LEGISLATIVE COUNCIL

Wednesday 2 May 2012

The PRESIDENT (Hon. R.K. Sneath) took the chair at 14:18 and read prayers.

SUMMARY OFFENCES (WEAPONS) AMENDMENT BILL

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:19): I move:

That the sitting of the Legislative Council be not suspended during the continuation of the conference with the House of Assembly on the bill.

Motion carried.

CORRECTIONAL SERVICES (MISCELLANEOUS) AMENDMENT BILL

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:19): I move:

That the sitting of the Legislative Council be not suspended during the continuation of the conference with the House of Assembly on the bill.

Motion carried.

ANSWERS TO QUESTIONS

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

NORTHFIELD RAILWAY LINE

155 **The Hon. D.G.E. HOOD** (24 September 2008). Can the Minister for Transport advise:

1. Have any feasibility studies been conducted into the rebuilding of the Northfield railway line?

2. If so, will the minister release any such reports?

3. If not, is a rebuilding of the line feasible?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women): The Minister for Transport and Infrastructure has been advised:

1. to 3. The Department for Transport, Energy and Infrastructure is not considering the operation of passenger services on the Northfield Rail corridor as the rail infrastructure has been removed and the rail corridor intersects three major roads; Cavan Road, Port Wakefield Road and Main North Road which would need to be grade separated with either bridges or underpasses, however the corridor is being reserved for longer term consideration.

CONSULTANTS AND CONTRACTORS

109 **The Hon. R.I. LUCAS** (30 June 2010) (First Session). For the year 2009-10—

1. Were any persons employed or otherwise engaged as a consultant or contractor, in any Department or agency reporting to the Minister for Transport, who had previously received a separation package from the State Government; and

2. If so—

(a) What number of persons were employed;

(b) What number were engaged as a consultant; and

(c) What number engaged as a contractor?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women): The Minister for Transport and Infrastructure has been advised:

1. Persons receiving separation packages from the State Government are required to sign an agreement requiring them to not directly undertake work for the State Government as an employee or third party (including contractors and consultants) for a set period of time.

As part of the Department's current contract conditions, proponents are made aware of the conditions applying to ex-government employees who have received separation packages.

All new employees of the Department, who are not existing public sector employees, are required to complete an employee declaration which includes information as to whether they have previously accepted a separation package from the State Government.

The Department for Transport, Energy and Infrastructure does not hold records of individuals that may have previously received a separation package from another State Government agency.

The Land Management Corporation is not aware of any persons engaged as an employee, consultant or contractor during the year 2009-10 that had previously received a separation package from the State Government.

DEPARTMENTAL EXPENDITURE

225 The Hon. R.I. LUCAS (7 July 2011) (First Session). Can the Minister for Transport advise the actual level for 2010-11 of both capital and recurrent expenditure underspending (or overspending) for all departments and agencies (which were not classified in the general government sector) then reporting to the Minister?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers): The Minister for Transport and Infrastructure is advised:

In 2010-11 the Department for Transport, Energy and Infrastructure (DTEI) spent:

Capital expenditure

	Actuals	Budget	(over)/underspend
Classified as general Government sector (1)	$38.238m	N/A	N/A
Not classified as general Government sector (2)	$868.086m	N/A	N/A
	$906.324m	N/A	N/A

Note: Capital expenditure is not budgeted for at a sector level so a comparison between 2010-11 expenditure and budget cannot be made.

Recurrent expenditure

	Actuals	Budget	(over)/underspend
Classified as general Government sector (1)	$330.754m	$219.520m	($111.234m)
Not classified as general Government sector (2)	$1,159.202m	$1,179.962m	$20.760m
	$1,489.956m	$1,399.482m	($90.474m)

Note: Recurrent expenditure actuals and budget includes Income Tax Equivalent payments.

(1) This represents payments made to other Government departments.

(2) This represents payments made by DTEI outside the Government sector.

In 2010-11 TransAdelaide/Rail Commissioner spent:

Capital expenditure

	Actuals	Budget	(over)/underspend
Classified as general Government sector (1)	-	-	-
Not classified as general Government sector (2)	$7.875m	$8.342m	$0.467m
	$7.875m	$8.342m	$0.467m

Recurrent expenditure

	Actuals	Budget	(over)/underspend
Classified as general Government sector (1)	$12.318m	$12.562m	$0.244m
Not classified as general Government sector (2)	$131.334m	$119.078m	($12.256m)
	$143.652m	$131.640m	($12.012m)

Note: Recurrent expenditure actuals and budget includes Income Tax Equivalent payments.

(1) This represents payments made to other government departments.

(2) This represents payments made outside the general government sector.

In 2010-11 Land Management Corporation spent:

	Actual	Budget	(over)/underspend
Recurrent Expenditure	$60,718,612.81	$57,849,731.73	($2,868,881.08)
Capital Expenditure	$55,377,262.05	$96,016,894.37	$40,639,632.32
Total	$116,095,874.86	$153,866,626.10	$37,770,751.24

DEPUTY PREMIER'S TRAVEL

371 The Hon. R.I. LUCAS (24 November 2011) (First Session). Can the Deputy Premier state—

1. What was the total cost of any overseas trips undertaken by the Deputy Premier and staff since 2 December 2010 up to 1 December 2011?
2. What are the names of the officers who accompanied the Minister on each trip?
3. Was any officer given permission to take private leave as part of the overseas trip?
4. Was the cost of each trip met by the Minister's office budget, or by the Minister's Department or agency?
5. (a) What cities and locations were visited on each trip; and

   (b) What was the purpose of each trip?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women): The Deputy Premier has advised:

1. to 5. The Honourable Member has already requested access under the *Freedom of Information Act 1991*, for this information. I am informed that the Accredited Freedom of Information Officer has provided the Honourable Member with a determination, for the period 1 July 2010 to 30 June 2011.

For the period 1 July 2011 to 1 December 2011, I can advise that no overseas trips were undertaken.

LEGISLATIVE REVIEW COMMITTEE

The Hon. G.A. KANDELAARS (14:20): I bring up the seventh report of the committee.

Report received.

PAPERS

The following papers were laid on the table:

By the Minister for Agriculture, Food and Fisheries (Hon. G.E. Gago)—

Reports, 2010-11—
South Australian Alpaca Advisory Group
South Australian Cattle Advisory Group
South Australian Deer Advisory Group
South Australian Goat Advisory Group
South Australian Horse Industry Advisory Group
South Australian Pig Industry Advisory Group
South Australian Sheep Advisory Group

By the Minister for Industrial Relations (Hon. R.P. Wortley)—

Report, 2011—
Training Advocate

By the Minister for Communities and Social Inclusion (Hon. I.K. Hunter)—

Reports—
Athelstone School Review Report
Belair School Review Report
Braeview School Review Report
Craigmore South School Review Report
Dernancourt School Review Report
Flaxmill School Review Report
Happy Valley School Review Report
Largs Bay School Review Report
Linden Park School Review Report
Madison Park School Review Report
Mitcham School Review Report
Murray Bridge School Review Report
Nicolson Avenue School Review Report
Para Hills School Review Report
The Pines School Review Report
Renmark School Review Report
Salisbury Heights School Review Report
Settlers Farm School Review Report
Stradbroke School Review Report
Victor Harbor School Review Report
West Lakes Shore School Review Report

BUS CONTRACTS

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:21): I table a copy of a ministerial statement relating to bus contracts made earlier today in another place by my colleague the Hon. Chloe Fox.

HEALTH DEPARTMENT ACCOUNTS

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:21): I table a copy of a ministerial statement relating to the Auditor-General's Report made earlier today in another place by my colleague the Hon. John Hill.

QUESTION TIME

TOURISM COMMISSION

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:24): I seek leave to make a brief explanation before asking the Minister for Tourism a question in relation to the Tourism Commission's destination development team.

Leave granted.

The Hon. D.W. RIDGWAY: Tourism, said the Deputy Premier last October, is one of South Australia's most important industries. It generates $4.5 billion within the state each year and employs more than 50,000 people. The State Strategic Plan aims to make tourism a $6.3 billion industry in 2014. The Deputy Premier also said in October that the South Australian Tourism Commission's destination development team will 'continue to encourage new tourism development experiences'.

The destination development team is a crucial part of the South Australian Tourism Commission. It identifies new tourism opportunities and product gaps and lets existing tourism operators know about these gaps so the industry can grow. The tourism minister herself built on those expectations when she said the new product support program would provide professional support and find profitable strategic new tours and attractions across the state.

This financial year the South Australian Tourism Commission allocated $1.5 million for destination development. I now hear from a reliable source that among the many cuts that SATC has to make because of the lack of government funding are jobs in destination development. I am led to believe that experienced development officers in particular will be targeted. My questions to the minister are:

1. Were regional tourism officers told that SATC's regional review would mean specialist development officers in head office?

2. Because of those promises, were regional operators persuaded to relinquish their own regionally-based development officers?

3. Will these cuts further erode confidence in SATC, leaving it with a focus on marketing at the expense of product development?

4. If so, what new products will you have to promote in a few years' time?

5. Might it not be better to pay the salaries to keep some excellent people in destination development even if that means relinquishing the position of another Tourism Commission spin doctor?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:25): I thank the honourable member for his most important questions. In 2010-11 the SATC undertook a major review of the regional tourism arrangements under the Regional Tourism Growth Plan, the first such review in approximately a decade. The review led to major changes in regional structures and that commenced, I am advised, around 1 July last year.

As part of those changes under the plan, 11 specialist positions were established within the SATC. The new specialist positions, I am advised, focus on regional marketing campaigns targeted at South Australians (I understand that is three FTEs); supporting operators to become bookable online and assisting visitor information centres to become more commercial; developing new commercial experiences and infrastructure; and developing SATC's partnership with regional stakeholders.

I am advised that the new model involves a high level of integration of all SATC areas of expertise and resources in the development and marketing of regions. In 2010-11 the regional tourism organisations received $2.285 million from the SATC and in 2011-12 the SATC's regionally focused expenditure stands at $2.31 million. In fact, under this new model, the SATC has been able to refocus regional intrastate marketing expenditure and this has actually increased significantly, I am advised—up from $662,000 in 2010-11 to $1.4 million in 2011-12.

I am advised that the SATC (apart from the 11 FTEs) has also allocated $200,000 under a once-off Destination Development Fund to enable the RTO boards to initiate projects and I am advised that they enjoy very strong support from within their local tourism industry. I have been advised that 11 grants have been provided to almost all regions for a wide range of different projects due for completion in mid-2012.

Some of those successful projects include several web-based initiatives; several interpretive training and planning projects; a scoping study of how the Outback can continue to flourish after the water leaves Lake Eyre; a pre and post-conference program; a regional brand development strategy; and an itinerary planning project. The focus is on achieving five key outcomes: more consumer marketing; coordinated visitor guide production; destination action

plans; a more sales-orientated visitor information centre network; and industry training in the take-up of online booking systems.

I am advised that $1.4 million per year will be spent by the SATC promoting the key experience themes of food and wine, coastal areas, river, landscapes and journeys in a campaign to stimulate South Australians to travel to the state's regions. I have spoken about that emphasis before in this place. Given some of the issues around our Australian dollar, we have now put a very strong focus, for the time being, on encouraging South Australians and also, obviously, interstate visitors to visit the regions.

HEALTH DEPARTMENT FLEXITIME

The Hon. J.M.A. LENSINK (14:30): I seek leave to make a brief explanation before directing a question to the Minister for Industrial Relations.

Leave granted.

The Hon. J.M.A. LENSINK: On Tuesday 10 April, the health minister announced that he would scrap flexitime for all health workers at the level of ASO6 or higher and said that other departments could follow. The head of the Public Service union, Jan McMahon, promptly threatened legal action, saying that the cancellation of flexitime would violate health workers' enterprise bargaining agreements. My questions are:

1. Has the minister sought legal advice on whether the cancellation of flexitime will indeed violate the EBAs; if so, what is that advice?

2. Has the minister been advised by any other minister of their intentions on whether to keep flexitime in their respective departments?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:31): I thank the honourable member for her question. There have been discussions with Public Service workplace relations, and these are ongoing between the Department of Health and SA Health. So, in answer to the question, there are discussions going on regarding flexitime. I do not want to prejudice those discussions, but there are discussions going on; so don't worry about that.

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Lensink has a supplementary deriving from the answer.

HEALTH DEPARTMENT FLEXITIME

The Hon. J.M.A. LENSINK (14:32): Yes, indeed, Mr President. In any of those discussions, has the issue of a violation of enterprise bargaining been raised?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:32): I have had discussions with various members of the PSA and the public sector workplace relations. These discussions are ongoing, and they are also in confidence and confidential. I can assure you that it's all in hand, so feel confident that it is all being looked after.

HEALTH DEPARTMENT FLEXITIME

The Hon. J.M.A. LENSINK (14:32): I have a further supplementary question—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —which may or may not arise out of the answer—

The PRESIDENT: Let's hope so.

The Hon. J.M.A. LENSINK: —because it did not actually ask about his discussions with the union; it was actually his departmental advice. Can the minister provide information on that?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:32): There are ongoing discussions regarding this, so I am not about to sit here and talk about it in parliament when the discussions I have with all parties are in confidence.

JUVENILE DETENTION

The Hon. S.G. WADE (14:33): I seek leave to make a brief explanation before asking the Minister for Youth a question relating to juvenile detention.

Leave granted.

The Hon. S.G. WADE: Media reports suggest that an 11 year old girl was forced to stay two nights at the Magill Training Centre after being arrested in Mount Gambier for allegedly assaulting her sister and care workers in late April. Families SA proposed that the 11 year old girl be held at the Magill Training Centre until departmental staff were free to transport her home to Mount Gambier. Senior Judge McEwen is reported to have said that the department had better recanvass the situation, as he thought we could do better than holding an 11 year old girl in Magill for another night. My questions are:

1. Does the minister consider that it is appropriate for an 11 year old girl to be detained in a secure facility such as Magill?

2. If a lack of secure accommodation in Mount Gambier contributed to the decision to transfer the girl to Adelaide, what is the government doing to reduce the risk of a recurrence?

3. If lack of secure emergency accommodation in Adelaide contributed to the decision to accommodate the 11 year old girl in Magill, what is the government doing to reduce the risk of a recurrence on that basis?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:34): I thank the honourable member for his most important question. I can provide some information to the council about the situation raised by the Hon. Mr Wade in his question.

The 11 year old in question was admitted to the Magill Training Centre on police custody at 6.55am on 22 April 2012. I understand that it is alleged that the girl committed a range of offences in her alternative care placement in Mount Gambier. The police refused bail and a subsequent magistrates bail review occurred by phone. The magistrates bail review did not overturn the original decision to refuse bail, and the girl was subsequently transported by police to Magill Training Centre.

The girl was placed in the general population. The girl's accommodation unit at the training centre was kept under constant supervision. I understand the girl was held in Magill Training Centre until the next available court hearing on 23 April 2012. Staff in my department provided Families SA with full details of her location and wellbeing and the pending court hearing date. I understand the girl was released from the Adelaide Youth Court on 23 April 2012 into the care of Families SA.

ADELAIDE HILLS

The Hon. CARMEL ZOLLO (14:35): I seek leave to make a brief explanation before asking the Minister for Regional Development a question about the Adelaide Hills area.

Leave granted.

The Hon. CARMEL ZOLLO: The Adelaide Hills form a wonderful backdrop to the city. They are not just a tourism experience, but contain a wide range of horticultural and viticultural enterprises as well as some thriving towns. Will the minister please advise the chamber about her recent visit to the Adelaide Hills?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:36): It was a great pleasure to be able to head up into the Adelaide Hills recently to have a look at some of the important economic drivers in that very diverse region. It was a particularly beautiful day as well. During this visit, I was able to visit Lenswood Co-operative, situated in Lenswood. It is a very large community organisation which has grown to become an extremely successful enterprise since its founding in 1933. The cooperative includes apple, pear and cherry growers, but it is primarily known for its apple production and storage.

As a cooperative, the founding principles of the organisation were to provide facilities for local growers for the storage, packing and marketing of fruit. Today, I understand the co-op comprises 82 members, many of whom are descendants of settlers of the area who arrived in the nineteenth century. The cooperative has developed very effective cold storage facilities and over a

number of years has expanded its fruit washing, processing and packing lines. I understand the packing facility has been recently assisted under the Co-operative Loan Scheme, which enabled it to update its packing lines.

The fruit washing and sorting for size are now fully automated and it is quite a remarkable thing to observe. The cooperative has also taken great strides to improve its environmental sustainability by re-using water as much as possible. Indeed, one of the washing lines only discharges its water once a year. I understand that the cooperative supplies nearly 70 per cent of apples exported from SA and is taking great strides with its penetration into the large eastern states markets, including the two major supermarkets.

I was also able to visit the PIRSA regional centre at Lenswood, which houses a number of services provided by PIRSA, including staff from Rural Solutions, Biosecurity SA Animal Health and Livestock staff, and SARDI research staff. The veterinary staff at the facility are involved in a number of programs, including exotic disease detection, primarily for livestock but also zoonotic diseases, which are those that move from animals to humans, and those diseases which can be transmitted from wildlife to livestock. They are also involved in trade certifications and work on endemic diseases.

One of the major groups which is supported by the South Australian Sheep Advisory Group is surveillance and education around a number of diseases. Ovine Johne's Disease has been a particularly successful one that we have been able to control here in South Australia. I understand we have the lowest rate of this disease of any mainland state.

Of course, this is not the only focus of the work undertaken. We also do work around foot-and-mouth disease prevention and education. I was advised, for example, that education continues regarding the importance of ensuring the proper feeding of pigs. Animal health officers also continue to maintain contact with farmers, whether they are small hobby farms or large commercial concerns.

There is also significant work done to ensure national reporting of diseases and the management of an on-site laboratory. Some education work is done by staff based there. The staff based at Lenswood from Rural Solutions and SARDI also perform a wide range and variety of agricultural research and extension project work, including soil carbon research and natural resources management work.

I was also able to catch up with the Adelaide Hills, Fleurieu and KI RDA board, including: the chair, Mayor Ann Fergusson; board member, Angus Williams; and also CEO Barry Featherstone. I met with them to discuss their work to help develop strategic projects around the area. As well as being very advanced with their annual revision of their roadmap, the RDA is also working on a cross-regional plan for regional tourism and walking trails to take advantage of the various scenery. I thank the RDA for its strong involvement in the development of new tourism destination action plans, which the South Australian Tourism Commission has been working on throughout our regions.

Just to complete the visit, I visited an up-and-coming tourist destination, Sticky Rice Cooking School in Stirling. It is a three-year-old business that has demonstrated that 'build it and they will come' philosophy, combined with a good business plan and hard work. They have certainly delivered the goods. The success of the school has led to expansion plans, which include the construction of three villas on site. The South Australian Tourism Commission has helped to fund the creation of that attraction in the Hills through a grant of $50,000 and by helping the proponents to successfully win a grant from the federal government of around $100,000. I wish them all the best in their expansion endeavours.

LAND USE

The Hon. R.L. BROKENSHIRE (14:42): I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question regarding laws that affect farming.

Leave granted.

The Hon. R.L. BROKENSHIRE: The minister might recall, before the minister was the Leader of the Government, the debate we had in this chamber on the Mining (Miscellaneous) Amendment Bill in 2009 that saw the bill somewhat amended to reflect concerns farmers had about the balance of laws regarding mining in South Australia. I also note the current statewide wind

farms DPA which creates preferential treatment for wind farms in some of our best farming areas. My questions are:

1. Does the minister believe South Australia has the toughest laws to protect farmers in the country?

2. Does the minister believe South Australia's future prosperity is tied to two industries, namely, mining and advanced manufacturing on one hand and agriculture on the other?

3. Does the minister believe it is acceptable for a farmer to be served with a 21-day notice of entry without prior consultation?

4. Does the minister also believe that the $500 required for legal advice about the notice of entry is appropriate, given that the Supreme Court scale for lawyers' attendances is now more than $300 per hour?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:43): I thank the honourable member for his most important question and his ongoing interest in these policy areas. South Australia's primary industry lands are subject, like most areas throughout Australia and, for that matter, internationally, to increasing demands and more complex community expectations.

PIRSA is proposing a more strategic approach in that particular area, with greater emphasis on community engagement, and I am very much aware of concerns about loss of productive land associated with urban encroachment and mining and questions about the implications for our future food security. I am also aware of recent examples of a land use conflict. We see these in the media quite frequently, but not necessarily relating to land conflict use here in South Australia. I think our position is much less stressed than in a number of other jurisdictions, and I will talk about that in a minute. Those issues are around the right to farm and calls for things like increased buffer zones around activities where there are incompatible activities.

