LEGISLATIVE COUNCIL

Wednesday, 7 December 2016

The PRESIDENT (Hon. R.P. Wortley) took the chair at 11:03 and read prayers.

The PRESIDENT: We acknowledge Aboriginal and Torres Strait Islander peoples as the traditional owners of this country throughout Australia, and their connection to the land and the community. We pay our respects to them and their cultures, and to the elders both past and present.

Parliamentary Procedure

SITTINGS AND BUSINESS

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (11:04): I move:

That standing orders be so far suspended as to enable petitions, the tabling of papers, question time, statements on matters of interest, notices of motion and orders of the day, private business to be taken into consideration at 2.15pm.

Motion carried.

Bills

ADOPTION (REVIEW) AMENDMENT BILL

Committee Stage

In committee.

(Continued from 6 December 2016.)

New clause 18A.

The CHAIR: Mr Brokenshire, are you looking at withdrawing [Broke-2]?

The Hon. R.L. BROKENSHIRE: I advise the house that I will be withdrawing [Broke-2] and replacing it with what was filed yesterday, [Broke-3]. I seek leave to withdraw [Broke-2].

Leave granted; amendment withdrawn.

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

Amendment No 1 [Broke–3]—

Page 12, after line 31—Insert:

18A—Insertion of section 26B

After section 26A insert:

26B—Selection of applicants for adoption order—married and *de facto* couples to be given priority

(1) The Chief Executive must, in selecting a prospective adoptive parent or parents to be applicants for an adoption order, ensure that, if—

(a) more than 1 prospective adoptive parent or parents on the relevant register or subregister (whether registered as joint prospective adoptive parents or as a single prospective adoptive parent) are equally suitable to adopt a child of the kind to be adopted; and

(b) it would be equally in the best interests of the child for the child to be adopted by any such prospective adoptive parent or parents,

prospective adoptive parents living together as husband and wife or *de facto* husband and wife are given priority over any other prospective adoptive

parent or parents on the register or subregister.

(2) Subsection (1) does not apply to a prospective adoptive parent or parents registered as applicants for an adoption order before the commencement of that subsection.

(3) In this section—

register or *subregister* means a register or subregister kept for the purpose of selecting applicants for an adoption order.

I thank honourable colleagues for their input and consideration yesterday with [Broke-2], which I have withdrawn after what I thought were some very sensible comments on that amendment and suggestions that perhaps there was another way that could bring about a more balanced outcome with respect to my intent.

After deliberating on that for some time, yesterday I filed amendment No. 1 [Broke-3]. Effectively, to summarise, the amendment says that if all things are equal in the consideration of the wellbeing of the child for adoption and do not take away from whatever the situation is of that family or partnership or relationship, and the best interests of the child are for the child to be adopted by any prospective adoptive parents or parent, the prospective adoptive parents living together as husband and wife or de facto husband and wife would then have priority over any other prospective adoptive parent or parents on the register or subregister. That is the intent of this amendment in a nutshell, and I ask the chamber to consider it.

The Hon. J.S.L. DAWKINS: I was trying to get my head around the Hon. Mr Brokenshire's amendment yesterday and I have now been looking at what we are currently looking at. I have a question for the Hon. Mr Brokenshire. How would you propose that the priority the chief executive must give when selecting prospective adoptive parents, as you have described and as proposed by this amendment, would operate in practice?

The Hon. R.L. BROKENSHIRE: I thank the honourable member for his question. Obviously, I am not the chief executive, nor will I ever be the chief executive considering this matter with the relevant people the chief executive would have around her or him. Under the current legislation, without this amendment, they have to prioritise the matter around the request for adoption of that child. In the objects of the act, as I read out yesterday, there are clear objectives that state what the chief executive must consider, the key point being the best interests of that child.

When the executive has considered and weighed up all of that, if there are three or four families that are being considered for that adoption, then, just like they have to make a decision on those three or four families for all the other reasons, ultimately, if they all line up equally and there is one couple that is same-sex and one couple that is heterosexual, so that they would be offering a situation where there is an adoptive mother and an adoptive father, then they would have priority after the chief executive has considered everything else. I am sure they have a template already on how they look at matching up and consider the welfare of the child.

The Hon. S.G. WADE: I would like to start a separate line of questioning so that I can understand how the agency has to work with this act. I appreciate that we are dealing with very low numbers. I think the minister advised us that there had been zero to three in recent years, so in the statistical sense there is probably no significance in this. Could the minister advise the committee how many of the adoptions that are being made in the modern era would be 'known adoptions', I think they are called, and whether known adoptions include foster carers as well as relatives or whether relatives are a separate category? If they are a separate category, what would the breakdown be?

The Hon. I.K. HUNTER: Before I answer the question posed by the Hon. Mr Wade, I will put on the record some updated information so that we do not need to use the zero to three anymore. I provided an estimate yesterday which was in the range of zero to three in recent years. As at 6 December 2016, there were three couples on the register seeking to adopt a local child and another 10 couples going through the recruitment process. In terms of intercountry adoptions, there are currently 100 couples on the register seeking to adopt a child from another country. That gives us a bit more precision so that we know what we are dealing with.

In answer to the Hon. Mr Wade's question in terms of adoptions in recent years and what he referred to as 'known adoptions', the categories include all those that he listed, but I am advised that there has not been a foster care adoption in over a decade. I am also advised that a court is unlikely, except in very exceptional circumstances I suppose, to grant adoption to existing relatives because it would change the family relationship for the child, so that is not a standard process, I understand. Most adoptions that are currently known as known adoptions are step-parent adoptions.

The Hon. S.G. WADE: To put the question another way, what proportion of adoptions in recent years have been to a person not known to the child?

The Hon. I.K. HUNTER: My advice is there were two adoptions this year, two adoptions last year and one the year before, so we are still in the range of zero to three. To give you a rough idea of the proportion, I am advised that, if we are talking zero to three, there may be one step-parent adoption and the other two would be infants surrendered to parents not known to the infant's immediate family, for example, so not a known adoption.

The Hon. S.G. WADE: The reason I am asking this is that, as I understand it, Mr Brokenshire's amendment deals with people coming from the register, but the adoptive parent may not be somebody from the register. They may be known to the child in some other way, and the agency makes an assessment that it is in the best interests of the child for the child to be with somebody who is known. If that is my line of thinking, is it fair to say that Mr Brokenshire's amendment would be relevant to 80 per cent of adoptions because 80 per cent of adoptions relate to potential adoptive parents who are on the register?

The Hon. I.K. HUNTER: Just a little wrinkle in that—it is more likely to be 100 per cent if we are talking about parents on a register. Step-parent adoptions obviously usually go to a step-parent, and they are not on the register; they are not waiting for adoption, for example. All the adoptions that may be classified as 'known adoptions' are probably not adoptions that go to people who are already waiting on the register for adoption.

The Hon. S.G. WADE: That is really my point. The 20 per cent who are known do not even engage the register and therefore will not even engage the potential criteria the Hon. Mr Brokenshire suggests should be in the act, but it still might be relevant for the 80 per cent.

If I might take the next step—and if I need a corrective, you might roll it in with the next answer—further on in the process, section 15 of the current act, as I understand it, requires that the relinquishing parents be engaged in the process. If a relinquishing parent had the view that they did not want their potential child to be adopted to a family of a particular family form, would that be a wish that would be respected by the agency?

The Hon. I.K. HUNTER: My advice is that is currently the situation, and that is captured in regulation 19, which is known as a placement regulation. The relinquishing parent has a large role to play, and the chief executive pays particular attention to that. Of course, the reason is that these days, more than in decades past, the relinquishing parent often has a relationship with the child as they grow up and so it is not in the best interests of the child to place them in a family situation the relinquishing parent would have difficulty engaging with. There, the interests of the child and the interests of the relinquishing parents are taken into account through regulation 19.

The Hon. S.G. WADE: So, it is not that the wish of the parent trumps other interests but that the parents' potential wish is taken into consideration in the assessment of all the interests. For example, if the relinquishing parent was so removed geographically and in terms of interest that there is unlikely to be engagement with the child, that might therefore be a lesser factor.

The Hon. I.K. HUNTER: My advice is that is correct.

The Hon. P. MALINAUSKAS: I would like to continue down the line of questioning the Hon. Mr Wade has pursued. This is particularly important to me in the context of the decision that, to be honest, I am deeply struggling with regarding my vote on this legislation, including this amendment in particular. I have sought out the regulations to which the minister has referred in regard to the role of the relinquishing parent, or the biological parent, in respect of seeing their wishes realised in regard to the type of family arrangement that a child could go into. I want to seek some clarity around that now that I have the regulations in front of me.

My reading of the regulations, and I will happily be corrected if I have misinterpreted any of this, is that the chief executive has to be satisfied that the wishes of the child's birth parent or guardian are taken into account when contemplating an applicant as an adoptive parent. I would seek some clarity in regard to what extent that means that the biological parent has the capacity, in essence, to say, 'I do not want my child to be adopted by a same-sex couple,' and then that being realised.

The Hon. I.K. HUNTER: My advice is that that is so. Relinquishing parents, or the biological parents, almost always have a very high involvement in the determination of where the child they are relinquishing for adoption is placed. Something I was not aware of, which might be of interest to honourable members, is that, in making this determination, the department provides de-identified profiles of adopting couples to relinquishing parents, so that they can choose where they think their child will be best placed. The situation the honourable minister outlined is correct: the chief executive has very high regard to the wishes of the relinquishing parent, to the point where, I am advised, they are almost always adhered to.

The Hon. P. MALINAUSKAS: I thank the honourable minister and his adviser for their answer. Can the minister outline a circumstance where a biological parent indicates that they do not want their child to be adopted by parents of a same-sex couple but where the chief executive would have the authority to overrule that indication and allow a same-sex couple to adopt that child despite the parent's wishes?

With your indulgence, Mr Chairman, I should take the opportunity to articulate the context of my question. At the heart of this for me is: who has the moral authority to make these judgements? The Hon. Mr Brokenshire's amendment—I think, with good intent—seeks to establish that one form of relationship is superior to another in respect of a capacity to deliver an outcome for the child. I and others, I think, will reasonably have a very different view about the idea of creating such a distinguishing view.

Many people—I think, reasonably—would make the assumption or come to the view that a gay or lesbian couple is equally as capable as a heterosexual couple of providing a loving environment in which to raise a child. That point of view in many respects appeals to me, but similarly, the decision is also being looked at in the context of who has the moral authority to deprive the child of having either a mother or a father. Therein lies my struggle. I struggle with the idea that I would form a view or support a piece of legislation or regulation that would say that a lesbian couple or a gay couple is incapable of providing an equally loving relationship as a heterosexual couple.

I deeply struggle with that concept but, equally, I struggle with the idea that a piece of regulation or legislation I might support would deprive a child of access to either a mother or a father. These are deep questions that I struggle with. On what basis or on what moral authority do I exercise either judgement? Ultimately, that judgement has to rest with the people who have ultimate responsibility for the love and care of a child, and they are the biological parents.

I am trying to satisfy myself that that responsibility is realised in legislation or in regulation. If a biological parent is deprived of their ability to make that judgement call, then there is a problem and maybe, therefore, Mr Brokenshire's amendment is more palatable in that context. The extent to which I can be satisfied that a biological parent is able to make that incredibly profound judgement will go a long way to informing my view and determining how I vote on this particular amendment and legislation.

The Hon. I.K. HUNTER: I thank the minister for his question and his explanation of his thinking. There are a couple of things I need to say about this to the house. I should say that my adviser is an experienced practitioner in the field of adoption, and so her advice on this is particularly useful for me. She has advised me that, in 22 years of practice, she cannot recall an experience where the department has ignored the wishes of the relinquishing parent in regard to the background, or the family, that the adopted child will be going into.

The honourable minister asked what is the circumstance—the hypothetical circumstance, in our situation, as it has never happened here because, currently, homosexual couples cannot adopt—that would allow the chief executive to, for example, override a wish by the relinquishing couple that a child not be adopted by a gay couple. There is no circumstance of that here, as I just outlined, but

we can look at situations where single people can adopt in this state. Again, as people understand through our debate, we know that is only in exceptional circumstances.

Exceptional circumstances could be that the child has such significant or high-level needs, perhaps of a medical nature or, as we know through our discussions, of a severe disability nature, where the couple, a gay couple perhaps or, as in past practice, a single person, has particular expertise or medical background in that particular medical situation or disability. Another instance could well be—again, this has not been experienced to date, to my knowledge—an older child who has a cultural and linguistic background that is specific, such as an Indian child who speaks Hindi. It may well be that then the cultural background of the prospective parents, and the language that they speak at home, may be taken into consideration, all other things being considered.

As I said, my advice is that, in 22 years of practice, my adviser has not seen a situation where the wishes of the relinquishing parent were ignored in respect to the type of family that the child was being adopted into. The hypothetical circumstance where that wish would be overridden in terms of a gay couple would really be exceptional, and it would only be in the situations I have outlined where there are very significant high-level needs that could not be met by another parent.

The Hon. K.L. VINCENT: I have a few questions, some for the mover and some for the minister, with your indulgence, Chair. My first question is to the mover of this amendment. I note with interest that his amendment essentially says that, if all things are equal—if we have a same-sex couple and a different-sex couple and their material, emotional and financial ability to care for a child or young person is the same—then preference should be given to the heterosexual couple.

My question to the mover in terms of his understanding of the impact of the amendment is: if all things are equal, then are not all things equal? If both these couples have the same ability, in terms of their resources and stability of family structure, to take care of the child, then what is the real-world impact of the mover's amendment in terms of why it is still preferential that they go to a heterosexual couple even if there is the same ability to care for the child, all things being equal?

The Hon. R.L. BROKENSHIRE: I thank the honourable member for her question. The answer to that is I have made this amendment on the basis that if all things are equal, other than the fact that one is a heterosexual couple and one is a same-sex couple, then there are arguments morally, and other arguments as well, depending on what documents you read and what you believe and do not believe, that that child still has a better opportunity if they are in contact with both a mother and a father, as was always the biological intent of how we are created.

Some people will not like me saying that, but that is the reality. If it is all lined up and it gets to that point, then I have moved this amendment because, being a parent myself and watching three adult children grow up, I strongly believe that, probably for the first two years of their lives, all of my children mainly needed to be with their mother. That was the reality. I was not such an important part, although I still had a part to play. Certainly, from two years of age onwards, right up to and including now—with the eldest being 30, and the others 29 and 24, well educated and one a mother herself—they still come and see their mother, or speak to their mother on certain matters, and they still come and see me as their father and speak to me on certain matters.

I am of the strong belief that if everything else is equal and there is an opportunity for a heterosexual couple to ultimately have that adoption, the reality is, from my amendment, they would have priority at that point in time. If they are not equal and the same-sex couple clearly has attributes that are above the other applicants, then I expect that same-sex couple would be signed off by the chief executive officer. But, where they are absolutely equal, then the point I raise is one which I strongly believe in morally. I have read a lot of documentation and scientific research that shows there is a real benefit in having a mother and a father.

I cannot be more open and honest than that. It is the call of this chamber as to what they ultimately say. I am only one member, but I very strongly and passionately believe in that, and that is why I move this amendment. It is not cutting same-sex couples out of having an opportunity to adopt. A same-sex couple can be loving and caring and give a child everything, but I still stand by my point about the moral issue, the biological intent for us as human beings and the scientific research that shows that a child needs a mother and a father wherever possible.

The Hon. K.L. VINCENT: Aside from his experience with his own children, as well educated and wonderful as I am sure they are, can the Hon. Mr Brokenshire name any of these scientific documents he has read which have led him to this view? Is there anything outside of his own experience and his own, as he puts it, 'morals' upon which he forms this view? If so, can he name those documents and that research?

The Hon. R.L. BROKENSHIRE: I cannot name the studies now; I have read plenty of documents. The honourable member has had plenty of time to do her own research. I am not going to name the studies. To give you one example, if you want to put it on the table right now, in the last two weeks scientific research has been done on the education of children. There is an urgent call to get more males into primary school teaching. That is one example. The reason for that, with all the scientific research, is that there are not enough male teachers in the classroom.

There are many children who do not have the opportunity, for a variety of reasons—in fact including the incredible growth that we are seeing of children coming under the guardianship of the minister in this state and the problems that we are facing with that. The scientific research, just in one area of the development of a person for their life and future, and the support they need for that, is more male teachers in primary schools. That is just one example that is being debated right now in Canberra. It was tabled just two weeks ago, and there is a desperate call there.

I am not going to spend an hour speaking. If you want to report progress, I will get the documentation and bring it in, but in reality what we put forward is clear-cut. I strongly and passionately believe that this is a fair and reasonable request for a very difficult and complex piece of legislation. It is one of the most complex and difficult pieces of legislation that I have had to grapple with in my time in the parliament, and I am sure that is the same for every other member.

What we are doing in South Australia today is obviously giving a much, much broader opportunity for non-heterosexual couples to adopt the very few children who are adopted in South Australia: nought to three in a year, for whatever reason. When I was at school, there were plenty of kids who were adopted. It seems that there are fewer who even get the chance for adoption now. There is growth in intercountry adoption, and for whatever reason—and I do not know the reason—there is such a smaller number available for adoption, but we are going to give same-sex couples that opportunity. All I am asking for is one amendment that says, where they do line up, the priority goes to the heterosexual couple. That is all I am asking; it is clear-cut.

The Hon. K.L. VINCENT: Can I just clarify with the minister that same-sex couples seeking to adopt do have to meet the same criteria in terms of their financial, material and emotional ability to care for a child as a different-sex couple might? Also, does anything in this bill preclude or prohibit the involvement of biological parents if a child is adopted by same-sex parents?

The Hon. I.K. HUNTER: At one stage, the regulations lay out the assessment criteria and yes, all prospective adopting parents would have to meet the same criteria. What was the second question, sorry, Kelly?

The Hon. K.L. VINCENT: Would anything in this bill preclude or prohibit the involvement of biological parents if they chose to be involved if the child is adopted by a same-sex couple?

The Hon. I.K. HUNTER: My advice is no. The advice of the eminent practitioner next to me is that that would be sought to be maximised because it is in the long-term interests of the child to have an ongoing relationship with their relinquishing parent.

The Hon. K.L. VINCENT: That was my understanding, but I think it is good to have that on the record.

The Hon. S.G. WADE: I am wondering whether the minister might answer the question the Hon. Kelly Vincent posed to the Hon. Mr Brokenshire. To rephrase it, as I understood it: is the minister aware of any research that suggests the former family of an adoptive family makes a difference to the outcomes for the child?

The Hon. J.M. GAZZOLA: I just did a quick Google search on this tablet, and basically there is quite a number of studies—for example, 'Study finds same sex couples make better parents: is it because they're more prepared?' (Medicaldaily.com); 'Children raised by same-sex couples healthier and happier, research suggests' (ABC News, July 2014); and 'Fact or fiction: a mother and

father is better than same-sex parents' (Fact Check ABC News, July 2015). The last article summarised 100 studies, which is quite interesting. A US study of 44 randomly selected teenagers raised by same-sex couples showed that they had a high level of esteem. That is just to assist the Hon. Mr Brokenshire and the committee.

The Hon. I.K. HUNTER: In response to the Hon. Mr Wade, I am advised that Associate Professor Lorna Hallahan did exhaustive literature research for the Adoption Act review in 2015, which she superintended. I am advised she found no convincing evidence in the literature against same-sex parenting, and therefore came up with a recommendation, as we see formulated now in the bill, which does not seek to preference heterosexual couples over homosexual couples.

Whilst I am on my feet, I will again put on the record my opposition to Mr Brokenshire's amendment [Broke-3]. The amendment appears to provide that the chief executive must prioritise a heterosexual couple over a same-sex couple or a single person if comparing more than one prospective parent or set of prospective parents who are equally suitable to adopt a child and are equally able to care for the child in consideration of the child's best interest.

Following the recommendations of the independent review of the Adoption Act and the South Australian Law Reform Institute's audit report into 'Discrimination on the grounds of sexual orientation, gender, gender identity and intersex status in South Australian legislation', the bill seeks to remove the discriminatory impacts of the Adoption Act. Given the revised status of the honourable member's amendment, the fact remains that the bill seeks to provide that the best interests, welfare and rights of the child, both in childhood and in later life, must be the paramount consideration.

If both a same-sex couple and a heterosexual couple can equally provide care for a particular child, in the child's best interest and, I would suggest, on the basis of the SALRI report and Associate Professor Lorna Hallahan's extensive literature search, there seems to be no sound reason as to why the chief executive ought to discriminate against same-sex couples.

Clearly, the question for honourable members is: if you believe that you should discriminate against same-sex couples and give preference to heterosexual couples, then you will vote for the Hon. Mr Brokenshire's amendment. If you believe, however, that there is no sound reason to discriminate and if you want to remove the existing discriminatory provisions in the Adoption Act, then you will vote against the Hon. Robert Brokenshire's amendment.

The Hon. T.A. FRANKS: I have an entirely different approach to this particular amendment, aside from the same-sex couples versus heteronormative couples, who are advantaged. Yes, this is a really difficult bill. One of the reasons that rates of adoption are so low is because we have a very dark history on adoption in this country. We have the forgotten Australians. We have people who were taken from single parents, shipped overseas to Australia and given to nice heterosexual families. In fact, they were often put to work as child labour, sexually abused or lived horrific lives in institutions in this country because it was seen that a single parent was not good enough for them in their home country.

We have a history in this nation of a stolen generation of Aboriginal people. That is why, if you read the Hallahan report, there is specific mention made of the adoption of Aboriginal and Torres Strait Islander children. I believe this amendment preferences a good white couple over a potential auntie or granny adopting an Aboriginal or Torres Strait Islander child. This is a live issue because, according to page 23 of the Hallahan report:

> In 2013-14, 7 Aboriginal children were involved in finalised adoptions. All of the children were adopted by carers known to them.

