the roll after taking into account (a) the address specified by the person as their postal address within the electorate and 'any other relevant factor'. That is too vague a concept. There is an inconsistency in the philosophy of this section, which requires on the one hand the commissioner to require the applicant to specify an address that may be taken to be that person's principal place of residence and then to say that the person is itinerant or homeless. If they have a principal place of residence which they can state to the Electoral Commissioner, they ought to be enrolled in that particular electorate.

It is appropriate to mention some of the background to these itinerant elector provisions. Other jurisdictions have them. They are extensively referred to in the most recent report of the Joint Standing Committee on Electoral Matters, which was delivered in relation to the federal election held in 2007. That report was tabled in June this year and is available online.

It devotes a good deal of space to so-called homeless electors. It notes that in 2006 the Australian Bureau of Statistics found that there were some 105,000 homeless persons on census night, which is a very significant number. The rather important sounding Council for Homeless Persons is quoted as expressing the view that a further 18,000 'marginal residents in caravan parks' should be added to that 105,000 people.

In a paper entitled 'Counting the Homeless 2006 South Australia', published in June this year by the Australian Institute of Wealth, Health and Welfare, a paper which is also available online and which I commend to members, it states that in South Australia in 2006 there were some 7,962 homeless persons, of whom some 3,309 were under the age of 18 years. So, we in South Australia have some 4,653 persons who were classified as homeless at that time.

However, the definition of 'homeless' is a highly contentious one. There are three categories of homeless persons: primary, secondary and tertiary homelessness. Primary accords with the common assumption that homelessness is the same as rooflessness, which includes people living on the streets, sleeping in parks, squatting in derelict buildings, living in improvised dwellings, such as sheds, garages or cabins, using cars or railway carriages as temporary shelter, etc.

It also includes secondary homelessness: those who move frequently from one form of temporary shelter to another. On census night, it included people who were staying in emergency or transitional accommodation provided under the Supported Accommodation Assistance Program. The starting point for identifying this group is the census category of 'Hostels for homeless, night shelters and refuges'. It also includes people temporarily residing in other households because they have no accommodation of their own and they report 'no usual address' on their census form. Secondary homelessness also includes people staying in boarding houses on a short-term basis, which they define as '12 weeks or less'.

Tertiary homelessness is the third class. It refers to people who live in boarding houses on a medium or long-term basis, usually defined as 13 weeks or longer. They do not have the security of tenure provided by a lease. They are treated as homeless because their accommodation does not have the characteristics defined as the 'minimum community standard for housing'. There is argument whether or not persons who live in caravan parks should be included in the homeless categories.

I mention all of these matters to point out that homelessness is a relatively complex issue. It seems to me that what some people seem to be doing, the government particularly, is jumping on the homelessness bandwagon without any real expectation that there will be very many people who seek to enrol under these provisions. The federal report to which I earlier referred states that in Victoria, which has a substantially larger population than South Australia, some 700 people are enrolled under these provisions.

One of the points that ought to be noted is that many homeless people have concerns about personal safety issues that might be realised if they give their name and address to authorities such as the Electoral Commission. According to another body, the Public Interest Legal Clearing House, 32 per cent of homeless people have a connection with domestic violence or family dysfunction; 25 per cent of that organisation's clients are subject to unexecuted arrest warrants. Homeless Australia, another organisation, considers that homeless persons might be unwilling to attend polling places due to the risks associated with their being identified if they attend a polling place to vote.

Research undertaken by the Institute for Social Research at Swinburne University, also referred to in the federal report, indicates that some 50 per cent of persons who identify as homeless had never voted or indicated that they ever intend to vote. The research noted that some of the impediments to engagement included the provisions of the act relating to enrolment, etc.; lack of access to polling places; fear of becoming the target of government agencies; faithlessness; a lack of belief in the political system; and fear of fines for failing to enrol or failing to vote when eligible.

So, there are all of these factors, which make it obvious that many people who are classified as homeless will not wish to avail themselves of these provisions. It is quite likely, given the fact that there is no necessary connection between the place of residence and the place of enrolment, that these provisions are open to abuse.

There may be some over-enthusiastic apparatchiks in certain political parties, especially the Labor Party, given the history in Queensland, who will see these provisions as an opportunity for rorting, especially in light of the absence of provisions and safeguards such as appear in the commonwealth act. I ask the minister to indicate why the commonwealth act provisions in this regard have not been followed.

I now mention a number of other matters that are not as significant as the two topics I have already addressed. First, I refer to the registration of political parties. The government first proposed that the current number of members be increased from 150 to 500. That was the provision in the bill as introduced, and justified by the Attorney-General as entirely appropriate, in line with other states and in line with population growth, etc.

However, the government changed its mind. The Attorney-General in another place, at page 2589 of *Hansard*, stated, 'owing to the enormous weight that the National Party carries in the coalition' the number was reduced by amendment to 200.

So, here we have this solemn bill that has come before the parliament. The existing legislation provides that the number of members eligible for a registered political party is 150. We are now going to increase it to 200. For what purpose? This shows the political nature of the whole of this legislation. It highlights the political opportunism of this bill.