These matters need to be addressed within a wider strategic context that includes things like anticipated climate change. We know that the north is going to get wetter and the south is going to become drier, temperatures are increasing, so there is a wide range of information about the impact of those changes on our environment. Things like water security, NRM and population growth are all other significant factors. I am also mindful of the extent that these matters are linked to things like regional development and tourism components of my portfolio and to the government's commitment to a clean, green food competitive edge and also to shares from mining and advanced manufacturing.

In short, I am conscious that this policy area has become a matter of considerable interest for individual farm businesses for local communities and obviously for South Australians at large. I am very happy to see that my new agency has been reviewing its role and focus towards a much more active and strategically focused engagement around land use policy and also planning as it relates to primary industries.

I am hopeful that this initiative will help to achieve a number of things, and they are things like enhanced coordination across government regarding land use policy initiatives that affect primary industry and better information sharing among stakeholders about evidence-based policy-making in that area. The third area that they are focusing on is meaningful re-engagement of the farm community in land use policy and governance.

In the meantime, I can report that PIRSA and its interstate counterparts are investigating collaborative projects relating to land use policy for agricultural land, and this is happening under the auspices of a ministerial standing committee on primary industries. Locally PIRSA has been collaborating with councils in the Department of Planning, Transport and Infrastructure (DPTI) to commence work on initiatives for primary production land arising out of the 30-Year Plan for Greater Adelaide. I understand that PIRSA is also offering assistance to DPTI in the development of special legislation policy for character preservation around the Barossa and McLaren Vale.

In relation to some of the legislation, South Australia is very proud that we have some of the most superior legislation in the nation aimed at protecting and upholding the rights of primary producers when it comes to mining. We are one of the few jurisdictions that require mining interests to consult. It has been a while since I have looked at it but I think there are powers there to acquire adequate compensation and a wide range of other provisions as well.

A number of other factors are arising as well, but we see here in South Australia very few overt conflicts with other states. We see some very high profile media coverage there of conflicts over land use. We do not see that as much here in South Australia. I think mainly because mining is happening in the Far North where land is not used for agriculture. Also I think it shows that the underpinning of good legislation serves to help protect primary industry interests.

BUILDING CAPACITY IN SMALL REGIONAL COUNCILS PROGRAM

The Hon. G.A. KANDELAARS (14:49): My question is to the Minister for State/Local Government Relations. Will the minister provide to the chamber information regarding the new program jointly funded, I understand, between the state government and the Local Government Association that will help councils to improve their core financial services and asset management programs?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:49): I thank the honourable member for his very important question. I recently attended the 2012 Local Government Showcase and General Meeting and announced the $150,000 Building Capacity in Small Regional Councils program. This funding will go some way to reducing the adverse impacts caused by isolation and small constituencies on small regional councils.

The concept of this grant was conceived while visiting outback communities and regional councils. It was made quite evident that, while there are certain provisions and requirements for councils to improve their financial and asset management, those out in the regions who have small rate bases and very large land mass were having difficulties in providing the expertise to comply with these provisions. So we believe that it is quite necessary to provide some support for these smaller councils by way of training and the like.

In discussions with the Local Government Association, it has agreed to match this, so there will be a pool of $300,000, and that will go toward some of the smaller councils to help with their compliance. The aim of providing this funding is to address the imbalance in education and training for the smallest of the state's 68 councils, half of which serve fewer than 10,000 people. The Coober Pedy council has about 3,000 members and the Orroroo Carrieton council has around 1,100 to 1,200 ratepayers, so it is very difficult for these councils to have the appropriate training for their staff.

The state government recognises the time, effort and expertise that goes into preparing annual budgets, business plans and other statutory requirements. There have been significant regulatory changes over the past few years in terms of how councils are required to manage their finances. Therefore, it makes sense for the state government to assist smaller regional councils and ensure that they comply with the rigorous standards that have been prescribed.

Furthermore, it is often the case that the more remote the council, the harder it is to find and attract experienced staff. Nevertheless, despite small rate bases and isolation, communities—rightly, I might add—expect their councils to provide quality and timely services. This program is aimed at providing assistance to councils that need it most.

Over the past six years, the state government and the Local Government Association have focused on improving financial and asset management practices by councils. Therefore, providing practical assistance to help them meet the new standards will result in improvement in the reliability and consistency of public information on council finances.

During the deliberations over the disaster fund, when quite a number of councils applied for relief, one of the provisions was for an engineer to go out and assess the damage done in these communities. We found that the better their asset management system, the easier it was to actually determine the appropriate costs, finances and relief for that particular council. So we believe it is very important to ensure that their asset and financial management systems are up to date.

The funding that we are going to provide will be used to provide practical assistance to small councils. For example, a staff member from the Office for State/Local Government Relations may spend time with council staff and provide assistance and training in financial procedures and practices. Alternatively, the funding may be used for council staff to travel to Adelaide and attend relevant training courses.

I am delighted that the LGA is joining with the state government to support small regional councils at this time. I expect the $300,000 program to make a real difference to how these councils run and meet the challenges of the future. Currently, the Office for State/Local

Government Relations and the LGA are developing a detailed project plan for this funding. I will again advise the chamber on the details of this plan in the near future.

DRUG AND ALCOHOL SERVICES

The Hon. A. BRESSINGTON (14:54): I seek leave to make a brief explanation before asking the Minister for Health a question on drug treatment and rehabilitation services.

Leave granted.

The Hon. A. BRESSINGTON: As members in here may know, the DrugBeat of SA program has been defunded after 14 years of service to the community, but we are not the only service that has been defunded. We have been given until 30 June to be able to close up shop and refer the clients we have in our program to other services. On 18 April 2012, the minister made a statement that there would be 14 other organisations funded in this funding round and that money would be devoted to drug and alcohol services.

DrugBeat has contacted Archway of Port Adelaide (this is as a referral process for our clients); they have lost their funding and were looking to refer their clients to DrugBeat. Anglicare referred Shay Louise House back to Archway and were unaware that Archway's funding had been lost. The Salvation Army Towards Independence Program has a four to eight-week waiting list. Uniting Communities' Kuitpo Community has had funding cuts and is restructuring, and we were asked to ring back in a few months.

Woolshed has a three to four-month waiting list and does not do any sort of referral process at all. The Karobran Community, residential, had vacancies; however, there was a cost that was prohibitive to most of our clients. Mission Australia only provides telephone crisis counselling. The Elizabeth Mission is one-to-one counselling only on gambling and mental health issues.

Drug Arm, Community and Family Drug Support Services, has a four to eight-week waiting list. GATS Counselling and Family Support, Adelaide has plenty of vacancies because there is a cost of $18,500 to do the program. Drug and Alcohol Services SA has long waiting periods in most suburbs. The lack of coordination with the closure of these services and where these services now send their clients is gobsmackingly inefficient and unacceptable. My questions are:

1. When will the Minister for Health announce the names of the 14 organisations that he stated in the Messenger had been funded so that counselling services, such as DrugBeat and others, can get on with their job of referring their clients to relevant and appropriate services before they are forced to close their doors?

2. Is the minister concerned with the lack of coordination that has occurred with this funding and the absolute lack of consideration for recovering addicts?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:58): I thank the honourable member for her very important question and I will refer it to the Hon. John Hill, Minister for Health, and seek an answer as soon as possible.

APY LANDS, FOOD SECURITY

The Hon. T.J. STEPHENS (14:58): I seek leave to make a brief explanation before asking the Minister for Communities and Social Inclusion, representing the Minister for Aboriginal Affairs and Reconciliation, questions about food security on the APY lands.

Leave granted.

The Hon. T.J. STEPHENS: The Mai Wiru Regional Stores Group stated that between January and June of last year they reduced the cost of the standard market basket measure, which is a collection of basic essential items, in all stores by up to 19.85 per cent. My office assisted in a comparison of this basket cost between the average of stores on the lands and a supermarket here in Adelaide, in conjunction with the Hon. Tammy Franks, and the differences were plain to see. Food is still far too expensive on the lands for people who are usually living in the harshest of economic conditions.

Mai Wiru has called on the state government to assist all community-owned stores to reduce their margins in fresh fruit and vegetables by 10 per cent, in addition to an initiative of the Amata store to reduce theirs by 10 per cent. If the government agrees to this, the Amata store has agreed to reduce its margins by a further 5 per cent, a total of 25 per cent at this store. The minister gave the following answer to a question without notice on 28 February 2012:

The APY lands food security strategy will consider store pricing and food supply chain issues to investigate the most appropriate and effective mechanisms to promote a sustainable food supply for Anangu. The effect of food, freight and other subsidies will be considered.

My questions to the minister are:

1. Will the government assist Mai Wiru and the community stores to drop their margins by a further 10 per cent? If not, why not?

2. If the minister's plan considers food pricing as a part of its strategy, why has this lauded scheme not improved the situation on the APY lands?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:00): I thank the honourable member for his most important question on food security in the APY lands. I undertake to take that question to the Minister for Aboriginal Affairs and Reconciliation in the other place and seek a response on his behalf.

NATIONAL DISABILITY INSURANCE SCHEME

The Hon. J.M. GAZZOLA (15:00): My question is to the Minister for Disabilities. Minister, will you provide an update on the National Disability Insurance Scheme?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:00): I thank the honourable member for his most important question and also for his ongoing interest in providing better support for people living with disabilities.

On Monday this week, rallies were held in six states across the nation, with thousands of people with a disability and their carers turning out in support of the NDIS. Support for the NDIS came from all sides of politics. At the Adelaide rally there were state and federal members of parliament representing all parties—Labor, Liberal, Greens and the crossbenches, including, I think, the Hon. Kelly Vincent who was there as well.

As I have said on a number of occasions, the Weatherill government strongly supports the establishment of the National Disability Insurance Scheme. The NDIS reflects Labor's strong commitment to social justice and equality. Like Medicare before it, the NDIS will be a great Labor legacy. At the Sydney NDIS rally the Prime Minister, Julia Gillard, announced that the NDIS will commence in July 2013 in four launch locations across the country. From mid 2013, approximately 10,000 people with significant and permanent disabilities will start to receive support and, by July 2014, that figure will double to 20,000 people.

To ensure the smooth transition to an NDIS, the Gillard government has created the National Disability Transition Agency, established to oversee the delivery of care and support to people with disability, their families and carers in the initial stages of the process. The initial launch locations will be determined in consultation with the states and territories, and the experience gained from these trial sites will help to shape the national roll-out. The Premier and I have been lobbying for several months for a trial to be held here in South Australia, and I will certainly continue to advocate in the strongest terms for this to happen.

The Prime Minister's announcement means that the first stage of the NDIS will be delivered a full year ahead of the timetable set out by the Productivity Commission. I notice the Leader of the Opposition, Mr Abbott, has criticised this move, saying we should not be rushing into this, but the Gillard government has listened to people living with disability, and these people are crying out for action now.

The Weatherill government is excited to be working together with the Gillard government and other states to establish the NDIS. As was widely reported in the media, all states reaffirmed their commitment to the NDIS at the recent COAG meeting. While there are some states that have publicly declared that the NDIS should be funded by the federal government alone, the South Australian government believes this is unreasonable and unrealistic. States currently pay for disability support services: it is only fair and reasonable that we contribute to the new national scheme, just as it is also fair and reasonable to expect the federal government to provide additional resources and funding.

While we continue to discuss the finer details of funding arrangements between the states and federal government, we are moving ahead to ensure that South Australia is NDIS-ready. The major reforms announced in response to the Strong Voices report are just part of this. The

introduction of individualised and self-managed funding is a crucial part of preparing our sector for an NDIS.

In January of this year I established the South Australian NDIS Taskforce. This task force will provide advice to the South Australian government on reforms necessary to establish a functional and efficient National Disability Insurance Scheme in our state. The task force members include senior staff from the government and non-government sector as well as invited individuals with lived experience of disability, and relevant expertise and knowledge of the disability services sector. It includes people like, for example, the Chair of my Minister's Disability Advisory Council, Dr Lorna Hallahan; the National Disability Services' Noelene Wadham; Purple Orange's Robbi Williams; and longtime disability advocate Mr David Holst.

One of the first things the NDIS task force is focusing on is a roll-out of a national survey Progress for Providers Poll. This is a self-assessment tool to assist services with their preparations for the NDIS and, in particular, individualised funding. Data from the poll will be collated to form both a national and state/territory based picture of service provider readiness for the NDIS. The results will then inform the task force on what is required next to help support the successful transition.

At a national level, South Australia is represented on a number of important NDIS working groups. Of course, the Treasurer, Jack Snelling, and I are members of the Select Council of Treasurers and Disability Services Ministers on Disability Reform, along with the ministers and treasurers from every other state and territory. Dr Lorna Hallahan is a member of the national NDIS Advisory Group, which provides expert advice on the development of an NDIS and will conduct a series of workshops and community engagement sessions around the country.

My Executive Director for Disability, Mr David Caudrey, is one of the representatives from the South Australian government on the Senior Officials Working Group. The National NDIS Advisory Group visited Adelaide on 15 and 16 March and met with the NDIS SA Taskforce, peak bodies and opinion leaders to discuss ways to progress the NDIS in South Australia.

Minister Macklin also announced yesterday the creation of three expert groups to work under the NDIS Advisory Group to help inform the design of the NDIS. These groups will be made up of people with disability, their carers, advocates, service providers and other sector experts, and they will advise on key elements of the scheme including eligibility and assessment, quality safeguards and standards, and choice and control for people living with disabilities. South Australia will be represented on these committees by Lorna Hallahan and Robbi Williams.

In terms of sector training and support, earlier this year the federal government announced the NDIS Readiness Fund, part of a $3.1 million fund to help Australian Disability Enterprises prepare for reform in the way that disability care and support are delivered. In December 2011, Julia Gillard also pledged $10 million for projects examining how to deliver individual, personalised care. This is in addition to $10 million committed in August 2011 to commence work on the technical aspects of an NDIS.

The South Australian government will shortly begin a series of information and training seminars for our own Disability Services staff, NGOs and service providers, and individuals living with disability and their carers. With the assistance of the peak body, National Disability Services, and leading disability think tank, Purple Orange, my department will be rolling out support for the sector in the coming months. This will include training and advice from international experts and will cover important areas such as change management, human resources and finances, just to name a few.

The Weatherill government is excited to play its part in such a monumental reform, and we look forward to working with the Gillard government and other states to establish the NDIS. We now encourage the Liberal Party to make a clear and unequivocal statement of its support for the NDIS.

The PRESIDENT: The Hon. Kelly Vincent has a supplementary.

NATIONAL DISABILITY INSURANCE SCHEME

The Hon. K.L. VINCENT (15:07): Does the minister accept that his nonattendance at the Adelaide rally potentially calls into question his personal commitment to the NDIS?

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:07): That's quite a silly question.

The PRESIDENT: That's asking the minister for an opinion.

The Hon. I.K. HUNTER: That is an absolutely silly question. Of course I could have attended the rally and mingled with people on the sidewalk, but I expect that most people who are interested in disability services would have preferred me to be at the cabinet meeting where we were discussing budgetary issues, including my budgetary bid for disability spending in this state. I think that is where they would want me to be.

FOOD REGULATION

The Hon. M. PARNELL (15:07): I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about national food regulation.

Leave granted.

The Hon. M. PARNELL: On 28 March, I asked the minister whether it was the minister's choice not to be a member of the National Legislative and Governance Forum on Food Regulation. If members recall, this forum is the pre-eminent national body for setting food policy, and it is made up of health and agriculture ministers from the commonwealth, New Zealand and the states and territories. However, unlike the commonwealth, New South Wales, Queensland, Victoria and Western Australia, our state of South Australia is represented only by the Minister for Health. In response to my question, the minister replied:

> This is a very sore point indeed, and one that I have been attempting to address. In fact, I feel most strongly that as minister for primary industries I should be a member of that forum. I currently am not. I have written and requested that that be addressed. If I recall, I believe I have received correspondence back from the federal government representatives who denied my membership. I had then intended to take that up through the Premier and insist on it.
>
> It is quite outrageous; as I said, it is quite a sore point. It is outrageous that both ministers here in South Australia are not represented. There are distinct policy issues that are most relevant to both portfolio areas, and I feel most strongly that I should be a member of it, and I believe I have quite a lot to contribute as well. So, it is something I am pursuing and will continue to pursue most vigorously.

That was the minister's answer. I was very encouraged by her answer; however, when I reviewed the formal operating procedures of this ministerial council, it shows that ministers other than the Minister for Health may participate if they are nominated by their jurisdiction. There is no mention of a procedure for accepting or denying nominations and there is no mention of any federal veto over who can represent the state. In fact, the actual words are:

> Membership of the forum comprises a minister from New Zealand and health ministers from Australian states and territories, the Australian government, as well as other ministers from related portfolios (primary industries, consumer affairs, etc)—

and here are the words—

> where these have been nominated by their jurisdictions. This ensures a whole-of-food chain approach to food safety regulation.

My questions to the minister are:

1. Do you stand by the answer you gave on 28 March that South Australia has requested your membership on this forum but has been knocked back by federal government representatives?

2. If so, did South Australia formally nominate you to attend, and what form did this nomination take?

3. Which federal minister or agency declined South Australia's nomination?

4. What was the explanation given by the federal government representatives for rejecting South Australia's nomination?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (15:10): I thank the honourable member for his question and his attention to detail. The honourable member is quite correct: I sought membership of this group and, while I cannot remember exactly, I think my correspondence from my office went through to the secretariat of the

group—but I can double-check that. I received correspondence back from, I believe, the secretariat that said that I had to be formally nominated by the government; basically, from the Premier.

I have since written to the Premier and outlined the requirement that the nomination has to formally come from him. I believe that correspondence has gone off and that that is in the pipeline. So the honourable member is quite right, and I was informed that my attempts to virtually nominate myself, if you like, was not the process, that I was not able to do that, and was informed what the correct process was. That is in place, and I am looking forward to being in attendance at the next meeting.

FOOD REGULATION

The Hon. S.G. WADE (15:12): I have a supplementary question. When did the minister become aware that her statement to the house was misleading, and when did she intend to advise the house?

The PRESIDENT: Why was the statement misleading?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (15:12): My statement was not misleading at all, Mr President.

The PRESIDENT: No. That is only your opinion, Mr Wade.

HOMELESS2HOME

The Hon. J.S. LEE (15:12): I seek leave to make a brief explanation before asking the Minister for Social Housing a question about the homeless2Home (H2H) database system.

Leave granted.

The Hon. J.S. LEE: Reported in *InDaily* on 17 April 2012, this newly computerised database, called homeless2Home (H2H), which is used to keep track of the homeless in South Australia, has been nicknamed by caseworkers 'Highway 2 Hell'. The system was introduced last July by the state government and has been reported as inefficient by homelessness agencies due to technical issues and as unable to produce standardised reporting and statistics required by the federal government.

Shelter SA Executive Director Dr Alice Clark stated 'it's very frustrating for caseworkers to use'. She continues to say that 'it's actually quite time-consuming to record people's details properly on the system; caseworkers find it's taking them away from their direct client work'. Dr Clark also stated that she has been told 'the database's running costs were into the millions'. My questions are:

1. What research and consultation did the government undertake before introducing the Homeless 2 Home database system?

2. How much has the government spent to date in running costs, maintenance and training costs in using this inefficient homeless2Home database?

3. If the users and agencies believe that the database is producing poor results, what action will the government take to resolve these problems?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:14): I would like to thank the honourable member for her most important question, which gives me an opportunity to set the record straight in this case. The homeless2Home case management system provides a single statewide case management and information management system to the South Australian specialist homeless services sector.

I encourage the Hon. Ms Lee to continue using *InDaily* as a source for her questions—even though it is against standing orders—because it gives me an opportunity to correct the woeful record of that journal in terms of its accuracy in investigative journalism. They really just do not get it right, time and time again.

The homeless2Home case management system is used by all agencies in the homelessness sector in South Australia. It is designed to support the pathway of clients through the sector, enabling clients to access the service system at any point and ensuring clients only need to tell their story once. They do not need to front up to different service agencies and retell their story to a new person over and over again. That is one of the constant themes we hear in our feedback

from our clients—that they are sick and tired of having to go to different agencies and give their story over and over again.

The homeless2Home case management system is designed to help people give their story just once. The system promotes consistent service provision and integration across the service sector. Significant and robust consultation was undertaken across government and non-government stakeholders throughout the planning and development of the homeless2Home system. The general uptake across the sector has been successful, with a high number of user logins. Users in general have been positive about the increased capacity for cross-agency integrated service responses that homeless2Home provides.

The system is designed to improve client outcomes and efficiencies within the sector by enabling clients to enter the homelessness service system through any homelessness service—any—ensuring there is no wrong door, improving information sharing and referrals between agencies, reducing the reporting burden for agencies and supporting consistent service responses for clients by providing a standardised case management tool set.

