

LEGISLATIVE COUNCIL

Wednesday 17 October 2012

The **PRESIDENT (Hon. J.M. Gazzola)** took the chair at 14:18 and read prayers.

MEMBER, SWEARING IN

The President produced a commission from His Excellency the Governor authorising him to administer the oath or affirmation of allegiance to members of the Legislative Council.

The President produced a letter from the Clerk of the assembly of members notifying that the assembly of members of both houses of parliament had elected Mr Kyam Joseph Maher to fill the vacancy in the Legislative Council caused by the resignation of the Hon. Robert K. Sneath.

The Hon. Kyam Joseph Maher, to whom the oath of allegiance was administered by the President, took his seat in the council, in place of the Hon. Robert K. Sneath (resigned).

STATUTES AMENDMENT (NATIONAL ENERGY RETAIL LAW IMPLEMENTATION) 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) (14:22)**: By leave, I move:

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

Motion carried.

STATUTES AMENDMENT AND REPEAL (TAFE SA CONSEQUENTIAL PROVISIONS) 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) (14:22)**: By leave, I move:

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

Motion carried.

GRAFFITI CONTROL (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) (14:23)**: By leave, I move:

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

Motion carried.

LEGISLATIVE COUNCIL VACANCY

The **PRESIDENT (14:23)**: I lay on the table the minutes of the assembly of members of both houses held this day to fill the vacancy in the Legislative Council caused by the resignation of the Hon. R.K. Sneath.

Ordered to be published.

PAPERS

The following paper was laid on the table:

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

Findings from the Coronial Inquest into the Deaths of Robyn Eileen Hayward and Edwin Raymond Durance—Report

LEGISLATIVE REVIEW COMMITTEE

The Hon. **G.A. KANDELAARS (14:25)**: I bring up the 15th report of the Legislative Review Committee.

ABORIGINAL LANDS PARLIAMENTARY STANDING COMMITTEE

The Hon. **T.J. STEPHENS (14:25)**: I bring up the report of the Aboriginal Lands Parliamentary Standing Committee 2011-12.

Report received and ordered to be published.

SOCIAL DEVELOPMENT COMMITTEE

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) (14:26): By leave, I move:

That pursuant to section 21(3) of the Parliamentary Committees Act 1991 the Hon. Carmel Zollo be appointed to the Social Development Committee in place of the Hon. John Gazzola (resigned).

Motion carried.

STATUTORY AUTHORITIES REVIEW COMMITTEE

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) (14:27): By leave, I move:

That pursuant to section 21(3) of the Parliamentary Committees Act 1991 the Hon. Gerry Kandelaars be appointed to the Statutory Authorities Review Committee in place of the Hon. John Gazzola (resigned).

Motion carried.

PARLIAMENTARY COMMITTEE ON OCCUPATIONAL SAFETY, REHABILITATION AND COMPENSATION

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) (14:27): I move:

That pursuant to section 21(3) of the Parliamentary Committees Act 1991 the Hon. Gerry Kandelaars be appointed to the Occupational Safety, Rehabilitation and Compensation committee in place of the Hon. John Gazzola (resigned).

Motion carried.

ABORIGINAL LANDS PARLIAMENTARY STANDING COMMITTEE

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) (14:28): By leave, I move:

That pursuant to section 10 of the Aboriginal Lands Parliamentary Standing Committee Act 2003 the Hon. Kyam Maher be appointed to the Aboriginal Lands Parliamentary Standing Committee in place of the Hon. John Gazzola (resigned).

Motion carried.

STANDING ORDERS COMMITTEE

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) (14:29): By leave, I move:

That the Hon. Kyam Maher be appointed to the Standing Orders Committee in place of the Hon. Robert Sneath (resigned).

Motion carried.

PRINTING COMMITTEE

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) (14:29): By leave, I move:

That the Hon. Kyam Maher be appointed to the Printing Committee in place of the Hon. John Gazzola (resigned).

Motion carried.

JOINT PARLIAMENTARY SERVICE COMMITTEE

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) (14:29): I move:

That pursuant to section 5 of the Parliamentary Joint Services Act 1995, the Hon. Kyam Maher be appointed as a member to the Joint Parliamentary Services Committee, the Hon. Gerry Kandelaars be appointed as an alternate member to the honourable President of the Joint Parliamentary Services Committee, and the Hon. Carmel Zollo be appointed as an alternate member to the Hon. Kyam Maher, and that a message be sent to the House of Assembly transmitting the foregoing resolution.

Motion carried.

SELECT COMMITTEE ON LONSDALE-BASED ADELAIDE DESALINATION PLANT

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) (14:30): I move:

That the Hon. Gerry Kandelaars be substituted in place of the Hon. John Gazzola (resigned) on the Select Committee on the Lonsdale-based Adelaide Desal Plant.

Motion carried.

SELECT COMMITTEE ON MARINE PARKS IN SOUTH AUSTRALIA

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) (14:30): I move:

That the Hon. Gerry Kandelaars be substituted in place of the Hon. John Gazzola (resigned) on the Select Committee on Marine Parks in South Australia.

Motion carried.

SELECT COMMITTEE ON LAND USES ON LEFEVRE PENINSULA

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) (14:31): I move:

That the Hon. Gerry Kandelaars be substituted in place of the Hon. John Gazzola (resigned) on the Select Committee on Land Uses on Lefevre Peninsula.

Motion carried.

QUESTION TIME

LOCAL GOVERNMENT CODE OF CONDUCT

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:31): I seek leave to make a brief explanation before asking the Minister for Local Government a question regarding a code of conduct for councils.

Leave granted.

The Hon. D.W. RIDGWAY: Yesterday, the minister released a draft mandatory code of conduct for local councils. The code sets new rules for standards of behaviour and integrity for members of the state's 68 councils. The minister praised the behaviour of most councillors, but conceded, 'from time to time council members might behave in a way that is simply not acceptable to the community'.

Even while the minister was on his feet, the electors in the City of Prospect are coming to terms with a most curious phenomenon. They have been receiving texts from one David O'Loughlin, who may be familiar to members opposite as a member of the South Australian branch of the Labor Party. 'Friends,' reads Mayor O'Loughlin's text, 'if you would like the progress you have seen in the last five years in the City of Prospect...'. The text then waffles on a bit, and finally comes the pitch, Mr President: 'I urge you to vote 1 Jill Bottrall.'

Jill Bottrall may be familiar to members opposite as a member of the South Australian branch of the Labor Party, the former apologist for premier Mike Rann, and a candidate in the City of Prospect by-election. 'I have known Jill for 16 years in Prospect,' O'Loughlin continues, '...great character, sensible decision maker, determined to keep things moving. If you have a vote or know people who do, please urge them to vote 1 Jill Bottrall'. If you have a vote! This text went out to thousands of people, and Mr O'Loughlin did not even know if they have a vote. And, we all know that Ms Bottrall failed dismally; she trailed a distant third.

The Hon. J.M.A. Lensink: Fourth.

The Hon. D.W. RIDGWAY: However, Mr President, I have now discovered that these texts came from the same phone number as—and this may be difficult to believe—not a personal number, but the mobile listed on the council's website as belonging to the Mayor of the City of Prospect, David O'Loughlin. My questions to the minister are:

1. Does the minister believe it is right, or ethical, or good conduct for a party member and a mayor to use council-provided and ratepayer-funded resources to promote his party's candidate in a by-election?
2. How does the minister think that people who do not support Labor—and, by the result in that by-election, that is a lot of people who don't—feel about their rates being used for a political campaign?
3. Will such practices be outlawed by the code of conduct?
4. Will the minister use his best endeavours to get the mayor to refund the cost of that election campaign back to the City of Prospect and to the ratepayers who pick up the mayor's phone bill every month?
5. Does the minister concede that this is one of those times when, 'from time to time, council members might behave in a way that is simply not acceptable to the community'?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:34): I would like to make a number of points about this, Mr President. First of all, this is obviously an attempt to smear the name of a very good mayor down at Prospect, David O'Loughlin. This is not unusual for the opposition; they often use this chamber to denigrate and slander the names of very decent citizens.

I do make it a practice personally, as a minister, of not getting involved in the runnings of various councils, but I will say this, now that this has come to light, obviously the Prospect city council will do what they need to do under their current codes of practice, but we will be introducing a mandated code of conduct very shortly and this will provide certain measures and sanctions which councils can then use to discipline various acts.

Now I don't know the actual circumstances other than what the Hon. Mr Ridgway has stated, but, as I said, the Prospect council have the powers and the ability to make their own decisions and I'll leave it in those hands.

The PRESIDENT: A supplementary question.

LOCAL GOVERNMENT CODE OF CONDUCT

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:35): Did you as a member of the Labor Party and a resident of Prospect receive the text?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:36): No, Mr President, I didn't receive the text, so obviously I'm not on the mailing list.

The PRESIDENT: A supplementary question.

LOCAL GOVERNMENT CODE OF CONDUCT

The Hon. R.L. BROKENSHERE (14:36): Given the seriousness of the question, will the minister refer this investigation to his office of local government?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:36): No; the Prospect city council would handle this under their own provisions of their own code of conduct.

LOCAL GOVERNMENT CODE OF CONDUCT

The Hon. S.G. WADE (14:36): A supplementary question. I ask the minister: if an elected mayor was to use a ratepayer funded mobile phone to send a text under the circumstances that the Leader of the Opposition has highlighted, would it be contrary to his mandated code of conduct that he released yesterday?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:36): The mandated code of conduct will depend on the policies of the councils, and various councils have different policies, so it will depend on the policy of the council.

As I said, this has only just arisen. It's not unusual for the opposition to start throwing allegations around the place that have no substance, so I'm not going to engage in a debate on the issue.

CRUISE SHIPS

The Hon. J.M.A. LENSINK (14:37): I seek leave to make a brief explanation before directing a question to the Minister for Tourism on the subject of the cruise ship *Athena*.

Leave granted.

The Hon. J.M.A. LENSINK: The Adelaide-bound international cruise ship *Athena* is a vital part of South Australia's tourism, with a four-week stay-over period in Adelaide and stop-offs at other SA coastal towns. The *Athena* has been detained from late September in France due to the alleged non-payment of bills. Can the minister provide us with an update on what has taken place with the *Athena* and how it will affect South Australia's tourism season?

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) (14:38): I am very grateful and thank the honourable member for her most important question because the increase in cruise ships to South Australian waters has been a significant achievement of the South Australian Tourism Commission under this government.

Not only have we significantly increased the number of ships that sail into South Australian waters and dock at our ports but we've increased the size of the ships and the number of tourists who come off those ships and join in on various tours and come into town to shop and enjoy our facilities and amenities. Not only that but we've also successfully been able to ensure that we are sharing some of those economic benefits with our regions.

I have recently opened a new platform on Kangaroo Island that enables larger ships more conveniently to dock there. The numbers of bookings have increased slowly over time for Kangaroo Island, and we know that's a very important tourism destination for us and also Robe and Port Lincoln. The cruise ships do offer significant economic benefit to South Australia, and it is a wonderful achievement for our hardworking South Australian Tourism Commission.

I do not have the details of those matters relating to the *Athena*. I am not aware of those. I am happy to look into those and bring back any materials that might be relevant to the questions asked by the Hon. Michelle Lensink but, as I said, it is a wonderful opportunity to highlight the important achievement of the increase in tourism by cruise ship liners to our waters. As I said, that has a significant economic impact on this state, and that is what this government is all about.

APY LANDS

The Hon. R.I. LUCAS (14:40): I seek leave to make an explanation before directing a question to the Minister for Communities and Social Inclusion on the subject of the APY lands.

Leave granted.

The Hon. R.I. LUCAS: Section 19(1) of the APY lands act—Unauthorised entry on land says:

A person (not being an Anangu) who enters the lands without the permission of [APY] is guilty of an offence and liable to a penalty...

Subsection (2) provides:

The maximum penalty...(a) where the offence was committed intentionally—a fine of two thousand dollars plus five hundred dollars for each day during which the convicted person remained on the land after the unlawful entry...

Subsection (10) provides:

If Anangu Pitjantjatjara Yankunytjatjara, by notice in writing to the Minister, objects to an authorised person entering or remaining upon the lands, the Minister shall revoke or modify the authorisation in order to give effect to the objection unless he is satisfied that there are sufficient reasons why the authorisation should continue notwithstanding the objection.

I am informed that in April of this year the chairman of Mimili and the deputy chairman of the APY lands executive, Mr Willy Pompey, wrote to the minister where they directed a number of Department for Communities and Social Inclusion staff off the APY lands. In that letter, those staff, whom I will not name at this stage, were named, obviously, and were ordered off the lands. The

information provided to me is that those staff did not remove themselves from the lands and they stayed, contrary to that direction, working on the lands. My questions are:

1. Did the minister receive that letter and, if so, what action, if any, did he take?
2. Did his actions, if any, comply with section 19 of the APY lands legislation?
3. If he believes they complied with section 19, can he outline to the chamber exactly what actions he took and how he complied with section 19 of the legislation?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:42): I thank the honourable member for his most important question. The Department for Communities and Social Inclusion provides a number of services to communities on the APY lands. Communities and Social Inclusion staff perform a variety of important roles including providing services to youth, the elderly and community members with disabilities.

Services include family support services which include access to healthy cooking, play areas, showering and clothes washing facilities for our vulnerable clients; home and community care services to support frail aged and younger people with disabilities to live independently; a disability support program that provides services including specialist allied health disability support services; and youth programs to provide recreational activities designed to divert young people from risky and antisocial behaviour.

The department is one of the main employers of Anangu staff and will continue with the goal of developing and training more Anangu people to work for the department. Current staff working on the APY lands are qualified and experienced in their roles and have formed a number of relationships with the clients they work with. It is difficult to find or replace experienced staff to work on the APY lands, and any staffing issues are best resolved with the local community.

The Department for Communities and Social Inclusion complies with all facets of the APY Lands Rights Act 1981. The authorisation of a person entering or remaining upon the lands being revoked or modified does not generally apply to public servants on the lands, which is my advice. The requirement of section 19(10) of the APY Land Rights Act 1981 that, unless satisfied that the authorisation should continue, the minister revoke or modify a person's authorisation if requested to do so by APY, only applies, in my advice, to persons authorised by the minister under section 19(8) or section 19(8)(ca) of the APY Land Rights Act. In this case it does not apply to public servants.

APY LANDS

The Hon. R.I. LUCAS (14:45): I have a supplementary question arising out of the minister's answer. If that is the minister's position has he responded in those terms to Mr Pompey, to the letter that he received in April of this year and, if he has not, why has he not responded in those terms to Mr Pompey?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:45): I have every confidence in the 70 Communities and Social Inclusion staff who work on the APY lands in providing many of the important services to those remote communities and, working in close contact with the community authorities, they will continue to do so.

APY LANDS

The Hon. R.I. LUCAS (14:46): Supplementary question arising out of the minister's answer: does the minister concede that it smacks of arrogance that he has refused to respond to the deputy chair of the APY lands executive's letter to him in April along the terms that he has now outlined in response to my question to the council today about six months after the receipt of the letter.

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:46): My answer is no.

FLEURIEU PENINSULA TOURISM GRANTS

The Hon. G.A. KANDELAARS (14:47): I seek leave to make a brief explanation before asking the Minister for Tourism a question about tourism grants on the Fleurieu Peninsula.

Leave granted.

The Hon. G.A. KANDELAARS: The South Australian Tourism Commission can assist in the development of new tourism experiences, particularly where significant gaps exist in the marketplace which are not being met. The commission also funds developments which add to existing tourism businesses. Can the minister tell the chamber about the recent new grant on the Fleurieu Peninsula?

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) (14:47): I thank the honourable member for his very important question. I am very pleased to announce that a business collaboration inviting McLaren Vale visitors to experience some of the region's best has secured South Australian tourism support.

I am delighted to advise members that \$20,000 from the SATC's new Product Support Program has been allocated towards experience development along the McMurtrie Mile. As members might be aware, the McMurtrie Mile was launched in 2009 and unites popular names in local wine, food and art, and I understand that visitors are able to purchase the McMurtrie Mile passport card, and also collect wine glasses, by spending at least \$25 at the participating businesses.

In a wonderful example of cross-promotion and collaboration, the six participating businesses are found on a one-mile stretch of McMurtrie Road, and together represent the gourmet and cultural delights that the Fleurieu Peninsula is well known for.

The funding from the SATC will be used to promote the new Extra Mile Experience, which is a new behind-the-scenes tour offered by McMurtrie Mile businesses, and I am sure members will agree that the package tour will add value and exclusivity to the McMurtrie Mile experience. It also promotes premium food and wine from our clean environment.

The six businesses that make up the McMurtrie Mile are McLaren Vale Beer Company, Primo Estate, Hugh Hamilton, Wirra Wirra, Red Poles and Sabella Vineyards, and I am advised that the SATC supports the focus on experience development, branding, website development, graphic design and public relations.

It is important to note also that the development of food and wine experiences is amongst the priorities in the new Fleurieu Peninsula Destination Action Plan. As members might recall, the destination action plans, or DAPs, are simple, focused action plans for each region in South Australia. The DAPs address or fill in gaps in six strategic areas: experiences in advanced infrastructure (especially accommodation), marketing access and sales/distribution.

I am also very pleased today to announce another tourism grant for the beautiful Fleurieu Peninsula. A grand Port Elliot property, known for its rich heritage, is undergoing an extensive refurbishment. The Waverley Estate has received a \$23,500 grant from the SATC Tourism Development Fund.

The funding is supporting an upgrade in the refurbishment of the property, with improvements including new air conditioning, roofing, solar panels, bathroom renovations and also some landscaping. Members may be aware that Waverley Estate has welcomed local, interstate and international guests for more than two decades. These improvements will help this business attract more high-yield visitors, along with providing conference and corporate packages.

I am sure you would agree, Mr President, that it is wonderful to see this unique part of South Australia's heritage thriving in the tourism industry. Waverley Estate is beautifully located just one hour south of Adelaide on the spectacular Fleurieu Peninsula at Port Elliot. To my mind, Port Elliot is one of the most charming seaside towns in South Australia. Mr President, I am sure you know and have visited Horseshoe Bay, one of the region's loveliest beaches, which is only minutes away.

Waverley Estate was built in 1856 and today offers eight accommodation rooms, along with a paved pool area for functions and events. The property, which includes one of South Australia's oldest schoolhouses, also features an onsite cellar door and a gallery promoting Fleurieu wine, food, produce and art. I am told that the property aims to be one of the premier attractions of the Fleurieu Peninsula. I am pleased to advise that the refurbishment is consistent with the destination plan that was launched in June. I wish the project every success and look forward to further opportunities to promote this wonderful region in the future.

BORDERLINE PERSONALITY DISORDER

The Hon. K.L. VINCENT (14:51): I seek leave to make a brief explanation before asking the minister representing the Minister for Health questions regarding borderline personality disorder treatment and services in South Australia.

Leave granted.