I have to assume, but I would like some clarification from the minister as to whether or not all of those children were able to be adopted out to married couples.

The Hon. I.K. HUNTER: I deeply apologise, Hon. Ms Franks. Could you briefly recap that question for me?

The Hon. T.A. FRANKS: Certainly. I am referring to Aboriginal children, who we prioritise currently to be placed with Aboriginal carers so that they can keep cultural contact and to make amends for our history of a stolen generation where we took Aboriginal children away from loving parents for no reason other than they were Aboriginal.

The Hon. P. Malinauskas: What's that got to do with Brokey's amendment?

The Hon. T.A. FRANKS: Because, in terms of adoption, this amendment prioritises a heteronormative couple over anyone else. That includes single people. That includes a potential auntie or granny of an Aboriginal child. I know a lesbian couple who are raising a Ngarrindjeri boy with the blessing of the mother, who relinquished that baby at birth. Would you have that child taken away from that situation? He is now eight years old—

The Hon. P. Malinauskas: I am not sure what race has got to do with this amendment.

The Hon. T.A. FRANKS: Race has everything to do with this. We already have a system in this state where we do not place Aboriginal children with non-Aboriginal carers, if we can help it, so why should we set up a system where we have people prioritised in an adoption that does not take into consideration their Aboriginal or Torres Strait Islander background?

Members interjecting:

The Hon. T.A. FRANKS: I am simply answering the questions from the minister, who is—

The CHAIR: Order! The honourable member has the floor.

The Hon. S.G. Wade: Provoking you.

The Hon. T.A. FRANKS: —asking me. If you do not see what this has to do with anything, I do not understand how you can come to this place and think that you know about this issue.

The Hon. I.K. HUNTER: In response to the Hon. Tammy Franks's question about Aboriginal adoption, the government has accepted the advice of Associate Professor Lorna Hallahan in her review. As such, Aboriginal child placement principles have been elevated in this bill to give them the recognition that what the Aboriginal community—indeed, the relinquishing parents in many cases, if there are any—would want is a placement in a family situation. Again, that would not only be in the best interests of the child but also maintain their cultural connections. However, my advice is that there has not been an Aboriginal adoption in this state for about 15 years or slightly more.

The Hon. T.A. Franks: That's not what the Hallahan report says.

The Hon. S.G. WADE: The Hon. Tammy Franks interjects that that is not what the Hallahan report says. What I understood the minister to say was that this bill effectively elevates—sorry, I want to give the minister the courtesy of being able to hear what I say. My understanding is, and probably the adviser as well—I do not know if we want to adjourn so that we can have a conference or something.

The CHAIR: The Hon. Mr Wade has the floor.

The Hon. S.G. WADE: My understanding from what the minister said to the Hon. Tammy Franks is that this bill elevates the Aboriginal child placement principle to a principle within the act. Section 11(1) of the Adoption Act, which talks about the adoption of an Aboriginal child, provides:

> The Court will not make an order for the adoption of an Aboriginal child unless satisfied that adoption is clearly preferable, in the interests of the child, to any alternative…

Then subsection (2) provides:

> …an order for the adoption of an Aboriginal child will not be made except in favour of a member of the child's Aboriginal community who has the correct relationship with the child in accordance with Aboriginal customary law…

My understanding of that clause is that it is not, shall we say, another factor to throw into the equation for best interests but that it is a separate test. For example, let's take the Aboriginal mother whom I think the Hon. Tammy Franks was referring to and the fact that she had a preference for a non-Aboriginal adoptive parent. That could be overridden by the agency that makes the assessment. I understand the statement that the wishes of the relinquishing parent are not sacrosanct; they are not a veto. In that sense, this clause would make the Aboriginal child placement principle separate from the mix of priorities that go into assessing the best interests of the child and is a second test.

The Hon. I.K. HUNTER: My advice is, I suppose, yes, that is so. However, in practice, particularly in relation to Aboriginal children, I am advised that we would then proceed to ask ourselves whether or not the adoption is in the best interests of the child, and the adoption may not

be proceeded with. If there is conflict or tension in making a determination, then the department may look at alternatives, such as perhaps placing them with immediate family, but not an adoptive-type situation.

Again, adoption is not the be-all and end-all. From a parent's perspective, it is about the best interests of the child. This would be a tricky decision that practitioners of much longer standing than any of us in this chamber today, with our limited experience, would be trained to make those determinations on.

The Hon. K.L. VINCENT: I have a very quick question for the mover because I think it might be useful for members and for the record. Following on from the Hon. Ms Franks' point, if he could put on the record his perspective of his amendment in terms of whether it would impact Aboriginal adoptions and whether there may be a cultural preference for non-Aboriginal adoption, or whether it could be proven to be in the best interests of the child, still under his amendment, that the Aboriginal child go with an Aboriginal family? Has he given consideration to the impact of his amendment in this regard?

The Hon. R.L. BROKENSHIRE: I ask the member to repeat that question. I have a hearing problem at the moment, for which I apologise, but I thought you were asking the minister that question.

The Hon. K.L. Vincent interjecting:

The Hon. T.A. FRANKS: The Hon. Ms Vincent raised a question arising from my previous statement. The question is: in the case of an Aboriginal child being considered for adoption, does your amendment intend to prioritise a married couple over an Aboriginal single person or, indeed, an Aboriginal gay couple in terms of that placement?

The Hon. R.L. BROKENSHIRE: My amendment has nothing to do with whether you are Aboriginal, Italian, Vietnamese, Chinese, English, American or whatever—it has nothing to do with that. They are bringing in a furphy on this debate that is irrelevant and, frankly, out of order. My amendment is clear and precise. I have made it clear that Aboriginal people will be dealt with under the act like any other people.

The Hon. P. MALINAUSKAS: I have been very conscious throughout this discussion of my own personal circumstance. I think it is impossible or very difficult and I think it would be immature to suggest that one's view about the world in respect of these particular issues is not in some way informed by their own personal experience. I am very grateful and feel genuinely blessed to have been brought up in a household with a loving mother and father who love each other very much and were able to provide an outstanding upbringing for myself and my siblings.

However, the question in my heart is: does that experience necessarily mean that another couple of the same sex are incapable of providing the same experience? I do not think that is an easy judgement call for me to make. The real judgement here is to ask: who has the moral authority to make that call? In reality, what the parliament is asking itself today, in the context of the Brokenshire amendment, and later on in the surrogacy bill, is: does the parliament take the view that it has the moral authority to make that judgement on behalf of other constituents?

I believe that reasonable people with very good intent will say that the parliament should be able to make that call and should not proactively deprive a child of a mother or father in a particular instance. However, I have arrived at a different conclusion. I have arrived at the conclusion that I believe in my heart, which I have put through an enormous matter of rigour in the last few days, that I should not be making that call on behalf of others and that that responsibility should ultimately rest with individual parents.

I hope they take that judgement seriously. I hope they treat their parental responsibilities as seriously as my mother and father did. I have not arrived at the conclusion that I have enough authority on this issue to make a judgement call on behalf of others of good intent, which is why I will not be supporting this amendment.

The Hon. S.G. WADE: I was hoping to bring the minister back to the question about research. Has the literature review that the honourable minister referred to undertaken by Dr Lorna Hallahan been published?

The Hon. I.K. HUNTER: My understanding is that Associate Professor Lorna Hallahan did that literature review to inform herself in terms of preparing the report. She has not provided that to government. I do not think there is any reason why we could not ask her to provide it and, if the honourable member would like, I can undertake to ask on all of our behalf.

The Hon. S.G. WADE: Thank you, that would be helpful. With all due respect to the Hon. John Gazzola, who is a noted researcher in the area, I think he was using Google rather than Wikipedia. Be that as it may, could I go back to the minister and ask about the government's collective view? What does the research show in terms of the relevance of the family form in terms of likely outcomes for a child? I do not want to fall back on my legal background and ask you for the level of certainty—are we confident on the balance of probabilities, are we confident beyond reasonable doubt? But this must be emerging research because discrimination against gay couples has been longstanding. If we could get some summary of the current research that would be helpful.

The Hon. I.K. HUNTER: I do not have that proposition in front of me, but I am advised that the government has accepted the associate professor's report. In her report she lays out, as I understand it, for the benefit of the government, her views on her literature research. I do not have that immediately at my fingertips or the paragraph of it that I could read into *Hansard*, but that is my understanding. She has done literature research to inform herself in preparation for the report, she is confident in it, and the government has accepted her report.

The Hon. A.L. McLACHLAN: On a slightly different track, minister, I am looking at the regulations and the assessment report, which is effectively setting out the heads of consideration for making an assessment report, and therefore to facilitate the decision ultimately. I am interested from an administrative law perspective: are each of these heads equal in weight? How is the decision approached in applying these principles? Perhaps I will ask another question after we get that answer.

The Hon. I.K. HUNTER: I think my adviser is trying to visualise all the requirements. I think they are (a) through (o); there are a lot of them. In the process that would be undergone, they consider all of those requirements, and if there is one that they do not meet the requirements of, no matter where it falls in the spectrum, then there will be a discussion with the applicants and they will say, 'You don't qualify because you don't meet this requirement.' My advice is that all requirements need to be met, not just some, and so I suppose it is too far to say that they all have equal weight, but they must all be met.

The Hon. A.L. McLACHLAN: I am interested then with the interplay of that with the provisions we are inserting, if the bill passes, in regard to Aboriginal and Torres Strait Islander children. I do not have a mock-up of the bill as amended, but my reading of it is that those considerations would be taken into account by the decision-maker, then they would put that in the assessment report and then they would take into account the variety of other factors in providing the assessment report.

The Hon. I.K. HUNTER: In terms of the interplay between the assessment report, and then the provisions outlined I think you said in clause 13, how it would play out is as I intimated in my last answer. You would go through the assessment report process, meet all the requirements (a) through to (o), provide the assessment and then, if you were to consider an Aboriginal child, it would then be elevating the Aboriginal Child Placement Principles and going through the prospective pool of available adopting couples and testing them, I suppose, against the Aboriginal Child Placement Principles—whether they are part of the same kin group, cultural group, language group or, if they were indeed a non-Aboriginal adopting couple, whether they are prepared to maintain an appropriate cultural connection for that child.

All those things will be stepped through, but the principles involved in the assessment report give the pool of applicants, I suppose, and then, in relation to an Aboriginal child being considered, you would go through the provisions under the Aboriginal Child Placement Principles but with the

proviso I mentioned in the earlier response, that in some situations adoption may not be the appropriate mechanism for an Aboriginal child.

The Hon. A.L. McLACHLAN: I am not arguing the heads of consideration; I am just trying to tease out the decision-making process for my own edification and decision-making. The chief executive gets an assessment report under these principles, and if the Brokenshire amendment passes that is another factor, and some of these factors overlap. It may be even the course of the paperwork that I am teasing out because we have the Aboriginal and Torres Strait Islander considerations, which personally I am strongly in support of, and these principles.

Reading these principles, they could almost overlap with the Aboriginal and Torres Strait Islander considerations, so is this report prepared and then the chief executive nominally—because he or she can rely upon it—takes into account other parts of the act, including Mr Brokenshire's amendments, or is it all packaged up as part of the assessment report? The heads of consideration are very broad and can actually technically encompass the other technical legislative requirements, so I am probably asking from a technical administrative law perspective.

The Hon. I.K. HUNTER: We are having quite a deal of difficulty answering that very technical question, Mr McLachlan. I think the best I can give you is to take you through a stepwise process. According to regulation 9, an adopting couple, a couple who want to adopt, are assessed, and if they meet those requirements they are placed in a pool waiting for a child to come along. If a child does come along, the intention of the act and the practitioners who administer the act would be to find a potential adoptive person, or persons, who meets that child's needs. Then, if that child happens to be Aboriginal, we go to step 3 of the Aboriginal Child Placement Principles. For example, there may be an Aboriginal couple in the adoptive pool who do not meet the criteria of being of the same cultural, kin or language group, and that could cause obvious problems as well.

With regard to your question about the interplay between other subsequent provisions, such as the Hon. Mr Brokenshire's amendment, yes, it presents some difficulties. We cannot really articulate what they might be because they are not presently in the legislation—or nothing similar is in the legislation, as we can recall—but they would have interplay; they could probably work constructively, or possibly not constructively, in terms of the determination. It is very hard to outline, in a technical sense, what might happen, but it would be another factor that could cause problems.

For example, let's say, hypothetically, that for an Aboriginal child we do not have an adoptive couple who meet the same group criteria, the cultural group, the language group, but there may be, for example, a gay couple who do meet some of those attributes—for example, they may have Aboriginal relations in their family who do meet some of those criteria. The Hon. Mr Brokenshire's amendment may then work against that placement. However, it is hypothetical, and it is very hard for us to distinguish, given that we have not faced the situation previously.

The Hon. A.L. McLACHLAN: There is a provision in those heads, the classic, all-encompassing 'any other matter'. If possible, could your adviser let you know what, in her experience, that is likely to be, or does it not get used, given the breadth of the other heads?

The Hon. I.K. HUNTER: The short answer is no. In my adviser's experience, the heads that are currently there have covered everything they have ever had to experience. It is there, I suppose, in the same way we put it in every other act—in case something comes along that we have not anticipated. However, in her experience, no, it has not been an issue.

The Hon. S.G. WADE: I think the heads we are referring to are regulation 9(iii). My reading of that section is that it is about the assessment of the suitability of a person to be placed on the register; it is not about the placement of a particular child.

The Hon. I.K. HUNTER: That is correct. That is what we have been talking about: the placement on the register and then the next steps after that.

The Hon. S.G. WADE: I am happy to give to the minister what I believe to be a full copy of the regulations. Where in the regulations or the act are the factors to be considered in relation to a particular adoption?

The Hon. I.K. HUNTER: My advice is that it is in part 5, regulation No. 19.

The Hon. T.T. NGO: Honourable members have been discussing researchers, and whose parents are better than others, whether they are same sex or whether they are heterosexual. My question is: how do you determine which child is being brought up better than another child? You might have a child from an ethnic family, a child may come from a family that is not as wealthy or a child might come from a wealthy family.

How do researchers determine whether this child has been brought up better than another child? Honourable members can argue about whether same-sex couples or heterosexual couples are better at raising a child, but to me you cannot determine that. I think we should leave this point about who is better than others; I do not think we should be debating it. That is my comment.

I want to talk about the Hon. Mr Brokenshire's amendments. With all the processes to determine which child will be adopted, can the minister advise whether you get to a stage where you can determine that a number of couples are equal, so you can get to these amendments? Do you ever get to the stage where, say, two or three couples are all equal and you have to decide or pull their names out of the hat?

The Hon. I.K. HUNTER: In relation to the question about who makes decisions about success, clearly that is not a job for us. That is a debate that rages outside of parliament. But I think that Lorna Hallahan said in her report (I do not have the report in front of me so I cannot read it, but apparently it is quite clear and concise) that you can measure success in terms of absence of conflict, absence of violence, the provision of education, food and shelter, the presence of love and warmth in a family. The honourable member can look that up for himself, but I am advised that it is quite succinct.

The honourable member asked me to contemplate a hypothetical situation, about whether we ever get down to a position where two or more couples have scored (to use another framework) identically, and then the choice becomes very hard. It is unlikely, in reality. I suppose you could think about it being occasionally possible, but my advice is that, as a practitioner, you then go and have a very hard and in-depth look at the potential placement, and again you will focus on the best interests of the child.

My adviser gave me some information—which is, really, confidential—in terms of a decision she made in the past, to illustrate the answer to me. I cannot share that with the chamber, but suffice to say that practitioners in this field will always look to the best interests of the child in the placement. If on first pass, perhaps, there are a number of couples on the register who seem to be, at first glance, equal in their presentation, then you would dig down further to try to determine what would be the absolutely best placement for that child, because at the end of the day that is what we are seeking to do.

The Hon. T.A. FRANKS: I rise to indicate that the Greens will not be supporting this amendment. I wish to put that on the record for those playing at home wondering what the numbers might add up to. I do so because this amendment, in a bill where we are striving to seek equality, says that we are all now equal but some of us are more equal than others, and I do not believe that we in this parliament are here to judge—it is the chief executive. Each particular circumstance should be judged on its own merits, otherwise we are simply repeating the mistakes of the past where we did, as I say, have a stolen generation. We had forgotten Australians.

In my personal circumstance, my mother married my father because otherwise she would have been forced to relinquish me. It was an unhappy marriage. It was a violent marriage. That was not the best family to provide me with simply because you had a mother and a father. I have that personal perspective that I bring to this place. I know we all have our personal perspectives that we bring to this place. I do not think we are in a position to judge the love, security and family of any other family. I look forward to there being true equality, not faux equality.

The Hon. R.L. BROKENSHIRE: I will not hold the house any longer, but the Hon. Kelly Vincent asked me about some of the studies regarding the issue of traditional mother-father family structures. Sociologist, Mark Regnerus, has done a detailed study in his submission on the Adoption and Other Legislation Amendment Bill to the prevention committee in the federal parliament. Dr Kyle Pruett of the Yale Medical School has done a study on this, and also D. Paul Sullins in the *British Journal of Education, Society and Behavioural Science*. The list goes on. There are at least another

18 to 20 pieces of documentation that have been studied in depth with large numbers. I advise the house of this in answer to a question.

The Hon. J.A. DARLEY: I have listened to the debate and, based on my own experience over a number of years, I will not be supporting this amendment.

The CHAIR: Does anyone else want to make a declaration? The Hon. Mr Wade.

The Hon. S.G. WADE: I do not know if I want to make a declaration, but I am uncomfortable with some of the comments that are being made. I am very attracted to the wording in the bill. Let's remind ourselves that this bill introduces for the first time a set of objects and guiding principles. Subclause (2) of that section is very helpful, first of all, in declaring that the paramount consideration would be the best interests of the child.

There are also two other elements which I think are important for us to keep in our minds: one, is that adoption is to be regarded as a service for the child concerned. For example, when we discuss the relevance of the interests of a relinquishing parent, with all due respect to relinquishing parents, the adoption is not a service for them; it is a service for the child. That reinforces, if you like, the paramountcy issue.

On the issue of discrimination, 2(d) says—and in that sense it is a corollary of 2(b)—'no adult has a right to adopt a child'. So, I will be motivated in my voting today exclusively, or overwhelmingly, on paramount consideration. I do not see this as an issue of discrimination of people's rights, other than the rights of the child—I just make that point.

For me, the issue that the Hon. Robert Brokenshire brings before us, or raises in my mind, is: in considering the best interests of the child, are the facts before us clear enough that we can assume that the traditional form of families in Western society, which is different-sex couples, is prima facie better for children than same-sex couples? My advice, the information the minister has provided and what I am told by different sources, is that, if you like, we have gone beyond the balance of probabilities. I am still not clear how convinced we are, but I am nervous about the fact that we, as a community, have made reckless decisions in relation to children in the past. That is why we, as a state, have been distraught by child protection issues in recent years.

Based on the information provided to me, I believe that we have reached the point where, for the sake of caution, we do not need to have biased principles such as those the Hon. Robert Brokenshire puts forward. I do not criticise him for putting it forward because I think the onus is on us to be sure that the interests of children are kept paramount and are protected. I know it is a judgement call, but my judgement call is that this priority principle is not needed.

The committee divided on the new clause:

Ayes 6
Noes 11
Majority 5

AYES

Brokenshire, R.L. (teller)	Hood, D.G.E.	Lee, J.S.
Lucas, R.I.	McLachlan, A.L.	Ngo, T.T.

NOES

Darley, J.A.	Dawkins, J.S.L.	Franks, T.A.
Gazzola, J.M.	Hunter, I.K. (teller)	Lensink, J.M.A.
Maher, K.J.	Malinauskas, P.	Parnell, M.C.
Vincent, K.L.	Wade, S.G.	

PAIRS

Ridgway, D.W.	Kandelaars, G.A.	Stephens, T.J.

PAIRS

Gago, G.E.

New clause thus negatived.

There being a disturbance in the strangers' gallery:

The CHAIR: Can I just say to the gallery, please do not clap and please do not make any props or gestures up there that may distract the members while they are deliberating. Thanks.

Remaining clauses (19 to 32) and title passed.

Bill reported without amendment.

Third Reading

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (12:25): I move:

That this bill be now read a third time.

Bill read a third time.

The council divided on the question that this bill do now pass:

Ayes 13
Noes..... 4
Majority..... 9

AYES

Darley, J.A.	Dawkins, J.S.L.	Franks, T.A.
Gazzola, J.M.	Hunter, I.K. (teller)	Lensink, J.M.A.
Maher, K.J.	Malinauskas, P.	McLachlan, A.L.
Ngo, T.T.	Parnell, M.C.	Vincent, K.L.
Wade, S.G.		

NOES

Brokenshire, R.L. (teller)	Hood, D.G.E.	Lee, J.S.
Lucas, R.I.		

PAIRS

Gago, G.E.	Ridgway, D.W.	Kandelaars, G.A.
Stephens, T.J.		

Bill thus passed.

STATUTES AMENDMENT (SURROGACY ELIGIBILITY) BILL

Committee Stage

In committee.

(Continued from 6 December 2016.)

New clauses 3A, 3B and 3C.

The CHAIR: The Hon. Mr Hood, what is your intention?

The Hon. D.G.E. HOOD: I thought I might explain to the chamber where we are at with all this. My impression, from the discussion we had yesterday, was that the Hon. Ms Franks and a few

other members were open to supporting the amendments I moved—one primary amendment that I moved—but had some discomfort with some phrases, including 'religious beliefs'. I am sure members will recall that we had a discussion about the term 'religious beliefs' in the amendment I moved. I indicated to the chamber that I was happy for that to be removed because it was not my specific intention that it was ever to be put in, to be frank; it was just how the drafting returned from parliamentary counsel, and that is no criticism of them.