The homelessness strategy has a robust system to support the uptake and ongoing use of homeless2Home across the homelessness sector, including regular and ongoing training to existing and new users of H2H, a freecall helpdesk for H2H users, available from 9am to 5pm, Monday to Friday; an H2H online support page; and information and consultation sessions to individual agencies to assist with troubleshooting dilemmas and barriers to uptake.

Whilst the feedback from users to date has been largely positive, there are currently technical and functional issues that have been identified. You would expect that when you are rolling out a new system, wouldn't you? Do you think any system that you integrate into a new service would be trouble free? No, you actually go out there to shoot the bugs that are popping up. These are understandably frustrating for users but are to be expected with the implementation of any new system of this size. It is expected.

The issues are being addressed with regular system upgrades, and planning for a second release of H2H is underway. The second release is expected to overcome many of the current issues that users have with the system. On 17 April 2012, *InDaily*, that journal of great repute, published an article criticising the H2H system. In particular, the article stated that the system is plagued with technical issues, according to a homelessness agency. It also criticised the system's inability to produce all mandatory homelessness statistics required by the commonwealth government, but on 26 April a further article appeared in *InDaily* which reiterated the criticisms of the homelessness database.

H2H has been accepted by the Australian Institute of Health and Welfare as complying with their national data collection requirements. South Australia's data was included in the AIHW specialist homelessness service collection's first round of results. I might take the opportunity here also to speak of the new homelessness national data collection, which was implemented in June 2011.

The data collected for 2010-11 was based on manually collated and summary level information provided by the homelessness agencies, while the 2011-12 first quarter data of the new homelessness data collection is based on client level data from the South Australian homeless2Home electronic case management system, as reported by the Australian Institute of Health and Welfare.

H2H is an integrated system used across all statewide specialist homelessness services. As I said before, clients presenting to multiple agencies will only be counted once. This lowers the chances of duplicate accounts and duplicate accounting occurring. Reported client numbers from H2H are therefore likely to be lower than the numbers obtained through the manual reporting system used prior to that date.

I might go on and talk a little bit about what we are doing about homelessness services in regional South Australia, whilst the honourable member has raised this issue. I could go for another 25 minutes, but I shan't. I am sure you want to get a few more questions in. There is a range of statewide agencies and services that are accessible to regional locations, including legal services, child-focused support, brokerage for young people and ex-custodial support services. Homeless people can access homelessness services from anywhere in this state via the Homelessness Gateway Services, either youth, generic, Aboriginal or domestic violence service gateways. The gateways provide initial entrance to the system and will undertake assessment prior to referral to the appropriate service response.

Having the H2H database spread across the state enables the state government to be responsive to the needs of people with homelessness concerns. It means that we only need to talk to them once, and they do not have to repeat their story time and time again to different agency providers. It should be a service the Hon. Ms Lee supports strongly.

SOUTH AUSTRALIAN RESEARCH AND DEVELOPMENT INSTITUTE

The Hon. CARMEL ZOLLO (15:20): I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about developments in our grazing sector.

Leave granted.

The Hon. CARMEL ZOLLO: Climate change is a reality for all of us, whether we live in the city or the country, and while city-dwellers can work to adapt their houses by shading windows or growing appropriate foliage cover, the livestock on which we depend for meat and wool are not able to change so readily. Will the minister advise the chamber how graziers have been assisted to manage climate change variability?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (15:20): I thank the honourable member for her most important question. Those of us who have had dealings with those in regions and rural areas will know the importance placed by farmers and graziers on the weather and the skill it takes to judge the timing of sowing and harvesting crops, or adjusting animal husbandry practices to ensure that, for instance, lambs survive the adverse conditions forecast in a sheep graziers' alert.

It is because of the importance of climate to our agricultural community that I am pleased to be able to tell the chamber about some of the important research undertaken by SARDI on climate adaptation over the last three years. The Climate Application Team at SARDI, which is based at the Waite, has been working on the impact climate change and seasonable variability will have on pasture and livestock operations. The team's research, which has been taken in partnership with a range of livestock producers in varying climatic conditions across South Australia, is part of the Australian government's $46.2 million climate change research program.

I understand that the team has found that the impacts that graziers will face over the next 15 to 20 years are likely to be shorter growing seasons with greater variability in pasture growth, which will be accompanied by reduced pasture quality and lower yields. This poorer volume and quality of pasture will flow through to a reduction in wool quality.

Increases in the number of days with elevated temperature will also impact on animal health and the productivity of the livestock systems. SARDI's senior scientist, Melissa Rebbeck, aims to provide information to producers so they can assess how different management options may have benefits for their own enterprise and position them to better manage climate risks.

The study used a computer model called Grass Gro to assess the benefits of the different adaptive strategies adopted by 300 livestock producers. The variables included in the adaptation study were: varying stocking rates, lambing and calving dates, weaning times, pasture mix, soil types, livestock sale dates, and types of enterprise.

Using the simulation model provided by Grass Gro, which incorporates local rainfall, temperature, radiation and carbon dioxide projections, as well as soil, pasture and livestock performance parameters, a wide range of individual situations can be plotted. This simulation allows managers to run a number of options through the model and then compare outcomes. This provides farmers with a decision support tool and, as a result, taking much of the uncertainty out of the decision process.

When researchers returned to visit 150 producers to show them the results from the simulation program, producers were able to discuss the practicality of the adaptations and advised which specific changes they proposed to make. The significant knowledge gained by this research is demonstrated by a number of adaptations which livestock growers decided to implement.

Some of these changes included minimising the need for supplementary feed by reviewing lambing and calving times, age of animals at first mating, stocking rates and sales times; making their systems more flexible by varying the times of sales or turnoff of stock, changed confinement feeding, stock movements, greater animal trading to encourage core breeding and agistment; and improved pasture use through better grazing management systems.

These included controlled cell rotation, confinement or movement of stock to pasture growth phases. I congratulate SARDI and Ms Rebbeck on this important work which provides a significant boost for our graziers, giving them the tools to increase profitability and sustainability into the future.

ANSWERS TO QUESTIONS

APY EXECUTIVE

In reply to the **Hon. T.J. STEPHENS** (10 November 2010) (First Session).

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women): The Minister for Aboriginal Affairs and Reconciliation has been advised:

1. There is no funding agreement in place for the permit and notification system for the Anangu Pitjantjatjara Yankunytjatjara (APY) Lands. However, as agreed with the Department of the Premier and Cabinet, Aboriginal Affairs and Reconciliation Division (DPC-AARD), APY submitted an invoice dated 30 June 2010, for $30,000 to fund an APY Permits Officer, which was paid on 14 July 2010. This provision was included in the 2011-12 funding agreement.

2. It was agreed with the Director, Remote Communities, DPC-AARD that the South Australian Government was prepared to pay for the administration of the permits and notifications processes.

3. I am not aware of any obstruction or interference with the legal services to the APY Executive Board on 5 May 2010.

4. Mr Chris Malcolm was appointed by the APY Executive Board on 7 April 2011 to undertake the role of General Manager of the Lands on an interim basis.

WORKCOVER CORPORATION

In reply to the **Hon. J.A. DARLEY** (23 November 2010) (First Session).

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women): In response to the questions asked by John Darley MLC to the Minister for Industrial Relations on 23 November 2010 the Minister for Workers' Rehabilitation has provided the following information, in addition to the comments in reply made by the Hon. Paul Holloway MLC.

1. to 3. A national survey of return to work outcomes has been running for many years. Despite this, since 2009, WorkCover SA has engaged an independent third party organisation to conduct a local survey of injured workers. The results from this survey are published in WorkCover's annual report and are used by WorkCover's claims management agent to record return to work details at the time a claim is closed.

FREEDOM OF INFORMATION

In reply to the **Hon. S.G. WADE** (18 May 2011) (First Session).

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women): The Minister for the Public Sector has been advised:

1. Where the Freedom of Information (FOI) applicant is a natural person their identity is deemed to be personal information and State Government agencies are advised not to release the names of applicants unless the applicant has expressly consented even though the Privacy Principles allows for implied consent.

Where a Member of Parliament has made a FOI application it is the view of the Crown Solicitor that the Privacy Principles were not intended to protect the affairs of a natural person *'while acting as a holder of a public office'*.

2. Consultation allows third parties an opportunity to have their say and provide information for the Accredited FOI Officer to consider when making their determination. The fact that the agency advised third parties that the documents could be disseminated further does not speculate on the political intentions of the Member for Bragg nor does it have any impact on the determination made by the Accredited FOI Officer.

COORONG AND SOUTH-EAST SHACKS

In reply to the **Hon. J.A. DARLEY** (22 June 2011) (First Session).

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women): The Minister for Sustainability, Environment and Conservation has been advised:

1. Rents were established on the basis of a valuation report commissioned from a private valuer. Although there has been criticism of the rents and alternative methods for establishing rents proposed, no shack owner has provided any market based evidence that would indicate the rents are not appropriate.

2. The Honourable Member agreed at a meeting with the former Minister for Environment and Conservation in 2010 that independent advice would be obtained from an interstate jurisdiction, namely New South Wales (NSW). The NSW Valuer-General and the independent valuer in NSW were asked to review the reports, not provide advice on new rents. It was not necessary for the interstate experts to have knowledge of the location and markets in order to review the reports.

3. The determination of four per cent from 1 January 2012 as an initial rate of return is based on the independent advice from NSW which indicated that rates between three per cent and six per cent were in use in that jurisdiction. No evidence has been provided to suggest this rate is excessive for South Australian coastal locations.

4. Lessees were advised of the new rents in June 2009. Objections to rents at that time were subject to the provisions of the leases and the *Crown Lands Act 1929*. The review provisions to which the Honourable Member refers are contained in the *Crown Land Management Act 2009*, which only came into force on 1 July 2010, a year after lessees were notified of the rents and lodged objections.

5. The rents will not be withdrawn. Lessees will be advised of any appeal rights available to them either under the conditions of the lease or the *Crown Land Management Act 2009* as appropriate.

MATTERS OF INTEREST

VAISAKHI 2012

The Hon. G.A. KANDELAARS (15:25): On Saturday 21 April my wife, Glenys, and I attended the Vaisakhi celebration on behalf of the Premier. Other distinguished guests included the Hon. Jing Lee and her husband, Eddie. The Vaisakhi 2012 celebrations were conducted by the Sikh Society of South Australia at the Norwood Town Hall. There were approximately 200 guests in attendance.

Vaisakhi is a Sikh cultural festivity which has its origins in the celebration of the spring harvest in northern India, in particular in the Punjab where the Sikh religion originates. In the Punjab, Vaisakhi is celebrated in all villages irrespective of race and religion and, in fact, is connected with the Lunar New Year which is celebrated in much of east Asia at this time of the year. Vaisakhi is also significant for Sikhs in that it commemorates the establishment of the Khalsa (or Sikh baptism) on 30 March 1699. The religious aspects of Vaisakhi are celebrated on 13 April and here in Adelaide that was done at the Gurdwara Sahib Adelaide at Glen Osmond.

There are over 30 million Sikhs worldwide, with the majority living in the Punjab in India. Sikhism is a relatively new religion, having been established in 1469. The traditions and philosophies of Sikhism were established by 10 specific gurus between 1469 and 1708. Essentially Sikhs believe in one omnipresent god, they reject racism and see everyone as equals. A Sikh must also have the courage to defend the rights of all who are wrongfully oppressed or persecuted—irrespective of religion, colour, cast or creed—which is a very admirable ideal indeed.

Sikhs' views on women were way ahead of their time. The role of women in Sikhism is outlined in Sikh scriptures which state that Sikh women are to be regarded as equal to Sikh men. In Sikhism, women are considered to have the same souls as men and an equal right to grow spiritually. As such, Sikhism was the first major world religion to state that women were equal in every respect.

The first annual Vaisakhi dinner in Adelaide took place some 31 years ago at the instigation of Dr Swaran Khera, the first president of the Sikh Society of South Australia. Dr Khera

remains involved in the Sikh Society today as chairman of the society's governing council. The aim of the Vaisakhi dinner is to project Sikhs to all other Australians to let them know that Sikhs are involved in all areas of life in South Australia. They work hard and love fun, music, food, dancing and especially good wine; this was evident at the dinner. The Sikh Society of South Australia has about 500 members in Adelaide. There is also a sister organisation in the Riverland, the Riverland Sikh Society, which has approximately 300 members and a gurdwara at Glossop.

During the evening we were truly entertained by the Adelaide Bhangra Crew who did a number of Bollywood performances. They were an absolute delight and really set the mood for the evening. Their performance was vibrant and colourful. The Adelaide Bhangra Crew is made up of local Sikh youth and, as I said, the performances really did add a great dimension to the evening. There was also the food and, as my wife would say, it was food to die for. It was absolutely delicious, and I am sure many left the dinner a kilo or two heavier.

The Sikh Society is another example of how multiculturalism adds to our South Australian community. It has added to our society with its hard work and by bringing its cultural traditions, its food, its music and its dance to this country.

Finally, I wish to thank the Sikh Society of Australia for its wonderful hospitality, and, in particular, the president of the society, Mr Balwant Singh, for so ably looking after us during the evening. The Vaisakhi 2012 was a very enjoyable evening indeed.

GOVERNMENT FEES

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:30): This afternoon, I want to talk about three things: the government's failure, the government's failure and the government's failure. I have just spent a week or so in far-flung parts of my electorate. I went west to the Eyre Peninsula and to the Far West Coast. I also went to Cowell and learned about the government's failure to deliver adequate water and how that is stymieing progress and prosperity. I went to the bakery, the service station and the local grocery store. Of course, everything comes to Cowell by truck: flour for the bakery, petrol for the service station and groceries for the IGA.

Shawn Hornhardt, who owns the local IGA, said that freight is a massive cost component. His freight bill last year was $120,000. So what does the government do? What is its answer? It has raised road train registration fees by 21 per cent. It is the single, largest registration fee and federal fuel increase in history. It will raise the price of flour, petrol and groceries in rural and regional South Australia.

At Tumby Bay, trucking company owner David Smith said that the government will cost him an extra $100,000 a year. He said that the entire section of the state will be affected. What does minister Pat Conlon say in response? He says that he will continue to listen to industry concerns. In other words, he will flap his ears.

Of course, as transport minister, Patrick Conlon has failed, and failed, and failed again. He admits that our roads are lethally dangerous. His solution is to double the cost of holding a motorcycle licence. He will rake in an extra $50 million every 10 years in motorcycle licence fees, and he claims that he will spend this money on motorcycle safety initiatives.

Our roads are death-traps. His answer is to make holding a licence so expensive that people will stop riding. There are 168,000 South Australians who hold a motorcycle licence. Just like a one-car family, where the mum and the dad both have a licence but share one registered family car, not everyone who has a motorcycle licence has their own bike. There are not 168,000 registered motorcycles in this state. So this sneaky government is not just increasing motorcycle registration fees—that simply would not raise enough money to satisfy its greed—it is doubling the cost of carrying a motorcycle licence in your pocket. Labor will collect $112,569,000 every 10 years in motorcycle licence fees.

I would not be surprised if those drongos in Pat Conlon's office are dreaming up other idiotic ideas, such as fining scooter riders, registering pushbike riders and making it illegal for the elderly to use an electric wheelchair, such as a gopher, unless they hold a licence. An amount of $670 per pushbike rider and senior citizen every 10 years—think of the pushbike and gopher safety initiatives that Pat Conlon could have named in his honour.

Last October, a 40-year old Paralowie father was killed on Port Wakefield Road. He was riding a motorbike. The bike skidded on painted white road markings and gravel which was lying on the slip lane from Bolivar Road. A truck hit the rider, injuring him fatally. In some civilised parts of the world, it is illegal to use glossy paint on roads—it is too dangerous. They use paint with a high

friction coefficient. A tin of proper paint could have saved a life. And gravel on the road?—a road sweeper or a broom.

Outside the Stirling pub in the Adelaide Hills is a roundabout. In the middle of that roundabout is a manhole cover, smooth and as slippery as grease and next to impossible to see after dark. Any pushbike or motorbike that rides over that manhole cover in the rain will fall over. If there is a car behind him or her, that could be fatal. It could be prevented, not by increasing licence fees, not by some expensive motorcycle advertising campaign on prime-time TV, but with a proper, nonslip manhole cover—a two-minute job.

However, this government cannot organise that. It sits in its offices and conjures up plans to increase truck registration fees by $100,000 per operator and double motorcycle licence fees. As I said, there are 168,000 motorcycle licence holders in South Australia; there are 168,000 South Australians who have yet another reason to vote Liberal at the next state election.

ILLICIT DRUG USE

The Hon. D.G.E. HOOD (15:35): Members may recall that last time I gave a matter of interest speech, about six or so weeks ago, I spoke on one of the common misconceptions that surrounds drug use in our society and I thought I would continue on that theme today and deal with the common claim that legalisation of currently illegal drugs will actually drive the crime rate down. There are very good reasons and arguments why that may not be the case. I will address a few of those in the brief time I have.

Legalisers believe that most black market and organised syndicates' involvement in the drug business would die and that drug-induced crime would decrease with drug legalisation, so they claim. These assertions are not supported by the facts. The United States experimented with legalisation and it failed. From 1919 to 1922 government-sponsored clinics handed out free drugs to addicts in the hope of controlling their behaviour. The effort failed. Society's revulsion against drugs, combined with enforcement, successfully eradicated the menace at that time.

California decriminalised marijuana in 1976, and within the first six months arrests for driving under the influence of drugs rose 46 per cent for adults and 71.4 per cent for juveniles. That is actually an increase in the number of arrests: 46 per cent for adults and 71.4 per cent for juveniles. Decriminalising marijuana in Alaska and Oregon in the 1970s resulted in the doubling of its use. Patrick Murphy, a court appointed lawyer for 31,000 abused and neglected children in Chicago, says that more than 80 per cent of the cases of physical and sexual abuse of children now involve drugs.

There is no evidence that legalising drugs will reduce these crimes—none—and there is evidence that suggests that it would worsen the problem. Legalisation would decrease drug distribution crime, because most of those activities would become lawful. To be fair, we need to acknowledge that. But would legalisation necessarily reduce other drug-related crime, like robbery, rape, assault and violent crimes in general?

Presumably, legalisation would reduce the cost of drugs and thus addicts might commit fewer crimes to pay for their habits, but less expensive drugs might also feed their habit better, and more drugs means more side effects like paranoia, irritability and, obviously, violence. Suggestions that crime can somehow be eliminated by redefining it are spurious. Free drugs or legalising bad drugs would not make criminal addicts into productive citizens. Dr Mitchell S. Rosenthal, expert on drugs and adolescents, and President of the Phoenix House (a resident treatment centre in New York) said:

> If you give somebody free drugs you don't turn them into a responsible employee, husband, father or mother.

The justice department reports that most inmates of American prisons, some 77.4 per cent of males and 83.6 per cent of females, have a drug history, and the majority were under the influence of drugs or alcohol at the time of their offending that led to their current incarceration. A surprisingly large number of convicted felons admit that their crime motive was to get money for the drugs: for example, 12 per cent of all violent crimes and 24.4 per cent of all property offences were actually drug money motivated.

Even if drugs were legalised, some restrictions would still be necessary. For example, restricting the sale of legalised drugs to minors, pregnant women perhaps, police, military, pilots and prisoners would be necessary, and there may well be others that would still provide a black market niche. Pro-legalisers contend that government could tax drugs, thus offsetting the social

costs of abuse, but history proves that efforts to tax imported drugs, like opium, create a black market.

Early this century Chinese syndicates smuggled legal opium into this country to avoid tariffs. Even today there is ample crime based on legal drugs, alcohol and tobacco. For example, organised crime smuggle cigarettes from states with low tobacco taxes in the US into states with higher taxes, and such activities are accompanied by violence and illegal supply and, indeed, legal supply.

Given the short time I have got, I will leave it there. There is so much more I could say but I think these myths that are often floated around need careful and close scrutiny because, when they are scrutinised, they often do not stack up.

MINISTER'S PERFORMANCE

The Hon. R.I. LUCAS (15:40): Last month, members will recall a major feature in the *Sunday Mail*, headed 'Jokers in the Pack' with a subheading of 'Ministers with foot-in-mouth disease'. A significant number of this cabinet were listed, in particular, minister Gago from this house—or, as she is referred to by some in the Twittersphere, Lady Gaga.

The minister yesterday was asked a question in relation to the appointment of ex thinker in residence Freddie Hansen to the CEO's position of the Urban Renewal Authority and whether it was correct that he had started work on Monday and did not actually have a contract of employment. In response, she launched into her usual childlike tirade, indicating that she did not believe anything that was being claimed in the story, that it was poorly researched, inaccurate and incorrect, and that the honourable member (namely, me, on this occasion) came into this place and just made up stories and 'filled the gap in with whatever he fancies' and 'just pulls it from the sky', etc.