The Hon. K.L. VINCENT: In February this year I asked a question of the Minister for Health about the lack of adequate treatment services in South Australia for people with mental illness—specifically, borderline personality disorder (BPD). I also raised the BPD issue again in March through a matter of interest. I have as yet had no response from the minister. Instead of a response or the implementation of much-needed services, we have seen the disgraceful shackling to the bed of a prisoner diagnosed with BPD known as Jackie.

While I was in the APY lands investigating services, my staff member attended the second National Borderline Personality Disorder Awareness Day event—a conference held at Flinders University—so my office could learn more about this much maligned, poorly-resourced mental illness. While the conference was opened by the federal Minister for Health (Hon. Mark Butler), I understand that his state colleague, minister John Hill, was not in attendance. I believe he did not have a staff member representing him either. Nor was the opposition spokesperson on mental health, Martin Hamilton-Smith, there, despite the fact that he had RSVP'd saying that he would attend.

South Australia has no specific BPD public health services to treat individuals currently. As I have stated in this place before, the last specific service that could adequately provide treatment to people with BPD was a day ward at Glenside Hospital, which closed down in the mid-1990s. We have some counselling services using dialectic behavioural therapy, but these have long waiting lists and there are no one-on-one therapies available in our public system, or crisis intervention or other types of therapies, and there is nothing available in rural South Australia. Patients with BPD in crisis are treated in the emergency department of hospitals and then discharged into a clinical void.

Alternatively, the state of Victoria has a comprehensive specific service called Spectrum. It provides several forms of therapy in groups and individually, and a residential program, follow-up, education, training and information on BPD. It is cost-effective and is providing effective treatment for those with the most severe cases of BPD in that state. My questions to the minister are:

1. Is the minister aware that borderline personality disorder exists in roughly 1 per cent of the Australian population?
2. Is the minister aware that 10 per cent of people with BPD successfully suicide?
3. Will the minister take the lead from Victoria and fund a BPD-specific service such as Spectrum?
4. If the minister will not fund such a service, when will he introduce public one-on-one therapy for people with BPD and open a specific information advisory service for GPs, health professionals and clinicians who work in mental health?
5. Given that there are so few clinicians trained in treating BPD, when will the minister develop a comprehensive training and awareness program on BPD for clinicians and health workers in our public health system?
6. When will the minister publicly release the currently secret report and its recommendations prepared by his South Australian expert reference group on borderline personality disorder?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:55): I would like to thank the honourable member for her very important questions and I will certainly refer them to the Minister for Health and Ageing in another place for a quick response. I also make the comment in that it is not unusual for—

The Hon. K.L. Vincent: Define 'quick'.

The Hon. R.P. WORTLEY: As fast as we can. There is a process they have to go through and certainly the answer is going to be what satisfies you. In regard to the comment about people not attending this particular conference, it is not unusual; I often go to functions where members of the opposition are acknowledged (three or four of them) and none of them are there, so it is a

common tactic they use to make it look like they are out there doing something when they are actually in their living rooms watching TV.

SAFEWORK SA, ROYAL ADELAIDE SHOW

The Hon. CARMEL ZOLLO (14:56): My question is to the Minister for Industrial Relations. Can the minister advise the chamber about SafeWork SA's role at this year's Royal Adelaide Show?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:56): I would like to thank the honourable member for her very important question. South Australians have been enjoying the Royal Adelaide Show since 1840. It has changed dramatically since the initial produce and livestock shows held back then and today it is the largest public event in South Australia.

Like all large-scale events safety is paramount for the workers, volunteers and some half a million people who come through the gates over the nine days. Each year SafeWork SA aims to ensure that safe systems of work are in place for the benefit of employees, volunteers and members of the public at the Royal Show. For this purpose, SafeWork SA liaises closely with the Royal Agricultural and Horticultural Society, amusement structure operators and employers at many food and retail outlets.

SafeWork SA liaises with these groups prior to, during and after the Royal Show to ensure that the duty holders are complying with their obligations under the state's occupational health, safety and welfare legislation. OH&S inspectors are on duty to reinforce the safety of everyone involved. This year inspectors conducted daily site visits during the set-up period, the nine days of the show and the breakdown and dismantling period. Four compliance notices were issued relating to falls from heights and insufficient risk assessments and safe work procedures.

In addition, SafeWork SA staff provided guidance and education to over 100 organisers and stakeholders to assist them in meeting their obligations. SafeWork SA industrial relations inspectors, working on behalf of the Fair Work Ombudsman, were also on hand to advise, educate and reinforce the legislative obligations under the Fair Work Act 2009.

More than 50 site visits and interactions with employers and employees, covering general retail, food, hospitality and amusement structure operators, were conducted by the industrial relations inspectors this year. Close communication with representatives of the Royal Agricultural and Horticultural Society, South Australia Police and other emergency services personnel engendered a proactive approach to safety.

I would like to congratulate the SafeWork SA staff for working with the Royal Show organisers and emergency services personnel to keep employers, employees, volunteers and the general public safe at another major South Australian event.

ALCOHOL-FUELLED VIOLENCE

The Hon. J.A. DARLEY (14:59): I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries, representing the Premier, a question about alcohol-fuelled violence.

Leave granted.

The Hon. J.A. DARLEY: On 26 August Jason Lindsley was brutally assaulted at Zhivago nightclub on Currie Street. The assault left Jason in an induced coma for a lengthy period. I understand Jason is now taking the first steps to what I am sure will be a slow recovery from this senseless attack. However, I am pleased to hear that he is making good progress. I acknowledge Jason's father's presence in the gallery today.

Last week, I met with Mr Doug Lindsley, Jason's father, who raised his concerns about the escalating number of alcohol-fuelled attacks. In the past month alone, there have been at least four late night incidents where both men and women have been king hit. Unfortunately, not all victims have been as lucky as Jason, with some attacks proving to be fatal. Clearly, something needs to be done about this growing problem. I understand Doug has met with the Premier about this issue and has also sought a meeting with the Leader of the Opposition. Doug would like to see a bipartisan approach to dealing with this issue, and I wholeheartedly support Doug in this campaign.

Can the Premier advise what approach the government proposes to take in order to address this problem, including any specific strategies proposed to deal with this issue? Further,

can the Premier indicate whether the government would be willing to contemplate some sort of roundtable discussion involving all sides of politics specifically targeting alcohol-fuelled violence, as suggested by Doug?

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) (15:00): I thank the honourable member for his most important questions. I am sure he is well aware that in one of my former responsibilities as minister for liquor licensing I attempted to bring through this place a range of major legislative changes in an attempt to address some of these appalling problems associated with alcohol-fuelled violence.

We know the number of incidents, the abuse and tragedy associated with alcohol-fuelled violence, tragically, is on the increase. Yet, this place saw fit to amend some of the toughest components of those reform strategies; blocked it, would not let it through. This government is serious about addressing some of these problems, so it will press on. I know that all members in this place are shocked and saddened at the series of recent tragic deaths that have occurred in this state relating to alcohol-fuelled violence. I know that the hearts of everyone in this chamber go out to the families and friends of those victims.

Much needs to be done. There are a number of programs currently being delivered through the youth justice system that seek to address violent behaviours, particularly of young people in custody. I have been advised there are things like systematic training in anger reduction, plus problem solving, learning, skill programs, behavioural management programs, etc. I am advised the Department for Correctional Services also delivers programs that engage young people between 18 and 25 in custody and community corrections, focusing on violence prevention and emphasising the need for violent offenders to take responsibility for their actions.

In addition, I am advised that programs are funded through the government's Attorney-General's Department. It has introduced legislation as a deterrent for violent offenders and, where appropriate, has amended legislation to reflect new trends in violent behaviour. I am also advised that the Summary Offences (Weapons) Amendment Bill 2012 will amend the Summary Offences Act 1953 to make it an offence to sell a knife to a person under the age of 16 and creates new offences relating to having knives in schools and other public places. It gives police greater powers to search people for weapons. Regulations to support the operation of the act are being drafted.

We have also introduced managed taxi ranks, which I am pleased was one of the initiatives that I put in place. I was able to obtain some additional funding to open up new managed taxi ranks. Police now have the power to use hand-held metal detectors to find knives and other weapons. As I have said, our priority is to ensure a much safer place, particularly for our night revellers.

At 1pm today, the Premier and Deputy Premier released the government's late night trader code for consultation with industry and the community. I am advised that the code includes various measures to address irresponsible consumption of alcohol and the safety of late night venues. The measures to be consulted on include use of polycarbonate glassware, metal detectors and CCTVs, etc.

We are also consulting the time at which these measures could come into effect. For example, the code suggests that the polycarbonate glassware should be used from midnight by all venues which trade after 2pm. The code also suggests that happy hours should not be allowed after 12 midnight and that shots should not be served after 2am. The government looks forward to engaging with the community and with the industry about these further suggestions.

I am advised that the Deputy Premier met this morning with Mr Lindsley, and Nat Cook, Neil Davis and Jessica Sanderson from the Sammy D Foundation, to discuss the late night trader code and other measures being considered by the government. The late night trader code, I am advised, is one part of the wider government strategy for dealing with alcohol-fuelled violence.

As part of the 129 additional officers hired by SAPOL in 2011-12, additional officers have also been allocated recently to the Hindley Street station. The commissioner for SAPOL recently announced a restructure of SAPOL tactical teams to allow dozens of officers to target high-risk areas at short notice in support of local service areas.

I am also advised that the Deputy Premier is also chairing a committee involving the Minister for Police, the Minister for Health and Ageing, the Minister for Transport Services and the Minister for Youth to discuss further measures to address this problem.

There are aspects in the late night code that the government cannot bring into effect without legislative change. The government intends to invite the opposition and Independents to attend a roundtable discussion about the changes needed to the Liquor Licensing Act; I am advised that this will take place. We hope to achieve a bipartisan agreement to amendments to the Liquor Licensing Act on this occasion. Real change at this level needs to occur.

LOCAL GOVERNMENT CODE OF CONDUCT

The Hon. S.G. WADE (15:08): I seek leave to make a brief explanation before asking the Minister for State/Local Government Relations questions in relation to the mandatory code of conduct for council members.

Leave granted.

The Hon. S.G. WADE: Earlier today, I asked the minister whether misuse of a taxpayer-funded mobile phone would be contrary to the draft mandatory code of conduct released yesterday. The minister said that whether it was contrary to the code would depend on the policies of the relevant council. The mandatory code draft reads, in relation to misuse of council resources, 3.14:

Council members are to ensure that Council resources are used effectively and prudently and solely in the public interest.

Clause 3.15 reads:

Council members are not to use Council resources, including services of Council staff, for private purposes, unless legally or properly authorised to do so, and payments are made where appropriate.

My questions are:

1. Can the minister confirm his view that use of a ratepayer-funded mobile phone for political campaign purposes is solely in the public interest and is therefore consistent with clause 3.14?

2. Can the minister confirm his view that use of a ratepayer-funded mobile phone for political campaign purposes can be authorised by councils, consistent with clause 3.15?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (15:09): This arose out of an attack on the Mayor of Prospect. I have been informed that the texts were from a private phone and were not paid for by the Prospect City Council. So, once again the sleaze from this opposition, the actual baseless allegations in an effort to slander a very well-respected mayor, are just outrageous. There was no basis to make that report. Rachel Sanderson, the MP for Adelaide, used her taxpayer-funded newsletter to endorse one particular Liberal candidate. Where was all that? Where was your concern about taxpayers' money then? You are a hypocrite. Opposition members are hypocrites, and that is as far as I am going to take this whole disgraceful exercise of the opposition.

ANTI-POVERTY WEEK

The Hon. G.A. KANDELAARS (15:10): My question is to the Minister for Community and Social Inclusion—

The PRESIDENT: The Hon. Mr Kandelaars, I am having difficulty hearing you. Can you start again? Are you seeking leave?

Members interjecting:

The Hon. G.A. KANDELAARS: No. My question is to the Minister for Communities and Social Inclusion, once the rabble over there quietens down. Will the minister inform the chamber of the activities which occurred this week as part of Anti-Poverty Week?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:10): Mr President, thank you very much, and I thank the honourable member for his most important question. I think that a number of honourable members were actually at the function I am going to refer to in a moment. For those who were not, I will continue. This morning I was proud to MC a morning tea in what is the 10th Anti-Poverty Week. I was pleased to see such a large number of members from both chambers of this parliament, and that, I would imagine, is a mark of the recognition by honourable members of the importance of Anti-Poverty Week and how we engage with it.

The occasion also offered members the opportunity to meet with representatives of the community sector. This meeting goes to the heart of the aim of Anti-Poverty Week to bring together people who are committed to reducing the incidence of poverty in South Australia and to recommit to working together to reduce the poverty and the negative impacts of poverty.

Anti-Poverty Week also encourages us to consider what poverty actually means to those who experience it. Generally for those who are living in poverty it means a continual struggle to scrape together enough money and resources to obtain even the essentials for a basic good life. For those of us who may take the essentials of life such as food and shelter, education and healthcare for granted, Anti-Poverty Week is a reminder that there are those out there in the community who struggle to maintain even that basic standard of living that we take for granted.

Those living in poverty not only struggle to afford essential goods and services, they also miss out on the opportunities and the resources, such as dental care, employment and training, tertiary education, sport and recreation and entertainment—the resources that go to making for a decent life. For the past 10 years Anti-Poverty Week has successfully focused this community's attention on people experiencing poverty and hardship. Last year approximately 10,000 people participated in approximately 450 separate activities involving 600 organisations right across Australia. Many non-government organisations right across the state have planned events for this week, including:

- a fresh food swap meet at the Robertstown Memorial Community Centre;
- learn how to grow and cook affordable local produce at the Murray Bridge Community Centre;
- a Red Cross recycle Clothing Day at various Red Cross stores; and
- a short course called Controlling Costs—Cooking, Budgeting and Utilities, run by the Salvation Army at Campbelltown.

The messages of Anti-Poverty Week are echoed in particular by two of the government's key priorities: an affordable place to live; and safer communities and healthier neighbourhoods. These priorities demonstrate this government's commitment to ensuring that our quality of life, which is influenced by factors such as the cost of housing, transport and utilities' charges, is maintained and improved. This government has a vision to ensure that our state offers a range of affordable homes for purchase and rental which cater for different types of families and different income levels.

Our vision is for homes and neighbourhoods which are designed to conserve energy and water and which support the environment resulting in lower utilities' costs. We see a state where urban renewal and investment in infrastructure mean that public transport provides easy access from homes to jobs to shops and to services; and we see a state which creates the educational and training opportunities for the jobs and industries of the future.

It is also a state where people receive the support they need in times of hardship. The government continues to listen and to work with the community to provide programs and initiatives to help South Australians with cost of living pressures. The government has already announced a one-off water security rebate to SA Water customers from 1 January 2013 of either \$45 or \$75, depending on their water usage. In addition, on 1 January 2012 the South Australian government introduced the Medical Heating and Cooling Concession to assist South Australians on fixed and low incomes who have a verified medical condition that requires close control of environmental temperatures.

The concession increased to \$165 on 1 July 2012, and it is available to eligible applicants in addition to the current energy concession. The government is also ensuring that those experiencing chronic hardship are given assistance to manage utility costs and become free from utility debt through the allocation of an additional \$1 million per annum for two programs. The emergency electricity payment scheme provides a one-off payment of \$400 for South Australians experiencing difficulty with energy bills. The eligibility criteria will be revised and additional funds for the scheme will enable up to 300 more grants per year.

The new utilities literacy program will help low income households impacted by the costs of essential services like water and electricity. The design and implementation of these initiatives is already under way, with collaboration between the government, the community services sector and utility providers. These new initiatives are in addition to this government's existing programs, including \$1.1 million in low income support programs, which include provisions for financial

councillors and recent increases in the rates and eligibility criteria for a range of concessions totalling \$70.6 million until June 2013.

As I have said, Anti-Poverty Week provides an important opportunity for organisations and individuals to come together and discuss the issue of poverty. I thank those who have been involved in this year's anti-poverty week for their ongoing commitment to South Australians experiencing hardship. I thank honourable members who came to our morning tea meeting this morning, and I thank honourable members for the very bipartisan approach we all take to reducing poverty in our community.

GIANT CUTTLEFISH

The Hon. M. PARNELL (15:16): I seek leave to make a brief explanation before asking a question of the Minister for Regional Development about the catastrophic drop-off in cuttlefish numbers at Point Lowly.

Leave granted.

The Hon. M. PARNELL: The future of the unique annual breeding aggregation at Point Lowly of the giant Australian cuttlefish is looking desperately bleak. Local diver Tony Bramley is quoted in the *Whyalla News* from 18 September as saying:

I believe we have lost this aggregation...This population in Whyalla is a separate genetic pool, we can't get more from Sydney or Perth...We have lost this separate genetic population, it can't be replaced. It's gone.

These words should be raising even more alarm bells in this government, which has known about the issue since at least 2009, when it was listed as a species of concern in the SA Strategic Plan under the 'no species loss' target. Yet from recent reports the government still appears to be in denial at the scale of this disaster. *The Advertiser* on 24 September this year reported:

Fisheries minister Gail Gago says preliminary figures suggest cuttlefish numbers have 'reduced by about two thirds'. A state government working group has been unable to establish a reason for the decline and recommended research 'should now focus on investigating broader ecological factors that may be influencing the population', she said. 'It would be prudent to await the outcomes of this further research.'

Although a temporary closure notice has been issued for the fishing of cuttlefish in a narrow zone around False Bay in Whyalla, anger is growing amongst scientists, ecologists and the Whyalla community at the lack of further action by the government in the face of this unique species and its associated eco-tourism industry, which are in collapse. Yet there is much that the fisheries minister can do and should do now before we wait for more research.

The first action would be to list the giant Australian cuttlefish as a protected species under the state's Fisheries Act, specifically for the Spencer Gulf region. I remind members that similar protection exists for the blue groper, which cannot be taken in Spencer or Gulf St Vincent waters, yet at the moment it is still possible to catch up to 45 cuttlefish per boat per day. Reducing fishing take would help maximise the number of cuttlefish reaching sexual maturity for next year's breeding season, a season that offers the last small chance to bring this population back from the precipice.

A second action would be to back the Conservation Council's call for the urgent preparation of an emergency cuttlefish recovery plan, and the third action would be to nominate the Upper Spencer Gulf population of giant Australian cuttlefish for listing under the federal Environment Protection and Biodiversity Conservation Act (the EPBC Act). This would grant the species a higher level of protection and would also make critical funding for research into identifying and remedying the causes of the animal's decline more readily obtainable. My questions of the minister are:

1. Will you list giant Australian cuttlefish as a protected species under the state's Fisheries Act, and will you recommend that the species be listed under EPBC Act for the Spencer Gulf region and, if not, why not?
2. Can the minister confirm that the only research on giant Australian cuttlefish in the Upper Spencer Gulf done to date by government agencies has been counting and habitat mapping? If so, why has there been none so far to understand the precipitous drop-off in numbers?
3. Will you now direct the cross-government cuttlefish working group to commence work on an emergency cuttlefish recovery plan? If not, why not?