No doubt, there are members of other parties who thought that the reduction to 200 was a fair enough figure, and I would expect that the smaller parties would have adopted that position, but the government did not bow to pressure from minor or smaller parties; it bowed to pressure from one particular party and one particular member with whom it has an alliance.

I ask the minister to place on the record the position of the government relating to the question of whether or not the same members can be relied upon to register more than one political party and, in particular, whether the same members can be relied upon in the registration of subsidiary political parties. It is well known here that the Labor Party has a subsidiary party called Country Labor. It is, of course, a sham party. It does not exist at all. It is simply a name to be placed on ballot papers or in political advertisements.

We know that the National Party is now seeking to register—I imagine it has already done so—a slogan as a political party in South Australia, hoping to capitalise on issues identified in the Western Australian election. I ask the minister to indicate what the government's attitude is to using the same members to support either registered political parties or divisions within parties.

This bill also seeks to prevent a registered political party using the name of a 'prominent public body.' This appears in clause 12 of the bill. This is, obviously, a transparent device to prevent, for example, those who are supporting the continuance of the Royal Adelaide Hospital, or the Save the Royal Adelaide Hospital Group, from actually registering as a political party. Once again, it is a restriction on political advertising and freedom of speech, and we oppose it.

There are amendments to the provisions relating to the electoral roll, the principal basis of which, according to the government, is to restrict the commercial misuse of information on the roll by limiting the capacity of persons to use the roll and by limiting its circulation. There was an amendment made in another place—once again, the government changing its position—to allow not only members of parliament to have access to the roll but to also allow candidates to have access to it.

There is a rather artlessly expressed provision in clause 5(5), which provides, 'If a copy of the roll is provided to a person under this section', and that means either a member or a candidate, and that person uses the roll, or a copy of it, or information contained in it, for a purpose 'other than a state, federal or local government purpose' an offence is committed. It is actually I believe arguable whether having oneself elected to parliament is a state, federal or local government purpose, and in the committee stage I will be exploring whether or not that expression is appropriate.

There is an amendment to the Constitution Act in the schedule of this bill. Currently, section 82 of the Constitution Act requires the Electoral Districts Boundaries Commission to commence the process of redistribution within three months after every general election. This bill proposes that that be extended to 24 months. Whilst we agree that the period of three months was unduly restrictive because very often statistical and other information is not immediately available and the process of completing the electoral redistribution is distorted to some extent by the very short time frame, however, we will be exploring in the committee why the government has chosen 24 months as the time within which the commission must commence its important work.

There are provisions in this bill for compulsory enrolment. Currently there is no requirement to enrol for persons who become entitled to enrol in South Australia. There are provisions in the commonwealth legislation and most other states that actually require compulsory enrolment. However, there does seem to be a contradiction in the approach adopted by this government.

In his second reading the Attorney said that government believes that voting is an important civic duty. If it is an important civic duty, I would have thought there should be some obligation on the government, the Electoral Commission, the parties or all of us to encourage and educate people to enrol, to make them want to enrol, to make them understand their duty and to make them want to exercise it. To then make it compulsory to enrol is hardly consistent with the notion of an important civic duty.

All we get is the claim that the State Strategic Plan seeks to increase the proportion of eligible South Australians entitled to vote to better than the national average by 2014. I would ask the minister to indicate in response: what are the current figures in relation to the level of enrolment in this state; what measures has the government been taking to date to meet that objective of the strategic plan; and what progress has been made in relation to it?

There are restrictions also in relation to how-to-vote cards. For example, clause 40 of the bill seeks to prevent how-to-vote cards being issued by some third party, and questions arise as to why it should be that a third party or organisation should not be entitled to issue how-to-vote cards saying how that body believes that votes ought be cast.

This section, as now proposed, seems to allow the issue of a how-to-vote card which is inconsistent with a how-to-vote card that is actually registered for the purpose of the act. As members would know, under the existing legislation, candidates can register a how-to-vote card which is used in certain circumstances, but there seems to be no prohibition against such a candidate or his supporters issuing an inconsistent how-to-vote card and distributing that on election day, and I ask whether it is the government's view that that issue is covered in the existing legislation. In conclusion, I indicate once again that, whilst many of the minor technical amendments might be unobjectionable, they are actually put into a bill which contains provisions that simply could not be supported by the Liberal Party, and we strongly oppose them.

The Hon. M. PARNELL (17:36): When the government puts up changes to electoral laws you can be pretty certain there will be a strong element of self interest involved. Some of the changes proposed in this current series of amendments are, I believe, quite blatant in their attempt to advantage the big, old parties over the smaller parties and Independents. The government seems very keen to make it more difficult for parties to become registered and, once elections are called, they are determined to make it harder for small parties and Independents to get out their message, and there is really no other explanation for the proposed restrictions on public space electoral advertising.