I am advised that late yesterday afternoon, after the questions were asked in parliament, an urgent meeting was held in response to the questions raised in parliament where recriminations flew around the room as to who was responsible for allowing Freddie Hansen to commence work without a contract of employment and that, ultimately, crown law was told to resolve the issues overnight, with the intention of trying to get signatures on the contract by as early as today. It is interesting that the minister, having made those childish responses yesterday, made no reference at all to the issue today, and I am sure that is on the basis of the advice that she has received, that the information provided to the house was accurate.

Of course, the reason the journalists in South Australia list her as one of the ministers with foot-in-mouth disease is that this is not the first occasion. There are so many recent occasions when the minister has responded in a similar childlike fashion. One can remember the question late last year which asked the minister whether, in fact, she knew the number of staff she had in her own ministerial office. In fact, the question was simply: is it correct that she has added to her staff numbers by about five or six staff by getting the department to pay for them? She said that, again, the member does not know what he is talking about, that he comes into the place and just makes figures up, that he makes things up, that he does not research the information, etc.

Again, embarrassingly for the minister, there was a confidential ministerial document that indicated that, in fact, the information provided on that occasion was correct and that, again, the minister was misleading in her response to this place by using that tired response of trying to attack the questioner and the accuracy of the information that was being provided. There have been so many examples of that in recent times.

Another example was in March this year, when the question was put to the minister in relation to the discussions she was having with the Commissioner for Public Employment about the termination of Mr Ian Darbyshire from the Tourism Commission prior to the chairperson of the commission having any discussions with the commissioner as well. This was, of course, contrary to assurances the minister had been giving over a number of weeks in relation to this issue. Again, she attacked the questions and the questioner but, again, has not come back into the house and provided any factual information at all to challenge the facts that were put on the record.

I go back again to May of last year, when a series of questions was put to the minister about the appointment of a Labor mate—one of her mates—Karen Hannon, to a position on the Residential Tenancies Tribunal. Questions were raised about the background to that appointment and, in particular, whether it was correct that she had applied for a position as a member of the tribunal, had been interviewed by a properly constituted panel and was rejected by that panel some

two or three years prior to the question being asked. Again, the minister attacked the questioner but now, almost 12 months later, has still not come back into this chamber and provided any information which challenges the facts that have been placed on the record. Again, this minister stands condemned as a minister with foot-in-mouth disease.

SEX INDUSTRY REFORM

The Hon. K.L. VINCENT (15:44): Following my raising the issue of sexuality and people with disabilities last month in this place, today I would like to read you one piece of feedback I have received from a constituent in regional South Australia who also happens to have a disability. His story, a message of support for some of the concepts that my party and I have been promulgating, is one of many emails and calls of support I have received in response to this issue.

I have, of course, had some people disagreeing with me, as is their right, but I would say that 90 per cent of the feedback has been positive, with these people thanking me for having the courage to raise the matter and for finally acknowledging that people with disabilities are sexual beings just like much of the rest of the population. The constituent states:

> I would like to support the aims and objectives of legalising the sex worker industry in South Australia, as well as fighting for the rights of disabled South Australians to visit a sex worker. I speak as a disabled heterosexual man. I by no means assert that my sexuality or my gender is superior to any other persons. To each their own.
>
> I also speak as a formal social educator of young disabled adult men with intellectual disabilities. As a social educator, it was impossible to teach young disabled men the difference between appropriate and inappropriate touch without allowing them to experience what appropriate, sexual touch was. My solution at the time was soft porn and a few mumbled words about touching oneself, privately, and alone. It was not satisfactory.
>
> As a disabled heterosexual man, I in no way conform to the ideals and dreams of many women, nor what women are told by media, like *Cleo* magazine. At singles [parties I found that] the disabled were the butt of jokes: 'finding men is like finding car parking, the best are taken the rest are disabled.'
>
> As a man with strong sexual urges, I have had, from time to time, a few lovers. But at some stages of my life there have been times where I had not touched or been touched by a woman...for eight years. During these long, lonely times, I resorted to mild pornography.
>
> After many years however, it became in a sense, painful. So, while on holiday in Adelaide from NSW, I hired a sex worker. She was clean, healthy, discreet and an adult woman. The brothel was also clean. I used protection. It was bloody fantastic. It was not however a substitute for love or the intimacy of a wife. It was however, mutually respectful. I did not know at that time it was illegal, that I was breaking the law or that I, or my willing sex partner, could be classed as criminals.
>
> I support any legislation that supports the establishment of clean, safe, healthy brothels, where sex workers are free from exploitation or slavery and are all adult and can make up their own minds. I want brothels and sex workers to pay taxes and never felt threatened to seek medical help if they need it. Sex workers have a job to do, just like fire fighters, or accountants, and should be respected for the work that they do, not degraded or marginalised.
>
> I support the right of any human to erotic touch if they want it. Disabled people deserve erotic touch if they want it regardless of whether they're heterosexual or gay, transgendered or bisexual, male or female. Erotic touch [to me] is as important as free speech. I am now married, with a great wife. This was [obviously] not always the case.
>
> Some people may be opposed to legalizing brothels, or allowing the disabled access to brothels, perhaps on the basis that sexual union belongs [in their opinion] only to those that can be married. What a disgraceful argument for total discrimination. These people would miss erotic touch, if it was ever denied to them!

PAYNEHAM MAUSOLEUM

The Hon. CARMEL ZOLLO (15:49): A month or so ago, along with many other politicians and special guests, I had the pleasure of being invited by Mr Anthony Farrugia, to the special occasion of the opening of the Chapel of the Holy Family Complex at Payneham by Robert Bria, the Mayor of Norwood, Payneham and St Peter's.

The occasion took me back to when I first became a member of this chamber. I recall, as a member of the Statutory Authorities Review Committee, being involved in an inquiry which ultimately saw the tabling of four reports between the years of 1998 and 2003 on the management of one of our historic cemeteries. I have to admit that I found the whole area very interesting. I was certainly able to gain a greater appreciation of our state's past; cemeteries everywhere are such a great repository of history.

As a committee, we travelled intrastate as well as interstate, and the matter of conservation and preservation of historic cemeteries truly brought into focus the customs and traditions of those interred in our state, as well as the need for extra burial space. At the back of one's mind is the

acknowledgement that issues surrounding burials are handled with sensitivity and understanding in all cultures.

Entombment in a mausoleum is a relatively new practice in our state, and indeed interstate, where the practice commenced with legislative changes in the early 1990s. I am told that since 1994, Australia-wide about 50 public mausoleums have been built, ranging from small crypt buildings to massive 2,000-crypt facilities. If my memory serves me correctly, one of our largest cemeteries has also added a mausoleum. The most important feature that large mausoleums offer is that they take up less ground space compared with an earth burial.

Mr Anthony Farrugia told those gathered for the opening that one acre of land yields 2,000 earth burials, whilst a mausoleum yields 10,000 crypts. The Farrugia family is one of those families instrumental in the building and marketing of mausoleums in Australia, and Mr Farrugia's involvement in the industry goes back to 1976. Prior to coming to South Australia, Mr Anthony Farrugia built mausoleums in Victoria, New South Wales and Tasmania.

In his opening address, Mr Farrugia highlighted the history associated with mausoleums. He told those gathered of the two great aboveground burials amongst the wonders of the ancient world; namely, the great Pyramid of Giza, built in 2500 BC, and the tomb of King Mausolus of Persia (from where the name mausoleum, meaning 'great tomb', derives), which was built in 350 BC but which was destroyed by earthquakes in 1400 AD; now only the base remains. Mr Farrugia told his guests that the Shrine of Remembrance in Melbourne is based on this mausoleum.

I have to say that Mr Farrugia really did his homework; and indeed he did not have to go too far from his first home because apparently the oldest man-made structure still standing is, in fact, a mausoleum. Built 6,000 years ago—1,500 years before the pyramids—it is located on the island of Malta and stands just three kilometres from where Mr Farrugia was born.

The family's association with South Australia commenced with the building of the Salisbury mausoleum, the opening of which I was also invited to, in March 2004. The association with Payneham has had a 16-year gestation, and the cooperation of the Norwood, Payneham and St Peter's council was acknowledged on the day. I believe the service being offered is an important one.

As far as I am aware, mausoleums of all sizes are part of many overseas landscapes. I appreciate that it is not for everyone, but the opportunity of having a choice certainly gives those who want to make that choice peace of mind. Members of various Asian communities, as well as Buddhist monks, were also welcomed on the day. I understand that the first funeral service held in January was a Buddhist funeral for a Vietnamese family, who hired the chapel prior to a cremation service at Enfield.

The audience was told that the facility is not just limited to interment but offers a variety of services, such as mind masses, which are common in cultures that choose to continue to remember and respect their deceased at particular times of the year or at anniversaries. I would like to offer my congratulations to Mr Anthony Farrugia, his family and all involved in the Chapel of the Holy Name complex on providing the community with an important choice in this area.

INDIGENOUS SERVICEMEN AND WOMEN

The Hon. T.A. FRANKS (15:53): It is timely that just a few days after ANZAC Day I rise to recognise and pay my respects to the thousands of Indigenous Australians who have served us in every war that Australia has contested or fought.

From the Boer War in South Africa to the most recent current operations in Iraq and Afghanistan, Australia's history of recognising the services of Indigenous Australians at war has been lacklustre, from a country that treated them not only as second-class citizens but, through a good deal of our history, as non-citizens. Despite this, Aboriginal people ignored prohibitions decreed from on high and enlisted in our defence forces, selflessly putting their own lives and wellbeing on the line and showing both patriotism and courage fighting in hostile lands for the Australian national interest.

Many Aboriginal and Torres Strait Islander soldiers who fought and survived overseas received none of the accolades their comrades did. Their service has, for the most part, been ignored, and in this our true history has been forgotten, yet they deserve the same recognition, acknowledgement and, of course, respect as their comrades.

In special Indigenous units, for example, they were paid less than other troops—roughly half the pay. Unless they served overseas, they did not have access to many veterans' benefits afforded non-Aboriginal comrades. It is timely that we see the Aboriginal War Memorial project hopefully coming to fruition. I hope that next ANZAC Day I will be able to attend that site, having seen its completion. It has taken four decades of hard fought and passionate campaigning for anomalies such as the lost wages to be rectified and appropriate back pay to be granted. I hope that next year we will see the war memorial.

The most hurtful story that I have heard about lack of respect shown to Indigenous Australians in conflict comes from the Boer War. Reportedly, the 'Black Trackers' or light horsemen who went all the way to South Africa to fight in the first war faced by Australia as an emerging nation—not quite a nation—instead of being welcomed home as heroes were perversely left behind in South Africa, denied re-entry into their country because they were not recognised as citizens of this country, despite their active service. This was, of course, largely due to the White Australia policy.

The commonwealth government of the time supported public opinion prior to 1967 and actually ensured that Aboriginal soldiers who served in the war were not entitled to the same rights, such as pensions and so on. In fact, Aboriginal servicemen were not permitted to apply for the returned servicemen's settlement scheme, which coincidentally saw Indigenous people lose much of their land.

Of course, these views were not shared by all Australians of the time, and I am pleased to say that at least one serviceman, Sapper Bert Beros, a non-Aboriginal soldier in World War II, stood up for the rights of his Aboriginal comrades. He wrote a poem about his comrade, Private West, called *The Coloured Digger*, which goes:

He came and joined the colours, when the War God's anvil rang,

He took up modern weapons to replace his boomerang,

He waited for no call-up, he didn't need a push,

He came in from the stations, and the townships of the bush.

He helped when help was wanting, just because he wasn't deaf;

He is right amongst the columns of the fighting AIF.

He is always there when wanted, with his Owen gun or Bren,

He is in the forward area, the place where men are men.

He proved he's still a warrior, in action not afraid,

He faced the blasting red hot fire from mortar and grenade;

He didn't mind when food was low, or we were getting thin,

He didn't growl or worry then, he'd cheer us with his grin.

He'd heard us talk democracy—they preach it to his face—

Yet knows that in our Federal House there's no one of his race.

He feels we push his kinsmen out, where cities do not reach,

And Parliament has yet to hear the Abo's maiden speech.

One day he'll leave the army, then join the League he shall,

And he hopes we'll give a better deal to the Aboriginal.

It is because of people like Sapper Bert Beros that we do see equality in this nation and, of course, the recognition of Aboriginal people in this country as full citizens. There were some in previous generations who recognised this injustice then, and it is important that our current and future generations rectify the lack of respect afforded to Indigenous diggers.

ANZAC Day, of course, is commonly seen as the forging of our nation, and we all know the phrase, 'Lest we forget'. However, Aboriginal soldiers were the best we forgot, and I hope next year we will see them remembered in South Australia with an appropriate war memorial. I will be supporting that memorial with a donation, and I hope that my fellow councillors will too.

SUMMARY OFFENCES (DRUG PARAPHERNALIA) AMENDMENT BILL

The Hon. A. BRESSINGTON (15:59): Obtained leave and introduced a bill for an act to amend the Summary Offences Act 1953. Read a first time.

The Hon. A. BRESSINGTON (16:00): I move:

That this bill be now read a second time.

This is basically a repair bill to the drug paraphernalia bill that was introduced by the government on my behalf back in 2008, I think it was. As I have previously detailed in this place, despite some initial reports of noncompliance, the enactment of the Summary Offences (Drug Paraphernalia) Amendment Act 2008 passed by this parliament with the clear intention of prohibiting the sale of drug-using paraphernalia—including prohibited pipes, defined as a device that is apparently intended for use or designed for use in smoking cannabis, cannabis resin or methamphetamine crystals; water pipes (known more commonly as bongs); and cocaine kits—resulted in the closure of several stores that predominantly sold such items and took pipes and bongs off the shelves of other retailers.

However, almost four years later, several items that fall within these categories remain legally on sale less than 50 metres from this parliament. This is due to a Magistrates Court ruling recording the judgement Police v Koutsoumidis 2009, in which 10 items were found to not meet the statutory definitions of prohibited items in section 9B of the Summary Offences Act. Mr Koutsoumidis, the owner of Off Ya Tree on Hindley Street, seemingly orchestrated being raided by the police to challenge the scope of section 9B. When I say 'seemingly orchestrated being raided', it is my understanding that Mr Koutsoumidis literally nominated a time for officers from the Drug Investigation Branch to drop by.

While he was ultimately found guilty for selling four items contrary to the law, the magistrate was not satisfied beyond reasonable doubt that eight pipes and two bongs masquerading as water pourers fell within the scope of the law and parliament's intent. The eight pipes include varieties of smokeless pipes—one of which is known as a 'cannabis bud bomb'—a glass open cone piece pipe, and other more obscure pipes, all of which I contend are intended for consuming cannabis.

However, the magistrate held that the evidentiary threshold was not met due to the pertinent evidence led by the police being largely struck out; namely, because a detective from the Drug Investigation Branch was held not to be an expert witness, and material taken from the internet relating to the two glass pipes' usage was not considered probative. Additionally, the detective conceded that he had not encountered the five metal pipes with wooden bowls previously, nor a small metal collapsible pipe. As a result, the magistrate concluded:

> Having regard to [the detective's] evidence as a whole I cannot be satisfied, beyond reasonable doubt, that each pipe was a device that was designed for, or apparently intended for, a particular use, namely, smoking cannabis. Because of the presence of the large wooden bowls, which [the detective] had not encountered before, I cannot exclude the reasonable possibility that those pipes may have been designed for, or apparently intended for, a particular use which did not involve the smoking of cannabis. In those circumstances I cannot be satisfied beyond reasonable doubt that those pipes were prohibited pipes within the meaning of the statutory definition.

The former police minister the Hon. Michael Wright, in a letter to me, summarised what went wrong:

> The South Australia Police advises that based on the oral testimony of a police officer, the presiding Magistrate was not satisfied beyond reasonable doubt that the remaining ten items were in breach of the legislation.

Concerning the bongs masquerading as water pourers, the detective conceded that the J-shaped water pourer, which interested members can find a photo of on the Off Ya Tree website, could not be used as a bong (with which I respectfully disagree) and that the other, which looked like a typical glass water pipe but with the cone piece (which a user packs with cannabis) inverted and stuck to the stem, could not be used without significant modification. The magistrate had recounted this well:

> According to the defence case that object is also a water pourer. The words on the card attached to it describe it as a POURite Liquid Pourer. In the course of his examination of that item [the detective] removed the red anodised aluminium cylinder. He tried in vain to unscrew the end of that cylinder. He took it to the Forensic Science Centre where it was immersed in a solvent but he was still unable to unscrew it. The cylinder was then x-rayed and a cross-section at the end was cut away using a hacksaw. From his examination Detective Hunt formed a view that the end of the cylinder was formerly capable of being unscrewed but had been affixed in such a way that that was no longer possible.

He said that, if the end of the cylinder could have been unscrewed, the large pear shaped glass object would be capable of being used as a water pipe. However, under cross-examination, he agreed that affixing the end to the cylinder effectively prevented the object from being used as a water pipe. He also agreed that, if anyone wanted to use it as a water pipe, they would have to throwaway all the metal parts, buy replacement parts and then assemble it. On his evidence what was needed was more than an adjustment, modification or addition. In order to use it as a water pipe a part of the object needed to be replaced.

Having regard to the state of the evidence I am not satisfied beyond reasonable doubt that the large pear shaped glass object was a 'water pipe' within the meaning of the statutory definition.

However, as I have previously remarked in this place, I suspect that the current water pourers on sale would not be so difficult to modify, as the following exchange on Off Ya Tree's online forum demonstrates:

Customer: I just bought a water pourer from Off Ya Tree and it seems to be missing a piece of something, if it's not I'm wondering how to use it. Is it meant to come with a cone piece?

Employee: Hi there, the POURites come with a pourer and nipple attached. To clean the nipple unscrew it off and turn it around to sit in the spout. This should sort you out.

In other words, unscrew it, invert it and you have yourself a cone piece and, as a result, a bong. Another type of water pourer currently available, which I have been provided by a concerned parent, comes with two ends: one for use as a water pourer and the other to be used as a cone piece in a bong. The bong I was provided I believe is currently still with the Attorney-General, having also spent time with a journalist from the *Sunday Mail*.

The effect of the magistrate's ruling is that the eight pipes and two water pourers are now not considered to be 'prohibited pipes' or 'water pipes' and remain on sale at numerous locations. Several similar items such as the various models of water pourers also remain on sale.

Given that it is my belief that it was largely a deficient prosecution that led to the Koutsoumidis judgement—and I have some agreement from the police on this—I have waited now some 2½ years for the matter to be re-prosecuted. However, despite assurances from the police, no prosecution has resulted. So, instead, I propose today to enable the Attorney-General via regulation to include additional items in the list of prohibited items in section 9B of the Summary Offences Act. It is my expectation that the Attorney-General will use this power to effectively identify, and as such prohibit, the remaining drug paraphernalia lawfully on sale.

Whilst I could spend time detailing the Attorney-General's initial reluctance to accept that the Koutsoumidis judgement has led to an interpretation of section 9B contrary to this parliament's intention, and the need for legislative amendments, I believe that this would ignore the Attorney's more recent statements made in the media, namely:

I am concerned to ensure that the legislation works as effectively as possible to prevent the sale of drug implements.

It was with this concern that the Attorney-General himself identified the regulation power proposed by this bill as a way to overcome the difficulties resulting from the Koutsoumidis judgement. Whilst the negotiations that led to this proposal may have broken down, I am nonetheless hopeful that the Attorney-General remains concerned about the lawful sale of drug-using paraphernalia and, as such, I am hopeful that the government will support this bill.

I just want to reiterate how ridiculous this is. One of the five items that I showed the Attorney-General is a metal pipe. The cone piece that screws into the pipe to pack and smoke cannabis is legal to sell, but it is illegal to sell the cone piece separately. So there is a huge misunderstanding of the intention of this legislation. Let's face it, these buggers who sell these things in shops know exactly how to get around the law. Mr Koutsoumidis seems to be quite innovative in his attempts to test this law to its utmost.

This bill will allow the Attorney-General to update the regulations as these people become more innovative. So, illegal paraphernalia will be constantly updated in the regulations, and that will actually allow the police to do their job. From speaking to Assistant Commissioner Tony Harrison, I know that this is quite frustrating for the police.

I remind members of this council that it was at the request of police when I first came into this place that I started negotiating this piece of legislation, and the police were quite pleased when it went through. Since then, we have seen the owners of these shops test this legislation to its full capacity. It is now time for us to step in and literally cut them off at the knees as they go along.

So, I will leave the bill with the parliament, but I will not leave it for long. I hope to bring this to a vote by the next sitting week of parliament because, as I said, this is basically a repair bill, and I would like the results of this to be expedited.

Debate adjourned on motion of Hon. G.A. Kandelaars.

