HOUSE OF ASSEMBLY

Wednesday 2 April 2003

The SPEAKER (Hon. I.P. Lewis) took the chair at 2 p.m. and read prayers.

DNA TESTING

The Hon. M.D. RANN (Premier): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.D. RANN: One of the most significant crime fighting advances in the history of South Australia will come into force this Friday. Every prisoner in South Australia is to be DNA tested under the government's expanded legislation. Our comprehensive testing regime will also allow police to test people they reasonably suspect of committing a serious indictable offence without having to obtain a magistrate's court order, and we are not stopping there. In addition, police want to test those who are reasonably suspected of committing any one of 11 specific summary offences, and they will under this government. That means that for the first time in South Australia joy-riders and those who wield weapons, commit indecent behaviour, possess child pornography, mislead or assault police can be DNA tested, even if they are only suspected. Those suspected of breaking numerous gun laws could also be DNA tested.

The member for Bragg is on record as saying that we do not need to DNA test convicted murderer Bevan Spencer Von Einem. Well, I disagree, and so does my government. This mouth scrape, known as a buccal swab, is not a breach of civil liberties. It will make more criminals responsible for their actions and, just as easily, it can eliminate suspicion of the innocent—those with nothing to hide. Those with nothing to hide have nothing to fear from DNA testing.

The magnitude of crime solving that opens up, thanks to the most significant advances for DNA testing in South Australia, is almost incomprehensible. DNA testing is the breakthrough that fingerprinting was 100 years ago. Let me repeat that: DNA testing is in this century the breakthrough in law and order that fingerprinting was 100 years ago. Up to 16 000 DNA samples could be added to the database in the first year of operations, beginning this Friday. This is a massive jump on the 500-odd convicted offenders whose DNA has been collected since testing was introduced in 1999; 500 in all those years, 16 000 in a year. About 28 per cent of those convicted offenders are being linked to crime scenes through the matching of their DNA, and this means that the untested prison population alone could identify some 250 to 280 suspects for unsolved crimes. The flow-on effects are extensive. International experience shows us that the improved clean-up rate ultimately impacts on the number of serious offences being committed.

It is described by some in the United Kingdom as the key to reducing the crime rate. A DNA matching can stop young trainee criminals from graduating to the next step—some even say solving crimes before they happen in the sense that they are caught out before they are repeated, and that is an important point to understand. To help put this in place, a South Australia Police (SAPOL) DNA Management Section is now fully staffed and operating. Three teams with specially trained police have been created to collect samples, in addition to the collection that will be done by general operational police.

The Forensic Science Centre is also now recruiting more staff to process and match DNA samples. We are proud that, from this Friday, we will be arming our police with the crime-fighting tool of the new millennium, and criminals in this state have every reason to be afraid.

RELIGIOUS DISCRIMINATION AND VILIFICATION

The Hon. M.J. ATKINSON (Attorney-General): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.J. ATKINSON: Promoting and encouraging harmony underpinned the government's proposals to broaden the scope of equal opportunity legislation to try to prevent discrimination on the grounds of religious belief. On 11 June 2002, I published a detailed discussion paper outlining a proposal for amendments to the Equal Opportunity Act 1984 to cover discrimination and vilification on the grounds of religion. The discussion paper acknowledged the sensitivity of this area and promised that only if there is consensus will the new law proceed.

I sent the discussion paper to many groups, including representatives of all faiths, religious schools, universities, peak bodies in multicultural and ethnic affairs, church-affiliated organisations, business and workplace organisations, the courts and government officials, such as the Public Advocate, Employee Ombudsman and the Commissioner for Equal Opportunity. The paper was also circulated to the South Australian Multicultural and Ethnic Affairs Commission and was posted on government web sites. It received some media attention and attention in the house. The paper attracted over 3 000 submissions. This is a large number of responses for a government discussion paper. Most of these were handwritten letters from members of Christian churches urging the government to abandon the proposal.

The Hon. M.R. Buckby interjecting:

The Hon. M.J. ATKINSON: And the member for Light endorses those letters.

Mr Brindal interjecting:

The Hon. M.J. ATKINSON: And the member for Unley and, I gather, the whole of the Liberal Party. They expressed fear that the proposed new law could be used against religion rather than protecting it. In particular, they feared that the new laws would prevent them from freely preaching and practising their religion and seeking to convert others.

The paper also attracted submissions from the representative bodies of most of the religions practised in South Australia. Some of these, such as the Buddhists, Baha'is, Beit Shalom Synagogue, Church of Jesus Christ of Latter-Day Saints, Greek Orthodox Community, Hindu Society, Church of Scientology, Islamic Society and the Seventh-Day Adventist Church, supported the proposal or supported it with qualifications, sometimes heavy qualifications. Others, including all the main Western Christian denominations, the Greek Orthodox Archdiocese and the Greek Evangelical Church opposed it. So did many Christian schools. Secular commentators, such as the Commissioner for Equal Opportunity, the Aboriginal Legal Rights Movement, the Bar Association and the South Australian Multicultural and Ethnic Affairs Commission, supported the proposal.

I met representatives of the Christian churches to discuss their concerns about the proposal. I have put to them the

views of other religions that wish for the new law and suggested dialogue between them. Although this dialogue is continuing, it has not resulted in agreement among religious groups. Although the government meant well, it is clear that most of the people intended to benefit from the new law not only do not want it but are ardently opposed to it. It is therefore not appropriate to proceed with legislation.

The government does not want to import the American experience of religious freedom. We sought through the proposal freedom of religion not a freedom from religion as it is practised in the United States.

I encouraged the public to contribute its thoughts on the proposed legislation, and I read their comments on the proposal. The public has expressed its views and the government is not afraid to listen and act accordingly. The government commitment to consult on a proposal for new laws against religious discrimination has been fulfilled. There is no consensus. Views are polarised, with strong support and strong opposition being expressed. Barring some considerable shifts in the views of opponents, there will be no such new laws resulting from this proposal to amend the act.

Although no new legislative remedy is proposed, it does not alter the government's commitment to the principle that there should not be discrimination and vilification on the basis of one's religious beliefs, and we will continue to promote and encourage ethnic and religious harmony in the state.

MITSUBISHI ADELAIDE INTERNATIONAL HORSE TRIALS

The Hon. J.D. LOMAX-SMITH (Minister for Tourism): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.D. LOMAX-SMITH: Australian Major Events is exploring the possibility of relocating the Mitsubishi Adelaide International Horse Trials. After six years in the Adelaide parklands, with the support of the Adelaide City Council, this event has given tremendous exposure to the sport and developed a loyal audience, which should mean ongoing public support for equestrian events in South Australia. However, this event has not been able to generate sufficient economic return to be considered viable, despite significant local support from the South Australian public and the equestrian community. There has been discussion with the event's organising committee as well as sponsors, and Australian Major Events has decided to withdraw from staging this annual event in the Adelaide parklands.

Event management cost pressures, such as safety precautions and building and dismantling a temporary olympic standard course annually, have made the event costly in this venue. Work has commenced with the events competition committee (Gawler Three Day Event Inc.) to ascertain the viability of their staging the event in an alternative venue. Financial and other support can be provided by Australian Major Events and the South Australian Tourism Commission. This would include handing over the jumps, valued at $100 000, and the related equipment, as well as the intellectual property currently owned by AME, including event management manuals and emergency response plans that have been built up over five years for the event.

AME's charter is to manage, attract and sponsor major events that provide an economic return through interstate and overseas visitation. As with all AME events, there is an annual review process of the full economic and visitor impact of the events to analyse the visitor numbers. This was conducted after the 2002 Mitsubishi horse trials. The government remains committed to the development and sponsorship of major events, and at the moment we are involved in a number of bids to maintain and further develop the state's event calendar. The AME calender for October to November this year is impressive, with scheduled events and festivals including Tasting Australia, World Solar Challenge, Sensational Adelaide Classic Adelaide Rally, the Credit Union Christmas Pageant and, of course, this year, the world's biggest sporting event for 2003—the Rugby World Cup. Since taking over the horse trials event, AME has strengthened it not only through increased promotion but also through its investment in jumps and equipment.

Members interjecting:

The SPEAKER: Order! If the member for Waite and the Treasurer wish to have a conversation, either of them in deference to the other and to the rest of us in the chamber should go and sit beside the other and do so with dignity, instead of disturbing the statement which they and all other members have given the Minister for Tourism leave to make. It is not about petty point scoring across the chamber during the course of our being informed of the minister's position. It is about trying to win back some respect from the wider community. The minister.

The Hon. J.D. LOMAX-SMITH: We believe that the event is being handed back to the equestrian community in better shape than we received it, with an enhanced audience and the hopes of full community support in the future.

QUESTION TIME

REGIONAL IMPACT STATEMENTS

The Hon. R.G. KERIN (Frome): Will the Premier amend his code of conduct to ensure that ministers start upholding his commitment in relation to regional impact statements regarding non-metropolitan South Australia? In the lead-up to the last election the Premier constantly spoke of his commitment to regional impact statements. In August 2000 he told the SA Country Labor Conference:

> Regional impact statements will have to accompany any government decision or change in policy that will affect jobs and services in non-metropolitan South Australia.

This commitment was reiterated in Labor's election plan for the Upper Spencer Gulf which stated:

> Labor will not vary regional services without a regional impact statement. The regional impact statement will be released publicly so that South Australians can weigh up the advantages and disadvantages of any moves.

The Hon. M.D. RANN (Premier): Let me just compare our record when it comes to regional development. We have appointed a Minister for Regional Development, the Hon. Rory McEwen, who is not a member of our party. This is a first, I believe; I cannot point to anywhere else. He is someone who has a background both in local government in the regions and in regional development. Essentially, what we have done is bring regional development to the cabinet table. We have also embarked on the most vigorous pursuit of regional community cabinet meetings around the state. From memory, we have had them in Port Lincoln, Penola, Whyalla, Port Augusta, Mount Gambier, Murray Bridge, the southern suburbs, the northern suburbs and, indeed, in the Leader of

the Opposition's own electorate, in Port Pirie. We will continue this process; in fact, we are going to Norwood at the weekend.

An honourable member interjecting:

The Hon. M.D. RANN: If you do not believe the suburbs should be taken into account, that might be a different philosophy and approach; that is your right. We have vigorously pursued this. We are also in the process of beefing up the regions by way of a base in Port Augusta and a base in Murray Bridge, so this has all been about bringing the regions to the cabinet table. The one message we got under your leadership was that people felt that the previous government had lost touch with the regions; that it was a government that felt South Australia began and ended at Gepps Cross. That is what they were saying about the leadership of the Leader of the Opposition and his government. All I can say is that, on this issue—

Members interjecting:

The Hon. M.D. RANN: Wouldn't it have been great for these students here today if the Leader of the Opposition had got to his feet and said, 'Let's fight together to win funding from the federal government over SAMAG! Let's work together to achieve the best possible outcomes for regional development in this state in terms of road funding from the federal government.' But, oh no, it is back to point scoring. The people of this state expect better.

An honourable member interjecting:

The Hon. M.D. RANN: I tell the honourable member that this state does not begin at O'Halloran Hill and end at Gepps Cross. If that is the Liberals' philosophy, it is not ours.

HOSPITALS, OBSTETRIC SHARED CARE PROGRAM

Ms BREUER (Giles): My question is directed to the Minister for Health. How will the new GP obstetric shared care program bring improvements in care for pregnant women, and how will this program strengthen relationships between mothers-to-be, their GPs and public hospitals?

The Hon. L. STEVENS (Minister for Health): Mothers to be will be able to be confident of receiving the best local GP care during their pregnancy under the new statewide antenatal shared care program. The GP obstetric shared care program is a unique partnership which means that pregnant women who would normally attend a hospital outpatient clinic can now get the same high quality care from their local GP. GP coordinators from the divisions of general practice will work with midwife coordinators in metropolitan hospitals to ensure that pregnant women receive the highest quality care throughout their pregnancy and after the birth of their baby.

For most women, other than standard hospital visits, all the antenatal check-ups they need can now be done by local GPs. Women will now have continuity of care with the same GP for most of their pregnancy. The greater involvement of GPs in antenatal care means mothers-to-be have someone they know and trust for the whole pregnancy and after. That means continuous care from home to hospital to home. This program has been developed in South Australia and is an Australian first, and GPs and hospitals will receive a GP obstetric shared care guidelines and protocols booklet to assist them to care for pregnant women.

REGIONAL IMPACT STATEMENTS

The Hon. R.G. KERIN (Leader of the Opposition): Why, when the Premier has promised that regional impact statements will be released publicly, has this not happened and opposition FOI requests for regional impact statements have also been refused? Labor's policy statements for the election state (and I quote for the Treasurer's benefit):

> The regional impact statement will be released publicly so that South Australians can weigh up the advantages and disadvantages of any moves.

An opposition FOI request for regional impact statements has been rejected.

The Hon. M.D. RANN (Premier): I am happy to talk again with the Leader of the Opposition about our commitment to regional development. Indeed, I forgot to mention our visit to the Riverland before Christmas last year, when I had the privilege of turning on the Loxton lights. Quite frankly, I thought they were comparable to the Sky Show, at a lot less expense. I can understand the Leader of the Opposition's sensitivity today.

Members interjecting:

The Hon. M.D. RANN: No, I can understand his sensitivity today. I know there was a bit of talk going around about a 1 April press release that was prepared in someone's office. I heard what it said, and others say there might be another one around. It says, '1 April—Kerin to stay on as leader'.

Members interjecting:

The SPEAKER: Order! Before I call the member for Reynell, I tell the Premier that the last answer he gave was entirely and completely out of order. It did not address the question in any particular.

ECONOMIC GROWTH SUMMIT

Ms THOMPSON (Reynell): My question is directed to the Treasurer. What plans are in place for the Economic Growth Summit to be held later this month, and has the government received any feedback so far?

The Hon. K.O. FOLEY (Treasurer): I thought I would take this opportunity to briefly provide the house with some information concerning the Economic Growth Summit, which will be coming before us very soon. As I mentioned to the Leader of the Opposition, we look forward to the opposition's joining with the government in creating an economic development plan for the future. This matter goes well beyond politics, and it is important that we develop a strategic plan which can survive governments, which will reach into the future for a decade or more ahead, which is not dependent on any one government but which is a document, a plan, a strategy embraced by all sides of politics (Independents, minor parties, the opposition and the government).

The Economic Growth Summit is the culmination of a process that has gone on for over six months. Thousands of South Australians have taken part in discussions throughout the state organised by the Economic Development Board and the Office of Economic Development. The Chairman of the Economic Development Board, Robert Champion De Crespigny, has told me that he has been overwhelmed and delighted by the size and quality of the response to the work put forward by the Economic Development Board. South Australians of all walks of life have recognised that this state needs to change in accordance with the changing economic circumstances that lie ahead for us. Everyone accepts that the

reality of our situation in South Australia is that, despite outstanding achievements in some areas—and I pay tribute to the work, effort and commitment of the former government, as I do for that of my government, in areas such as the car industry and the wine industry—we have serious structural problems with our economy which demand urgent attention and action.

Invitations have gone out to at least (I am advised) 280 people representing a broad cross-section of our community. They will gather in Adelaide on 10 April for a day and a half of deliberations. The Economic Growth Summit will finalise a blueprint for our future—for the state's future; it will be the state's economic development plan. This government is committed to acting on the recommendations of the report. That is not to say that we will agree with all of them, but it does mean that we are committed to implementing a report (a plan) which will go a long way towards addressing the structural problems which, as I have said, are embedded in our economy. Indeed, the government is already developing mechanisms from within government to aid that implementation.

In conclusion, I want to make this point. As Robert Champion de Crespigny himself said, the economic plan will not be a bible, a document that must be accepted or rejected in its entirety: it will simply propose a series of recommendations that will challenge not just this government or this parliament but the whole community. That is the nature of change. I know that members opposite will treat this with the bipartisan support that it desperately needs. If we do not have bipartisanship, the exercise will not work.

I want to put on the public record the support that the Leader of the Opposition has given to Robert Champion de Crespigny, the Economic Development Board and this process. To all the shadow cabinet members and members opposite, their obvious wholehearted embrace of this process is welcomed by this government. I think that all of us in this house should humbly acknowledge—and I do as the Treasurer of this state—the work of the opposition in embracing this process. Mr Speaker, I look forward to the deliberations next week which will include yourself and all members, including Independents. We all eagerly anticipate and await the outcome of the summit so that we can put behind us some of the structural problems of the past and look forward to the future in a true bipartisan spirit.

TOURISM, ANSETT LEVY

Mr RAU (Enfield): Will the Minister for Tourism say what impact the federal government's decision to continue the Ansett levy will have on the tourism industry in South Australia?

The Hon. J.D. LOMAX-SMITH (Minister for Tourism): I thank the member for Enfield for his long history of interest in the tourism sector and the economy of South Australia. The continuation of the Ansett levy is an impost for the tourism industry across the country. The tourism industry is already labouring under the double whammy of the hit of the war in Iraq, as well as the outbreak of SARS, the respiratory syndrome, around the world. I am told that the levy has already raised $210 million, and that figure rises at a rate of $13 million per month. The Howard government claims it will fund Ansett workers' entitlements. However, there is a view that, to date, the asset sales may reach a value of $330 million to the administrators, even without the need for continuing the levy.

The clear question remains as to what the federal government will do with the monies left in the fund from this levy after the payment of entitlements and liabilities. The good news last year was that the Prime Minister announced that he intended to put the additional money left in the fund towards support for the tourism industry. I am not sure whether or not this was a core promise, but I would ask members opposite, particularly the member for Waite, who are interested in the tourism industry for South Australia, to recognise the risk that the industry is under at the moment and support our government in South Australia by lobbying their Liberal colleagues in federal cabinet to ensure that the money left in the levy fund is spent on the tourism sector.

The tourism sector is unduly affected by the war, in that Qantas has already signalled job losses. Flights are being stopped to Asia and flights are being reduced to Australia. The Ansett tax burden is a further impost and a disincentive for travel within the country. Further delays in suspending the tax will not provide any further help for the tourism industry. We would ask everyone to lobby the federal government to ensure that the monies left within the fund go where the Prime Minister promised they would go, that is, into the tourism industry.

HEALTH SERVICES, COUNTRY

The Hon. R.G. KERIN (Leader of the Opposition): Will the Minister for Health rule out the communities of Orroroo, Peterborough and Port Broughton losing acute hospital services, and will she ensure that any such cuts in any country area will be the subject of a full regional impact statement process promised by the Premier? Late last week, I was contacted by very concerned citizens who were alarmed at suggestions that they would lose acute services and therefore perhaps doctors from their communities.

The Hon. L. STEVENS (Minister for Health): I am surprised at the question, because everyone in this house knows that funding for country health services in South Australia has increased under this government. I will be very keen to hear the details of any information, requests or concerns. Again I say to the house that this government came to office with a commitment to improve and to rebuild South Australia's health services after eight years of severe damage inflicted by the previous Liberal government. We will stick to that promise, and the honourable member can reassure his constituents that our commitment is true.

TRANSPORT SA

The Hon. R.G. KERIN (Leader of the Opposition): Will the Minister for Transport inform the house whether Transport SA will proceed with significant cuts to staffing at the regional offices in Port Augusta, Port Lincoln and Crystal Brook? A couple of weeks ago, the opposition was informed of impending cuts to staffing at Port Augusta, Port Lincoln and Crystal Brook regional Transport SA offices. The staff at Crystal Brook were informed by a senior staff member of the cuts and the job losses, and the issue was reported in the local media. It was also confirmed by a spokesperson for the minister. Subsequently, the Mayor of the Port Pirie Regional Council, which includes the Crystal Brook township, was informed that there had been a change to the decision. The minister's office has admitted that no regional impact statement was prepared.

The Hon. M.J. WRIGHT (Minister for Transport): What the Leader of the Opposition is talking about is business efficiencies: business efficiencies initiated by the previous government and continued by this government. A few weeks ago, the Leader of the Opposition scurried around for a media report while his leadership was in crisis, and deliberately created anxiety and fear among existing employees in those country regions. I remind the house what this is about. Like all good businesses, Transport SA is trying to achieve greater efficiencies. This is a policy initiated by the previous government and continued by this government.

Of course, what the Leader of the Opposition did not talk about, when he went out and did his media charge back two or three weeks ago, is what the previous Liberal government did when it came to Crystal Brook. Perhaps we should remind the house what the previous government did when it came to Crystal Brook. They closed the Crystal Brook workshop; they closed the maintenance services after allowing them to run down over several years. That is what the previous government did.

What is this government doing? This government, like any good business, goes about trying to achieve greater efficiencies so that it can make sure that the business is running as efficiently as possible. That is a policy development initiated by the previous government continued by this government—good policy development and good business practice. By the way, when those developments took place in Crystal Brook, it is my understanding that the Minister for Regional Development was none other than the Hon. Rob Kerin.

Members interjecting:

The SPEAKER: Order! And that applies to the Deputy Premier, whom I now warn. I do not know what it is that members have been eating or sniffing, but clearly it is something that has caused them to behave in a way that I have not seen for many days of sitting. I was not impressed by the minister's reference to the Leader of the Opposition by his personal name. There is no call for that, and I have drawn attention to it a number of times. The next member who does so will be named. The member for Playford.

SCHOOL LEAVING AGE

Mr SNELLING (Playford): My question is directed to the Minister for Education and Children's Services. What are some of the programs that have been put in place to assist schools to address the raising of the school leaving age?

The Hon. P.L. WHITE (Minister for Education and Children's Services): I thank the member for his question. We have had a very good start to the school year this year. The change in legislation to raise the school leaving age has prompted high schools all over the state to rethink fundamentally how they offer programs and curricula to 15 and 16 year olds and, in fact, their whole school population. They are rethinking what they are offering young people, and they are rethinking the environment in which young people will work. Several programs are newly in place from the beginning of the school year to provide a range of options to those many students. Many of those programs have been designed to reverse the negative view that early school leavers have of structured school or teaching environments. Let me give members a couple of examples of some of the typical programs occurring in high schools all over the state.

Mount Barker High School, in conjunction with surrounding schools and a range of community groups, such as the police, Family and Youth Services, the Department of Human Services, the local council and the local TAFE, has started what it is calling a virtual school at the Mount Barker Campus of TAFE, which is catering to 15 and 16-year-olds who have either already left school or who are considering doing so. The students at the school are treated as young adults and given the same flexibility as that for TAFE students; so, they are in a very different environment to what they were previously.

They spend three days full time: one day at TAFE and one day in structured work placement. I am pleased to report that, out of that program, we have progressed from fairly poor attendance, or no attendance at school for those particular students, to 85 per cent attendance at school and in the program, which is excellent. Para Hills High School has established a Pathways Centre at the school. It is using the resources of a field officer from Statewide Group Training. That officer works with all the senior students over the year, at least once, to assist them in their career planning and to develop their links with the world of work for at least two years after they leave school, and that very important follow-up will be occurring at that school.

If a student's career path or training does not go to plan and they do not have the success we would envisage, they are able to access support from the school to secure alternative employment or training. In my own electorate, Paralowie school offers a vocational educational program for senior students in conjunction with the local Regency Institute of TAFE. Students can complete their SACE certificate away from the school campus at TAFE instead while they are also gaining a certificate qualification in IT or in the building and construction industry.

These are just a few quick examples of some of the programs that are being offered statewide in either individual schools or in school clusters. They have been developed and instigated by the schools to assist those students at risk of leaving school early before they have completed year 12. It encourages them not only to remain at school but also to acquire employable skills in the process.

BUDGET STRATEGY

The Hon. I.F. EVANS (Davenport): Does the Treasurer agree with the advice given by a senior Treasury officer to a budget information forum yesterday that the government's budget strategy was at risk because some savings announced in the last budget will not be achieved? Yesterday at the Budget 2003-04 Information Forum, Mr Les Jones, Treasury's Director of Accounting and Information Management, told senior Public Service budget officers that one of the risks to the government's budget strategy was that there was some evidence that savings expected in the last budget will not be realised.

The Hon. K.O. FOLEY (Treasurer): Absolutely correct. The reason that Les Jones—or the officer from Treasury—was correct is that, as the honourable member may recall, budgets are very difficult to frame. Budgets require vigilance and monitoring throughout the course of a budget year. We have put in place a process that did not exist, I do not believe, under the former government, but I could be corrected. We have much tighter monitoring of budgets for each agency, both on the expenditure side and on their requirement to deliver on savings.

The Hon. P.F. Conlon interjecting:

The Hon. K.O. FOLEY: My colleague makes reference to the former government. The fact is that the budget of the

former minister for education consistently ran over, involving many millions of dollars. We do know that the health minister of the former government was incapable of maintaining budget discipline. We have put in place a rigorous analysis, as we go throughout the financial year, of agencies, tracking to their expenditure requirements and, indeed, to the requirements for re-allocation of resources within the budget framework.

There is always a risk, both on the expenditure side and on the savings side, and it requires government to be extra vigilant. It has been raised at this point because we still have a number of months left in the financial year, and I will be making sure that the rigour is in place to ensure, wherever possible, that government departments deliver exactly as required for reordering of priorities in savings and efficiencies, as well their budget. That is normal budget practice, and I thank the honourable member for a very good question.