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 his most important question. Indeed, the giant cuttlefish is a very important species and is well renowned for its spectacular aggregation in the Spencer Gulf between March and September, and is something that is a significant tourist attraction. It has been known to be the largest aggregation of giant cuttlefish in the world, so it is indeed a very special event—a special phenomenon.

Obviously, the cuttlefish aggregate in this area because of their natural preferences in terms of habitat and breeding. They like hard, rocky substrate to lay eggs, and clear, calm waters. The presence of suitable prey species is also likely to have an impact. Natural variation and variability in cuttlefish abundance and recruitment are suspected to be influenced by the impacts of environmental factors such as water temperature, salinity, water circulation and weather patterns, and variation in population numbers is considered normal.

As I have said in this place before, we don't have a longitudinal database, so we are not able to determine whether this change in numbers is part of any natural cyclic phenomena or whether it is a once-off phenomenon. But, we know that these variations do occur and that variations from time to time are normal. Indeed, the temporary closure occurred back in 2007, prohibiting the taking of cuttlefish from a certain area.

The closure has been renewed annually to help ensure that a large percentage of the spawning biomass is protected each year. The closure covers an area of up to around 98 per cent of the total statewide catch of cuttlefish which is historically taken, so it is basically all of the area. This area remains open to commercial and recreational fishers targeting other species. So, there are already significant protections in place.

There has been a very low level targeting of fishing for cuttlefish in South Australia since the majority of the spawning aggregation area was closed in 1998. Whilst it is permitted to take a number of commercial fish, the current statewide commercial harvest is considered to be negligible. So, at the moment there is, in fact, very little commercial fishing of cuttlefish occurring. In fact, the work done by SARDI also indicates that there is no evidence to suggest that recreational fishing is having any adverse impact on those aggregation numbers.

So, there is just no evidence to suggest that taking these measures the honourable member has mentioned is likely to have any impact whatsoever. There is no evidence for that at this point in time that I have been made aware of. So, given the spatial management arrangements that are in place through the closure, fishing is not considered, as I said, to pose a threat to the seasonal aggregation. We have scientific experts giving us that advice.

The closure is monitored by fisheries officers and patrols, and they advise me they have not detected any noncompliant activities for this season. However, in a move to afford additional protection to the cuttlefish aggregation ahead of the 2012 breeding season, information has been gathered to help us understand what is going on with the population, so there has been an extension to that fishing closure area under the Fisheries Management Act.

In 2011, the government received commonwealth assistance to monitor the breeding and habitat of the cuttlefish and SARDI obtained a grant of (I think) just over \$74,000 in addition to its own contribution of over \$30,000 to support a cuttlefish monitoring and evaluation program, with particular reference to population biomass, water quality and habitat condition.

A cross-agency group chaired by PIRSA's chief executive has met and considered relevant information about the cuttlefish and is identifying further actions that should be taken, so further work is being done. The working group agreed that addressing the issues associated with the cuttlefish is a whole of government, cross-agency responsibility extending to requirements in relation to expertise, obviously, resourcing and funding.

The work will necessarily involve work with other stakeholders including industry, research, local government and, obviously conservation groups. So far SARDI research has shown that the cause of the changes to the population is inconclusive. For example, they still do not understand whether perhaps the cuttlefish are in fact aggregating in another area that we are unaware of, so the work so far is inconclusive. It is not providing us with any evidence-based clear direction about what action or recovery strategies we should put in place.

It is very hard to launch into a recovery plan when what we need to do is the work to understand the causal factors or the underlying factors affecting this aggregation and address those. We need to be sensible and we need to use a scientific basis for this. To date, SARDI's research has shown that the species experiences natural variation in population and, as I said, in

that species, the eggs particularly are especially vulnerable to changes in water temperature, I am advised.

I am also advised that a number of research gaps have been identified by the working group and, as a result, expressions of interest for further research were submitted to the Fisheries Research and Development Corporation. The project, led by researchers from the University of Adelaide and SARDI, aims to determine the movement patterns and finer scale population structure of the giant cuttlefish in the Upper Spencer Gulf.

In addition, the project will assess and evaluate the response of the cuttlefish population to environmental and anthropogenic factors in order to assess the variability of the population. That research will continue into the new year. The working group has also advised me that ongoing water monitoring and analysis undertaken by the EPA will continue.

Redmap Australia is a national range extension database and mapping project in which the public is invited to log any sightings of uncommon marine species. Redmap records and tracks shifts in the distribution of marine species. The addition of cuttlefish to this database will provide information on movement patterns of cuttlefish in South Australian waters, particularly the location of spawning aggregations, and the working group will also be engaged with the relevant conservation groups and councils. As I said, a great deal has been done already and we continue to pursue further research and monitoring to try to understand what is happening to this very important species.

The PRESIDENT: The Hon. Mr Parnell has a supplementary.

GIANT CUTTLEFISH

The Hon. M. PARNELL (15:29): I thank the minister for her answer, much of which was the same as she gave back in June, but my supplementary question is: if the government does not know why the numbers of cuttlefish are dropping, how can it suspect that it is a natural variation when the numbers have gone from about 200,000 down to about 6,000 in two years? If the minister believes that fishing is having no impact on cuttlefish numbers, what possible harm can there be in closing that species to fishing pressure by declaring it to be a protected species and seeking commonwealth assistance to protect it under commonwealth law?

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) (15:30): The honourable member is just being silly. We have a team of scientists and other technical experts who have gone out and conducted research and monitoring, and they are continuing to do that. They have made an assessment and determination about the impact of fishing and have determined that there is very little fishing that occurs at present.

The Hon. M. Parnell: You could make sure there was no fishing if you banned it.

The Hon. G.E. GAGO: They are saying there is very little occurring and that it is not impacting on this phenomenon affecting the aggregation of cuttlefish, so why on earth would you go out and put in place changes where the scientists are saying it has no impact? I have a scientific background myself and—

The Hon. D.W. Ridgway: What science? Nursing?

The Hon. G.E. GAGO: A degree in science is what I have. In fact, an honours degree in science is what I have, as well as a nursing qualification, but that is quite separate.

Members interjecting:

The Hon. G.E. GAGO: I will keep going while these interjections prevail.

The PRESIDENT: Which are out of order.

The Hon. G.E. GAGO: My discipline is one of a scientific basis, and there is no evidence. In terms of variations, all I can do is go on the advice of scientists who say that there are a number of parameters that we know impact on cuttlefish. For instance, they understand that not so much the adult of the species but the eggs are quite susceptible to temperature change.

As I said, they are monitoring waters. They have not been able to determine whether there has in fact been any temperature change, but they are looking at those variables that they know this species is particularly sensitive to and are trying to determine whether they are having any impact on the reduction in the numbers.

I continue to encourage SARDI in their research and development. I continue to encourage them and ensure that there is provision for the monitoring that goes on. We will continue to take action, as I said, that is evidence based and that we know is going to have a real outcome in terms of affecting the outcome of this species, rather than some emotional kneejerk reaction.

LOCAL GOVERNMENT CODE OF CONDUCT

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (15:33): I seek leave to make a personal explanation.

Leave granted.

The Hon. R.P. WORTLEY: During question time I mentioned that David O'Loughlin used a private phone, not a council phone. In fact, Mr O'Loughlin used a work phone, which he is allowed to use to make personal phone calls, but at no time did he use a council phone to make the private texts as alleged.

Members interjecting:

The PRESIDENT: Order! That is the first time I have called order. You have been very good until now.

ANSWERS TO QUESTIONS

SOUTH AUSTRALIAN AQUATIC AND LEISURE CENTRE

In reply to the **Hon. T.J. STEPHENS** (24 November 2011) (First Session).

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations): The Minister for Recreation and Sport has provided the following information:

1. Following the Minister for Recreation and Sport's announcement in March 2011 that the YMCA was the preferred operator of the SA Aquatic & Leisure Centre (SAALC), the draft Operation and Maintenance Agreement required finalising for execution. A number of issues were noted through the negotiation process that required time to be reviewed satisfactorily by both legal parties. This was a complex and detailed process that Crown Solicitor's Office was party to.

2. The SAALC was granted practical completion on 24 March 2011, and the Office for Recreation and Sport (ORS) was handed responsibility for the property and operation. In keeping with the requirements of the project, other related Government contractual obligations and Cabinet approval, the ORS managed the operation of the SAALC including the test events leading up to the Australian Age Championships.

The YMCA was approved by Cabinet to be appointed the Operator of SAALC. All parties understood from the contract negotiation workshops held in February 2011 that the contract negotiation would be finalised through the mobilisation period and in place for the commencement of the contract on 1 July 2011. The Cabinet approval given for the YMCA arrangement was based on the ORS being responsible for the operation and overarching management of the SAALC from April-June.

3. The YMCA tendered a Mobilisation Plan and Budget. These were reviewed against the establishment tasks and costs of the Melbourne Sports and Aquatic Centre (MSAC).

The YMCA agreed through the operator negotiation workshops in February 2011 that the mobilisation clauses' in the draft Operations and Maintenance Agreement and the mobilisation plan and budget stipulated the requirements and responsibilities through this period.

In keeping with the negotiations, ORS and the YMCA representatives worked together through the mobilisation process to open the facility and host the successful 2011 Australian Age Swimming Championships.

4. The arrangements in place with the YMCA during the mobilisation period were agreed through the negotiation process. The YMCA approached and delivered their mobilisation services professionally with the SA Government acknowledgment of them being the preferred operator for the five (5) year term, commencing 1 July 2011.

Any risks associated with SAALC were managed by ORS through the monitoring of the mobilisation plan with regular meetings with the YMCA and monthly reports.

The Operation and Maintenance Agreement was executed when the YMCA commenced its five year term on 1 July 2011.

SAFE DRINKING WATER ACT

In reply to the **Hon. D.G.E. HOOD** (5 April 2012).

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations): The Minister for Health and Ageing has been advised:

1. There has not been a delay in the implementation of the *Safe Drinking Water Act 2011* (the Act).

Full implementation requires the development of supporting regulations, as contemplated by the Act. Following the passing of the Act on 17 May 2011, consultation was undertaken on the development of regulations with stakeholders, including local government, who will share in administration of the Act. Drafting instructions for proposed regulations were provided to Parliamentary Counsel following Cabinet approval on 19 March 2012. A consultation draft was completed in June 2012.

The draft regulations were released for public consultation from July 2012 until 28 September 2012, which included information sessions attended by a broad range of stakeholders. Following consideration of comments, the draft regulations will be reviewed and amended as required before seeking Cabinet approval for submission to the Governor in Executive Council to be made. It is expected that this will occur in early 2013.

WORK HEALTH AND SAFETY INNOVATIVE PRACTICE GRANTS

In reply to the **Hon. J.A. DARLEY** (27 June 2012).

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations): I am advised:

1. The accident rate amongst oyster growers in South Australia is 1.61 injury claims per million dollars remuneration, which is over two times the 0.71 South Australian injury rate for all claims. Accident rates are reported as a three year average injury rate and are calculated as WorkCover claims per million dollars remuneration; and provide an indication of the number of accidents within a particular industry proportionate to the number of people employed in that industry.

Oyster growers have a severe injury rate of 0.57 claims per million dollars remuneration, which is over one and a half times the South Australian severe injury rate of 0.34. A severe injury claim is defined as a claim requiring ten or more income maintenance days.

MATTERS OF INTEREST

KARIDIS, MR GERRY

The Hon. CARMEL ZOLLO (15:34): On Tuesday 25 September I had the pleasure of attending an evening to celebrate the life, work and journey of Mr Gerry Karidis AM, his 50 years in the construction industry and the launch of his book *Building, Always Building*. The gala dinner, held at the Adelaide Convention Centre, was attended by more than 500 people, including: the Premier, Jay Weatherill; federal minister, Simon Crean; as well as industry leaders and many other dignitaries, who included current and former state and federal colleagues of all political persuasions.

The night was capped off with a passionate speech by Mr Karidis, thanking his wife Stella and their two children, Theodora and Peter, as well as those who had supported him and his family over the years, with special mention reserved for Ken Saunders, Lenox Hewitt and Rex Connor. True to his word, Gerry Karidis included advice to governments on important issues facing society.

The Gerry Karidis story is certainly an inspiring one, showing what can be achieved through hard work, persistence and vision. This remarkable story is detailed in his book aptly named *Building, always Building: the life and times of Gerry Karidis, AM*, written with co-author Brian Abbey. It highlights the numerous life and business achievements of this incredible man, a life that began in Lefkada, a small Greek island in the Ionian Sea on the west coast of Greece, in 1937.

The book includes memories of his childhood in his homeland, wartime occupation of Lefkada, the family tragedy that led to his departure for Australia and his distinguished career as a property developer. There is no doubt that Gerry Karidis has made an enormous contribution to South Australia that is not just limited to the building industry, although that is where he has left his most visible legacy. He has been involved in many other facets of South Australian society, from his involvement with the Greek community to his work on the South Australian Housing Trust Board.

His time in South Australia started from very simple beginnings, arriving in Adelaide following in the footsteps of his brother, Don, at the tender age of 18 years of age, with £4 in his pocket and a suitcase. Mr Karidis worked extremely hard in those early years holding jobs as an auto worker, wharfie and, finally, a deli owner with his wife Stella, which enabled him to launch his construction business.

The years that followed saw Gerry Karidis become a most successful property developer, as well as an influential business leader in both South Australia and interstate, and he is known particularly for his straight talking business reputation. The Karidis Corporation now runs one of the largest property development and investment businesses in the state.

In his address, Mr Karidis touched on his role as the intermediary who introduced Pakistani commodities trader Mr Khemlani to former Whitlam government minister Mr Rex Connor. Simon Crean, on the evening, described Mr Karidis' reason for his involvement 'as a very strong vision of a national energy policy going forward'. It was obvious from Mr Karidis' comments that his respect for Mr Connor had not diminished.

There is no doubt in my mind that the story of Gerry Karidis is symbolic of the positive contribution that migrants have made to both this state and Australia as a whole. It highlights all that is good in those who come to this great nation in search of a new beginning for themselves and their families. Gerry Karidis is described in a recent article in *The Australian* as someone spending 'a lifetime chasing opportunities and giving back to the community'.

For very good reasons, Gerry Karidis is extremely proud of his appointment in 1990 as a Member of the Order of Australia in the Queen's Birthday Honours List. His award was in recognition of his service to the building and construction industry, and for service to the Greek community. I think we all agree that it is an honour richly deserved for someone who has contributed so much to the success of this state and, indeed, continues to do so. It was a great pleasure to be invited to the celebration dinner to listen, acknowledge and congratulate Mr Karidis AM, his wife Stella and their family.

LANCE ARMSTRONG

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:38): We all have heroes, and to many Lance Armstrong was just that: seven times a Tour de France winner, cancer survivor, triathlete, Tour Down Under competitor—drug tsar. Lance Armstrong's hero's image is a mirror in a thousand pieces. The man lauded and feted here and around the cycling world has been exposed as a cheat of the worst kind: a phony, a hypocrite, a virus infecting his team and the events in which he competed.

He disgraced the Tour Down Under. He has disgraced South Australia and, in my estimation, he has done so with the complicity of the then premier, Mike Rann, and his government and cabinet. For three consecutive years (2009, 2010 and 2011) Rann and his entourage took millions of dollars, perhaps as much as \$3 million per race, out of the pockets of hardworking South Australians into offshore bank accounts held by the contemptible, weak-veined Armstrong.

In 2003, when a Tour Down Under stage winner was found to have used performance-enhancing drugs, local organisers said nothing publicly. Italian rider, Giampaolo Caruso, won stage 5 of the Tour Down Under and tested positive for an anabolic agent. That October, the UCI announced Caruso had been banned for six months. The Tour Down Under organisers then awarded the prize for that stage to second-placed Steffen Wesemann. Organisers did not announce that to spectators, the state or this parliament. Because of that failure, the public could not have guessed that the Italian was no longer officially the winner. According to race director Mike Turtur, and I am quoting him directly now:

It would have been published on the International Cycling Union's website that he was found to be in violation of the code and that's how it's dealt with.

That's how it's dealt with? Rubbish; that is how it was not dealt with. This sordid, grubby world is not Lance Armstrong's alone, it involves Mike Rann and his cabinet, because Armstrong did more than cheat his way around three tours. Armstrong and Rann were cheating and corrupting the process of open and accountable government in this state.

While Armstrong was here ostensibly to race, what he did was campaign for Mike Rann in the upcoming election. If Armstrong had fallen off his bike, he would not have had to go to a public hospital. He would not have had to use Adelaide's appalling public transport—he was supplied with a car. He did not get sacked while broken industries were locking their factory doors. He did not have to face the state's crippling public debt, watch our economy shrink compared to other states or live under the right-wing goons who ran the ALP.

He admitted he did not know what the issues in the campaign were, or who was running against Rann, but he sat there on the stage next to the premier and told voters to support 'his mate Ranny', and here, for us in Australia, is the real scandal. Mike Rann looked after Armstrong with cash and kind. We deserve to know how much he was paid, how much public money was funnelled through Rann's slush fund to fund this vote-enhancing drugster. This government, this Premier and this tourism minister say its contract with Armstrong is commercial-in-confidence. It is 'con-mercial'. It is a con.

I want to know if there was a morals clause in that contract. When the government was putting its signature on that document, it already knew that Armstrong was under strong suspicion of using EPO. Despite his former media secretary, Jill Bottrall, going on ABC radio this morning in a lame, rambling attempt to exonerate her boss, the evidence is quite clear: there were enough grounds existing, and quite public at the time, for a morals clause to be included; that is, if Armstrong cheated, all bets would be off and the millions we paid to him would be returned.

Mr Armstrong, I want that money back. Mr Premier, I want that money back. Ms Minister, I want that money back. I want Mike Rann, his former tourism minister, Jane Lomax-Smith, his former sports minister, Michael Wright, and his former press secretary and apologist, Jill Bottrall, to apologise to me and to the people of South Australia. I want our honour as a state restored. I want a Tour Down Under I can be proud of once again. I want an end to drugs in cycling and I want an end to vote buying. I want Lance Armstrong's apology for letting down millions of Australians who believed in him and I want an apology from Mike Rann, and from Labor, for using our money, tax money, for manipulating the 2010 'Lance Armstrong' election.

ABORIGINAL SUICIDE

The Hon. G.A. KANDELAARS (15:43): I recently attended a public lecture and community forum on Aboriginal suicide conducted at the Pilgrim Uniting Church. The main speaker was Tauto Sansbury, an Aboriginal elder who recently wrote an open letter titled 'Eight funerals in 13 days'. Tauto's letter highlights the sheer frustration and waste that he and many other Aboriginals see with suicide and premature death in their community. Tauto is only 64 yet he is the eldest surviving member of his family. I will read Tauto's letter, as it says a lot:

It was only Day 13 of the New Year, 2012. And on this day, I attended the funeral of the eighth South Australian Aboriginal person to die—the eighth death in our small community this year. And it was only Day 13.

These eight deaths are not of Aboriginal people who have lived to a ripe old age. The funerals were not celebrations of long and productive lives. No, they were all premature deaths, some of them violent, all premature and preventable.

Aboriginal people are always at funerals. We attend out of respect for our people and community. We give our condolences and cry for our loved ones.