I moved an amendment to my amendment to remove the term 'religious beliefs', and that has been filed this morning as [Hood-2], which everyone would have copies of now. That amendment removes the term 'religious beliefs' and nothing more than that. I will let the Hon. Ms Franks explain her amendment in a moment, but I have since been informed that I cannot amend my amendment because I had already moved my amendment. You can amend your amendment if it has not been moved but, as I understand it, I cannot amend it because I had moved it.

Therefore, we have had to file a third set of Hood amendments, which contains exactly the same amendment as the original one but without the words 'religious beliefs'. It is as simple as that. Is that clear to everyone? It is fairly straightforward. I seek leave to withdraw [Hood-1].

Leave granted; amendment withdrawn.

The Hon. I.K. HUNTER: Whilst we are waiting for those amendments to be drafted and tabled, I might take a moment of the chamber's time to put on the record some further information that arises from our debate yesterday in answer to a question asked by the Hon. Mr Hood, and also in relation to a further question asked outside the chamber but which I might as well share with the chamber. If I could go to exemptions under the Sex Discrimination Act 1984, which I think the Hon. Mr Lucas wanted me to pursue, I can advise that Australian jurisdictions were granted an exemption under the commonwealth Sex Discrimination Act.

The exemption was provided under regulations, which would be removed from 2013. At that time, the commonwealth provided a 12-month extension for states and territories to address the removal of the exemption or to request any specific exemptions that they believed were required. This was extended a couple of times, I am advised, but was not extended beyond 31 July 2016. I am advised by AGD that South Australia did not request any specific exemptions.

I seek leave to table a copy of a letter from the commonwealth Attorney-General, Senator George Brandis, which confirms that no further exemption beyond 31 July 2016 applies to South Australia with respect to the Sex Discrimination Act.

Leave granted.

The Hon. I.K. HUNTER: In the absence of any exemption, my advice is that South Australia is now subject to this act and any potential claims of discrimination brought against it. Given the risk that the Hood amendments, however they come forward now, may be inconsistent with the Sex Discrimination Act, it is possible that South Australia could request a specific exemption. However, I am advised that granting this exemption would be entirely up to the commonwealth.

I am also advised that, during previous discussions, it did not appear that there was much appetite to make specific exemptions. Therefore, I think the risk remains that the Hon. Dennis Hood's amendments, which are coming, could be found to be inconsistent with the Sex Discrimination Act. I referred to the South Australian Law Reform Institute yesterday. Their initial audit report of September 2015, on page 10, noted:

> There is a degree of urgency in relation to many of the areas covered by this Report as South Australia is currently subject to an exemption by the Commonwealth in respect of the Sex Discrimination Act 1984. This exemption is due to expire on 31 July 2016.

I think it was the Hon. Mr Hood who asked me some questions about statistics relating to surrogacy. The following data has been provided from Births, Deaths and Marriages regarding surrogacy orders registered with their office: in 2013-14, two orders; in 2014-15, one order; in 2015-16, one order; and in 2016-17, for the year to date, five orders.

In relation to a question asked outside the chamber relating to a child born within a surrogacy arrangement finding out the identity of donor sperm, I am advised that the Births, Deaths and

Marriages Registration Act 1996 sets out how a child who has been born under a surrogacy arrangement can find out information about the person who provided the semen and the ovum that resulted in their birth. The child's birth registration must include all particulars of the identity of the biological parents of the child. This is set out in section 14 of the BDM act.

Section 22A, titled 'Surrogacy orders', then outlines how a child who has turned 18 years of age can then find out the information of their birth registration, including details of their biological parentage, even if subsequent orders relating to legal parentage have been made. I can provide the chamber further advice about information coming back to government in relation to one provider, Repromed. This is what they say:

> Repromed will continue to abide by any legislation which is passed through Parliament. Repromed will continue to positively advocate for fertility treatment for South Australians regardless of their gender identity, marital status or if they are in a same sex relationship.

Mr Chairman, if the Hon. Mr Hood's amendments are ready, perhaps he could move them now.

The Hon. D.G.E. HOOD: We have gone through this in enough detail yesterday. I move:

Amendment No 1 [Hood–3]—

Page 2, after line 11—Before clause 4 insert:

3A—Amendment of section 3—Interpretation

Section 3—after the definition of *recognised surrogacy agreement* insert:

registered objector—see section 8(3).

3B—Amendment of section 6—Eligibility for registration

Section 6—after its present contents (now to be designated as subsection (1)) insert:

(2) The fact that an applicant for registration has a moral or religious objection to the provision of assisted reproductive treatment to another on the basis of the other's sexual orientation or gender identity, or marital status is not, of itself, grounds for finding that a person is not fit and proper to be registered.

3C—Amendment of section 8—Registration

(1) Section 8(2)—after paragraph (b) insert:

(ab) if the person notifies the Minister that the person has a moral or religious objection to the provision of assisted reproductive treatment to another on the basis of the other's sexual orientation or gender identity, or marital status—that fact; and

(2) Section 8—after subsection (2) insert:

(3) A person referred to in subsection (2)(ab) may, for the purposes of this or any other Act, be referred to as a *registered objector*.

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

Amendment No 1 [Franks–3]—

Amendment to Amendment No 1 [Hood-3]—Inserted clause 3B—Delete 'moral or'

Amendment No 2 [Franks–3]—

Amendment to Amendment No 1 [Hood-3]—Inserted clause 3C(1)—Delete 'moral or'

Amendment No 3 [Franks–3]—

Amendment to Amendment No 1 [Hood-3]—Inserted clause 3C(2)—

After inserted subsection (3) insert:

(4) The Minister must publish the Register on a website maintained by the Minister for the purpose.

The intent of these amendments is to amend the amendments put by the Hon. Dennis Hood. His proposed new clause 3B reads:

3B—Amendment of section 6—Eligibility for registration

Section 6—after its present contents (now to be designated as subsection (1)) insert:

(2) The fact that an applicant for registration has a moral or religious objection…

The words 'The fact that an applicant for registration has a moral or religious objection' will be amended to delete the words 'moral or', so that it will read, 'The fact that an applicant for registration has a religious objection' only.

In making this amendment, I am cognisant of a few things. The AMA's own code of ethics provides for moral issues and gives guidance for medical professionals, particularly doctors, with its Code of Ethics 2004, revised 2006, which states, under the heading 'The Doctor and the Patient':

p. When a personal moral judgement or religious belief alone prevents you from recommending some form of therapy, inform your patient so that they may seek care elsewhere.

I think the word 'moral' in the Hon. Dennis Hood's amendment is a bridge too far. While I understand the reason for a religious objection, I think a moral objection is too loose a wording. I am aware that the Fair Work Act 1994, with regard to conscientious objection, is restricted to religious belief; the Education Act 1972 is restricted to religious belief in terms of conscientious grounds for exemptions; and medical termination of pregnancy under the Criminal Law Consolidation Act 1935 is, again, restricted to religious grounds for that objection by the person who is providing the service.

Further, my amendment No. 3 [Franks-3] will insert into the Hood amendment subsection (4), which provides, 'The minister must publish the Register on a website maintained by the Minister for the purpose.' Where a person is to be a registered objector, that information is provided to the minister. The minister publishing that information will mean that somebody seeking an ART service will be able to know, prior to approaching a professional, what the status of that person is with regard to their objection, and therefore give clarity to those people seeking assisted reproductive technologies and save them from going through that process just to be rejected by the provider. In fact, it is a reasonable provision, and I think that people in quite a vulnerable position who are seeking quite a personal service should be afforded that respect and courtesy, let alone those human rights.

The Hon. D.G.E. HOOD: Perhaps it might assist the chamber if I indicate that we will not be opposing the Hon. Ms Franks' amendments. I think we canvassed to some degree in the chamber yesterday that it is obviously a very personal thing, the sorts of issues that we are dealing with here, and that it would be a very difficult and undesirable situation if a same-sex couple approached a particular clinic and found out into the process, that is, well after the commencement of the process, that the particular doctor or nurse concerned had a religious objection. I think that would be unreasonable and unfair for those individuals, so we will not be opposing the amendments.

The Hon. S.G. WADE: I want to better understand the relevance of the commonwealth law. If I am correct, the minister yesterday referred to section 116 of the commonwealth constitution, which provides that commonwealth legislation overrides state legislation where that legislation is inconsistent. Is that actually the situation here? The equal opportunity legislation of each jurisdiction is significantly different; they are not identical. To that extent they are inconsistent, and as far as I know that section 116 issue has not come into play.

The Hon. I.K. HUNTER: My advice is it is section 109. Did you say 116?

The Hon. S.G. Wade: Yes, in the commonwealth constitution.

The Hon. I.K. HUNTER: We will go back and check on that. I think it was 109. My advice is we would have to check the specific legislation in the Sex Discrimination Act to see if there is any provision that allows for an exemption for religious beliefs in relation to ART. I do not have that advice presently before me, but if there is not, then, yes, there is potentially that opportunity to have inconsistent legislation.

The Hon. S.G. WADE: In the absence of further advice, I will assume that what we are faced with here is not a constitutional invalidity issue but a commonwealth law that purports to apply to the state and its agencies, and that we are currently operating under an exemption under a commonwealth law that has been removed.

I reiterate what I said yesterday, that I support this legislation. I think it is in the best interests of children that as wide a range as possible of ART comes under the act. Having said that, the right of same-sex couples, in particular, to access ART is not inhibited by some ART providers not being willing to provide services in circumstances which offend their religious beliefs. Freedoms and rights constantly interplay and at times we have to balance them.

I think the Hon. Dennis Hood's amendment particularly addresses a concern in relation to a monopoly provider, for example the right of a service provider not to provide a service to a person on the basis of whatever discriminatory criteria they might identify. It might be more limited than that of a service community where there is a large number of providers. Admittedly, in South Australia, we have only two ART providers. However, I stress that this right is not available to the organisation: it is available, as I understand it, to each individual provider. Within Repromed there may be a limited number of practitioners who would, in certain circumstances, seek this protection.

As a Liberal, I am very keen to do the best I can to appropriately balance rights. This amendment may not be perfect, but as I preached, dare I say, to the Hon. Mark Parnell in recent weeks, we are in a bicameral system and there may well be an opportunity to improve the amendment between the two houses or it may be that the amendment is not possible in the context of the commonwealth constitution or the commonwealth Sex Discrimination Act. For me, religious and other freedoms are so important that I would like to keep my foot in the door.

The Hon. P. MALINAUSKAS: Having not taken the opportunity to articulate my position on this particular legislation during the second reading stage, I want to clarify my position now in the context of the Hon. Mr Hood's amendments.

As I articulated in the previous debate, I have spent a fair bit of time and effort, as I am sure all members have, contemplating my position with respect to this bill. What I struggle with, at its core, is the fact that no matter which way I vote on this issue (or each of us votes on this issue), in my assessment, we are making a decision to deprive someone of something. That is not easy. That is not particularly enjoyable.

If one were to vote in a way that opposed providing access to things like ART to lesbian couples, for instance, that is making a conscious decision to deprive them of the ability to raise their own children in the world. That is a significant thing to deprive someone of. Having recently enjoyed the experience of becoming a parent, it is the greatest responsibility of all, it is a true blessing, and to deprive someone of that is a significant decision to make.

Equally, I find it a tough decision to deprive a child, who is currently voiceless, of a mother or father. That is a huge call. Proponents of these reforms, in response to that challenge, often say, 'Sure, in today's day and age, today's society, kids are being deprived of a mother or father all the time, for a whole range of reasons.' They could be born into a family that does not have a loving marriage or relationship. They could be born into a family with an abusive father or an appalling mother. They could be born into a family that has been struck down by tragedy, resulting in a woman becoming a widow.

There is a whole range of circumstances in society generally that deprive the child of a mother or father—that is true—but for me that in and of itself is not a very strong argument; in fact, I think it is an incredibly weak argument. To cite an unfortunate circumstance in life as somehow a justification for another unfortunate circumstance I think is flawed logic. We have to acknowledge that this has another degree of complexity than the adoption bill because what the parliament is asked to do here is to explicitly sanction an act, which would be a deliberate and conscious act, to deprive a child of being raised by either a mother or father. That is a huge call—that is huge call and one that does not sit well with me at all.

Having said that, in trying to rationalise a decision model to arrive at a view I ask myself a number of different things: firstly, what is in the best interests of the child? As I articulated earlier, I can entirely understand and appreciate and in the past have supported the view that it is always in the best interests of the child to have both a mother and a father. However, I am of the view that it is also true that two mothers or two fathers can provide a loving relationship for a child to be brought up in. On that basis, I ask: who has the moral authority to make this decision? As I articulated earlier,

I think ultimately that has to be the parents themselves, rather than a forum or a body such as this one.

My inclination is to support this legislation in the hope that all parents who are making decisions about bringing a child into the world do so in the knowledge that having multiple influences in their life—in the case of lesbians, for instance, which I think this bill particularly speaks to, that is having a father figure in their life, ideally the biological father—would be a positive. I have contemplated how one might structure amendments that would stipulate that that would be mandated, although it starts to become an incredibly difficult exercise to stipulate or mandate that a biological father will play a particular role in their life. If that were simple, then that legislation would have been brought into parliaments across the world a long time ago in respect of fathers in a heterosexual relationship.

I am satisfied that the legislation and the bill provide, as the minister articulated earlier, for a child to have access to their biological father. I am satisfied that an appropriate arrangement is in place that allows for a child to have access to their biological father. I am not sure how that could reasonably be improved. On balance, I am inclined to support the bill. However—and this now goes to the Hon. Mr Hood's amendments—I am extremely concerned, to say the least, about the prospect that someone would be deprived of the ability to exercise their own conscience in the delivery of such services.

My assessment is that those people who are articulating and advocating for the types of reform we have been debating today and over the last few days do so in the name of liberty; they do so in the name of choice. I see the merit of that, so much so that I have been persuaded to support the bill on the basis of allowing people to exercise their own judgement and choice, but to somehow argue for that and then simultaneously argue against the Hood amendments, which would in and of itself deprive someone of exercising their own liberty, I see as nothing other than absolute appalling, rank hypocrisy. In my view, in the context of all these debates, that is often easy to point out, I have to say.

To make a decision in the pursuit of liberty and freedom of choice and then argue simultaneously that someone who is, in their own judgement, exercising their own conscience should be deprived of the opportunity to do that, particularly on a question as sacrosanct and paramount as the creation of life, is nothing short of completely appalling—completely appalling. It is a demonstration of rank hypocrisy.

I, for one, will be wholeheartedly supporting the Hon. Mr Hood's amendments in the cause and in the name of the very issues people have argued for in the context of pursuing surrogacy. I believe in the legitimacy of people being able to exercise their own freedoms and their own conscience in the context of religion or any other moral judgement that person might arrive at, which is why I wholeheartedly support the Hon. Mr Hood's amendments and certainly encourage all members to support them accordingly in the pursuit of liberty of religion.

The Hon. A.L. McLACHLAN: For the benefit of the committee, I will be supporting the amendments of Family First as amended by the Hon. Tammy Franks. I find the amendments of merit, and there is much in what the previous two speakers said that I agree with. For the benefit of the committee, I assume that after we make these amendments we will be travelling fairly quickly to the end of the committee stage, and I indicate that I will be supporting the bill.

The approach I have taken in relation to this bill and the other bills we have dealt with today is that the state itself should be blind to the sexuality of individuals as they apply for any benefit or as the law applies to those individuals. Similarly, that right must be balanced against individuals. We all live life through individual experience and in accordance with our conscience, particularly if we have religious beliefs. I apply a similar test, maybe not identical to that of the Hon. Mr Malinauskas but a similar test, and that is where I will land.

The Hon. I.K. HUNTER: I will, of course, be supporting the Hon. Tammy Franks' amendment, not with a great deal of enthusiasm I must say, but it does temper the Hood amendment somewhat. However, I will be opposing the Hon. Dennis Hood's amendment, and I will tell the chamber why.

In this instance, we are talking about the provision of services and allowing the denial of services to an individual because of the perceived characteristic of that person. Today, we are talking about the perceived characteristic being the sexuality of that person or perhaps their marital status, and we think, today in this chamber, that it is okay to talk about that—to deny someone services based on their perceived characteristics, their sexuality or perhaps their marital status.

But I posit this question: if that is okay, why is it not okay to discriminate against someone in this situation on the basis of their race? Why is it not okay to discriminate against the provision of service to someone on the basis of their nationality, or their gender, or because of their religious beliefs? That is the road we travel down here. That is why we have achieved today and yesterday, some great successes, in removing discrimination from the face of statute.

When we start to say that the provision of a service to an individual is dependent on a perceived characteristic of that individual, then we are travelling down the road we have been travelling down for 50 years of denying people their rights to access services, whatever that service is. Today, we are talking about ART. Yes, I accept that in some people's minds there is a difference with this issue. I absolutely accept that because of the particular characteristics of what the service is doing: it is providing the ability of a couple or an individual to become pregnant.

However, I still do not resile from the position that we are making a decision, if the Hon. Mr Hood's amendment is to be supported, that we will okay discrimination against a person in this place in statute on the basis of a perceived characteristic. That is what you are doing if you vote for this amendment. I cannot do that.

The Hon. P. MALINAUSKAS: I might take the opportunity to respond to that because the honourable minister asked: why do we not discriminate against people on the basis of race or nationality or ethnicity or anything along those lines? To me, the answer to that question is very simple—because here we are dealing with something that is far more fundamental. We are dealing with the creation of a new life and the circumstances under which that child will be raised.

That is a fundamental question and it is a departure from the absolute undeniable reality that, as it will always stand, every child will have a biological father and mother. To depart from that reality is a big step for some people, and I think people of reasonable and good intent can arrive at a conclusion that it is in the best interests of the child to have both a mother and a father.

People might disagree with that assessment, but they should be able to exercise their right to arrive at that judgement and live their life accordingly. To deprive them of their ability to exercise that judgement is, as I stated earlier, completely hypocritical for those people who genuinely believe in the capacity of people to choose. To act otherwise is to discriminate against their ability to live their life and conduct their life in accordance with their own beliefs, religious or otherwise. That in and of itself is an act of discrimination.

At the core of this amendment, in my view, is: what is the purpose of this bill? Is the purpose of this bill to bestow upon a group of people in society currently who do not have the ability to raise a child under the current legislative framework, or is it to impose the will of a group of people upon others? If this bill is genuinely about giving lesbian couples the capacity to enjoy the privileges of parenthood, then this amendment does not offend anybody, but if this amendment is about imposing upon others a view of the world that you do not agree with, then I think that is shown up in the context of how people vote in this amendment.

I do not believe in imposing a particular view of the world on those people who have a different view, which is why I will be supporting the Hon. Mr Hood's amendments, and those people who do believe in liberty and who do believe in choice should support the Hon. Mr Hood's amendments.

The Hon. D.G.E. HOOD: I will add to that for the clarity of the chamber. Members may well be aware, but in case members are not, my third amendment does actually specify that, should a registered objector (a doctor, typically, or maybe a nurse) decide that they do not want to perform the procedure for one reason or another, under my amendments they are compelled—they have no choice—to refer them to someone who will. They will not miss out; it is just that they will not be doing it personally.

Progress reported; committee to sit again.

Sitting suspended from 13:02 to 14:16.

Question Time

SOUTH AUSTRALIAN ECONOMY

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:17): I seek leave to make a brief explanation before asking the Leader of the Government a question about South Australia's and the government's key performance indicators.

Leave granted.

The Hon. D.W. RIDGWAY: Since 2002, South Australia's share of the national total across a number of key economic indicators has fallen. Some of the more alarming ones that continue this dangerous downward trend include:

- South Australia's share of the state gross product nationally has fallen from 6.72 per cent in 2002 to just a tick over 6 per cent at 6.08 per cent in 2015;
- South Australia's share of merchandise exports nationally has fallen from just over 7 per cent in 2002 to about 4.5 per cent now;
- South Australia's share of the national population has fallen from 7.8 per cent in 2002 to just over 7 per cent in 2016; and
- South Australia's national share of tourists has fallen from 4.95 per cent in 2002 to 3.85 per cent of the national total today.

South Australia's net migration also continues to be in the red with 5,887 South Australians fleeing interstate in the last 12 months in search of greater opportunities. Many South Australians are concerned about the future prosperity of this state and what it means for their children and grandchildren. My question to the minister is: after 15 years of this Labor government can the minister explain why South Australia's share of the national total continues to contract across all of these key indicators?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:19): I would like to thank the honourable member for his question and his obvious ability to cherrypick two or three statistics to use in his question. We have discussed in this place that there are challenges facing South Australia for a whole range of reasons. I could waste five to 10 minutes going through those, including but not limited to the federal Liberal Party's decisions for Australia.

There are some areas we are doing very well in. For example, the area of food manufacturing in South Australia continues to be a major bright spot. For 17 years, year on year, this sector has grown—17 years, most of those under the stewardship of this Labor government.

Certainly, there are some bright spots on the horizon. Only in the last couple of months, KPMG's report about the cost of doing business in different cities around Australia found Adelaide the cheapest capital city in which to do business—the cheapest capital city. Recently, a review of states' economies found us as the second best performing state economy on a number of other indicators. So, I know the Hon. David Ridgway and many of his mates in this chamber, and many of his mates in the federal parliament, love to talk South Australia down. They are willing South Australia to fail. That's not what we will do. We will support South Australia.

SOUTH AUSTRALIAN ECONOMY

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:20): A supplementary question: why does the minister blame the federal government when all other states in the nation have had the same federal government, whether it has been Liberal, Labor or Liberal, in the last 15 years?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive

Transformation, Minister for Science and Information Economy) (14:20): I thank the honourable member for his question, and if he took his blinkers off he would probably see a lot of criticism coming from a lot of state governments towards the federal government on a whole range of areas. The Liberal government in New South Wales has been scathing of the federal government in terms of the billions and billions of dollars ripped out of health and education. So, I thank the honourable member for his supplementary question, and I thank him greatly for reminding us all how much state governments right around this country have been scathing of the federal Liberal administration that has let down state after state after state.