DUKES HIGHWAY

Mr O'BRIEN (Napier): Will the Minister for Transport advise what the government is doing to address the significant problem in the condition of the Dukes Highway between Bordertown and the Victorian border?

The Hon. M.J. WRIGHT (Minister for Transport): I thank the member for Napier for his long interest in roads around South Australia. As members would be aware, the Dukes Highway is a national highway and, that being the case, it is the responsibility of the federal government. Members would be aware of the poor condition of the Dukes Highway, particularly the section between Bordertown and the Victorian border, which needs complete rehabilitation.

Given the failure of past treatments, in June 2002 the Department of Transport and Urban Planning commissioned an independent investigation into the reasons for the problems along this section of the highway. Based on that investigation, in February 2003 the department lodged a formal funding submission with the commonwealth Department of Transport and Regional Services for the complete rehabilitation of the highway between Bordertown and the Victorian border. This carries an estimated cost of $15 million.

I have also written to the commonwealth Minister for Transport and Regional Services, urging him to support this project. We should not underestimate not just this project but also other projects as we move around South Australia in relation to how poorly we do as a state when it comes to national highways compared to what happens across the nation.

In the meantime, maintenance works on the most severely cracked and deformed areas of the highway have been accelerated. Ultimately, however, funds for national highway maintenance for South Australia are insufficient to address the major work required to resolve the underlying problem, and it is time the federal government came on board when it comes to the Dukes Highway and to national highways in South Australia. It is time we got our share of funding because we are way below the average compared to what happens in other states around Australia.

CONSTITUTIONAL CONVENTION

Mrs REDMOND (Heysen): Will the Attorney-General advise whether the government has allocated the funding necessary to hold the Constitutional Convention in June? There has been no announcement about the government's plans for the Constitutional Convention or its funding since 20 February when you, Mr Speaker, informed the house that the convention may not be held on the second weekend in June as previously announced.

The Hon. M.J. ATKINSON (Attorney-General): That is a splendid question and I will be happy to get back to the member with details of how we are funding the Constitutional Convention.

CRIME PREVENTION

Mr KOUTSANTONIS (West Torrens): Will the Attorney-General advise what the government is doing to reduce offending through early intervention programs targeting children and families at risk?

The Hon. M.J. ATKINSON (Attorney-General): I thank the member for West Torrens for the question without notice. The Attorney-General's Department is piloting an early intervention approach to crime prevention in two locations. The early intervention approach aims to intervene in the path to offending by reducing risk factors and building protective factors for children, young people and families. The two pilot areas were selected on the basis of a young population, relatively high concentrations of risk factors (for example, poverty, child abuse and neglect), early school leaving, unemployment, crime rates, the strength of service provider networks in the area and the capacity of existing services to support and sustain initiatives.

Extensive local consultations have been undertaken in each area to identify the transition points in life that mark new experiences or relationships on which programs should focus, the risk and protective factors for criminal activity that should be dealt with, the programs, services and initiatives already existing, and early intervention initiatives or developments appropriate to the needs and interests of each community.

Owing to these consultations a number of new initiatives will be implemented this year. I will not canvass all of them, but by way of illustration I will describe one of the projects that will start this year. The project is called 'Parenting in early years' and will be located in Port Augusta. It will consist of an intensive home visiting program for about 40 families with children under three years of age identified at medium to low levels of risk. Of those 40 families, about 50 per cent will be single parent and 50 per cent two parent families, with 90 per cent having one child and 10 per cent two children in the family. In total, 60 adults and 44 children will benefit from the program. Family support workers will start weekly home visits soon after birth in the first year, decreasing in intensity after that. Family support workers will provide practical assistance, emotional support, referral to other services to address identified needs, child development information and parenting education and support. The total cost of the program is $200 000 per annum for two years; of that, $100 000 per annum will be contributed by the Crime Prevention Unit of the Attorney-General's Department—still up and running and doing good work—$50 000 per annum by the Department of Human Services and $50 000 per annum in-kind support by local health services. Funds will be used to employ two family support workers and their oncosts to contribute to the operating costs of the service and evaluation costs.

Throughout my reply the member for Newland has been interjecting about film censorship. I hope she can get the

permission of the parliamentary Liberal Party to ask a question about it.

DOMESTIC CO-DEPENDENT SUPERANNUATION BILL

Mr SCALZI (Hartley): Has the Premier had strong representation from organisations, individuals and mainstream churches to make the domestic co-dependent superannuation bill a conscience vote?

The Hon. M.D. RANN (Premier): I will check.

NEGLIGENCE LAW REFORM

Mrs GERAGHTY (Torrens): I direct my question to the Treasurer. What progress has been made on the second tranche of negligence law reform?

The Hon. K.O. FOLEY (Treasurer): As members would know, South Australia has been one of the leading states in legislative reform on the issue of public liability insurance in Australia. We were the second state to legislate for caps and changing the point scale for general damages and the first state in Australia to put in place legislation to legalise the use of waivers. State treasurers have met on a number of occasions throughout the course of the past 12 months or so, and each time I have attempted to keep the house as informed as possible on these developments. I want to acknowledge the member for Newland, whom we have met on this matter; and the member for Kavel has been to see me now on three or four occasions with groups from his electorate, and has provided very good representation for them, even though he is not listening to my giving him credit.

The government has recently released a discussion paper for public comment which was circulated to over 100 organisations and individuals and which was available on the internet. We have received more than 40 written responses. A number of my colleagues such as the member for Enfield have provided a detailed response, and many members on our side of the house and Independents have brought delegations and groups from time to time to talk to me about matters related to this public liability crisis in their electorates. I have also met with a number of key organisations such as the Plaintiff Lawyers Association, the Law Society and the Australian Medical Association. Indeed, I had all three groups in the one meeting. That was an interesting meeting, having them all in the one room, but it was an important meeting and one which gave us a chance to discuss this matter and for me to listen and learn the views of the varying groups at that meeting.

The crisis in public liability insurance has required tough action by governments, but at the same time this government has been at pains to listen to the community and to respond to its requirements. I want to acknowledge that the reform that has been put into the parliament and the reform that is to come is not universally accepted. It has required and has seen strong internal debate on my side of the house, that of members opposite and, indeed, the Independents. The nature of reform is that it is never easy and it is never universally supported. It has been a mature debate, and more will be required in the near future.

On the issue of the feedback and the input we have received, we have considered the responses to our discussion paper. The careful and considered responses have led to the government making some changes to the legislation to be introduced later today. I do not intend to pre-empt debate on that bill. However, I want to make the point that the government has not just automatically legislated all of it, Justice Ipp's report. We have genuinely listened and modified it to suit circumstances in South Australia.

I will be tabling this legislation later today. It will lie on the table and, of course, will be widely distributed. Government members and members opposite will receive a copy of the legislation. It has been through our caucus. My colleagues have it, and I will be making it available later today to members opposite.

Whilst that legislation lies on the table over the course of the next couple of weeks, clearly that will give further opportunity for responses and feedback to come to me. I am not foreshadowing any major changes. Clearly, it is on the table, it is available, and members may peruse the legislation and suggest some amendments to me should they want to do that prior to our debating the matter or, indeed, they are at liberty to do that during debate in the house.

Tomorrow I will travel to Perth, where all state Treasurers and those ministers responsible for insurance matters in their states, together with the federal senator, Helen Coonan, the Assistant Treasurer of the commonwealth government, are meeting to discuss the progress of all states on the implementation and reform process. On the agenda for that meeting—and I know this is important perhaps to those of the house who are lawyers at least—will be the issues of professional standards liability and the issue of proportionate liability for non-personal injury claims.

I have had some interesting groups write to me on these matters. The Law Society has written to me with its views on this matter. Indeed, I received a letter from the ACTU on its views on the matter. The Accountants Association and a whole wide range of professions are, understandably, agitating about the rising cost of liability insurance and are asking governments to consider ways in which lawyers in particular and others can be spared the rising cost of liability insurance. We will have a talk about those matters in Perth and consider our options. I foreshadow that it is my expectation that I will be coming back to the house again in the near future on further legislative reform as it relates to professional standards in South Australia.

ELECTRICITY BLACKOUTS

The Hon. W.A. MATTHEW (Bright): My question is also directed to the Deputy Premier. Following the release of the results of the investigation by the national electricity cost administrator into the 25 January problem at the Moomba gas plant, will the Treasurer now apologise to South Australians for causing them unnecessary concerns through his media statements, as then acting energy minister, that blackouts were possible and electricity rationing to households was likely? In the recently released report entitled 'Investigation into the incidents in the electricity market on Saturday 25 January 2003', the national administrator reveals—and I quote from the opening paragraph of page 2 of the report:

There was never any threat of even limited blackouts.

The Hon. K.O. FOLEY (Deputy Premier): That is exactly correct. As I said throughout the course of that weekend, there was no threat of blackouts. To the best of my recollection (without referring to the transcript), I made that point over the course of that weekend. If the member is saying that I said something different, I stand to be corrected. However, my recollection of events is that, on the Saturday

and, I think, on the Sunday—as I said; I am happy to be corrected—the advice was that, at that point, because it was a weekend, demand was low and it was unlikely that it would affect electricity supply. The problem would be on the Wednesday, when temperatures were expected to be 40 degrees. If the gas was not back on line, we would almost certainly have had electricity restrictions in this state.

The member says that I was scaremongering. I refer to the advice of the Electricity Supply Industry Planning Council, which has already been presented to this house, advice on which I acted. This advice states—

The Hon. W.A. Matthew interjecting:

The Hon. K.O. FOLEY: The member for Bright (the shadow minister) has just criticised the state's Electricity Supply Industry Planning Council, which was appointed by the former government. They are now criticising that body. When the member for Bright is not satisfied he starts to throw mud. He is now blaming the Electricity Supply Industry Planning Council for its advice to the government. This is the statement of the Planning Council, not mine:

The Electricity Supply Industry Planning Council advised the acting minister—

The Hon. W.A. Matthew interjecting:

The Hon. K.O. FOLEY: This is the advice given by the Minister for Energy in the house previously.

The Hon. W.A. Matthew: Dated?

The Hon. K.O. FOLEY: Dated? Are you saying that this is doctored advice? The member opposite is clearly suggesting that the Electricity Supply Industry Planning Council gave dodgy advice to the parliament. Is that what you're suggesting? I find that extraordinary. The advice (as presented previously by the Minister for Energy) is as follows:

The Electricity Supply Industry Planning Council advised the acting minister on matters related to the electricity supply during the emergency. By Monday 27 January, it was evident to the Planning Council that the Wednesday afternoon electricity peak could not be met unless the Santos Moomba plant soon came back on line trouble free. Discussions with the acting minister on Monday afternoon concluded that the Planning Council and other involved government agencies would need to take preparations in the event that electricity restrictions would be required on Wednesday 29 January until the gas supply was fully restored and stabilised. In my view—

This is the Industry Planning Council. The member for Bright is not even listening. He is obviously not interested in the answer because it is not what he wants to hear. However, this is what the head of the Planning Council said:

In my view as the jurisdictional 'responsible officer' for electricity emergency management, this was the best course of prudent risk management. I also advised NEMMCO of the possibility of restrictions should gas supply resumption not occur.

Imagine if I had not taken that advice, if I had done nothing, and if I had said, 'That's good advice that we might need restrictions on the Wednesday, but let's not do it; let's not prepare; let's not worry; let's cross our fingers.' That would have been absolutely incomprehensible and an absolute failure of my duty as minister. If the member opposite cannot get a decent question up in this house properly to probe government, I suggest that he sit there and watch the proceedings.

The Hon. W.A. Matthew interjecting:

The SPEAKER: Order! The member for Bright will come to order.

The Hon. K.O. FOLEY: I take a point of order, Mr Speaker. The member for Bright has just alleged across the chamber that the report to which I referred was written on a day after the incident—

The Hon. W.A. Matthew: A day after I asked the question.

The Hon. K.O. FOLEY: —a day after the member for Bright asked a question. That implies that senior government officers have doctored their advice to mislead this house. I would like a ruling from you as to whether or not the member must justify his statement.

The SPEAKER: Did the member for Bright allege an impropriety on the part of the minister, any minister or any public servant appointed to advise them?

The Hon. W.A. MATTHEW: No, Mr Speaker. I simply asked for the date on the memo which the minister quoted.

The Hon. K.O. FOLEY: That's implying.

Members interjecting:

The SPEAKER: Order! I did not hear what the member for Bright said, and I take the word of the Treasurer no more or less significantly than the word of any other member, including the member for Bright. Unless other members have some recollection different from that which the member for Bright has put to the house as to the substance of the remark he made, I rule that there is no point of order.

GOLDEN GROVE URBAN DEVELOPMENT AWARD

Ms RANKINE (Wright): My question is directed to the Minister for Government Enterprises. Has the Golden Grove Urban Development Project, which has been the recipient of a number of awards, received any further recognition by industry recently?

The Hon. P.F. CONLON (Minister for Government Enterprises): It is well known in this place and outside it that the member for Wright is the most energetic and active of local members and is rightly proud of the people she represents—and she represents them very ably—and that Golden Grove is a very important part of that constituency. I know the member for Wright is in constant communication with the joint venture to ensure the best possible outcomes for her constituents, and she is keen for me to acknowledge, I think through this question, the achievements of the organisation. I am proud to inform the house that Golden Grove recently received the coveted Best Master Plan Development in Australia Award for 2003. This is the Urban Development Institute of Australia's top billing award in their annual national awards for excellence, and this is the first time the award has been won by a South Australian project.

The Golden Grove joint venture (of which the government is a 50 per cent joint partner and which I acknowledge extends certainly beyond the lifetime of this government and into previous governments) has been the recipient of a string of awards, including 1998 World's Best Residential Development, a title awarded by the International Real Estate Federation. It is certainly a credit to the work that South Australians can do. The recognition that Golden Grove has received nationally and internationally is a tribute to the Golden Grove joint venture and the Golden Grove community. I take this opportunity to congratulate all those involved with the joint venture for their fine achievements, and I congratulate the member for Wright for continuing to bring to the notice of this place achievements in her electorate.

MITSUBISHI ADELAIDE INTERNATIONAL HORSE TRIALS

Mr HAMILTON-SMITH (Waite): My question is directed to the Minister for Tourism. Can the government guarantee that the Mitsubishi Adelaide International Horse Trials event will retain its four-star international competition rating in a new location? Over its six years, the Adelaide event has become one of only four four-star standard international events held annually in the world and it is the only four-star event in the southern hemisphere. The four-star standard event is of vital importance to pre-Olympic competition and selection. The status has been accredited specifically for the Adelaide parklands, Victoria Park racecourse location.

The Hon. J.D. LOMAX-SMITH (Minister for Tourism): As the member for Waite will appreciate, the quality of the event depends on the course design and the layout and level of difficulty in designing the course. We know that four-star events around the world are in some level of crisis. I understand that the Athens games will no longer hold a full three day event because of the difficulty in managing such a large scale event. There is some degree of uncertainty around the world with these events. However, we have made a decision in terms of our funding level in the out years and we are very anxious to work with the equestrian community. It is to that end that we have had discussions with the sponsors, the equestrian committee and all the people involved in this event because we would like to see a transition period during which the event can benefit from the quality of the jumps, the intellectual property and the enhanced audience development that we have striven to achieve over the last six years.

We will be holding meetings with the key players and working out how the equestrian event can be returned to the equestrian community, as I said, in better condition than when we took it over. We would hope that, with the support of the community and sponsors, the equestrian organising committee will be able to continue and will be able to develop an event of a 4 star rating to carry on, because we know there is a great deal of support in the community for a community equestrian event. Our only comment was that the Mitsubishi International Horse Trials did not deliver the benefits we expect an Australian major event to deliver to the community. However, we would want to work over a transition period to guarantee the ongoing success of the event.

SOUTH AUSTRALIAN SPORTS INSTITUTE GYMNASIUM

The Hon. D.C. KOTZ (Newland): My question is directed to the Minister for Recreation, Sport and Racing.

The Hon. M.J. Atkinson interjecting:

The SPEAKER: Order! The member for Newland has the call.

The Hon. D.C. KOTZ: You are the Attorney-General, so fix it. Has the Minister for Recreation, Sport and Racing made any decisions on his proposal to exclude members of the public from the South Australian Sports Institute Gymnasium?

The Hon. M.J. Atkinson interjecting:

The Hon. D.C. KOTZ: I am glad that the Attorney-General thinks so now. The minister raised the issue of closure to members of the public last year. I am advised that several hundred members of the public use these facilities outside of times set aside for elite athletes. Public members include schools, which use these facilities for their students. These schools are now unsure whether the facilities will accommodate the students in the future. I am further advised that the minister, when contacted on this issue, said that the use of the gym was at the discretion of SASI. However, all requests for information were referred to the minister's office.

The Hon. M.J. WRIGHT (Minister for Recreation, Sport and Racing): My advice is that SASI is currently considering the review options and that no final decision has been reached at this stage in relation to expanding, further restricting or terminating public access to the gymnasium.

PETROL PRICES

Mr MEIER (Goyder): Will the Minister for Consumer Affairs investigate why unleaded petrol is currently selling for around 92¢ per litre whereas diesel (the real product from which unleaded petrol is derived) is still selling for around $1.03 to $1.04 per litre? In the last year or two, diesel has generally been around 2¢ to 3¢ per litre more expensive than unleaded petrol in the metropolitan area. As of today, an 11¢ to 12¢ per litre differential exists. Two years ago, the previous parliament established a select committee to investigate price anomalies. However, I have been advised—and I have observed—that these discrepancies still exist.

The Hon. M.J. ATKINSON (Minister for Consumer Affairs): Yes.

SOUTH AUSTRALIAN SPORTS INSTITUTE GYMNASIUM

The Hon. D.C. KOTZ (Newland): My question is directed to the Minister for Recreation, Sport and Racing.

The Hon. M.J. Atkinson interjecting:

The Hon. D.C. KOTZ: Are you going to be the AG or not? Are you going to resign?

The SPEAKER: Order!

The Hon. D.C. KOTZ: Will the minister advise the house why he has broken a pre-election promise to ensure that the South Australian Sports Institute is independent of government direction? As part of the state government's pre-election policy, Labor promised that it would ensure that the SA Sports Institute would be independent of government direction. However, an article in the Messenger Press this year concerning plans to close the SASI gym to the general public said that SA Sports Institute staff had been directed to refer all requests for information to minister Wright's office.

The Hon. M.J. WRIGHT (Minister for Recreation, Sport and Racing): I thank the member for Newland for her question. What the member has put before us is an absolute nonsense. What is taking place is an ongoing commitment by this government to a whole range of things that were commitments made by the opposition at the time of the previous election. For example, there has been a review of funding grants, and that is being worked through the system. We are also looking at options relating to what the member for Newland refers to with respect to the potential independence of SASI, which was a commitment by this government in its election platform as we went to the last election, and that work is ongoing.

KERIN, Hon. R.G.

The Hon. M.J. WRIGHT (Minister for Transport): I seek leave to make a personal explanation.

Leave granted.

The Hon. M.J. WRIGHT: First, I wish to apologise for naming the Leader of the Opposition, which clearly I should not have done. Secondly, when I referred to the Leader of the Opposition as being at the time the minister for regional development, the leader shook his head. The Leader of the Opposition is an honourable person and, if I made a mistake, I apologise.

PRIVILEGES COMMITTEE

The Hon. R.B. SUCH (Fisher): As Chairman of the Privileges Committee, I bring up the report of the committee, and draw it to the attention of the house.

Report received.

The Hon. R.B. SUCH: I move:

That the report be noted.

I will make some brief comments as the chair of that Privileges Committee. I point out that, as chair, as I am always inclined to do, I look at matters without fear or favour.

The Hon. W.A. Matthew: How many witnesses?

The Hon. R.B. SUCH: I am always—

The Hon. W.A. Matthew: It's a whitewash.

The SPEAKER: The member for Bright is warned. Can I just tell all members that the first thing I would like some of them to do—and I will leave them to decide—is read standing order 134; and, secondly, to remind them that whenever a committee of this nature brings up a report, given that it is on privileges, all members have a right to speak, but may I beg them to do so in an orderly manner. The member for Fisher.

The Hon. R.B. SUCH: I have always been strongly committed to the notion of justice and fairness and I always look at matters without fear or favour, and particularly a serious matter where it is an allegation of a breach of privilege. Anyone who has known me or does know me knows that I have always been prepared and committed to ensuring that the truth is revealed and that matters are dealt with fairly and openly. The critical issue in this whole matter is central to the operation of the parliamentary system, and that is that the parliament always gets the truth; that nothing is hidden from the parliament; and that the parliament is misled in no way.

Any attempt to mislead the parliament will result in a breakdown of the parliamentary system. The whole foundation of our parliament is based on honesty and ultimately accountability for executive government. That is central and it is the key issue in relation to this matter. The key points that must be considered in terms of the committee are: did the minister mislead; if the misleading occurred was it intentional; and did it materially affect the proceedings of the house? The report makes clear and deals with each of those issues in detail. Did the minister mislead? In part he did.

Was it intentional? No. Did it materially affect the proceedings of the house? No. Was the process fair to all parties? I believe it was, but I wish to raise what I think is a very important aspect arising out of what is our second Privileges Committee in the history of this house. The reality is that committees in this house will be, in effect, dominated, obviously, in terms of the number of members of particular parties and other members. I raise this very important issue of whether, under the current arrangements, the process is not only fair, open and appropriate but whether it is seen to be fair, open and appropriate.

I do that without any reflection on this particular issue, but I put to the house that we need to look, I believe, at the whole issue of how we deal with the matter of privilege. The select committee (which reported in 2001) referred to this matter and I believe that at the appropriate time the house needs to revisit it and possibly consider appointing someone, such as a retired magistrate or judge, to chair a privileges committee, and maybe constituting the committee of people who are totally independent of this house. The alternative is what we have at the moment where we judge ourselves.

I believe that is deficient in many aspects because, like all humans, we have our failings and our shortcomings. I am not suggesting that that model is necessarily the only one or the ideal one. The point I am making is that I do not believe the present system is necessarily the best one that can be devised, and I think that we need to look at it. There is not a lot of precedent to go by in terms of the way in which these committees can operate. As I have indicated, this is only the second in the history of this parliament. If one looks at the records of other parliaments one will find that it is a fairly rare occurrence to proceed to a privileges committee.

It is very much an uncharted area that we need to address; and I think that we should, as a parliament, look very closely at the process to ensure that justice is done, that justice is seen to be done and that there is no sense that anyone has an unfair advantage one way or another. At the end of the day, we are politicians and are obviously trying to score a political point. That is no reflection on any member in here: that is just the reality of the situation. I do express that concern at the process that currently exists because I do not believe it is necessarily fair or appropriate.

I reiterate the point I made at the start: I believe that the committee's recommendations are fair in terms of the report that is brought to the house. However, I express my concern at what could happen as a result of current arrangements, whereby persons could be called who may have no direct connection with the alleged breach. In other words, a privileges committee could call anyone and that could be a spouse, an electorate officer, a driver, anyone, purely on the basis of speculation and hypothesis without focusing on the known facts. I think that is a very dangerous procedure, which could be (I am not saying it would be) abused.

The other aspect is to call for documents which, again, have no relationship to the known facts. The committee must deal with the known facts, not engage in detective work based on supposition and hypothesis. That is a very real danger that currently exists in the present situation. I draw those matters to the attention of the house, but I have confidence that the committee, in its deliberations, acted fairly and reasonably and that its conclusions and recommendations are appropriate and have been reached on the basis of the majority view without fear or favour.

The Hon. I.F. EVANS (Davenport): The member for Fisher says that the committee acted fairly and reasonably. Well, it acted fairly shortly and reasonably quickly. The facts are—

The Hon. P.F. Conlon interjecting:

The SPEAKER: Order! I told the house, and I will tell the Minister for Emergency Services for the last time, that

every member has an opportunity. I warn the Minister for Emergency Services.

The Hon. I.F. EVANS: I will not delay the house long because I know that other members have commitments, but I make the following points to the house for its consideration in relation to this matter. It was clear to the committee from the motion of the house that the committee had the power to call for persons and papers. The committee decided that it would not call for persons or papers. We had the discussion in the house about calling people who might have been in the minister's office, such as the Chief of Staff—

The Hon. M.J. Atkinson interjecting:

The Hon. I.F. EVANS: The Chief of Staff is in the minister's office—even the Attorney would accept that point. We also had the discussion about calling public servants who had actually written briefing notes to the minister saying that the public servant was happy to brief the minister verbally.

The Hon. M.J. Atkinson interjecting:

The Hon. I.F. EVANS: I think that the briefing notes said 'verbally'. They may also have said 'orally', but certainly 'provide verbal briefings' was the language as I recall it. The committee decided not to call a witness in respect of this matter. We then had the same debate about calling for documents. It is interesting for this house to note that this committee, which had the power to call for documents and persons, decided not to call for documents that are even available to the public today under FOI. The committee, having had the power to call for documents, decided not to call for documents to decide whether the minister had been briefed on a range of matters.