The government knows this is one area where competition is fierce and where small budgets can make a big impact. They know that small parties cannot compete for TV or newspaper space, and now they want to outlaw the one area where the playing field is a little bit more level. The lens through which the Greens look at bills such as this involves some fundamental principles. The first test we apply is: will these measures improve our democracy? Secondly, will they improve the application of the principle of one vote, one value; and, thirdly, does the bill provide improved opportunities for citizens to participate in the political process?

In my view, the bill falls short on all those three tests. I should say that they are the same tests that will apply to the constitutional amendments, the referendum bill, when it comes before us. That is a particularly cynical exercise in undermining our democracy, using the process of making the more democratic of the two houses less relevant; however, more about that when it is before us.

In my second reading contribution, I want to address briefly what genuine democratic reform would look like. I have some amendments on file, with perhaps more to come. If the Greens were to amend electoral laws, the first thing they would do is start with the lower house of parliament and introduce a scheme for multimember electorates based on the Hare-Clark system, as used in Tasmania and the ACT. In the past, the member for Mitchell has introduced a bill for that model of voting in the lower house.

The Hon. P. Holloway interjecting:

The Hon. M. PARNELL: The Leader of the Government asks when that was. It was October 2004. Currently, the structure of the lower house is designed to maintain the dominance of the old parties, and it is difficult for anyone else to break in. The Hare-Clark system I referred to provides for real proportionality so that more people find their vote effective in electing someone of their choice. I note that the Electoral Reform Society supports that model of voting.

The Greens also believe that it is important to give future generations more say in the political process. We believe that, on a voluntary basis, 16 and 17 year olds should be entitled to enrol and vote. Young people today are far more engaged with politics and community affairs generally. They have access to a wide and growing range of information, and their networking abilities and opportunities are beyond the understanding of many older generations.

We have plenty of debate in this place about young offenders, and members often call for them to be treated as adults. The Greens ask: why not let those young people who want to exercise their right of citizenship at the age of 16 or 17 do so? The bill could be further improved by allowing the electoral roll to close as late as possible during the election period.

It seems to me that, with modern computer technology, there is no reason for the roll to close weeks or even longer out from an election. It should be possible for people to enrol and vote up to five days or so before an election. The technology certainly exists for that to happen and for that information to go to all the polling booths in time for an election.

Reforms are also needed to the system of postal voting. The current system favours incumbency. Applications for a postal vote should go straight to the Electoral Commission and not be filtered through the offices of local members of parliament. Anything that favours incumbency is less democratic.

In relation to voting for the Legislative Council and group or ticket voting, we should ensure that those voting tickets are displayed in every polling booth and not just somewhere in the polling station. People have a right to know what it means to vote above the line, and the display of group voting tickets allows people to know exactly what it means if that is the way they choose to vote.

As we know, some 95 per cent of people choose to vote above the line because it is easier; however, the vast majority of them do not know where their vote ends up. Ideally, we would get rid of group voting tickets altogether and allow preferential voting above the line so that the voter determines where their preferences go, just as they currently do for lower house ballots.

One of the most important areas for reform is that of political donation, and I have spoken about this issue in this place on a number of occasions. The Greens believe that the Canadian model is well worth considering, and I understand that the opposition has also referred to that model in recent times.

We should look at limits on individual donations to parties or candidates, with limits set at a modest level so that we do not find vast sums of money from a very small support base going to

parties, with their subsequently being beholden to the donors. So, we would limit donations to $1,000, and prohibit donations from corporations, unions and other organisations, and have continuous political disclosure, rather than the 'once a year' federal system we are currently stuck with.

The flip side of the coin of limiting individual political donations is public funding for elections. It has been said by the Premier and others that people do not want that, but it has occurred at the federal level for many years and has not been the subject of outrage in the community. In fact, I think people understand that it is a fairer system than one in which parties and candidates hold out their hands for large sums of money to corporations.

I think we can be a little bit more liberal in terms of the time period for registration of new parties; six months before an election is too long, and I think that two months is a more appropriate period of time.

One issue that the previous speaker canvassed at great length was the question of outdoor political advertising and this most curious provision that the Attorney has put into this bill effectively banning what we refer to as corflutes on Stobie poles. A better model is the one that the member for Mitchell in another place advocated, and that is to have some sensible limit on the number of posters. However, to a certain extent, we are at a loss to understand why any restriction at all is necessary.

I come back to what I said at the outset, that the government knows that that is an area where the small players can compete. It is a relatively cheap form of advertising. It does provide the opportunity, in the very brief election period, for people to get their message out. The alternative, which is what is currently in the government bill, is that we will find wealthier parties going along the main roads, boulevards and streets of our cities and our towns and they will be paying people to put a couple of star pickets in their front yard and advertise there. That is what happens interstate where they do not have public space advertising. You would basically be going up and down the street and offering people $20 or $50, especially if they are on a prime corner location, to put advertising in their yard.

The Hon. R.I. Lucas: I think you'd have to offer more than that!

The Hon. M. PARNELL: The Hon. Rob Lucas thinks that we are undervaluing some of these prime locations. The point is that any system that takes away the right of people to briefly advertise for free in the public realm favours parties with more money, and that is undemocratic. As an Independent, being able to use even the back of a cornflakes packet and a texta colour to make your case for election and to put that in the public realm is an important part of our democracy.