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: Order!

BUILDING UPGRADE FINANCE

The Hon. J.M.A. LENSINK (14:21): I seek leave to make a brief explanation before directing a question to the Minister for Sustainability, Environment and Conservation on the subject of buildings in the CBD.

Leave granted.

The Hon. J.M.A. LENSINK: The Lord Mayor Mr Martin Haese was on radio last month talking about the Building Upgrade Finance mechanism which was passed 12 months ago. On Ian Henschke's *Drive* program, he was asked a particular question to which his response was:

> Next year, once the regulations have been written and the legislation comes into force…it's…Building Upgrade Finance.

My questions to the minister are:

1. When does the minister expect the regulations to be finalised?

2. Why has it taken 12 months?

3. Can the minister advise the house whether the administrative unit for this piece of legislation has been determined and, if so, what is it?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:22): I thank the honourable member for that most important question. Building Upgrade Finance (BUF), as acknowledged by both houses of parliament, is a very important reform which we hope will boost jobs whilst delivering environmental benefits and improving buildings across the state. Enabling legislation passed the South Australian parliament in December 2015. The remaining elements of the legislative framework, which includes the draft regulations, the draft 'no worse off' methodology for estimating tenant cost savings and the draft Building Upgrade Agreement template, I am advised, are now available for feedback on the state government's YourSAy website.

By way of background, one-fifth of greenhouse gas emissions, I am advised, come from energy used in buildings, with new development adding less than 5 per cent to our building stock every year. This is why it's important to improve the environmental performance of existing buildings. We know that barriers preventing environmental upgrades to commercial buildings from going ahead include access to capital, as well as the split incentive between landlords and tenants in leased buildings. We covered this pretty well during the debate on BUF in this place, but to assist building owners to overcome the barriers to improving energy, water and environmental performance of existing commercial buildings we have committed to introducing our Building Upgrade Finance mechanism and developing the regulations.

It's important to remind ourselves that this is going to be a voluntary situation for building owners and financiers and councils to enter into. Implementing Building Upgrade Finance will help to reduce greenhouse gas emissions and enable us to move towards our goal of making the City of Adelaide carbon neutral. Enabling legislation which provides for the introduction of this mechanism in South Australia passed the parliament in December 2015. This makes South Australia the third jurisdiction in Australia to introduce enabling legislation for such a mechanism, following Victoria and New South Wales.

The Department of Environment, Water and Natural Resources has entered into an agreement, I advise, with the South Australian division of the Property Council of Australia for the delivery of a series of events to increase awareness and understanding of the mechanism within the property and finance sectors in our state. The first event was delivered on 30 August 2016 as a luncheon, with the Premier delivering a keynote address. Further events were delivered on 29 September and 27 October 2016 as boardroom luncheons, targeting financial institutions and property owners respectively. The government is also providing support to local government-led projects which aim to assist local councils with understanding the mechanism.

We have committed $1.9 million over four years for the establishment and operation of the Building Upgrade Finance in South Australia program. Part of this funding is being used to complete the development of the legislative framework as well as deliver an early adopter program that supports business and industry to build their understanding of and capacity to take up the Building Upgrade Finance. A review of the mechanism in its third year of operation will also be undertaken using some of the funding. This funding will also be used to establish a central administrator. The administrator is expected to support participating councils by undertaking most of the functions associated with the administration of building upgrade agreements, thereby reducing associated costs to councils.

The delay, then, if there has been one, has really been about our development of the regulations, our consultation on those regulations, as well as those other parts of the mechanism that I talked about, and also the educative component, which is liaising directly with business owners, councils and financial institutions to make sure that they are aware of the legislation and will be able to make the best opportunity of it when those regulations are brought into effect.

Whilst I am on my feet, I might go to a question I was asked in this place yesterday by the Hon. Mr Lucas about Adelaide versus Melbourne and Carbon Neutral Adelaide. I undertook for someone in my agency to review the document referred to by the Hon. Mr Lucas. In answering the honourable member's question, I did advise that Melbourne's ambitions related to the city council operations rather than to the entire municipality. I am now advised that that view is incorrect.

There are two initiatives that relate to Melbourne, I am advised. The first is the carbon neutral status, already obtained by the City of Melbourne for the council's operations alone. This has been achieved through the federal National Carbon Offset Standard (NCOS), I am advised. The second initiative from Melbourne relates to net zero emissions for the entire municipality, to which the Hon. Mr Lucas referred in his question. As he remarked, that ambition relates to the entire city—he is quite correct—not just to Melbourne council's emissions alone. So, I apologise to the chamber. That advice I had and relied on was, I assume, correct at the time. My department has now advised me differently and I put that on the record to stand as a correction.

MOBILE BLACK SPOT PROGRAM

The Hon. T.J. STEPHENS (14:27): I seek leave to make an explanation prior to directing a question to the Minister for Science and Information Economy about the Mobile Black Spot Program.

Leave granted.

The Hon. T.J. STEPHENS: Under the commonwealth's blackspot program, 3,000 mobile telecommunication blackspots have been identified in Australia, and indeed there are hundreds throughout South Australia. As honourable members may be aware, the government refused to put forward funding for round 1 of the program, yet South Australia still managed to receive funding from the commonwealth for 11 sites, including six in the APY lands. One can only imagine how many more would have been funded had the government got its act together.

During the estimates committee proceedings earlier this year, the minister admitted that the South Australian government did not commit funding to round 1 of the program because it believed that telecommunications is a responsibility of the commonwealth and therefore any funding should be a commonwealth responsibility. Queensland and Western Australia received the most towers in round 2 of the program, with 76 and 78 respectively.

Unsurprisingly, those states gave the highest co-investments of $13.7 million and $21.8 million respectively, yet this government offered only $2 million and got 20 sites and

complained about it. This information, coupled with the knowledge that, in round 1, New South Wales and Victoria received 144 and 110 blackspot upgrades from contributions of $24 million and $21 million respectively, goes to show that proper funding does lead to outcomes in this particular program.

The minister has continually stated that it is the commonwealth government that decides which sites are funded and how many. For the council and the minister's benefit, I can confirm that these sites are prioritised based on need and are funded on a value for money basis. This effectively means that sites in more densely populated areas will be prioritised. It has been put to my office that the state Labor government prioritised their preferred sites on tourism rather than on need for resident South Australians. In fact, the minister confirmed this in his answers to the estimates committee earlier this year.

In his answer yesterday, the minister referred to the commonwealth not spending the entire $2 million allocated. It has been confirmed to me that this was because a number of the sites prioritised by the state Labor government were inadequate and uneconomic. As a result, a portion of the funding was returned as it was deemed surplus to need for the identified 20 sites and the commonwealth did not want to waste taxpayer funds. My questions to the minister are:

1. What is the real reason the government did not allocate any funding for round 1 of the blackspot program?

2. How did the minister and the government arrive at a co-investment figure of a paltry $2 million?

3. Can the minister confirm how large a role tourism considerations played in the prioritising of sites, from the South Australian government's perspective?

4. Will the minister detail the exact process of how sites are chosen under state government policy and release this detail?

5. Will the minister concede that more state funding will mean more blackspot towers for regional South Australia?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:30): I thank the honourable member for his question. If he was listening yesterday, the evidence is there: more money does not get you more sites. We put forward $2 million and the federal government sent a third of that back. They wouldn't accept our money. We put forward money that they wouldn't use. Things that we took into consideration when suggesting sites were things like community safety, what our emergency services think is important—

The Hon. T.J. Stephens interjecting:

The PRESIDENT: You asked quite a long question without any interjection. Let the minister give—

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

The PRESIDENT: I am talking, the Hon. Mr Dawkins. Let the minister answer it without interjection.

The Hon. K.J. MAHER: Thank you, Mr President. Before putting forward suggestions to the federal government, we consulted with a whole range of people—including, importantly, emergency services, including tourism, and I think including Regional Development Australia associations in South Australia—to see what was needed by people. But, in stark contrast—in very, very stark contrast—the federal government chooses sites by some completely unknown methodology in some unknown way that seems to be based mainly on politics, given they refused to fund one single site in the Labor-held electorates in South Australia. We have no idea of any of the criteria that the federal government uses, whether it is throwing a dart at a board or purely base politics, in choosing the sites that they put up. We don't know.

The honourable member points out, proudly, 'South Australia got 11 sites for zero investment in the first round.' The honourable member seems to be suggesting, 'Don't put money in because you're going to get sites anyway.' We put money into round 2, up to $2 million. A third of that was returned. 'We don't want your money,' the federal government said. Consequently, we see other states doing much better than South Australia. Tasmania put in $350,000 for the first round; they got 31 sites. Compare that to 20 sites this time and 11 sites the first time. We are doing only as well as Tasmania, when they put $350,000 into one single round. What we do stands in stark contrast to the Hon. Terry Stephens's federal mates.

MOBILE BLACK SPOT PROGRAM

The Hon. T.J. STEPHENS (14:32): Supplementary: will you admit that your policy has failed the people of South Australia, in particular regional areas, miserably?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:32): I will concede that the Hon. Terry Stephens's federal Liberal mates, in this instance, have thoroughly let down South Australia. They refuse to say why some places got funded and why some places didn't get funded—absolutely no transparency whatsoever. They clearly don't go in to bat for this state. I'm not sure what the problem is—whether it is that the federal member for Barker has no influence whatsoever within the federal party room.

The factional leader of the Hon. Terry Stephens, David Ridgway—the head of the Grandmaster Flash faction of the Liberal Party in South Australia—is only the second member for Barker never to have made the front bench. It might be that he just lacks the influence or it might be that he can't get on with anyone, and that's why the Limestone Coast has not received a single tower under two rounds of this program.

MOBILE BLACK SPOT PROGRAM

The Hon. T.J. STEPHENS (14:33): Supplementary question: I thought you said that federal Liberal seats got priority? Now you're bagging the member for that particular seat for not getting a tower in his seat. You're all over the shop. What are you talking about?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:33): I regret to inform the Hon. Terry Stephens that the federal Liberal seat of Barker encompasses more than just the Limestone Coast. I will be happy to sit down with an electorate map to show him some of the other areas that takes in.

MOBILE BLACK SPOT PROGRAM

The Hon. T.J. STEPHENS (14:33): Supplementary question: given that you are now a city slicker and have abandoned your regional roots, do you know your way around that particular seat?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:33): I thank the honourable pot for calling the kettle black.

MOBILE BLACK SPOT PROGRAM

The Hon. T.T. NGO (14:33): I have a supplementary question.

Members interjecting:

The PRESIDENT: Order!

The Hon. T.T. NGO: Can the minister tell the chamber about further concerns raised by the federal Liberal government about the Mobile Black Spot Program?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive

Transformation, Minister for Science and Information Economy) (14:34): I thank the honourable member for his very, very important supplementary question arising out of the original answer on the Mobile Black Spot Program. It was unfortunate that I had to come in here yesterday and explain how the federal Liberals have let South Australia down, but also how the process was utterly non-transparent and unfathomable in terms of understanding how it worked. That was yesterday in question time.

After question time yesterday it was brought to my attention that yesterday the Productivity Commission released a report on the telecommunications industry, and it made some pointed comments about the federal Liberal government's Mobile Black Spot Program. One of the recommendations from the Productivity Commission report states:

> Before proceeding to the next round of funding under the Mobile Black Spot Programme, the Australian Government should implement the Australian National Audit Office's recommendations relating to that program. It should also: target the program only to areas where funding is highly likely to yield significant additional coverage; revise its infrastructure-sharing requirements to be consistent with the Australian Competition and Consumer Commission's findings in the ongoing Domestic Mobile Roaming Declaration Inquiry; and prioritise areas for funding based on community input—rather than nominations from Members of Parliament.

The report from the Productivity Commission went on:

> …the Commission is concerned that there is a risk that Australian Government funding is directed at expanding mobile coverage in locations for political reasons rather than to locations where overall community wellbeing might be better served.

'For political reasons', Mr President. I sympathise with the Hon. Terry Stephens; he has obviously been put up by his factional leader, the member for Barker, Tony Pasin, to come in here and ask questions without a thought for how that would impact on the Hon. Terry Stephens looking a bit silly for having asked such a question.

As I said, we have asked the federal government to follow through with these recommendations to make sure it is a fair and transparent system and not, as the Productivity Commission says, talking about the risk that it is directed for political reasons rather than where community wellbeing might be better served—a very, very pointed criticism.

We found that Barnaby Joyce's seat of New England, the Deputy Prime Minister's seat, got more than 28 base stations in one seat alone, in the one seat, in round 1, and five more in round 2. That is 33 base stations in the seat of New England alone, compared to 31 for South Australia over two rounds. There is more in the one marginal Liberal seat than in the whole of South Australia.

Members interjecting:

The Hon. K.J. MAHER: I am outraged, as members opposite seem to be getting outraged now with their own federal Liberal government. It is actually outrageous. As if this were not confused enough, adding to the confusion is the Hon. David Ridgway and the Hon. Terry Stephens doing what their factional controller in the federal parliament demands of them.

The member for Barker himself has added to the confusion. On Friday of last week, Tony Pasin, the member for Barker, told ABC radio, and I quote, 'Round 3 doesn't require a contribution from the state government.' So, in relation to the Hon. David Ridgway's question from yesterday regarding how much the state government is going to put into round 3, well, his factional overlord said, 'Nothing.' He said that round 3 does not require a single cent from us. That is embarrassing for the Hon. David Ridgway.

Adding confusion upon confusion, the federal government's own website, the communication department's website, says, about round 3:

> The Australian Government has committed an additional $60 million to a third round of funding. As part of this commitment, the Australian Government has announced a number of priority locations which may receive funding for a mobile base station under round 3. A competitive process to allocate round 3 funding is expected to commence in 2017.

However, again, last week Tony Pasin, the member for Barker, absolutely guaranteed that Kalangadoo and Kybybolite would be funded. He guaranteed that before the last federal election; he broke that promise. He doubled down on his guarantee again last week on ABC radio, notwithstanding that the federal government's own website says that it is going to be a competitive

process. Those two things cannot both be true at the same time, that he is actually guaranteeing sites in these captain's calls—the ones that the National Audit Office, the ones that the Productivity Commission has blasted—and then, at the same time, saying that there is a competitive process.

The whole thing is literally a dog's breakfast. On one hand we have a whole government department or Tony Pasin, the member for Barker. Someone is not getting their story completely straight or telling the truth, and I just feel sorry for the members opposite who are the poor suckers who have to wheel out the questions they are given on this topic in this chamber.

CARBON NEUTRAL ADELAIDE

The Hon. T.T. NGO (14:39): My question is to the Minister for Climate Change. Will the minister inform the house about how the recent low carbon prize is helping to position South Australia as a world leader in action to combat climate change?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:39): I thank the honourable member for his most important question. On Monday 17 October, I was very pleased to speak at the launch of the Adelaide to Zero Carbon Neutral Challenge, a very exciting part of our Carbon Neutral Adelaide Strategy.

South Australia has a very proud history of fostering renewable energy and sustainable development, a legacy underpinned by a strong ongoing commitment to innovative low-carbon technology because we know and understand that the future is going to be very carbon constrained. The outcome of COP21 in Paris makes this abundantly clear.

Despite some of those opposite still unable to comprehend both climate science and the scope of global action to address climate change, it is fantastic to see that South Australians have been embracing renewable energy. We know how important it is for our environment, of course, but it is also an incredible opportunity to foster jobs and investment. A fantastic example of this will be Carbon Neutral Adelaide. I have spoken many times about how unique the Carbon Neutral Adelaide partnership is, but I want to again thank our Lord Mayor and the Adelaide City Council for being great partners with the state government.

The Adelaide to Zero Carbon Challenge is an important first big step of Carbon Neutral Adelaide. It seeks to find the best ideas from around the world that will help Adelaide reduce its carbon emissions. The participants had some pretty exciting experiences. They had opportunities to be mentored by senior industry professionals. They received access to public policy leaders and senior government officials. Importantly, they had the ability to see what other leaders in the clean energy innovation space were doing to address climate change.

These opportunities combined to enhance their skills and further their passion for innovative ideas to address our changing climate. Very excitingly, the Adelaide to Zero Carbon Neutral Challenge has brought to light solutions that we can implement right here in Adelaide to cut greenhouse gas emissions, generate new business and continue developing Adelaide as a showcase for clean technology.

The prize provides a total of $260,000, I am advised, in seed funding to develop ideas aimed at cutting greenhouse gas emissions in energy, transport and waste, and enhancing the livability of the City of Adelaide. I am pleased to be able to advise that the major prize of $100,000 went to Enecon for their innovative carbon-neutral fuel option that can be used to help provide low-carbon electricity to Adelaide and beyond. The second prize went to South Australia's EcoCaddy, winning $50,000 for their sustainable transport delivery option. It is a good result, given the great talent pool of the entrants, that EcoCaddy could be a standout and receive that second prize.

The prize money, I am advised, will be used by these businesses to expand and enhance their innovative solutions for carbon emissions. I look forward to watching these innovative businesses continue to thrive as they embrace the opportunities arising from our carbon-constrained future. Businesses know, as do South Australians, that if you are looking to embrace low-carbon jobs of the future then South Australia is the place to come to, invest and employ South Australians.

LOW-FLOW BYPASS SYSTEMS

The Hon. J.A. DARLEY (14:43): My question is to the Minister for Sustainability, Environment and Conservation. Can the minister advise how many low-flow bypass systems have been constructed in the Adelaide and Mount Lofty Ranges Natural Resources Management area and how many in the Murray-Darling NRM area? Can the minister also advise the total cost of these systems and if there were any government or taxpayer contributions to these costs and, if so, how much? Were any board members or their families recipients of taxpayer funds if they constructed low-flow bypass systems on their properties?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:43): I thank the honourable member for his intriguing question about low-flow bypasses in Mount Lofty and the Murray-Darling Basin. I know that we have run a fairly innovative competition inviting people to come up with engineering solutions for low-flow bypasses. Some of them are very high tech and some are very low tech. I am not aware of any installation at this stage, but I will inquire of my agency of the total costs, if we know it, in terms of installation. Any costs to the taxpayer would go to the running of the competition, the prizes awarded, I imagine, and any other research that has been done on the matter.

In terms of any board members benefiting from any such funding, I think the honourable member said in his question, I will have to take that on notice as well and seek a response. I suppose by that the honourable member means NRM board, I expect?

The Hon. J.A. Darley: The two boards.

The Hon. I.K. HUNTER: The two NRM boards, yes. The Hon. Mr Darley has just clarified that he means the two NRM boards: the Murray-Darling and the Adelaide and Mount Lofty Ranges. I will take that question on notice and bring back a response for him.

POLICE WORKPLACE INJURY CLAIMS

The Hon. J.S.L. DAWKINS (14:44): I seek leave to make a brief explanation before asking the Minister for Police questions regarding the processing of workplace injury claims within SAPOL.

Leave granted.

The Hon. J.S.L. DAWKINS: I have recently been advised that the Injury Management Section of the Health, Safety & Welfare Branch of SAPOL has been advised that SAPOL will no longer be self-insured and that from mid-2017 work injury claims will be processed externally. In light of that, I was also interested to read in today's *Advertiser* an opinion piece by Mr Mark Carroll, President of the Police Association, and I quote from a particular part of that opinion piece regarding probationary constables:

> I hope their families and friends will understand and have patience with their inevitable reactions to the stressful, traumatic events that are a necessary part of their service.
>
> I hope they learn to turn to their workmates. I hope they're smart enough to understand that psychological injuries incurred in the line of duty are as honourable as physical injuries. I hope they're smart enough to know when they need help—and courageous enough to ask for it.

Given these remarks and the advice about the Injury Management Section within SAPOL, my questions are:

1. What arrangements will be put in place to cater for injured SAPOL staff who will continue to require case management after the changeover, particularly those suffering from psychological injuries that have occurred in the line of duty?

2. What arrangements have been put in place for the staff who are currently responsible for those duties within the Injury Management Section of the Health, Safety & Welfare Branch of SAPOL?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:47): I thank the Hon. Mr Dawkins for his question. I think the bulk of his question really speaks to a reform that has

been led by the Minister for Industrial Relations, of course, who is the Deputy Premier in the other place. Parts of the Hon. Mr Dawkins' question will have to be taken on notice and passed on to him. However, there are parts that I think are more pertinent to my responsibilities, which I'm happy to respond to.

The second part of your question, in terms of what is happening to those employees who are currently within SAPOL who have the responsibility of managing workers compensation claims, I am happy to take on notice. I haven't received any advice or seen any correspondence to suggest that any of those workers face termination or anything along those lines, but I'm happy to double-check that and take it on notice.

I think it is important to understand that the government's view is that this transition, or this change in management of workers compensation claims, to the best of my knowledge, is not expected to have any impact on the service delivery of injured workers, although I understand that others might have an alternative view about that, but certainly that is my understanding of the government's position.

Regarding services that are made available to those members of SAPOL who do face concerns, such as conditions like PTSD, SAPOL provide a range of services that go beyond the ordinary entitlements that an employee would have in terms of return to work. For instance, SAPOL does have an employee assistance section, whose job it is to provide services to those employees who have had to deal with traumatic circumstances; for instance, those employees who have attended roadside crashes—something that has certainly been topical during the course of this week and today—or those SAPOL officers who had to endure and perform incredibly difficult tasks during the course of the event that unfolded throughout metropolitan Adelaide and concluded in Hindley Street early last week.