I think that the public will see this for what it is. I think that members of parliament will see this for what it is. We were concerned when the motion was narrowed down. I think the words were, '. . . the allegations made by the member for Davenport'. The committee took that to the absolute extreme in that it could examine the allegations but not the defence. When the minister says that he had verbal briefings, the opportunity to ask from whom he had verbal briefings was not ultimately taken up by the committee because this committee decided not to bring one document to the table.

This committee decided to bring not one person to the table and as a result of that, naturally, we have the finding we do. We know the minister misled the house—that is agreed by the committee. Members should reflect on the comments made by the member for Fisher as chair. The member should reflect on the process and look at the whole matter of privilege, because it now raises the issue of how ever a matter of privilege can be decided in future if a member can say, 'I simply didn't read the document', and in essence there is no further inquiry. The member for Fisher is right in relation to the whole matter of privilege and the question of it. South Australians will see this for what it is. To have a committee that calls for no witnesses and no documents, some in South Australia would call a high farce.

The Hon. P.F. CONLON (Minister for Government Enterprises): Before the house is swayed by the latest episode from the member for Davenport, I ask members simply to consider the report of the committee in terms of the question about the reasoning on the calling of witnesses. The report states:

> No member of the committee could identify any particular individual they had believed had given such a briefing. No committee member could say they had a positive belief that a particular named person briefed the minister on a recommendation for a repository. The best any committee member could say was that it was possible some person did. To proceed to call witnesses at large and simply trawl through to see what emerged was, in the view of the committee, inconsistent with the case presented in establishing the committee, nor would it have been fair. In light of some calls for the minister to step down during the process of the Privileges Committee, it would be unfair to leave such a question mark over the minister while the committee cast around seeing if another case against him could be found.

The logic is inescapable: the justice is inescapable. They set up this committee, they want the minister to step down, they provide evidence, they say that they cannot make a case on the evidence provided, but they say that they do not know whether there is other evidence but that they want to call people until they find some evidence. The minister is supposed to be stood down while they hunt around. It is literally endless. When they call 10 witness and they find nothing, they call another 10 and they find nothing, so then they call the minister's wife and they find nothing. This is the fundamental point. We told them they could call anyone if they gave us the name of a person who had evidence or if they had a base on which to call anyone, and they could not do it.

We asked for documents and one document was mentioned: I have since provided it to the member involved, because the document they already had—the EPO document—they asked for. I said, 'What is it going to show?' and they said, 'It might show this.' I said that anything might show anything, but I still showed it to them. They now acknowledge that it shows nothing. The view was, if that shows nothing, let us get another one and another one until we find something. That is not a judicial process but a cheap fishing expedition.

Before we get on our high horses about standards and its being a high farce, before we listen to the hysterics, let us make two fundamental points. A Privileges Committee was established at the behest of the member for Davenport when he did not have the numbers on that side to achieve it and it was achieved only by the exercise of government numbers. We had the numbers to knock it off. No-one has done it before, but they got a Privileges Committee.

To mention a second point, a prima facie case was found to exist in terms of the member for Davenport. We could have exercised our numbers again to set up a committee, disqualify him from the Privileges Committee and investigate him, and that would have been a high farce. No government has ever exercised higher standards than does this one, particularly on a privileges matter. The member for Davenport needs to relax. He needs to consider that he has had a good week. The Leader of the Opposition has only had one metropolitan radio interview in a month, but the member for Davenport has been in the limelight and has had a good week. He should accept that he got what was there. Before anyone says any more, I ask them to read the report, because the reasoning is clear and irrefutable. The opposition has to accept that it will not find a minister deliberately misleading the house when it did not happen. It does not matter under which carpet they look, if it did not happen they will not find it.

Mr BRINDAL (Unley): I remind the house of the words of the Chairman of this committee, namely, 'parliament always gets the truth.' The other words he said were, 'there is nothing more important to this house than the accountability of executive government.' So precious is the accountability of the executive government that this motion demands that, were the minister to be found guilty, his resignation is

required by this parliament. That is how serious the matter is. In view of that, Mr Speaker, you charged us with a specific duty and it is the care of the privilege of this house. As the member for Davenport said, we then find that using the numbers within the committee we could call no-one, we could examine no documents—we could do nothing.

I had the privilege of serving as chair on the first Privileges Committee and of being on this Privileges Committee. Along with the member for Elder, I have been on both of them and this is one of two days I stand in this house and say that personally I am ashamed of what we have done. Personally I believe that we have not served South Australia well. I do so not only because of the decision but also because of what was raised by the member for Fisher and what I raised in my report. This house owes the people of South Australia and this institution a duty of care. The way we conduct these matters gives no confidence to South Australians or to this side of the chamber. That was my report to the last Privileges Committee and that is this chairman's report to this Privileges Committee and the way we conduct ourselves in this matter is, as the member for Davenport says, little short of high farce.

To conclude, this is how serious the matter is. As you would know, Mr Speaker, there was an old saying that Caesar's wife not only had to be pure but also had to be seen to be pure. In this case the only documents we have, voluntarily tabled by the minister, show, in the minister's explanation to this house, that he came in and said:

> I am happy to table a complete copy of the original docket with all written documentation. I am also prepared to acknowledge to the house that the answer was wrong in that EPO2 clearly does not only refer to sealed radioactive sources that may be suitable for disposal at a low level repository.

I draw members' attention to that, because that was a written answer tabled in this house. It was the presentation to this house of wrong information. The minister took responsibility and acknowledged it was wrong. In the same bundle of papers, laid on the table of this house and stamped by this house on 27 March, the reply to the question without notice—the wrong answer presented to this parliament—was signed in cabinet by K. Foley, Deputy Premier. No wonder they do not want documents—

The Hon. K.O. Foley: I sign them all.

Mr BRINDAL: Yes, you may, but it means this house has been provided by this cabinet with incorrect information, signed by the Deputy Premier under the authority of the cabinet. The cabinet has not served this house well. This minister has not served this house well and, despite the findings of this Privileges Committee, this house should consider the honesty, openness and accountability of this government.

The Hon. M.J. ATKINSON (Attorney-General): The law applying to this matter is stated in McGee's *Parliamentary Practice in New Zealand,* as follows:

> There are two ingredients to be established where it is alleged that a member is in contempt on this ground (that is, deliberately misleading the House): the statement must, in fact, have been misleading and it must be established that the member making the statement knew at the time the statement was made that it was incorrect and that in making it the member intended to mislead the House.
>
> The standard of proof demanded is the civil standard of proof on the balance of probabilities but requiring proof of a very high order having regard to the serious nature of the allegations. Recklessness in the use of words in debate, even though reprehensible in itself, falls short of standard required to hold a member responsible for deliberately misleading the House.

The select committee discussed whether the Minister for Environment and Conservation had misled the house. The member for Davenport's questions lacked precision and are an example to all members who ask questions of how a strong line of questioning can be spoilt by using too many words and indulging in explanation. The committee nevertheless reached the conclusion that the minister had misled the house in his printed reply to the question of 19 November.

The next matter before the committee was whether the minister knew at the time he answered that his statement was incorrect and that he intended to mislead the house. It seems that the house has only once before appointed a select committee to consider a matter of privilege. On that occasion the breach of privilege alleged was also an allegation that a member had deliberately misled the house. When on 2 July 1998 Mr Graham Ingerson was before a select committee charged with deliberately misleading the house, his principal accuser, Mr Rob Hodge, had signed a statutory declaration contradicting Mr Ingerson's categorical denial to the estimates committee that he (Ingerson) had rung Mr Hodge to pressure Mr Hodge into removing the Chief Executive of the South Australian Thoroughbred Racing Authority. Mr Ingerson did not challenge the statutory declaration, which was probative of Mr Ingerson's state of mind when he misled the house. Indeed, Ingerson eventually confessed in a statement to the house that he had rung Mr Hodge about the Chief Executive before he made his categorical denial to the estimates committee. The majority of the committee concluded:

> The committee is of the view the member for Bragg's 'categorical denial that he exerted any pressure on Mr Hodge' was itself misleading. The majority believe it was deliberate.

Was there anything probative of the allegation that the Minister for Environment and Conservation had misled the house deliberately? The opposition takes the view that the minister must have read all 1 500 pages of the written briefing that was waiting for him when he became a minister in March 2002, of which EPO 23—not EPO 2 as the member for Unley said, but EPO 23—was four pages. In the alternative, the opposition was certain that the minister had been orally briefed about EPO 23 by ministerial staff, public servants or somebody. When asked whether they could lead any evidence of that, they suggested that the select committee call as witnesses ministerial staff, public servants or somebody and ask them if they briefed the minister on EPO 23.

In short, the opposition does not have a Rob Hodge, a statutory declaration or any jot or tittle of evidence that is probative of the minister's misleading the house deliberately. The opposition has a theory. It is a theory that supports its political tactics. The opposition does not have the evidence it needs to validate the theory. Any attempt to call public servants or ministerial advisers before the select committee would be a fishing trip.

The Speaker has described the house as a court. No court would allow a party before it to use its proceedings to go on a fishing trip without at least having some evidence, some document, some statement, something to back it up. The opposition has none of these. In a society living under the rule of law, it is not good enough for the opposition to propose to compel an unspecified number of witnesses to appear before a select committee on spec.

The opposition's allegations against the minister have been ventilated in all three media. The allegations are widely known in parliament and the Public Service, including the minister's department. If the opposition cannot nominate a witness who can testify to the select committee that the minister read EPO 23 before answering the questions or who can testify that he or she orally briefed the minister about the relevant paragraph of EPO 23, then the case for deliberate misleading is not established to the required burden of proof.

Finally, it is most disappointing to see the opposition's vindictive treatment of the member for Fisher today for fulfilling his duty as the first Independent Chairman of a Privileges Committee.

Mr BRINDAL: I rise on a point of order, sir. I take objection; I believe as the member for Davenport and I were the only members of the opposition to have spoken, the Attorney accused us of vindictive treatment of the member for Fisher. I take strong personal objection to that and ask him to withdraw. I have not been vindictive against the member for Fisher.

The SPEAKER: The remarks made by the Attorney-General were generic and did not identify any member of the opposition. I note, however, that no member of the opposition at any point has made any adverse reflection on the member for Fisher, least of all in any fashion vindictively. To that extent, the Attorney-General is not factual, but there is no point of order requiring him to desist. That is just a point he makes in debate, and that is for anyone to subjectively determine according to their assessment of its relevance to the debate. The Attorney-General.

The Hon. M.J. ATKINSON: I am referring to the repeated interjections by the opposition accusing the member for Fisher of 'whitewash' and 'cover-up'. In my view, those interjections by the opposition are a vindictive treatment of the first Independent Chairman of a Privileges Committee.

The Hon. D.C. KOTZ: I rise on a point of order, Mr Speaker.

The SPEAKER: Order! I anticipate what the member for Newland will say. The accusation is that the committee, and not the member for Fisher, is guilty of a cover-up.

The Hon. D.C. KOTZ: Thank you, Mr Speaker; that puts it quite clearly.

The SPEAKER: I have to tell the Attorney-General that the opposition is quite entitled to make such a remark, just as he is entitled to take a contrary view and say it.

The Hon. M.J. ATKINSON: Sir, the member for Fisher just gave his reasons for concluding that the minister did not deliberately mislead the house. The opposition cannot attack the member for Fisher's reasoning, so it attacks the man.

The Hon. R.G. KERIN (Leader of the Opposition): This is a sad day, in that we have heard the legal spin to go on top of the media spin from the two members of the government who have spoken. It is absolutely the same spin with which I take it you have bullied the committee into taking the decision it has made. You have basically not allowed the committee to do its job—

The Hon. P.F. CONLON: I rise on a point of order, sir. The leader directly named both me and the Attorney-General as bullying the committee. Since we know now that apparently there was no minority report but the two do not agree, I ask him to withdraw the allegation that we bullied the member for Fisher. I do not think it reflects well on us or on him.

The SPEAKER: While I know that both the Minister for Emergency Services and the Attorney-General have a pleasant and meek disposition and are likely to feel offended by such remarks, I nonetheless point out to them and to all the house that such allegations in the context of this debate, by whatever other adjective they may be described, are not disorderly. The leader.

The Hon. R.G. KERIN: Thank you, Mr Speaker, and I note the sensitivity there, because they tried to use their legal knowledge to influence the committee not to take witnesses. You would have to ask the question: why did you refuse access to witnesses—

Members interjecting:

The SPEAKER: Order! The honourable the leader will address his remarks to the chair. I was not involved in the decision. Indeed, I instructed the committee and the house that the role of the committee was to do just that.

The Hon. R.G. KERIN: I apologise for that, sir. I know that you would not have acted in the same way. Basically, the Chairman spoke on behalf of the committee and said that he wanted a fair, open and appropriate process for this. Yet the two government members on the committee prevailed in that they would not allow any witnesses. I refer to what the minister said in the house. He said that he did not read his briefings and that he took verbal briefings. For the government to come up with the spin, that unless we can identify someone who can absolutely come in and say that they know the minister has misled the house we will not call witnesses, is absolute rubbish. What you have done is left the claims totally untested. Basically, that is a disgrace, and it is certainly not consistent with the comments made in here today by the Chairman about wanting the truth or the Chairman's statements to the media about looking at all the evidence on its merits, because you just took no evidence. The *Advertiser* this morning very rightly commented:

> The committee must make every effort to get to the bottom of this issue and not allow any public perception to arise of any attempts to gloss over it by rushing to a judgment.

That is quite likely the sentiment and expectation of South Australians. The government has made a decision with this case. It knows that the minister is in trouble. We do not know what it is scared of, and we will not know what evidence might have come forward. We will never find out because it would not allow witnesses to come forward. With the Iraqi conflict dominating the media, this government and the spin doctors have decided to take a hit for a day and see whether they can bury the matter under the Iraqi stuff and get away with it. The spin doctors are already there.

Mr Speaker, you might take note that this morning media around Adelaide were contacted along the line that the committee would not allow witnesses and that it would be reporting today—no doubt to take any surprise out of a report that has come out. Mr Speaker, I would think that that is in contempt of your ruling the other day about the confidentiality of privileges committees. That shows the arrogance of this government. It is a trademark of this government, and it is absolutely along the same lines as we see it operating on a day by day basis. We believe that it is an unacceptable finding.

The lack of process has meant that at the end of the day the Minister for the Environment and Conservation has not been cleared. The whole reason for having the Privileges Committee was to test whether the minister had misled the house. We are now stuck with that not having been tested. The cloud stays over the minister, and the question on top of it is: what evidence was the government scared of such that it chose not to include it as it would not risk the evidence that

could come out? This government should be ashamed of its action today; it is a disgrace. However, as I said, it is typical of the government, and we certainly do not support the report.

The Hon. J.D. HILL (Minister for Environment and Conservation): Before I begin my comments, I would like to start by thanking my family, friends, staff, strangers and colleagues on both sides of the house—including at least one in the opposition party—for the support and encouragement they have given me over what has been a truly dreadful week for both my family and myself. It is true that a week is a long time in politics. The member for Davenport made a very serious allegation against me—that of knowingly and deliberately misleading this house. I know in my heart that this is not true, and I suspect that members on both sides of the house know that it is not true, as well. In fact, I refer to comments made by the member for Davenport on radio stations SAFM and Triple M at 8 a.m. on Friday of last week, when he said:

> Well, look, John Hill needs to explain to the parliament why he is not reading his briefing papers and, as a result of that, why he is not giving accurate information to the parliament.

So, even the member for Davenport on Friday of last week agrees with that assessment. On Thursday of last week, after this matter arose, I came to the parliament at the earliest opportunity, made my personal explanation and did what the member for Davenport said I ought to do and explain to the parliament. I believe that I did that. Obviously, I am very pleased that the Privileges Committee has supported my position, despite what the Leader of the Opposition has said. I believe that my error was relatively minor, and I accept the committee's rebuke in relation to it. I was not aware of an attachment to a three page background briefing document which was one of 506 documents totalling over 1 500 pages presented to me on becoming minister—

An honourable member interjecting:

The Hon. J.D. HILL: Perhaps if the member for Newland would like to contribute, she can wait until I have finished.

The SPEAKER: Order! The honourable minister will be heard in silence.

The Hon. J.D. HILL: Thank you, sir. To those who say I had a duty to read this material, let me say this: this material was prepared before I became minister. It was not provided to me for action or discussion but as background briefing. To my way of thinking, it would be like giving someone a set of encyclopedias for Christmas and then 12 months later asking them whether they had read a particular page. The fact that it was released under FOI confirms my position: if I had read this document, why would I not have hidden it? As soon as I became aware of the document, I apologised to the house and corrected the record.

Mr Speaker, you have already referred to the behaviour of members in relation to this matter in the media. I was accused of deliberately and knowingly misleading this parliament, an accusation of which I have been cleared. The way this matter was raised and dealt with has meant that my reputation has been attacked and my credibility questioned. My family and staff have been incredibly distressed as a result of this. Mr Speaker, I request that you conduct a detailed examination of the standing orders and procedures in relation to matters of privilege, and I agree with the chair of the committee in what he said, as well. Such allegations must be addressed but in a serious way. In particular, I ask you, Mr Speaker, to consider whether a person who is the subject of a Privileges Committee enjoys natural justice when his accuser sits in judgment on that committee.

Mr Speaker, you referred to the judicial functions of this house. In the case of this Privileges Committee, my accuser was also one of my judges. Over the past 12 months, I have been proud to preside over significant reform in the environment and conservation area, with major legislation, the establishment of new institutions and a comprehensive policy program. I would like to complete my remarks by referring to the *Advertiser* editorial this morning to which the leader also referred, and I agree with the sentiment. The *Advertiser* said:

> This has been political theatre, more about political point scoring than discussion of policy or ideas. The government can now get on with the job it was elected to do.

Mr HANNA (Mitchell): I note the concerns expressed by a couple of members about the Privileges Committee procedure. I note that this specific issue was addressed in the Select Committee on Parliamentary Procedures and Practices which reported in 2001. I note that it is not the will of the government to act on the committee recommendations. In relation to this matter, in my assessment, the member for Kaurna (John Hill) has been a conscientious and sincere man in his role as Minister for the Environment and Conservation. The Privileges Committee reporting today had one critical central question before it, and that was in relation to the minister's intention. I am confident that, if the minister had been called before the committee to give evidence, he would have given a truthful account.

The SPEAKER: There being no other member wishing to contribute, and not having anticipated the report, I do not have what I would have otherwise wished to have with me. We are moving in uncharted waters, as evidenced by the remarks which have been made today. The standing orders do not explicitly address these procedures. On the one occasion in the past when we established a privileges committee, we relied (quite sensibly) on Erskine May and the procedures of other lower houses, particularly the House of Commons. Let me say at the outset in making these remarks that I do not doubt the sincerity of any member of this chamber, least of all the sincerity of the minister and, equally, the sincerity of the Chairman of the committee (the Chairman of Committees of this house).

As has been observed already, and as I pointed out earlier, this house is a court. In consequence of acknowledging that ancient and therefore historically relevant (and still currently relevant) fact that it is a court, we must be our own judges (peer on peer). It is not incumbent on us to require somebody else to address the problems that we find we have in our own proceedings. No other chamber of this kind anywhere on earth would submit itself to that.

In any case, all honourable members need to remember that the jury system itself relies on peers sitting in judgment of their peers. I must say at this point that I have sympathy for and some understanding of the feelings that the minister must have had during the last week.

The next point that I wish to make to the house for historical reasons is a subset of the one that the house in its motion gave the committee not only the power but also the responsibility to call for people and papers in its quest—and I emphasise this as a second part of the subset of the responsibilities of the committee—to investigate what happened, when it happened, who was involved and, where it was

relevant to do so, why, and to make that as its report to the whole chamber. The committee was not required to express an opinion as to what should or should not be done upon the house receiving its report. That was (and still is) the responsibility of the whole house. The committee was established to investigate, not to judge. Let me repeat: it was established to investigate, to discover, not to judge; otherwise,there is no point in having a committee.

The next point I wish to make is that, if nothing else, the committee, in order to satisfy itself in that quest, in my judgment should have called—and in future would be well advised to call—at least the member who is the subject of the investigation.

An honourable member: No-one asked for him, sir.

The SPEAKER: Order! I do not make these remarks to the chamber for any reason other than that, in future, they can be the subject of further debate but, in the meantime, they stand in the same way as other speakers before me (probably pre-eminently better qualified than I) have had the responsibility from the chair to make such decisions. It is not about coming here to do things that make one popular or unpopular. We all come here to do a duty. It is not about making friends or enemies; it is about making improvements. It is not about advancing one's own cause but about advancing the true welfare of the people of this state. We are all here to do our duty—whether it is pleasant or unpleasant is beside the point; it is no different from soldiers in battle: do your duty.

I make a couple of other observations. Apart from the fact that I am disappointed that the committee did not set out to discover what happened, when it happened and who was involved, I am also disappointed personally with the decision of the house to include the accuser (the member for Davenport) on the committee. I thought better of making that remark at the time the nomination was made. I again make the point that this arises in consequence of horse trading in the lobbies, something which does not edify the standing of this chamber. Whatever discussions there are in the lobbies, to rely upon that practice as the means by which we resolve affairs is to ignore the public interest in the process to satisfy our own comfort—again, something that I do not seek to do.

I invite members from this point forward to look at the remarks which I have made in recent days and which are to be found in *Hansard*, and to reflect on what I have had to say then and now. In all conscience, I draw honourable members' attention to standing order 141, which I will read rather than leave it to each of you in your own time to do so:

> The House interferes to prevent quarrels between Members that arise out of debates or proceedings of the House or of any committee of the House.

Of all the members of the house, it is the Speaker (I am sure the member for Stuart would agree with me on this point, given his superior knowledge and experience of other chambers similar to this one), of all people, who ought to be the person—regardless of our personal opinion of that person—to whom we go if we find ourselves at odds with any other member of the chamber and seek through the Speaker's good office to resolve that difference before it preoccupies the time of the chamber and costs taxpayers money, and certainly (equally) costs us some distraction from our main purpose, which I again repeat is the advancement of the true welfare of the people of this state.

Motion carried.

The Hon. R.B. SUCH (Fisher): I seek leave to make a personal explanation.

Leave granted.

The Hon. R.B. SUCH: Because in the heat of the debate some members used terms such as 'whitewash', I want to assure members that I would not be involved in anything of that kind. For the comfort of members, I assure the house that no member of either side or anyone in this house in any way sought to influence my decision or participation on the committee in any way. I am speaking about what happens in the house and outside the house. I think members can be assured that any decision made involving myself was without any pressure or any other influence from anyone, neither the government, the opposition, the National Party member nor the Greens member.

GRIEVANCE DEBATE

MITSUBISHI ADELAIDE INTERNATIONAL HORSE TRIALS

Mr HAMILTON-SMITH (Waite): I rise on the subject of the government's decision to abandon the Mitsubishi Adelaide Horse Trials. This is an absolute disgrace. It follows on the $16 million worth of cuts to tourism, a signal from the government that it intends to abandon the Classic Adelaide Rally as well as the Adelaide International Rose Festival, and of course its 2002 decision to disband the Australian Major Events Advisory Board.

The government's tourism agenda is in tatters and, if members ever need an example of a waffly press release that dodges the nub of the issue, they should read the government's press release on the Mitsubishi Adelaide International Horse Trials. It talks about relocation and waffles on for several paragraphs. It admits that they have done a survey and that they feel that it may not be considered viable, but it stops short of telling the plain and simple truth; that is, the government will slash $650 000 per annum from its budget which sponsors this event. Over the next three years, that expenditure will be wound down and there will be no government support at the end of that period, so it would seem, for this event. It is being cut adrift, disbanded and abandoned by this government and will now have to survive on its own devices.

The government's media release is quite shameful and should have been much more open, honest and direct. The reality is that the event will struggle to survive now that the government is walking away from it—an event, I hasten to add, which has attracted between 45 000 and 50 000 people to the parklands and which has been very strongly supported by sponsors. Mitsubishi, of course, the naming rights sponsor, but also the city council, R.M. Williams, ATCO Power, HorseLand, Channel 9, Bowden Printing, Novotel, Clipsal, Winergy and Mix 102.5, are now receiving a signal that says, 'The government feels there is no future or worth in this event. We are walking way from it'—and what do we think those sponsors will do? In all likelihood, they will follow the government's lead and walk away from the event.

I sincerely hope that does not happen, but what is required from this government is leadership, not abandonment. There is a real agenda here. We know what is really happening. First, the minister has no real commitment to her portfolio, it would seem, because since she has been the minister we have lost $16 million from the portfolio, four or five major events have fallen off the agenda with nothing to replace them, there seem to be no new ideas coming from the

government on new tourist initiatives and certainly there is no money. Why is there no money—because the Treasurer is nobbling the Minister for Tourism to ensure she stays in her place. He wants to keep the Labor Party reminded of the fact that she came from nowhere with no Labor Party pedigree, that she is a bit of an upstart, that she jumped over several of her Labor Party backbench colleagues—

Members interjecting:

Mr HAMILTON-SMITH: A couple of them are chirping now. She is a minister; she has all the privileges and benefits of being a minister. They have been put in the background. The member for Hart wants to ensure she never gets past first base. She is not getting past first base anyway, but certainly he will ensure there is no chance of that. That is why she is failing to win her arguments in cabinet. That is why her cabinet submissions for more funding are failing in cabinet, and that is another reason why this event is going down the drain. The minister seems incapable of arguing successfully for the survival of major events that are so important for the tourism industry. They fill hotel rooms, provide numbers in restaurants and provide subcontracting work for people who set up stands and stalls and who provide all the infrastructure to support these events. It is another $650 000 per annum out of the tourism budget.