GENETICALLY MODIFIED CROPS MANAGEMENT (RIGHT TO DAMAGES) AMENDMENT BILL

The Hon. M. PARNELL (16:13): Obtained leave and introduced a bill for an act to amend the Genetically Modified Crops Management Act 2004. Read a first time.

The Hon. M. PARNELL (16:14): I move:

That this bill be now read a second time.

The Greens are very pleased that South Australia has maintained its status as a GM-free zone with the current indefinite moratorium on commercially grown genetically modified crops being supported by all major political parties. It is the right decision for our state, and ultimately I believe it will be shown to be the most economically prudent decision as well.

Across the border, however, there is now some consternation amongst farmers that the price for genetically modified canola is consistently lower than for traditional crops, and in some cases the price for GM canola is $40 to $50 per tonne less. That flies in the face of the promises the large multinational GM companies have made to farmers about how much more money they will make by growing their special patented seeds.

In fact, to stem the crisis of confidence, we find that Monsanto is now offering special deals in which they promise that farmers will not be more than $10 worse off if they grow their product compared with traditional seeds. I refer members to a letter on Monsanto's letterhead, dated 22 March 2012, sent to a number of farmers, where they say that with the special offer they are making the guarantee that there will not be more than a $10 per metric tonne discount; that is, the price you get for growing a Monsanto seed will not be any more than $10 per tonne less than for other seeds.

The issue of genetically modified crops has been debated many times in this place, and I will be fairly brief today. The key point of this bill before us is in relation to the rights of farmers not to be unreasonably damaged by the actions of others. It is a longstanding principle of our legal system that, when one person's actions infringe on the rights or the property of another person, then the law can and should step in to redress that wrong. The wrong I am talking about in this case is where a person, through no fault of their own, finds they have suffered economic loss as a result of genetically modified organisms finding their way onto their land.

Members would be perhaps aware of a high profile case recently launched in the Supreme Court of Western Australia, whereby a farmer is suing his neighbour for economic loss as a result of the first farmer's loss of organic certification and therefore loss of income from the crops that he grows on his land. This case commenced in the Supreme Court of Western Australia on 3 April this year, and I will just refer to a few sections from the media statement put out by Slater & Gordon, the lawyers who represent the farmer, Mr Marsh, as a public interest case. The statement says:

A writ lodged in the Supreme Court today on behalf of Kojonup farmer Stephen Marsh will test the common law rights of property owners to recover losses as a result of genetically modified contamination on their land and their rights to prevent further contamination.

The legal action has been taken after approximately 70 per cent of Mr Marsh's farm was stripped of its organic certification in 2010.

The claim, lodged by law firm Slater & Gordon, alleges Mr Marsh's property was contaminated by GM canola seed from his neighbour's property. It is alleged that the canola seed was blown onto Mr Marsh's property, contaminating his land before harvest and causing the substantial loss of the farm's organic status.

Slater & Gordon, Practice Group Leader, Mark Walter said Mr Marsh was seeking damages for the loss of his organic certification and a permanent injunction to protect his farm from future contamination.

He said the cost of the contamination is yet to be fully determined as Mr Marsh is yet to regain his organic certification status, and is still suffering an annual yield financial loss as a result.

'At the moment Mr Marsh has no protection against contamination unless he seeks an order of the court. It's unfortunate that this is necessary, but it must be done if Mr Marsh is able to protect his farm and livelihood.

'This is a big step; no one wants to be suing their neighbour, especially in a farming community. However once the full extent of the ongoing losses was clear Mr Marsh really had no choice but to go to court.'

That is at the heart of the bill that I am bringing before the parliament today, trying to avoid the situation that Mr Marsh is facing in Western Australia where his only alternative is to go to the courts and to sue his neighbour, the one he says is responsible for the contamination of his property and, therefore, the loss of his organic status and, therefore, the loss of income. What a terrible situation, farmer having to sue farmer.

However, it is not just in Western Australia. Similar circumstances have arisen in Victoria as well, just across the border in Western Victoria. Members might have seen media reports from around this time last year following the floods in Western Victoria, out in the Wimmera district in particular.

What happened over there was that one local farmer from Natimuk in Western Victoria, Mr Bob Mackley, claimed that heavy rain washed GM canola from his neighbour's property through the boundary fence onto his own property. Whilst he is not an organically certified farmer, as I understand it, he is concerned that he will still suffer economic loss as a result of that contamination. He told the ABC's rural reporter last year:

> There are three issues which concern me greatly. Number one is it's forcing me to change my rotations because I have a neighbour that's growing GM canola. It's also making my weed control issues far more complex.

I will just point out there that the genetically modified crop we are talking about is Roundup Ready canola, which means it will withstand spraying with the herbicide Roundup which will, presumably, kill other weed species but not harm the actual crop. Unless you are growing that particular variety of GM canola, spraying Roundup is probably going to kill your crop, so he has had to change his weed control arrangements. He goes on to say:

> Thirdly, and this is the real kicker, what ongoing liability is there regarding having this material on my land?

I think he is referring there to two issues. One is economic losses that he might suffer but, also, we are aware that there are cases overseas where the owners of these genetically modified crops start pursuing people who have them on their property for breach of intellectual property rights, even though often these people are the innocent victims of a contamination.

There are two examples: we have Western Australia and Victoria where farmers are starting to suffer what I have been saying for the last six years is the inevitable consequence of allowing GM crops to be grown. As I have said, in South Australia we have held the line and we have maintained the moratorium; but I do fear for farmers who are near the border, farmers who are likely to suffer contamination, especially from across the Victorian border.

The bill I have introduced today is in all respects identical to bills that I have introduced in 2007 and 2009. In those years, the context was that we were still fighting to maintain the moratorium. We have won that fight and what we now need to do is make sure we give protection to our farmers. I will not go through all the detail of the bill. For the purposes of *Hansard* I will refer people to my introduction of similar bills on 21 November 2007 and 4 March 2009.

At the crux of the bill is a provision which says that legal liability for loss lies with the owners of the technology, in other words, those multinational companies like Monsanto who have the patent rights or other intellectual property over these genetically modified seeds. That is where the buck should stop; that is where liability should lie, so that we do not have the situation that Mr Marsh is facing in Western Australia where he has to, first of all, identify which of his neighbours is the culprit and, secondly, sue them so that he can recover his losses. I think that is a most unsatisfactory way to go. Liability should lie with the ones who gain the most from this technology, that is, the big, multinational companies that sell the seeds and license the seeds to be grown.

I thought I would briefly put on the record why the government did not see fit to support this legislation last time and explain why I think the government should change its position this time. Back in 2007, the task of countering this legislation fell on the Hon. Ian Hunter and his argument was pretty simple, and it went like this. The government is about to declare the whole of South Australia a GM-free zone; as part of that declaration, there is going to be a prohibition on anyone transporting GM material into the state, and there will be large fines of up to $200,000 if they do so; therefore, that is going to provide protection for our farmers.

Therein lies the first fallacy: the fact that, whilst there might be fines for people deliberately bringing genetically-modified material into our state, those fines tend not to apply to birds, they tend not to apply to wind, and they tend not to apply to water. Those are the vectors I am more worried about. I am not as worried about people deliberately seeking to flout our genetically-modified status. The birds, the wind and the water do not give a toss for $200,000 fines. This material will

end up in South Australia. I believe South Australian farmers will, in some cases, suffer loss and they need to be compensated.

What the Hon. Ian Hunter went on to say, back in 2007, was that the government considered the declaration of the GM-free zone and the criminal penalties for bringing that material into the state. He said:

> The government considers that these provisions give growers of non-GM crops who have suffered a loss as a result of GM contamination the means by which to obtain compensation without altering the well-established legal principles associated with such matters (and I assume that means common law, negligence and consumer protection legislation). Any question of how liability should be apportioned is a matter for the courts, according to the specific circumstances of each particular case.

In that response the government was effectively washing its hands of the issue and saying, 'Well, we've done all we can. We've put fines in place. We've put a moratorium in place. If someone suffers loss, let them just run the gamut of the court system. Let them find a guilty person. Let them seek damages.' I say that the Stephen Marsh experience in Western Australia shows us that that is a very unsatisfactory way to proceed. We do not want to see farmer suing farmer, and that is even leaving aside the fact that questions of evidence (questions of proof, if you like) could be near impossible to prove.

If your South Australian farm near the border is within five, 10 or 15 kilometres of 20 other properties all growing genetically-modified canola, how do you know which seed from which farm blew across the border and contaminated your land and resulted in your suffering loss? It is going to be almost impossible to prove in a court of law. Therefore, I think the only sensible solution is the one that I have proposed in this bill; that is, for liability to lie where the main culpability lies—and that is with the owners of the technology, the large multinational companies who license the use of their intellectual property and who I believe are the ones who should ultimately bear the cost of any legal action, any loss.

In conclusion, this bill will help protect the interests of South Australian farmers. It is a very useful adjunct to what was a good multiparty resolution of this issue in terms of keeping South Australia GM free. The bill itself clearly will not stop contamination. It will not stop this material coming across onto our farms, but it will make it easier for affected farmers to get just compensation because it will clearly identify who it is they need to chase for compensation—and that is not their neighbours but the big multinational companies that are at the root of this problem. I commend the bill to the house.

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

CROWN LAND MANAGEMENT (LIFE LEASE SITES) AMENDMENT BILL

The Hon. J.M.A. LENSINK (16:30): Obtained leave and introduced a bill for an act to amend the Crown Land Management Act. Read a first time.

The Hon. J.M.A. LENSINK (16:31): I move:

> That this bill be now read a second time.

In moving this motion, I would like to acknowledge that this piece of legislation has faced this chamber and the House of Assembly before, in a slightly different form, in 2005. I would also like to acknowledge that there are a number of people who have been behind the scenes lobbying us and keeping the fires burning since 2005.

I would also like to commend some of our shack owners, who are here in the gallery today, particularly Mr Bob Honor, Mr Bruce Gallasch, Mr James Powell, and Ms Cate Telfer. I would also like to acknowledge some who cannot be here today, Michael Glasson and Robyn Telford, and acknowledge mayors Kym McHugh from Alexandrina Council and Richard Sage from the District Council of Grant, as well as *The Border Watch*, which has taken a very strong interest in relation to the Glenelg River shacks.

This bill impacts the life tenure shacks which are on Crown land. Many of these are in various states of repair or disrepair, and it is likely that a number of them will deteriorate further because the owners have no incentive to improve or maintain them. Some of them have been there for 80 years and they could really do with some maintenance; the problem is that they are at the end of the line. When the current tenure holders pass on, the tenure returns to the Crown and the shack must be pulled down at the expense of the estate. In the meantime this leaves no incentive for lessees to invest or upgrade.

The Liberal Party thinks this is an unnecessary loss. Families will lose their holiday traditions, with all the recreational activities that used to take place in and on the water, and local towns will lose tourist opportunities and seasonal income. A lot of tourists do remark on the uniqueness and attractiveness of the shack sites—particularly, I have heard personally, across the border in Nelson in Victoria, where they have made their views known at the visitor centre and the local boat hire shop.

Shacks have a tradition over many generations in this nation. They represent an annual pilgrimage to the coast over Christmas, signalling a time of rest and recreation, catching up with family and friends. People with shacks have pride in their patch, and they look after them. Frequently the sites are used by informal campers, and the shackies may clean up after them. Shackies protect the place from vandals and keep the invasive weeds down.

There was an extensive program of freeholding in the 1990s under the last Liberal government—I think it has been quoted in the order of some 3,000 sites—and most of those shacks have been renovated. Many have been removed and new structures built in less environmentally sensitive locations, such as behind primary dunes where they occur on the coast.

The remaining shacks under ongoing life tenure arrangements are a different proposition, and a number of issues have been raised. Many are small, and some are without toilets and showers. Shacks on the Glenelg River have access to some shared toilet blocks, which are maintained by the local council. At Fisherman Bay, there is a row of loos behind the shacks, known informally as 'Dunny Lane'. At Milang, however, the sewerage facilities were provided in the late 2000s by the council, and all shacks have been required to be connected at the owners' expense.

The amendments in this bill aim to encourage shack owners to maintain their shacks to a higher standard, not only for their use but also to improve the general environment for all users, and provide a long-term assurance to shack site owners. The credit for initiating the bill really does need to be given to the district councils of Alexandrina and Grant in the early 2000s. Alexandrina put a report to the old DEH, called 'Port Milang shack sites: proposed change of land tenure', and Alexandrina agreed to provide the care, control and management of the shack precincts under a heads of agreement signed by shack owners and council.

Their proposal sought to assume management via a similar mechanism in the Local Government Act. A crown lease for the whole site was to be issued to Alexandrina, which would then sublease to existing shack lessees for 21 years, with a right of renewal for a further 21 years. Comments attributed to the regional manager for crown lands were:

> The proposal would be recommended to the minister for approval on the basis that the lease between the Crown and council would have a fee similar to the revenue being received from the existing arrangements, which is approximately $30,000 per annum.

I understand that that is across the site. These figures are now over 10 years old. Below this section is a section entitled 'Comments', which states the following:

> On the basis of council administering a shacks site lease, the costs and implications to council were investigated on the assumption that all costs are to be borne by the shack owners.

This is an important point because there is some risk for the current lessees. There is a detailed table in the document that refers to surveys, legals and so forth, and at that time the average cost per site was estimated at $1,323, or $111,000 across the 84 sites. Further costs listed under administration had a starting point per site of $1,544, with some costs, such as sewerage rates, plumbing and renovation, unknown, but, I would suggest, not insignificant.

A STEDS scheme had been approved by the department of human services, and I understand that sewerage systems have now been installed. There are comments about costs and comparisons with services being currently received, which is also to do with concerns expressed by unsupportive councils. There is a table regarding risk assessment for Milang, which is kept up to date, and I understand that some $1.69 million has been invested in the precinct, some $15,000 to $35,000 per shack.

A very similar document was produced by the Grant council in 2004, and they did identify the difficulties with the current arrangements; some of those I have mentioned already. They also identified that, in the event that there is no surviving estate, crown lands are left with the financial costs of improving removals. Council currently has limited involvement with the management of the shack sites, other than a covenant requirement imposed on the shack owner which enables a retrospective management role for council.

They also identified a whole range of risk issues in a report prepared by Richard Oliver International. I will not go through all those, but it is a public liability summary review which talks about falls, falls of rocks or persons, earthquakes and slips, fires, water supply, electrical supply, road and access, ramps and slipways, and the like. Their proposed solution in this document is to 'instigate new policy and revise current licences to reflect changes in tenure to enable the formal recognition of the extension in lease tenure to enable transferability', and they identify a whole range of actions that would need to be undertaken. So, clearly those two councils were able and willing to undertake those roles.

If I can turn to the provisions of the bill, as I said, it is almost identical to the bill introduced in 2005 by the member for MacKillop in another place, and my leader, the Hon. David Ridgway. The bill amends the Crown Land Management Act, and I would just like to note that it does not amend the National Parks and Wildlife Act, and that is something that I think deserves further investigation, because some of the shacks that are on life tenure are in fact located on those lands. So, it inserts a new section 44A into the Crown Land Management Act, and that sets out details of the subleasing arrangement, which are as follows:

A head lease will be granted from the state government to participating councils for at least 99 years with a range of conditions. It is expected that councils will appoint shack management committees which will determine management plans for each set of sites. Councils will also audit all infrastructure including vehicle and pedestrian access. Each shack will be audited for its existing services, which need to comply with Australian standards for safety and environmental compliance. Subleases between councils and lessees will include the following conditions:

- leases will be for five years with a subsequent right of renewal;
- leases will be transferrable with the consent of the council; and
- the lease will contain details regarding all infrastructure, effluent and environmental requirements.

Lessees will have two years to apply for a sub-lease to ensure that they decide whether to migrate to the local regime. Following signing a lease with the council they will then cease to hold a lease with the state government. Other features of the bill include a requirement that proper public access is provided, which is an issue that is raised regularly, even as recently as today on Sonya Feldhoff's program on the ABC. Regulations may be established which outline the details to be included in management plans.

In the case of a series of adjacent shack sites, measures must be undertaken to ensure proper access for public amenities and recreational access to boat ramps and so forth. The council will have means to recoup costs in the form of charges incurred in the management and establishment of sites, and this is included but not limited to: surveying, effluent management, environmental management plans, access and infrastructure.

Following some of the feedback that I have had from councils, we have had two clauses inserted into the revised bill: one is 44A(13), which states that the government cannot make regulations without consulting councils first; and subclause (1) makes it abundantly clear that this is indeed an opt-in scheme.

In January I wrote to the LGA and to as many councils as I could identify which had coastal areas or significant inland waters, to provide them with a copy of the bill, and I also wrote to a significant number of shack owners and associations. The response, as to be expected, from life tenure lessees has been very positive. Shack lessees from Milang and the Coorong are now attempting to revitalise the SA Shack Owners Association, and I commend Michael Glasson of Kadina who has been incredibly organised and has been in contact with a number of people across the state.

Some councils have responded. The LGA has decided to remain neutral. I do note that the President of the LGA is also the mayor of Alexandrina, so he is very familiar with the situation. Some councils are concerned at becoming responsible for management because of existing issues that the environment department has failed to resolve, such as access and egress, lack of resources within their council or fear of risks and liabilities. I have made it as clear as possible to them that the bill does not compel a council to enter into a lease arrangement.

Some of the council feedback—and I would like to thank them all for their correspondence, and let them know that I will be formally responding to them—is that, in relation to the District

Council of Tumby Bay, they have complications with the Lucky Bay ferry. There has been some conflict in relation to the land there which I think they were hoping to resolve, so I can understand that they may want to deal with that in advance.

The District Council of Grant and District Council of Alexandrina have given a big thumbs up. Kangaroo Island Council, which has only a very small number, is concerned about existing zoning issues and a range of unresolved issues from the environment department. Ceduna has raised a range of issues but not actually said whether they are in favour or against.

The Coorong District Council is seeking more information, and I have been attempting to get to one of their meetings so that we can explain it in more detail. District Council of Yorke Peninsula and District Council of Barunga West, who have sent me the most detailed letters vehemently against it, have raised a range of issues, most particularly the passing of responsibility onto local government and some environmental issues, which I do not think are relevant to the bill, particularly coastal protection. I also received correspondence from the Hanson Bay Wildlife Sanctuary which has a fairly complex land tenure issue, and I can understand their concerns, but I think they probably need some sort of mediation to sort out some of those issues.

In short, there is a risk to councils. Some certainly have looked at the liability side of the ledger and said, No, thank you,' but it depends on whether or not they support the shacks in the area. I think that is probably the base question that they need to ask themselves. Curiously enough, some have said, particularly the Yorke Peninsula councils, that they would rather not see the bill pass at all because they might feel some pressure from the people who have the leases to adopt the scheme.

Others see it as a possibility and understand that they are entitled to undertake cost recovery in undertaking all the assessments and so forth. There is also a risk to lessees. I have spoken to a number of people in various shack areas around the state and some have said, 'This might mean we would need to comply with things and we might have to upgrade our toilet systems and so forth,' and that is certainly true. So, those are very real issues for them.

This government, I fully expect, is going to oppose this bill as they have done in the past. The environment department has had a long-term agenda to oppose shacks, which goes back some time, and I think it was probably revealed in a speech by the then minister John Hill on 5 May 2005 when he said that it goes back to the Dunstan era:

> In the mid to late 1970s, the then Dunstan government initiated a policy to remove all the shacks from along our coast, whether it was a river or a beach front. The basis of that policy was that that coastal land, that river land, should be in the public domain. The government had that as a policy position and, I understand, gave a time frame to shack holders to remove their shacks in the late 1980s...

I think that is really what is behind it: there is a certain view in the department and among members of this government that nobody should have coastal or river land, which I think is a huge double standard when we look at all the tenure which takes place, particularly along the metropolitan area. If we are to take that view to its full conclusion, then we would have to be removing places at West Beach and Noarlunga. I am sure that they are not suggesting that.

I really do not understand that attitude at all. That is one of the things that really makes me quite wild and makes me scratch my head. People who have seen the shacks and heard about what their fate is and why do not understand that concept at all, particularly because no shack lessee that I know of has ever refused anyone access—in fact, they welcome people into the area.

Take for example the Milang site. It is 150 metres of lakefront and there are several kilometres available for everybody else. Nobody is excluded from those 150 metres in any case. Mr Keith Turner, who I may have neglected to acknowledge at the start, was on radio this afternoon talking about the fact that in the holidays when people come down to the area, it is certainly the shack sites that people flock to and where all the boat racing and so forth takes place. I think over Easter there is a visit from the Easter Bunny which takes place at Milang and the arrival site is in front of the shacks, from memory. A whole range of these issues are raised that I think are complete nonsense.