Those are examples of circumstances that police officers may have to face which would result in them potentially gaining access to the employee assistance section that exists within SAPOL to provide mental health services and other services to those employees who may be struggling. None of that is changing. Certainly, the government takes very seriously its obligations as an employer to provide decent services to those people within the government's employ who might be subject to a workplace injury.

POLICE WORKPLACE INJURY CLAIMS

The Hon. J.S.L. DAWKINS (14:50): Supplementary question, and I appreciate that answer. Given that in recent months SAPOL has certainly demonstrated a greater appetite to roll out specific programs to increase awareness of the impacts of mental illness and also the importance of suicide prevention, will the minister guarantee that these changes that are happening regarding injury management won't impact on the rollout of those programs?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:50): It won't surprise the honourable member that providing guarantees of that nature is not something that ministers are accustomed to. What I can say, and what I can provide a commitment around, is that, as a government, we remain absolutely committed to making sure that the men and women in uniform who do an outstanding job of keeping our community safe and dealing with incredibly difficult situations are getting the support and access to services that can be reasonably provided to ensure they don't end up suffering mental illness or, if they are subject to suffering a mental illness, they get all the treatment that they should be entitled to under return-to-work arrangements and the like.

I am happy to take on notice the question from the Hon. Mr Dawkins regarding what is happening to those services as a result of the changes. What I can say is I am not currently aware of how any of those changes would result in a detrimental impact for those workers, nor have I received any representation from the Police Association of South Australia articulating a position that the change from self-insured status to ReturnToWorkSA having the responsibilities via their agents of managing injured workers' claims will result in a worse outcome for their employees. I haven't received any representations along those lines, and I think that bodes well for the positive impact that such a reform may have on those injured workers.

POLICE WORKPLACE INJURY CLAIMS

The Hon. R.I. LUCAS (14:52): A supplementary question arising out of the minister's answer: can the minister indicate whether, when the Minister for Industrial Relations consulted departments, or his department consulted departments, about this proposed change, SAPOL expressed any concerns about the proposed change and, if so, what were those concerns? Secondly, what assurance, if any, has SAPOL been given in terms of the cost impact on their budget of the proposed change; that is, would there be any potential increase in the costs of providing those workers compensation services under the new arrangements compared to the current arrangements?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:53): The act of consulting that was done in and around this reform is a question entirely for the Minister for Industrial Relations (the Deputy Premier).

Members interjecting:

The Hon. P. MALINAUSKAS: The Deputy Premier, I understand, has consulted interested parties widely regarding this particular reform.

POLICE WORKPLACE INJURY CLAIMS

The Hon. R.I. LUCAS (14:53): A supplementary: on the basis of that, what was your department's view when consulted? Secondly, will the minister take on notice the second supplementary question, which was the question about the potential budget or cost impact of the new arrangements compared to the current arrangements?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:53): Yes, I am happy to take on notice the question regarding cost implications. It should be noted of course that the proposition is to go from a self-insured arrangement to one where the levy is paid no differently to any other non-government agency. This is simply a question of the government's self-insured status, so the costs associated with going to a registered employer arrangement would be easily recognisable in the form of the levy that is attached to every other employer in the state's wages—the return-to-work levy—but I am more than happy to take that question on notice.

POLICE WORKPLACE INJURY CLAIMS

The Hon. J.S.L. DAWKINS (14:54): Supplementary: given that the minister has guaranteed to bring back information about the current employees of the Injury Management Section of the Health, Safety & Welfare Branch, and given that we are not likely to have the opportunity for him bring that back to question time until February, is he willing to bring back that back in the form of written correspondence between now and when we sit again?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:55): I have undertaken to take that question on notice. That is an undertaking I think I have demonstrated a willingness to try to do as expeditiously as possible, and I certainly intend to apply the same effort in respect of this question.

PRISONER ART EXHIBITION

The Hon. J.M. GAZZOLA (14:55): My question is to the Minister for Correctional Services. Can the minister outline how the Department for Correctional Services has partnered with the Courts Administration Authority to make a positive contribution to the community?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:55): I would like to thank the honourable member for his question. Of course, I can answer his question in some degree of detail because there is some incredibly important work that is currently being jointly undertaken between the Department for Correctional Services and also the Courts Administration Authority in and around prisoner art.

Recently, I had the great pleasure to join Her Honour Justice Vanstone and officially open the prisoner art exhibition at the Sir Samuel Way Building. The prisoner art exhibition is a fantastic opportunity for the Department for Correctional Services, the Courts Administration Authority and prisoners alike to represent the justice sector and what they do to make a positive contribution to our community. The exhibition has more than 100 pieces of art, including paintings, sketches and drawings across the South Australian prison system.

This is the largest exhibition of prisoner art to be gathered in South Australia to this date. The works on display across levels 1 and 3 of the Sir Samuel Way Building are largely paintings and sketches, but you might be surprised to know that a variety of media have been and are currently being practised in prisons, including ceramics, scrapbooking, mosaics, and also collage. The art of prisoners now hangs on the walls of the Sir Samuel Way Building, and I was advised that this is the first art to hang in the courts precinct since 1983, adding some much-needed colour to the walls.

Education and recreation staff at Mobilong, Port Augusta and Mount Gambier prisons and the Cadell Training Centre conduct special art-based programs to provide constructive activities for prisoners. Prisoner art has for a long time been identified as a significant contributor to prisoner rehabilitation. This is particularly relevant when it comes to Indigenous art. Earlier this year, the Adelaide Women's Prison entered into partnership with the Women's Health Service and utilised SA Health grant funding to conduct a successful silk painting program for Aboriginal women.

This project ran for 12 weeks as a culturally specific Aboriginal and Torres Strait Islander women's arts, health and wellbeing model. This provided opportunities for the women participating in the group sessions to strengthen cultural connections and enhance health and wellbeing through the use of art as a medium. It is fantastic to see some of these silk works turned into prints specifically for the exhibition now on display. Many of the women of this program commented how art was therapeutic and changed them for the better.

Art in prisons has a number of benefits. Prisoner art helps with self-esteem, self-expression and morale and, in some cases, a possible employment option when their prison term ends. Creative expression also assists in learning; it has the potential to lower frustration levels alleviating boredom and aggression, thereby offering an avenue for correctional staff to enhance dynamic security by way of engaging with prisoners in positive ways.

Participation in art programs whilst in prison also helps with fostering creativity, and it encourages new ways of looking at the world and new ways of expression and communication. In turn, this has positive flow-on effects to society in general and the communities in which we live. Individuals find themselves in prison for a number of reasons and usually not just one single reason—societal disadvantage, drug abuse, domestic violence. Many prisoners indeed are victims of crime themselves and I can tell you this in no uncertain terms: prisons are not enjoyable places to be.

Deprivation of liberty is just that: a loss of some extended freedom and personal choice. Art is a way of dealing with what can be an oppressive surrounding. Art is also about dignity. It can be a way of someone saying, 'There is more to me than the crimes I have committed.' In that way, art can be restorative and the beginning of a positive exchange with the community. Exhibitions like the one on display at the Sir Samuel Way Building are a case in point.

I would like to thank all the project team, along with representatives from each of the prisons, for all their hard work in bringing together the wonderful pieces of art on display. I extend my thanks to the Courts Administration Authority for the opportunity for Corrections to display all the wonderful art to the public. I strongly recommend that everybody who is interested in art and, indeed, those who have an interest in prisoner rehabilitation take the opportunity to look at the work.

DRUG AND ALCOHOL TESTING

The Hon. D.G.E. HOOD (15:01): I seek leave to make a brief explanation before asking the Minister for Police a question in relation to roadside drug driving tests.

Leave granted.

The Hon. D.G.E. HOOD: I note at the outset that the Hon. Mr Stephens asked a question on this same topic yesterday. My question is similar but different. I also note that, according to the

SAPOL annual report for 2015-16, as reported by *The Advertiser* and *Sunday Mail* on the weekend just gone, 5,569 drivers returned a positive drug test last financial year. In contrast, there were 1,832 in 2010-11—quite a substantial increase.

Although 50,769 driver drug screening tests were conducted by police in 2015-16, this is some 2,174 fewer than in the previous financial year. In contrast to the 50,000-ish drug driving screening tests, some 544,161 drink-driving tests were conducted this last financial year—almost 10 times the number of drug driving tests conducted. My questions to the minister are:

1. Why has there been a reduction in the number of roadside drug driving tests this financial year?

2. Why are there significantly more drink-driving tests conducted per year when the government has recognised, and statistics show, that drug driving causes more fatalities on South Australian roads?

3. Will increased roadside testing form part of the government's policy addressing the serious issue of drug driving?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:02): I thank the honourable member for his question. As I articulated yesterday, decisions regarding the use of SAPOL's resources are entirely within the remit of the police commissioner. As a community and certainly as a parliament, we have to exercise a degree of trust that the police commissioner is using the substantial resources at his disposable in such a way as to best deliver outcomes regarding public safety. Notwithstanding that, the Hon. Mr Hood's questions are entirely reasonable, as were some of the components of the questions from the Hon. Mr Stephens yesterday.

The answer remains the same. My advice is that SAPOL have made a very deliberate and conscious decision to try to maximise the number of defendants who are caught in the act of drug driving, and the best way to do that is to use resources in a way that is based on intelligence. My advice is that, for the last 12 months, SAPOL have been very deliberate and strategic in trying to target those people who might be associated with drug driving or those people who might be in different cohorts, or areas or times, in the community who are more likely to be performing these sorts of crimes. That is what has resulted in the spike in the number of people being detected, despite the fact that fewer tests have been taken.

Regarding the Hon. Mr Hood's question about why there are more drink-driving tests than drug driving tests in light of the challenge we are facing, that is again a very good question. I am happy to take part of that on notice. As I acknowledged yesterday, drug driving tests are expensive. I have not received any information as to why that would be the reason there are more drink-driving tests conducted than drug driving tests, but I think we are all aware of the fact that drug driving tests are substantially more expensive. My advice is they are in the order of almost $100 a pop, in comparison to drink-driving tests, which are demonstrably cheaper. It is not an apples with apples comparison to compare drink-driving tests with drug driving tests.

In terms of the last part of the Hon. Mr Hood's question regarding whether enforcement is part of the government's thinking when it comes to potential reforms to drug driving laws, the answer is absolutely yes. Enforcement is critical because, as the Hon. Mr Hood and others well know, there is no point in this place passing statutes if the public don't reasonably believe that they will be enforced, vis-a-vis that there isn't a reasonable proposition that if they break the law they will be caught.

That is why the government remains absolutely committed, and consistently committed, to resourcing SAPOL with everything they need to be able to do the job. If the government receives advice from the police commissioner that he requires or desires a particular new piece of kit, or needs a piece of legislative change, that would enable him to go about the business of enforcement more effectively or efficiently, then clearly that is something the government will factor into its considerations in due course.

TAYLOR, MR C.

The Hon. A.L. McLACHLAN (15:06): I seek leave to make a brief explanation before asking the Minister for Police a question regarding Conan Taylor, the escapee.

Leave granted.

The Hon. A.L. McLACHLAN: Last Thursday 1 December, Mr Taylor fled the police after allegedly holding a gun to a SAPOL officer. On Saturday, he posted a picture of the Clare Hotel on Facebook and, according to an article in *The Advertiser*, posted other pictures of hotels and places where he may or may not have stayed. Can the minister advise the chamber: is Mr Taylor still at large, and what actions are being taken by SAPOL if he is?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:07): I do not recall seeing any specific advice from SAPOL that indicates that the gentleman the Hon. Mr McLachlan is referring to is no longer at large. That said, I have a number of files that I am working through. As we speak, my mind has been preoccupied for the last 24 hours, so it is possible that the offender who the Hon. Mr McLachlan is referring to has been taken into custody recently and I have not had a chance to avail myself of the information, but I am more than happy to get that information rather quickly post question time and share that information directly with Mr McLachlan so he is suitably aware.

MUNICIPAL AND ESSENTIAL SERVICES PROGRAM

The Hon. T.A. FRANKS (15:08): I seek leave to make a brief explanation before addressing a question to the Minister for Aboriginal Affairs and Reconciliation on the topic of funding for Indigenous communities.

Leave granted.

The Hon. T.A. FRANKS: As the minister and no doubt many in the chamber are aware, in July 2015 an agreement was reached between the federal government and the state government to ensure a funding package to support Indigenous communities in South Australia to take up the responsibility for delivering municipal and essential services, including power, water, sewerage and rubbish collection in communities.

I understand that this affects at least 1,500 Aboriginal people in remote communities, according to minister Scullion's press release at the time, but I note that the minister, in his answer to a question about it being under threat, noted that it is possibly as many as 4,000 Aboriginal residents in approximately 60 locations. I ask the minister for an update on the use of that particular funding package, which I understand was a one-off. How will that funding and those services be sustained into the future, and what involvement have Indigenous communities had with the expenditure of those funds?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (15:09): I thank the honourable member for her question. It was a difficult issue last year, right around Australia, when the federal government outlined an intention to move essential services funding out of many remote Indigenous communities. It gave rise at the time to the comment from the Premier of Western Australia that he would be closing communities down, which led to a very significant national debate that included the then prime minister talking about Aboriginal people living in remote communities as a lifestyle choice.

It certainly was something that caused a lot of angst in Aboriginal communities around South Australia and, in the lead up to the middle of last year, was the number one topic that was raised with me when I visited remote communities. As the honourable member has outlined, after a lot of discussions and negotiations, the provision of MUNS (municipal services) in some remote Aboriginal communities was transferred from the commonwealth to the state government. These were areas outside the APY lands. The federal government still takes responsibility for all those services within the APY lands, and in some of the other communities the state government has taken over the responsibility for those services.

The exact services vary from community to community. Some examples are: road maintenance, particularly natural water supply in catchment areas, environmental or dust control and dog control measures, but it varies from community to community. A lot of the communities in South Australia are Aboriginal Lands Trust communities. A lot of discussion and negotiation occurred last year. There was—I can't remember the exact amount—a substantial sum of money that was paid to the state government from the commonwealth for the taking over of the services in those non-APY communities. It might be that they accounted for one-third and APY accounted for two-thirds, or the other way round. I can't remember now the total municipal services expenditure in South Australia.

After that occurred in the middle of last year, DPTI took on responsibility for the provision of those services, and by and large most of the areas that were funded have continued with DPTI providing substantially similar funding for programs that have been carried out. I am happy to go away and talk to DPTI to see if there have been any changes in the particulars of the programs. Certainly, over the course of the last 12 months, when I have travelled to Aboriginal communities, from Koonibba on the West Coast to Raukkan down near Meningie, Point Pearce and many other areas that receive municipal services funding, it is not something that has been raised with me.

If there's one thing I am sure of it is that if there were problems it would be raised with me, as it was in the lead-up to the federal government wanting to withdraw money from there. I will take on notice the portion of the question relating to any change in services that have been provided now that DPTI is administering those funds. The provision of those services is not something that I can recall being raised with me on a visit to a community over the last 12 months.

MUNICIPAL AND ESSENTIAL SERVICES PROGRAM

The Hon. T.A. FRANKS (15:13): Supplementary: if the minister could also undertake to ascertain the involvement of the ALT in consultation with DPTI and the sustainability into the future, when the funds run out?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (15:13): Again, I am happy to take that on notice and bring back a reply with the other information.

HOME DETENTION

The Hon. J.S. LEE (15:13): I seek leave to make a brief explanation before asking the Minister for Police and Correctional Services a question regarding the absconding of Mr Raymond Jones.

Leave granted.

The Hon. J.S. LEE: In *The Advertiser* today there was an article regarding Mr Raymond Jones, an alleged Comanchero bikie member. Mr Jones was on trial for serious assault after stabbing one man and assaulting another in Blakeview last year. He was convicted, in his absence, on 19 October this year, after failing to appear in court on the last day of his trial. Whilst still being held on home detention, yesterday, Mr Jones rammed a police car, after failing to pull over to officers during a police pursuit and then ran from the scene on foot. My question to the minister is: is Mr Raymond Jones still at large? What is the update so far?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:14): Any time that someone breaches home detention it is of grave concern to the government. The government has already articulated clearly its intention to introduce a number of changes to home detention laws to provide a stronger indication of the parliament's will to the court regarding those people who should and should not have access to home detention generally. Unfortunately, one reality for those people who are on home detention, including those people who are on home detention with electronic monitoring, is that there is a risk that they will decide not to obey the law, and that is something that is always of grave concern.

Those people who are on home detention, including those with electronic monitoring, should consider themselves fortunate for the court to have bestowed upon them the fact that they are not incarcerated in our custodial facility, which would otherwise potentially be the Remand Centre or any

other correctional facility throughout the state that houses remand prisoners, of which there is a number. Whenever someone does not comply with their home detention restrictions, it is our expectation that they will feel the full force of the law.

Again, I haven't received any details from Corrections directly this morning about the gentleman that the Hon. Ms Lee refers to. Regarding the second person, I have not yet received any advice, but I am happy to take on notice if the situation may have changed, for instance, in the last few hours. If that has changed, I'm happy to bring the information back to the Hon. Ms Lee.

HOME DETENTION

The Hon. J.S. LEE (15:16): Supplementary question: does the minister concede that the home detention policy by the government has failed?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:16): The Hon. Ms Lee would know, if her memory serves her very well, that the legislation that has been implemented regarding home detention passed this parliament with bipartisan support—her support, Mr President. She herself voted for the home detention laws that are in place in South Australia. So if the home detention laws have failed in her assessment, then she herself is equally culpable with everybody else; but it depends on what you see as the objective of home detention laws. The objective of home detention laws is to ensure that courts have at their disposal a range of alternatives to custody—

Members interjecting:

The PRESIDENT: Order!

The Hon. P. MALINAUSKAS: —that will be able to pursue the objective of maximising the likelihood of reducing reoffending in this community, something that I think all reasonable-thinking people support, including the Hon. Ms Lee herself, who supported the legislation that passed this parliament.

IAP2 CORE VALUES AWARDS

The Hon. J.M. GAZZOLA (15:18): My question is to the Minister for Sustainability, Environment and Conservation. Will the minister inform the chamber about the recent IAP2 Core Values Awards and how public participation in decision-making is important to ensure community-led public policy?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:18): What a stunning question. On Tuesday 18 October, I was very pleased to join the Department of Environment, Water and Natural Resources' Dog and Cat Management Board at the IAP2 Core Values Awards night. IAP2, the International Association for Public Participation, is the leading public participation association in Australasia. It aims to promote and improve the practice of public participation or community engagement decisions affecting citizens.

IAP2 Australasia's Core Values Awards recognise projects and organisations that are at the forefront of public participation and community engagement. They were created to encourage excellence, quality and innovation in this field. I am very pleased to have been at the awards night to see the Dog and Cat Management Board, working with democracyCo, win the Environment Award category.

The Dog and Cat Management Board and democracyCo entered a joint submission for their stakeholder engagement and citizens' jury process around the dog and cat management reforms. This was a fantastic reflection, I think, on the state government's strong record of engaging with the community to bring their voice to the decision-making table. I would like to encourage anyone interested to read the state government's Better Together: Principles of Engagement document. It is a great foundation for engagement with a focus on community consultation. When we involve people in conversations about decisions that affect them, we can get better outcomes for entire communities.

We can remember when those opposite, I suppose, announced that they wanted to deregulate shop trading hours, for example, without even bothering to consult major employers or

employees. It would be nice if on the rare occasion that they release a policy, they actually bother to speak to people that that policy impacts. One gets the feeling, of course, that the Leader of the Opposition will say and do anything to try and cling on to his job. Anyway, while they bicker between themselves, we are getting on with governing for all South Australians. Changes to the dog and cat law reforms are a great example of this.

Our dog and cat reforms are the most sweeping changes made to the state's animal welfare laws for more than 20 years. They will help to bring an end to puppy farms, giving South Australians the confidence they need to know that their dog or cat comes from a reputable breeder. This is a great outcome for all dog and cat lovers in South Australia of course. It will now be compulsory for dog and cat owners to microchip and desexed their dogs and cats.

I would like to again commend the community engagement work undertaken by the Dog and Cat Management Board and democracyCo and congratulate them on their award. I would also like to take the opportunity to congratulate the Department of Environment, Water and Natural Resources, who were highly commended in the organisation of the year category.

Matters of Interest

ARTS FUNDING

The Hon. T.A. FRANKS (15:20): I rise to speak about arts and music education. As members are aware, there have been a number of cuts and threats made to the arts industry and to arts and music education, both at a state and federal level in recent months. Funding has been sliced and diced at state and federal levels with even our flagship arts festival, the Adelaide Festival, taking a hit. What I find even more concerning is the seemingly blasé attitude towards arts education for our young people when it is so vital.

Recently, federal Minister for Education and Training, Simon Birmingham, called arts education at a VET level a 'lifestyle choice'. That was his justification why VET student loans have been cut for courses such as communications, visual arts, editing, animation and jewellery design. It prefaced an announcement that almost 60 arts diplomas would no longer be eligible for these student loans and the priority would be elsewhere.

Now we learn that at a state level the Department for Education and Child Development schools in our public education system run the risk of losing the ability for their students to undertake education in musical instruments due to a current standoff that is going through the industrial relations system. With the potential loss next year of the offerings of instrumental music teachers to public school students, many young people may well miss out on an opportunity to become a musician or simply to broaden their education.

Mr Birmingham, at the federal level, projected his belief upon people that somehow the arts are not a career, and we are seeing it again at a state level with our state education system devaluing creative skills and the potential loss of dedicated musical professionals and aspiring young musicians. Cuts to creativity mean children may never realise their dream or their potential. They may well go on to find a real job as a musician, an actor, a visual artist, a cartoonist, a game developer or a dancer.

By pigeonholing young people and steering their educational offerings away from arts, we not only lead them to a life lacking in passion but we also deny them their true genius. The world would benefit from more diversity in arts and music education right from the start. South Australia should be ensuring that public school students have the opportunity to take up the broadest range of offerings, including musical education.