On Friday the thirteenth it was the funeral of a young Aboriginal man, in his prime, who should have had so much to live for. Born 1990, died 2012. Death by suicide. I've been to too many funerals of similar circumstances.

I watched a grandfather speak,
an uncle sing to his dead nephew, and
a procession of young cousins and friends, there to say their last goodbyes,
too soon,
to early for all of this.

The day before this I attended the funeral of an Aboriginal lady aged 52, ravaged by diabetes for many years. How sad that you're considered an elder in the Aboriginal community if you live to age 50!

And there were the six other Aboriginal funerals. Of the eight premature deaths, three were by suicide and another was violent.

How can this be considered right for Aboriginal people, in the 21st century, in a first world country like Australia?

And yet there is no mention of this continuing problem in the media apart from the obituaries, and the Aboriginal community itself reacts to this situation passively as if it's acceptable and just the normal course of things.

It's not an issue for discussion or action, at any level of government or in any human rights forum. I tell you—it's not the normal course of things.

Three young Aboriginal people have already committed suicide in this state in the first week and a half of 2012, and it's not raised a ripple that they felt so hopeless that it was easier to end their lives than to live in this 'lucky country'. But lucky for who?

While death is the natural conclusion to life, it's not natural for Aboriginal people to be dying of preventable causes at this rate, years and years before the rest of the population. And yet this is what's taking place, as eight funerals in 13 days show.

The government says it's committed to Closing the Gap. This isn't occurring. In some areas things are getting worse.

I'm compelled to stand up and say something about what's happening.

Nothing is changing.

It's not just an issue for me to raise; we need to stand up as a community and say that this is unacceptable and something has to be done. And we too need to do something about it ourselves as Aboriginal people. We just can't keep ignoring it, from generation to generation.

This issue is not going to go away. It needs to be fixed, and this can only be done through proper advice and communication to government.

Our destiny is not entirely in the hands of those in power. It's also in our hands and it's time to take control of it.

As I said, Mr President, this is a tragedy, but within the context of the forum, one important message to come through is that suicide is not a secret; we need to be more open about the issue and we need to start addressing the reason why people feel so, so depressed that the only solution is to end their lives. I will leave it at that.

FOOTBALL FEDERATION OF SOUTH AUSTRALIA

The Hon. T.J. STEPHENS (15:48): On Saturday 6 October, I had the pleasure of attending the Football Federation of South Australia's inaugural celebration of football at the Entertainment Centre, representing the Liberal Party. It was fantastic to see the Football Federation of South Australia introducing a night of nights, and I believe it is a testament to how much this code of football has grown in the past decade, particularly since the introduction of the A-League and Australia's move to the Asian Football Confederation.

Also present were members for Light and Lee as well as federal members for Makin and Hindmarsh. Other distinguished guests included Mr Nick Bianco, Mr Greg Griffin, the Chairman of Adelaide United Football Club, and Mr Val Migliaccio, chief soccer writer at *The Advertiser*. I want to acknowledge the work of the Football Federation of South Australia in getting this together and, in particular, Mr Michael Carter, who is doing an outstanding job as the federation's CEO. I also congratulate the very skilled board, led by its Chairman, His Honour Judge Rauf Soulio.

Those recognised on the night included the players of the year for each of the three senior men's divisions: the Sergio Melta Medal, awarded to the Super League player of the year, which was shared by Alemayo Kebede from the Croydon Kings and Mr Nicholas Orr of the Adelaide Raiders; the Bob Telfer Medal, awarded to the Premier League player of the year, was shared by three players—Mr James Skeffington from the Pirates, Michael Keens from White City Woodville, and Matthew Marchiono of the Para Hills Soccer Club; the Milan Ivanovic Medal for the State League player of the year was won individually by Charlie Bowman from the Adelaide Hills Hawks; and the women's player of the year was Rachel Quigley from Adelaide United, who I understand is also playing with Adelaide United in the National W-League, by all accounts, an outstanding talent.

Coaches of the year were Mark Brazzale in the Super League from Croydon; Simon Catanzaro from Para Hills in the Premier League; Doug Paterson from Adelaide Hills in the State League; and Bob Bush from Fulham United in the Women's League. The Golden Boot Awards went to Michael Matriccioni of MetroStars, Kym Harris of the Adelaide Blue Eagles, and Rachel Quigley of Adelaide United. The most aptly named John Aloisi Rising Star Award was won by Nick

Munro of Croydon, while the Female Rising Star was Emma Checker of Cumberland United. The Referee of the Year was Mr Stephen Toth. It is always good to see officials being recognised, as without them matches would not be possible.

A number of former champions were inducted into the Hall of Fame, namely, Mr Richie Alagich, who was involved in top-flight football in Australia for 15 years playing for West Adelaide, South Melbourne and Brisbane in the NSL and Adelaide United in the A-League; Sharon Black, who is an Adelaide United W-League player and who has 61 international caps for Australia; and, dear to my heart, Mr Carl Veart, who, of course, had quite a decorated career playing for Adelaide City in the National Soccer League, Sheffield United, Crystal Palace in the English Division One and Millwall in Division Two, as well as Adelaide United in the A-League following his return to Australia. He also earned 18 caps for Australia, and he is now back coaching at Adelaide United. My selfish interest in Mr Veart is that he is a great product of Whyalla, and he joins other greats such as Barrie Robran—

The Hon. R.I. Lucas: Terry Stephens?

The Hon. T.J. STEPHENS: No—Barrie Robran, who is a much-loved footballer in the South Australian National Football League. I congratulate the Football Federation on an outstanding evening, in particular, the format in which the federation conducted that evening.

Last Saturday night, I was extremely privileged to represent the Liberal Party at the 60-year celebration of the Adelaide Croatia Soccer Club, which is based at Gepps Cross, in its magnificent facility. I sincerely thank Mr Alan Vrbanac, who is the President of the Adelaide Croatia Soccer Club, and Mr Peter Cindric, who is the President of the Croatian Sports Centre, for what was again an outstanding evening, with Croatian hospitality in full display.

I would like to take particular note of the outstanding volunteers at the Adelaide Croatia Soccer Club and Sports Centre. What I did notice was the incredible array of young people who had rolled up their sleeves and were volunteering to ensure that the club survives extremely well. In fact, they put on an outstanding evening. A proud club, a proud group of people, and I was thrilled to be able to attend the event.

BORDERLINE PERSONALITY DISORDER

The Hon. K.L. VINCENT (15:54): The second National Borderline Personality Disorder Awareness Day was on 6 October this year. It was celebrated with a highly educational conference at Flinders University, conducted by the Private Mental Health Consumer Carer Network, organised by the irrepressible Janne McMahon.

As I explained in question time, I was in the APY lands, so I had a staff member attend on my behalf. Whilst the federal Minister for Health and Ageing opened the conference, there seems to be a remarkable lack of will to get policy, services and training up to scratch in this country. I was disappointed to learn that neither the government nor opposition ministers for health nor their staff were there to learn more about this prevalent but under-resourced mental illness.

I have heard borderline personality disorder (or BPD, as it is more easily known) referred to as the Cinderella of mental health by some, and I think they may well be on the mark. So what does being a Cinderella mean? I guess it means that BPD is something of a disregarded or unrecognised merit or beauty. Why is that? It is not an easy mental illness to manage or deal with. It often co-exists with other mental health issues or illnesses such as depression, anxiety, self-harming and eating disorders, and it often causes presentations to emergency departments of hospitals with physical symptoms that appear unrelated to mental health issues.

Many consumers and their parents, or carers, in this area report appalling treatment in the hands of our public health system, including being treated with disdain, refused treatment, being discharged from hospital without adequate treatment or follow up. As one psychiatrist pointed out, it is standard that patients are discharged into a clinical void in this state as there is no publicly funded individual service available. How are they supposed to recover if even the trained staff they present to do not fully understand their illness?

It seems that even many mental health professionals still hold the belief that the disorder is not treatable, despite evidence suggesting that there are many effective treatments available, including, among many others, dialectic behavioural therapy. Mental health professionals widely recognise the prevalence of BPD in the Australian population of at least 1 per cent. This means in South Australia there would be a minimum of 16,500 people with BPD.

As I said in question time, 10 per cent of people with BPD successfully suicide, but do we have a single specialist counselling line, individual therapy course, clinician treatment, or an information or education service that tackles the illness in this state? No, we don't.

From the research that has been conducted, many people with BPD have suffered early childhood trauma and/or abuse, and a far larger percentage of those presenting with BPD symptoms and resulting diagnoses are women.

If action is taken early when symptoms are detected it is far more efficient for our public health system than to be persistently dealing with people in crisis and pain when they demonstrate self-injurious behaviours or suicide attempts and present, at great expense, to our emergency departments. Hospital admissions are expensive and taking therapies and preventative health care are a possible solution.

South Australia needs a service like Spectrum in Victoria. It is appalling that when a situation like prisoner Jackie's occurs—which I also mentioned in question time—we have to bring in someone from interstate to consult on the matter because our mental health minister won't fund a specialist service in the area in South Australia. Not only do the people with BPD in this state need this service but the overstretched health budget also needs it.

AGRICULTURAL SHOWS NEXT GENERATION GROUP

The Hon. J.S.L. DAWKINS (15:58): I rise today to talk about the South Australian Agricultural Shows Next Generation Group. I am pleased to speak about this group today as we move into the final quarter of 2012, which is the Year of the Farmer. This year has been a focus on the country areas and communities and the people who live in regional South Australia.

In many cases these communities are struggling to retain their younger population because of study and work opportunities away from home, and that is why I wish to highlight the important work that South Australian agricultural shows have done in trying to motivate young people to contribute to, and provide leadership in, local communities. The mission statement of the Next Generation Group is to drive participation, education and innovation in the South Australian show movement and local rural communities for young people involved in and with an interest in South Australian rural enterprises activities and lifestyles.

It is targeted at young people aged 16 to 40 who live in South Australia and it aims to increase the awareness of opportunities for rural and non-rural people through their participation in all aspects of country shows and the Royal Adelaide Show. Also, it is to provide pathways for succession planning and leadership development in the show movement, to develop and maintain networking opportunities for the target group and to educate and inform the general public about the importance of rural and agricultural enterprises, activities and lifestyles, food production and security, natural resource management and the employment and career opportunities in the rural sector. Another aim is to bring new ideas and to challenge the target group to develop and promote innovative activities. Outcomes that are cited by the group are:

- opportunities and activities implemented to foster and maintain the enthusiasm of secondary students and young adults in the show movement;
- increased numbers in the target group participating in the show movement as volunteers, exhibitors, stewards, convenors and judges;
- developing pathways for the show movement to implement succession planning strategies for all aspects of shows;
- the facilitation of networking opportunities at local, association and royal show levels; and
- education of primary and secondary students and the general public at local shows and the Royal Adelaide Show about the importance of the rural sector, food production, food security and potential employment and career opportunities.

Another important outcome is the promotion of young primary producers and their achievements. It is important to give great credit to two particular groups involved in the show sector for their work in establishing the next generation group. Firstly, that is the Agricultural Societies Council of South Australia (which is the peak body for all country shows) and the Royal Agricultural and Horticultural Society of South Australia (RA&HS), which, of course, conducts the Royal Adelaide Show. Without their leadership and stewardship this group would not have come to fruition.

I also make reference to the role of those groups in the Young Rural Ambassador and Rural Ambassador programs which operate now in country shows right across the state. The culmination of those programs are all the regional winners who come to the Royal Adelaide Show every year for the final judging.

I give great credit to the leadership of the Agricultural Societies Council and the RA&HS, and particularly Mr Peter Angus, a Mallala farmer who is also the Rural Ambassador Award Coordinator with the RA&HS who has done much to develop those awards. I think that Mr Angus certainly understands the value of that form of leadership development through country shows and into the general community as he was the rural ambassador at the Gawler Show a number of years ago, and he went on to be the rural ambassador for the northern areas of South Australia and for South Australia, and ultimately the first national rural ambassador for the whole of the country.

FINNIGAN, HON. B.V.

The Hon. A. BRESSINGTON (16:02): We were elected into this place to represent the views and concerns of the people of this state, and we are paid well to carry out those responsibilities to the best of our ability. There is no doubt that, as politicians, we are viewed by many with disdain, and it often seems that, just because we are politicians, we are not capable of honesty or integrity.

We have a situation in this chamber that is feeding that idea, and I am referring to the situation with Mr Bernard Finnigan. I raise this matter today because it is a matter of concern to many, many constituents who come to me and ask how I feel about Mr Finnigan's performance in this place and his attitude to his position. Those two matters I cannot defend, but I always make the point that everyone is entitled to the presumption of innocence and that everyone has the right to a fair trial.

I am putting my position on the record so that, when next I am asked about this, I can refer people to this speech. I have been told many times that my silence and that of others is seen as accepting the unacceptable, and I do not believe that to be the case. In other words, our silence is seen as complicit in the contempt that Mr Finnigan is displaying towards the taxpayers of South Australia.

I do not deny Mr Finnigan the right to the presumption of innocence, and I do not deny him the right to earn a living during this time; and that, Mr President, is the key. Mr Finnigan seems to be defying what the union movement and the Labor Party were founded on—a fair day's work for a fair day's pay. He is in a position of privilege, elected to serve the people of this state and be paid accordingly, yet since being charged he has done little to uphold the function or the integrity of this place.

He is on the public purse and has not made one speech, asked one question or put forward one single utterance to represent the people of this state who pay his wage. He has been suspended from the Labor Party, and the Premier has stated that he should resign from his position because of his inability to carry out his duties. I do not suggest that he resign because at the end of the day that is a matter for his conscience alone, but surely he feels some level of responsibility to at least participate in the parliamentary process.

Mr Finnigan holds a seat in this place now as an Independent and he should carry out his duties as such rather than continuing to take taxpayers' money for nothing. They expect a bang for their buck, as they should, and right now many people see this as an abuse of privilege and an abuse of power. My view is that Mr Finnigan should do the job he is paid to do and then perhaps the level of disdain that people feel will subside to a certain degree. But, continuing to be seen to rip off the people of this state and he will never be forgiven, not even if he is found not guilty of the charges he faces.

EVIDENCE (IDENTIFICATION) AMENDMENT BILL

The Hon. S.G. WADE (16:09): Obtained leave and introduced a bill for an act to amend the Evidence Act 1929. Read a first time.

The Hon. S.G. WADE (16:09): I move:

That this bill be now read a second time.

Mr President, I might diverge briefly at the beginning, just to indicate that I apologise to the house for detaining it in its business. The reason I was detained was because I was attending a deadlock conference on behalf of this council. The opposition has specifically asked the government not to

schedule deadlock conferences during the sitting of the house. I fail to remember how many times I have been inconvenienced in terms of the discharge of my other duties in this place because of deadlock conferences scheduled by the government in sitting times.

I will indicate to the government that I intend to, because of yet another recurrence, take whatever steps are necessary to avoid this happening. I do not believe it shows due respect to deadlock conferences, I do not believe it shows due respect to the business of the council, and it is certainly disrespectful to non-government members. The government has control of the agenda; they can schedule deadlock conferences, and they can schedule deadlock conferences in a way which is inconvenient.

One of the members of the House of Assembly was also unable to come because she was detained by House of Assembly business. So, the government's response to my entreaties was that it was unhelpful. I would suggest that the government's obstinate rejection of the needs of the whole parliament is an indication of a tired government. I will now address the bill.

The bill was foreshadowed yesterday by the Leader of the Opposition, Isobel Redmond, when she addressed the Police Association. The bill proposes to amend the Evidence Act 1929 to support quality collection and use of identification evidence. As Ms Redmond said, this is yet another example of the Liberal Party leading from opposition.

In 2011, the government introduced the Evidence Identification Bill 2011 to remove the judicial preference for the use of line-up identification parades. In doing so, it made no attempt to protect the quality of identification evidence. The courts' preferences for line-up parades is not supported by science or by the reality of police operations. Line-ups are time consuming and not necessarily as reliable as, say, a photo board. Organising line-ups can take up to 10 police officers and up to 60 hours of police time, according to the government's statements—time that could be better spent on any number of other police activities.

The opposition supports the removal of the judicial preference in principle; however, we considered that the way that the government sought to legislate the change was flawed. It made no provision for quality in the identification processes, and it ranked efficiency ahead of the quality of the evidence collected. In opposing the bill, we said that we hoped the government would put a better bill back in the parliament in the not too distant future.

The Police Association reiterated how important the change is to the Police Association, and encouraged action. After 16 months of government inaction, the opposition is taking up the fight. The bill I table today is designed to support the use of photo boards for identification by removing the judicial preference for line-ups in the context of best practice quality standards for all forms of identification.

According to science, there is a negligible difference between the reliability of identification using live line-ups and identification using photo board line-ups. Professor Neil Brewer of Flinders University, a local and a world expert in the reliability of eyewitness evidence, suggests that how an identification method is implemented matters more than the identification used.

My understanding is that Professor Brewer supports making photo board line-ups at least as accessible as live line-ups, because a photo board line-up gives the authorities a greater capacity to manage the variables that impact on quality—issues such as constructing, retention interval and contamination. It gives you a better opportunity to promote quality, but only an opportunity. As Professor Brewer put it in a public lecture in 2011, 'a photo board done badly is just as bad as any other method'.

The opposition wants the justice system to rely on the best available evidence and the best available science. We support the removal of the judicial preference for line-ups in the context of scientifically verified quality identification procedures in place for all modes of identification.

Two key submissions from legal stakeholders on the 2011 bill emphasised the need to drive standards in identification procedures. The submission from the Aboriginal Legal Rights Movement included comment on the bill from Mr Andrew Ligertwood, a leading Australian expert on the law of evidence. I would like to read an excerpt of his comment in relation to quality:

7. There is strong empirical evidence that properly conducted picture or video presentations can be as, or even more, reliable than a properly conducted identification parade. This is recognised in *Winmar v WA* (2007) 35 WAR 159.

8. The problem is to ensure that the presumptively innocent accused is in a position to challenge effectively identification evidence obtained other than by an identification parade. Recognising that the trial judge has

a discretion to determine whether any process of identification used is of sufficient probative value to justify admission is unlikely to provide effective protection in the absence of independent evidence of the process employed.

9. It is submitted that, given the universal recognition of the dangers of acting upon identification evidence and the need to protect an innocent accused, the legislation should, first, regulate the procedures by which identifications are conducted and, secondly, to ensure that the procedures employed can be effectively challenged, demand that any identification of a suspect by a witness be videotaped by police ([compare sections] 74D and 81(3)(e) Summary Offences Act.)

10. The effect of the legislation is to enact the parity of all forms of identification. While empirical evidence supports that picture identification may be as or more reliable than identification at a parade, this conclusion depends on the precise procedures used and the ability of the accused to challenge those procedures...