I mentioned Nelson in Victoria, which is just across the border and part of the Glenelg River. The Glenelg River is perhaps a historical anomaly in that about nine-odd kilometres venture into our border. People suggest that maybe that was the natural border and it should not have been in South Australia at all, which is unfortunate for people who have shacks on this side of the border because it is a very different regime over there, which is very positive.

They have a management committee which is appointed for a three-year term through the Victorian government. It looks after all the crown land in the Glenelg River region and it meets every month. It has the responsibility for all licences for landings and boat sheds—public landings, boat ramps and crown leases, such as the Nelson kiosk, the Glenelg River cruises, the Information Centre and associated crown land, such as toilet blocks, the caravan park and some roads.

They have boat sheds there. The ones that are on crown land are much more rudimentary and require an annual inspection to ensure their insurance cover. Any disputes or appeals could be overseen by the Department of Sustainability and Environment, but these rarely occur.

The annual fee covers administration and insurance. It is kept low to try to retain the boat sheds as they are, strangely enough, believed to be a valuable asset. They are flexible about time requirements for repairs. In the 1980s, the then Labor government tried to get rid of them but did not, and it implemented a range of rules stipulating that no new structures were to be erected, no overnight stays, and so forth.

On this side of the border we have had massive increases in fees from the environment department, with no services provided at all. I think that is a blatant rip-off and I think it is an attempt by the government to try to move people off. The valuation is allegedly based on a rate of return of 4 per cent to be comparable to rental properties; however, this is a nonsense as people are not allowed to rent them out. In any case, I think the understanding was that it should be on the unimproved site value.

Going back to 2005, minister Gago in this place talked about 'wholesale, irreversible excavation' of cliff faces (which is hard to comprehend given that no further development of shack sites has been proposed), the loss of native vegetation (in spite of the existence of the Native Vegetation Act and bearing in mind that a lot of shack owners look after the weeds) and narrow and rickety boardwalks. We also heard that there was nothing in the bill to stop the head lease going from the council to individuals or other entities, which is also not envisaged and another red herring.

More recently, the acting minister Chloe Fox's response was published in *The Border Watch*. In relation to the Glenelg River shacks, she said that most of the shacks were subject to seasonal flooding (which was very rare. There may have been episodes in 1946, 1956 and 1983) and, in any case, so what? These are not permanent homes; many are just boat sheds and are used as such. She also used the grey and black water disposal issue, which is clearly something that can quite readily be addressed with modern engineering practices. Several products on the market are available in Australia with a simple internet search. Various toilet products will fit into small spaces and require little if no water, and they meet Australian standards. Even our national parks use them.

Regarding access and pathway issues, most shacks are easily accessible; very few are not. In any case, the relevant lessees know about this and they obviously want to stay. Some of these lessees are getting on in age and, with the increase in rentals, some of them are choosing not to hang around. For this reason, I thought it was important to table this bill and let people know that this is definitely Liberal policy and something that we will be pursuing after the next election if the parliament unfortunately decides not to support it. So, we are hoping that people will hang in there. We would like to see these shacks passed on to the next generation.

Whether councils choose to avail themselves of it is an assessment that each of them must make for themselves. My prediction—what is likely to happen—is that we will win the next election and the District Council of Grant and Alexandrina will get on with it post-haste and other councils will sit back and see how that one goes.

When they realise that it is not such a scary proposition, they will become interested as well, because it does involve them being able to access rate revenue, and that would be very attractive. The national parks sites I think will also need a similar bill, and that is something I need to investigate, but the crux of it will rely on a good relationship between the two parties, which is the very basis of any contractual arrangement, the two parties being the council and the shackies. So, the time for negotiation is very much prior to the initial signing of the subleases.

If there are disputes, then the state government would need to step in. It is very difficult in legislation to address all the concerns that some of the councils have raised. Some are certainly external to what is in the content of the bill, but I will be writing to all of them to address their individual concerns. Unfortunately some of them have completely misread aspects of the legislation: whether or not that was deliberate I am not too sure, but I hope they see this as an

opportunity and as a way of preserving something that is part of our heritage and which ought to continue.

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

CAPRIL

The Hon. T.A. FRANKS: I move:

That this council—

1. Commends the endeavours of Capril in raising awareness of depression through their campaign encouraging members of the community to wear a cape in the month of April as a sign of 'cape-ability' and

2. Notes that the funds raised will go to *beyondblue's* national depression initiative.

(Continued from 4 April 2012.)

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): I call the Hon. Gerry Kandelaars in his cape.

The Hon. G.A. KANDELAARS (16:57): I commend the Hon. Tammy Franks for moving the motion before us today, a motion which endeavours to highlight Capril, an initiative raising awareness of depression in our community. The campaign encourages members of the community to wear a cape in the month of April as a sign of 'cape-ability', and I note that the funds raised will go to *beyondblue*, a national depression initiative.

Wearing a cape for the month of April to highlight depression is in honour of Richard Marsland, who sadly took his own life some years ago after a long battle with depression. Prior to this sad loss, Richard sought counselling, assistance and support and lived a very wonderful and productive life in the arts, comedy and entertainment. He also contributed to the *Sunday Mail* as a writer.

Originally Capril was a collaboration between listeners and the hosts of a Triple M radio show 'Get This' that Richard was involved in. Listeners, guests and hosts were encouraged to wear capes during their everyday activities throughout April and to send their photographs to Triple M as proof. The cape is often associated with superheroes, and the Hon. Ms Franks recognised this in her motion, that is, that the effort and sometimes simply getting up and moving on each day with your life when experiencing depression can take a superhuman effort.

It is important that we all work hard at destigmatising mental illness in our society. The stigma associated with mental illness prevents some people from accessing mental health services due to fear and prejudice. People with a lived experience of mental illness report experiencing discrimination on a regular basis. Stigma can include being treated disrespectfully, being denied access to the same opportunities as community members, or being responded to with dismissal or fear. Stigma can lead to an exclusion and a disengagement from community life.

The 2007 Stepping Up report by the Social Inclusion Board identified the need for a public awareness campaign around this issue of stigma. SA Health's Let's Think Positive campaign, launched in February 2012, aims to improve the general community perception of people who have mental illness by asking people to think about how they treat others and how their actions can impact on them and their wellbeing.

Three real-life scenarios of a person's working, social and family life have been depicted in three separate commercials which were shown throughout April on free-to-air TV and, I am told, will again run in June this year. The media campaign follows similar successful campaigns in Scotland, New Zealand and Canada.

Destigmatisation also has a strong link to suicide prevention. In January this year, the government released a draft suicide prevention strategy. South Australians are being invited to share their views on a new draft suicide prevention strategy, and I would encourage any members of the community who have an interest in this matter to input into that. The state government and SA Health have developed this collaborative strategy to encompass different departments, officials, experts, consumers, carers, charities and other non-government organisations to raise awareness of suicide prevention services. The strategy will also outline common risk factors for suicide and focus on training and research as well as the elevation of existing programs.

The state government's legislative reforms have seen one focus being on the destigmatisation of mental illness in our society. The Mental Health Act 2009 was an important step

forwards and provides a framework for a new era in mental health treatment and services in South Australia. The act came into effect on 1 July 2010. This legislative reform is in line with recommendations of the 2007 Stepping Up report of the Social Inclusion Board and is intended to provide better treatment and support of South Australians with mental illness.

South Australia's Community Visitor Scheme is established under the Mental Health Act and commenced operation on 11 June 2011. The key objectives of the Community Visitor Scheme are: to advocate for the rights of mental health care consumers within treatment centres; improve consumer and carer experiences with the community health centres; identify and make recommendations on gaps in service provision for consumers and carers; and increase accountability and transparency within mental health service provision.

The Mental Health (Inpatient) Amendment Bill 2012, currently before this place, seeks to address a common public perception that a detention and treatment order (for compulsory mental illness treatment) involves locking up a mentally ill person much like a criminal is locked up in a correctional facility when, in reality, contemporary mental health care provides for an involuntary patient to be under supervision in a non-secure environment in accordance with the objects and principles of the act. This common perception contributes to a negative stigmatisation at a time in the involuntary patients' lives when compassion and support are required.

Sadly, it has been suggested that one in five of us at some time in our life will suffer from a form of mental illness, so it is important that we make our community aware of the issues and, more particularly, where people can go to gain assistance; *beyondblue* is one of the many organisations that do great work in this area, and funds donated through Capril will go to this very worthy organisation. Again, I commend the Hon. Tammy Franks for bringing this matter before the house, and I commend this motion to members in this place.

The ACTING PRESIDENT (Hon J.S.L. Dawkins): I call the Hon. Ms Michelle Lensink in a very colourful cape.

The Hon. J.M.A. LENSINK (17:05): I will be brief in support of the motion, because the origins and a lot of history and some of the contemporary approaches to mental illness and how it should be perceived has already been covered very eloquently by the previous speaker and also by the mover, the Hon. Tammy Franks, who will, no doubt, make some more comments when she sums up. I would like to also commend her on moving this motion because it is a very important issue and it is important to note that it has received multipartisan support.

The wearing of a cape is a very novel way to raise awareness of mental illness. It is certainly a conspicuous garment, not something that most of us would choose to wear on a regular basis. I have to say that offers to colleagues to borrow this crushed red velvet cape have not resulted in acceptance of that offer forthcoming from them. Increasing awareness of mental illness and depression is very important. Depression is often described as a democratic illness because it does not discriminate between walks of life, gender or race, and 20 per cent of people can expect to have it at some stage in their life.

Stigmatisation and, I guess, embarrassment about having a mental illness have decreased quite significantly in our community. We have had a number of high-profile people over the years who have confessed to not being perfect and to having suffered from depression and I think that has certainly helped in the general community for people to realise that they need to seek help. It is that help-seeking behaviour that we really need to encourage.

In fact, I was looking at some dopey media website today about Gwyneth Paltrow and apparently her husband had suggested to her, after one of her children had been born, that she was suffering from postnatal depression. It was not until he had said something that she realised that she probably was. I think the more people who are aware of depression, the more likely they are to seek help and, obviously, that is incredibly important in suicide prevention. I note that my colleague the Hon. John Dawkins happens to be in the chair and has a very special interest in suicide prevention.

Beyondblue will be the recipient of donations. It is a very good cause and has been around for quite some time under the stewardship of Jeff Kennett. Some of its achievements include the Men's Shed and the Men's Shed online and Movember. It also has a very comprehensive website which is run in conjunction with the Mental Health Council to assist people with mental illness to secure the right health insurance. It provides free training to small and medium businesses to prevent and manage depression and anxiety in the workplace, and it played a significant role in supporting victims of floods and bushfires.

Beyondblue recognises that there can be traumatic episodes that can lead to the development of mental illness in our community. I think the rapid identification of illness and its management, and people getting help and realising that they are not alone is a very worthwhile cause, and I commend the motion.

The Hon. K.L. VINCENT (17:08): I am just going to say a few very brief off-the-cuff words about this very important topic. Like other members who have spoken, probably more eloquently than I am going to, I commend the Hon. Tammy Franks on raising this motion in parliament about the very important issue of challenging the stigma of mental illness.

Unlike other members, however, I am not wearing a cape today due to implications it would have on the use of my wheelchair. Ironically, a cape has turned out to be my kryptonite, so I am not wearing one. However, I have tried, with the cape-like jumper that I am wearing. There has been some argument in my office as to whether it is more cape-like or more poncho-like. However, given the gravity of this issue we can put novel matters like that aside for a moment and get back to the topic at hand, and that is, of course, the issue of tackling the stigma around mental illness in our society.

As the Hon. Gerry Kandelaars has mentioned, Capril does aim to highlight the strength and capability of people living with mental illness in our community. However, I think it is important to touch on the fact that that strength probably would not have to exist to the extent it currently does if stigma were not such a problem. People would not have to try as hard to be as strong as they are if they did not come up against as many challenges as they do because of the stigma and the secretive nature that currently exist around mental illness.

Of course, for many people mental illness does come under the banner of disability, and for that reason it is a big focus for me in this parliament and for the Dignity for Disability Party as a whole, in particular raising issues around the adequate treatment of mental illness. It was only yesterday that I raised questions about the imminent closure of eight acute forensic mental health beds despite the very self-evident crisis in the mental health sector. I think that is just as important to address as the stigma in the wider community, and I very much look forward to doing that.

With those few words, I again commend the Hon. Ms Franks for raising this motion, and I look forward to participating again next year. It has been an honour to help the cause financially through a donation, even if I cannot do it in the vestment sense, and I look forward to doing that in years to come.

The Hon. J.S.L. DAWKINS (17:11): I commence my remarks by indicating my support for the motion and commending the Hon. Tammy Franks for bringing it to this council. Depression is certainly a serious illness that many individuals around South Australia suffer. It is an illness that, if left untreated, can have dire consequences. Many people in this state, both in the metropolitan area and across the regions, suffer from depression and its many unwanted side-effects, and it is a constant battle for many to overcome it.

Unfortunately, in my view efforts all over the nation continue to receive inadequate resources to combat the problem of depression. We find ourselves relying more and more on private initiatives and community organisations to stem the problem. That is not a bad thing in that those organisations, as I think we all know, do a great deal with a small amount, but there is more support that can be given to them.

I have spoken on many occasions in this place about the organisation called CORES, Community Response to Eliminating Suicide, an organisation that does great work not only in the area of suicide prevention but also in educating people on how to identify depression and all other forms of mental illness, and it does that work on the smell of an oily rag. Obviously, today we are here to talk about Capril, and I commend that organisation for the way in which it is identifying and highlighting the issues and the need for other people to become involved.

Another organisation that is known to me, in South Australia particularly, is MOSH, Minimisation of Suicide Harm. This group also does terrific work particularly with those who are left behind after a suicide, dealing with people who are impacted by suicide who can quite often suffer their own form of depression as result of something that has happened within the family.

There is a number of these organisations that do terrific work. The staging of the celebration, if I can call it that, of Capril's work coincides with the closing of public consultation for the state government's new suicide prevention plan, which the Hon. Mr Kandelaars mentioned. I do

hope that in that plan the government takes special note of the organisations such as Capril, CORES and MOSH, and many others including of course *beyondblue*, who work in this broad area.

I would hope that perhaps the government takes note of the two motions that passed through this parliament last year, one in this house and one in the other house, one that I moved here and one that was moved by the member for Adelaide in another place, that emphasised the importance of the community as gatekeepers in mental health, particularly in the area of suicide intervention, but also working with people in the community who have the signs and the problems and who will not speak to someone close to them but will talk to someone else in the community who has been identified as understanding and being able to identify these things. All these organisations do terrific work and I really do hope that the government acknowledges that.

However, that confidence was dented a little bit yesterday when the leader of the government brought back a response in this place. I do not blame her for the delay, but I asked a question on 19 May last year (that was to the leader) as to whether the ministers for health and for employment, training and further education would investigate with their respective agencies in South Australian universities the opportunities for medical students and those studying in associated professions to have community based suicide prevention training included in their studies.

That followed my trip last year to Tasmania, where all the medical students at the University of Tasmania go through the CORES training. It was going to be extended, I think, into the nursing sector and other associated professions. After 12 months, less a fortnight, I got a response back yesterday which said:

> SA Health is reviewing suicide prevention strategies across South Australia as part of the development of the South Australian suicide prevention strategy. A draft of this strategy was released for consultation in January 2012 and the results of the consultation will be used to finalise the strategy. Developing and enhancing community-based suicide prevention initiatives across South Australia will be a key component of the final strategy.

I was almost insulted by that answer, after having to wait for 12 months. It completely ignored my query about whether this government would include some community-based training in this area—whether it be in the area that Capril works, or MOSH or CORES—in the medical training of students in this state. It was completely ignored after 11½ months of consideration.

It does not give me a lot of confidence in what the strategy will come up with. However, I live in hope, and we keep working away at these things. Certainly, as I said earlier, both houses of parliament passed those motions last year (there was a slight amendment in the lower house) to support community organisations in being at the front of work in the community against depression and obviously against suicide. I would hope that the government takes notice of those two motions.

Once again, I commend the Hon. Tammy Franks for bringing this motion to the chamber. I think every piece of work that is done by a member of parliament within and outside the building helps to destroy the stigma we have had in the community about talking about these issues. The more that we as members of parliament and other members of the community talk about depression, talk about the mental health issues that were always taboo in the community, and, in particular, talk about suicide, the better.

I think we have more coverage of these issues in the media than we have ever had. There is still some resistance, but I think the more that we as leaders in the community talk about it the better, and I commend the Hon. Tammy Franks for bringing it to us.

The Hon. T.A. FRANKS (17:21): I rise briefly to thank members for their contributions. I thank the Hon. John Dawkins for his ongoing commitment to mental health issues and support, particularly in the area of community groups and the work that can be done by the community to tackle mental illness and promote better mental health. I also thank the Hon. Michelle Lensink, who not only caped up for her speech but caped up for the photo shoot with the Hon. Gerry Kandelaars, and both of them were very enthusiastic in that task of raising awareness of Capril through the media as well.

I thank the Hon. Kelly Vincent for her contribution and ongoing support for all people with disabilities and, in particular, recognising that mental illness is indeed a disability; it is not something that somebody has by choice and that it should be seen as part of the disability sector. I also thank Mr Steven Marshall (member for Norwood) for his participation in Capril, and I note that South Australian politicians contributed to the overall task of Capril to raise money for *beyondblue* by raising at least over $400 of the $3,654 that has been raised so far. I do thank, in particular,

those members who made not only a contribution of wearing a cape but also a financial contribution.

I recognise the work of Megan Orrin, Angus McLaren, John Murch and Tracey Davis in raising awareness of Capril over the past month, and I note that in doing so we honour the life of Richard Marsland, who was a very special South Australian—an extraordinary South Australian who had actually caped up during his lifetime—by wearing cape in the a month of April after his death. We acknowledge that even the most ordinary of us can do extraordinary things; however, we can never do it alone.

One of the comments made on the Capril website was, 'Depression is as welcome as a yellow-bellied snake at a barbecue.' I would agree with that; I certainly think that depression is the last thing that anybody would wish upon even their worst enemy. I do bemoan the fact that we all know what to do if somebody falls over and cuts their knee—everyone will rush to help them—but if somebody is crying, lost, and without purpose, we tend to move away from that person rather than go to their aid.

I also hope that we will see a focus on mental health first aid, as part of first aid both in workplaces and in our general lives. I certainly commend the state government for taking on suicide prevention as a priority issue, and I look forward to those debates in coming months. With that, I thank those members who have participated. I hope that we will not be hearing of depression leading to people taking their lives and that we will see the scourge of depression be less lethal in the future due to both education and awareness: Capril is just one small part of that. With that, I commend the motion to the council.

Motion carried.

INTERSTATE MIGRATION

Adjourned debate on motion of Hon. J.M.A. Lensink:

That this council condemns the state government for its 10 years of failure to stem the extraordinary flow of young people leaving South Australia for study, career and lifestyle opportunities interstate.

(Continued from 28 March 2012.)

The Hon. J.S. LEE (17:25): Today I rise to support the Hon. Michelle Lensink in her motion to condemn the state government for their 10 years of failure to stem the extraordinary flow of young people leaving South Australia for study, career and lifestyle opportunities interstate. I also acknowledge the member for Morialta, Mr John Gardner, in the other place for his passionate contribution in highlighting this important issue to the parliament.

The Hon. Michelle Lensink and the member for Morialta have demonstrated evidence to show that South Australia does not have the education, career and lifestyle opportunities that are necessary to keep our young people in the state. This is an area of great interest to me because I see young people as important building blocks for the healthy development of the economic and social fabric of South Australia.

Losing young qualified and skilled people to other states decreases workforce participation in the economy and reduces the capacity of South Australia to compete nationally and globally. Just about every week I hear about a young person either planning to or already having left South Australia to move interstate. The ABS data has recently released figures of net migration interstate showing the average of 2,976 people leaving the state each year over the 10 years under the state Labor government.

So many parents are saddened that their children are leaving home not because they dislike Adelaide but because of the lack of opportunities for young people to further their education and career, to chase their dreams. My two trainees, for example, have left the state to pursue better career and lifestyle opportunities. My first trainee was a smart and enthusiastic young man called Chris Molloy. He graduated with a Bachelor of Public Relations from UniSA. He left South Australia at the age of 22 after he completed his traineeship here in Parliament House because he could not find suitable employment here.

My second trainee was Lawrence Brodie, another wonderfully bright young man who completed a first class honours degree in Bachelor of Arts. He left Adelaide earlier this year at the age of 23 to pursue further studies in law at the University of Melbourne. The education opportunity in Melbourne was perceived to be more advantageous to him for career development. His girlfriend of about the same age had also left Adelaide to go to Melbourne.

A variety of reasons for the preference of interstate universities over South Australian ones were identified—including higher ranking universities, a wider range of subjects, better recognised degrees, accessibility to more renowned professors and lecturers, greater specialisation in teaching quality, and more marketing and networking opportunities as students and graduates—which young people believe will lead to better professional development and career opportunities.