There are also provisions in this bill relating to access to the electoral roll. One thing that is important there is that we need to make sure that we do not favour incumbents and we do not wait until candidates have formally registered. If a person intends to be a candidate, that should be a sufficient barrier to cross in order to be able to obtain the electoral roll. Of course, what we then need to do is make sure that we have strong laws in place preventing abuse and, in particular, abuse for commercial purposes. I think that there is some scope for increasing those penalties.

Another amendment that I am keen to see to this bill is the one that came out of the experience in the Frome by-election, and that is an amendment I have referred to here before. Where an unnecessary by-election is held, I believe that the political party whose candidate has prematurely resigned should be responsible for paying the costs of the by-election and, if they choose not to do so, they should be ineligible to run a candidate in that election. I think it is very poor public policy for us to allow political parties to use the mechanism of by-elections as a form of succession planning. We know that the Liberals came a complete cropper when they tried to do that in the Frome by-election, but I think the principle is necessarily sound. If a person resigns through no good reason, other than that they are tired or that they have had enough, then I do not think the taxpayer should have to foot that bill.

There are also provisions in this bill that relate to the details that are included on the electoral roll. A lot has been said about the ability of members of parliament to send birthday cards to their constituents by having that information recorded. However, what we should be looking at is whether we could introduce an electoral version of the 'do not call register'. Many of us have signed up to avoid the evening mealtime routine of an Indian call centre selling us things that we do not want. Why not have a similar principle in place where constituents can protect their details, including protecting them from contact by their member of parliament?

In summary, the Greens believe that this bill is a fairly cynical attempt to entrench the already considerable advantage that the big parties enjoy. If this bill is the answer, then we have to ask ourselves: what was the question? I have no doubt that the question was not: how do we improve democracy in our state? If that was the question, then the answer would certainly have been very different to this bill.

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

DESALINATION PLANT

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (17:50): I table a copy of a ministerial statement relating to renewable power desalination made earlier today in another place by my colleague the Premier.

UNITED WATER

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (17:50): I table a copy of a ministerial statement relating to the United Water court proceedings made earlier today in another place by my colleague the Treasurer.

STATUTES AMENDMENT (PROPERTY OFFENCES) BILL

Adjourned debate on second reading.

(Continued from 15 July 2009. Page 2922.)

The Hon. S.G. WADE (17:51): I rise today on behalf of the opposition to indicate our support for this bill. This is a very straightforward bill and my contribution will not be a long one. By way of background, the bill brings before us the recommendations of the Model Criminal Codes Officers Committee of the Standing Committee of Attorneys-General and seeks to alter the way in which the penalties for a property offence are calculated.

As part of the 1986 reforms of the statutes relating to property offences, South Australia adopted a penalty regime which created a direct correlation between the financial cost of the damage done to the property and the penalty for that offence. The Attorney-General, the Leader of the Opposition and other opposition members in another place all noted that this direct correlation between the cost of damage and the penalty was not an ideal principle on which to base the penalties for property offences. It is clear that the value of the property which is damaged does not necessarily reflect the seriousness or impact of the offence. In its report on criminal damage, the Model Criminal Codes Officers Committee noted that South Australia is the only Australian jurisdiction which has this correlation in its laws. The report observed:

> Apart from the likelihood of bracket creep and other considerations…damage to valuable property may be trivial in extent…It is preferable to rely on exercise of the sentencing discretion in particular cases than attempt to discover legislative formulae which will dissolve these complexities.

The model committee therefore recommended that a general offence of criminal damage be enacted, with a maximum penalty of 10 years' imprisonment, to reflect the fact that not all property offences are major offences and should not, therefore, be treated as major indictable offences. The seriousness of a property offence will be directly related to the value of the property, which will determine whether the offence is a major indictable offence, a minor offence, or a summary offence. However, the specific penalty for the offence will still be at the discretion of the court.

It is important to note that the bill maintains a separation between arson and other forms of property damage. The offence of arson maintains a maximum penalty of life imprisonment, although an offence of arson can be committed only where it is in relation to a building or a motor vehicle. Under the amendments proposed by the bill, it is also an offence to threaten to damage another person's property and, again, there are three levels of offence: basic, aggravated, and an offence aggravated by a threat to commit arson.

In closing, I point out that the Attorney-General has stated that the new method of determining the seriousness of an offence based on value, with the penalty determined by the court, is a similar method to that used in respect of theft. This is a sensible approach to determining sentences, and we are pleased to see that for once the government—and, indeed, the Attorney-General—recognises the importance of the discretionary powers of the judiciary in relation to sentencing. We can only hope that the Attorney-General will be able to generalise the principle.

The independence of the judiciary and the separation of the executive and the judicial arms of government are important principles of the Westminster system of government.

As I said, the opposition supports the bill and looks forward to its passage through the remaining stages.