The Law Society similarly considers that, if this parliament is going to legislate in this area, it should enumerate detailed procedures. I quote an excerpt of a letter from the Law Society to the Attorney-General dated 18 March 2011, which states:

We believe that the best way forward is for Parliament to implement a legislative regime for identification along the lines of the Commonwealth and the Crimes Act 1914. The relevant sections are [subsections] 3ZM to 3ZO. We do not suggest that every feature of the Commonwealth regime be picked up but we recommend certain of them as follows:

- The preservation of parade identification procedure, but only where it is appropriate; and
- The inclusion in this state of legislative safeguards in respect of both identification procedures.

Identification evidence is fraught with danger producing the wrong outcome. The attraction to a legislative regime for identification evidence is that it will tend to minimise a miscarriage of justice (either in favour of the State or the accused).

The opposition supports the Law Society position that quality standards should be enumerated but we consider that the science in this area is so dynamic that it is an appropriate area for standards to be in regulations. The regulated standards may not need to be any longer than those in the Crimes Act. There may still be detailed general orders on identification but the need for flexibility suggests the benefit of standards in regulations.

The bill proposes to insert a new section 34AB in the Evidence Act called 'Identification evidence'. Under subclause (1), in a criminal trial, evidence of the identity of the defendant is not admissible unless the evidence has been obtained in accordance with the procedures prescribed by the regulations.

Under subclause (2), in a criminal trial, the judge may admit evidence of the identity of the defendant obtained otherwise than in accordance with the regulations if the judge is of the opinion that, despite the noncompliance, the evidence has sufficient probative value to justify its admission. These two key provisions were not in the government bill and we believe they are crucial to the veracity of the changes and the quality of identification evidence.

The opposition looks forward to the input of the police, legal stakeholders, the scientific community and the wider community on the draft bill. I am tabling the bill today for the sake of further consultation with those and other stakeholders. I have already received preliminary feedback from two different lawyers advocating for a stipulation that all acts of identification by a witness be videorecorded. Alexander's case of 1981 is referred to in this context. I presume that their preference would be for a reference to videotaping to be in the act rather than the regulations, and I would specifically welcome any feedback from stakeholders on that suggestion.

This bill is in the best interests of justice. It will enable police resources to more efficiently be deployed to their investigative task. It will bring a new level of quality to identification procedures, which will reduce the risk of miscarriages of justice as quality methods are more widely used by investigative agencies and given more authority by our courts. In anticipation of receiving and sharing feedback on the draft, I seek leave to continue my remarks.

Leave granted; debate adjourned.

LOCAL GOVERNMENT (BURNING OF OLIVE MATERIAL) AMENDMENT BILL

The Hon. J.M.A. LENSINK (16:21): Obtained leave and introduced a bill for an act to amend the Local Government Act 1999. Read a first time.

The Hon. J.M.A. LENSINK (16:21): I move:

That this bill be now read a second time.

This bill is quite a small bill, as honourable members will be able to determine when they have a look at it. If I can give some background to the issue, it has essentially arisen because of one neighbour who has been unneighbourly in the requests by his affected neighbours to cease using untreated olive pits in a wood pellet burner. One might wonder why it needs an act of parliament to address this, but it has caused considerable distress to a particular couple who are direct neighbours, and a number of the other neighbours have also been affected, so I would like to provide some history on this issue in support of this particular bill. It is one that I have written to successive environment ministers about, because the state agency that would deal with the issue is the EPA.

What is taking place is that during the colder months in winter, from approximately mid-May to September, the neighbour with the wood pellet burner has been burning olive pits continuously. His neighbours have health complaints, including but not limited to respiratory issues, which they have had for some six years. Their general practitioner is of the belief that it is as a result of continual exposure to the fumes, smoke and residue created by the burning of the olive pits. It has been such a problem that at times they have had to move out of their residence during those months when the heater is being used.

In September 2009, I attended the property of the affected neighbours and was able to view the flue residue on his roof, and the same residue can be seen on the inside of the affected couple's air conditioning vents. I was also able to view fuel material on the neighbour's property, which has been stored in such a way that would have allowed rainfall to make it wet. This particular wood heater is used extensively in Europe and is becoming more popular in South Australia so I think that this is an issue that will affect not just the people living in that street but also others.

Various agencies have been involved—and I will provide some more detail on that—and have recommended that the industry's preferred standard material is wood pellets but if olive material is to be used it should at least be treated and dried out first, the flue of the heater should be of a particular height and design to maximise dispersal of gases, and any material used for burning should be kept out of the elements. However, all of these requests have, to date, been ignored.

The City of Tea Tree Gully is the local council involved. I obtained a large number of documents under freedom of information and I would like to commend the City of Tea Tree Gully for the actions to date that it has attempted to take. It obtained a sample of the material being used in the heater and sent it for testing. The result was that the moisture content was between two to three times the recommended levels, and the ash content was twice the recommended levels.

The council contacted the Australian Home Heating Association with this analysis and the AHHA advised that it was too wet to be used as a fuel source. It conveyed this to the owner of the heater and recommended that an alternative approved wood source be used 'ASAP'. The council also raised the issue of raising the flue height by three metres, which I understand has not taken place. The council also contacted Wood Pellets Australia to discuss appropriate fuels for wood heaters, and this organisation was so concerned about damage to their industry's reputation that it arranged to send 1 tonne of wood pellets free of charge to the owner of the wood heater.

I obtained some documents from the EPA, as well. It says that it undertook an unannounced visit on the site but this is disputed and I have been unable to verify that, through freedom of information requests, in that file. It recommended by letter to the owner of the wood heater that he replace the rain cap protector with a device which would increase vertical discharge, seek industry advice as to obtaining a flue which would maximise vertical discharge, and store any fuel away from rain and/or stormwater run-off.

The public health section of the Department of Health has also been involved. It believes that the olive material should not be used and that the flue should be raised by another metre. Voluntary mediation has been sought but the couple involved have not had any relief from that. So a number of agencies clearly have been involved.

When contacting the Office of Parliamentary Counsel our initial suggestion was that these untreated olive pits be banned from use in heaters which were not designed for their use. They have suggested an alternative which is contained in this bill, and so this bill amends section 254 of the Local Government Act which is entitled 'Powers to make orders' and enables councils to direct people to refrain from doing certain things if, in the opinion of the council, the circumstances specified exist.

Existing provisions in section 254 include: unsightly condition of land; hazards on lands adjoining a public place; animals that may cause a nuisance or hazard; and inappropriate use of a vehicle. This bill will insert a new section 3A to allow a council to make orders regarding the burning of olive pits if (a) it causes a nuisance to occupants of neighbouring land or (b) it causes harm or a risk of harm to the health or safety of occupants of neighbouring land.

The existing fees within the act provide procedures that councils must follow before taking action or issuing a compliance order—that is in section 255 of the act. Section 256 sets out the recipient's rights of review. Failure to comply with an order may result in an expiation fee of \$210 or a maximum penalty of \$2,500.

It is my intention to formally provide this bill to the Local Government Association and the City of Tea Tree Gully, which is the local government association to provide some relief for this couple. I have also received some correspondence. One of the other neighbours involved has sought information from the manufacturer of these particular heaters and the reply is as follows:

We started manufacturing boilers more than 30 years ago and have a consolidated experience. All our boilers have been tested by institutions in charge and got excellent results with biomasses (certified pellets). Your neighbour is probably using very moist biomass which doesn't burn properly, therefore the combustion is not good thus causing bad smell. At your disposal for any further information.

There are some more modern-type heaters on the market which will burn just about any sort of biomass, but this one is specifically for wood pellet heaters. Therefore, it is recommended that we allow the council to intervene in certain circumstances. I would also like to place on the record my disappointment that the local member, the member for Newland, has failed to follow through in what he had promised to do. In a letter dated 21 June 2010 to the couple he stated:

I am writing to you at your request in order to outline the assistance that I will be providing to you in helping to address your concerns of olive pip burning being conducted by your next door neighbour.

I have previously agreed to introduce a private members bill to State parliament, this bill is currently being drafted for proposal by parliamentary clerks. Introducing a private members bill to parliament is an arduous process—

I have to say that I could not disagree more—

and it is highly unlikely that this legislation will be introduced before this winter. The object of this bill is to have olive pip burning banned, as previously agreed...If you wish to discuss—

etc. His office has then contacted this couple, and this is dated 17 February 2011:

In the last couple of weeks there have been some changes within government's ministry that has seen Tom become a Minister. This has changed the circumstances with which Tom was hoping to pass a Private Members Bill. Unfortunately, he can no longer initiate this process, however, he has been speaking to other MPs about the matter and Tom believes he has the support of another MP who has agreed to initiate the Bill upon his/her approval of the final draft which Tom now has readily available.

These developments have only occurred very recently and I have had nothing to add whilst our office has been receiving calls...Please be aware that this matter is receiving attention—

etc. So, he had made commitments to the couple and then gave the excuse that the elevation to the ministry prevented him from taking further action. We still have not seen anything appear through this government, hence I have introduced the bill in the interests of people who may be affected by this. I commend the bill to the house.

Debate adjourned on motion of Hon. Carmel Zollo.

STATUTES AMENDMENT (INTERSTATE ADVANCE DIRECTIVES) BILL

The Hon. J.M.A. LENSINK (16:34): Obtained leave and introduced a bill for an act to amend the Consent to Medical Treatment and Palliative Care Act 1995 and the Guardianship and Administration Act 1993. Read a first time.

The Hon. J.M.A. LENSINK (16:35): I move:

That this bill be now read a second time.

This bill is a companion bill to one which I moved in June, namely, the Powers of Attorney and Agency (Interstate Powers of Attorney) Amendment Bill 2012. That bill is to enable the recognition in South Australia of enduring powers of attorney which are made interstate. I had that issue brought to my attention by people living in the South-East who had been affected by those issues. In the speech I outlined then, I did highlight that I would be looking at these other instruments as well. So that is what this bill does.

The Legal Affairs Commission website outlines a number of the instruments which people may need to avail themselves of; that is, if they are concerned about either their becoming unwell or their potential state of mind in the future, they are able to undertake to have these powers put in place. I will not talk about the enduring powers of attorney again, but I will quickly refer to the ones which are in this bill, that is, advance directives, which are made under the Consent to Medical Treatment and Palliative Care Act, medical powers of attorney under that same act, and the appointment of enduring guardians under the Guardianship and Administration Act.

On its page entitled 'When someone can't consent,' the Legal Affairs website outlines the appropriate procedure; that is, people aged 16 years and over can consent to their own medical treatment through the Consent to Medical Treatment and Palliative Care Act. However, the exception is when a person is legally incapacitated, where a person has mental incapacity and is unable to consent to treatment, under the Guardianship and Administration Act 1993 an appointed medical agent may consent to treatment.

If there is no agent, or the agent is unavailable or unwilling to act, an appointed guardian can consent on the person's behalf. A guardian may be appointed by an enduring power of guardianship or by the Guardianship Board. If no guardian has been appointed, a relative can consent. These are clearly issues where people may have reduced capacity or concerns about reduced capacity.

I do note that a briefing has been organised by the Minister for Health and Ageing for tomorrow. I think that the provisions which I foreshadowed in June may be duplicated by the Minister for Health and Ageing. I am pleased to see that he has seen sense and taken up this issue. I do get tired of raising issues in this place, which the government then says that it is not going to accept. However, if the government is to accept that this is an issue that needs to be addressed, that is a good thing.

In relation to the initial draft that I sent to the Law Society in August, the Law Society has made a couple of suggestions, which have been incorporated in the final bill, those being that the Law Society is concerned that limitations may not have been foreseen when the documents were signed and that in their recognition here those may have been expanded. The Law Society is clearly concerned that the matters which were intended are limited to those when they are recognised here.

The clauses, which I think are pretty self-explanatory within the bill, really outline the limitations which are to be placed on the instruments when they are recognised here. Clearly we would not want to have any unintended consequences of expanding those if that was not the intention by the people when they signed those documents interstate.

I received correspondence from some people in Mildura, which is not an area that I had necessarily assumed would have been affected by this, but it did prompt me to think that Broken Hill is probably an area as well, similar to the South-East where a lot of business is conducted across the border, including health matters. One gentleman has written to me from Mildura and he has given me permission to read his letter into the record just to outline his case. He says:

We are aware that you have before the South Australian parliament a bill for an act to amend the Powers of Attorney and Ageing Act...so as to accept powers of attorney of other states and territories.

...the following is a rundown of my own personal experience. In 2005 I suffered a mild heart attack and was admitted to the Mildura Base Hospital. The medical staff determined that I was to undergo an angiogram which was not available in Mildura but would need to be performed in a capital city hospital. As far as I can remember I had no say in which capital city the procedure was to take place and I was flown by the Royal Flying Doctor Service to Adelaide and admitted to Ashford Hospital.

While there was no need to present my Victorian Enduring Power of Attorney (Medical) my understanding is that under current South Australian legislation my document if presented would not have been recognised.

While undergoing medical treatment and with my next of kin in Mildura (or driving to Adelaide by car to be with me) what chance did I have to obtain, have drawn up and execute the South Australian Power of Guardianship which I believe is the equivalent of the Victorian Enduring Power of Attorney (Medical)?

I have recently become aware of a critically ill Mildura resident's Enduring Power of Attorney...not being recognised by staff of an Adelaide...hospital. Ms Lensink, Sunraysia residents on both sides of the Murray River, North West Victoria and South West New South Wales, are very focused on Adelaide services for many reasons but probably none more than for medical reasons.

It is completely unreasonable that Victorian Enduring Powers of Attorney...and its New South Wales equivalent are not recognised nor validated in South Australia.

With those comments, I commend the bill to the house.

Debate adjourned on motion of Hon. Carmel Zollo.

RIVERBANK FOOTBRIDGE

The Hon. J.M.A. LENSINK (16:42): I move:

That the regulations under the Development Act 1993 concerning the Riverbank footbridge, made on 12 July 2012 and laid on the table of this council on 1 July 2012, be disallowed.

This motion is to disallow these regulations, namely, in relation to the Riverbank footbridge, which were made on 12 July and laid on the table on 17 July. The reason that we do so is that they permit the Adelaide Oval footbridge to be built without the normal development approval. We think that this has been a sneaky process, and we believe that this particular issue should receive the same amount of transparency as the Adelaide Oval redevelopment, indeed, did itself.

We were told prior to the election that it would cost \$450 million and not a cent more, and we, this parliament, has ensured that that promise will be met. However, this new \$40 million footbridge was not part of that additional proposal, and we think that, in light of all sorts of strange cuts being made (cuts of very small amounts to the worthwhile work of non-government organisations), that the government is in so much trouble that it ought to reconsider whether it needs to be spending this volume of money on something which is hard to justify.

The member for Adelaide has raised this issue and she, with her keen eye, has noted that the regulations granting a development plan consent exemption were strangely contained within schedule 1A of the Development Regulations 2008. That was alongside a whole range of trivial household items which should not require consent, such as brush fences, outbuildings, carports and verandas, spa pools, shade sails, water tanks and so forth. It was quite an interesting inclusion in that set of regulations, and I will be intrigued to listen to the government's defence of why it was included.

So, these regulations not only exempt the footbridge from requiring Development Plan approval but also extend the Adelaide Oval core area 500 metres beyond the areas identified in the Adelaide Oval Management and Development Act of 2011. We do not think that has been a particularly transparent process. We doubt that the case has been adequately made for a footbridge. The government commissioned an Atkins report to model pedestrian use of a footbridge, in which it expected the most frequent attendance level to be between 30,000 to 45,000 people. We are very sceptical about those figures.

With the recent events that have taken place, the Adelaide and Freemantle semi-final attendance was 31,742 and the Adelaide Oval showcase game between Port Adelaide and Melbourne was 29,340. The Atkins report states that the optimum width for the bridge to effectively accommodate expected crowds is 14 metres squared. However, the government has expressed its scepticism of these findings by committing to a smaller eight to 10-metre curved bridge, which would, according to the report, create a maximum queue for spectators of 36 minutes. So, the question really is why we are building a bridge when there will still be the need to close off War Memorial Drive for each match.

There is also the issue of the Parklands and additional encroachment on the Parklands. A number of us believe that the Parklands need to be preserved and their original use kept in mind, and that development on them should be done only as an absolutely last resort or within what was originally anticipated, because it is death by a thousand cuts with the Parklands that continue to be eroded when those sort of things are allowed to take place. We also believe that the footbridge project should be subject to parliamentary scrutiny and that there ought to be greater public scrutiny as well. This design that has been proposed does not minimise impact on the Parklands or the River Torrens.

In relation to the Parklands, the Parklands Act disallows major projects under section 46 of the Development Act and disallows crown developments except minor works. We believe that the Parklands Act is very clear, it having gone through with bipartisan support, and that Parklands development should take place only with very close scrutiny and broad consultation. We have seen in the past this government riding roughshod over city residents, calling them all sorts of names because they wanted to preserve the integrity of the Parklands, and this may well be yet another example of the government trying to sidestep proper process in order to make way for its fantasy of development that this state can just not afford. In the interests of providing this issue with greater

scrutiny and proper process, as ought to take place with any development of this nature, I commend this motion to the house.

Debate adjourned on motion of Hon. Carmel Zollo.

DESALINATION PLANT

The Hon. M. PARNELL (16:50): I move:

That this council—

1. Notes the decision by SA Water to 'mothball' the Adelaide desalination project;
2. Calls on the government to release—
 - (a) the total annual cost of the plant in standby mode, including maintenance, staffing, equipment and all financial and interest costs; and
 - (b) financial modelling on the total impact on residential water bills of the Adelaide desalination project (including all associated works such as the pipeline interconnector), including—
 - (i) how much has been recouped from SA Water customers so far; and
 - (ii) the expected date by which all capital costs for the desalination plant will be recouped.

The question over the desal plant has occupied many South Australians over the last few weeks. The debate has tended to centre around a number of questions. First of all, did we need the plant at all? Secondly, if we did need it, did we need it to be as big as it was going to be? Thirdly, now that is likely to be mothballed, what are we paying for it, and how long will it take the South Australian community to recoup its investment in what has been described in the media and elsewhere as a 'white elephant'?

This motion is a simple one, and it calls on the government to release financial information that goes to the ultimate cost of both building and running the desalination plant. The motion calls for the government to tell us what it will cost to run the desalination plant in standby mode, and also calls on the government to come clean with financial modelling on the total impact on residential water bills of the desalination plant. We need to know how much has been recouped so far, and how much is expected to be recouped over what period.

The reason this motion is important to all South Australians is that this piece of infrastructure is phenomenally expensive and if, as the Greens believe, it transpires to have been a wasted investment, then I think that South Australians will quite rightly be outraged. There are of course commentators who say that the desal plant is just like an insurance policy, and people do not complain about the price of insurance and the fact that they did not get to call on the policy because they did not suffer any loss.

I do not think that analogy applies here, because the desalination plant, whilst it might be an insurance policy, was the most expensive insurance policy that was available to the state, and it represents, certainly in the eyes of the Greens, a colossal over-insurance and waste of money. The Greens were the only major party to consistently say over the last several years that we did not believe that a desal plant was necessary to achieve water security for South Australia.