There is an allegory, 'Everybody is a genius, but if you judge a fish by its ability to climb a tree, it will live its whole life believing that it is stupid.' There are many young people in our schools who may struggle with maths and who may find it difficult within other areas of the curriculum, but who may shine at music. For them, that offering is the difference between a school experience that is reflective and supportive of their genius or one that treats them as lacking in that genius and somehow stupid.

If we cease to offer our students in South Australia a range of opportunities to find their passion or their genius, they may well spend their whole life thinking that they are not able to shine.

We should value all facets of education, including the arts, arithmetic and agricultural studies. Everybody excels at something, but if the 'somethings' keep being cut then many people will not find that thing they excel at, and we as a society will be the losers as a result.

What if the next Jimi Hendrix loses his guitar tutor, the next Matt Groening cannot access a student loan for his drawing course or the next Billie Holiday is not allocated a voice teacher? I do not want to see the next generation of children who may well be fish trying to climb trees when they could be happy and talented swimmers. With that, the Greens will be supporting the campaign to keep music education in public schools.

WORLD AIDS DAY

The Hon. T.T. NGO (15:25): I rise to speak about a World AIDS Day 2016 event organised by PEACE Multicultural Services, a service provided by Relationships Australia SA. World AIDS Day falls on 1 December each year. I was pleased to lend my support to officially launch this year's HIV testing campaign, which a team of staff and volunteers worked extremely hard to create. The slogan of this year's campaign is: 'Together we can make a positive change: get tested, get treated, live longer'. This campaign serves as an important reminder that it is our individual and collective responsibility to examine and understand the range of resources that are available to us.

The annual World AIDS Day event is celebrated globally to raise awareness about the various issues surrounding HIV/AIDS. It is also a day for people to show their support for people affected by HIV and to commemorate the many lives that have been lost as a result of HIV/AIDS. Despite the advances and achievements made so far, we need to continue generating awareness about the issues still facing us today.

The goals of the National HIV Strategy 2014-17 in Australia are to work towards achieving the virtual elimination of HIV transmission in Australia by 2020, reduce the morbidity and mortality caused by HIV and minimise the personal and social impact of HIV. I am pleased that the government of South Australia is committed to achieving these goals through the various strategies identified in the South Australian HIV Implementation Plan. I commend the various committees and working groups, which PEACE Multicultural Services is part of, which have been set up to implement these strategies.

I am proud that the state government is also committed to commencing the HIV prevention drug pre-exposure prophylaxis (PrEP) trial in this state. This trial is expected to reduce the risk of HIV infection for about 500 South Australians. I note that early diagnosis and commencement of treatment remain crucial for these targets to be achieved. It is heartening to know that we have reached a point where an HIV diagnosis is no longer a death sentence. These days, it is a condition that can be managed with available medication and support.

Sadly, I can remember a time when this was not the case. In the 1980s, when HIV was first discovered, I vividly remember the grim reaper ads that were shown on television at that time. There were a lot of misconceptions about the transmission of HIV and, unfortunately, misconceptions still exist within the community to this day.

This is why it is important to recognise that the stigma and discrimination associated with HIV continue to prevent people from getting tested. Any person affected by HIV has the right to live and participate in a community free from discrimination. We all have a role to play in creating this safe space by uniting and speaking openly, with the collective goal of challenging misconceptions and discrimination. A unique aspect of human nature is that we may tend to think that we are invincible and that nothing will happen to us—until it is too late. I encourage all members of the community to get tested, to know their status and to seek available treatment if necessary.

As we work together towards the elimination of HIV transmission, let us spread the message that HIV is not something to be feared and keep the conversation going throughout the community. If you are in a high-risk group, the message is: get tested, get treated, live longer. In closing, I commend PEACE Multicultural Services for their unrelenting efforts and dedication to working with diverse communities and to providing education and support for people living with HIV and their families.

AUSTRALIA-CHINA JOINT ECONOMIC REPORT

The Hon. J.S. LEE (15:31): On the final parliamentary sitting week for this year, it is my pleasure to rise and speak in the South Australian parliament today about the launch of the Australia-China Joint Economic Report. As the shadow parliamentary secretary for trade and investment and multicultural affairs, I was honoured to be invited by the University of Adelaide and the Institute for International Trade to be one of the guest speakers at the breakfast forum for the launch of the Australia-China Joint Economic Report on Friday 18 November 2016.

This important report is the result of a significant and unprecedented joint economic study by two countries. I would like to pay tribute to the outstanding work of the co-editors and engineers of the comprehensive report, namely, Professor Peter Drysdale and Zhang Xiaoqiang. The study was undertaken by the East Asian Bureau of Economic Research in the Crawford School of Public Policy at the Australian National University, together with the China Centre for International Economic Exchanges in Beijing.

I had the pleasure of speaking to Professor Peter Drysdale before the breakfast forum and, of course, meeting him at the launch. Peter is the Emeritus Professor of Economics and the head of the East Asian Bureau of Economic Research and East Asia Forum at the Crawford School of Public Policy at the Australian National University. He is a delightful and energetic professor, with an abundance of knowledge about China and the region, and widely recognised as the leading intellectual architect of APEC. Peter is one of those people with whom you can have a meaningful debate and conversation on any given day.

As honourable members know, Australia and China, two vastly different nations, already have a strong joint political, economic and social investment in the success of a bilateral relationship. As China's economy matures and its middle class expands with free trade agreements put in place, China is enjoying greater access to Australian agriculture, institutions and services—everything from infant formula to vitamins, butter to beef, education to tourism, as well as advanced science, technology and research capabilities. We certainly hope to see many more Australian products and brands becoming household names in China.

Both Australia and China gain enormous benefit from growing and diversifying their economic relationship through new flows of tourists, students, investors and migrants. The new report plays an important role in consolidating all the facts and data in establishing some common reference points. This is a vital opportunity for both countries to think about how to shape the future course of our long-term partnership in a deliberate and strategic way.

I place on the record my sincere thanks to the University of Adelaide's Professor Warren Bebbington for his warm welcome speech that morning. Thanks also to the Institute of International Trade staff, Lisa Hunt and Amy Johns, for coordinating the launch. Special thanks to Professor Christopher Findlay, Executive Dean of the Faculty of Professions, for doing a fantastic job as the emcee and moderator for the robust panel discussion.

In my speech on the day, I congratulated the co-editors and the team that produced the report and highlighted the important contributions of our Chinese migrants and how the local enterprising Chinese community helps to enhance Australian relationships with China. I had the pleasure to join the panel discussion with Mr Sean Keenihan and Mr Alfonzo (Alf) Ianniello. It was great to see both of them sharing their insights and engagement with China.

Sean is well known to many and wears many hats, including Chairman, Norman Waterhouse Lawyers; Chairman, South Australian Tourism Commission; National Vice-President, Australia China Business Council Ltd and President of the SA Chapter. Alf is the CEO of the Detmold Group, a well-established global manufacturing business in paper packaging products in Australia, Asia and South Africa. The company employs 2,500 people and distributes its products in 22 cities around the world.

The panel members recognised that China has been the world's main economic growth engine and agreed that it is timely to have a comprehensive report that defines a new framework that will unlock more potential and enable South Australia to harness opportunities that arise from the profound transformations in both economies. I encourage honourable members to read the report in their spare time, perhaps over the Christmas break. In closing, I thank everyone for their contributions

this year, and I convey my best wishes to honourable members and staff for a merry Christmas and a happy new year.

YOUTH SURVEY 2016

The Hon. M.C. PARNELL (15:36): I rise today to talk about the very real concerns that young people in South Australia hold for their future. Yesterday morning, Mission Australia released the results of their youth survey. Those results are difficult to capture or summarise in a single sentence, but perhaps David Washington summed it up best in his article in InDaily when he suggested that perhaps young South Australians are facing 'a crisis of hope'.

This survey was a national survey and, while the national results have highlighted a lot of areas for discussion, the South Australian results are of particular interest. The survey received 21,846 responses from young people aged 15 to 19, and 2,358 young South Australians participated in the survey. Overall, the results of this survey highlight the key concerns of young Australians and some of the findings are deeply saddening.

Our young people reported a high level of experience with discrimination. In South Australia, nearly half of young women reported having experienced unfair treatment or discrimination based on their gender in the past 12 months. Furthermore, more than 26 per cent of respondents had experienced discrimination due to their race or cultural background. Overall, one in four young people had experienced unfair treatment or discrimination in the past year, and one in two young people had witnessed someone being treated unfairly due to their race, sexuality or physical ability. It is not surprising then that nearly 30 per cent identified equity and discrimination as the most important issues facing our country.

When asked about how discrimination could be combatted, those surveyed suggested that political leaders could be better advocates for equality. In the Greens, we are proud to have equality as a core value of our party. The passing of the Births, Deaths and Marriages Registration (Gender Identity) Amendment Bill and the Relationships Register (No 1) Bill yesterday was an encouraging step forwards in the march towards equality. However, there is still a lot of work to do. We are passing more bills today, but as South Australia still has the gay panic defence, we must not rest on our laurels.

What I think we really need to recognise as a result of this survey is that young South Australians were the least positive about the future out of all the young people in the country. Just over 11 per cent of young South Australians were either negative or very negative about their future, which is higher than the national average, and a further 27.7 per cent were neutral.

Young people also differed from the rest of the country in their choice of the top three issues of concern. In South Australia, young people identified the same issues as their counterparts interstate, namely equality and discrimination as number one, and mental health as number two. However, at number three, population issues were the next issue of concern for young South Australians. This is probably reflecting a concern about the number of young people leaving our state. As the local economy struggles, more young people leave and they take with them their knowledge, expertise and new ideas.

The Mission Australia survey showed that in South Australia 17.7 per cent of young people were most concerned about jobs as compared with 9.9 per cent nationally. Young people are feeling stressed about their capacity and opportunities to meet their aspirations. It is not really surprising that young people are feeling this way when our general and youth unemployment rates are so high in South Australia, when our government is slow to act on solutions and our parliament struggles with legislation that would improve equality and mental health.

We also need to invest in the industries of the future such as renewable energy, which we know is a jobs-rich industry, far more than fracking for gas. I think it is important that this parliament hears and acknowledges the very real concerns of our young people but, beyond that, we need to act on those concerns. Often we hear older South Australians disparaging young people, saying they are apathetic, uninformed and uninvolved in politics. Of course, we know this is just not true. I want young people in our state to know that they are heard and that we recognise their struggles and

concerns. We know that they are passionate and intelligent citizens with much to contribute to our state, both now and in the future.

As parliamentarians, we represent all our constituents, both young and older. We need to work harder to secure the futures and hopes of all South Australians, but particularly young South Australians. As Kofi Annan, former secretary-general of the United Nations, once said:

> Normally, when we need to know about something, we go to the experts, but we tend to forget that when we want to know about youths and what they feel and what they want, that we should talk to them.

It is quite clear to me that the youth of Australia have told us plainly what they are feeling and what their concerns are, and as parliamentarians it is our job to listen. It is also vital that we as a parliament continue to create opportunities for young people to find meaningful employment and to invest in the industries of the future so that the talent, skills and knowledge of our young people can remain in this state.

We need to fight for better and more mental health services and to actually fund those services properly, but what is equally important is that we enable young people to see themselves as part of the decision-making process in this state and that they know that we hear the feedback they are giving us and that we are taking it seriously.

MINISTER FOR INVESTMENT AND TRADE

The Hon. R.I. LUCAS (15:41): I want to talk about a minister who has been caught out not telling the truth, a minister who has engaged in a deliberate strategy by him and his officers to conceal the total cost of his many overseas trips over the last two years, and a minister, in minister Hamilton-Smith, who is clearly embarrassed that, should the total costs (which potentially run into some hundreds of thousands of dollars) be publicised prior to the next election, it will be a source of much embarrassment to him.

The member for Schubert has highlighted that in 2016 the minister has had 114 days of gazetted leave and in 2015 he had 110 days of gazetted leave, some of which of course was personal leave and much of which was gazetted leave for travel overseas. The minister is required, as all ministers are, to proactively disclose travel and travel costs. On the state development department website, a consolidated travel report for the minister and his staffers for July to November 2015 lists only one trip for July, at a cost of $4,699. However, the member for Schubert has established under FOI that there have been a further seven overseas trips which have not been revealed, and no costs have been revealed for the cost of those trips in that six-month period. It also omitted the details of the trip to China in July 2015.

Similarly, in 2016 there has been significant non-disclosure of overseas travel on the minister's website. When one looks at some of these trips—in August of 2015 there was travel to Turkey, India, South-East Asia, the United States of America and Europe over a period of more than a month—there is no disclosure at all of that particular trip, yet there are press releases and other information from freedom of information that clearly indicate that the minister was overseas during that period, yet refused to declare the details of that trip and the cost.

Similarly, there was a trip in November to Indonesia and India. Again, there is no disclosure of that trip, even though there is information available to indicate that the minister had taken that trip. There are a number of trips during that period where clearly the minister, through his own website, has released information from overseas but has refused to disclose the details of that trip and that particular travel. This is clearly a grotesque abuse by the minister of the rules, which require public accountability for the spending of taxpayers' money.

Sadly, it appears to be typical of the arrogance of a man who is full of his own self-importance and obviously believes that the rules that apply to everyone else do not apply to him. He has obviously embarked on a conscious policy of refusing to disclose. I understand that, when quizzed by either journalists or members of parliament, he embarks on an aggressive or intimidatory response, trying to close down any genuine questions about the particular issues, refusing to answer questions when clearly he issues press releases from overseas, indicating he is travelling overseas, he is on gazetted leave, yet he lodges disclosure documents which indicate that he has not travelled at all during that period.

A wise person once told me, 'If you're not going to tell the truth, you had better have a good memory because you need to remember all the untruths you have been telling over a long period of time.' Clearly, the minister has been caught out in relation to this. He issues press releases, but then, when it comes to disclose, refuses to disclose. When pressed by the media, his office, on his authorisation, points the finger at the department and says, 'Well, we're not really sure why it hasn't gone up. That's the department's fault.'

It is his responsibility, as minister, to be publicly accountable for the expenditure of his money. He obviously hopes that with bluff, bluster, intimidation and aggressive behaviour he will drive away anyone who might want to ask questions about these issues. It is the typical attitude of the schoolyard bully, someone who thinks that he can get away with it and that the rules do not apply to him.

Mr President, I assure you that in the interests of public accountability the member for Schubert will continue to pursue the minister through freedom of information requests. We will do our part, through the Budget and Finance Committee, to tally the total costs of all the trips the minister has been taking and refusing to be held accountable for. We will make sure that the public is aware of the total cost of the minister's travels over the two-year period leading up to the election in March 2018.

MUSIC DEVELOPMENT OFFICE

The Hon. J.M. GAZZOLA (15:46): Following on from my last matter of interest speech, when time would not allow me to cover all the achievements of the Music Development Office, I would like to mention the collaboration between the MDO and the Local Government Association that will support local councils to develop live music policies and action plans. This includes an online resource page to support the 68 member councils, paving the way for a consistent and easy-to-understand approach to developing their own strategies—a most important collaboration—so that we afford some protection and certainty for the music industry going forward, given the pressure that live music venues are under from developers in the city entertainment district (CED).

This, in turn, opens doors to regional live music development opportunities in partnership with Regional Development Australia boards in South Australia and key industry stakeholders. Umbrella Winter City Sounds, funded by the MDO and delivered by MusicSA, saw Adelaide lit up with music events during the usually sombre cold months. It generated attendance figures upwards of 40,000, direct ticket sales to the value of $340,000, activation of 60 venues and mentoring opportunities for 15 event managers, who handled 260 live music shows.

St Paul's Creative Centre goes from strength to strength, launching a business development series comprising monthly workshops on themes like entrepreneurial ecosystem and tax and business structure. Tenants at St Paul's have access to a minimum of two networking events each month, highlighting the recent activities of featured members, as well as to 'meet the mentors' sessions. After receiving Gig City status, the St Paul's community have embraced the initiative wholeheartedly with tenants Made in Katana, who recently employed five new staff and secured a contract for global works with music streaming service Spotify, stating:

> This highlights exactly the reason we choose to operate our digital agency in Adelaide. This is the first time we have seen [government] action that represents a tangible difference to not just our business, but to the entire state.

Makers Empire, also situated within the St Paul's Creative Centre, was recognised nationally for its National Innovation and Science Agenda. From humble beginnings, this business secured a new contract with the Department for Education and Child Development for rollout of its software into 50 schools.

The Brumley Project and the House of Songs is an international collaborative songwriting project between Adelaide and sister city Austin, Texas, which was initiated by the MDO. The artists performed throughout the United States, including Nashville, as part of the prestigious Americana festival and were documented by Adelaide film company Closer Productions. The project further strengthens sister city ties and builds upon Adelaide's international standing as part of the UNESCO Creative Cities Network.

The MDO is initiating a collaborative music sector strategy for the South Australian music industry, aiming to encourage greater collaboration between businesses and industry agencies and ensure that governmental support is aligned with industry needs. This initiative has the potential to share and explore and expand on future opportunities for the music industry.

I would like to congratulate Matt Swayne on his appointment earlier this year to the Chair of the Music Industry Council. The MIC was established to be a unified voice for the South Australian music industry focusing on the issues, opportunities and development of South Australian music with stakeholders and government bodies. The South Australian music industry has already begun reaping the benefits of the MIC, with changes to entertainment consent rules, variations to the National Construction Code and the establishment of the Live Music Regulation Roundtable. These amendments have decreased the red tape and barriers surrounding live music and increased government involvement in future planning, allowing live music to be more accessible for all.

I would also like to congratulate Electric Dreams on their APRA AMCOS Emily Burrows Award, announced last night at the award-winning Grace Emily Hotel. Finally, I would like to commend the MDO for their involvement in and funding of FRUSIC, the Adelaide Fringe's inaugural music program. This highly successful program included 221 music events, 662 individual performances, 45 free music events and 138 venues. This addition of music to the 2016 Fringe was a standout and testament to the MDO and all those involved in creating, expanding and committing important resources to the future of music in South Australia.

ILLICIT DRUGS

The Hon. D.G.E. HOOD (15:51): I rise today to speak about the increase in the use of illicit drugs in our community. According to the 2015-16 SAPOL annual report, illicit drug offences are again on the rise. According to the statistics contained in the report and elsewhere, illicit drug offences have increased by some 24.2 per cent, or 768 offences, over the period. According to SAPOL, one of the main reasons for this can be attributed to the 72.8 per cent, or 437 offences, increase in offences relating to possession and use of drugs. In the category of 'other drug offences', which includes the possession, use, sale or furnishing of any drug or intoxicating substance or drug paraphernalia prohibited by law, there was an increase of 51.1 per cent, or 324 offences—a very substantial increase.

In addition to this, the number of general expiations issued by police has increased by 9.8 per cent, or 2,867 offences. When you consider that 2,867 offences represents only 9.8 per cent, it indicates that the number of offences is in the order of 22,000 per year. Again, the increase correlates to illicit drug use. SAPOL has stated that the rise in expiation notices is a result of a 28.9 per cent, or 1,615, increase in drug diversions. Based on this sharp increase in drug diversions, police are evidently placing more emphasis on the educational aspect of engaging with adult offenders using diversionary options.

Under the Controlled Substances Act 1984, a SAPOL officer must divert—that is, they have no discretion to do otherwise—an individual for the possession or consumption of a controlled substance, including possession of drug use equipment. For a child aged 10 to 17 years, this includes all illicit substances. For adults, possession of cannabis would not qualify a person to be diverted; however, a cannabis expiation notice would apply. Cannabis expiation notices have also increased by 6.6 per cent, with 601 more issued than in the previous year.

The Police Drug Diversion Initiative (PDDI) diverts people detected by police for simple possession drug offences to a health intervention, instead of to the justice system. Drug and Alcohol Services SA is responsible for the statewide coordination of the PDDI program, and supporting clinicians and health workers also help to administer the program.

The service provides a health-based assessment and provides for drug screening and brief intervention sessions of up to two sessions or ongoing treatment of up to eight intervention sessions, depending on the needs of the individual who has been diverted. Although this initiative has had a positive impact, unfortunately there is still a considerable number of those within the community who, to their own detriment, and to the detriment of the whole community in some cases, are ignoring the harm caused by illicit drugs.

These prohibited substances have caused and continue to cause considerable harm on our roads and in people's lives more generally. According to the SAPOL annual report for 2015-16, as recently reported by the *Sunday Mail* on the weekend, and as I mentioned in my question in the council today, some 5,569 drivers returned a positive drug test last financial year. In contrast, there were only 1,832 in 2010-11, so that is almost a threefold increase.

Surprisingly, 50,769 drug driver screening tests were conducted by police in 2015-16, which is actually 2,174 fewer than last financial year. In contrast to the just over 50,000 drug driver tests, there were over half a million (544,161) drink-driving tests conducted in the same financial year, almost 10 times the amount of the drug driving tests conducted. There have been calls for increased roadside drug screening tests, which is supported by the substantial increase of drug drivers on our roads.

Based on all the statistics I have quoted and the many others contained in the SAPOL Annual Report and other criminal offending reports, there needs to be one constant theme and that is that the use of illicit drugs is continually on the rise and the government must act. As the Minister for Police has said in this place, there is no silver bullet; however, reforming drug penalties and drug sentencing would go a long way to addressing this issue.

At the moment, drug penalties and drug sentencing are not adequate or in line with community standards. This is reflected by a very recent *Sunday Mail* poll, which I think my colleague the Hon. Mark Parnell might have referred to in his contribution, although he was referring to a different part of it of course, which found that some 61.7 per cent of respondents felt judges were 'out of touch with community values' and, moreover, that 74.2 per cent believed that penalties were 'too lenient'. Given all the statistics and strong views held by the community, the government needs to respond to this issue sooner rather than later as, clearly, it is getting out of hand.