I think the comment she made in her speech today was, 'Hopefully, the event will continue with the support of the community' and so on. It is not good enough: the government should be supporting the event. It has completely overlooked the nearly $3.5 million worth of benefits per event in regard to media coverage. It is very effective media coverage for the state and it has been completely overlooked in their cost benefit analysis. The government stands condemned for its decision to cancel this event. It is a good event and it should stay.

Time expired.

GOLDEN GROVE URBAN DEVELOPMENT AWARD

Ms RANKINE (Wright): I was delighted to hear the Minister for Government Enterprises' response to my question this afternoon when he told the house about the Golden Grove joint venture receiving an award from the Urban Development Institute for the best master plan development in Australia. I add my congratulations to the joint venture developers, that is, Delfin Lend Lease and the state government's Land Management Corporation. There is no doubt that the Golden Grove development was a visionary concept. It was a concept developed by the former Labor government, and it is the first time we have had a development in South Australia that has been covered by a piece of legislation.

The development was designed to provide opportunities for families and young people to access home ownership, and the legislation was very important in that regard, as it prevented speculation. It ensured that prices were kept at a reasonable level, so that, as I said, families and young couples could buy land and build their first home. The legislation required that, if someone bought some land and decided they were not going to build a home on it, they had to sell that land back to the developer for a reduced price. Therefore, we did not have the situation that we see so often where developers come in, buy up large parcels of land, sit on them for some time and then make mega dollars out of them.

The development was designed to ensure that community infrastructure and facilities were not only in place and available as they were needed but that they were appropriate. This is extremely important, and a great deal of care and effort was put into ensuring that this was the case. Very sadly, some facilities—not the responsibility of the developers, I might point out—have not eventuated, but I have referred to those often and, no doubt, I will continue to do so, but I will leave that point for now. The development was also designed to maximise resources, and the sharing of facilities of local schools is a perfect example. It was also designed to ensure that the needs and wants of all members of the community were taken into account. Clearly, it has been an outstanding success.

As the minister said in his response, in 1998 the International Real Estate Federation awarded Golden Grove the world's best address; and now in 2003 it has been awarded the best master plan development in the country by the Urban Development Institute of Australia. The joint venture has real reason to celebrate and take pride in this industry award. They have been judged and recognised in this award by their peers. The Golden Grove joint venture won the state award for best master plan development and, as the minister said, went on to win the national award, the first time any South Australian project has won this award.

The other day, in relation to another instance, I said that the proof of the eating is in the pudding, and it is true today no more so than it was the other day. The success of any development has to depend on whether people enjoy living there, and clearly they do. It is a great place to live and to raise a family, and I am sure residents are as delighted as I that the developers and their development have been recognised in this way. Golden Grove has quite a strong international reputation and our area has hosted many visitors from interstate and overseas who have been very interested to see what has been achieved. I understand that the joint venture partners were presented with a trophy at a function in Melbourne and, because there are two partners, a second trophy is being made so that they can all share in the joy. I would ask them to give some consideration to displaying the trophy at the Village Shopping Centre so that local residents can also enjoy the award that has been bestowed on this very progressive and innovative development.

Time expired.

MITSUBISHI ADELAIDE INTERNATIONAL HORSE TRIALS

Dr McFETRIDGE (Morphett): I refer to a short passage from a book entitled *Playford to Dunstan* by Neal Blewett and Dean Jaensch printed in 1971. On page 57 it states:

> From the moment of his accession the legislative achievements of his government had been secondary to the need to ensure the electoral survival of that government.

That is what we are seeing here, and we are seeing it all around. Every time the opposition tries to criticise something that the government is doing, they say that we want more hospital beds, we want more schools and we want more police. Well, that mantra is wearing thin. We all want those things. If this government really got this state going, it could afford more hospitals, more schools and more police without shutting down the state. What are we going to do next? Will they shut down the Art Gallery or shut down the museum? We have money for a film festival but no money for the horse trials. There is no money for an event that has been going for

six years and is recognised worldwide. It is the only 4 star equestrian event in the southern hemisphere—not just in Australia but in the Southern Hemisphere.

Let me explain the significance of a 4 star equestrian event in terms of getting into the Olympics in Athens next year, whether under the old or the new rules. I am sure that the member for West Torrens would want the highest calibre team to go to Athens next year, whether they be equestrian riders or athletes. We need to provide those athletes with the best quality training and exposure to competition. A 4 star event—the only one in the southern hemisphere—was being held in Adelaide. Riders came here from all over the world—not just from Australia and New Zealand but from all over the world—because it is such a good event. This government has just dumped this event. It has said, 'We are going to move it.' Where will it be moved to? It cannot go back to Gawler, because Gawler is developed. Where can it go—to Oakbank? It cannot go to Oakbank; it is too difficult. Any move away from this year's Adelaide international horse trials location in the parklands will take it down to a 3 star event. Three star events are not enough to get into the Olympics. You need to compete at 4 star level, and the only 4 star event is held in Adelaide. The minister has cut off the most significant avenue for Australia's equestrian riders to get to Athens and for us to send a team that will do us proud, as the team did us proud in Barcelona, Los Angeles and Sydney.

I was in Sydney when the equestrian team won gold. It gave me a great deal of pleasure to see a group of top riders win gold. Not just once or twice but three times we have won gold. I personally know members of the equestrian team. I was talking to some of them yesterday afternoon and evening, and they are absolutely devastated at what this government has done. Once again, the ministers are being dudded by their bureaucrats and advisers. They are not being told of the ramifications and consequences of their actions. They really need to come into the real world. You cannot go closing art galleries; you cannot go closing museums; you cannot go closing wine centres; and you cannot close the Adelaide International Horse Festival because you want to keep to your mantra and your politics of populism. You cannot just keep doing that. You really have to wake up and say, 'We live in the real world.' We need to keep going the way the Liberal Party has set this state going—and that is ahead. We would not have cut the horse trials. This state is going ahead, and, despite the Labor Party, it will continue to go ahead. It is unfortunate that we have ministers who are not being briefed and who are not on top of the situation. To see the Adelaide International Horse Trials being dumped like this is a crying shame.

Mitsubishi is putting its money where its mouth is. It has put in something like $100 000 a year, and it has committed $100 000 for the next three years. Mitsubishi has just announced the National Young Rider awards, and it is putting $60 000 into that. The top two young riders from the Adelaide International Horse Trials in 2003 were going to go to Badminton. Where will they go now, because there are no international horse trials here now? This government has cut off their career paths. To get representation in an Olympic team is something that does not happen to very many people in this world. I wish I had had that privilege. I will not be part of a parliament that is sanctioning the decisions being made by this government. I am protesting as strongly as I possibly can. I urge the minister to do what she told me she would do in the House of Assembly lounge in December last year when I said to her, 'The rumour is that you are going to cut the international horse festivals.' The minister replied, 'No; funding is in place for four years.' Keep it going minister.

AUTO BODY CAREERS

Ms THOMPSON (Reynell): I would like to start by acknowledging the distress that I can hear in the voice of the member for Morphett, but I want to congratulate the Minister for Tourism for having the guts not just to rely on warm fuzzy feelings, no matter how nice that feels, but to look at the economic impact of the money that is spent on behalf of the taxpayer and see when we are not getting a good return on investment. The Minister has had the guts to allocate the funds where they are most required. Congratulations, Minister for Tourism. I know it was a hard decision but, if more decisions had been based on economic analysis and not on warm fuzzy feelings, this state would be in a better situation.

I rise today to speak about a new development, which comes under the role of the Minister for Employment, Training and Further Education, and that is the launch of a new program called Auto Body Careers. Last night, I had the privilege and pleasure of representing the Premier at a function convened by the Master Crash Repairers at the RAA to launch a school-based traineeship called Auto Body Careers.

This is the first industry-based program that involves schools, TAFE and the Master Collision Repairers in developing a program for years 11 and 12 children at school and giving them an opportunity to move into a very solid career path, while still undertaking the necessary studies for their SACE certificate. I thought it very interesting in the audience of young people, parents, teachers and VET coordinators to hear the emphasis on the need for a broad education. Sending young people off at 15 and 16 years these days into a practical career does not guarantee them a job for life. We need to really pay attention to giving our young people a broad career.

The young people were told about the possibilities of ending up as an insurance assessor or an insurance claims manager, in a management position in the industry or in a sales and marketing management position with one of the suppliers to the industry. These were cited as possible options from their beginning a career as a qualified tradesperson. Everyone thought they knew about being a panel beater or a spray painter, but they may not know just how many options are available to them as part of a career in the auto body area.

As I have said, the Marsden Institute of TAFE has collaborated with schools in the area and the Master Collision Repairers to develop this program. Basically, young people will be at school for 3½ days a week, at TAFE for half a day, and in the industry for a day, but how this will be organised has not yet been decided. In fact, it is expected that many of the young people will be working over the weekends and during their school holidays in order to get the necessary industry experience.

It was quite interesting to see the criteria on which selection for this program will be based, one of which was a demonstrated understanding of and commitment to starting a career within the automotive industry. There are the results of the literacy, numeracy and shape analysis test. They also need good communication skills; the ability to work well in groups and as part of a team; and the ability to work independently. These reflect the broad range of skills that our young people need today to secure a long-term career. There

was also reinforcement of the fact that they probably would have to be studying again and that doing an apprenticeship today does not set you up in a career for life but is an extremely important first plank in a career for life.

I very much congratulate Tony Russo (the chair of the Master Collision Repair Specialists), Susan Waite and Steven Boldog from the Douglas Mawson Institute of TAFE, and Marj Shepherd (the VET coordinator in schools in the area) for the work that they have done in putting together this innovative program. I wish all participants and institutions involved in it success in this important venture.

Time expired.

MEMORIAL TREE

Mr SCALZI (Hartley): I asked the Premier earlier today whether he had strong representation with regard to allowing a conscience vote on a domestic co-dependent bill. The Premier responded, 'I will check.' I trust that after he has checked the Premier will come back and inform the house that he will give Labor Party members a conscience vote on this very important issue.

Today I want to talk about something that really concerns my electorate. An article written by Laura Dare appears in this week's *East Torrens Messenger* and is titled 'Memorial tree faces the axe'. This is a major concern to me. I have been contacted by the former principal of Payneham Primary School, which was closed by the then Labor Government in 1991.

I am really concerned because, in 1991, a tree was planted in the memory of Payneham Primary School's most famous student, a former prime minister, Harold Holt. Unfortunately, the plaque placed on that tree has disappeared. As a result of the J.P. Morgan development on Briar Road at Felixstow, the car park will be cleared and the tree that was planted in his memory is in danger of being cut down. I am informed by the former principal, Joe Franks, that he wrote to the Premier in about mid September and sent a copy of the letter to the Minister for Education. No decision has yet been made as to whether this tree will be saved.

I am pleased, as reported in the Messenger Press article this week, that Mr Dew, a spokesman for the education department, would meet with Mr Franks to discuss the concerns to see whether there was a way to preserve the tree in the car park. This is most urgent because the development is taking place, and to see that tree cut down—

The Hon. P.F. Conlon interjecting:

Mr SCALZI: Is the honourable member implying that the tree was not worthy to be planted in the memory of the former prime minister?

The Hon. P.F. Conlon: No; I said, 'It's going better than Harold.'

Mr SCALZI: I find it rude to refer to a former prime minister as 'Harold', but there you are; that is from the minister. I think the government should do everything possible to save that tree and to have the plaque replaced because, as I said, not many schools can say that a former prime minister attended their primary school. As I said, too, the tree was planted in 1991 on the school's 70th anniversary, the school having been founded in 1878. There is a lot of history there and that tree was planted in good faith in the memory of Payneham Primary School's most famous student. I think we owe it to the memory of the former prime minister Harold Holt and his family to pay some respect. The car park might be necessary.

Members would be aware of all the controversy over the Payneham Civic Centre, and this is the extension of the car park section. No-one is against the development, but surely we can find a way to save that tree and to have the plaque replaced because this was in memory of a former prime minister of Australia. The community deserves to have that acknowledged. I commend the former principal Joe Franks for raising this issue and for contacting the Premier and the Minister for Education. I am pleased about the commitment given by the department this week to find a way to save this tree, because it is an important part of our history and an important part of the community I represent.

Time expired.

WHYALLA PRE-INDUSTRY COURSE

Ms BREUER (Giles): I think I might be accused of collusion with you today, Madam Acting Speaker. I did not hear all of your speech, but I think you talked about something I am preparing to talk about today. My story today is a good news story about something that is happening in Whyalla. I was very pleased last Friday to get a visit from some representatives of TAFE, the education department, our Economic Development Board and also from OneSteel. I was so impressed with what they were telling me that I decided I would talk about it today.

The Hon. P.F. Conlon interjecting:

Ms BREUER: Yes, a good company, OneSteel. For some time in Whyalla there has been concern about the ageing skilled work force and the lack of young people who have been able to take up apprenticeships, particularly in the boilermaking, fitting and turning trades and electrical trades. They are often not qualified to get into these apprenticeships. Every year a number of apprenticeships are advertised in the region, particularly in Whyalla with OneSteel, and often it is very difficult to fill the positions locally. We have been recruiting from Port Augusta and other towns around the Eyre Peninsula, and that is a good thing for those areas. However, we have a large number of unemployed youth in Whyalla, and we would like them to get first preference. This is not a new problem: it has been ongoing for many years. Because of a lack of a number of skills, young people have not been able to get through the recruitment tests.

Last year, the Whyalla Economic Development Board (WEDB) approached the Office of Employment for funding to undertake a pre-industry course in Whyalla at the Spencer Institute of TAFE. This funding came through the Youth Employment Program and from what is now the Department of Employment, Further Education, Science and Small Business.

In early 2003, representatives from Edward John Eyre High School suggested to WEDB, TAFE and a number of other stakeholders in Whyalla that a pre-industry course could be commenced with a program that was equivalent to semester one of year 12, the second half to be a TAFE pre-industry course. This was a great idea because it meant that young people had the opportunity to be at school and to upgrade their literacy, numeracy and communication skills, which are really important when they undertake that apprenticeship and trainee testing.

They would spend the first six months at school, and for the second six months they would go to TAFE and undertake the equivalent of a certificate one TAFE course; they would be prepared. Something like 15 electrical apprenticeships and

15 mechanical apprenticeships would be made available at the end of the course. These young people, if they completed the course, would virtually be guaranteed one of those apprenticeships. As I said, each year a number of traineeships are offered in the area. If the young people are not able to get an apprenticeship, they would have a very good chance of getting the mechanical traineeships at OneSteel.

This was a great idea and, again, it was a great opportunity for our community to demonstrate that they can work together. The programs got off the ground, quite a lot of advertising was done and 30 young people started on 24 February. These students are still all there and are working very hard. I am told that the absentee rate is almost minimal. These young people can see a future ahead of them and they can see a purpose in what they are doing. It is an excellent opportunity for them to get going. They will be given exposure to the workshops before they go into the TAFE component so that they can see what a trade is all about and see what they would be doing.

I was also very pleased to hear that two young women have commenced this course. I was very pleased by the support that is being offered to them. I was formerly a TAFE lecturer, and I started running an introduction to the trades courses for young women to try to get them interested in non-traditional areas. I was assured that the young women doing the course would be given a lot of support because it is a daunting task for two young women to be in a class of 28 males and in a situation with which they are not very familiar.

I particularly want to congratulate Jack Velthuizen at TAFE for his foresight and involvement, and certainly all those people at TAFE who will be involved in the course. I congratulate also Miss Rae Watson from Edward John Eyre High School, who has been fundamental in getting this program going. I certainly thank Bill Parker, the district superintendent, who has again demonstrated that he has a lot of foresight and does not follow the terribly traditional areas: he is prepared to look around and move ahead. Aaron Harris, from the Whyalla Economic Development Board, has been instrumental in getting this going. He has done a great job, as has Ron Wilson, the new CEO. OneSteel has given excellent support to the program and I congratulate it.

Time expired.

WIND POWER

Mr VENNING (Schubert): I move:

That this house calls on the Environment, Resources and Development Committee to examine and make recommendations on the economic, environmental and planning aspects of wind farms in South Australia , with particular reference to—

(a) the leadership role of government in a strategic approach to the management and overall development of the industry;

(b) the effectiveness of existing institutions, government agencies and their inter-relationships in delivering best practice to the wind energy industry in South Australia;

(c) addressing community concerns;

(d) defining the links with a state greenhouse strategy;

(e) examining the extent of their ability to meet the commonwealth mandatory renewable energy target;

(f) determining the appropriateness of setting state based renewable energy targets for South Australia;

(g) maximising economic and environmental outcomes for South Australia;

(h) evaluating the effectiveness of commercial generating machinery currently available; and

(i) any other relevant matter.

I have much pleasure in raising this matter here today. I will outline the key issues related to wind farms or wind turbine generator installations and how these issues translate to South Australia. I will always support any new technology to generate electricity in a way that is environmentally safe and sound and sustainable in the long term. The reason the ERD Committee should investigate this issue is quite simple: we need to look at what the government can do in terms of managing the state's progress in adopting the wind farms and, more importantly, in cooperating with the many and varied stakeholders who wish to be involved, whether they be owners, mechanical or electrical engineers or the financiers of these wind farms.

I came under a bit of pressure in regard to moving this motion seeking that the matter should go to the ERD Committee. I remind the house that I was chairman of the ERD Committee when it took the reference on aquaculture—exactly the same situation of a new industry with no guidelines and very little precedence. The ERD Committee was asked to take the reference and it put out a report. I know that it was of great value not only to the government and its various arms but also to those stakeholders getting involved with aquaculture. That was back in 1986 and we can see what has happened since then. We now have a magnificent, well structured industry, and the government has all the legislative procedures in place to make it easier and transparent for those people wishing to engage in the industry.

If the government is fully on side, the chances of an industry going astray are reduced significantly. The adoption of wind energy is a great opportunity for South Australia, although there are risks that should be considered. If this were a simple matter, the ERD Committee's investigation would not be needed, but many issues need government and stakeholder attention. The obvious environmental benefit of wind farms is that they represent a long-term sustainable source of energy through the utilisation of a free, renewable source of energy, namely, the wind. The noise these windmills can make can be considerable and their size will obviously restrict where these turbines can be placed, especially near houses, schools and other infrastructure where it will cause some discomfort, especially to people and livestock. The best place for these wind turbines is generally on top of a hill or cliffs, for obvious reasons, and these places are often locations of great aesthetic value as well, so the cost and benefits of these wind turbines must be looked at.

There needs to be consensus from the community on whether the visual impact that wind turbines will have is worth accepting in the long term as being an environmentally friendly source of energy. If a wind turbine is to sit atop hills, there will be an obvious need for service roads to ensure that maintenance teams can get to these wind turbines when they need to in all weather, because they usually play up in storms and you often need at least a rubble road to get to them. These roads will no doubt cost a lot of money and their construction could see the destruction of natural and native vegetation. I see that issue as being before the authorities at the moment.

There can be no doubting that some parties will embrace wind farms in future, and it is for this reason that government involvement needs to be strong and clear from the outset. With government resources we should be able to do sufficient research to avoid the unsatisfactory establishment of this industry with unsuitable wind turbines that are poorly placed

and could be subject to much dispute between different parties, such as neighbours. Wind power is too good an opportunity for us to pass up, but equally the danger of things going wrong is too important for the government not to be involved. These complications may be catastrophic, so we need to look into the problem of what happens when wind turbines become non-functional and the owners disappear from the scene. The need for regulation is clear. It needs to be clarified who is responsible for the cost of dismantling these turbines and restoring the site, otherwise wind turbines could turn out to be one big nightmare, which would be unfortunate.

The financial costs need investigation. Ultimately, if the initial establishment and servicing costs are too expensive for private parties, people will not change to this form of energy. It would be ideal if the government could endorse recognised wind power generators and projects with financial support, much like the Rann's government's endorsement of solar energy. Also, the equipment available needs careful assessment. All equipment needs to be serviced. Some is easily serviced and some is difficult. Some turbines have to be removed from the top of the pylon to be serviced and others can be serviced up through the pylon. Most of the parts in the modern easily serviced turbines can be taken up and down inside the pylon. With the older ones, the whole turbine has to be moved from the head, with obvious disadvantages there.

Obviously the wind will not always blow sufficiently to generate power, so wind generated electricity should form part of a greater plan for obtaining our electricity from other natural sources, such as the sun and gravitational energy in the form of water turbines. These changes may mean some sacrificing during the period of immediate installation as initial problems are ironed out, but the quicker we embrace these sources of energy the better for all. When the wind blows we can have abundant electricity, but we do not have a ready way of storing it. You could turn that electricity into another form of energy and use that surplus electricity when the wind is blowing to pump water to a higher place, such as the top of the Mount Lofty Ranges, into tanks, and when the wind stops blowing the water runs down to where it needs to go and, running through turbines again will generate electricity. We are using kinetic or mechanical energy through water as a battery. There is not a battery big enough to store the amount of power that a wind farm would generate, especially when the wind was blowing swiftly.

I have raised this matter because I had a difficult, persistent constituent concerned about the matter. He is the owner of a property on which he wishes to have a wind farm. The questions came fast and furious on this matter. I have a family connection with a wind farm in Cornwall, England, and I have visited this Venning farm. It is an older installation. I took the member for Stuart with me on my recent trip to the United Kingdom and we learnt a lot. This is one of the original wind farms. The tourism potential is very great because a lot of people call and look at the wind farm, but being an English construction these turbines are the size of large caravans on top of the pole and have to be removed from the top of the pole, which causes great problems. In times of rough weather people have to come out and service these things, which break.

A heavy crane is needed to lift this 50 tonne load from the top of the pylons. It is a huge crane, and for driving around the paddocks during the wet weather they have had to build very substantial roads. Initially, the project merely involved putting wind generators on the fences of a property which would not cause much encumbrance on the farm. However, when you put in roads and subsequently the gates that go with them it becomes a much bigger project than one would first think. Here is a glorious example of an effect that was not considered in the first instance.

I also note the efforts of other members of parliament in relation to this issue, particularly the member for Flinders, who has been very active on this issue and who I know has made various public comments in relation to this. I refer also to the member for Finniss and various other members who have taken up this issue. I have also spoken to the Minister for Industry and Investment about the matter, and he is also very much aware of it. These members have been involved with this issue for some time, and I know that their involvement and that of the parliament, particularly if the ERD Committee takes up this reference, will ensure that this motion passes this house.

I hope it can go from this house very quickly. I do not want this to sit on the *Notice Paper*; there is no sense in that, because the matter will be debated in the ERD Committee, anyway. I hope the house will deal with this quickly so that it is off the *Notice Paper* and so that members can then discuss in the house issues relating to wind generation. They cannot do so at the moment because this motion is on the *Notice Paper* here. I hope we will refer it off quickly to the ERD Committee so that any other member such as the member for Flinders can come into this house and raise the matter. If it is not on the *Notice Paper*, there is no problem with Standing Orders.

I hope the member for Torrens will stand up and wax lyrical, as no doubt she can. That honourable member does not need notes or to be prompted; she can speak generally on the subject, and hopefully so will another member on the other side. There is no reason why we cannot put the matter straight through. As I have said, I hope it will be dealt with very quickly.

I have witnessed these wind farms at first hand in actual operating conditions. Having seen the old ones and the new ones, I know that there is a lot of difference between the high technology ones and the early models, particularly in relation to noise. There is a huge wind farm down at Delabole in the tip of Cornwall. My cousin started her own tourism venture which was so successful that the authority that owned the turbines took it away from her and created its own tourism venture at the base of Cornwall. It is a huge, extremely successful place there now, where they deal with all other types of natural energies—not just wind, but also water and solar generation and a host of other methods. The tourism potential for wind generators should not be underestimated, because they are attractive.

The newer turbines I have seen are so much quieter than the earlier models. The newer ones are bigger and have more propeller blades on them, and often the pylons that hold them up there are oblique—in other words, not straight. The noise is created by the blades passing the pylon at the bottom, and if it is bent away there is nowhere near the noise. The biggest problem with them, particularly if they are new, is the reflection of the blades in the sun. On a beautiful sunny day, you look up and see all this flicking on the skyline, with the propellers going around. It is quite interesting for a tourist or a visitor, but I think if you lived there it would become rather a pain. I do not understand why they do not paint them dark grey. Why do they paint them bright silver so that they shine? I have always wondered about that.

All these questions can be answered in the ERD Committee, in which I have full faith. After giving it a bit of a bollocking last week in the parliament, I thought it was constructive for me to come into this house today and try to give the committee a reference which I think it could handle very well. In fact, it would be a challenge. I only wish I was still on the committee so that I could sit with it and pull this magnificent subject apart. I hope this house will deal with this quickly and support the motion.

Mr MEIER (Goyder): I rise to support this motion moved by the member for Schubert, and I would say that this is just what needs to be done. I will not go through points (a) to (i), but that first introductory paragraph, namely, that this house calls on the Environment, Resources and Development Committee to examine and make recommendations on the economic, environmental and planning aspects of wind farms in South Australia, deserves special consideration.