In my role as shadow parliamentary secretary for multicultural affairs and small business, I have observed the impact of young people leaving South Australia affecting these two sectors. Let me speak about the multicultural sector first. As we all know, our migrant communities came from culturally and linguistically diverse backgrounds and we know that English is often not their first language for the first generation migrants.

However, for many of them, their children are either born or educated in Australia, therefore are fluent in English and fully adapted to the Australian way of life. The mums and dads in these migrant families often rely on their children to assist them with interpretation and translation whether it is dealing with tradespeople, going to the doctors or handling legal documents. As this group of mums and dads are getting older, their dependence on their children increases significantly.

However, due to the lack of opportunities for young people in this state, many parents from migrant backgrounds in South Australia have been disadvantaged when their kids move interstate to seek better career, education options and lifestyles. When this happens, we see many volunteers in culturally and linguistically diverse community organisations taking on roles as substitutes for the departed children of these migrant families. Over time, if more and more young South Australians choose to migrate away from our state, we will see more pressure placed on our volunteers and our social welfare system.

Having family members around strengthens a household. The large flow of young migrants (many of them high achievers who are in the workforce) leaving South Australia can have a negative impact on a migrant's family unit. It can affect the health and wellbeing of the more elderly migrant parents. In addition, the lack of participation and contribution of our multicultural youth would also affect the long-term sustainability and vibrancy of South Australia's multicultural community.

Statistical data obtained from the ABS indicates that a large proportion of young people in South Australia are leaving the state to pursue other opportunities, especially those between the age of 20 and 30. In the last decade under Labor, South Australia has seen an average net migration loss of approximately 3,000 people per annum to other states. As the shadow parliamentary secretary for small business, I have serious concerns about South Australian businesses and industries missing out on employing our best and brightest young people because they are heading interstate.

Under a decade of Labor mismanagement, ranging from massive cost of living increases to being the highest taxed state in Australia, South Australia has the worst business confidence in the nation. Small businesses in South Australia are struggling under the highest taxes and the worst workers compensation scheme in Australia.

For 10 years now, Labor has failed to manage the state's budget and invest for the future. Since Labor has been in power, the number of advertised job vacancies has halved and almost one in three young South Australian full-time job seekers are unable to find work.

The data collected by my office shows that the large flow of young people leaving South Australia comes from the 20 to 29 age group, which includes university graduates seeking employment for the first time as well as current employees seeking further advancement in their professional field.

Due to poor governance, bad policies and bad decisions, the Labor government has failed to set up an attractive business environment to attract large corporations and encourage local businesses to expand. As we know, Santos is probably the only major corporation with its head office here in South Australia. Capable young people who have the desire to climb the corporate ladder and gain senior positions simply do not have many places to send their CV. Young people who have the ambition to work for large corporations have no choice but to seek work interstate.

Furthermore, South Australia's relatively small population has resulted in fewer industries being set up locally. This has also contributed largely to the extraordinary flow of young people away from the state. As a result, we are losing a talented and capable workforce to other states,

which will be used in the development of corporations and stronger industries in states and territories other than South Australia. This will have a long-term damaging effect for South Australia as a whole.

The flow of young people moving away from South Australia will continue to result in a smaller base of skilled people within the state, making us less competitive. This will have a negative impact on the development of South Australian enterprises and industries and it will, in turn, decrease the career opportunities available for South Australians.

The other major concern is that the overwhelming majority of individuals moving away from South Australia are professionals. They are evidently moving interstate to advance their chosen profession. The lack of highly skilled and experienced professionals in South Australia makes us weak and vulnerable as a state. The lack of professionals means that we have limited capacity to build a strong and innovative workforce. This will restrict South Australian businesses and industries to compete nationally and internationally.

If this trend continues, certain professions, skills and expertise will be directly lost in many industries and it will indirectly affect other industries. This would be very detrimental to the development of South Australia as a sustainable and vibrant state.

Government is responsible for creating a healthy environment where businesses have the confidence to operate without unreasonable tax burdens and regulations, yet the cost of doing business and the cost of living is higher in South Australia than in any other state in the nation. The fast exodus of young people from South Australia will only contribute further to the state's issues regarding the significantly ageing population. This will lead to obvious economic and social repercussions, which the Labor government will have to address.

After a decade of Labor mess, it is time for the Labor government to acknowledge its failure to develop opportunities for young people, causing the extraordinary flow of young people leaving South Australia for study, career and lifestyle opportunities interstate. I thank the Hon. Michelle Lensink for bringing this motion to the council and I support it.

Debate adjourned on motion of Hon. G.A. Kandelaars.

ASSISTED REPRODUCTIVE TREATMENT (EQUALITY OF ACCESS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 15 February 2012.)

The Hon. G.A. KANDELAARS (17:36): I rise today to support the Hon. Ian Hunter's Assisted Reproductive Treatment (Equality of Access) Amendment Bill. Owing to family circumstances, of which this house is well aware, it is an area of law in which I take particular interest and a bill which I support passionately. In researching this issue, I understand that South Australia is one of three states that has specific legislation regulating assisted reproduction treatment clinics. As part of their accreditation processes, all ART clinics in Australia must adhere to a code of practice of assisted reproductive technology units, which was revised in May 2008.

This code was developed by the Reproductive Technology Accreditation Committee of the Fertility Society of Australia. Part of the accreditation process also involves compliance with government laws and guidelines concerning the practice of ART, and the ART guidelines are included in this requirement. The code of practice also sets professional and laboratory standards for ART clinical practice.

The legislation in the three states that regulate ART are: the South Australian Reproductive Technology Act 1988, the Western Australian Human Reproductive Technology Act 1991, and, the Victorian Assisted Reproductive Treatment Act 2008. These states have each established a regulatory body which issues licences to clinics that provide ART services. In the event of anomalies between the relevant state acts and the code of practice, the state acts take precedence.

The South Australian Reproductive Technology Act 1988, when originally introduced, sought to regulate access to ART, determined in consultation with the South Australian Council of Reproductive Technology established under the act. Amendments moved in this house saw the act limit access to ART under section 13 of the act, which states, in section 13(3), that a licence will be subject to:

(b) a condition preventing the application of artificial fertilisation procedures except for the benefit of married couples in the following circumstances—

(i) The husband or wife (or both) appear to be infertile; or

(ii) there appears to be a risk that a genetic defect would be transmitted to a child....

Subsection (4) of section 13 of the act provides:

(4) In subsection (3)—

'married couple' includes two people who are not married but who are cohabiting as husband and wife and who—

(a) have cohabited continually as husband and wife for the immediate preceding five years, or

(b) have, during the immediate preceding six years, cohabited as husband and wife, for periods aggregating at least five years.

Quite blatantly the act at that time specifically excluded the provision of ART services to single women and lesbian couples. The 1996 decision of the Full Court of the Supreme Court of South Australia in Pearce v South Australian Health Commission unanimously held the provisions of the Reproductive Technology Act 1988 discriminated on the ground of marital status and was thus inconsistent with the commonwealth Sex Discrimination Act 1984. Section 22 of the Sex Discrimination Act 1984 makes it unlawful for a person to refuse to provide a service to another on the ground of, amongst others, a person's marital status.

Of course, by virtue of section 103 of the Australian Constitution, where a state act is inconsistent with a commonwealth act, the state act is invalid to the extent of the inconsistency. The Assisted Reproductive Treatment Act 1988 was subsequently amended and now stipulates under section 9 that any conditions for a person's registration to provide ART services must include, in part, the conditions stated below. Section 9, Conditions of registration, subsection (1) states:

(c) a condition preventing the provision of assisted reproductive treatment except in the following circumstances:

(i) if a woman who would be the mother of any child born as a consequence of the assisted reproduction treatment is, or appears to be, infertile;

(ii) if a man who is living with a woman (on a genuine domestic basis as her husband) who would be the mother of any child born as a consequence of the assisted reproductive treatment is, or appears to be, infertile;

(iii) if there appears to be a risk that a serious genetic defect, serious disease or serious illness would be transmitted to a child conceived naturally;

So we now have a situation where ART services are limited to a woman who is, or appears to be, infertile. You might ask what the problem is with that condition. It is clear that these provisions discriminate against the woman who does not appear to meet the test of who appears to be infertile. Generally, this is single women or lesbian couples.

One needs to ask: what is the reasoning behind this discrimination? I suspect it is based around people's moral or religious views as to what constitutes a family. Some ignorantly say that having families headed by same-sex couples will undermine the family unit. That view is bigotry personified and was not supported by the 2011 inquiry of the Social Development Committee of this parliament. That committee stated:

The committee notes that much of the research literature referred to in the Inquiry was previously examined and summarised by the Victorian Law Reform Commission in its report Assisted Reproductive Technology and Adoption: Final Report. In considering this research, the Commission concluded that there is sound evidence that children with same-sex parents have positive outcomes and are not disadvantaged in these family structures. The committee supports the conclusion drawn by the Commission in its review of relevant research. It is satisfied that the quality of relationships within families is the key factor in determining outcomes for children and not the parents' sexuality or marital status.

I agree with the Social Development Committee's view on this point. A person's sexual orientation has absolutely no bearing on their ability to raise children in a loving, supportive and nurturing environment.

One of the most compelling reasons that I have heard on the need to advocate on behalf of this issue is a speech from a 19-year old young American from Iowa, Zach Wahls, to a committee

of the Iowa State Legislature in February 2011. The hearing was in relation to a Republican initiative to ban gay marriage, civil unions and domestic partnerships in that state.

I understand, as some might say in internet jargon, that this speech has gone viral. I can certainly understand why. Zach Wahls, who was raised by his biological mother, Dr Terry Wahls, a clinical professor of medicine at the University of Iowa and her legal spouse, Jackie, said the following. To save time here I seek leave to insert Mr Wahls' speech into *Hansard*, otherwise I will read it.

The PRESIDENT: You will have to read it.

The Hon. G.A. KANDELAARS: It states:

Good evening, Mr Chairman, my name is Zach Wahls. I'm a sixth-generation Iowan and an engineering student at the University of Iowa, and I was raised by two women. My biological mom, Terry, told her grandparents that she was pregnant, that the artificial insemination had worked, and they wouldn't even acknowledge it.

It wasn't until I was born and they succumbed to my infantile cuteness that they broke down and told her that they were thrilled to have another grandson. Unfortunately, neither of them lived to see her marry her partner, Jackie, of 15 years when they wed in 2009. My younger sister and only sibling was born in 1994. We actually have the same anonymous donor so we're full siblings, which is really cool for me.

I guess the point is our family really isn't so different from any other Iowa family. You know, when I'm home we go to church together, we eat dinner, we go on vacations. But, you know, we have our hard times too, we get in fights...

Actually my mom, Terry, was diagnosed with multiple sclerosis in 2000. It is a devastating disease that puts her in a wheelchair. So we've had our struggles. But, you know, we're Iowans. We don't expect anyone to solve our problems for us. We'll fight our own battles. We just hope for equal and fair treatment from our government.

Being a student at the University of Iowa, the topic of same-sex marriage comes up quite frequently in classroom discussions...The question always comes down to, 'Can gays even raise kids?'...The conversation gets quiet for a moment because most people don't really have any answer. And then I raise my hand and say, 'Actually, I was raised by a gay couple, and I'm doing pretty well.' I scored in the 99th percentile on the ACT. I'm actually an Eagle Scout. I own and operate my own business. If I was your son, Mr Chairman, I believe I'd make you proud.

I'm not really so different from any of your children. My family really isn't so different from yours. After all, your family doesn't derive its sense of worth from being told by the state, 'You're married. Congratulations.' No. The sense of family comes from the commitment we make to each other. To work through the hard times so we can enjoy the good ones. It comes from the love that binds us. That's what makes a family.

So what you're voting on here isn't to change us. It's not to change our families, it's to change how the law views us; how the law treats us. You are voting for the first time in the history of our state to codify discrimination into our constitution, a constitution that, but for the proposed amendment, is the least amended constitution in the United States of America. You are telling Iowans that some among you are second-class citizens who do not have the right to marry the person you love.

So will this vote affect my family? Would it affect yours? In the next two hours I'm sure we're going to hear plenty of testimony about how damaging having gay parents is on kids. But in my 19 years not once have I ever been confronted by an individual who realized independently that I was raised by a gay couple. And you know why? Because the sexual orientation of my parents has had zero effect on the content of my character.

Thank you very much.

I was moved by Zach's speech. It was from a very impressive young man who would make any parent proud. He is a great credit not only to himself but also to his mothers, Terry and Jackie. In her written submission to the Social Development Committee inquiry, Jessica Owen made a salient point about same-sex parenting, saying:

Homosexual couples have to go through a great deal more planning than straight couples. We can't just accidentally fall pregnant. We have to think the whole process through in minute detail. Gay couples have to really want children. We have to be committed to the idea and plan our children's conception, which means that it happens when we are ready to be parents.

The law, as it currently stands in this state, has a number of profound and unseen consequences for single women and lesbian couples in South Australia who seek access to fertility treatment. These people generally have two options: one is to seek ART treatment interstate at great cost, both financial and psychological, and the other is to take what is, for want of a better description, the 'backyard approach', and seek out a sperm donor.

In the case of the latter option there are significant health risks involved for both the mother and child. When a woman seeking fertility treatment goes through the process of a backyard sperm donation she is denied a number of vitally important things, namely:

- the psychological support she would have received through an ART clinic;

- screening of potential sperm donors for genetic abnormalities or diseases;
- safeguards such as 'sperm washing', which is a process where sperm is separated from seminal fluid before insemination. This process minimises the possibility of sexually transmitted diseases such as HIV; and
- a child conceived through a backyard sperm donation may be denied information about the full circumstances of their birth and genetic background.

The current discrimination against lesbian couples and single women under the existing Assisted Reproductive Treatment Act does not achieve anything. It achieves nothing from a public policy point of view and, in fact, actually results in an outcome which forces lesbian couples and single women who want to conceive and raise children to go interstate to access ART treatment, at much psychological and financial cost. Worse still, it forces them to resort to backyard methods with inherent health risks.

Does current public policy stop these women from seeking to have children? No; it does not. All it does is put unreasonable hurdles in the way of these women and subjects them to risks not required of married heterosexual women. As I said in my first speech in this place, it is time for our society to truly accept that homosexuality is a reality and that homosexual couples should be able to have their relationship and their love recognised under our secular law, just as heterosexual couples can. This extends to their right, their basic right, to have children of their own and raise a family.

Parenting is not about gender or sexuality but about their commitment and devotion to their children, about the love they have for them and about what it is in their heart. In my view a child can be loved and nurtured by a mum and a dad, a mum, a dad, two mums or two dads. It appears that much of the discussion about parenting in this case is about the sexuality of the parent or parents when, in reality, the issue should be about children being loved, cherished and nurtured. Given what I have said, I support the Hon. Ian Hunter's proposed Assisted Reproductive Treatment (Equality of Access) Amendment Bill 2012 and commend it to other members of this house.

The Hon. A. BRESSINGTON (17:55): I have spoken in this chamber many times on same-sex issues, and I just reiterate that I will be supporting this legislation. I think it is well time that we got past the view that somehow same-sex couples are second-class citizens who do not deserve to have the rights of other couples, especially around access to IVF.

We know very well that couples are spending a great deal of money going interstate to access these services. For me, we are past it. It was this same sort of fearmongering around interracial marriages, interreligious marriages—Chicken Little, the sky was going to fall in—if all this came to pass. We have survived it, and we have seen other countries move on and other states in this country move on, and they have survived, too. There has been no collapse of society because of it.

At the end of the day, it is about whether children are wanted and loved, but I do want to raise a couple of points. While I support this bill, and I will be supporting it, it does distress me, and I will put this on the record, that probably the same people who will be voting for the right for same-sex couples to access IVF will also be against any changes to our abortion laws. We see 5,000 babies a year in South Australia aborted. Some of these babies could well go to meet the needs of gay and lesbian couples via adoption.

I find it quite ironic that we can sit here and take a stand on abortion, that it is about a right to choose for women, yet we buck at every possible opportunity to inform women of the facts about abortion and the procedures used, and then we sit here and debate the rights of parents to make babies in a test tube; that is just my observation. They are poles apart, and somewhere, sometime the two sides of this have to come together and see that there is a solution here for everybody that could well be beneficial not only to parents but also to children from both points of view.

[Sitting suspended from 17:59 to 19:45]

The Hon. D.G.E. HOOD (19:48): Family First has considered this bill, taking into account the rights and welfare of all involved. When considered from that perspective, some very important questions arise including, firstly, does everyone inherently have the right to a child no matter what

the circumstances and, secondly, to what extent is the welfare of the child a matter that should be considered as the overarching issue?

The first point I would like to make is to address the common misconception that the South Australian legislation is in some way trailing behind or needs to be updated to come into line with other states. The fact is, as the Hon. Mr Kandelaars pointed out in his contribution, that most states simply do not have legislation that addresses the question of who should and should not have access to assisted reproductive treatment at all. Indeed, Victoria is the only state that specifically legislates to authorise access to assisted reproductive technologies for so-called 'socially infertile' women, that is, they are either single women or lesbians.

Not only that, I draw members' attention to the Western Australian Human Reproductive Technology Act 1991, which contains significant restriction on access to in vitro fertilisation services. As with other states, except Victoria, it simply does not deal with access to artificial insemination as an issue in itself. Paragraph B of the Preamble to the Western Australian act states:

> Parliament considers that the primary purpose and only justification for the creation of a human embryo in vitro is to assist persons who are unable to conceive children naturally due to medical reasons or whose children are otherwise likely to be affected by a genetic abnormality or a disease, to have children, and this legislation should respect the life created by this process.

Section 23 of the Western Australian act makes it quite clear that in vitro fertilisation is not to be used unless there is medical infertility. Where couples apply, in vitro fertilisation is restricted to couples who are either married or in a de facto relationship and are of the opposite sex.

In 2002 the act was amended to allow assisted reproductive technology for any woman who is unable to conceive a child, but due to medical purposes only. However, it is significant to note that the restrictions for couples were not amended, and nor was the preamble. In summary, then, Victoria is the only state that has specific legislation allowing for, as they might be called, 'socially infertile' women to have access to assisted reproductive treatment. Further, the Western Australian act specifies that IVF technology should be restricted to medical infertility.

The second point I wish to make is that Family First believes that the public opinion does not necessarily support the extension of assisted reproductive technology to lesbian couples or single women. In an online survey by the *Herald Sun* following an article dated 18 March last year, 73 per cent of the 2,400-odd who voted, voted that IVF should not be available to single women or lesbian couples, and only 27 per cent voted in favour of such access.

While I concede that data on this issue is in relatively short supply and that this survey is in no way authoritative, a 73 per cent result as recently as last year in a jurisdiction where a similar law exists to that which is proposed by this bill is highly relevant and provides a direct comparison, to say the least. I believe a similar figure would result if a South Australian survey were done today.

I argue that, in an ideal world, children should have the benefit of a mother and a father, particularly in their early years and ideally beyond, if possible. Of course, we do not live in an ideal world. There are many reasons why some children are brought up without a mother or a father and in some cases both, and there are many reasons why some children who have both a mother and a father are not brought up in ideal circumstances. That is the world we live in.

There is no doubt that single parents in particular do it tough and, on the whole, do a great job in very difficult circumstances. Rearing children is a great responsibility. We cannot make laws to ensure that all parents are responsible, but Family First believes that we should give children the best start in life that we possibly can.

Unborn children who are to come about through either artificial insemination or IVF, as this bill proposes, have no voice, and we as parliamentarians must accept the responsibility of looking after their interests to the extent that we can. Family First's position is that the rights of the child should indeed be paramount and, for that reason, we do not support this bill.

The Hon. J.M. GAZZOLA (19:52): Firstly I note from the member's second reading explanation that the provisions of this bill are based on recommendations made by the Social Development Committee. Of all states that have legislated to regulate the use of assisted reproductive treatment, South Australia and Western Australia are the only states that continue to preclude lesbian couples and single women from accessing the treatment.

This bill merely seeks to bring South Australia into line with other states. As the member points out, the current legislative situation forces lesbian couples and single women to travel

interstate to access assisted reproductive treatment. Thanks to the recent passage of the Family Relationships (Parentage) Amendment Act 2011, these same couples are able to have both parents recognised on the child's birth certificate. Why, then, do we force these couples to travel to another state to become pregnant?

Clearly, we have a considered argument and a bill that supports the logical and legal implementation of a lesbian couple's access to IVF. This bill, which seeks to amend section 9 of the Assisted Reproductive Treatment Act 1988, will correct the current absurd situation where one group of females is able to access IVF, but another is not. Given what is clearly a matter of human rights, it is illogical and cowardly that this existing right of exclusion hides behind prejudice. I support the bill.