Motions

STATE GOVERNMENT EXPENDITURE

The Hon. R.I. LUCAS (15:56): I move:

That this council notes costs incurred by the state government in opposing decisions and policies of the federal government.

The reason I have moved this motion in the last sitting week of parliament is that on 22 November I read a statement from Premier Weatherill that filled me with some foreboding. He was recorded in *The Advertiser* as saying boldly:

Premier Jay Weatherill yesterday threatened to launch a taxpayer-funded attack on the Federal Government, as political bickering escalated over whether the Murray Darling Basin Plan is being eroded.

I am sure members will recall that, over recent years in periods leading up to state elections and by-elections, this state government has been quite happy to spend millions of dollars of taxpayer money as it sees fit to further its own party political interests at particular times. We have seen, on a rough count, more than $4 million being spent on various advertising campaigns over those last few years: $1.1 million on an anti-federal government pensioner concessions campaign, $1.1 million on a Federal Cuts Hurt campaign, $1.2 million on a More Than Cars campaign, and $500,000 on the submarine procurement issue. I am sure that does not include all the taxpayer-funded political campaigns that the government has engaged upon.

The first thing I would say in relation to these issues is that it is entirely the prerogative of the state government of the day to campaign against decisions a federal government takes which it believes are not in the public interest of the people of South Australia, and it has considerable resources, without resorting to taxpayer-funded advertising campaigns, with which it can do that. It has an army of spin doctors and other staff. It obviously has the resources of their own taxpayer-funded ministers and almost unlimited access to free media in South Australia to prosecute their case on talkback radio, television news, radio news, digital media, etc., that a decision that the federal government might have taken, in their view, might not be in the public interest.

The state Liberal Party, under the strong leadership of Steven Marshall, the member for Dunstan, has, on a number of occasions, expressed our strongly differing views on some decisions

that have been taken by the federal government which we believe were not in the best interests of the people of South Australia.

For example, in the period leading up to 2014 we opposed the range of cuts that were made in the health portfolio during that period, and said so publicly and on any number of occasions. In relation to the submarine issue, on occasions when it appeared that there was the possibility that a decision unfavourable to South Australia might have eventuated, Steven Marshall and the state Liberal Party expressed a fiercely partisan South Australian view in terms of supporting both shipbuilding and submarine building in South Australia.

There is nothing wrong with a government or a political party in South Australia fiercely arguing in a partisan way for what it believes to be in the public interest for the people of South Australia. However, where the line should be drawn and has not been drawn is where Premier Weatherill in particular and the state Labor government generally have been more than prepared to engage in large-scale taxpayer-funded advertising campaigns, and I will refer to one of those later on, which in some cases are clearly misleading and dishonest in terms of their content.

It has not just been in that area; there have been other criticisms that have been raised publicly at the Budget and Finance Committee, where again, contrary to the government's own guidelines, we have seen either premier Rann or Premier Weatherill breaching those guidelines by the circulation of documents, such as, in the period leading up to the last state election, the Riverbank experience document. A glossy, full colour Adelaide Oval document was circulated in some marginal seats, which included full colour photographs of the Premier of the day arguing all the good things they believed were being done by the state Labor government for the people of South Australia.

There have also been other abuses. In the Public Sector (Data Sharing) Bill I referred to one particular outrageous example of an abuse of a public sector database, where, in the period leading up to the last state election, the Labor Party and the government circulated a copy of the Labor Party policy, approved and endorsed by the state secretary of the Labor Party, no less, to all members on the education department database. It did not even pretend to be a Weatherill government document. It was approved and endorsed by the state secretary of the Labor Party.

A copy of the education policy of the Labor Party was circulated to all teachers and SSOs and others within the education sector database. I expressed some concerns, in the Public Sector (Data Sharing) Bill, about the potential for an amalgamation of these sorts of databases to allow a captive market for a premier of the day who was quite prepared to abuse access to those databases with party political material.

I want to refer now to an even more outrageous example from only the last few days, an email from Premier Jay Weatherill, dated 1 December, so last Thursday, to, I think, all staff in the public sector. It was not just an email received by a section of the Department of the Premier and Cabinet. This email is entitled 'An economy in transition'. It is offensive enough in one respect, but we have seen a number of these before, where the Premier of the state argues to their public servants, who are a captive market because they are on the database of the government, about all the wonderful things, according to the government, they have done: how many new jobs they have created, how employment is growing, the biggest mines, tourism is growing. It is a political spin, as best as the government can make it, about how well the state is doing and about how well the government is doing.

What is even more offensive in relation to this particular government advertising program, this email from the Premier to staff, is that he launches a full frontal attack on Steven Marshall and the Liberal Party in an email from the Premier of the state to all public servants in the public sector. It starts with:

> Despite this, Steven Marshall and the Liberals have spent much of the year opposed to just about everything. He claimed to support investigating increasing our participation in the nuclear fuel cycle, but bailed before the views of the broader South Australian community were considered. He complained about investing in renewable energy but offered no alternative policy other than to continue using coal. He bemoaned rising energy prices, but then announced a 10 year moratorium on fracking in South Australia.

Again, this is dishonest because the Premier tells all the public servants that it was a moratorium on fracking in the whole of the state when clearly it was limited to the South-East of South Australia. He goes on:

> He opposed abolishing stamp duties for businesses and families—

again, an outright lie; that was never the position of Steven Marshall and the Liberals—

> but then called for us to bring them forward. Put simply, Steven Marshall has offered no real plans or real leadership in 2016. His policy document 2036 is evidence of that.

It is just appalling that we could have a Premier of the state and a government that feels so immune to criticism and so arrogant as to say, 'We really don't care. We are going to use every device, every facility, every mechanism and every media outlet we have at our disposal to smash the hell out of Steven Marshall and the Liberal Party and to portray ourselves in the best possible light.'

I have been in this chamber, in government or in opposition, for many years. I do not think I can ever recall such a blatantly political public sector email from the Premier of the state bagging the opposing leader and political party. That is what we the opposition or minor parties and Independents are up against when we are considering what this government, what this Premier, is prepared to do using taxpayer funds in their own interests.

I want to turn to the most outrageous example in terms of paid advertising, which was the Federal Cuts Hurt campaign. I am going to seek leave to conclude my remarks in February, but what has been revealed in relation to this is appalling, and I suspect there is more to come in relation to this particular campaign.

What it indicates is a premier in Premier Weatherill and a government that are willing to do and say almost anything in its own partisan political interests. It is in my view the worst example of abuse of the government's own guidelines that we have seen thus far. I think, when all the details of the Federal Cuts Hurt campaign hopefully, at some stage, see the light of day prior to March 2018, all people will be horrified at the extent to which the Premier and his supporters are prepared to go in terms of their own partisan political interests.

I remind members of the report that was written, after questions had been raised about this campaign, by the Auditor-General in November 2015, titled Government Marketing Communications Report. This was the independent Auditor-General. If I have any criticism of this Auditor-General and others it certainly will not be strong, but I think they could and should go harder in relation to the criticisms of some of the outrages and abuses that they uncover in their reports. Nevertheless, this is the audit conclusion on page 2 where the Auditor-General says:

> We did find that the Federal Cuts Hurt campaign, the most controversial campaign we reviewed, and which cost $1.18 million, was inherently for a political purpose as it pertained to the State, its government and policy. We did not find it was for a party political purpose. It was this campaign in particular that highlighted weaknesses in existing guidelines.

I respectfully strenuously disagree with the Auditor-General's conclusion that he did not find it was for a party political purpose, and I will outline that in a moment. At the very least, he concluded that it was the 'most controversial campaign' and was 'inherently for a political purpose as it pertained to the state, its government and policy'. On pages 3 and 4, the Auditor-General's summary of audit findings on this Federal Cuts Hurt campaign said:

> …following a change to the originally planned second phase of the campaign, it was not evident how the campaign met its original objectives to engage with the community on solutions and decision-making…

The report shows that there had been—and I forget the correct advertising phrase—an explanation of the purpose of the campaign, which was originally given to the committee. The Auditor-General is highlighting that the end was changed in terms of the purpose, and he is reporting that he did not believe the campaign met its original objectives to engage with the community on solutions and decision-making. Clearly, that was just a ruse to supposedly get it through the guidelines, if that was the purpose of the campaign.

The purpose of the campaign was to belt hell out of our federal Liberal government. The purpose of the campaign was to try to set up a battle between a state Labor premier who wanted to portray himself as a fearless warrior and advocate on behalf of South Australia, taking on the terrible

monster of the federal Liberal government and, by association, to also attack the state Liberal Party because part of their campaign was to try to link Steven Marshall and the state Liberals with the federal Liberals during that particular campaign period.

As I said, I strenuously disagree with the Auditor-General's understanding and final assessment that it was not party political. It had to be party political, and it was the only reason why the state government engaged in. As the Auditor-General said in his own findings, 'I couldn't see how it was actually meeting the original objective which was to engage with the community on solutions and decision-making.' Anyone who can recall those advertisements would know that there was no engagement with the community about solutions and decision-making. It was finger-pointing; it was blame directed towards a political party, which happened to be the same political party as his political opponents in South Australia at that particular time. On page 4 of his audit finding, the Auditor-General said:

> …a reasonable person could interpret the message as being on behalf of a political party where advertising focuses on another tier of government held by an opposing political party and features images of the Premier on the advertised website…

There is a colloquial expression, and I will not use the colloquial expression that Barnaby Joyce used recently, but there are no surprises there. The quote continues:

> However, the campaign was clearly identified as a state government campaign and did not include any political party references or identification…

All that says is: it did not say 'Jay Weatherill', neither did it say 'Labor Party' nor 'Liberal Party'. It just referred to the Premier and the state government against the federal government. But everyone knows, without the use of the words 'Labor' and 'Liberal', that the federal government was a Liberal one and the state government was a Labor one, and the state Labor government was opposing a Liberal Party, which, by association, clearly was in the same party as the federal Liberal government at the time. Finally, the Auditor-General in his report states:

> …the use of emotive language [in the commercials] is inconsistent with the objectivity criteria in the 'maintenance of high standards' requirements of the guidelines. This reasonably contributes to the perception that this advertising has political motivation rather than providing information to the public in an objective manner…

Once again, there are no surprises there. The Auditor-General says, 'Look, I've looked at this commercial. The use of emotive language is inconsistent with the objectivity criteria'—that is, you have to maintain high standards—'and it reasonably contributes to the perception that it has a political motivation rather than providing information'.

The Auditor-General found that it contributed to the perception that it has political motivation yet in his audit conclusion says, 'Whilst it was inherently for a political purpose, we did not find it was for a party political purpose.' I think that is sophistry in its extreme, but putting that aside, my criticism is not directed at the Auditor-General; it is directed at the Premier, the Weatherill Labor government and all its fellow travellers.

In concluding my remarks this afternoon—as I said, I will seek leave to conclude my remarks in February—these abuses by Premier Weatherill and the Weatherill Labor government can only occur if the government implants in the appropriate sections of its department key people in key positions. Mr Acting President, you and other members will have often heard me talk about the Labor government parachuting their fellow travellers, former ministerial staffers, Labor Party contacts and Labor Party supporters into key positions in the public sector. I do not do that just as a passing interest; there is a deliberate intent and purpose in many of these appointments.

When you look at how campaigns like this get up and going, you need key people in departments like the Department of the Premier and Cabinet. At that time, the Weatherill government had managed to get some key people into key positions. Mr Paul Flanagan and Mr Rik Morris, former key staffers under Labor governments over many years, under both premier Rann and Premier Weatherill, held key positions in the communications advisory section of the Department of the Premier and Cabinet.

There is a committee, PCAG, that looks after the advertising guidelines for advertising campaigns. At varying stages, both Mr Flanagan and Mr Morris had influence as key people within the Department of the Premier and Cabinet but, in terms of communication strategy overall, they had

responsibility. Over the last 12 months or however long it has been, another former Labor Party staffer, Mr Kym Winter-Dewhirst has been parachuted into the Department of the Premier and Cabinet. At varying stages, you have had Mr Flanagan and Mr Morris and now you have Mr Winter-Dewhirst. Mr Flanagan has gone, but another government staffer from another ministerial office has been parachuted into the Department of the Premier and Cabinet.

Why is that important? It is important because you need people in the public sector in key positions who have the same willingness as the Premier of the State of South Australia to use public funds to further the interests of the Weatherill Labor government in South Australia. In and of itself, it is not sufficient for the Premier to say, 'I want to spend $1 million plus on a Federal Cuts Hurt campaign.' He needs key people in key positions in his department to help implement that particular program and policy.

That is why some of these decisions, in terms of having people like Mr Flanagan, Mr Morris and others—and now Mr Winter-Dewhirst—in these key positions is important. As has been demonstrated, in terms of the breaches of the advertising guidelines which the Auditor-General has found and which we have highlighted on any number of occasions in relation to some of these campaigns, the Premier and the government, with the complicity, support or active action in some cases of some of these Labor Party staffers in key positions, have been prepared to bend where it is required and break where it is required the rules of engagement, the accepted rules of public accountability, the accepted rules of how taxpayers' money should be spent and how it should be accounted for.

We have seen perfect examples of this with this outrageous abuse of the Federal Cuts Hurt campaign that has been highlighted not just by the Auditor-General but by other information that has come to light and that will come to light. When you have a situation where Premier Weatherill and the government say to key people, 'Jump,' some of these people are prepared to say, 'How high?' Their loyalty to the cause, and their loyalty to the re-election of the Weatherill Labor government, knows no bounds.

My criticism is almost solely directed at the Premier and the key ministers who drive this process, but in the end, if there are senior public servants as former Labor Party staffers who have been complicit in implementing some of these policies and guidelines, they too must accept their share of criticism. With that, I seek leave to conclude my remarks.

Leave granted; debate adjourned.

Bills

STATUTES AMENDMENT (SURROGACY ELIGIBILITY) BILL

Committee Stage

In committee (resumed on motion).

New clauses 3A, 3B and 3C.

The Hon. J.M.A. LENSINK: I have been listening intently to the debate both this morning and yesterday afternoon. I am pleased that the amendments to the amendment have been made; that is, the Hon. Tammy Franks has amended the amendment of the Hon. Dennis Hood and there has been some narrowing. I must admit that I had that same question mark when I looked at some of the conditions, and I was not sure what the intent was. I think there has been some additional transparency for clients that might not have been there before.

I do hold concerns about inconsistency between the federal legislation and the state legislation in terms of the Sex Discrimination Act and our state Equal Opportunity Act. I do not actually accept that these amendments are comparable to medical terminations because that conscientious objection is usually based on medical practitioners objecting to the procedure and administering it, whereas in these amendments it is an objection to providing a service to a particular client group.

In practice, as someone who has undergone these procedures, it is difficult to see how most of the staff who are involved—nurses, anaesthetists, lab technicians and other medical practitioners—would be aware of the personal circumstances of the client or the patient, apart from

the actual doctor under whose care and with whom the client's patients are associated and who takes the personal history and so forth. So, for a range of reasons I am unable to support this set of amendments.

The Hon. K.L. VINCENT: I am certainly more inclined toward the Franks version of the amendment, and I thank the Hon. Ms Franks for moving it. My personal initial preference would be to pass neither amendment, and I think minister Hunter did a rather good job of explaining why before we rose for the lunch break. I am going to try to elaborate on some of the points why I think it is wrong to allow anyone to use their religious beliefs to not provide a service to a particular group.

The Hon. Ms Lensink has made a good point: this is not about whether or not they agree with the actual procedure or service holus-bolus; this is about denying it to a particular group. I will try to explain as eloquently as I can why I disagree with that. I try to refrain from telling personal stories in this chamber because, as much as the Hon. Mr Wade might think otherwise, it is not actually all about me; however, there comes a time every now and again when I think they are useful. I have a couple of stories, and I will start with one and then come back to another.

Should I ever have the privilege to have my own family—and it is important that we remember, as Mr Wade has reminded us, that that is not necessarily a right per se but a privilege—I would strongly prefer to do that via adoption rather than by carrying my own children. This is for a number of reasons, but mostly because I see it as: why would I have a baby born into not royalty but relative privilege when I can help a child who already exists? As a friend once put to me, 'You can hang a painting in your house and still love it without having to make the painting yourself.' However, I still support this bill because I understand that this is a very personal and nuanced issue, and it is not for me to stop others from building a family in a different way should they choose to, even though that might not be what I would choose to do.

I want to add at this point that I do support freedom of belief, including religion, in one's private life. I do not have any issue with that. I do not believe that this should extend to the provision of non-religious specific services. Indeed, I think this is backed up by the letter that we have received from such a service provider as Repromed, telling us that they would be quite happy to continue providing services to people seeking ART, regardless of marital status or family structure.

If I book an airfare, if I book a ticket on a flight, no-one at Jetstar or Qantas has the right to ask me why I am booking that flight, even though they might vehemently disagree with the reason I am going on that trip. If I order a cup of coffee at a cafe, no-one asks me if I am buying that coffee in the context of going on a date with a woman. So, I do not see why this sort of judgement should extend to ART services.

The last point I want to make is that I have given this some thought over the break and I have come to the conclusion that even if a registered objector has to refer the client, whom they do not wish to service, to another clinician who may service them, I still think this could cause significant anguish and pain. In thinking about this I was reminded of a similar, but different, experience of my own in which I was having a conversation with my disability support worker at the time—I think she was helping with housework or shopping or something and we got into a conversation, as you do in these situations. Somehow the topic of having children came up. She asked me whether I would like to have my own children. When I responded yes, she looked at me with a look of real shock on her face and said, 'But they would take them away from you, wouldn't they?'

The reason I think this story is relevant is that this disability support worker did not really know me; she was there to provide a service to me. She did not know anything about my physical abilities really, about my emotional abilities to care for a child, about my financial abilities, yet she saw fit to pass that judgement about me based on an obvious physical difference.

Similarly, you could argue that an ART provider does not know anything about a person's background, about their reasons for seeking ART to have a child, so why should they be in a position to pass that judgement? Of course, this support worker did not stop me from having children and has no ability to do that, thankfully, but that memory will stay with me, probably for the rest of my life. It may well be that, if and when I have the privilege of having my own children, that story might come back to me with the memory of the doubts, pain and rejection from that day.

My concern is that, even if a registered objector can state their objection and then refer the client on to someone who might provide those services, that rejection of service initially could cause significant emotional pain and cynicism for people who are already in a pretty vulnerable position, I think it is fair to say, when they are seeking ART services. It is a very emotional and sensitive time. Based on my knowledge and experience and the anecdote that I have just shared, it is clear that there are already enough people facing enough judgement and stigma for wanting to go about living their lives. I cannot sit by and allow more of that stigma and pain to continue, so I will not be supporting these amendments.

The Hon. D.G.E. HOOD: In relation to the Repromed email—I presume all members received a copy—I want to make it clear to the chamber that there is nothing in my amendment that will prevent Repromed from providing ART services to anyone they like, including same-sex couples; merely that a registered objector, if they follow the requirements, would not be forced to do it themselves and they would not be subject to any consequences if they referred those individuals or individual to somebody who was prepared to conduct the service.

The Hon. S.G. WADE: If I could follow on from the comments of the Hon. Mr Hood and relate it to the airline observation that the Hon. Kelly Vincent made. As I understand it, the Hon. Dennis Hood's amendment would not assist an organisation such as Repromed if they were not to provide the service. In that sense, if Repromed or any agency only had practitioners who wanted to become registered objectors, they would presumably be under a legal obligation to procure the services of people who do provide the services.

Can I remind the council that there is more than one set of rights and freedoms that need to be respected. Only a week or two ago, the House of Assembly considered the Death with Dignity Bill that provided in clause 19(1):

> A medical practitioner, registered nurse or nurse practitioner may decline to administer voluntary euthanasia on any grounds without prejudice to their employment or any other form of discrimination.

It is a well-established principle that medical practitioners and other health practitioners can on moral grounds, whether that be religious or otherwise, choose not to administer a particular treatment. The Hon. Dennis Hood's amendment sits in a long line of legislative instruments to reflect that value. That does not mean that that bill, for example, was going to allow voluntary euthanasia. Likewise, as I said before, I support this bill opening up surrogacy to same-sex couples, but I do believe it is appropriate to recognise that some medical practitioners and other health professionals may choose not to participate.

The Hon. T.T. NGO: I rise to support the amendments of both the Hon. Ms Franks and the Hon. Mr Hood. I think they are good amendments because, whether we like it or not, there are people in society who have strong religious beliefs. Some honourable members may not think so, but it is their right to have strong religious beliefs. Society has opened up to the world, and migrants are coming here to make their second home, and many have strong religious beliefs. I believe that many migrants do respect same-sex couples even though they have strong religious beliefs.

However, you may have a situation where someone has strong beliefs and, because of their beliefs, they cannot provide that service, and I think we should provide a way out for them. This amendment does that because if someone has strong beliefs, they have to register. They cannot decide on the day or in the moment to say no to that couple. If someone has strong beliefs and they go out of their way to register, we should respect that.

The amendment does not say, 'That's it. You're not entitled to experience motherhood or fatherhood.' It says that they need to find an alternative provider to assist those couples. I cannot see the problem with that because you are not denying this couple a child. I know other honourable members talked about being discriminated against by airlines or while having a coffee, but those service providers do not discriminate based on disability or sex.

This is all about religion. If someone has a really strong belief and they go out of their way to express their view, then as members of this parliament we should respect that. It may happen every now and then, or it may not, but potentially it may. If we do not fix this up and that happens, it could cause a lot of headaches for innocent people who are happy to provide the service but who, because of their strong beliefs, may potentially end up in court.

The committee divided on new clause 3A:

Ayes 11
Noes..... 8
Majority..... 3

AYES

Brokenshire, R.L.	Darley, J.A.	Hood, D.G.E. (teller)
Lee, J.S.	Lucas, R.I.	Malinauskas, P.
McLachlan, A.L.	Ngo, T.T.	Ridgway, D.W.
Stephens, T.J.	Wade, S.G.	