I am very pleased that there are four proposed wind farms for my electorate now, three on Yorke Peninsula. The reason for this is pretty obvious: we have a lot of wind on Yorke Peninsula. In fact, I remember many years ago now—probably about 30 rather than 25 years—turning from Port Wakefield turn-off at Wild Dog Hill Corner and starting to head down the peninsula. We were then driving a smaller vehicle, a very nice six cylinder Holden Torana, and I said to my wife, 'Oh-oh; we've got a puncture.' I pulled over to the side of the road and walked around the car and all the tyres were excellent. However, I was nearly blown away when I was walking around the car. It is amazing how different it can be going up the eastern side of St Vincent Gulf compared to going down the western side. The wind is a classic feature of Yorke Peninsula, and it is therefore an excellent place for wind farms to be set up. I will do everything I can to help see that wind farms are established.

Many matters that need to be addressed, and again it is very pleasing that the member for Schubert, if he has not identified all of them, has certainly identified the important ones. I say that government probably needs to take a different approach to fast tracking many of these projects, because the need for extra electrical energy goes without saying. We have had a debate here for the past year or two now as to how much electricity is available. Thankfully under the Liberal government extra generating capacity was established, and slowly the new government now seems to be following what we started; and that is very positive.

Wind power is untapped in this state. I had the privilege of being in Denmark last year and meeting with the energy authority there, and they are emphasising wind power in no uncertain way. In fact, although my memory fails me, they have some thousands of wind turbines operating. They started with wind power in the 1970s, when they used a different approach from the one we are using. They got farmers to band together. Often two or three farmers came together and agreed to set up a wind turbine, and it was a very good economic resource for them. There were very good government incentives for them back then, so they have wind turbines all over the country.

I know that they are about to establish hundreds more in the North Sea. I asked what they meant by 'in the North Sea', and they said they were putting them out in the sea, because it is windier than windy there. They are going from strength to strength. I think I am correct in saying that they are currently generating about 12 per cent of their electricity needs from wind power, but I think it could be up to 15 or 16 per cent, and they have a target to aim for a higher generating capacity. They are also emphasising the clean, green approach of wind power, which is so important in this day and age when so many polluting elements beset our environment.

We are way behind the eight ball with wind power. That may not be a disadvantage because, first, one of the key turbines on Yorke Peninsula will be made in Denmark, so we will have the latest technology. They may also be made in Germany, and there is a chance that we could make some of the parts here and set up our own industry in that respect. So, that is the positive thing. The negative thing is that some people seem to think they do not look very attractive. I for one love to see the turbines; I reckon they are a highlight. When I came over the bridge from Sweden into Denmark the first thing I saw on the skyline were these turbines.

I said, 'That really is something.' I saw many more of those turbines. Unfortunately, because of some objections, the two lots of turbines on Yorke Peninsula at the bottom end near Troubridge and Wattle Points have had to be moved back some 500 metres. When I asked a representative of one company, 'What does that mean?', I was told, 'We lose 1 or 2 per cent efficiency. It's still efficient, but it's a shame that we're not a little closer. However, we were prepared to do that simply to ensure that we can get up and generate the power.' We have to use some commonsense and rationality here. Surely the production of electricity through a clean, green approach is one of the biggest things we have to push for.

I acknowledge the three companies on Yorke Peninsula. Pacific Hydro at Sheoak Flat, some two kilometres north of Port Vincent, hopes to have 54 turbines, with a total capacity of 81 megawatts. Mr Terry Teoh is the key development officer in South Australia with whom I am pleased to have had several meetings. The second company is Wind Prospect, which hopes to establish a wind farm at Troubridge Point, operating 15 turbines, each with a total capacity of 25 megawatts. The third company is Wind Farm Developments (Australia)/Meridian Energy Ltd at Wattle Point, which hopes to have 61 turbines, with a total capacity of 107 megawatts. I have not met the development officer with Wind Farm Developments but I certainly have met the General Manager of Wind Prospect, Mr Michael Bawser, and it has been great speaking with him.

One of the key things that has to be done—and the government must work hand in hand with ETAS Utilities here—is to get the appropriate transmission line upgraded where necessary. The transmission line nearer Pacific Hydro is a 132 kilovolt line—in fact, it is further down, too—but the question is whether that is big enough to take the power back to wherever it is intended to go. That is another matter that the member for Schubert's motion addresses. Certainly, it is important to assess whether the power will be used mainly locally or whether it can be transferred anywhere else in the state.

I thank the member for Schubert for bringing forward this motion. As I said earlier, we are behind the eight ball on this matter, yet it may not be to our disadvantage. By way of example, we were way behind the United States in adopting colour television. However, the type of colour television we have with the PAL system is vastly superior to that of the USA, so we have benefited. Also, we are again behind in digital television, but we will benefit by waiting for the appropriate technology. It is similar with the construction of turbines. Again, in my discussions in Denmark, I was told

that a turbine has about a 20 year life cycle but that the new turbines are that much more efficient and can generate that much more electricity. We will not have to build so many turbines; we can have a lesser number.

Assuming that the motion passes, I urge the committee to look at the concept of private people with land banding together to see whether they want to establish a turbine. We also need to lobby the federal government—very much so—to give greater incentives for wind power, the alternative energy source, to become a viable option. I know that the federal government is looking into this matter at present. I hope that it will act as soon as possible, because it will help South Australia possibly more than any other state, and Yorke Peninsula is so well positioned to maximise the use of wind power at a time when the area is developing at a rather rapid rate and needs extra electricity now, and certainly will need a lot more in future. I trust that the house will give its full support to this motion.

Dr McFETRIDGE (Morphett): I rise to support the motion. I remind the house that wind power is not new in Australia. We have a long history of relying on wind power. There were the old Dunlite 32 volt generators that were out on the remote properties—and some of them not quite so remote—charging the batteries and then providing the 32 volt power for the fridges and lights. Australia all over has relied on wind power for a long time. We have certainly come a long way from the old Dunlite three blade windmills, just ticking over and charging the batteries. The latest turbines on offer are huge machines. Highly sophisticated, the aerodynamics of them are well developed to produce machines that are very efficient and so able to produce large quantities of electricity with very little impact on the environment.

I would like to congratulate the government on being bipartisan in supporting alternative forms of energy. We know that the Premier has been very encouraging with his support of solar energy. He put some in his own home, and he has had it put in schools and in the Museum. The government is trying a mini hydro scheme at Mount Bold Reservoir, Kangarilla. It is good to see that this parliament is looking at giving South Australia a future when it comes to energy needs. Becoming a green and clean provider of energy is absolutely desirable not just in Australia but around the world.

The member for Flinders is one person in this house who is a very strong proponent of the use of wind power. Last year I had the pleasure of attending with the member for Flinders a conference on wind power at Glenelg in my electorate of Morphett. To talk to some of the experts and proponents of wind power there was quite an eye opener. These big fans on the top of hills look fairly simple. However, to see the technology involved in making these machines turn with very little effort—and very little wind in a lot of cases—and produce large quantities of electricity is just amazing. The ones I saw in New Zealand last year must have been some of the older style, because they had large blades on them. However, the stands they were on were more of a framework or trellis. They were similar to a windmill you would see by a bore. I had a bit of trouble getting up to the top of the ridge, where there are 40 of these turbines at Palmerston North in New Zealand. The access road was not very good and, as the member for Schubert said, it is a matter not just of putting the turbines in the correct location but of getting access to them.

In Australia and in South Australia particularly we have lots of space for solar energy generation, and lots of windy places for wind turbines. That is so not just on the coast but there are numbers of hill ridges right away from the coast. With some of the higher hills with plains all around them, even the convection currents generate enough wind to turn turbines 24 hours a day, seven days a week, 365 days a year, at no cost other than the installation of the turbine.

The only real objection I have ever heard of to wind turbines was the one—in some people's opinion—involving visual pollution. The modern turbines are sleek and have quite a style about them. Certainly the blades on them have been engineered to turn with minimal noise. You can hear a level of noise close to them but not sufficient to cause disturbance even if they are located within a reasonable vicinity of townships and other locations. The good thing about wind energy generation is that we can put it on South Australia's coasts, because we have lots of constant wind along our coast in the South-East and across on the West Coast.

To connect the wind turbines to the main scheme power would obviously cost, but I know that the member for Flinders has been negotiating with her contacts to make sure that wind power is developed on the West Coast. The need for this state to harness wind power, solar power and even deep underground thermal power for the generation of alternative forms of green, clean energy is something which I certainly support. I ask the house to support the member for Schubert's motion.

Mrs GERAGHTY secured the adjournment of the debate.

WASTE MANAGEMENT

Mr VENNING (Schubert): I move:

That this house calls on the Environment, Resources and Development Committee to examine and make recommendations on waste management in South Australia, particularly in regard to—

(a) the environmental benefits and disadvantages of closing the Wingfield dump;
(b) the benefits of alternative waste disposal methods;
(c) the environmental impact of landfill methods of waste disposal; and
(d) any other relevant matter.

I will outline the key issues surrounding waste management in South Australia with regard to a proposed investigation, again by the ERD Committee. In 1997, the committee was instructed to investigate and report on waste management practices in South Australia. As I said earlier, I was a member of that committee. It was an extremely interesting reference and, not being particularly a greeny or a recycler at that time, I found it personally educational. Now I can see the strong virtues—

Mr Koutsantonis: You're always learning.

Mr VENNING: As the member for West Torrens says, I am always learning. There is one thing about this place: it is highly unlikely that you will spend time here and not learn anything; if you do, you would be rather foolish. I found this reference very interesting as well as important and concerning. There is increasing concern in the community about waste disposal, and the impending closure of the Wingfield dump was a major issue then and still is today. The committee examined alternative waste disposal sites that operate in a more efficient manner than the Wingfield dump, perhaps in locations not so close to residences.

I have spoken at length to the previous owner of the Wingfield dump, Mr Paull, whom some might remember as a character with a rather strong point of view. In fact, I think

there was a law case where the government took him to court, and I think Mr Paull actually won that case. He is now a constituent of mine living in the small community of Caloote (which is beautiful) near Mannum on the Murray. I have often talked to him about this issue and the early days of the Wingfield dump, its history, and the thousands of tonnes of waste that have gone into that landfill. I wonder what would have happened to all that waste if we did not have that dump.

The committee will be asked to examine alternative waste disposal sites that operate in a more efficient manner than this dump, particularly in locations not so close to residences. Of course, when the dump was put there, the residents were not there. People have chosen to build closer and closer to the dump and industry in the area. The recommendations in the committee's 24th report of 1997 highlighted the fact that the Wingfield dump has no place in the long-term direction of Adelaide. Recommendation 4 states:

> The committee recommends that the siting criteria for landfill should include: no landfill to be sited within the metropolitan area; site selection should be undertaken with full community consultation; and the South Australian EPA should make the final decision regarding landfill siting if there is a dispute.

The first point of recommendation 4 clearly states the need to have no landfill sites in the metropolitan area, something which must be promoted in the long-term. These recommendations were handed down almost six years ago, but no further action has been taken. I find that rather surprising. I would have thought there would be a watchdog watching over the progress of the landfill at Wingfield.

I vividly recall the debate at that time. I voted against the then Liberal government on this issue, because there was an effort to close down the Wingfield dump early. That proposal was initiated mainly by the Port Adelaide-Enfield council, which wished to finish the dump off and cap it, whereas the Adelaide City Council wanted to continue the dump and cone it off. Having listened to the evidence and visited the dump, I came to the opinion that the Adelaide City Council's proposal was more to the point to a degree, because if it was properly coned it would be effective against weather infiltration and would also lend itself more to capping the gas filtration off it. Of course, there was a dispute. The then minister (Hon. Diana Laidlaw) did not agree with me, and I got a very strong lecture just outside this door which I will never forget. The minister won the day. I knew I could disagree with the government, because they would win anyway, but I got a lecture which I do not think she will ever forget either.

I have had a keen interest in this issue ever since. The dump must be getting to the point now of needing reassessment, because it would be getting into the cone shape and that would have to shorten its life. I also note the operation of landfills to the north of Adelaide. I often pass them and see the activity. The one at Bolivar is up and operational, and there is also one flagged for further north. As the landfills servicing Adelaide are rapidly nearing the end of their operational life, we need further investigation to concentrate on the problems of landfills (their location, design and operation).

We also need to study the alternatives, because we know that in the six years since we studied this there has been a big change in technology in relation to landfill. Some companies operate a full service: they recycle everything, which is a very expensive process, as we have seen, but, now that the cost of waste landfill is getting so high, all these other alternatives come into it from a financial point of view, because the higher the cost, the more efficient and economical some of these alternatives become.

Also, the impact of current landfills on neighbouring communities should be looked at. The member for Newland just walked into the chamber. She has been involved in landfill disputes for some years. We have to have landfill sites, but the common cry is 'not in my backyard', irrespective of where you want to put them. The landfill site at Windsor is on very degraded land. It is not so much degraded but of a lower value, some of the lowest valued land in our state, yet some of the locals conducted a strong campaign against it. If you drive past there today you will still see the monuments and statues in the paddock with their slogans having a go at the then Olsen government about 'a little spaceship lost in waste' and 'a recycling guard post'. It has become almost a tourist attraction.

Mr Koutsantonis: What's the one about Olsen?

Mr VENNING: That's the one I just mentioned about 'Olsen lost in waste'. There are a lot of campaigns in relation to this issue. We all pollute and create waste, but we do not want to have landfill anywhere near where we live. I suppose this is similar to the nuclear waste problem. It is believed by some parties that landfill should be considered to be the last choice after the basic principles of waste minimisation have been followed; that is, reduce, reuse, or recycle. The committee should be charged with the duty of investigating ways of providing alternatives to landfill practices. It is believed by some that increasing the landfill levy would make the option of recycling a more attractive one, and I think that is probably correct.

A further step in the process of waste minimisation is the recycling of materials. There is significant debate about the cost-effectiveness of community driven recycling and whether it should be pursued. However, from the feedback I have received, the community is demanding this service. I know that at that time some of the councils admitted to us that they were recycling and it was being run at a loss: they could not recover the cost of recycling.

Other members, including a couple of Labor members, also referred to the cost of the energy required for recycling, and likewise the Hon. Michael Elliott said that some of our recycling processes have to be looked at again because it is costing more for the energy than getting rid of the waste, so you are best to bury the waste as is. The life of Wingfield was hotly debated in 1997-98, and we now have new modern methods of disposal and new management skills for landfill.

I think it is very relevant that we ask the ERD Committee to revisit its report of 1997 (its 24th report), and then look at the main landfills of Adelaide, particularly the Wingfield waste dump, and to report to this house because waste management is an ongoing and very important matter for this parliament.

I am very proud of the South Australian parliament for introducing the container recycling legislation (CDL)—and I think it was a previous Labor government. We are famous all over Australia for it. It gives me great delight, Madam Acting Speaker, as you would know, when we go to our national conferences on public works and ERD committees where, without fail, every state always asks us to comment on how our CDL legislation is progressing. As members know, we have just increased this; we have gone a step further. We have put the container deposits on cardboard containers, which I think will cause some problem. I do not know whether it will work as well as it does on aluminium cans and plastic bottles, because cardboard containers,

particularly milk containers, are not nice to store, because unless you rinse them out—as we now do—they smell. I doubt whether they will be as successful, but probably because we have the will to make it work it probably will.

Without any further ado, I encourage the house to consider this motion this afternoon. I am sure that the ERD Committee would welcome this reference because it did such a good job of the last one. I think it is relevant that we ask the committee to look at it again six years later.

Mr MEIER (Goyder): I support this motion, moved by the member for Schubert, which tackles a very controversial issue in our state, that is, examining and making recommendations on waste management in South Australia. I am sure all members of this house would be well aware that my electorate contains several dumps—

The Hon. M.J. Atkinson: Dublin.

Mr MEIER: Dublin being one of them. Either dumps or proposed dumps—

The Hon. M.J. Atkinson interjecting:

Mr MEIER: Inkerman being the other one. Yes, Dublin, as members would be aware, was established when Dublin was not in my electorate: it was in the member for Light's area. In that respect, I have inherited it, but I certainly had some discussion with people before I became their member. It is a great problem. The site chosen to be used for the disposal of waste will never please everyone, no matter where it is. Certainly, I understand the arguments put forward by the people of Dublin and Inkerman. In relation to the Inkerman dump, I was very much opposed to the location of the Inkerman dump. I feel it was far too close to Highway One—

The Hon. M.J. Atkinson: Did you say this when you were in office?

Mr MEIER: Yes. I said it consistently at public meetings, too. If it was to be located anywhere adjacent to the highway, it should have been at least away from visual site. My big fear in the case of Inkerman is that it will form a mountain and it will be visible. In recent times, I have noticed that many trees have been planted along the roadside. I guess that is to try to camouflage it. However, it is high time further investigations were done, and I particularly refer to paragraph (b) of the member for Schubert's motion regarding the benefits of alternative waste disposal methods. People from both Inkerman and Dublin put to me and the previous Liberal government—and I dare say the previous Labor opposition—alternative waste disposal methods—and they exist, in particular, in the United States.

The only negative is that it costs many hundreds of thousands of dollars to set up the appropriate machinery. Governments do not see that there are many votes in waste disposal, yet perhaps I would argue that there could well be votes in waste disposal. They can certainly lose votes by determining where waste will go, but I am not quite sure about cleaning up the problem, because they still have to find an alternative place. I certainly warmly endorse paragraph (b).

The whole issue of environmental benefits and disadvantages of closing the Wingfield dump should be looked at. If that closes, then certainly the Dublin dump and the proposed dump at Inkerman will be—

The Hon. W.A. Matthew: Very big dumps!

Mr MEIER: Very big dumps, as the member for Bright indicates, and therefore not only will greater environmental controls need to apply but also alternative dumping sites will have to be looked at. It is high time that this whole issue was properly looked at, and I hope that the Environment, Resources and Development Committee will do so. I hope that it will obtain appropriate information from overseas.

When I look at the disposal of waste, I immediately think of the political issue that the current Premier is trying to make out of the disposal of nuclear waste. I get very upset over that, as I have mentioned in this house—

The Hon. M.J. Atkinson: You do, don't you?

Mr MEIER: Yes; I have mentioned in this house before today that currently that waste is in our sitting rooms, living rooms and hospitals. I do not know whether or not it is doing people harm, but it is there. In fact, I have two items of waste in the boot of my car in the Parliament House car park right now. They are smoke alarms that currently are not working. The company involved is in Sydney. They are supposed to be long-life alarms and, although I have not taken the trouble to contact the company, I will do that. These alarms travel around with me and they have been in my boot for some days—

The Hon. W.A. Matthew interjecting:

Mr MEIER: Nuclear waste in my boot. This issue has been blown out of all proportion. I believe that the Premier sees it as a vote winner—and he is probably right. It disappoints me that the people of South Australia are not better versed in and briefed on the whole issue of nuclear waste and its storage. I say that because, having done an examination on the disposal of nuclear waste on my visit to Sweden, I know that they look after all their own nuclear waste—and Sweden is a much smaller country than Australia. It has a smaller population than Australia, too, but it looks after all its nuclear waste. I believe many other European countries much smaller than Australia look after their own nuclear waste, and you do not see huge demonstrations or huge threats from their prime ministers saying, 'We will go to the people on that particular issue.'

They believe that it is their responsibility, and yet we here in South Australia do not seem to be able to come to grips with the fact that we have to store all this stuff that is in our homes, our hospitals, in universities and in other areas. The previous federal Labor government initiated this situation, and the previous state Labor government fully endorsed it. Certainly, the previous Liberal government sought to find a solution. The current federal Liberal government has put forward various proposals for nuclear waste, and yet the situation has not been resolved. It disappoints me greatly.

I do not know whether the member for Schubert's motion will go that far in respect of nuclear waste. I think that he is more concerned with waste management in South Australia, particularly with respect to these four items. I guess that any member opposite or one of our members could move an amendment to include nuclear waste, but that would probably take too long.

An honourable member interjecting:

Mr MEIER: Yes, and it would defeat the purpose. We have enough so-called experts who are not getting anything done on nuclear waste, so why bog it down? We are more interested in our ordinary day-to-day waste. I do not want to see my electorate become a dump for waste material.
It is already a dump for—

The Hon. M.J. Atkinson interjecting:

Mr MEIER: The Attorney-General mentions Yorke Peninsula. We do not have any large waste deposit dumps there, but we certainly have smaller ones for various councils. Again, they have created just as much controversy. I have certainly had approaches from ratepayers who say, 'We don't

want the dump near us', and that is always the case. It continues to be an increasingly large problem.

I hope that the house will see the benefits of this motion, and that it will receive unanimous support. More importantly, I hope that it will lead to a reasoned and rational approach, and that we will get new technology into this state to handle the removal of waste, because it is long overdue. It has been in America for at least 10 or possibly 15 years now and probably in other countries. We are again behind the eight ball, and it is time we got ahead of things. I give this motion my full support.

Mr KOUTSANTONIS (West Torrens): I was stunned by and in shock and awe at the remarks the member for Goyder was about to make about one of the most beautiful places in South Australia, the Yorke Peninsula. I think that to merely categorise the Yorke Peninsula as a place that is already a dump is disgraceful. I think that the Labor Party owes it to the people of the Yorke Peninsula to get up in this place and say what a beautiful tourist attraction it is. To the farmers, to the fishers, to the people who inhabit the Yorke Peninsula—on behalf of all of them—I say that it is one of the most beautiful places in South Australia, despite what their local member of parliament has said.

Members interjecting:

Mr KOUTSANTONIS: For 21 years—

Mr MEIER: I rise on a point of order, Mr Speaker. I have been misrepresented by the member for West Torrens. I certainly did not mention Yorke Peninsula; I referred to it as the electorate of Goyder, and I wish the member would listen to my contributions in the future rather than misinterpret them.

The ACTING SPEAKER (Ms Thompson): There is no point of order. The member for Goyder can make a personal explanation at the end of the debate if he considers himself to have been misrepresented. I caution the member for West Torrens to use decorum in his contribution.

Mr KOUTSANTONIS: As always, Madam Acting Speaker, I will bring to this debate a level of integrity and ethics unseen from members opposite. Can I say that, from the coast to the farms to the mountains to the sea, the Yorke Peninsula is one of our greatest assets. Indeed, you might argue that it is the jewel in the crown of South Australia, despite what its local member says about it in this place.

Mr Hanna: It's probably the rim of the crown.

Mr KOUTSANTONIS: Yes, perhaps the rim. The western suburbs should be the jewel but, of course, that is debatable, and I am sure that members have their own opinions. I am a member of the ERD committee, and I also share membership of the Public Works Committee with the member for Schubert. I do not wish to reflect on other motions before the house or remarks made in grievance speeches by the member for Schubert, but it seems to me that there is a bit of envy associated with the member for Schubert. The once lion of the Barossa had the use of a government provided white limousine and chaired the great and all powerful Environment, Resources and Development Committee. He once held a position of great influence and authority within the government, having kept his good friend John Wayne Olsen in the job after being promised God knows what.

An honourable member: Clearly nothing.

Mr KOUTSANTONIS: Given that I am actually sitting in the former member for Schubert's seat, I think that I have jinxed myself to a life on the backbench. But I am sure that the member for Schubert will prove me wrong when he is elevated to the frontbench of the shadow ministry very soon.

The Hon. M.J. Atkinson interjecting:

Mr KOUTSANTONIS: Yes, with Graham Gunn, the member for Stuart, and the other stalwarts of the Liberal Party who have given many years of loyal service. Indeed, many members opposite have given decades of loyal service to the Liberal Party.

The Hon. M.J. Atkinson interjecting:

Mr KOUTSANTONIS: I wouldn't say that. I think that he has given very good service to the Liberal Party. He has been open and honest, talking about what he believed to be the injustices within his own party. He has spoken out, pulling hamstrings to cross the road to speak to us when he has seen something go wrong. He is more than happy to tell the opponents of the Liberal Party what he believes is right or wrong with government. Many members opposite have given great service. Indeed, when the member for Goyder first entered this place in 1982, I think, he was touted as a future leader of the party, which was a great compliment to the people of Yorke Peninsula who brought him into this parliament.

Mr Meier interjecting:

Mr KOUTSANTONIS: By the *Advertiser*; I have the article in my office. The member was being touted as a future leader of the parliamentary Liberal Party. Of course, there is the member for Schubert, who is moving this motion. The reason I am speaking on this motion is that I felt there was a bit of envy in the member for Schubert's language. Given the remarks he made in the grievance debate about the lack of work before certain parliamentary standing committees of this house and the other house, I think that the member is inadvertently reflecting on the leadership of those committees. I take him as a man of his word; a man of honour and distinction; a man of great moral ethics; a man who has a lot to contribute to this house; a man who deserves elevation to high office; and a man who is considered to be the lion of the Barossa, because when he roars we listen. There is only one man this government fears, and that is the member for Schubert.

The member for Schubert moved this motion seeking that the house call on the ERD Committee to examine waste. The member for Schubert was chair of that committee for four years; indeed, he was a member of the government for eight years.