The Hon. T.A. FRANKS (19:54): I rise to support this bill and indicate that my Greens colleague, Mark Parnell, also supports this bill. We do so because it removes discrimination in particular against same-sex attracted South Australians but also, of course, against single women of whatever sexual persuasion they may be. We have long fought for the rights of all South Australians to fair treatment and against discrimination, particularly against those who are same-sex attracted in this state. I believe that we are a long way behind many other Australian states, which is to our shame given we were the first state to decriminalise homosexuality. We certainly now lag behind other states which were much slower to take that first step. I hope that we see the legacy of having once been groundbreaking, in terms of affording all of our citizens equality and human rights, as something that we here in this parliament should, in fact, be striving to yet again achieve.

The Greens, of course, were very pleased to see the passage of the Family Relationships (Parentage) Amendment Bill which was somewhat incorporated in the Social Development Committee's inquiry into same-sex parenting in South Australia. Of course, we got a bit of a move on ahead of the committee on that one and I am pleased to see the Weatherill government has been much more supportive of the passage of that bill into practised law by speeding up the process with recognition of same-sex lesbian parents of children conceived through reproductive technologies to both be on the birth certificate of that child—certainly doing it some six months or so before the Rann government would have been dragged to that position. I commend the Weatherill government for that step forward.

I also commend the Hon. Ian Hunter for his tireless work in support of same-sex parents in the state and certainly for bringing this bill before us. It is one of a raft of measures; it is by no means the end of the work for equality for same-sex parents and their children in this state, and I look forward to further debates in the near future, taking up a range of the other recommendations of the Social Development Committee. As Greens we believe that it is a ridiculous practice that single women and same-sex attracted women have to cross state borders to access reproductive technologies and go to the Eastern States when, in fact, they are full citizens of this state and should be afforded equal rights regardless of their sexuality or their marital status.

I do have concerns about drawing on a health budget that is already under stress but I note that this bill does not do that. It does not impose any additional financial burdens on this state in terms of the health budget which, of course, is already quite stressed—and for that I also commend it. There has been a lot of debate and conjecture that somehow by enabling family groupings that are not the nuclear family—a mother, a father, two children, a dog and probably two cars in the garage—we are somehow doing damage and not acting in the best interests of the children. I find those comments quite offensive. I certainly commend the Hon. Gerry Kandelaars for drawing our attention to the man from Iowa. Indeed, if any members have not seen that speech on YouTube, I suggest they take a look at that very inspirational young man.

The Hon. G.A. Kandelaars: Absolutely.

The Hon. T.A. FRANKS: Indeed, thank you, the Hon. Gerry Kandelaars. I look forward to working with other members of this council and also members in the lower house to enact the rest of the recommendations of the Social Development Committee. I certainly acknowledge that, in fact, those parents who have used non-IVF or Repromed or similar medical interventions to conceive, and have done what is seen as using backyard donor conception, also need equal rights. In doing that we will give those children the best possible support that this parliament should give them.

Studies show that children who receive love and support, education, nurturing, healthy food and good shelter do well regardless of the sexuality of their parents or themselves and that is, in

fact, the best that we can provide for them. With those few words, I commend this bill to the council.

The Hon. S.G. WADE (19:59): I intend to speak briefly. I was pleased to note that a range of members, both supporting and not supporting this bill, have indicated the importance they are giving to the rights of the child. From my perspective, as I did on the Reproductive Technology (Clinical Practices) Miscellaneous Amendment Bill 2009, where a similar amendment was considered, I also intend to give primacy to the welfare of the child. Whatever one might think about the merits or otherwise of particular family formations, I think it is important for us not to lose sight of the children who will be reared in these arrangements.

In terms of my consideration of giving primacy to the welfare of the child, I need to consider the relevance of the family context of the commissioning parents and its relationship to the interests of the child. Some members think that, by definition, allowing a child to be conceived in a non-traditional family is not in the best interests of the child. As a Christian and as a Liberal, I have profound respect for the traditional family, and I expect that in most cases a family headed by a mother and father is likely to be in the best interests of the child; however, I do not think that, by definition, other family models cannot be in the best interests of the child, and therefore I do not consider that non-traditional family models should be denied access to ART under this legislation.

In my view, denying access will not significantly impact on the pattern of family formation, but what we can be sure of is that, while diverse families will continue to be formed, if we do not allow this reform our children will be adversely affected. In that context, I highlight to members that the best interests of the child are promoted by providing children with the protections available under the ART framework under the bill.

I am very concerned that children being conceived outside the ART framework are not being provided with a range of protections. For example, they will not be given the protection of assessment and counselling services, they will not be given the protection of the full medical support of ART services, and they will not be given the protection of screening to avoid the transmission of sexual diseases and genetic conditions. So, consistent with my previous positions, I will be supporting this bill.

The Hon. J.M.A. LENSINK (20:02): As is often my experience when I follow the Hon. Stephen Wade in these matters of conscience, I wish I could say, 'Me, too, and all of the above.' For very pragmatic reasons—and I supported this amendment when it came before the house the last time—I believe it is in the best interests of the child, who does not have a choice in the way they are conceived, to have the full protections of our health system. I will be supporting the bill.

The Hon. J.S.L. DAWKINS (20:03): In rising to speak on this bill, I acknowledge and respect the sincerity and consistency of the mover. He and I have discussed these matters over some years. I will remain consistent to the view I held when stewarding the surrogacy bill through this house and when a similar amendment was proposed by the member.

I have a great friendship with a number of people who are in homosexual relationships, and I very much respect the way in which they go about their lives. However, I still have a strong view that with these provisions we have—and those that I worked very hard for in relation to heterosexual couples who are unable to have children without surrogacy provisions, and I worked very hard on their behalf—we need to keep it within those heterosexual relationships., so I will be opposing the bill.

The Hon. CARMEL ZOLLO (20:04): My comments will be brief. For the record, as this is a conscience vote for members of the Labor Party, I indicate that I will not be supporting the Hon. Ian Hunter's private member's bill. I know he does hold his views with a great deal of sincerity and I do respect him for that. However, whilst I know he will be disappointed, he will nonetheless not be surprised that I am not able to support him on this bill.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (20:05): I rise to make a couple of brief comments. I think it will be no surprise to the Hon. Ian Hunter that I will not be supporting his bill this evening. While I have some sympathy for the cause and those who are affected by the current status of the law, you may call me old-fashioned. I am not sure what it is. but this is a conscience vote and as members in this place would know I always take my conscience votes very seriously. In one past example I actually changed a vote where I had had a longstanding view on a particular issue. It is not frivolously that I vote against this.

I do have a view that is similar to that of my colleague John Dawkins in relation to heterosexual couples and especially in relation to this particular legislation. I had a long meeting with three people who came to see me to argue the case, and they put a very good case to me. They assured me that it probably would not happen, but if there is any queue or any logjam in accessing the technology, I certainly do not want to see heterosexual couples disadvantaged. I know that is very difficult for those who support the legislation in this particular bill, but I feel strongly enough about it at this point in time to vote against this particular measure.

The Hon. K.L. VINCENT (20:07): I speak very briefly, but very strongly, in favour of the Hon. Mr Hunter's bill. I do not think that will surprise him or disappoint him. Since many in this chamber have already put on record some of the extensive issues related to this bill, I will not delay the passage of it too much this evening. Because the legislation in South Australia currently requires a woman to be medically infertile rather than what might be called socially infertile, single women, regardless of their sexual orientation, and lesbian couples cannot currently access ART in South Australia.

Let me just say that I strongly believe both single women and women in same-sex couples should be able to access ART, just as heterosexual couples currently can. That is because I believe a person should be judged on their ability to effectively parent and love a child, and I do not believe that that is something that is innately affected by sexual orientation. I also think that we need to remember that children born into same-sex couples are no more able to choose their parents than the rest of us are. Therefore I believe we need to do all that we can as parliamentarians to ensure that those children are protected under our laws.

At present, as we all know, we have what I call an utterly absurd situation in this state where lesbian couples must revert to the turkey baster method to get pregnant. This is, of course, undignified and very unsafe. Single women also need to do this; find a sperm donor through another method, or indeed lie to a doctor, hopefully a well-meaning and kind doctor, at a reproductive clinic. This is ridiculous in the so-called progressive and modern society in which we are supposed to live. This is another example of a law that discriminates against people on the basis of their sexuality, and all the legislation in this category needs to be amended.

I commend the Hon. Mr Hunter on his consistency, his tireless work, his sincerity and, I think most importantly, the heart with which he has fought for these issues. I look forward to, hopefully, continuing to help him achieve that in the future. As a member of the Social Development Committee, I had the pleasure of being involved in the consultation process on this bill, and from that experience my views on this subject are even more affirmed. I very strongly support this bill.

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (20:09): I rise to support the honourable member's bill which seeks to ensure that lesbian women can access reproductive technology. As it currently stands, many single and lesbian women are unable to access the technology that they may need in order to have children. In fact, my understanding is that our legislation means that a woman needs to be diagnosed medically infertile in order to access this technology, and this is obviously a significant barrier to lesbian women.

As the minister has previously noted, we have seen this parliament pass legislation so that lesbian couples can be recognised on birth certificates. I was very pleased to support that legislation as well and, in my view, it is only fair and reasonable that these same couples be given the right to access reproductive technology. This is absolutely an issue of equity and fairness, and I commend the Hon. Ian Hunter for the incredible work that he has done on this very important issue. I am very honoured and pleased to be able to support him.

The Hon. J.A. DARLEY (20:11): As I did with the previous related bill, I will be supporting this bill.

The PRESIDENT: The Hon. Mr Hunter to wrap up.

An honourable member: Briefly.

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (20:11): Very briefly. I would like to start by thanking all members for their contributions in this debate. I think it has been a respectful debate which canvassed the issues on both sides in a very reasoned

manner. Can I express my gratitude in particular to those members who have indicated their support for this measure. I will just make two very quick points.

Some members have said that they cannot see it in their own ability to vote for this legislation because they do not think they should be encouraging lesbian couples to go down this path of accessing IVF in South Australia. By opposing this bill, they are not going to stop lesbian couples accessing IVF. Simply, they will go interstate where they can and have been allowed for a long time to access IVF treatment.

All they will be doing is making them pay a huge amount of money to do it. The travel and accommodation, the repeated tests and treatments they have to undergo, sometimes involving three, four or even more visits interstate, to become pregnant through IVF take a very large toll on these families.

Secondly, we have, of course, by an act of parliament which many people in this chamber supported, passed legislation which allows lesbian couples who have children via IVF to have both their names put down on the birth certificate, yet we allow this curious anomaly to exist in our law which says we allow lesbian couples who use IVF to have their names put down as parents on birth certificates, but we will not allow them to access IVF in South Australia. We force them to go interstate. I think that is a nonsense and it is something we should be fixing up here tonight. I commend the bill to the house.

The council divided on the second reading:

AYES (12)

Bressington, A.	Darley, J.A.	Franks, T.A.
Gago, G.E.	Gazzola, J.M.	Hunter, I.K. (teller)
Kandelaars, G.A.	Lensink, J.M.A.	Parnell, M.
Vincent, K.L.	Wade, S.G.	Wortley, R.P.

NOES (9)

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

Majority of 3 for the ayes.

Second reading thus passed.

Bill taken through committee without amendment.

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (20:19): I move:

That this bill be now read a third time.

Bill read a third time and passed.

FAMILY RELATIONSHIPS (SURROGACY) AMENDMENT BILL

Second reading.

The Hon. J.S.L. DAWKINS (20:20): I move:

That this bill be now read a second time.

It gives me great pleasure to present the second reading for this bill. This bill was sponsored in the lower house by the member for Adelaide (Ms Rachel Sanderson), and she did that at the suggestion or request of a constituent of hers. I am very pleased to say that this amendment went through the House of Assembly on the voices and in relatively quick fashion.

I am delighted to say that, sir, as you and many others know, the original surrogacy bill I brought into parliament actually languished in the House of Assembly for some 16 months, being stalled and delayed by some who were opposed to it. So, I am delighted now that a bill to improve what was my bill has gone through the House of Assembly very quickly and went through, as I said, on the voices. I will outline some of the elements of the bill.

Currently, under South Australian laws a potential mother in South Australia can legally engage a surrogate mother to carry her child under two eligibility categories, the first being that the potential mother is infertile, and the second being that the child is at risk of being born with a serious genetic defect or a serious disease or illness that would be transmitted to the child from the potential mother.

The current legislation does not cover a mother whose own life or health would be seriously impacted by pregnancy or delivery of an infant. The proposed amendment was as a result of an inquiry to the office of the member for Adelaide by a South Australian mother who has had serious health issues during her first pregnancy, and another pregnancy would likely lead to her permanently being in a wheelchair.

Under current laws, she would need to move interstate to legally engage a surrogate to carry and deliver her child. I would like to read into *Hansard* a copy of her story that she kindly typed out and gave to the member for Adelaide for insertion into the House of Assembly, and it is only appropriate that we do here. I quote:

My husband and I were fertility challenged and eventually pursued IVF treatment as we were deemed infertile as a couple. This treatment was finally successful in October 2008 resulting in the premature birth of our daughter in June 2009. The IVF treatment has provided us with 3 healthy embryos that we are keeping frozen in the hope that a surrogacy arrangement may be made. I do not believe this will happen due to so many legal hurdles and it being such a difficult and expensive process here in Australia, in particular South Australia. I became incredibly ill whilst pregnant, which meant I spent 8 weeks in hospital prior to my daughter's birth and another 6 weeks post her birth. I was confined to a wheelchair for the duration of the hospitalisation and for a subsequent 6mths post discharge. I ended up with a walking aid of some kind for 20 months post my daughter's emergency C-section under general anaesthetic. I suffered a rare pregnancy condition called transient osteoporosis of the hip which resulted in the ball of my hip fracturing and the neck of the femur breaking down. I had 2 operations post birth to try to save the hip which was scheduled for replacement. This condition is believed to recur in future pregnancies and the specialists—

I interpose here; this lady has seen three endocrinologist specialists. I go on:

The specialist advised that it would be highly likely that if I was to carry another child I might end up in a wheelchair for life—hardly the ideal parenting situation! This likelihood coupled with the fact that I also contracted severe ulcerative colitis during my first pregnancy that contributed to my ill health and meaning I had to have 2 blood transfusions has meant another pregnancy would be extremely high risk. Both conditions would be likely to recur in future pregnancies. Treatment of this ulcerative colitis requires steroids that exacerbate bone deterioration thus making the risk of the transient osteoporosis condition returning even greater. Basically, with all the blood, bone and weight loss I suffered, my life was threatened by my first pregnancy.

We tried going down the surrogacy path with the blessing of my medical team but this was not with the blessings of the government. The only way we could consider a surrogacy arrangement was under Victorian law. This meant that we would have to have the baby in Victoria and become Victorian residents prior to and at the time of implantation and birth. We would also have to undergo lengthy psyche testing and all fertility treatment in Victoria. This process is ridiculously long and tedious and it became way too impractical and expensive for us to continue this process. The family commissioning the surrogate must fund all travel, medical and overall expenses of a surrogacy arrangement, not only for the surrogate but for their immediate family as well. This is a hugely expensive considering you're flying 4 people and any children they may have—

To be a surrogate, you must have already had children under those arrangements—

to all of the appointments. Although you do not have to pay commercial fees to the surrogate, there are lots of medical and fertility clinic and legal costs involved. Under South Australian law, you need to employ 4 separate psychologists (one for each person of the two couples involved) for all of the testing and 2 independent legal teams. Victorian law only applies 2 which is why it can be the more attractive option to couples. At the end of the day we are a South Australian family and we really wanted to have a surrogacy arrangement here as it was more practical for our family and less expensive [being] something that ultimately affects the welfare of the child. We however were unable to proceed in [South Australia] with Repromed, the fertility clinic that houses our embryos, because we had not known our potential surrogate for more than 2 years (this is their personal policy and not a governmental one).

So it was then that [we went to the] Flinders fertility clinic stepped up to the plate. They were incredibly positive about trying to help us until their legal team determined our case did not warrant a surrogacy arrangement under the current South Australian laws. This was because I was able to carry another baby so it was unlikely there would be any risk to the actual child it was just my life that was being threatened. So it was fine to die (or risk death and disablement) thus leaving a baby motherless as opposed to entering a surrogacy arrangement that would allow a family to live healthy, positive lives thanks to the aid of the amazing medical knowledge we have [in] South Australia...We pursued surrogacy in Victoria but pulled out of that arrangement due to spiralling expenses.

They had to move there to have the child. The member for Adelaide worked through these issues, as a private member does in developing legislation. After speaking with minister Hill, she decided to add a second clause to expand the definition of what 'infertile' means so that instead of just

being 'infertile' it also includes that you cannot carry a baby to term. The changes made with two clauses are that we have inserted the provision:

> ...the female commissioning parent is, or appears to be, unable on medical grounds to carry a pregnancy or to give birth;

Also, it was decided to include a subparagraph, which provides:

> There appears to be a risk that becoming pregnant or giving birth to a child would result in physical harm to the female commissioning parent (being harm of a kind, or a severity, unlikely to be suffered by women becoming pregnant or giving birth generally);

In coming to a conclusion, I must say that, in the House of Assembly, Ms Sanderson said:

> It is certainly not my intention that we become like America, where busy career women can just go and pay for somebody to have a child for them. Basically, this is to do with the health of the mother and the best outcome for the family.

Can I say that, while we cannot just talk about America because I think these things can happen in many parts of the world, the fact is that my motivation for bringing in surrogacy legislation is to help couples who genuinely wanted to have a child but were unable to do so in the normal fashion, and there were a range of reasons as to why that could not happen.

I developed that bill as a private member, and you do that without the resources of a government department. Over a long period of time, that bill came into this house, went to a parliamentary committee and was referred back. We then changed some of it, it went through this place in a few months, and then went off to the House of Assembly, as I said, for 16 months. There were a number of amendments suggested, and a number of those were made by the Department of Health and the minister, and then some of those at a later stage were rejected by the very same department.

It is very difficult to develop laws like this as a private member. I am happy to have my original bill improved, and in fact, sir, as you and others would know, we have already improved it once since the main bill went through in late 2009. With those words, once again I commend the member for Adelaide for bringing this matter to the parliament. I am delighted that it went through without any opposition in the lower house. I look forward to its passage in this place. I will be indicating to members that I intend to seek a vote on 30 May. With that, I commend the bill to the chamber.

Debate adjourned on motion of Hon. G.A. Kandelaars.

STATUTES AMENDMENT (SERIOUS AND ORGANISED CRIME) BILL

The House of Assembly agreed to the amendments made by the Legislative Council without amendment.

PARLIAMENTARY REMUNERATION (BASIC SALARY) AMENDMENT BILL

Received from the House of Assembly and read a first time.

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (20:33): I move:

> That this bill be now read a second time.

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

Leave granted.

> The current provisions of the *Parliamentary Remuneration Act 1990* ('the Act') provide that State Parliamentarians have a base salary that is automatically linked to the base salary payable to a Federal Parliamentarian, less $2,000 per annum.
>
> Last year the Commonwealth Remuneration Tribunal undertook a review of the base salary of federal parliamentarians. The Tribunal determined on 12 March, 2012 that the base salary of federal parliamentarians will increase from $140,910 to $185,000, with some offset to allowances.
>
> If there are no amendments to the Act the base salary of State Parliamentarians will automatically increase to $183,000 on 1 July, 2012. This would see a benefit in excess of $40,000 flowing to state Members of Parliament.
>
> A salary increase of that magnitude is not acceptable to the State Government.

The State Government therefore introduced and passed legislation late last year to freeze the pay of State Parliamentarians until 30 June, 2012, temporarily pausing the link between the basic salary rate of a Federal Parliamentarian to that of a State Parliamentarian.

This Bill maintains the link between the base salary of State Parliamentarians to that of Federal Parliamentarians. However, to avoid a significant increase in salaries, it will set the difference between the base salary of State and Federal Parliamentarians at $42,000 from 1 July, 2012. This will mean the base salary of South Australian Parliamentarians will be $143,000 per annum from 1 July, 2012, an effective increase of 2.9 per cent.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause sets out the short title.

2—Commencement

This clause provides for commencement of the measure on 1 July 2012.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Parliamentary Remuneration Act 1990*

4—Amendment of section 3—Interpretation

This clause substitutes a new definition which provides that *basic salary* under the Act is annual salary at a rate equal to $42,000 less than the rate from time to time of Commonwealth basic salary.

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

LOCAL GOVERNMENT (SUPERANNUATION SCHEME) (MERGER) AMENDMENT BILL

Received from the House of Assembly and read a first time.

At 20:35 the council adjourned until Thursday 3 May 2012 at 14:15.