Certainly, the Liberals made a big point of the fact that the original desal plant was their idea, accused the government of copying them, and then criticised the government for building it too big. Likewise, other parties thought that the desal plant was the only solution to Adelaide's water security problem. However, the Greens' approach was to look at the problem in its entirety, and to look at all of the different options that were available to South Australia to achieve water security.

To that end, some four years ago we engaged Sustainable Focus, a consultancy firm, along with Richard Clark and Associates—Richard, of course, as members may know, was a very longstanding employee of the E&WS, and then SA Water—and we engaged them to answer the question: how do we best provide for water security for Adelaide, taking into account social, economic and environmental considerations?

They came up with a chart—or a ranking, if you like—out of 50 where they ranked the various options for water security, and I will just run through some of those. At the top of the list, in terms of economic, social and environmental criteria, was demand management. Now that will come as no surprise to anyone. We have in our homes, for example, in many cases, reduced the

amount of electricity we use through changing light globes; in the water field, we are using compact showerheads that use less water—there are demand management techniques across households, across industry and across commerce that reduce our demand on water. That ranked as 41 out of 50.

Equal to that was stormwater harvesting and that is the process which members are familiar with—capturing stormwater run-off, treating it and cleaning it in wetlands, and then pumping it into underground aquifers for later extraction. The sort of project that has been undertaken in the northern suburbs of Adelaide as well, Salisbury and that area. That was 41 out of 50. Third, coming in at 35 out of 50, to continue to use our existing catchments in the Adelaide Hills. Now that makes sense; they are there, they work and they provide a reliable supply of water, but on their own, they are not enough. So we do need to do something else.

Next on the list, 32 out of 50, was the re-use of waste water and that ranked slightly lower than the re-use of stormwater, simply because there is extra treatment required to make it safe for all forms of use. Next, 28 out of 50, came rainwater tanks. Now I will admit that I expected them to rank higher. The reason they did not rank as highly as other forms of water security is simply the expense. It is a large capital cost spread over the whole metropolitan area, and whilst they are effective in capturing water off our roofs, the expense gave it a lower ranking. There was only one other form of water measure that ranked a pass mark, if you like, in other words, higher than 25 out of 50, and that was to use existing groundwater supplies which, whilst they might not be suitable for all areas, they do provide scope for immediate emergency supplies.

The water security measures that failed: desalination came in at 22 out of 50; continuing to rely on the ailing River Murray came in at 19 out of 50; and the worst of all was actually increasing the size of the Mount Bold Reservoir which ranked at nine out of 50, largely because it was going to devastate some of the last remaining intact bushland in the Mount Lofty Ranges for minimal return, given that it ultimately relies on being a storage device for River Murray water.

That was the Greens' position back in 2008, and I know members will be interested, as they often are, in the wise approach that the Greens take to these matters. This report is available for free for download off my website, markparnell.org.au. Just type into the little search engine 'Water that doesn't cost the earth' and you will find that report.

Really what this motion is calling for is that, having made the decision, the government now needs to come clean with the costings. Members might be aware that just today the ABC news website has the story with the heading 'Mothballed desal will make minimal savings'. I will just read a few sentences from that news report. It says:

South Australia's utility watchdog says putting Adelaide's desalination plant on standby will not produce major savings for water customers.

There had been suggestions the move could save \$100 million annually, but the Essential Services Commission of South Australia (ESCOSA) says the saving could be as little as \$5 million per annum.

Paul Kerin of the Commission says the savings will not be huge.

'It's pretty small savings, probably around \$10 million a year, so over that last year-and-a-half that's about \$15 million. It's not going to be \$100 million a year saving,' he said.

The Commission says major savings would only have been achieved had the plant otherwise run at full capacity.

It's estimates are based on the plant running at 25 per cent capacity.

The other comment of interest in this news report is a comment from water minister Paul Caica where he says:

There was never an expectation that there would be additional costs or savings of \$100 million. The best money saved is money not spent.

It is well and good for the minister to say that the best saving is money not spent, but \$2.2 billion later, it is a bit rich for the government to say that the best money saved is money not spent. They have spent that money. The community of South Australia is going to have to pay for this desalination plant.

I think that, if the government were to show to the people of South Australia true respect, they would come clean with the costings and they would tell us what it is costing to run this plant, including the cost of not running this plant, because it has now been determined that it is unlikely to be needed in the foreseeable future. I commend the motion to the house.

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

ELECTRIC HOLDENS

The Hon. M. PARNELL (17:00): I move:

That this council—

1. Welcomes the reports that GMH is considering plans to assemble up to 126 electric Holdens in South Australia; and
2. Calls on the state government to back the plan by setting electric car purchasing targets for the SA government fleet.

I do not normally attend functions at motor car dealerships, but I was pleased to attend the launch at Metro Holden last week of the electric Volt produced by General Motors. This is described as a long-range electric vehicle.

At this point, the normal thing to do would be to talk about the length of the extension lead that trails behind the back of the car, but that is probably a joke that is a little too tired for members, so I will just explain that the long-range nature of the GM Volt is because it does have a very small petrol motor that does not power the car but does recharge the battery, if there is not a charging facility nearby.

In some ways it is similar to a hybrid vehicle which has both an electric motor and a petrol motor, but the difference between this and, say, the Toyota Prius or I think the Camry is that the petrol motors in those vehicles actually power the wheels, not just charge the battery. Anyway, I was very pleased to attend the launch and I just note for the record that Kirsten Alexander, the Mayor of the City of Charles Sturt, was there as well.

It was good to rub shoulders with a range of people, including some prospective buyers. Through talking to them, I could discover some of the advantages and the drawbacks of electric vehicles, not the least of which is that you cannot charge them at night rate. You are allowed to heat your water at cheap electricity rates but you are not allowed to charge your electric vehicle, but that is a matter for another day.

The other piece of news that has come through in the last little while that I think is important for South Australia and for the environment is the announcement that General Motors Holden is considering plans to assemble a batch of 126 electric vehicles at its Adelaide plant. This was written up in the Australian *Financial Review* on 2 October, and this initiative was said to be a coup that could lead to mass production and the export of local technology. I will just read a couple of sentences from the *Financial Review* article:

The 120 e-Commodores and six left-hand drive e-Caprices are part of a secret \$70 million program in the final stages of negotiation between GMH, the federal government and the EV Engineering consortium chaired by former Mitsubishi chief Rob McEniry.

The plan would deliver what is thought to be the biggest run of large electric cars ever made, but also includes potential development of an e-Cruze small car that could be made by GM on a global platform.

It goes on to say:

Just as Ford's future as a manufacturer is looking shaky, GM's electric car trial could give the Commodore a new lease on life with fleets.

I think this is exciting news, because I, for one, have been critical of the domestic car industry for its persistence in producing what I consider to be dinosaur vehicles, vehicles of the 20th century that are inappropriate in the 21st century for the vast bulk of users. There will certainly be occasions when large vehicles are needed, but for the vast bulk of the transport task smaller vehicles, and electric vehicles in particular, are the way to go.

I note that my federal colleague, Adam Bandt, the member for Melbourne, has put out a statement, again on the same day that the *Financial Review* reported this news, reminding us that we are making the same or fewer numbers of cars now than we did in the 1960s and, if the car industry is to survive in this country, it needs to change. As Mr Bandt says:

The world is moving to electric mobility. The government needs to help the industry to get ahead of the game and shift gears to electric cars.

He concludes his statement with the comment that the government should put in place electric car targets for the government fleet. I have included that call in this motion before the Legislative

Council, because I think the government does need to be reminded that, through its procurement policies, it can make important changes to the way industry operates in this state.

I think I have mentioned this in this place before over the years, but certainly Fleet SA has had an interesting approach to the procurement of vehicles for use by public servants, members of parliament, ministers and others. I can remember, on being elected to this place six years ago and being invited to lease a state fleet vehicle, as most members here are, that the range of vehicles was limited to six-cylinder Holdens and six-cylinder Mitsubishi 380s.

The argument, which at first blush sounds reasonable, was that this was a local procurement policy: that we made those vehicles here in South Australia and therefore it made sense for the government to buy them. I say 'at first blush' because that policy in the long run is really not sustainable for two reasons. First of all, it is a policy that would be counterproductive if it was replicated everywhere else. If other states insisted that they were only going to buy motor vehicles that were made in their state then they would not be buying any that were made in South Australia. We are such a small part of the market that we would be the net loser of a policy where every state, in relation to motor vehicles, went for strict local procurement.

The second reason I think that policy was flawed is that it actually locks in unsustainable behaviour. If the car manufacturers continue to make dinosaur cars and if the state government, as one of the biggest purchasers through the state fleet, insists on buying them then there is not a whole lot of incentive for the manufacturers to get into more sustainable motor vehicles, such as smaller cars and electric cars. So, I think that policy was flawed.

I recall raising the matter with the Under Treasurer, Jim Wright, in the very important institution established by this chamber, being the Budget and Finance Committee. I can recall asking the Under Treasurer what the reasons were for members of parliament, for example, to not be able to access, for example, hybrid cars. His answer was, 'No reason at all.' In fact, he reminded the Budget and Finance Committee that the state already had about 250 such vehicles, from memory, and they were being driven by all manner of executives and other public servants. Clearly, state fleet has purchased some hybrid vehicles that use half (or less) the petrol that is used by the standard six-cylinder cars.

I know that the government policy has changed, and certainly the list of vehicles that is available is now much greater than simply the two that were on offer six years ago. At least that is what I thought until I got the last list from state fleet, and it is a list headed 'Fleet SA: Approved Members of Parliament Remuneration Vehicles.' It is the list that applies between May and July of this year. Whilst it is a lengthy list, there are really only three cars on it: Holden Cruze, Holden Calais and Holden Commodore. So they are back to the local procurement policy.

What I think the Fleet SA needs to do and, in fact, I think what the government needs to do is to first of all give some instruction to Fleet SA and remind it that that policy was changed some time ago and it needs to reflect that in this list of vehicles, but also given that we are always told that a whole of government approach is what is driving this administration, the people in the environment section need to be talking to people in the energy section, who need to be talking to Fleet SA so that we do have motor vehicles that are purchased by the government for government purposes that meet modern sustainability standards.

That is going to include hybrid vehicles, and I hope—and that is what this motion calls for—electric vehicles, as well. I think that is the future for companies like Holden in South Australia, getting out of the dinosaurs and getting into electric vehicles. From media reports it looks as if Holden is making a start and I think the government should give them a leg up and should make a commitment to acquiring electric vehicles that are locally made, and I think that will give us the best of both worlds. I urge all members to consider this motion and to give their support.

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

NATURAL RESOURCES COMMITTEE: EYRE PENINSULA WATER SUPPLY

Adjourned debate on motion of Hon. G.A. Kandelaars:

That the report of the committee on Eyre Peninsula Water Supply—Under the lens, be noted.

(Continued from 19 September 2012.)

The Hon. J.S.L. DAWKINS (17:12): I rise to speak in support of the motion moved by the Hon. Mr Kandelaars who covered the situation very clearly in his presentation on the last Wednesday of sitting. Certainly the committee has taken very seriously the inquiry into the water

supply on Eyre Peninsula which was raised with us by the member for Flinders. There are certainly conflicting views about the future of water supplies on Eyre Peninsula, ranging from SA Water, the Department of Environment, Water and Natural Resources and, of course, the local community.

The committee has taken a significant amount of evidence, it has had some public forums on Eyre Peninsula, it has had some site visits and intends to do more of that next month, but we felt that we needed to get independent technical advice to have a look at the evidence and come up with a better informed final report. This report has one recommendation in that the committee has the resources to fund some independent advice on the evidence we have had.

In light of the advice received on the Murray-Darling Basin report inquiry from Dr Mark Siebentritt, we were very impressed with the quality of that advice and we seek to go down a similar track. With those few words, I support the work of the committee, the Chair (Hon. Steph Key), all members and staff, and commend the report to the council.

The Hon. G.A. KANDELAARS (17:14): I thank the Hon. John Dawkins for his summation and I will leave it at that point.

Motion carried.

NATURAL RESOURCES COMMITTEE: ANNUAL REPORT 2011-12

Adjourned debate on motion of Hon. G.A. Kandelaars:

That the annual report of the Natural Resources Committee 2012-12 be noted.

(Continued from 19 September 2012.)

The Hon. J.S.L. DAWKINS (17:15): Once again, I rise to support the remarks made by the Hon. Mr Kandelaars. He has very ably covered the work the committee has done on a variety of different inquiries over the reporting period and the work it does in visiting the various NRM boards, which is part of its charter, as it also looks at the rises they propose in their levy rates. A major part of the work of the committee in that reporting period was the inquiry into the draft Murray-Darling Basin plan. It was a bipartisan report with bipartisan recommendations.

In many senses it was a much more reasonable and achievable outcome than some of the emotive arguments put forward by both the state government and many people interstate. I think it is a tribute to the committee that it came up with a reasoned, unemotive set of recommendations, given that there are nine of us on the committee: four Labor, two Liberal and three from the crossbenches. It was a good example of how committees can work together and come up with some bipartisan, or multipartisan, recommendations. I commend the report to the council.

The Hon. G.A. KANDELAARS (17:17): I thank the Hon. John Dawkins for his further comments. One thing I will stress is that I believe the Natural Resources Committee to be one of the hardest working committees of the parliament. As the Hon. John Dawkins said, it works quite effectively on a bipartisan point of view. I will leave it at that.

Motion carried.

ELECTRICITY INDUSTRY SUPERANNUATION SCHEME

Adjourned debate on motion of Hon. R.I. Lucas:

That this council:

1. notes general community concern regarding the Electricity Industry Superannuation Scheme (EISS) and the set of documents providing the basis of that concern provided to Members of Parliament by the organisation S.A. Superannuants and Mr Richard Vear, a pensioner of EISS;
2. refers the following matters to the Ombudsman, pursuant to Section 14 of the Ombudsman Act 1972 for investigation and report:
 - (a) determine whether or not the method used to calculate EISS taxed-source pensions is designed to reduce employer costs for those pensions compared to what the cost would be if the pensions continued as untaxed-source pensions; and
 - (b) if it is a method designed to reduce employer costs, determine:
 - (i) whether or not the EISS Board and the Department of Treasury and Finance knew this, or ought to have known this, at the time the rule was authorised for use;

- (ii) whether or not, since the time of the rule's authorisation, the EISS Board and the Department of Treasury and Finance have dealt honestly with the representations being made to them about the validity of the rule; and
 - (iii) whether or not it is a method that complies with the Electricity Corporations Act 1994 (as modified by the Electricity Corporation (Restructuring and Disposal) Act 1999) and the Heads of Government Agreement on Superannuation;
- (c) if the method does not comply with the Electricity Corporations Act 1994 (as modified by the Electricity Corporation (Restructuring and Disposal) Act 1999) recommend a method for calculating taxed-source pensions that does comply with that Act and with the Heads of Government Agreement on Superannuation;
- (d) review the Mercer Strategy reports (Review of Taxation Status of the SA Government Superannuation Funds) of 1998 and 2004, commissioned by the Department of Treasury and Finance and determine whether or not these strategy reports underpin the method of reducing EISS pension benefits to its members, as it has been applied since July 2002:
- (i) in this matter include a review of the decision to provide the Crown Solicitor with a copy of the 2002 Mercer Explanatory Memorandum on EISS rule changes, but not copies of the 1998 and 2004 Mercer Reports on Taxation Status of SA Government Superannuation Funds. This advice was sought on the legality of the EISS pension reduction method, due to a request from the EISS Trustees, to the Treasurer Hon K. Foley.
 - (ii) in this matter, review also the advice given to the Minister for Finance that the 1998 and 2004 Mercer reports were only relevant to the State Pension Scheme and its possible transfer to the taxed superannuation environment but not to the transfer of the EISS pensions, from the untaxed arrangements that applied to the ETSA Superannuation Schemes, prior to privatisation.
- (e) review the EISS submission, dated 4th August 2006, made as part of the 2006 public consultation process conducted by the Federal Government on its 'Plan to simplify and streamline superannuation' to determine if:
- (i) this submission shows that the EISS Trustee was aware, or should have been aware, that its pension reduction method had been designed to reduce employer costs for taxed-source pensions below that for untaxed-source pensions and deliver an advantage to employers.
 - (ii) the EISS Trustees' changes to its 'Taxation Rules' 29 to 31 that became effective in July 2007 were made to ensure that employers continued to receive an advantage at the expense of EISS pension division members.
- (f) review the appropriateness of allowing the organisation, Mercer, to continue for so long as the sole provider of actuarial advice to EISS and the Department of Treasury and Finance on the matter of transferring untaxed funds into the taxed superannuation environment, when Mercer had compared the rights of fund members and employers in such a transfer by saying, on page 63 of its 1998 report:
- 'The Government may need to cope with demands from members of the pension scheme that they, as well as the Government, should share in the gains achieved. An important part of the response would be that these people are still members of schemes, which have been closed because of their generosity, and yet their benefits have been continued. Thus they should have little to complain about if the advantage of applying the PJFC [pre-July 1988 Funding Credit] is not passed through to them, so long as they are not detrimentally affected. A critical point is that the benefit reductions should be such as to remove the windfall gains, but not to the extent of causing detriment to any members'; and
- (g) any other relevant matter.

(Continued from 5 September 2012.)

The Hon. D.W. RIDGWAY (Leader of the Opposition) (17:18): I move:

Paragraph 1—Leave out the words 'notes general community concern' and insert the words 'notes the concerns of pension scheme members'.

Paragraph 2(b)(ii)—Leave out the word 'honestly' and insert the word 'appropriately'.

The Liberal Party has consulted with stakeholders who are affected by this particular motion and would like to have the wording slightly changed.

The Hon. G.A. KANDELAARS (17:19): I rise to indicate that the government will be supporting the amended motion. Members are aware that this amended motion relates to long-held

concerns of SA Superannuants and EISS pensioners with regard to the calculations used to reduce gross benefits of EISS members, following the scheme's loss of constitutional protection at the time of the ETSA sale and its subsequent move into a taxed environment. On moving into the taxed environment, all employer-funded assets were immediately taxed at 15 per cent, and all future investment earnings accrued in the scheme were also subject to a 15 per cent tax.

This issue is being driven by the SA Superannuants and a small number of EISS pensioners. These groups had a long-held view that the benefits reduction formula was incorrect, thereby reducing the superannuation costs of employers at the expense of EISS pensioners and contravening the intent of its provision in the Electricity Corporations Act 1994, which was to go no further than to avoid an increase in the employer's costs. SA Superannuants has been calling for a review of the formula for some time, and the motion by the Hon. Mr Lucas sets out proposed terms of reference for the review.

As the issues surrounding the formula are very complex, the government has agreed to an independent review of the formula by an actuary with technical expertise in superannuation matters, but the SA Superannuants are not satisfied with this and believe that it is more appropriate for the Ombudsman to conduct the review. In order to put the superannuants concerns and this saga to rest once and for all, and to remove any doubt about the independence of the review, the government agrees to the proposal to appoint the Ombudsman.