An honourable member interjecting:

Mr KOUTSANTONIS: A very influential one, too. He had the ear of the former premier. Have no doubt, there was no greater supporter of the former premier than the member for Schubert. In fact, former premier John Wayne Olsen was quite embarrassed when he called the member for Schubert the member for stupid. He got up and apologised for that Freudian slip, because he realised what a loyal supporter the member for Schubert was. He was very embarrassed after having said that. I understand that it caused the former premier a great deal of grief in the party room, having crossed the lion of the Barossa.

In regard to the motion moved by the member, I am disappointed with him. This is like the member for Bright getting up and complaining about privatisation of our electricity assets. This is like the member for Mawson getting up and complaining about police numbers. This is like the member for Light getting up and complaining about education standards and the Education Department's capital works program. This is like the member for Stuart complaining

about open and honest government. This is like members opposite complaining about capital works, tax increases, and government works that have been committed—

The Hon. W.A. MATTHEW: I rise on a point of order, Madam Acting Speaker. My point of order clearly relates to relevance. The honourable member is deviating a long way from the subject matter of this debate. He has spent far too much time with his hand in his pocket and not focusing on the issues at hand.

Members interjecting:

The ACTING SPEAKER: Order! There is no point of order. I think that the honourable member was making a point, but perhaps he could return to the substance of the motion more directly.

Mr KOUTSANTONIS: The member for Bright is an expert at using his hands—an expert. I use them—well, I will not go there because some of us in this house have a track record with respect to the use of our hands. I can pull out some past *Hansard* which will cast a greater light on what the member for Bright does in his office in the late hours. The jig is up. The honourable member is correct: let us get back to the motion.

In his grievance speech the member for Schubert claimed that we were not doing enough. I would say to the member for Schubert that this government has been in office for just under a year.

Mr Venning: Just over a year.

Mr KOUTSANTONIS: Just over a year, I am sorry; the honourable member is absolutely right. And in that year we have done a lot. The member for Schubert and others may disagree, and that is their right. It is a free parliament, it is a free country and they can have their different views but, in my opinion, we have done a lot. When the member for Schubert says that we should be investigating these things, I would like him to detail to the house why it is not sour grapes, why he is still not a member of that committee. If the honourable member believes so passionately in waste disposal, if he believes so passionately in other relevant matters, if he believes so passionately in the environmental impact of waste—

Mr Venning: I do.

Mr KOUTSANTONIS: Then why did the honourable member, when he was chair of that powerful committee, when he ran government policy on that committee, not investigate and reinvestigate these matters as technology changed? If he had been serious about these issues he would have done it. However, I take the honourable member at his word: he is serious about it, and I invite him to appear before the ERD Committee and speak to the members and give them his knowledge.

Time expired.

The Hon. W.A. MATTHEW (Bright): Unlike the member for West Torrens, I commend the member for Schubert for bringing this motion before the house, as it is a well thought out and very important motion in relation to the future of waste disposal in South Australia. It is deliberately, as authored by the member for Schubert, a wide-ranging motion, because the member for Schubert is well aware that this motion has relevance to all three levels of government (federal, state and local), and is particularly relevant to local government, which is charged with the very important responsibility of ensuring that waste disposal within our state is appropriate and safe.

The member for Schubert also recognises, through his motion, changing technologies, and that is why paragraph (b) of his motion makes some very important references, namely, the benefits of alternative waste disposal methods and, also, more importantly, the environmental impact of landfill methods of waste disposal.

I would like to address in my remarks particularly the benefits of alternative waste disposal methods because the member for Schubert's motion allows the committee to assess some very important alternatives that have benefits beyond waste disposal. Those benefits are the utilisation of alternative energies. During my time as energy minister, I had the opportunity to examine an innovative waste disposal scheme that is touted internationally by a company known as Bright Star. Bright Star has already established a waste disposal facility in New South Wales, the purpose of which is manyfold. Essentially, its facility significantly reduces the amount of waste going to landfill but, importantly, utilises waste to generate electricity.

Bright Star's particular scheme is extremely innovative. Essentially, the company does away with the very costly process to local government at the moment of separating out recyclable materials: rather, the separation is done after the collection of the waste. Under the Bright Star scheme, essentially, all waste is collected from the one rubbish bin. There is no longer any need to separate out newspaper, tin cans, plastic bottles and the like. All that waste is taken into a sealed compound, a roller door lifts up, the truck goes into the compound, and the roller goes down. The waste is then unloaded. The importance of the sealed compound is that no rubbish can blow around, as often happens at less controlled facilities. The large items, such as car batteries, are removed from the truckloads of waste by sorting through with something like a forklift, and then all waste is put onto a conveyor system.

The waste on the conveyor system is subjected to a series of processes, one of which is heating up the waste to a temperature that is sufficient to remove the labels from plastic bottles and cans; it pops the lids off plastic bottles and essentially cleans and purifies the waste. After that process you finish up with clean tin cans and bottles, a black pulp and items such as clothing and rags, which are not broken down. As the conveyor belt moves through a series of air blowers and magnetic processes, metal waste is removed for recycling, plastic waste is blown from the belt (again for recycling) and the items remaining on the conveyor belt are a black pulp and the heavier non-magnetic items, such as rags. Those are then picked through until all that remains is the black pulp. That is then baked into pellets. The pellets can then be used to generate electricity on their burning. They are burnt in a low carbon emission burner, thereby generating electricity.

The advantage of this process is that it is cheaper for local councils to pick up the rubbish. There is a far greater amount of recyclable benefit because all the waste is sifted through for recycling rather than relying on that to be done at the community level where, regrettably, not all householders are as environmentally aware as some others.

It means that a lot of recyclable materials are presently put into landfill. The important benefit of this process is that, at present, even within those councils that have active recycling programs, I am not aware of any council within South Australia (or for that matter beyond) that can claim to recycle better than 20 per cent of their waste, and most are much less than that. To reverse those figures means that at least 80 per cent of waste is still going to landfill, and that is why dumps,

such as Wingfield, have been around for so long and why dumps such as those mentioned in the electorate of my colleague the member for Goyder are necessary alternatives. However, surely it is better to look at other ways of utilising waste more productively so that there is less need for landfill. The Bright Star system claims to be able to reduce the landfill to about 15 per cent or less, and that is a significant achievement.

There are other schemes, apart from that company's, that likewise are able to utilise waste in this fashion, but I commend this scheme to the committee to which the honourable member's motion refers a reference, and indeed I commend it to the Bright Star scheme. I would be pleased to provide working papers that I have in my possession to the committee chair via the opposition representatives on the committee to ensure that this scheme and others like it are examined. I believe that it is the way of the future. Also, other issues can be examined through the terms of reference put forward by the member for Schubert.

Those sites that have been used for waste deposit but are no longer used—and I have one such site in my electorate at Marino—are also sites that have a significant amount of methane gas continually building in the area once used for waste disposal. Methods are available today that can economically tap these methane deposits and use the gas to generate energy. There are a number of such waste locations around our state, and I encourage the committee in its deliberations to examine those sites around the state to determine the extent of methane deposit and to determine the extent to which it is exploitable in commercial terms to be able to produce electricity and generate a benefit back to the community. In so doing and in extracting such methane gas, it is also a part of the process needed to remediate an area previously used for waste disposal so that that area can be used for other purposes. Again, the committee has an important role that it could provide for the people of this state.

It will also be very important for the committee to bring before it a number of witnesses. Notably, within local government a number of councils can provide good evidence, but again, in my role as shadow energy minister, looking at the opportunities of utilising waste for energy generation, I commend to the committee the Salisbury council, which has done an enormous amount of research and work on this and from my experience is probably the leading council in the state on this issue. If the northern region of councils do not accelerate their endeavours to the extent Salisbury has, that council may have to go it alone with some innovative methods.

This committee may be able to assist that council hasten its endeavours and views. They have also looked at the Bright Star method and have been enthused by that, and I would like to see some positive results come out of the work of the committee. I commend the work of the member for Schubert in bringing forward this positive motion and, while I recognise that the member for West Torrens was a little tongue-in-cheek in his speech, I hope that he and his colleagues see the wisdom of this motion being referred to the committee so that it can deliberate on this very important issue. I ask the member for West Torrens, in a bipartisan manner, to put politics aside and join the member for Schubert and his colleagues in the Liberal Party in taking this reference to the committee and the member for West Torrens will be able to work on it, too.

Mrs GERAGHTY secured the adjournment of the debate.

RAILWAYS, ADELAIDE BYPASS

Mr VENNING (Schubert): I move:

That this house calls on the Economic and Finance Committee to examine and make recommendations on the feasibility of Maunsell Australia Pty Ltd's proposal to construct a rail bypass east of Adelaide.

I will outline the key issues surrounding Maunsell Australia Pty Ltd's proposal for an eastern rail bypass of Adelaide, having regarding to the ERD Committee's 35th report, dealing with South Australian rail links with the eastern states. For members of the house who are unfamiliar with this proposal, the new railway line will bypass Adelaide by running down the eastern side of the Adelaide Hills, mainly on existing rail reserves, so the cost of acquiring land will be minimal. These are former railway line reserves. In the main the lines have been removed, but not always—some of the bridges are still there. This land is there, left as a reserve, so the lines can be relaid and we can be back in business. Much of this area is in the electorate of Schubert, particularly from Murray Bridge to Cambrai and Sedan right up to Truro.

With further talk of development in the north of another port, to which I have referred in other debates this week, and with the imminent opening of the Alice Springs to Darwin railway line, the option of a main line bypassing Adelaide from Murray Bridge, going direct north on the existing rail corridor from Apamurra, which is currently open and just north of Murray Bridge, and then to Sanderson, Cambrai and Sedan and linking with a new line from Sedan to Truro, heading west across country to Kapunda, Stockport and joining the Owen line to Wallaroo, would complete the link to circumvent the Adelaide Hills. There are several other options as well going due north from Eudunda. The land is sparsely populated and not highly fertile in most cases, and there are many options there.

In addition to the relevance of that report, the EFC should look at the costs and benefits of this proposed project, which would change the current character of rail, particularly freight transport, in South Australia. The proposal would see the bypass of Adelaide for all Melbourne freight, with trains going to Alice Springs, Perth and Darwin when the track is completed. This proposal has the potential to increase the efficiency of freight transport on rail on a number of fronts. The obvious bypass of Adelaide would allow trains to avoid the metropolitan lines where speed has to be reduced, particularly in the hills.

Furthermore, through bypassing the hills, trains could have the ability to be double stacked, which again increases efficiency. With the alternative Darwin railway through the eastern states still being considered, this project could present South Australia with a great opportunity to capitalise on the benefit the Darwin line brings to South Australia. As the member for West Torrens would know from this morning's Public Works Committee meeting, they considered upgrading the lines through the Adelaide Hills so they could double stack trains. The cost of simply enlarging the tunnels was in excess of $100 million—just the tunnels and not the curves—and to do the curves and flatten the gradients was $350 million. We can see the capital cost there and we still have the problem of bringing these noisy freight trains through the eastern suburbs of Adelaide.

There is a strong reason to consider the other option. I am not saying that this option is the bee's knees, but the govern-

ment ought to consider it. I ask the Economic and Finance Committee to do that for the parliament. This idea has been around for some years and is not new. Mr Ron Bannon, of Pilana Enterprises, whom many members would know, has been pushing it strongly. He has a strong passion for this project and when you take it on face value you can see that it is a very good idea. I do not know the final result. All I ask is that the Economic and Finance Committee look at it with an open mind. In the end, for South Australia to be properly serviced, and not bypassed completely by going through the other states up through Orange, it is in the long-term interests of Adelaide and the regions, particularly the Mallee. The Barossa will be better served by having a direct link to Melbourne and being able to bring these huge trains, double stacked in Melbourne, straight through to Perth, Darwin and the northern areas of our state.

This is a very important matter, and I hope that the parliament will support the motion. I congratulate Mr Bannon and his company Pilana on having the persistence and patience to keep pushing this, as he has been doing for some years. I hope that we have gone another step for him. I hope that the Economic and Finance Committee will take evidence and that Mr Bannon will have the opportunity to put his case, as will the Maunsell company. I look forward to that and hope that parliament will support this motion, so that the EFC can examine this interesting project.

Mr KOUTSANTONIS secured the adjournment of the debate.

[Sitting suspended from 6 to 7.30 p.m.]

ENVIRONMENT PROTECTION (PLASTIC SHOPPING BAGS) AMENDMENT BILL

Mr HANNA (Mitchell) obtained leave and introduced a bill for an act to amend the Environment Protection Act 1993. Read a first time.

Mr HANNA: I move:

That this bill be now read a second time.

I bring before the House of Assembly a bill to amend the Environment Protection Act. The bill concerns plastic shopping bags. The problem of plastic shopping bags is severe, and something needs to be done now. Apparently, more than 6 billion plastic shopping bags are consumed in Australia each year, and South Australia has a considerable share of that total. To put it another way, every single South Australian from babies to grandparents consumes almost a plastic shopping bag a day. That is quite staggering. It is a severe problem and, of course, most of those plastic shopping bags end up in landfill or polluting our roads and waterways. We need to somehow change public behaviour and raise the level of awareness about this acute problem.

It is an item which has been on the national agenda for a little while now. Before last Christmas the various ministers for the environment for each state met and considered the issue. I was quite proud of the stand taken by our own Hon. John Hill, the minister for the environment, who came out publicly to support a complete ban on these shopping bags. However, the ministers met and did nothing. A working party was set up and nothing tangible has come of that.

I am not prepared to wait years for a solution to be found: I propose a solution right now. The solution is that there should be a minimum price on the plastic shopping bags given to people at the checkouts at supermarkets. That minimum price should be 25¢. It is not, strictly speaking, as moved in the bill, a levy or tax: it is a minimum price that the supermarket must charge if it is to give those plastic carry bags for people to put their groceries in. There is no doubt that the imposition of such a minimum price will drastically affect consumer behaviour and it will also increase awareness of this pollution problem.

The measure has been in place in Ireland now for just over a year, and a dramatic decrease in the use of plastic shopping bags has occurred. So, it has been trialled, it has been proven, it works, it cuts out pollution and it is worth doing. The measure put in place in Ireland applied the funds raised from the sale of plastic bags to consumers who continued to take them to an environmental fund so that the money effectively was raised to go directly to environmental projects of different kinds.

Because I am not a government minister I need to be careful not to offend standing orders and parliamentary tradition by imposing a tax on people, and therefore the bill is framed in such a way as to simply impose a minimum price for a product that is supplied to people. However, I invite the government not only to adopt my proposal but also to adopt amendments which I have had drafted and which provide for the amount collected from the sale of these plastic shopping bags to people to be diverted once a year to an approved organisation which promotes environmental causes or, in the alternative, the Environment Protection Fund under the auspices of the Environment Protection Authority.

In this way it is not a tax, because it does not necessarily mean the government benefits from the collection of the money, but it means that one way or another all the money collected would go towards improving our environment. However, I return to the bill itself. It is quite restricted in its operation. I have restricted the scope of the bill to supermarkets of a certain size, and effectively the first impact will therefore be on the big players in the supermarket business. The supermarkets which will be affected are generally those which are too big to be open on Sundays, so I have borrowed from the Sunday trading provisions an arbitrary cut-off point, and everyone knows what those provisions mean.

This means that, particularly for Woolworths, Coles and IGA, they will need to put this legislation into effect, keep records of how many plastic bags they give out and how much money they collect as a result. The bill does not have any impact on the little plastic bags used inside a supermarket or grocery store for fresh meat, lollies, bread rolls, and so on. We may need to consider that later.

The first step is to minimise the number of plastic carry bags given out at the checkout. That is how the bill is designed, because that is the first step in addressing the problem. Later it may be considered warranted to extend the scope of the measure to other forms of shops such as takeaway outlets, butchers, greengrocers, petrol stations, etc. However, at present those kinds of shops are not covered by this bill. I point out that alternatives to these plastic shopping bags are already in place; for example, there are the calico bags with which people would be familiar; there are more durable and reusable plastic bags; and people have cloth bags, string bags and the old-fashioned shopping trolleys with which they wander around. These are all alternatives to the plastic bags which so often end up in our landfill.

I would like to single out one particular corporation for the work it is doing in this area, that is, Coles. I was particularly impressed by the fact that Coles in South Australia has appointed its own environment project officer. I will mention

his name, because the person who occupies the position is a very creative, energetic young person, and he is doing a lot of good in leading the way in this area. His name is Joel Leske, and he has, through Coles, generated a lot of ideas to minimise the pollution resulting from the use of plastic bags. His duties have also extended to the recycling efforts and the ways in which organic, meat and general waste are dealt with by Coles stores. I commend him and Coles for their efforts.

Specifically in relation to plastic bags, I will mention some of the ways in which Coles has experimented with solutions; for example, it has paper bags with strong carry handles which cost 14¢, and the customers receive a 2¢ rebate each time the bag is re-used. So, after seven uses of the bag, it has paid for itself as far as the customer is concerned, and thereafter the customer is getting a small but steadily increasing rebate for their good effort. A Coles calico bag is also available for $1.88, and a so-called green bag is available for $2.50.

I am particularly partial to the green bag, which is a particularly strong plastic bag that can be used over and over potentially hundreds of times and which, at the end of the day, is designed to be recycled. These bags are also designed to fit on the little hooks at the checkout so that they can be used as quickly and efficiently by staff as the current plastic carry bags.

So, my point is that industry has begun to do the right thing. Industry has shown the way by providing alternatives in addition to the bags and boxes which shoppers might wish to bring from home, and it means—most importantly of all—that the measure I propose, which is a minimum price for these plastic carry bags, is totally avoidable by the shopper. That is the beauty of it: it depends entirely on shopper behaviour. It is shopper behaviour that the bill intends to alter. I would be only too happy if not 1¢ is collected through this measure by means of people using these alternatives that are available. They will become increasingly available; I know that. I know that the big shopping chains are moving in the right direction. However, in my submission it is not quickly enough.

There is no reason why we cannot put this measure through the South Australian parliament now and show the rest of the country how it is done. This will give our environment minister great strength to his arm when he next goes to meet with environment ministers from around the country. I am genuinely optimistic about support from other parties in the parliament. As I have already said, I am particularly heartened by the fact that the Minister for Environment and Conservation (Hon. John Hill) has already come out publicly and stated his support for banning plastic bags. It could be said that with this measure I am retaining freedom of choice because at least people can take the bags if they wish, but the point is that they do not have to.

I remind members of what the Hon. John Hill said in October last year. In his press release he said:

> The South Australian government has called for a ban on plastic shopping bags at the Environment and Heritage Ministerial Council meeting in Sydney today.

I am very pleased with that strong position taken by the Rann Labor government, and I hope that I will gain its support in introducing this measure.

The bill proposes a minimum price for the plastic carry bags given to shoppers at checkouts. It will encourage shopper behaviour to change. It is in the effect of a partnership between industry and consumers, and if my suggested amendments to this bill are adopted by the government measures can be put in place for all the money collected to go to organisations that have a direct beneficial impact on the environment.

Finally, I explain the clauses of the bill. I do not have anything prepared in writing to submit to the house, so I will briefly describe the operation of the act. It is very simple. The first three clauses are formal. The fourth clause is the operative clause, and the essential part is that the operator of a supermarket must ensure that plastic shopping bags are not provided to a customer of the supermarket unless the customer requests that such bags be provided and pays a fee to the supermarket which has to be at least 25¢ per bag. Then there is a definition of 'floor area', which is used to restrict the scope of the bill. There is also a definition of 'plastic shopping bag', as one would expect, with the exclusion for those smaller bags which are used within stores to contain food directly.

Time expired.

There being a disturbance in the Speaker's gallery:

The DEPUTY SPEAKER: Order! There is to be no noise from the gallery.

Mr MEIER secured the adjournment of the debate.

BUSHFIRES

Adjourned debate on motion of Mr Brokenshire:

That this house establish a select committee to inquire into and report upon bushfire prevention, planning and management issues between government and non-government agencies, and in particular—

(a) current policies, practices and support for community education, awareness and planning to prevent bushfires on properties, and whether existing powers need to be strengthened to ensure that people who are not prepared to clean up their properties can be forced to do so by the relevant authorities;

(b) current policies on bushfire prevention, cold burns and firebreaks on land under the control of the state government and especially national parks and conservation parks, whether those policies are being effectively implemented and whether there should be a broadening of mosaic burns in national parks;

(c) planning controls of local governments across the state, whether councils have suitable planning and policy controls for bushfire prevention and whether or not there should be a recommendation for common planning and bushfire prevention controls across local government;

(d) the role and responsibilities for bushfire prevention between local and state government agencies;

(e) whether the Country Fires Act 1989 needs to be strengthened to give the Country Fire Service more control over enforcing bushfire prevention;

(f) evaluation of recent programs, namely, bushfire blitz, and community safety and education programs to see which has the best effect on bushfire prevention and planning for a community and whether that program should be extended beyond the Adelaide Hills and the Fleurieu Peninsula to cover other rural areas;

(g) current and future methods of advising the community of the issues around fires, once they have started in their area;

(h) the provisions of the Native Vegetation Act 1991 to assess hazard reduction and firebreaks; and

(i) the current and future funding requirements for the Country Fire Service.

(Continued from 26 March. Page 2523.)

The Hon. G.M. GUNN (Stuart): This motion concerns a matter near and dear to my heart. It clearly sets out detailed criteria which would allow a select committee to investigate properly, report and recommend to this parliament urgent measures which need to be taken to protect the South Australian community against the ravages of bushfires, to prevent legal action being taken against the government for

failure to protect people, and to clearly focus on the need to have appropriate and long-term hazard reduction programs, effective firebreaks and access tracks, and a number of other related issues which are long overdue.

There are many subjects that come before this chamber of which I have limited knowledge—that I freely admit—but I believe that I am one of the few people left in this parliament who have actually been involved in large-scale native vegetation fires as I was in my early days as a farmer developing large tracts of country. So, I have some knowledge of this. The first thing that you have to have to control bushfires is adequate firebreaks so that you can burn back. The foolish laws that we have in place in this state are endangering the community. There is already legal action pending in New South Wales in relation to the failure of that government, and it will take place here.

Therefore, there is an urgent need to empower the Director of the Country Fire Service. If land managers will not take appropriate action, the Director of the Country Fire Service should have the authority to go in and do the necessary fire prevention work (including the clearing of tracks and firebreaks and hazard reduction by burning or grazing). If anyone interferes with him or her they should be subject to legal action.

Local councils should have the same authority, because one of the problems that we have in South Australia is that, since 1991, farmers and land managers, because of these silly laws, have not been able to employ hazard reduction by burning off between April and September. So, there is a huge build-up of combustible material. I will cite a little example. A few weeks ago I was home on my farm having a day with my son. I went out to help him in the back paddock to shift a diesel tank. While we were working out how to load it onto the back of a utility, we saw smoke in a neighbour's paddock. I said to him that that seemed rather peculiar on a cold day. On further investigation, we could not see what they had done. Half an hour later, the whole of the scrub had caught on fire and was burning into our property. One of the reasons that the fire got onto my land was these silly laws preventing people from having decent firebreaks. We are only allowed to have a 5 metre firebreak in the scrub. That curtailed the fire, but if we had had a 10 metre firebreak it would have curtailed it a lot more.

We have tree huggers and other illogical people in the community preventing sensible people from having the sort of management tools they require to properly manage fires and protect the community. Surely, for anyone who saw on their television screens the fires in Canberra, New South Wales and Victoria, that was enough evidence to convince them that the time has long since passed to take sensible, constructive steps. We have an excellent volunteer fire-fighting service in South Australia. These are hard-working dedicated people who give their time freely. Not only do they deal with bushfires, but they also deal with road trauma. We have spent a lot of money equipping them with better firefighting equipment. Why do we not take the final step and ensure that they have the necessary authority to do what is required?

At the weekend I attended the 50 year celebration of the Orroroo Country Fire Service, which is comprised of volunteers of great experience who give great service to their community. I well recall a couple of years ago talking to one of their grader operators who had been involved in putting out a fire. The fire went into a government reserve, and the grader operator tried to put in a decent firebreak, but one of these great unwashed bureaucrats wearing a uniform chastised him for doing such a terrible thing as grading a decent firebreak. This little Sir Humphrey's view was that you should let the country burn, that it did not matter if you burnt a few neighbours. That is the sort of foolish thinking that is going on.

There is one other point I want to make. What perturbs me is that there appear to be two sets of rules in South Australia: one for government instrumentalities and one for private operators. The neighbour who adjoins my farm was so concerned by the lack of action in the national parks that he put a 30 metre firebreak at the edge of his boundary with the park, because there were thousands of hectares of native vegetation to the south-east of him. He was also aware that on the road that goes through his property there was a monument to a person who lost his life the last time that country caught on fire.

These nasty little apparatchiks from the minister's department had nearly given this poor person (a Vietnam veteran) a nervous breakdown. They have hindered and harassed him. If the minister was feeling battered and bruised today because he copped a bit of a walloping in this house (a democratic institution), he might like to think about how these people are being treated. So, I have taken a particular interest in this matter and I have made lots of representations.