The Hon. DAVID WINDERLICH (17:54): I am happy to support the second reading of the bill; obviously, it has the intent of simplifying what, in the past, has been a complex area of law. I note that the report refers to a host of old English statutes, covering all sorts of specific offences for damaging a house, a tent, a stable, a coach house, an outhouse, a warehouse, an office, shop, mill, malt house, hop house, and on it goes. Clearly, this area of law needed some simplification.

A first attempt was made in 1986 when it was reduced down to three sections covering the same field, containing a series of offences sorted by whether the damage was by fire or explosives, whether or not the offence was attempted or completed, and the value of the property damaged or attempted to be damaged. We are now taking another step towards simplification by removing the differentiation between the intention to commit damage and the actual act of damage.

However, it does raise a couple of questions for me, which I hope will be resolved during debate in the committee stage. The first question relates to the focus on damage by fire or explosives. I assume there are good historical reasons for this, because it has been sitting around in previous legislation, but, under this bill, if a person, without lawful excuse, by fire or explosives damages property that is a building or a motor vehicle, whether the property belongs to the person or to another, they can receive the maximum penalty of imprisonment for life. If they damage something without lawful excuse by means other than fire or explosives, the maximum penalty is 10 years.

I am not convinced that this makes sense. There are many ways to damage or destroy property. You could ram a house or run over a car with a big Mack truck; you could start an avalanche or bulldoze a dam wall and flood property; you could chop down a tree so that it falls on your neighbour's house, push their car off a cliff, or simply go through a house with a sledgehammer; and you could even infest a house with white ants, creating a new offence of malicious infestation. Any of these methods could cause greater damage than the use of fire or explosives, so I look forward to an explanation as to why there is such a focus in the legislation around property damage.

The second question I have is about the values implicit in these penalties. Under this bill, if you damage property using fire or explosives you could be imprisoned for life. That is equivalent to the maximum penalty for homicide, rape, or the persistent sexual exploitation of a child. It is not far above kidnapping: 20 years for a basic offence, and 25 years for an aggravated offence. If you destroy property, or threaten to damage another's property, the maximum penalty is 10 years; the maximum penalty for the mutilation of female genitalia is seven years' imprisonment.

We talk a lot in parliament about the messages we send with the legislation we pass; I am not sure whether we want to send the message that damaging property, even relatively minor damage to property and even if it is by means of fire or explosives, is of equivalent gravity to homicide, rape, or the persistent sexual exploitation of a child. Given that life imprisonment is our maximum penalty, do we (and I genuinely do not know the answer to this question) impose that maximum penalty for property offences, when that is all we can impose for serious offences committed against a person?

I have not yet decided whether that is sensible, or whether in fact there should not be some gradient of severity of penalty by what we value—and I assume we value human life, freedom from rape, and avoiding sexual exploitation of children above protecting property. If we do, you would think our penalties would reflect that. As I say, I have an open mind on this, but it is a question that I hope will be resolved during debate in the committee stage.

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

HARBORS AND NAVIGATION (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 16 July 2009. Page 2951.)

The Hon. D.W. RIDGWAY (Leader of the Opposition) (18:00): I rise on behalf of the opposition to indicate that we will be supporting this bill. The purpose of the bill is to increase the maximum penalty for expiation fees applying to the registration of prescribed vessels. The

recreational and commercial facilities funds are to be replaced with a single facilities fund to pay for establishing, maintaining and improving harbours and other such facilities.

I note that you, Mr President, are a keen fisherman, as are other members in this place. I am a keen fisherman but, sadly, I do not get the opportunity anywhere near as often as you to go fishing. Having said that, I enjoy the good facilities that the facilities funds provide. A number of questions have been raised by some industry stakeholders in relation to some concerns they have had, in particular, the two funds being rolled in together. I think it is worth noting that, currently, the fund generates about $2 million a year from the recreational sector, and it is proposed that probably only about $100,000 extra will come into the fund by bringing in the commercial vessels.

There were some concerns about equity in the fund. The opposition has listened to the stakeholders. The only facility I know that is absolutely commercial is the facility at Smoky Bay, which is part of the industrial estate, where oyster farmers can access a boat ramp, which I think is predominantly for them. I think that is the only one that is strictly commercial. I think that all the other facilities around the state are for mixed use; with some there would be a focus on commercial and others would have a focus on recreational facilities.

The recreational fishing groups raised some concerns that more money would be spent on developing onshore facilities—boat ramps and the like—rather than extra navigational aids and things such as artificial reefs. Their view, of course, is that the recreational industry brings in a significant amount of money via tourism and activities in regional and rural South Australia. The view was that it would be important if we could have more investment, particularly in relation to artificial reefs.

One of the concerns raised with the opposition relates in particular to the new fund to be established. At one point, it says that the fund must be kept as directed by the Treasurer. At point 5 in the amendment, it states:

> The minister may, with the approval of the Treasurer, invest any money belonging to the fund that is not immediately required for the purpose of the fund in such a manner as approved by the Treasurer.

That raised some concerns, and I would like the minister responsible to put on the record that I did question the department in a briefing that I was fortunate enough to receive. The department gave me the assurance that this money would be invested purely in an interest-bearing account and that the interest, of course, would be attributed back to the fund.