As I have said, while the government supports the amended motion to expedite the review and to put this saga to rest once and for all, an aspect of this motion the government rejects most strongly is the suggestion that, for some reason, the benefit reduction formula was incorrect and that it was somehow designed that way to reduce employer superannuation costs and there was inappropriateness in this matter by either the EISS board, the EISS trustee, the Department of Treasury and Finance, the former treasurer the Hon. Kevin Foley, or the Mercer organisation. Pitching the terms of reference for an independent review along these lines is far from necessary.

Further, the proposed terms of reference make reference to what information was given to the Crown Solicitor's Office when the former treasurer sought advice on the legality of the EISS pension reduction. Of course, it will be up to the Ombudsman to determine whether this needs to be part of the review.

As the government agrees to this independent review by the Ombudsman, it should be pointed out that the criticism and complaints of the SA Superannuants have been previously thoroughly investigated by the Crown Solicitor and a QC engaged by the EISS board, who have advised that the reduction to the gross pensions were determined and applied strictly in accordance with the requirements of the Electricity Corporations (Restructuring and Disposal) Act 1999.

Finally, there is one more issue I would like to address. The Hon. Mr Lucas makes reference to correspondence received by members that makes specific criticism of a senior government officer who provided superannuation advice to the government over a long period of time until his recent retirement. I concur with the Hon. Rob Lucas that this government holds that particular individual in very high regard, and any criticism of his advice and esteemed service to the government over many years is unwarranted.

The Hon. M. PARNELL (17:24): It seems that this referral to the Ombudsman is going to go through, with the support of both of the major parties. So, I want to put on the record that the Greens also support this referral going through. I acknowledge that we have received considerable correspondence from SA Superannuants. Much of the correspondence is highly technical and it does deserve a thorough investigation, and the Ombudsman is an appropriate office to conduct that investigation.

I am pleased that, on behalf of the members of SA Superannuants, there is going to be a thorough review of this particular electricity industry superannuation scheme. I look forward to seeing the results of the Ombudsman's inquiry, but, for now, the Greens are pleased to be supporting the motion.

The Hon. R.I. LUCAS (17:24): I thank honourable members for their indication of support for the motion. In concluding, I congratulate the members of SA Superannuants for the assiduous way in which they have pursued this issue over a long period of time. It is a good indication of democracy at work. They have worked hard over a long period of time and, hopefully, after an appropriate period of time for the Ombudsman, there will be a satisfactory resolution to this issue,

and the SA Superannuants have indicated their willingness to accept the decision of the Ombudsman, whatever that might be.

In concluding, having congratulated SA Superannuants for their persistence and assiduousness in pursuing this issue, can I also congratulate my colleague, the member for Davenport in another place, who has carriage for this issue within the Liberal Party. He has met with stakeholders and he has negotiated with the government, and it is as a result of his hard work that there is, I would imagine, unanimous support for this resolution and hopefully a satisfactory resolution for what has been a longstanding and complicated issue.

Amendments carried; motion as amended carried.

STATUTES AMENDMENT (SEX WORK REFORM) BILL

Adjourned debate on second reading.

(Continued from 18 July 2012.)

The Hon. A. BRESSINGTON (17:27): Today I rise to speak to the Statutes Amendment (Sex Work Reform) Bill which was introduced in the other place by the Hon. Steph Key as a private member's bill and which has now been introduced into this place by the Hon. Gail Gago as the Minister for the Status of Women.

These are, indeed, interesting times that we are working our way through in this parliament, or so it seems to me, anyway; perhaps members who have been here much longer than me see this as business as usual. This bill I find particularly interesting and the emotive words used by the Minister for the Status of Women to stir up feelings of compassion and the so-called right of women to choose with the illusion of freedom and liberation of women at the very core of her second reading explanation.

The minister indicated that she saw her role of introducing this bill into the house as a step forward for the rights of women and as an opportunity to legitimise what is portrayed as nothing more than consensual sex between two adults. The Hon. Steph Key in the other place has stated that this bill will offer a level of protection for prostitutes who are beaten or raped because currently they are unable to go to the police because they are engaging in an illegal act. This actually says more about that member's view of our police force than the plight of prostitutes, I believe.

In my view it seems that both women responsible for the carriage of this bill are at odds with what being involved in the world of prostitution really means, and I doubt very much that the legal status of the industry via this bill will do too much to improve the lives of many women. I would dare say that the majority of women who sell their bodies for sex are at serious risk of many levels of abuse.

In my previous life I have talked with many young women—and not so young—who were prostitutes. I met with their families and I watched how the sex trade tore families apart, and in many cases destroyed the women who got into this, not through choice but through necessity, because they were supporting a drug addiction. It is true that there may be some who engage in prostitution without using drugs, but in my experience they are few and far between.

This imagery that women are involved in prostitution as a desired career path is an insult to those who are trapped in a lifestyle for reasons that often go back to childhood sexual abuse and other traumas that scarred them emotionally and psychologically for life. Rather than offer these damaged women a way out, it seems that the ever apologetic left would rather legitimise this than offer any real solution for women to heal, move forward and have an opportunity to reach their full potential.

This time I acknowledge the speech made in this place on 18 July by the Hon. Dennis Hood, and congratulate him for the in-depth research put into that speech and for putting some of the realities of solid research on to the public record. I will not repeat the research he quoted, but rather keep my comments brief, using what I have seen for myself in my previous life as a meter for what would be considered by most to be a sad situation for women to find themselves in and a way of earning money that slowly but surely destroys the essence of that human being.

I speak from experience when I say that there is nothing pleasant or empowering for women to be submissive to men who use and often abuse them, and over time being lured into an underworld where basic survival is a daily task. There is no joy in this lifestyle, no matter where a woman engages in sex with strangers for money, and there is no happiness in the lives of women

who have shed their pride and self-respect and who often use drugs to block out the emotional pain and feelings of self disdain and hatred with which they battle daily.

I could list numerous case studies of women who came into our drug rehabilitation centre, and their stories were not ones of liberation or moving forward. They were sad stories, coming from broken human beings who believed they had no other choice than to expose themselves to pain and self hatred numerous times every single day of their lives. These are the girls who troll Hanson Road and other areas, often risking their safety, to earn enough to have a meal the next day and support their drug habits.

This bill will offer no protection, no way out for these prostitutes, who often have children to men they do not even remember. These children are the collateral damage of an industry of human misery that some in this place want to portray as a freedom of choice lifestyle, when nothing is further from the truth. I have been to the red light district in Kings Cross, I have been to the red light district in Brisbane and I have been to the red light district in Amsterdam, and at no time did I find a liberated woman.

I recall being asked to go to the place of business of Stormy Summers many years ago, which I did. Stormy and I spoke at length about the prostitution industry and how she wanted her girls to get help with their drug addiction. With retrospect it was not because she was too concerned for their welfare but rather because the drugs made them quite unreliable and unpredictable, and that was not a good recipe for a profitable business.

In fact, one of Stormy's girls was a client. She was just 17 at the time, a heroin addict who was also involved in pornography on the side to make a few extra bucks, and she had been a working girl for two years already. This girl was 17, going on 37. She had missed out on her teenage years and had by this tender age attempted suicide four times. Over a cup of coffee Stormy shared her views on these young women who were, by the way, making her a pretty penny and who had paid in full for an extremely lavish apartment above her place of business.

She had a fully equipped gymnasium, stylish furniture and more than enough room for her to live a very comfortable lifestyle indeed. I compared her lifestyle with the girl in question, who often slept in an alley, who often did not eat for days on end and who was unable to live with her family because of her crazy, erratic and often bizarre behaviour, where she had on more than one occasion physically assaulted her mother and younger sister when she had been unable to score.

When I suggested to Stormy that for any of her girls to successfully recover from their addiction they would be unable to work as prostitutes, she was less than enthusiastic and her words to me were, 'What is it with these girls today? When I first got into the game, it meant spending a few years on your back and setting yourself up for life. Now, they put it up their arm or up their nose, and are no good to anyone by the time they're 25.'

I would also like to take this opportunity to remind members of Emma Powalski, the young girl found beaten to death and her body dumped in a national park. There is no doubt in my mind that, had Emma been able to break away from those she connected with as a prostitute, she would still be alive today.

I recall caring for a young girl aged seven years old because her mother went AWOL for three weeks, and this little girl was found by her grandmother, locked up in a seedy bedsit with nothing more than a packet of biscuits and a few packets of potato chips that she had obviously been living on for quite some time. The place of residence for this girl was a house of horrors, and even after numerous reports to child protection, she remained with her mother, who would often disappear for days on end, and who would eventually remember she had a small child and ring her mother to go and get her until she came home.

This little girl had seen things that no adult should have seen, such as on one occasion when she saw her mother tied to a chair, beaten to a pulp and then raped, while she hid behind the lounge with a knife in her hand just in case mum's client realised she was there. She stayed in that room for two days until the perpetrator decided to move on. She called the ambulance, and again she was off to nanna's place to act out her confusion and her anger at life and the world.

This little girl, at the age of three, was her mum's lookout. She would sit out the front for hours waiting for mum's dealer or, if mum could not wait, she was sent out on a shopping expedition to find the dealer and score. She came to live with me when she was five years old because nanna could not cope with her behaviour any more and, over time, we talked quite a bit.

She was not your usual five year old. One night I asked her, 'What do you think you would like to be when you grow up?' and her response was, 'A prostitute.' When asked why, she said, 'Because my mum used to get all dressed up, and she looked really beautiful and she would come home with lots of money. When mum had a good night, we would do some fun things the next day. Once we even went to the zoo.'

I asked her if she knew what a prostitute did to earn that money and she said, 'Of course I do, I'm not stupid; you have sex and get paid lots of money for that.' I asked her, 'Do you remember any bad things that happened to your mum?' and she said, 'Oh yeah, but I'll be smarter than mum; I'll only have sex with nice men.' This is the side of the sex industry that is not talked about too much at all.

I recall that, after this little girl had been living with me for some nine months, one night she decided that she wanted to talk. I was taking in a load of washing and walked past her room, and she said, 'Ann, would it be okay if we talked for a while?' We sat down and had a chat, and this little girl said, 'I must have been such a bad baby,' and I said, 'Why do you say that?' and she said, 'Because of the way mum can't stand to be around me, and that must mean that this is all my fault.' I said, 'No, not at all, because adults do what adults do.' She said, 'Sometimes I wake up in the middle of the night and I feel like I've got this hole in my heart.'

I also recall another young woman in her early 20s who was seconded from her duties of pleasuring men to make a snuff movie. This young woman was two months' pregnant at the time. She had a wire brush inserted into her during the making of the movie, and afterwards was dumped in an alleyway to bleed to death. She was found by a passer-by, and an ambulance was called. She spent weeks in hospital undergoing surgery to repair her internal injuries, and two days after being released she returned to prostitution. Within a week, she was beaten to a pulp and returned to hospital. This young girl already had a two-year-old son who was being raised by her mother.

The collateral damage done on so many levels is inconceivable to most, and I could give many more examples to show that this is not a victimless career path that liberates women and encourages the right to choose, but I will not. I am afraid I have seen too much of the seedy side of the underbelly of this city to buy the rhetoric, to buy the argument that would see this industry of human misery normalised. The danger of course is that young girls will be lured into working as prostitutes because it is legal and, therefore, in the eyes of the young, legitimate. Believe me, it is very easy to get into and almost impossible to get out of, and Emma Powalski is testament to that.

To both of the women who are responsible for the carriage of this bill, I suggest that they put on their high heels and short skirts and go walk the dark streets of this city for a couple of nights to see the other side of prostitution and come back and report to this place on what a liberating experience they have had. Until they are prepared to do this then I do not believe they or anyone else is qualified to be championing this cause.

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

COMMUNITY SAFETY AND EMERGENCY SERVICES

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

1. That a Select Committee of the Legislative Council be established to inquire into and report on community safety and emergency services in South Australia, including:
 - (a) The status of funding, resources and policy initiatives for community safety and emergency services in South Australia, viz:
 - (i) the South Australia Police;
 - (ii) the SA Ambulance Service;
 - (iii) the Country Fire Service;
 - (iv) the State Emergency Service;
 - (v) the Volunteer Marine Rescue;
 - (vi) the Metropolitan Fire Service;
 - (vii) the South Australian Fire and Emergency Services Commission; and
 - (viii) the rescue components of—
 - (a) Surf Life Saving South Australia (SLSSA);

- (b) South Australia Police Rescue; and
 - (c) the State Rescue Helicopter Service.
- (b) The process leading up to the creation of the new Community Safety Directorate and analysis of the structure and operations of the directorate;
 - (c) The historical and current adequacy of the Emergency Services Levy to meet emergency services funding and resource requirements;
 - (d) The accuracy and adequacy of crime statistics and other key performance indicators as a measure of community safety perceptions and realities; and
 - (e) Any other related matter.
2. That standing order No. 389 be so far suspended as to enable the chairperson of the committee to have a deliberative vote only.
 3. That this council permits the select committee to authorise the disclosure or publication, as it sees fit, of any evidence or documents presented to the committee prior to such evidence being presented to the council.
 4. That standing order No. 396 be suspended to enable strangers to be admitted when the select committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating.

(Continued from 5 September 2012.)

The Hon. D.W. RIDGWAY (Leader of the Opposition) (17:41): On behalf of the opposition, I indicate that we will be supporting the Hon. Robert Brokenshire's select committee—

An honourable member: Surprise, surprise!

The Hon. D.W. RIDGWAY: Surprise, surprise—well, I know that members opposite enjoy select committees and the new Hon. Mr Maher is here. He needs to get involved in as many select committees and I think it is only fair he should take his share, so I would hope that government members do make sure he embraces them. As members would be aware, it was under the Liberal government that the emergency services levy was created. It is over a decade or more—it is probably closer to 15 years—since it was first established.

If you look at the Hon. Rob Brokenshire's motion, the select committee is to inquire into and report on community safety and emergency services in South Australia including the status of funding, resources and policy initiatives for police, ambulance service, Country Fire Service, State Emergency Service, Volunteer Marine Rescue, Metropolitan Fire Service, South Australia and Fire and Emergency Services Commission and the rescue components of Surf Life Saving South Australia, South Australia Police Rescue, the State Rescue Helicopter; the process leading up to the creation of the community safety directorate and analysis of the structure of that directorate; historical and current adequacy of the emergency services levy; the accuracy and adequacy of crime statistics; and any other related matter.

Members can see that it will be quite a quite a wideranging select committee but the opposition feels that it is important to perhaps have a look at the funding mechanism, the emergency services levy, as to exactly whether it is adequate, how it compares to other states and the level of service across all of those areas.

The Hon. Carmel Zollo: Are you suggesting we increase it?

The Hon. D.W. RIDGWAY: There was an interjection by the Hon. Carmel Zollo there. I was actually reading an important text message—and the Hon. Russell Wortley is not here—that I will read out in a minute because it does involve some emergency services workers I want to congratulate.

I did attend three community safety forums that the Leader of the Opposition held after the last election—one up north, one out west and one down south. I think the community is just a little concerned about community safety and I would hope that the select committee does look at some of those aspects of everyday, down every street type safety and ways that we might be able to give some comfort to locals, whether it is hoon driving or just antisocial behaviour that makes people not feel safe out in the street.

I think there are components not only of the funding and the operation of what is visible—the police, the ambulance service and all the fire services—but also the community safety aspects of providing those emergency services.

I referred to my phone. Some weeks ago at our house in Mitcham my mother-in-law collapsed, and for the first time ever in my life I had to dial 000. I would like to pay tribute to the paramedic who turned up in a very, very quick amount of time. It was very impressive how quickly they arrived. I obviously explained where we were and by the time I went downstairs and opened the front door, it seemed like probably only a minute before I could hear the siren coming, and she was there in a very short time. Then, of course, it was not long before the ambulance turned up.

I sent my wife a text to ask her the names particularly of the two staff in the ambulance. I think they were Ashleigh and Tanya from the Parkside ambulance station. I hope I have those names correct, but we were delighted as a family with the very quick response that we received to an emergency call. As I said, it was the first time in my life that I had dialled 000 and I thought that the service and the system worked extremely well. I would like to pay tribute to those people for the rapid response they gave us, and I would also like to report that my mother-in-law has made a good recovery and is in very good health. With those few words, I indicate that the opposition will be supporting the Hon. Robert Brokenshire's motion.

The Hon. G.A. KANDELAARS (17:46): It will be no surprise to those in the chamber that the government opposes the motion. There is nothing to be gained by establishing another level of review of emergency services funding. This is one of the most scrutinised areas of government, and another committee will simply take staff away from their vital roles for political purposes when they would otherwise be focused on keeping our community safe.

The state government allocates \$227 million to support our emergency services, compared to just \$104 million when the Hon. Robert Brokenshire was the emergency services minister in the Liberal government when they were last in power in 2001-02. That is over a hundred per cent increase in funding in this area. In that time it has allowed the government to help upgrade 61 CFS stations, 11 MFS stations, 20 SES units and eight surf lifesaving facilities.

Funding for the areas listed by the honourable member is provided through the emergency services fund, of which the emergency services levy will contribute \$126.4 million this financial year. The set rate and allocation of funding is already scrutinised thoroughly and endorsed by the existing parliamentary standing committee, the Economic and Finance Committee.

The budget for the emergency services sector and other programs funded through the emergency services levy are also examined by the parliamentary select committee, the Budget and Finance Committee, where expenditure is scrutinised. Budget papers are scrutinised and income and expenditure reviewed during the annual estimates process. These same budgets are further scrutinised annually by the Auditor-General.

The state government has established, through the passage and subsequent review of the Fire and Emergency Services Act, the South Australian Fire and Emergency Services Commission (SAFECOM). This body has accountability and responsibility for overseeing the allocation of resources within the sector, with oversight provided by an independent board.

I also note that the honourable member has amended his original terms of reference to now include the scrutiny of the Community Safety Directorate. This has been established to further assist our ability to plan, respond and recover from a wide range of safety issues, such as fires, natural disasters, crime, offender management and road safety, while building community resilience.

In introducing this reform, the government has been very keen to use the directorate as an instrument to look at the sector closely and to iron out inefficiencies and leverage opportunities for collaboration across the sector so that resources can be better focused. This change does not improve the initial motion. Essentially, it is now proposed that there be a scrutiny of the scrutineers which amounts to a waste of resources and a waste of time for our emergency services personnel.

Another committee will not add any value to what is already a well audited sector. This extra level of bureaucracy will divert resources away from core business that is keeping our communities safe. To answer frivolous political questions may massage a few political egos but it fails in making not a single South Australian safer.

This committee will unnecessarily create another level of bureaucracy in a sector that has already had sufficient levels of review. Before members vote on the need to divert life-saving resources away from the emergency services sector to establish a talkfest they should give some thought to the achievements made in recent years in making South Australia a safer place and then ask themselves if they want to hinder progress.

The Hon. A. BRESSINGTON (17:51): I rise to indicate my support for Family First's motion to establish a select committee to look at the state's emergency services with a particular focus on their funding and the adequacy of the Emergency Services Levy but also on each service's resource and policy initiatives. I am pleased that all the state's emergency services have been specifically referred to and, as such, the committee will not just focus on the major services like the police, SA Ambulance, the MFS and CFS. Smaller but no less vital services such as Surf Life Saving South Australia, the state rescue helicopter service and Volunteer Marine Rescue must be part of such a review.