A couple of months ago a fire started in the Gawler Ranges National Park. It was caused by a lightning strike, which could happen anywhere. I got a telephone call from an informed friend who said that if I was interested in firebreaks I should take a drive and if I was there at a certain time he would meet me at the ramp. When I got there, to my amazement (I stepped it out) the national parks had put in a firebreak 31 paces wide, yet they want to prosecute my neighbour. Not only did they bulldoze and flatten the scrub, but they pushed it up in heaps. One person who drove past there thought they were clearing it to grow wheat.

I do not object to the national parks putting in a 30 pace firebreak—it is commonsense and it will be there for a long time; it was long overdue—but I object to their having two sets of rules. This select committee motion (which the honourable member has quite properly moved) will give the community a chance to have an input into developing some sensible recommendations which will try to convince these tree huggers and others in government departments—

An honourable member interjecting:

The Hon. G.M. GUNN: Who? The great unwashed, the basket weavers and others who do not seem to have any practical understanding of or regard for what is going to happen to the taxpayers. In the last Mount Remarkable fire the taxpayers were sued because the people who went to control the fire were less than diligent. We do not want this to happen again. People should be able to burn off at the right time of the year, put in adequate firebreaks and put some stock in at the right time.

Let us end this nonsense, and let us make sensible, constructive decisions. This select committee is the first step down that road. I commend the honourable member for his diligence in bringing this matter before the house. It is a matter which I intend to pursue in a number of other areas over the next few months, because I believe it is necessary to change the Native Vegetation Act and the Country Fire Service Act to give the director and the councils appropriate powers, so that, where the land managers fail and when they consider it is in the public interest, they can act—and we will have no more of this nonsense.

If we expect anyone to go into a native vegetation area similar to the one I went into a couple of weeks ago with my son when there was a fire—it is very dangerous—at the right time of the year, they should be able to do the appropriate work to protect people against these dangerous acts. Those responsible are derelict in their duty. I support the motion.

Time expired.

Mr SNELLING secured the adjournment of the debate.

GRAFFITI CONTROL (ORDERS ON CONVICTION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 March. Page 2525.)

Mr BROKENSHIRE (Mawson): I support the principles of this bill. I do so because, for a very long period, I have had an interest in trying to solve the problems we in this state have with graffiti. In fact, many times in this chamber I have put on the public record matters of concern and discussed initiatives that could help to assist in reducing graffiti. Many years ago, I went with the Chief of Staff of the mover of this bill to Western Australia, and one of the things we looked at was their graffiti plans. I also had another look at it when I was police minister. When we were in government, we put forward a significant number of initiatives to address the issues around graffiti, including tougher legislation.

Having said that, in my opinion, there is always an opportunity to go further down the track if, indeed, there is still a problem with a particular matter and, in this case, it is graffiti. As I said, I support it in principle, but I reserve my right at the committee stage to move some amendments, or, if you pardon my saying, sir, even perhaps to add two or three improvements. What concerns me is that, although we went to a lot of trouble and much work was done in respect of graffiti, I believe that in the past few months we have seen a significant increase in the incidence of graffiti, particularly in the southern area. It concerns me immensely. In fact, I am embarrassed, disgusted and annoyed that when I use the Southern Expressway—a great infrastructure project for the south, one of the key projects that has assisted with economic development, job opportunity, capital value improvement and tourism growth in our area and a $132 million project—I see an ever-increasing amount of graffiti.

An enormous amount of work was done in planting vegetation even before much of that work was completed to create a nice corridor for native fauna, yet a few people in our state commit graffiti offences along this expressway. I do not say that they all come from this area. Sadly, I am sure that a small number—perhaps less than 1 per cent—do. I am told that some people use public transport to travel from one end of the suburbs to the other to commit graffiti offences and then travel back to their own area. I do believe it is important when someone commits a graffiti offence and they are caught that they be charged financially for the clean-up. It is important that the owner or the occupier of the property receives compensation.

We have hundreds of volunteers in the city of Onkaparinga—and I commend them—painting out graffiti morning after morning. That is just one example in my electorate. It is not easy for people in small business—in fact, if you talk to small businesses at this very moment, they will tell you that things are much tougher than they were even six months ago—so why should they be subjected to enormous cost?

I ask members to look at our own government agencies and the amount of money that is spent fixing graffiti. Hundreds of thousands of dollars that could be used to buy new computers for classrooms or fund better occupational health and safety programs for employees is being spent by government to clean up graffiti and wilful damage.

Mr Deputy Speaker, you raised in the media the issue of wanting people to clean up their own graffiti. I inform you that, to a degree, that has been happening and is allowed under current legislation. Mr Deputy Speaker, when you drive along Main South Road or again the Southern Expressway through your own electorate, you will note the pipeline from Myponga to Adelaide. The people who are painting that are people who have been caught (unfortunately most of them are young offenders) committing various offences, including graffiti. They are sent there, through Family and Youth Services and the juvenile justice system, to do that work, and that is but one example.

The same thing applies to people who do burnouts. Today I am disappointed, to a degree, to hear that the government is putting forward its own bill in relation to hoons driving motor vehicles, causing damage and leaving rubber all over the roads. However, I understand that the principle behind the government's bill is very similar to the current bill which I introduced and which is before this house and that it will address some of the issues around hoon behaviour. The offenders at the O'Sullivan Beach boat ramp who were caught were then made to use scrubbing brushes to clean off all the rubber. They were belittled and rather weary in the elbows, to say the least, after they had scrubbed all the rubber off the boat ramp.

Sadly, it is that sort of message that you have to put into the minds, and hopefully eventually the hearts, of this small percentage of people who want to destroy the great state we have by committing these graffiti offences and other larrikin type behaviour. Most of the time it is not adequate just to fine people—whether they pay for it themselves or whether their parents pay. In my opinion, it does not make them realise what they have done, unlike when they have to clean up their painting and perform some of the special work around graffiti removal. The special provisions relating to graffiti also need to be debated strongly and vigorously in this parliament. I believe that members should look at the benefits of going further and look at the current graffiti legislation and other initiatives to further prevent graffiti.

The other thing I want to touch on is the clean wall program. I commend the old Happy Valley council because it used that program, which was adopted by the current council within the electorate of Mawson when the amalgamation of councils occurred. Graffiti was wiped out straightaway and no murals were allowed, and consequently property looked as it should; that is, the way it was constructed. That is the best way to go. That is the way in which the community wants to go, and people are supporting the clean wall policy.

I have been told—and I have a letter before the Minister for Transport at the moment—that there has been a cut in the transport department in relation to contract teams being employed to wipe out graffiti on our road signs and along Transport SA roads. I am very concerned about that. I think that was a bad move from the point of view of safety alone. Even in rural areas people are vandalising road safety signs with graffiti. That could lead to road trauma. I appeal again to the minister and I hope that, when the minister responds,

he will advise that he has increased the department's budget so that there will be sufficient contract teams to wipe the graffiti out quickly.

There is not much point in encouraging tourists to South Australia if, when they drive into Adelaide on our main approach roads, the first thing they see is an enormous amount of graffiti. We all know, and I know having been police minister for several years, that, even if there is not an increase in crime in an area that has a lot of graffiti, the general perception, particularly in the older community, is that there is a crime issue in that area. That concerns me immensely. I do not want people to feel that they live in a crime area or, indeed, that they may be subjected to some form—

Time expired.

Debate adjourned.

CONSTITUTION (GENDER NEUTRAL LANGUAGE) AMENDMENT BILL

Received from the Legislative Council and read a first time.

LAW REFORM (IPP RECOMMENDATIONS) BILL

The Hon. K.O. FOLEY (Deputy Premier) obtained leave and introduced a bill for an act to amend the Wrongs Act 1936, the Limitation of Actions Act 1936 and the Motor Vehicles Act 1959. Read a first time.

The Hon. K.O. FOLEY: I move:

That this bill be now read a second time.

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

Leave granted.

This Bill represents the second stage of the Government's legislative response to the crisis in the cost and availability of insurance. As Members recall, the first stage was completed in August last year, with legislation to apply to all personal-injury damages claims the same caps, thresholds and other limits as applied in motor accident claims, as well as legislation to permit structured settlements and legislation to provide for codes governing liability for injuries sustained in the course of risky recreations.

Those reforms included measures to restrict the size of awards of damages for personal injury, including a points scale for damages for non-economic loss, a cap on economic loss claims and like measures. This second stage implements the key liability recommendations of the Ipp committee.

Members will be aware that, in July 2002, the Commonwealth Minister for Revenue and Assistant Treasurer, with the agreement of Treasurers nationally, appointed the Ipp committee to report on comprehensive reforms to the law of negligence designed to reduce the cost of injury claims and, hence, the cost of insurance.

The committee comprised the Honourable Justice Ipp (now of the Court of Appeal in the Supreme Court of New South Wales and formerly of the Supreme Court of Western Australia), Professor Peter Cane (a professor of law at the Research School of Social Sciences, Australian National University), Associate Professor Dr Don Sheldon (Chairman of the Council of Procedural Specialists) and Mr Ian Macintosh (the Mayor of Bathurst City Council and Chairman of the New South Wales Country Mayors Association).

The committee reported initially in August 2002, and finally on 30 September 2002. Its report made wide-ranging recommendations dealing with liability and damages for negligently caused personal injury. The report covered medical negligence, amendments to the Commonwealth's *Trade Practices Act*, limitation of time to bring injury claims and liability in negligence, including standard of care, causation and foreseeability, contributory negligence, mental harm, liability of public authorities, proportionate liability and restrictions on damages.

The interim and final reports of the Ipp committee have been considered by the Commonwealth Government and by Treasurers nationally. At a meeting on 15 November 2002, Treasurers agreed in principle on nationally consistent legislation to be enacted separately by each jurisdiction to implement the key recommendations of the Ipp committee on liability for personal injury. Treasurers noted that most jurisdictions had already legislated measures relating to awards of damages as thresholds and caps.

Since then, all jurisdictions have been working towards legislation. New South Wales has already legislated to implement most of the Ipp recommendations on liability. The *Civil Liability Amendment (Personal Responsibility) Act* 2002 passed the New South Wales Parliament in November 2002. It deals with the duty of care, causation, obvious risks, contributory negligence, mental harm, proportionate liability, the liability of public authorities and matters some of which South Australia has already legislated; for example, intoxication, claims by criminals, good samaritans, volunteers' protection and apologies.

Queensland has recently introduced legislation implementing most of the Ipp recommendations on liability. The *Civil Liability Bill 2003* deals with, in particular, obvious risks, medical negligence, risky recreational activities, proportionate liability and the liability of public authorities. The Queensland Bill also covers some measures already legislated in South Australia, such as a cap on general damages in injury cases, limits on liability for injuries to criminals, mandatory reductions in damages where the plaintiff was intoxicated and exclusion of interest on pre-judgment non-economic loss.

Western Australia has also introduced the *Civil Liability Amendment Bill 2003*, which deals with the principles of negligence, obvious risks of recreational activity, mental harm, public authorities and proportionate liability. It also covers some measures already legislated here, such as a presumption of contributory negligence in case of intoxication, protection for good samaritans and apologies.

The Government has undertaken extensive consultation in preparing this Bill. A discussion paper was published in February and attracted submissions from a wide range of groups representing the professions and business, the sporting and recreation sector, volunteer groups and others. Ministerial meetings were held with several interested parties. In general, the Government has been encouraged by the response. There is broad support for the proposed measures. Some particular measures were criticised, and the Government has taken these criticisms into account, departing from its original intentions in some respects.

The chief purpose of the Bill is to amend the *Wrongs Act* to reform some aspects of the law of negligence with the expectation of moderating the cost of damages claims and, thus, the cost of insurance. The Bill does not attempt a complete codification of the law of negligence (a task that Members may acknowledge would be immense) but simply focuses on some specific aspects identified by the Ipp Committee as being in need of either restatement or reform.

The Bill proposes that these new laws are to apply to any claim for damages resulting from a breach of a duty of reasonable care or skill, regardless of whether the claim is brought in tort or contract, or under a statute. It does this by defining 'negligence' to include any failure to exercise reasonable care or skill. This accords with Ipp's Recommendation 2, and is necessary because the same event might give rise to several different causes of action. For example, a patient might sue a doctor both in negligence and for a breach of a contractual duty of care. If the new laws were to apply to negligence alone, then it would be possible to evade them by choice of the cause of action. If that happens, the desired benefit of reduced insurance premiums would be lost. Rather, the Bill is intended to apply to all claims for damages for failure to exercise reasonable care or skill, whether the action is brought in tort, say, as a negligence claim, in contract as a breach of a contractual duty of care, or as an action for breach of a statutory duty or warranty of reasonable care.

The Bill applies to all kinds of harm, not just personal injury. This is the approach taken in New South Wales, Queensland and Western Australia. The terms of reference of the Ipp committee confined its report to personal injury claims but it is desirable that the same basic principles of negligence, such as the rules about causation or standard of care, apply regardless of the type of damage claimed.

To some extent, the Ipp recommendations propose to codify the common law rather than to change it. Some of the provisions of the Bill, such as those dealing with causation, foreseeability and standard of care, are restatements of the law designed to bring clarity and to make more explicit the reasoning processes that courts should apply in reaching conclusions about liability.

The Bill also makes some important changes to the present law. By clause 27 (proposed new section 41) it adopts Ipp Recommenda-

tion 3 dealing with the liability of medical practitioners for professional negligence resulting in injury. Because the terms of reference of the Ipp committee were limited to personal injury, its recommendation is focused on the medical profession. However, consistently with comment received from many sources, the Bill covers all professionals. There is no good reason for applying a different standard of care to doctors than to other professionals.

Under our current law, it is up to the court to decide whether a professional person has been negligent. The court hears evidence from other professionals and forms its own view as to whether the defendant has departed from the standard required of the reasonably competent practitioner of that profession. The Ipp committee noted that the court is never required to defer to expert opinion although, in the normal course, it will. It found that 'a serious problem with this approach is that it gives no guidance as to circumstances in which a court would be justified in not deferring to medical opinion'. As a solution, the Ipp committee concluded that the test for determining the standard of care in treating patients should be that 'a medical practitioner is not negligent if the treatment provided was in accordance with an opinion widely held by a significant number of respected practitioners in the field, unless the court considers that the opinion was irrational'.

Accordingly, proposed new section 41 would entitle a professional person to defend a negligence action by proving that there is a widely-accepted professional opinion to the effect that the action taken in the particular case was competent professional practice. The opinion must be widely accepted. A professional will not be able to avoid liability for a negligent choice of action or a negligently performed procedure by mustering a handful of friends to say that the action was acceptable. Rather, it will be necessary for the defendant to prove, on the balance of probabilities, that there is in Australia a substantial body of professional opinion that supports the action.

This is as it should be. If a practitioner in a profession has, in fact, acted in accordance with widely held professional opinion, then he or she has acted reasonably and so has not been negligent, even if the action taken has produced adverse results and even if someone else might have acted differently. No-one can guarantee a perfect result from any professional procedure. Things can, and do, go wrong through no-one's fault. The law should not place on professionals a greater burden than ensuring that they act in accordance with what is widely held in their profession to be competent practice. If they have acted accordingly, they are not negligent, even if perhaps some expert can be found from somewhere to say otherwise.

However, on Ipp's recommendation, the Bill recognises that, from time to time, an opinion might be widely held by respected practitioners and yet be irrational. If the court thinks that is the case, it may find negligence.

Of course, this proposed defence is not the only defence available, and one can imagine many cases in which it will not be available. To use medical examples, there may be cases of mistake, for instance, where the wrong dose of a drug is given, where blood of the wrong type is transfused, or where the operation is performed on the wrong limb. The defence will be relevant chiefly in cases where it is alleged that the action chosen was unsuitable to the case, or was carried out in the wrong way. Note, in particular, that the defence will not be available in medical cases based on alleged failure to warn of risks. In those cases, the rule in *Rogers v Whitaker* will continue to apply.

The New South Wales Act and the Queensland Bill each incorporate similar provisions. The Western Australian Bill, however, does not incorporate the Ipp recommendations concerning liability of professionals.

The Ipp committee proposed by Recommendation 4 that, in a negligence action against a person professing a particular skill, the standard of care should be stated to be what could reasonably be expected of a person professing that skill in all the circumstances at the time. This, in effect, restates the common law. It is intended, particularly, to draw attention to the fact that courts must resist the temptation to be wise in hindsight. They are to determine what could reasonably have been expected of the professional person, given the circumstances prevailing at the time. Proposed new section 40 gives effect to this recommendation.

Based on submissions received, the Government has decided not to adopt Ipp's Recommendations 5 to 7 dealing with doctors' duties to warn patients of the risks of treatment. It appears that the present law is well understood by doctors and that a practice of warning patients using standard form information, signed consents and other methods is in wide use.

Neither New South Wales nor Western Australia has adopted these recommendations, although Queensland plans to do so.

Initially, the Government had proposed to adopt all the Ipp recommendations dealing with liability for risks that are obvious. There is much to be said for the view that if a person chooses to engage in a dangerous recreation and is hurt when one of the obvious dangers comes to pass, he or she should not be able to blame others. However, the Government has been persuaded by submissions to abandon the proposal to enact Recommendation 11. The *Recreational Services (Limitation of Liability) Act 2002* already provides an avenue by which providers of dangerous recreations will be able to limit their liability. Also, more recent common law developments suggest that the pendulum has swung away from the extreme reached in the case of *Nagle v Rottnest Island Tourist Authority*. Further, the proposal could have had unintended effects in relieving providers of the duty to provide safe equipment and conditions. The Bill does not, therefore, make any provision about liability for the materialisation of obvious risks of recreational activities.

The Government still believes, however, that the Ipp committee is right in recommending that the law specifically state that there is no liability for failure to warn of obvious risks in any context. The Bill so provides by clause 27 (proposed new section 38). It is important to understand that this is not limited to recreational services. It can apply to occupation of land, for example. If a risk is obvious, then it is reasonable to expect the plaintiff to detect it and to take reasonable care against it. In large part, this probably reflects the common law. In considering whether a person was negligent in failing to give a warning, the court will consider, among other things, whether in the circumstances the danger was so obvious that there was no duty to warn. For example, in *Romeo v Conservation Commissioner,* (1998) 192 CLR 431, Justice Kirby observed that 'where a risk is obvious to a person exercising reasonable care for his or her own safety, the notion that the occupier must warn the entrant about that risk is neither reasonable nor just.' This seems to the Government to be plain common sense. The more recent case of *Woods v Multi-Sport Holdings Pty Ltd* also illustrates this point. A statutory statement is, however, useful in sending a message.

There are some important exceptions to this general principle. One is where there is an Act or regulation requiring a warning. Another is the duty of a heath care practitioner to warn about the risk of injury from the provision of a health care service. The effect of this exception is that no medical risk can be an obvious risk. This is reasonable because, in general, medical knowledge is needed to appreciate such risks.

These recommendations have also been considered in the context of the sporting use of registered motor vehicles. At present, the CTP insurance scheme covers bodily injury sustained in the course of a race or rally on a road if the defaulting driver is driving a South Australian registered vehicle. This is so, even though the road has been closed off officially for the race and the road rules, including the speed limit, suspended. Consistently with the spirit of Ipp's recommendations, the Government believes that those who choose to participate in road races and rallies, knowing that the road rules will not apply, should not be able to claim on the CTP fund if they are injured as a result. Accordingly, the Bill proposes to amend the *Motor Vehicles Act 1959* to exclude coverage for this situation, and also for the situation where a registered vehicle is raced on a racetrack. Further, although CTP cover will still apply if a spectator is injured by a driver's negligence, the Bill would give the Motor Accident Commission a right of recovery against the race organisers.

The Bill also deals with some of the principles to be applied by the court in negligence cases. Here it closely follows the recommendations of the Ipp committee about foreseeability, causation and remoteness of damage.

Clause 27 (proposed new section 32) sets out how the court is to decide whether the defendant ought to have taken precautions to reduce or avoid a risk. The present law uses the concept of 'foreseeability'. If a risk is 'far-fetched or fanciful', there is no duty to take action to reduce or avoid it (*Wyong Shire Council v Shirt*). If it is otherwise, it may be that precautions should have been taken. The Bill proposes to codify the law by providing that the threshold for liability in respect of a risk is that the risk is 'not insignificant'. This is intended to set a standard higher than the present 'far-fetched or fanciful' rule and yet not as high as 'significant'. That is, the risk does not have to be a major or important risk before the defendant will be required to take it into account. However, this does not mean that a person must always take precautions against any risk that is 'not insignificant'. Instead, once the risk is so identified, the 'negligence calculus' applies. This involves an assessment of

whether a reasonable person would have taken precautions against that risk, having regard to—

- the probability that the harm would occur if care were not taken; and
- the likely seriousness of that harm; and
- the burden of taking precautions to avoid the harm; and
- the social utility of the risk-creating activity,

amongst other things.

The court is to weigh up all these factors in each case to decide whether the defendant should have taken action to reduce or avoid the risk.

Proposed new sections 34 and 35 deal with causation. Again, what is proposed is, to some extent, a codification. It is provided that the plaintiff always bears the burden of proving any fact relevant to causation and that the standard of proof is the balance of probabilities. The Bill goes further, however, and makes express the fact that, to some extent, when deciding questions of causation, courts make judgments about whether a defendant should be held liable. It does this by distinguishing 'factual causation' from 'scope of liability'.

'Factual causation' normally involves answering the question whether the negligence was a necessary condition of the occurrence of the harm. However, Ipp proposes an exception for certain cases where factual causation cannot be established because it is not possible to prove which of several negligent acts was in fact causative. In that case, factual causation can nonetheless be found in accordance with established principles but it will be necessary for the court to make a judgment as to whether and why a defendant is to be held liable.

Proposed new Part 7 deals with contributory negligence. It provides that the same rules should apply to determine whether the plaintiff was contributorily negligent as would apply to determining whether the defendant was negligent. Again, this restates the common law. This general provision, of course, does not derogate from specific statutory provisions about contributory negligence, such as the rule that a person who is intoxicated automatically loses at least 25 per cent of his or her damages.

Proposed new section 37 deals with the defence of voluntary assumption of risk. It is a defence to a negligence action that the plaintiff willingly chose to take a risk. He or she therefore cannot complain when the risk eventuates. The defence rarely succeeds. The court is more likely to deal with such a case by holding the plaintiff contributorily negligent. One reason why success is so rare, Ipp argues, is that courts are unwilling to find that the plaintiff actually knew about the risk so as to assume it. Another is that courts require the defendant to prove that the plaintiff knew of the particular risk that in fact eventuated, not just the general possibility of harm.

Accordingly, following Ipp's recommendation, this new section would make it easier to establish a defence of voluntary assumption of risk by two means. First, where a risk is obvious, the plaintiff will be presumed to have known of it. That is, the defendant does not need to prove that the plaintiff actually knew but only that the risk was obvious. It is, however, to be open to the plaintiff to show that even though the risk was obvious, he or she did not in fact know of it. Second, it provides that it is not necessary to show that the plaintiff knew of the exact nature or manner of occurrence of the risk. It is enough to show that he or she knew of the type or kind of risk (or that a risk of this type or kind was obvious).

Proposed new sections 33 and 55 deal with liability for mental harm. For the most part, they restate the existing law but there is a departure. At present, if a person suffers bodily injury and, in consequence, also suffers mental harm, damages are payable for the effects of both regardless of whether the mental harm amounts to a psychiatric illness or is merely mental distress. On the other hand, if the person suffers no bodily injury, but only mental shock (for instance, as a bystander at an accident), there is no claim unless the shock can be diagnosed as a psychiatric illness. Ipp proposed that, in the case of consequential mental harm, damages for economic loss should be recoverable only if the mental harm amounted to a recognised psychiatric illness. Proposed new section 55 embodies this rule.

Proposed new section 42 deals with the liability of highway authorities. It is intended to restore the 'highway immunity' rule. As is well known, the High Court in B*rodie v Singleton Shire Council* held that the former rule that protected highway authorities from liability for harm resulting from mere inaction was no longer good law. This decision overturns the legal basis on which highway authorities had, until 2001, made their risk management plans and arranged their road maintenance activity. The Government had proposed, in its discussion paper, to restore the highway immunity rule temporarily, but also to adopt the Ipp recommendations for a policy decision defence for all public authorities. As a result of comment, and also of the High Court's decision in the case of *Ryan v Great Lakes Shire Council*, the Government has decided not to proceed with a policy decision defence for public authorities. Accordingly, the highway immunity rule is to be restored indefinitely. In the longer term, however, it may come to be replaced by a defence based on adherence to objective road maintenance standards.

Some other jurisdictions have restored the rule. Under section 45 of the New South Wales Act, a road authority is not liable for failing to carry out or to consider carrying out road work, unless the authority actually knows of the danger. Victoria has also restored the immunity but on a temporary basis until 1 January 2005. It intends that, in the meantime, road maintenance standards be devised. It has mooted legislation to provide that compliance with standards will be a defence to a negligence action. Queensland also proposes temporary restoration of the rule until 31 December 2005. In Tasmania the rule is statutory and so the effect of the *Brodie* decision there has been minimal. The Western Australian Bill would not, however, restore the rule. It deals with the liability of public authorities in accordance with the Ipp recommendations.