It reads as though the minister could direct, with the approval of the Treasurer, to invest the money anywhere—into some other government project—but department officials have given me an assurance. I would like the minister to put on the record this particular direction that, with the approval of the Treasurer, the minister may invest any money belonging to the fund not immediately required for the purpose of the fund in such a manner as approved by the Treasurer. I would like the minister to address what would be approved by the Treasurer because, certainly, the opposition supports the investment of this fund in an interest-bearing account. That makes a lot of sense. We certainly would not support this fund being used to invest in other projects.

The industry also raised some concerns in relation to the costs of administering this new fund with respect to commercial vessels. When the minister sums up, or when we reach the committee stage of the bill, I would like the minister to explain how it will be levied. At the moment, this is levied on all recreational vessels as part of their annual registration fee; it is just a levy on each particular vessel, whereas my understanding is that commercial vessels will be levied at the point of survey. I just want to know how that will be achieved.

There is a concern from the recreational sector that there will be an extraordinarily large administrative burden placed on the fund to collect the $100,000 that is likely to come in from the industry sector. So, I would also like the minister to outline how money will be collected from the commercial boats and, in particular, the impact in relation to the administration of the fund.

The only other point that I would make is that this bill also allows for some significant and almost exponential increases in penalties. That very much relates to the very large increases in the registration fees gazetted back in July 2008. I asked the government advisers to outline what consultation was undertaken with the industry and, by and large, the recreational boating industry in relation to those registration fees gazetted last May. Clearly, there has been a level of angst within that sector of our community that there was virtually no consultation on these registration increases, which is a trademark of this government. We see time and again the government's very

arrogant approach, where it just imposes an increase in fees or makes decisions without any consultation.

When the minister's officials briefed me, I asked that the minister responding to this bill outline what consultation was undertaken to increase those registration fees. Clearly, if we have those much larger registration fees, we then actually need much larger penalties; otherwise, if the penalties are lower, people will not bother to register their vessels.

We support the increase in the penalties, but we would like an explanation about how the department arrived at the increase in registration fees last July and what consultation the department undertook. With those few comments and questions, I indicate that the opposition supports the bill and, pending satisfactory answers to those questions, we look forward to supporting the bill through the parliament.

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

LOCAL GOVERNMENT (ELECTIONS) (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 15 July 2009. Page 2920.)

The Hon. S.G. WADE (18:08): I rise today to indicate the opposition's support for the bill. The bill follows on from the independent review of the 2006 local government elections undertaken by Margaret Wagstaff in 2007-08. The review covered three key themes: voter participation in local government elections; local government representation; and local government election processes. The final report of the independent review, released in March 2008, made 27 recommendations, and the government, in December 2008, responded to that report and accepted 23 of those recommendations.

The opposition does not support this government's propensity to meddle in the affairs of local government by telling local government how to run its operations, which is so often a trademark of the government's relationship with local government. We do not see the bill, though, in that context; rather, the bill reflects the fact that local government is established under state legislation. The bill is an opportunity for the state government and, for that matter, the state parliament, to support councils in establishing governance and election systems that encourage voter participation and ensure transparency.

Whatever level of government we are talking about, it is important that election processes are transparent and accountable; in fact, it is vital to ensure a robust democracy. Voters need to be confident that elections are conducted impartially and that safeguards are in place to prevent tampering with or distorting of the election process. We are reminded of the importance of transparent elections and public faith in the processes by relatively recent events: the Iranian elections earlier this year and also the Afghanistan elections, which are currently in progress. The peace and good order of those nations is and has been jeopardised by a lack of confidence in the electoral process.

While Australia has a strong democratic process, we need to be vigilant in maintaining the transparency of the processes and ensure that there are safeguards to prevent abuse. In this context, I think it would be helpful to remind ourselves that even well developed democratic states can still have problems with their electoral processes, which undermine the credibility of the governments elected as a result. Of course, most recently, the United States had major problems with 'pregnant chats' and other electoral issues, which served to cast a pall over the election results and I think undermined the moral authority of the people who took office after those elections.

I think it is particularly true of a jurisdiction that uses voluntary voting and, in that context, we need to be particularly careful, on behalf of the local government bodies of this state, to make sure that the integrity of the electoral system is secure. The confidence of a community in its local government is very important, and a robust electoral process is an important foundation of that trust.

As I have said, the opposition supports the general thrust of this bill. We recognise the unique position of local government as a level of government that is focused on drawing services together in a particular community and acknowledge that, as such, local government is uniquely well placed to foster local communities. All politics is local. Wherever people come from, they are concerned with how policies and programs affect their life and their local community, and strong local communities are the cornerstone of a vibrant state.

From time to time, we hear even from senior members of the government. I recall comments by Treasurer Foley on radio recently describing councils as being concerned only with rates, rubbish and roads, but that is a sorely outdated perception in the modern era. Local government not only plays a major role across a whole series of service delivery domains but I believe has great potential to play an even greater role. For example, in areas such as disability services, the role of local councils in fostering an inclusive community is greatly undervalued, perhaps even by some local government bodies.