NOES

Dawkins, J.S.L.	Franks, T.A.	Gazzola, J.M.
Hunter, I.K. (teller)	Lensink, J.M.A.	Maher, K.J.
Parnell, M.C.	Vincent, K.L.	

PAIRS

Kandelaars, G.A.	Gago, G.E.

New clause thus inserted.

Amendment to new clause 3B carried; new clause as amended inserted.

Amendment to new clause 3C(1) carried; amendment to new clause 3C(2) carried; new clause as amended inserted.

Clause 4.

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

Amendment No 2 [Hood–3]—

Page 2, line 14 [clause 4(1), inserted paragraph (ba)]—Before 'a condition' insert:

subject to subsection (1a),

This amendment is consequential.

Amendment carried.

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

Amendment No 3 [Hood–3]—

Page 3, after line 6—After subclause (3) insert:

(4) Section 9—after subsection (1) insert:

(1a) Section 9(1)(ba) does not apply to a registered objector but, in that case, it is instead a condition of the registered objector's registration that the registered objector take steps to refer the person seeking assisted reproductive treatment to another person who is registered under this Part.

This amendment is consequential.

Amendment carried; clause as amended passed.

Clause 5.

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

Amendment No 4 [Hood–3]—

Page 3, after line 17—After inserted subsection (2) insert:

(2a) Despite subsection (2), the refusal by a person who is a registered objector within the meaning of the *Assisted Reproductive Treatment Act 1988* to provide assisted reproductive treatment to another on the basis of the other's sexual orientation or gender identity, or marital status will not be taken to be refusal of a service to which this Act applies.

This amendment is consequential.

Amendment carried; clause as amended passed.

Clauses 6 to 8 passed.

Clause 9.

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

Amendment No 1 [SusEnvCons–1]—

Page 4, lines 29 to 32 (inclusive) [clause 9, inserted subsection (2a)(e)]—

Delete paragraph (e) and substitute:

(e) either—

(i) it appears to be unlikely in the circumstances that a commissioning parent would become pregnant, or be able to carry a pregnancy or give birth (whether because of infertility, other medical reasons, risk to an unborn child or for some other reason); or

(ii) there appears to be a risk that a serious genetic defect, serious disease or serious illness would be transmitted to a child born to a commissioning parent; or

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

I think I said in the second reading speech that this phrasing was deleted with no intention whatsoever of removing any rights that exist under the current legislation, which essentially was inserted by the Hon. Mr Dawkins when he was introducing his legislation. We had a discussion about whether we could put a ministerial statement in place here to assuage any concerns that people might have that no rights were being removed. However, on the basis of discussions I had with the Hon. Mr Dawkins—

The Hon. J.S.L. DAWKINS: Mr Chairman, I am having difficulty listening to the minister. This is an important piece of information for the chamber and there are other people who are talking and I cannot hear the minister.

The CHAIR: I could not hear the others talking because I had my own people talking in my ear. I will ask all members to be respectful of the minister's right to move this in peace.

The Hon. I.K. HUNTER: Thank you, sir. As a result of discussions I have had with the Hon. Mr Dawkins over the last several days, my intention now is to put in place this amendment which makes it absolutely crystal clear, by using the old language, if you like, that a woman who is capable of achieving pregnancy but may not be capable of carrying a child to term will also be included in the definition of what services are available. In an abundance of caution and for absolute clarity I am very happy to move this amendment.

The Hon. J.S.L. DAWKINS: I greatly appreciate that the minister has moved this amendment. This is very much the basis around the origins of my moving this legislation a decade ago. I accept the minister's assurance that this was inadvertent. I have my own view in that I think it reflected a bit of the sloppiness of the directions that were coming from the proponents in the other place but, ultimately, the reality is that the very good discussions that I have had with the minister and, I must say, with Professor John Williams, about the ways in which we can correct this have

brought us to the point we are at now. I am very grateful that the minister has moved that amendment. I support the amendment and commend it to all other members.

The Hon. T.A. FRANKS: I rise briefly to indicate that the Greens will be supporting this amendment and commend the government for working with the Hon. John Dawkins to ensure that those very people for whom he fought so hard, to ensure that they could avail themselves of surrogacy in this state, are protected into the future.

The Hon. K.L. VINCENT: I indicate that I will support the amendment, given that it brings the bill closer to some of its original intent. May I also ask a question of the minister. It is a question that I think I asked him a few weeks ago when we met about this bill but I do not recall getting a definitive response. If he could consider it now, if possible, in the spirit of trying to make sure that we are covering everyone possible: would the inability to carry a child to term also include a woman who might technically be able to get pregnant under certain circumstances and carry a child but is not able to get pregnant through intercourse due to conditions such as vaginismus or pelvic floor hyperactivity, which means a woman is unable to or has limited ability to have penetrative sex?

The Hon. I.K. HUNTER: My advice is that, yes, it would. The language that was used in the drafting of this legislation was intended to cover the full gamut of situations but, because it did not explicitly lay out and use the language of the existing legislation, the Hon. Mr Dawkins and I concurred that we should put that example of that language back in. However, in the case that the Hon. Ms Vincent is contemplating, my advice is that it would certainly be covered.

The Hon. P. MALINAUSKAS: I apologise in advance if my ignorance or misinterpretation of this has got the better of me in respect of the intent of this particular amendment. I would like to know if are there any consequences of this amendment regarding the access of surrogacy or assisted reproductive technology to single mothers or single people generally.

The Hon. I.K. HUNTER: My answer is in three parts. The first part is that this is just putting back what currently exists in the act. It is currently there. It is not adding in any new provision. What is currently in place is being reinforced by putting the language of the existing act into this bill. Secondly, my understanding is that to access surrogacy arrangements you have to be a couple, so it would not apply to single people, and that is what we are dealing with here—surrogacy. In terms of the broader question about ART, as I said in the earlier part of the debate, single women can now access ART if they are medically infertile.

The Hon. P. MALINAUSKAS: I appreciate the minister's remarks, and they make sense. I guess I am looking for some guidance here because my understanding is that, and representations have been made to me, during the course of proceedings in the lower house amendments were made to what is currently the law but essentially at the consequence of depriving single people access to surrogacy or ART.

The Hon. I.K. HUNTER: Just surrogacy.

The Hon. P. MALINAUSKAS: Sorry?

The Hon. I.K. HUNTER: Just surrogacy.

The Hon. P. MALINAUSKAS: Just surrogacy.

The Hon. S.G. Wade: It is in the bill.

The Hon. P. MALINAUSKAS: Does this undermine that?

The Hon. I.K. HUNTER: My advice is not at all. Again, this is the current legislation. We are taking the language from the current legislation, which the Hon. Mr Dawkins brought in, and popping it into this act in an abundance of caution and clarity. Surrogacy is only accessible, on my advice—and it is in the bill, as the Hon. Mr Wade said—to couples. This does not change that in any way whatsoever.

The Hon. P. MALINAUSKAS: Okay, that is helpful. Again, for the sake of an abundance of clarity, what is the minister's position in regard to this change in the context of the amendments that were made in the lower house which were aimed to deprive access to surrogacy or ART by single people?

The Hon. I.K. HUNTER: I need to repeat what I just said: surrogacy is available only to couples.

The Hon. P. MALINAUSKAS: Currently.

The Hon. I.K. HUNTER: Currently, and no action of this amendment will change that.

The Hon. P. MALINAUSKAS: But there was an amendment in the lower house that—

Members interjecting:

The Hon. S.G. WADE: I make the point that the amendment in the lower house meant that that portion of the bill would never make it into the act, so I think the minister is correct to tell us that under the current law this medical service is available only to couples. In the future, it will only be available to couples. What this bill does is broaden the range of couples to whom it is available.

The Hon. I.K. HUNTER: I agree with the Hon. Mr Wade on almost every point except the last one. I do not think it does broaden it. I think the words we had in the bill would have covered all situations. The Hon. Mr Dawkins felt otherwise, so out of an abundance of caution I used the existing language. That does nothing whatsoever to change the availability of the legislation to single people.

The Hon. S.G. WADE: Sorry, I meant the effect of the bill overall, not this particular amendment. Just by way of history, the minister was not rushing to put this in. In fact, the minister intended to reassure the council by words on the record and he was happy to take the risk with the courts, so to speak. The Hon. John Dawkins, with my encouragement, agreed with the minister that it would be good to have it in the legislation. Just to clarify some of the comments the minister made yesterday, that was not a reflection on this particular executive, but a reflection of a long-standing tradition of parliaments to trust no executive.

The Hon. J.S.L. DAWKINS: I will be brief, but I want to reassure the Hon. Mr Malinauskas that the legislation is quite clear about who is eligible, and single people are not eligible. But can I go back to the history of this. The Hon. Ms Lensink and I, along with staff representing other members, had a briefing from the minister and a range of officials from various government departments about the four bills. There was an excellent briefing from a representative of the Department of the Premier and Cabinet about this bill.

However, I do remember the words I used, in that I said I did not want to ask a silly question, but I needed to ask it just to ensure that the people who—I used the example of Ms Kerry Faggotter, who came to me originally. She is capable of becoming pregnant but she cannot carry a child to term; there are other women who can probably carry a child to term but it would be medically dangerous for them to do so. I wanted to make sure that those categories of women were still included in the definition of infertility that we had installed in the original legislation. I asked the question, and on the day, the minister and his adviser were of the view that that was covered.

To his great credit, the minister rang me the following afternoon—I remember where I was when he rang me—and told me that the good work, as a follow-up to my question, came up with the information that it was not covered and so he would draft an amendment. He did that very quickly; however, subsequently, we had some conversations about whether we could put a statement in *Hansard*. We had a meeting with Professor Williams, who subsequently came up with some words.

Ultimately, I was of the view that we were better off to have an amendment. I looked at the amendment that the minister had drafted and was prepared to move that, but subsequently our discussions agreed upon the position that it would be even better if the minister moved it himself. I hope that explains the situation to the Hon. Mr Malinauskas and others. I commend the amendment once again.

Amendment carried; clause as amended passed.

Remaining clause (10) and title passed.

Bill reported with amendment.

Third Reading

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (16:58): I move:

That this bill be now read a third time.

The council divided on the third reading:

Ayes 14
Noes..... 3
Majority..... 11

AYES

Darley, J.A.	Dawkins, J.S.L.	Franks, T.A.
Gazzola, J.M.	Hunter, I.K. (teller)	Lee, J.S.
Lensink, J.M.A.	Maher, K.J.	Malinauskas, P.
McLachlan, A.L.	Ngo, T.T.	Parnell, M.C.
Vincent, K.L.	Wade, S.G.	

NOES

Brokenshire, R.L.	Hood, D.G.E. (teller)	Lucas, R.I.

PAIRS

Ridgway, D.W.	Kandelaars, G.A.	Stephens, T.J.
Gago, G.E.		

Third reading thus carried; bill passed.

Parliamentary Procedure

SITTINGS AND BUSINESS

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (17:04): I move:

That standing orders be so far suspended as to enable the Clerk to deliver messages together with the Relationships Register (No 1) Bill 2016, Births, Deaths and Marriages Registration (Gender Identity) Amendment Bill 2016, Biological Control (Miscellaneous) Amendment Bill 2016 and Adoption (Review) Amendment Bill 2016 to the Speaker of the House of Assembly whilst the council is not sitting and notwithstanding the fact that the House of Assembly is not sitting.

Motion carried.

Adjournment Debate

VALEDICTORIES

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (17:05): As we wind down the day's sitting, it is my privilege to deliver a short speech to conclude the sitting of this chamber. In keeping with the distinguished tradition of such speeches, it will be slightly boring and a couple of minutes too long; I hope everyone enjoys it.

We have all contributed in some form to many bills, motions, questions, explanations and discussions this year and, whilst our debate can be robust, I think the varying perspectives have allowed us to consider legislation from many points of view and have, in turn, allowed us to arrive, in a lot of cases, at better outcomes for the people of South Australia, whom we are elected to

represent. This has been particularly evident over the past few days, where we have debated a number of bills that many of us feel passionately about in what I think has been a remarkably respectful manner.

I would particularly like to pay tribute to the hard work of the Government Whip, the Hon. Tung Ngo, and the Opposition Whip, the Hon. John Dawkins. The job of being whip is often thankless but someone has to do it, so thank goodness for these two blokes because it is much better them than anyone else trying to herd the cats they often have to herd. I would also like to convey my significant admiration to those who have harder jobs still in this place: our excellent table staff Jan Davis, Chris Schwartz, Guy Dickson; our attendants Todd, Super Mario, Karen and Antoni—

Members interjecting:

The Hon. K.J. MAHER: Yes, Super Mario—and our office staff, Margaret and, while she has been away on leave, Kate.

There are so many people who contribute their time and energy to making this place function, and often function very well: parliamentary counsel, our patient Hansard staff, our kitchen and dining staff, our library staff, our building staff, and everyone who goes cheerfully about their daily business of keeping this place in good order. Our sincere thanks are extended to them all, as well as to the staff in our own offices, who work long hours to help us do our jobs and ensure that this chamber runs somewhat smoothly. In my office, I would like to particularly thank Andrew, Jillby, Wendy and Areti.

On behalf of the chamber, there are a few other people to whom I would like to convey our best wishes, particularly the Hon. Gerry Kandelaars and his family during what is a difficult period for them. I know that the thoughts of every member of this chamber are with him and his family.

If our work can be judged on statistics, then the thousands of litres of coffee drunk during sittings, particularly late-night sittings, and the hundreds of kilograms of roast meat consumed during meal breaks are testament to the hard work of this chamber—

The Hon. D.W. Ridgway interjecting:

The Hon. K.J. MAHER: I thank the Hon. David Ridgway for his interjection which I think was something along the lines of, 'That was just my lunch yesterday.' There are some other facts that help to summarise the year in review quite well. I believe the Hon. Robert Brokenshire has mentioned that he used to be the police minister only about 49 times, or about once every sitting day, which is fortunately a third of the number of times he reminded us of this fact last sitting year.

The Hon. Andrew McLachlan quoted nearly half of the combined complete works of Alfred Lord Tennyson, William Wordsworth, John Keats and Rodney Rude, and occasionally the prose quoted had some relevance to the debate at hand. The Hon. John Gazzola distinguished himself with his speed of speaking, taking an average of only seven seconds to ask each question and would probably win the Rocky Balboa award for elocution.

The Hon. Stephen Wade has again been able to channel the Incredible Hulk in this chamber, with random outbursts of sudden anger that have equally delighted and scared most of us. Not to be outdone, the Hon. Terry Stephens' vigorous interjections about where we should often go and how we should do it have earned him the title of 'tough cop on the beat' for the Legislative Council. Of course, to you, our glorious President, who has presided over us wisely once again, in a strange sort of karma way you seem to be growing even more hair as the Hon. David Ridgway continues to lose his.

We saw the welcome addition this year of the Hon. Peter Malinauskas, whose presence in this chamber has brought down the average age of the chamber by some considerable years, and we have seen the triumphant return of the Hon. Michelle Lensink, who continues to very unfairly compare some ministers in this government to cartoon characters.

On a serious note, I would like to pay tribute to the Hon. Gail Gago, who was the leader of this government in this chamber when we ended last year. Her contribution to all aspects of parliamentary life has been immense, and I am sure that those opposite, like me, miss the cries of 'Shame' during question time.

We are, of course, grateful for the sheer number of points of order raised by the Hon. John Dawkins during the course of the year, who, as he says, has been here for a very long time and that we should all, quite frankly, know better. There are various levels of gratefulness to the Hon. Jing Lee, who this year has moved a motion about nearly every organisation or international day that was on the calendar.

Members might not be surprised to hear that the Hon. Rob Lucas took the title for speaking more than any other member of this chamber this year, closely followed by the extraordinary verbosity of the Hon. Mark Parnell during the course of the year. I am advised that the Hon. Rob Lucas' speaking time exceeded the combined total of the Hon. Kelly Vincent, the Hon. John Darley and the Hon. Dennis Hood, who taught us all lessons in succinctness and how to sum up everything you need to say in an amount of time that is probably more appropriate.

The Hon. J.S.L. Dawkins: He's got enough staff to work out how long it is.

The Hon. K.J. MAHER: Yes, I did consider asking the staff to work out how long the Hon. Rob Lucas had spoken for, but it got too arduous to look beyond two sitting days.

The Hon. Tammy Franks has spent more time protesting on the steps than in the chamber, a fact that she ought to be proud of. The Hon. Tung Ngo has spent the most time of anyone singing in this chamber. I will be particularly interested to hear his cover of Bonnie Tyler's *Total Eclipse of the Heart* next year, which I am reliably informed is often done at La Sing in the early hours of the morning.

Having said that, I would like to thank all members for the contributions they have made this year. I wish everyone a very merry Christmas break and particularly a fond farewell to Robert Brokenshire, as he has a keen interest in the workings of the federal parliament. I am keen to finish because apparently the ice-creams are on the Hon. Ian Hunter. If anyone would like a photo with the real Ian Hunter, rather than a cardboard cut-out, I am sure that the Hon. David Ridgway will have his selfie stick available at the back of the chamber once we have finished sitting.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (17:11): I stand on behalf of the opposition to endorse some, but not all, of the comments made by the Leader of the Government as we wind up this calendar year of sitting. Certainly, it is refreshing to have a bit of humour. Without reflecting too poorly on previous leaders, I think that is probably the most light-hearted summing up or end of the year speech we have had, so I congratulate the Leader of the Government on a bit of humour at the end of the year.

From a thankyou point of view, on behalf of the opposition I thank all the people in Parliament House and those the minister and Leader of the Government has mentioned: the staff in Parliament House, Hansard, parliamentary counsel, catering staff, kitchen staff, security people and everybody who makes this place function. It does function very well—even on the night the power went out it still functioned reasonably well. We were able to secure all the hot food in the Blue Room for a group in the Hon. Terry Stephens' office, which meant that nobody else could get any, so that worked well that particular night.

On a serious note, I think it is important that we respect all those who have worked hard and put up with our tempers and tantrums when things did not go as well as we thought. I do not think we have had as many late nights this year as we have had in other years. The Leader of the Government is very keen not to sit on any nights, other than when we have urgent business, and I think everybody has been quite happy not to sit late.

I know that the Hon. Michelle Lensink has had some discussions and will have further discussions perhaps over the break with our team about whether we can fine-tune and streamline private members' business and maybe come back to the government and the chamber with some options. I also would like to say that we are thinking of Gerry and his family and, of course, Kyam and his family, as his mother is very ill at the moment, too. Our thoughts are with both those families.

The Hon. Robert Brokenshire may be gone from this chamber when we resume on 14 February, on Valentine's Day, and of course speculation is rife that the Hon. Peter Malinauskas may make the move to the seat of Croydon over this summer period. He may not. The Hon. Frank Blevins is the only one who has ever actually been successful. A number have tried and failed;

whatever may come, we may see him back or we may not. With those few words, I wish everyone a very merry Christmas and a safe and happy new year. We look forward to seeing you back here on Valentine's Day with a lot of love in 2017.

The Hon. M.C. PARNELL (17:14): Very briefly, I will also associate myself with most, but not all, of the comments of the Leader of the Government and the Leader of the Opposition. The Leader of the Government has thanked the long list of people who make our lives easier here in Parliament House and who help us do our work. I give a special shout out to the building staff who have the unenviable task of trying to fix the heritage-listed air conditioning (including in my office) over the summer, in the first three weeks of January. I hope that speed is on their side. I look forward to 2017 and hope it will be a better year than 2016. On behalf of the Greens, I wish everyone the compliments of the season and a good break, and we will see you all back here next year.

The Hon. D.G.E. HOOD (17:15): I will not detain the house for long, but I would like to associate myself with the remarks of the three previous speakers. It has been another big year for the Legislative Council. As the Hon. Mr Maher outlined, we have had some very intense debates at times, but most of the time people have managed to keep their tempers—not all of the time, but most of the time—which I think is in the best traditions of this place.

I would also like to thank all the various staff that make this place possible. It is extraordinary the number of things that happen that you are not even aware of. I have found out things just in the last month or so about Parliament House that I did not even know existed. It is extraordinary that these things happen without our personal involvement, so a sincere thank you to all the staff. I wish all the members a terrific Christmas. I hope you have a chance to have a break with your families and come back refreshed next year. It is an election year of sorts, that is, we are at least leading to an election, so I think those tempers may fray a bit more, particularly in the second half of the year.

Members interjecting:

The Hon. D.G.E. HOOD: No, not at all. That is also probably, in one sense at least, in the finest traditions of this place. Thank you.

The Hon. K.L. VINCENT (17:16): I associate myself with the remarks that other members have made in thanking everyone who has put a great effort into making this another successful year for the parliament. Because I have been noted by the Hon. Mr Maher for my succinctness in my speeches, I am keen to keep up that reputation, so I have composed, very briefly a limerick to limit myself in my words. It is very rough, so I hope you will forgive me. It goes simply thus:

It has been another year of dedication,

to jobs, health and education,

but we couldn't even do half,

if it weren't for the staff,

so thanks, see you next year, congratulations.

The PRESIDENT (17:17):I will make a couple of comments. I would like to reinforce all the comments made today. I would like to pay special tribute to all the messengers, assistants and clerks, in particular Jan and Chris, whose knowledge and understanding make my job so much easier in the chair. The last two days have shown that everyone here, regardless of our views, has respected the views of everyone else. I think that is very important in a democracy, and I think we have handled these debates with great maturity. Thank you very much for all the help. I look forward to seeing you all next year. Hopefully, we will all come back refreshed and ready to get into another productive year. Thank you.

At 17:18 the council adjourned until Tuesday 14 February 2017 at 14:15.