In the lead-up to what will inevitably be another law and order election, I also believe it is appropriate for this parliament to turn its attention to crime reporting and statistics which will inevitably be relied on by the government in its re-election campaign. This was foreshadowed yesterday by the Premier's announcement that victim-reported crime has purportedly fallen for the fifth year in a row, which is certainly not reflected in what I hear from my constituents.

As we know from the Australian Bureau of Statistics General Social Survey, South Australian victims of violent crime are far less likely to report the offence than their interstate counterparts which, of course, seriously skews the data. This could obviously come back to the policy initiatives of the South Australia Police and whether sufficient efforts are made to encourage our constituents to report offences.

I recall that about six years ago I did a doorknock of about 170 houses out north because of property damage and graffiti and all the rest of it. Of those 170-odd houses that I doorknocked, one of the questions was, 'Would you be inclined to report the crime to the police?' The overall response was, 'No,' by some 80 per cent and when asked why, again, the resounding response was, 'Well, we report it, they come out and then tell us to claim it on our insurance.' The committee may also be able to shed some light on why people are so reluctant to report offences to the police in the first place.

I also look forward to the committee's insight into the new community safety directorate and, in particular, exactly what function this office will serve and what it is hoped it will achieve. With that said, I indicate my support for the motion and look forward to the committee's report.

The Hon. T.A. FRANKS (17:54): I rise to indicate that the Greens will also be supporting this motion moved by the Hon. Robert Brokenshire who first raised these issues with me, I think possibly a year ago, if not more. We were supportive then and we remain supportive with broader terms of reference. Certainly, if the government believe they have a great story to tell then they will enjoy hearing what the workers and volunteers in this sector have to say. I suspect, having been lobbied strongly to support this motion and to support the set-up of this select committee, perhaps there are some voices out there that disagree with what the government has put before the council today.

I also note that while, yes, there is scrutiny in budget estimates of this area and every other portfolio area, the Legislative Council is never involved in the estimates process, which does in fact amount to a mere few minutes for each portfolio area. I do not think that is an appropriate level of scrutiny and I certainly welcome the setting up of this select committee. On behalf of the Greens, we are prepared to ensure that it is populated, if that is the case, and we look forward to focused attention on law and order that gets away from the polemics and the politics of talking about law and order and actually ensuring that people are properly resourced and that we have the best outcomes for real community safety in South Australia.

The Hon. B.V. FINNIGAN (17:55): In the past, when I have made contributions on whether or not select committees should be set up, I have tended to be quite critical of the establishment of various select committees, not simply because I was then a member of the government but because most select committees seem to be set up with a political purpose in mind. Everyone here is a politician, so that is not surprising, but I think the role of a select committee, or any committee, needs to be to look at something objectively on the evidence, rather than, as often seems to be the case, where the outcome is thought of before the committee has even been established.

The Hon. Ms Franks, and other members, raised the issue of scrutiny of finances and budgets. That is, obviously, a considerable part of what this select committee intends to do. In that regard, there is a weakness in the system we have in South Australia in estimates committees being committees only of the lower house and there being no proper role in budget scrutiny for the Legislative Council. Most jurisdictions in Australia, like the Senate, as we know, but also most state

upper houses, have quite an extensive estimates committee process, either tied to the budget or operating on a regular timetable.

When the Hon. Mr Lucas moved to establish the Budget and Finance Committee I was certainly critical, and still am in the sense that it really acts like a standing committee not a select committee of this council. I understand why that decision was made because, obviously, the opposition was able to get support in this council for having the Budget and Finance Committee, which they were not able to do, I assume, in the lower house.

It is over 20 years since the parliamentary committee system was thoroughly reviewed and the current act enacted. I think a review of the whole system and a step back to see: does it serve the needs of the parliament, is really what is required. Obviously, that is beyond the scope of this particular motion but it seems to me, if you look at the policy areas that are covered by standing committees, there are a lot of areas that seem to be neglected or left out. If you look at the structure of many other parliaments' committees they tend to be more thorough. I think some of the standing committees we have now were set up to meet the particular needs or demands of particular members, particularly when you have a minority government.

In relation to this committee, I note there are very extensive terms of reference and to cover the scope of what is in this motion would require a royal commission, just about, because there is an awful lot in there. It seems to me there is a bit of a grab bag of issues. We have funding and resources issues, the Community Safety Directorate, whether the emergency services levy is adequate and then the adequacy and accuracy of crime statistics thrown in. So, it seems to me that it is a very broad committee that, realistically, could not, I do not think, come up with a report that would serve the interests of this policy area, ultimately because I think it is too unfocused.

I know that when those proposing select committees make their second reading speech, often what they talk about is not necessarily borne out by the actual wording of the motion. Sometimes, when the honourable member proposing the select committee speaks to the motion, it is obviously clear that they have a particular focus in mind, which is not necessarily what comes across in the wording of the motion itself.

I know that the Hon. Mr Brokenshire is concerned about particular issues, and some of those are identified. However, the tremendous scope of this committee to look at the funding, resources and policies of all our emergency services, as well as the emergency services levy and those other matters, is really more than a select committee of the house can be expected to bear. I am afraid I will be disappointing the Hon. Mr Brokenshire, but I will not be supporting this motion, although it is clear that it will go through anyway. I think that the work of a select committee needs to be more focused than the particular motion that is proposed here.

The Hon. J.A. DARLEY (18:01): I indicate that I will be supporting the Hon. Robert Brokenshire's motion.

The Hon. R.L. BROKENSHERE (18:01): I will be brief; I did have quite a long speech on this motion but, from the contribution of all honourable members, it appears that this committee will be approved by the Legislative Council, therefore I will save my energies and efforts for working with my colleagues.

I want to briefly sum up, if I may. First and foremost, I thank all my colleagues for their contribution. This is a broad committee, but it is an important committee. Volunteers are at stake here, for one. Lives are at stake, and funding is a real issue. Of course, the Premier (Hon. Jay Weatherill), when he became Premier, along with the minister, the Hon. Jennifer Rankine, changed the whole format of the structure of the police and emergency services to a focus to one he described in his discussions as the community safety area.

Of course, we already have a select committee into Correctional Services. This will enable us as a committee to be able to have a detailed look at all other aspects of this area, including, as the Hon. Ann Bressington said, the Community Safety Directorate, which I think is an important area. I added an addendum to this motion because that came from left field; it came after we had given notice about this committee. I have had some discussion with a range of people in emergency and policing services, who expressed some concerns about this issue. I think it is appropriate that the parliament, through the Legislative Council, democratically investigate that issue.

Lots of volunteers have talked about concerns they have with training, plant and equipment. We have seen the government make a decision in recent years to extend the life of fire

trucks against the recommendations of the Coroner after Ash Wednesday. This committee will be up and running as we sadly focus on the 30th anniversary of Ash Wednesday in February next year. We will also be facing high fuel loads.

I think this committee is very relevant. I am disappointed that the government has again taken a negative 'it knows best' approach. There may well be, I trust, some very good outcomes and recommendations in the final report of this committee, which will actually assist the government to provide better community safety in all areas. Clearly, we know that a lot of volunteers are expressing concern to many of us in this house.

I know it is going to be a big job for the committee; I know that it is going to take some time. It is also appropriate because, by early 2014, at or around the time of the next election, the whole act is due for review, analysis and debate in the parliament. So, I think that it is appropriate that crossbenchers and the major parties, through their representatives, have an opportunity to transparently look at this issue and to give those people in the know the opportunity, under parliamentary privilege, to let us know how they think the service area of SAPOL and emergency services is tracking at this point in time, as nothing is more important than the protection of life and property. I commend the motion to the house.

Motion carried.

The Hon. R.L. BROKENSHIRE (18:05): I move:

That the select committee consist of the Hon. Kyam Maher, the Hon. John Dawkins, the Hon. Tammy Franks, the Hon. Jing Lee and the mover.

Motion carried.

The Hon. R.L. BROKENSHIRE: I move:

That the select committee have power to send for persons, papers and records, to adjourn from place to place and to report on 28 November 2012.

Motion carried.

MARRIAGE EQUALITY BILL

Adjourned debate on second reading.

(Continued from 16 May 2012.)

The Hon. D.G.E. HOOD (18:06): I will be brief because I am aware that we aim to finish by 6.30, and, indeed, we may finish well before that.

Honourable members: Hear, hear!

The Hon. D.G.E. HOOD: Hear, hear! Before discussing the merits or otherwise of this bill, which I understand is the subject of deeply-held passions on both sides of the debate in some cases, I will deal with some considerations that, in my opinion, are quite decisive to the fate of this bill. I have come to the very clear and firm view that there are legal hurdles that this bill simply cannot overcome. In simple language the bill is unconstitutional, in my view, and for that reason will be declared invalid.

The inescapable fact is that the marriage power given in section 51 of the commonwealth constitution has been taken up and used by the commonwealth parliament and, as such, the states do not have the power to redefine the word 'marriage' to include same-sex marriage. This parliament simply does not have the power to make laws with respect to marriage. If this bill is passed there will undoubtedly be a legal challenge on constitutional grounds. It is clear that the bill will be declared invalid. This will not just be a gross waste of taxpayers' funds but there will be confusion and uncertainty in the meantime pending a ruling by the High Court.

As members would be aware, there are recent bills presently before the commonwealth parliament that have a similar effect to this bill. The question immediately arises: why is this bill being introduced into state parliament when the constitutional power over marriage lies with the commonwealth parliament?

Section 51 of the Commonwealth Constitution provides that the commonwealth parliament has the power with respect to marriage. The word 'marriage' is specifically used. The commonwealth constitution took effect in 1901, as members would know, and there can be no doubt what the word 'marriage' meant at that time. In my view, the meaning of the word as evidenced by common usage has not changed, certainly not in the Australian context.

The present debate is whether the meaning of the word 'marriage' should change, not whether it has changed. The effect of sections 51 and 109 of the commonwealth constitution is that the power to make laws concerning marriage is a power held by both the state parliaments and the commonwealth parliament, but—and this is the crucial point—the commonwealth law prevails over any state laws on the subject.

In legal terminology if a commonwealth law covers the field any state law on the subject is simply invalid. The commonwealth parliament has enacted the Marriage Act of 1961, which now includes in section 5 the definition that marriage means the union of a man and a woman to the exclusion of all others voluntarily entered into for life.

That enactment is clearly within the power of the commonwealth. As members would be well aware, this definition was enacted in 2004 when John Howard was prime minister for the very purpose of ensuring that there could be no argument about the use of the word 'marriage'. It is absolutely clear that the commonwealth parliament enacted that provision specifically for the purpose of preventing the term 'marriage' from being used to describe same-sex relationships.

The bill now before us seeks to do precisely that by introducing the concept of same-sex marriage. The question is whether such a bill is inconsistent with the will of the commonwealth parliament as expressed in the Marriage Act. Clearly it is. I cannot think of any bill that could be more inconsistent with the commonwealth Marriage Act and, therefore, the commonwealth act must prevail and this bill is therefore invalid. I do not accept the argument made that the addition of the definition of marriage in the commonwealth Marriage Act has the effect of restricting the operation of commonwealth power in the area of marriage to heterosexual marriage only, thereby opening a gap, if you like, for the states to exercise their powers in respect of other types of marriage.

As far as the commonwealth parliament is concerned, there can be no other types of marriage under law. That intention is made clear from the second reading speech given on 24 June 2004. In fact, the commonwealth parliament has gone to the trouble of making its intentions absolutely clear. In the part of the Marriage Act that deals with the recognition of foreign marriages, section 88EA provides:

A union solemnised in a foreign country between—

- (a) a man and another man; or
- (b) a woman and another women

must not be recognised as marriage in Australia.

It would be impossible for anyone to argue that the commonwealth parliament intended to refuse recognition of foreign same sex unions as marriage in Australia, yet intended at the same time to permit the state parliaments to retain the power to legislate for same-sex marriages in their respective states.

There can be no doubt whatsoever that there will be a constitutional challenge to this bill if it becomes law, and it is clear that the challenge would succeed. Presumably, if the state government argued for the validity of the bill, as presumably it would be required to do, should the bill pass both houses of this parliament, it would fail in that defence and presumably be required to pay the legal costs of all parties.

Not surprisingly, some very senior lawyers have carefully considered the legal issues and provided opinions on this question. I am able to indicate that a number of these have given their consent for their written opinions to be provided for the assistance of members of this parliament if individual members are interested in looking at them. Others have already been published and are widely available. Those who have supported the legal conclusion that I have just given—and those written opinions are available upon request or indeed are widely circulated on the internet—include:

- Dr Augusto Zimmermann, a lecturer in constitutional law and Associate Dean in Research at the Murdoch Law School in Western Australia;
- Professor Geoffrey Lindell, Adjunct Professor at the Law School at the University of Adelaide;
- Mr Michael Stokes, senior lecturer, Faculty of Law at the University of Tasmania;
- Mr Neville Rochow, senior counsel of the South Australian, Victorian, New South Wales and Queensland bar; and

- Mr Chris Brohier, barrister of the South Australian bar.

To quote from just one of these opinions, Dr Zimmermann's conclusion states:

As it attempts to provide for the regulation of same-sex marriage in South Australia, the 'Marriage Equality Bill' constitutes a clear violation of the statutory definition of marriage determined by sections 5 and 46(1) of the Marriage Act 1961 (Commonwealth). As such, this bill put before the South Australian Parliament amounts to nothing less than an explicit determination to (unconstitutionally) interfere with a federal legislation that already regulates on the definition and conditions of marriage.

Those are his words, not mine. Whatever the reason for the introduction of this bill, I suggest to members of this house that it is wrong to pass a law that is clearly invalid, no matter what may be the views of individual members on the merits of the bill. We do not enact bills in this place that deal with other commonwealth powers, such as defence, for example, and other issues which are specifically the realm of the commonwealth.

The consequences are much greater, however, than just the expense of an unsuccessful legal challenge in the High Court of Australia, should this bill pass. If it is passed there will be a period before a legal case is mounted in the High Court and before the High Court gives its ruling, and during that period both the government and its citizens obviously will act upon the law; that is, many same sex couples will go through the ceremony prescribed by the law, should it pass this parliament, and they would all consider themselves married under that law, that is, until the High Court pronounces on the question of validity there will certainly be a state of uncertainty.

A finding in due course that the law is invalid will mean that all ceremonies conducted under the law will also be invalid. Couples will realise they have been deceived. This is a very poor way to treat those in the community who rely on the laws we pass. I am not suggesting that that is the mover's intention, but I do believe it will be the effect of this bill if passed.

There are also other adverse consequences of this bill, quite apart from the fact that it is unconstitutional. We would have the quite strange situation where same sex marriage would be recognised in some states, namely, South Australia, should it pass this parliament, but not in others. What is the position of a same-sex couple who have gone through the ceremony of marriage under this law but who travel or move permanently to another state of Australia that does not recognise the relationship as marriage?

Is the couple married in some states but not in others? If they are required to complete such things as Centrelink forms with an obligation of truthfulness, are they married or not, and how do they correctly answer these questions? Clearly, there will be uncertainty, certainly before the High Court makes its ruling, and I think clearly afterwards, as well. This will be a most unsatisfactory situation.

We should also consider the cost of setting up and maintaining the administration necessary for this law. A register of ministers of religion must be kept and maintained under clauses 34 to 44. This is a duplication of the commonwealth register, but this duplication at state level is necessary for this law. Similarly, a register of civil celebrants must be set up and maintained under clauses 47 to 50, and a register of same-sex marriages must also be maintained.

Under clauses 19 to 33 of this bill, the Supreme Court of South Australia is given a matrimonial causes jurisdiction over dissolution and annulment of same-sex marriages in the same way that the Family Court of the commonwealth government has jurisdiction over marriages at present. The establishment and maintenance of this bureaucracy will come at some cost.

Upon a finding that the law is invalid, all of this will have to be dismantled and undone. As I say, that is a virtual certainty, according to the very high level legal advice that has been well circulated. Surely we should not enact legislation regardless of the merits, knowing that people will rely on it but that it will almost certainly be declared invalid. The impact will be significant for those affected.

Thus far, the considerations that I have spoken about are fairly clear and decisive. They are enough to show, in my view, that this chamber should not pass this bill, whatever the views individual members may have on the merits or otherwise of recognising same-sex marriage. I will now move on to the arguments concerning the concept of same-sex marriage, and the extent of community support and opposition to the concepts proposed in this bill.

As to the proportion of people who favour or are against same-sex relationships being called 'marriage', my view is that there is a relatively silent majority of the population who would not support this bill, which is reflected in the defeat of a similar bill in the commonwealth parliament just

a few weeks ago by a margin of around two to one. Further, I note a poll concerning IVF for lesbian couples, which I referred to in my speech in the debate on that recent bill which passed this place. In that speech, I mentioned that there was a survey in which 73 per cent were against allowing that law to pass.

Furthermore, this bill provides no general exemption for people with traditional views or for churches, for example, although there is one exemption in clause 9 which provides that a minister of religion is not bound to perform a same-sex marriage ceremony. How long will it be before a same-sex couple seeks to have a marriage ceremony performed in a place of worship against the will of its operators? This will cause considerable conflict and division. On the face of it, such a refusal will appear to be sex discrimination, and therefore unlawful under current law. There can be no doubt that the limits will be tested, and difficulties will be encountered on all sides.

The Family First Party maintains that the family is the building block of society and that marriage is an institution that has served society well. Wherever possible, children should have a relationship with their natural mother and father. That is not always possible for a variety of reasons, of course, and there are many single parents out there who do an excellent job, often in most difficult circumstances. In my view, the greatest consideration should be given to the welfare of children, particularly in the areas of relationships, role modelling and general emotional development.

Whilst there is much debate about the effect upon children of being brought up in a same-sex household, I note the research of Mark Rengerus from the University of Texas, completed in July this year (2012). His study was quite unique in that it used random sampling methods and very large sample sizes, which is not the case with many other studies on the subject. The results showed that children do best when raised by a married mother and father, as distinct from being raised by adults in other relationships, including the specific group in his study: same-sex relationships. Those were his independent findings. This supports the view that children should have both a mother and a father where possible, and I support this view.

If passed, this bill will lead to much division and disagreement in this state, for both the legal reasons and also the practical reasons that I have outlined and, indeed, across the nation, as I have also outlined, until the issue is eventually resolved by the High Court, where it will almost certainly be struck down as unconstitutional. As I have said, this is a virtual certainty. For the reasons outlined above, Family First does oppose this bill.

Debate adjourned on motion of Hon. Carmel Zollo.

STATUTES AMENDMENT AND REPEAL (SUPERANNUATION) BILL

The House of Assembly agreed to the bill without any amendment.

CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (R18+ COMPUTER GAMES) AMENDMENT BILL

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

SUMMARY OFFENCES (DRUG PARAPHERNALIA) AMENDMENT BILL

The House of Assembly agreed to the bill without any amendment.

At 18:22 the council adjourned until Thursday 18 October 2012 at 14:15.