Local government is already involved in community respite care, local crime strategies and planning processes. In a whole series of domains, local government is a key partner with state and federal governments in delivering services on the ground. For this reason, we acknowledge the importance of encouraging participation in local government and ensuring that the process of local government elections is well placed and suited to achieving this goal. Participation in government and elections should not be a challenging or ambiguous task; processes for elections need to be clear and transparent. In this respect, it is pleasing to see that this bill contains provisions that improve transparency in areas such as provisional enrolments and provisions relating to misleading material.

Many of the provisions in the bill reflect election processes for state and federal governments and, in some cases, those of local government bodies elsewhere in Australia. In particular, I am pleased to see the introduction of a caretaker period during local government elections. The opposition sees this as an important step in strengthening accountability and transparency. These are key measures which further strengthen local government and election processes.

However, we do have concerns about some sections of the bill, such as the amendments relating to the property franchise, and I will address these during the committee stage. I flag that I will be moving some amendments to the bill, and I hope to file those amendments very shortly.

The Hon. DAVID WINDERLICH (18:15): The Local Government (Elections) (Miscellaneous) Amendment Bill proposes some very worthwhile amendments that enhance the democratic rights of local government electors and will, hopefully, have a positive impact on the standard of government that South Australians can expect.

As a former councillor for the City of Norwood, Payneham and St Peters, I can appreciate the challenges facing candidates who are seeking election and the incredible amount of organisation that is needed to conduct local government elections. I also appreciate the challenge of convincing people to vote in non-compulsory elections.

I welcome and wholeheartedly support the initiatives proposed to engage more of the population in the decision-making process and look forward to seeing local government elections promoted accordingly. Voter turnouts of less than 30 per cent are unacceptable in a modern democracy, and I support the measures suggested to increase these levels.

I commend smaller and regional councils that have successfully increased voter participation to over 50 per cent and hope to see this trend continue, both in an increase in their vote and across metropolitan councils. A low voter turnout would seem to indicate either a lack of confidence in the democratic process or a perceived lack of relevance for the ordinary resident. This cannot be put down simply to apathy or complacency. Representative governments must have relevance and be proactive in representing constituent concerns.

One of the most significant reforms contained in the bill is to ensure that all electors have only a single vote to exercise and the abolition of the archaic practice that favoured property and business owners by allowing them multiple votes in elections. I have always disliked this aspect of local government and I congratulate the minister on moving to remove it.

The Local Government Association has a number of proposed amendments. I generally do not support those, particularly those that relate to the LGA becoming responsible for the promotion of elections and giving candidates access to the electoral roll. I believe the minister's rationale is sound in opposing these changes, and the provisions outlined in the bill before us would be a better outcome.

In relation to the promotion of elections, I think that local government seeks recognition as a legitimate level of government and I support its seeking and achieving that recognition, but I think that means that local government should follow the same rules as other levels of government and have elections run by the State Electoral Office.

I will be proposing an amendment that I think will make a major contribution to increasing participation in local government elections, and that is giving 16 year olds the vote. The history of democracy is the expansion of the right to vote. To give a very potted 30 second version of the history of democracy, in small European communities in our history males often had the vote in a direct but sexist sort of democracy. This is a reminder of the local roots of democracy, the town hall or village green variety. But at the national level, over a period, kings took control and no-one had the vote. Then nobles formed parliaments and seized the vote, for them, anyway, then men with property, then all men, and then women and other excluded groups, such as African-Americans in the United States or Aboriginal Australians in Australia.

On the age front, you once had to be 21 years of age, then in 1974 this was lowered to 18. I think it is now time to take another step and extend the vote to 16 year olds in local government elections. This has long been the policy of the Democrats and the Greens, and the Rudd government is even commissioning a discussion paper on giving the vote to 16 and 17 year olds in federal elections. Knowing the form of Kevin Rudd, this idea could disappear into a committee for a generation but for the fact that analysts feel that, politically, this small step for democracy would translate into a middle-sized leap for the Labor Party, which seems to be more attractive to young people.

Leaving the politics aside, what are the arguments for extending the vote? Sixteen year olds have at least one foot in the adult world. According to 2006 data from the Australian Bureau of Statistics, about 38 per cent of 16 year olds are either working casual, part time or full time, or looking for work. If these young Australians are expected to contribute taxes to the government's coffers should they not have a say in how their hard earned money is spent? I remind members that I have four teenagers.

An honourable member interjecting:

The Hon. DAVID WINDERLICH: I will come to that. Two 16 year old Australians are allowed, by law, to have consensual sex and to give birth to a child, so why should they not have a formal say in the running of the society into which that child is born? There are many international precedents for giving the vote to 16 year olds. Sixteen year olds are eligible to vote in Brazil, Nicaragua and Cuba. They are eligible to vote in municipal elections in some of the German states, in Austria and in a number of states in the United States.

These latter examples show that it is also possible to have different voting ages within the same country for different levels of government. We are already halfway there in our federal elections. Young people can already enrol to vote in their 17th year in case an election comes around and they have just turned 18.

Self-defence is another reason to give young people the right to vote. This is a rarely stated but, I believe, fundamental advantage of democracy. It gives ordinary people some sort of shield against abuse or neglect by the rich and powerful. In the case of young people, older Australians vote on the basis of their views about education, crime, driving age and many other things that affect young people.

Young people are the subject of regular moral panics about gangs, drugs, alcohol, alcopops and you name it. Sometimes this anxiety of the older generation is justified; sometimes it is hysterical. If young people had the vote, they would have to be courted and their views listened to by the rest of the community on these matters.

However, my own favourite is the 'more the merrier' approach to democracy. Democracy is a good thing, a gift, so let us make it as widely available as possible. As a society, we should allow as many people as possible to vote, so the voting age should be set at the lowest level at which people can make an informed, educated decision. I think many young people can do that at the age of 16. What are the arguments against extending the vote? There seem to be two main arguments: they are too young and too inexperienced.

The Hon. T.J. Stephens: And too stupid.

The Hon. DAVID WINDERLICH: The honourable member has pre-empted my next line: it sounds just the sort of thing people our age would have said about lowering the voting age from 18 to 21 in 1974.

The Hon. A. Bressington: And look what happened!

The Hon. DAVID WINDERLICH: They elected you. Life experience is important but, in a rapidly changing world, so is an open mind and a fresh perspective—something young people are more likely to have than their uncles, parents and grandparents.

Another argument is that in other areas we are increasing the age of qualification to certain rights. The school leaving age is moving up to 17 and the driving age is being increased and, in effect, older people are making more and more laws about young people. This sounds to me like an argument for giving young people the vote so that they can have a say in the laws that are being made about them. This is the self-defence argument.

I do not think these are solid arguments. In fact, I think the underlying resistance to expanding the vote (and I think this gets to the heart of the interjections so far) is that we are getting older and grumpier and that our teenagers do not clean their rooms, have excessively long showers, leave the lights on when they go to bed and have far too much fun—all true but not exactly arguments against giving them the right to vote.

I urge members of the government to consider the recommendations of their Young Labor members who have consistently pushed to lower the voting age to 16 since their national conference in 1995—and that is as far back in history as the privatisation of SA Water. I look forward to support of my amendment at the committee stage.

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

STATUTES AMENDMENT (COUNCIL ALLOWANCES) BILL

Adjourned debate on second reading.

(Continued from 15 July 2009. Page 2922.)

The Hon. DAVID WINDERLICH (18:23): I think that there are a number of very good aspects to this bill, and the move to the Remuneration Tribunal setting council allowances is a good one. It removes from councillors the invidious choice of deciding between setting a reasonable allowance for themselves and looking at specific programs they will not be able to afford if they do so. I think that is a good thing. Setting allowances every four years makes eminent sense.

One aspect of the bill to which I may move an amendment is new section 76(3)(b), which relates to the criteria for the setting of allowances, that is, taking into account size, population and the revenue of the council and any relevant economic factors when determining council allowances.

We have a system that assumes that a bigger council with a bigger budget and population is intrinsically harder to run and that therefore the councillors should get a higher allowance. I do not think that reflects the reality. Some very small councils have very complex jobs. For example, the District Council of the Copper Coast, about which I know a reasonable amount and of which I have been critical, in many ways has a hard job—

The Hon. G.E. Gago: Do you want to pay them more?

The Hon. DAVID WINDERLICH: Maybe. It has quite a difficult job. It has a world heritage area that it wants to list as a world heritage area (the copper mining area of Moonta); it has a coastal zone; it has farmland; and it has the usual residential zoning issues to consider. Like many coastal councils, it is undergoing a development rush, which means that it has to deal with big developers with big budgets and lots of good lawyers. I think its job is more difficult than the job that faced me in my role as a councillor at the Norwood, Payneham and St Peters council, and there are other councils like that.

I do not believe that the narrow range of factors to be taken into account in new section 76(3)(b) are broad enough. I do not think they reflect the inherent complexity of local government. All councils operate under the same act and have the same sorts of powers regardless of the size of the population or the revenue, and I do not think they reflect the wide-ranging circumstances of local government.

My ideal would be to have all councillors paid a fairly similar allowance. However, we do not have the funding mechanism for that at the moment. What we have is a formula that essentially allows larger councils with larger budgets to justify larger allowances for councillors (not exorbitant, because they are quite modest, too), while small councils with less access to expert staff and any support, and often with roles that are just as complicated, can be paid only what their small council

can afford. It is not the sort of outcome that we would accept in any other area in society. I think it is quite inequitable.

On the whole, I am very supportive of the bill. I am thinking about how to possibly amend new section 76(3)(b) simply to recognise the fact that it is not size of population or revenue that matters. The intrinsic complexity of local government is just that: it is intrinsic to local government, and it depends on the circumstances of different councils. Those matters are not taken into account in the broad criteria that are set in new section 76(3)(b).

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

At 18:27 the council adjourned until Wednesday 9 September 2009 at 14:15.