Proposed new section 44 provides that if a person is subject to a non-delegable duty to see that another person takes reasonable care, then the provisions of this Act as to liability for breach of that duty apply as if the person were vicariously liable for the negligence of their contractor. Again, this is intended to prevent actions for breach of a non-delegable duty being taken as a way around the limitations imposed by the new law.

The Bill also amends the *Limitation of Actions Act 1936*. It does not adopt the recommendations of the Ipp report in this respect. The Government was concerned that these were complex and difficult to apply. They also had the potential to prejudice the rights of children whose parents neglected to take action in time and thus to lead to litigation between parents and children. Several submissions urged the Government not to adopt Ipp's recommendation that time should run against a minor. Further, there has not been national support for the Ipp recommendations dealing with limitation of actions. So far, they have been adopted only by New South Wales. Neither Queensland nor Western Australia proposes to adopt them.

Instead, taking up suggestions presented in some submissions, the Bill makes 3 main reforms to the law relating to limitation of liability. First, it amends section 48 of the *Limitation of Actions Act* to restrict extensions of time. Evidence presented in submissions suggested that extensions are, at present, readily available and that the necessary new material fact can readily be found, often in the form of a new medical report. The Government thinks it desirable to refocus the law so that extensions are not granted just because a new relevant fact has been discovered, but are only available if the plaintiff can show that the fact forms an essential element of the plaintiff's claim, or would have major significance on an assessment of the plaintiff's loss.

Second, the Bill provides that the parent or guardian of a child under 15 years of age is to give notice of the claim to the prospective defendant within 6 years after the accident. If a parent fails to give a notice, the child does not lose the right to sue—this still endures until the 'child' turns 21. However, in that case, the cost of medical treatment and legal work incurred by the parents and the gratuitous services rendered by them before the date of commencement of the proceedings are not claimable from the defendant, unless the court finds that there was a good reason excusing the non-compliance with the notice requirement. This bears some analogy with the Queensland *Personal Injuries Proceedings Act*, as proposed to be amended by the *Civil Liability Bill 2003*.

Once the prospective defendant is served with this notice, he or she is entitled to have access to the child's medical and other relevant records (such as school records) and to have the child medically examined at reasonable intervals at the defendant's expense.

Further, a defendant who has been served with a notice can require the child's parent or guardian to apply for a declaratory judgment on liability. After 6 years, it should be possible to deal with the issue of liability, even though final assessment of damages may need to await the child's maturity. The Government thinks this is fair, because of the risk that evidence relevant to liability may deteriorate with time. For example, if the case is one of birth injury, the hospital staff who were involved in the incident may leave, retire or die if the case is left too long. Records of what happened may be lost or destroyed. All of this reduces the chance of the court establishing whether there has been negligence, and by whom. It is

fair that in this case the prospective defendant be able to ask the court to decide whether it is legally liable or not.

The Ipp committee also made recommendations about damages awards, legal costs and other matters. For the most part, the Government considers that concerns about the quantum of damages claims have been adequately addressed by the amendments to the *Wrongs Act* that passed this Parliament last August. There are, however, 2 measures that have been considered necessary to ensure that the law achieves its intended results. Proposed new section 47 makes it clear that in a loss of dependency claim, the damages recoverable by the dependants are to be reduced for any contributory negligence of the deceased. Further, the cap imposed on damages for economic loss also applies to those claims. There is no reason why they should be treated differently from other claims.

Finally, I mention that, in its discussion paper, the Government asked for comment on 2 other measures—proportionate liability and professional standards legislation. Both are still under consideration and further legislation may well be brought before this House in due course. In particular, the proposal to move to proportionate liability for claims for economic loss and property damage attracted a good deal of support from commentators on the Government's discussion paper. Proportionate liability has already been legislated in New South Wales and is included in both the Queensland and Western Australian Bills, although Queensland has adopted a divergent model that sets a $500 000 threshold. Both proportionate liability and professional standards legislation will be further discussed at forthcoming national Ministerial meetings.

The Government believes this Bill strikes a fair balance between the interests, on the one hand, of defendants and their insurers and, on the other, of plaintiffs who have legitimate and proper claims. It is important to protect the rights of persons injured through the wrongdoing of others. Equally, it must be recognised that those rights may be worth very little, in many cases, if the wrongdoer is not insured. I hope that all Members will recognise this practical reality and will understand the need to balance these competing interests. Overall, our consultation process shows that there is broad public support for the measure. I commend it to the house.

Explanation of Clauses

General explanation

The main purpose of this Bill is to bring the law in South Australia relating to civil liability into line with the national Ipp Review of the Law of Negligence. As a result of adopting certain recommendations, the *Wrongs Act 1936* is to be renamed as the *Civil Liability Act 1936* and the Act is to be-ordered. Over the years, the *Wrongs Act* has been amended numerous times and this opportunity has been taken to simplify the numbering and to put the Act and all of its amendments into a logical sequence.

Part 1—Preliminary

Clause 1: Short title

Clause 2: Commencement

Clause 3: Amendment provisions

These clauses are formal.

Part 2—Amendment of Wrongs Act 1936

Clause 4: Insertion of heading

This clause inserts the heading 'Part 1—Preliminary' before section 1 of the *Wrongs Act 1936* (in Part 2 of the explanation of clauses referred to as the principal Act).

Clause 5: Substitution of section 1

1.Short title

The name of the principal Act is to be changed to the *Civil Liability Act 1936*.

Clause 6: Substitution of section 2

2.Act to bind the Crown

The principal Act binds the Crown.

Clause 7: Repeal of section 3

This section has been enacted in section 2 (*see* clause 6).

Clause 8: Amendment and redesignation of section 3A—Interpretation

Definitions formerly enacted just for the purposes of that Part of the principal Act dealing with personal injuries have been re-enacted here so that they apply for the purposes of the whole of the principal Act. A number of new definitions have also been inserted and the section is to be redesignated as section 3.

Clause 9: Insertion of section 4

4.Application of this Act

This Act applies to the exclusion of inconsistent laws of any other place to the determination of liability and the assessment of damages for harm arising from an accident occurring in this State but does not derogate from the *Recreational Services (Limitation of Liability) Act 2002* or affect a right to compensation under the *Workers Rehabilitation and Compensation Act 1986*.

Clause 10: Substitution of heading to Part 1

What was formerly designated as Part 1 of the principal Act will be designated as Part 2 (but this Part will still deal with defamation). No substantive changes are proposed to this Part.

Clause 11: Substitution of heading to Part 1A

What was formerly designated as Part 1A of the principal Act will be designated as Part 3 (but this Part will still deal with liability for animals). No substantive changes are proposed to this Part.

Clause 12: Redesignation of section 17A—Liability for animals

This section is to redesignated as section 18.

Clause 13: Substitution of heading to Part 1B

What was formerly designated as Part 1B of the principal Act will be designated as Part 4 (but this Part will still deal with occupiers liability). No substantive changes are proposed to this Part.

Clause 14: Redesignation of section 17B—Interpretation

Clause 15: Redesignation of section 17C—Occupier's duty of care

Clause 16: Redesignation of section 17D—Landlord's liability limited to breach of duty to repair

Clause 17: Redesignation of section 17E—Exclusion of conflicting common law principles

These sections (all contained in the Part dealing with occupiers liability) are to be redesignated as sections 19 to 22 respectively.

Clause 18: Substitution of heading to Part 2

What was formerly designated as Part 2 of the principal Act will be designated as Part 5 (but this Part will still deal with wrongful acts or neglect).

Clause 19: Redesignation of section 19—Liability for death caused wrongfully

Clause 20: Amendment and redesignation of section 20—Effect and mode of bringing action, awarding of damages for funeral expenses etc

Clause 21: Redesignation of section 21—Restriction of actions and time of commencement

Clause 22: Redesignation of section 22—Particulars of person for whom damages claimed

Clause 23: Amendment and redesignation of section 23—Provision where no executor or administrator or action not commenced within 6 months

Clause 24: Redesignation of section 23A—Liability to parents of person wrongfully killed

Clause 25: Redesignation of section 23B—Liability to surviving spouse of person wrongfully killed

Clause 26: Amendment and redesignation of section 23C—Further provision as to solatium etc

These sections are to be redesignated as sections 23 to 30 respectively. The amendments are consequential changes to cross-references.

Clause 27: Insertion of Part 6

Part 6—Negligence

Division 1—Duty of care

31.Standard of care

For determining whether a person (the defendant) was negligent, the standard of care required is that of a reasonable person in the defendant's position who was in possession of all information that the defendant either had, or ought reasonably to have had, at the time of the incident out of which the harm arose.

32.Precautions against risk

A person is not negligent in failing to take precautions against a risk of harm unless—

- the risk was foreseeable (that is, it is a risk of which the person knew or ought to have known); and
- the risk was not insignificant; and
- in the circumstances, a reasonable person in the person's position would have taken those precautions.

33.Mental harm—duty of care

A person (the defendant) does not owe a duty to another person (the plaintiff) to take care not to cause the plaintiff mental harm unless a reasonable person in the defendant's position would have foreseen that a person of normal fortitude in the plaintiff's position might, in the circumstances of the case, suffer a psychiatric illness. This proposed section does not affect the duty of care of a person (the defendant) to another (the plaintiff) if the defendant knows, or ought reasonably to know, that the plaintiff is a person of less than normal fortitude.

Division 2—Causation

34.General principles

A determination that negligence caused particular harm comprises the following elements:

- that the negligence was a necessary condition of the occurrence of the harm (factual causation); and
- that it is appropriate for the scope of the negligent person's liability to extend to the harm so caused (scope of liability).

35.Burden of proof

In determining liability for negligence, the plaintiff always bears the burden of proving, on the balance of probabilities, any fact relevant to the issue of causation.

Division 3—Assumption of risk

36.Meaning of 'obvious risk'

An obvious risk to a person who suffers harm is a risk that, in the circumstances, would have been obvious to a reasonable person in the position of that person. A risk can be an obvious risk even if the risk (or a condition or circumstance that gives rise to the risk) is not prominent, conspicuous or physically observable.

37.Injured persons presumed to be aware of obvious risks

If, in an action for damages for negligence, a defence of voluntary assumption of risk (*volenti non fit injuria*) is raised by the defendant and the risk is an obvious risk, the plaintiff is taken to have been aware of the risk unless the plaintiff proves, on the balance of probabilities, that he or she was not aware of the risk.

38.No duty to warn of obvious risk

A person (the defendant) does not owe a duty of care to another person (the plaintiff) to warn of an obvious risk to the plaintiff. This does not apply if—

- the plaintiff has requested advice or information about the risk from the defendant; or
- the defendant is required to warn the plaintiff of the risk—
  —by a written law; or
  —by an applicable code of practice in force under the *Recreational Services (Limitation of Liability) Act 2002*; or
- the risk is a risk of death or of personal injury to the plaintiff from the provision of a health care service by the defendant.

39.No liability for materialisation of inherent risk

A person is not liable in negligence for harm suffered by another person as a result of the materialisation of an inherent risk (that is, a risk of something occurring that cannot be avoided by the exercise of reasonable care and skill). This does not operate to exclude liability in connection with a duty to warn of a risk.

Division 4—Negligence on the part of persons professing to have a particular skill

40.Standard of care to be expected of persons professing to have a particular skill

In a case involving an allegation of negligence against a person (the defendant) who holds himself or herself out as possessing a particular skill, the standard to be applied by a court in determining whether the defendant acted with due care and skill is (subject to proposed Division 4) to be determined by reference to—

- what could reasonably be expected of a person professing that skill; and
- the relevant circumstances as at the date of the alleged negligence and not a later date.

41.Standard of care for professionals

A person who provides a professional service incurs no liability in negligence arising from the service if it is established that the provider acted in a manner that (at the time the service was provided) was widely accepted in Australia by members of the same profession as competent professional practice.

Division 5—Liability of road authorities

42.Liability of road authorities

A road authority is not liable in negligence for a failure—

- to maintain, repair or renew a public road; or
- to take other action to avoid or reduce the risk of harm that results from a failure to maintain, repair or renew a public road.

Division 6—Non-delegable duties and vicarious liability

43.Liability based on non-delegable duty

If a person (the defendant) is subject to a non-delegable duty to ensure that any work or task is carried out with reasonable care and the defendant entrusts the carrying out of the work or task to another (the contractor), the defendant's liability for breach of the duty is to be determined in the same way as if the duty had been validly delegated to the contractor, and the defendant were vicariously liable for the contractor's negligent or otherwise tortious failure to carry out the duty.

Division 7—Exclusion of liability for criminal conduct

44.Exclusion of liability for criminal conduct

This is the re-enactment of current section 24I with an addition as a consequence of relocating the section from the Part dealing with personal injuries to the Part dealing generally with negligence.

Part 7—Contributory negligence

45.Standard of contributory negligence

The principles that are applicable in determining whether a person has been negligent also apply in determining whether a person who suffered harm (the plaintiff) has been contributorily negligent. This proposed section is not to derogate from any provision for reduction of damages on account of contributory negligence.

46.Contributory negligence in cases brought on behalf of dependants of deceased person

In a claim for damages brought on behalf of the dependants of a deceased person, the court is to have regard to any contributory negligence on the part of the deceased person.

Note: See clause which proposes to redesignate sections 24J to 24N of the principal Act as sections 47 to 51 respectively and to relocate the sections so that they follow proposed section 47 in this proposed Part.

Clause 28: Substitution of heading to Part 2A

Part 8—Damages for personal injury

What was formerly designated as Part 2A of the principal Act will be designated as Part 8 (but this Part will still deal with personal injuries) but will no longer be divided into Divisions.

Clause 29: Repeal of heading to Part 2A Division 1

This heading is otiose.

Clause 30: Repeal of section 24

The definitions set out in this section have been re-enacted in the redesignated section 3 (Interpretation).

Clause 31: Redesignation of section 24A—Application of this Part

This section is to be redesignated as section 52.

Clause 32: Repeal of heading to Part 2A Division 2

This heading is otiose.

Clause 33: Redesignation of section 24B—Damages for non-economic loss

This section is to be redesignated as section 53.

Clause 34: Substitution of section 24C

54.Damages for mental harm

The substituted provision uses the previous provision as a basis but amends it in keeping with the Ipp recommendations. Damages may only be awarded for mental harm if the injured person—

- was physically injured in the accident or was present at the scene of the accident when the accident occurred; or
- is a parent, spouse or child of a person killed, injured or endangered in the accident.

Damages may only be awarded for pure mental harm if the harm consists of a recognised psychiatric illness and damages may only be awarded for economic loss resulting from consequential mental harm if the harm consists of a recognised psychiatric illness.

Clause 35: Amendment and redesignation of section 24D—Damages for loss of earning capacity

This section as amended is to be redesignated as section 55. The amendment provides that in an action brought for the benefit of the dependants of a deceased person, the total amount awarded to compensate economic loss resulting from the death of the deceased person (apart from expenses actually incurred as a result of the death) cannot exceed the prescribed maximum and if before the date of death the deceased person received damages to compensate loss of earning capacity, the limit is to be reduced by the amount of those damages.

Clause 36: Redesignation of section 24E—Lump sum compensation for future losses

Clause 37: Redesignation of section 24F—Exclusion of interest on damages compensating non-economic loss or future loss

Clause 38: Redesignation of section 24G—Exclusion of damages for cost of management or investment

Clause 39: Redesignation of section 24H—Damages in respect of gratuitous services

These sections are to be redesignated as sections 56 to 59 respectively.

Clause 40: Repeal of section 24I

It is proposed that this section be redesignated and relocated with an addition (*see* new section 44).

Clause 41: Repeal of heading to Part 2A Division 3
This heading is otiose.
Clause 42: Relocation of sections 24J to 24N
These sections are to be redesignated as sections 47 to 51 respectively and relocated so that they follow section 46 in Part 7 (*see* clause 27).
Clause 43: Repeal of Part 2A Division 4
This section is otiose as the substance of the provision is now set out in section 4.
Clause 44: Substitution of heading to Part 3
What was formerly designated as Part 2A of the principal Act will be designated as Part 8 (but this Part will still deal with miscellaneous matters).
Clause 45: Substitution of heading to Part 3 Division 3
Clause 46: Redesignation of section 27C—Rights as between employer and employee
Clause 47: Repeal of Part 3 Division 4
Clause 48: Redesignation of heading to Part 3 Division 5—Remedies against certain shipowners
Clause 49: Redesignation of section 29—Remedy against shipowners and others for injuries
Clause 50: Redesignation of heading to Part 3 Division 6—Damage by aircraft
Clause 51: Redesignation of section 29A—Damage by aircraft
Clause 52: Redesignation of section 29B—Exclusion of liability for trespass or nuisance
Clause 53: Redesignation of heading to Part 3 Division 7—Abolition of rule of common employment
Clause 54: Redesignation of section 30—Abolition of rule of common employment
Clause 55: Redesignation of heading to Part 3 Division 8—Actions in tort relating to husband and wife
Clause 56: Redesignation of section 32—Abolition of rule as to unity of spouses
Clause 57: Redesignation of section 33—Wife may claim for loss or impairment of consortium
Clause 58: Redesignation of section 34—Damages where injured spouse participated in a business
Clause 59: Redesignation of heading to Part 3 Division 9—Abolition of actions of seduction, enticement and harbouring
Clause 60: Redesignation of section 35—Abolition of actions for enticement, seduction and harbouring
Clause 61: Redesignation of heading to Part 3 Division 10A—Unreasonable delay in resolution of claim
Clause 62: Redesignation of section 35B—Definitions
Clause 63: Redesignation of section 35C—Damages for unreasonable delay in resolution of a claim
Clause 64: Redesignation of section 35D—Regulations
Clause 65: Redesignation of heading to Part 3 Division 11—Liability for perjury in civil actions
Clause 66: Redesignation of section 36—Liability for perjury in civil actions
Clause 67: Redesignation of heading to Part 3 Division 12—Racial victimisation
Clause 68: Redesignation of section 37—Racial victimisation
Clause 69: Redesignation of heading to Part 3 Division 13—Good samaritans
Clause 70: Redesignation of section 38—Good samaritans
Clause 71: Redesignation of heading to Part 3 Division 14—Expressions of regret
Clause 72: Redesignation of section 39—Expressions of regret
Clauses 45 to 72 are 'house-keeping' provisions. They redesignate the Divisions and sections so that they follow sequentially from the previous Part.
Part 3—Amendment of Limitation of Actions Act 1936
Clause 73: Amendment of section 3—Interpretation
This amendment inserts a definition of child.
Clause 74: Amendment of section 45—Persons under legal disability
This is consequential on the insertion of the definition of child.
Clause 75: Insertion of section 45A
45A.Special provision regarding children
If a child (the plaintiff) suffers personal injury and the time for bringing an action for damages is extended by this Act (the *Limitation of Actions Act*) to more than 6 years from the date of the incident out of which the injury arose (the relevant date) and no action is in fact brought within 6 years of the relevant date, notice of an intended action must be given within 6 years after the relevant date by, or on behalf of, the child to the person(s) alleged to be liable in damages (the defendant).
The defendant may, by written notice, require the plaintiff, within 6 months after the date of the notice, to bring an action so that the claim may be judicially determined (in relation to liability and/or assessment of damages, as the court thinks appropriate).
The effect of non-compliance with a requirement of this proposed section on the part of a plaintiff is that, unless the court is satisfied that there is good reason to excuse the non-compliance, damages will not be allowed in such an action to compensate or allow for medical, legal or gratuitous services provided before the date the action was commenced.
Clause 76: Amendment of section 48—General power to extend periods of limitation
This amendment describes what is to be regarded as a material fact.
Part 4—Amendment of Motor Vehicles Act 1959
Clause 77: Amendment of section 99—Interpretation
This clause inserts definitions of participant and road race.
Clause 78: Amendment of section 104—Requirements if policy is to comply with this Part
A new subsection is proposed that provides that a policy of insurance complies with this Part even though it contains an exclusion of liability of the nature and extent prescribed by clause 4 of Schedule 4.
Clause 79: Amendment of section 124A—Recovery by insurer
This provides that where an insured person incurs, as a participant in a road race, a liability against which he or she is insured under Part 4 of the *Motor Vehicles Act*, the insurer may, by action in a court of competent jurisdiction, recover from the organiser of the road race the amount of the liability and the reasonable costs incurred by the insurer in respect of that liability.
Clause 80: Amendment of Schedule 4—Policy of insurance
This amendment provides that the policy of insurance set out in Schedule 4 does not extend to liability arising from death of, or bodily injury to, a participant in a road race caused by the act or omission of another participant in the road race.

The Hon. DEAN BROWN secured the adjournment of the debate.

UNIVERSITY OF ADELAIDE (MISCELLANEOUS) AMENDMENT BILL

The Hon. J.D. LOMAX-SMITH (Minister for Employment, Training and Further Education) obtained leave and introduced a bill for an act to amend the University of Adelaide Act 1971. Read a first time.

The Hon. J.D. LOMAX-SMITH: I move:

That this bill be now read a second time.

Universities in this state and elsewhere are facing significant challenges to their operation; very few of these are academic. The most serious challenge for our universities is to continue to provide an innovative research and educational program with dwindling resources provided by the commonwealth government. In recent times, universities have had to rely more and more on income derived from student fees and commercial activities, or reduce the volume and scope of their operations.

The University of Adelaide has acknowledged that the current structure and processes of the council are not conducive to making optimum decisions about either its academic program or its commercial activities. The university is seeking to amend its act to give its council similar constituency and power to Flinders University and the University of South Australia.

While the government sees the need for the university to have the freedom to operate within a more corporate structure, it is important for the university to meet community obligations and expectations for a higher education institution. This bill, therefore, establishes clearer lines of decision

making, including powers of delegation, while imposing heavy penalties for breaches of propriety leading to loss or damage to the university. The bill gives protection by statute to the university's name and devices and removes restrictions on the disposal of freehold property, that is, land owned by the university, but excluding land given in trust, such as the North Terrace, Waite and Roseworthy campuses, so that it may operate more competitively in a commercial environment.

The bill recognises the value of the Academic Board, the University Graduate Association and the Students Association of the University of Adelaide Incorporated by making the presiding officer of each an ex officio member of the University Council. It also allows for the election of two graduate members to replace the current senate members.

The bill will disband the senate as a formal body of review, although this role will be undertaken through other means. I take this opportunity to thank senate members and to recognise the contribution the senate has made to the university for more than 100 years. The removal of the senate gives effect to the council as the central decision-making body in the university.

In line with the other universities, the bill provides for the University of Adelaide to confer honorary awards on those whom the university think merit special recognition.

The Adelaide University Union is established under the current act to provide necessary services to students. The government is committed to preserving the autonomy of the union but recognises the need for the University Council to have sufficient information for setting the fee for union membership. The bill will ensure the union reports its financial position to the council.

The Chancellor of the University of Adelaide proposed amending the university legislation in April 2002. A discussion paper containing the university's proposed amendments was circulated for public consultation in June 2002, and over 30 written submissions were received on proposed amendments, and a series of meetings were held with interested parties. This bill reflects the university's original proposals, tempered by the various consultations and submissions. I commend this bill to the house. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

Clause 1: Short title

Clause 2: Commencement

Clause 3: Amendment provisions

These clauses are formal.

Part 2—Amendment of University of Adelaide Act 1971

Clause 4: Amendment of section 3—Interpretation

This clause amends, deletes and inserts a number of definitions.

Clause 5: Amendment of section 4—Continuance and powers of University

This clause clarifies the composition of the University, and provides that the University may, with the exception of certain land vested in the University under a number of specified Acts, deal with University Grounds in the manner it thinks fit. The clause further clarifies that the University is not an instrumentality or agency of the Crown, and that the University may exercise its powers within or outside of the State, including overseas.

Clause 6: Repeal of section 5

This clause repeals section 5, a provision dealing with discrimination, as the subject is properly dealt with under specific legislation at both the State and Federal level.

Clause 7: Insertion of sections 5A and 5B

This clause inserts new sections 5A and 5B into the principal Act. These measures establish a degree of protection for the intellectual property of the University; in particular the title of the University, the logo or logos used by the University and the combination of title and logo, which is defined by the measure as an "official symbol". Together, the Bill defines these as being "official insignia". A number of offences are created under new section 5B relating to the use of official insignia without the permission of the University. The maximum penalty for contravention of section 5B is a fine of $20 000.

Clause 8: Amendment of section 6—Power to confer awards

This clause provides that the University may confer an academic award jointly with another University, and may also confer an honorary academic award on a person who the University thinks merits special recognition. The clause also makes a number of amendments of a minor technical nature.

Clause 9: Amendment of section 7—Chancellor and Deputy Chancellors

This clause amends section 7 of the principal Act so that there will only be one Deputy Chancellor appointed. The Deputy Chancellor so appointed will hold office for a term of two years rather than the current four year term.

Clause 10: Amendment of section 8

This clause clarifies the role of the Vice Chancellor as the principal academic officer and chief executive of the University, responsible for academic standards, management and administration of the University.

Clause 11: Amendment of section 9—Council to be governing body of University

This clause inserts a requirement that the Council must in all matters endeavour to advance the interests of the University.

Clause 12: Amendment of section 10

This clause substitutes a clarified power of delegation, including a power of subdelegation where the instrument of delegation so provides.

Clause 13: Amendment of section 11—Conduct of business of the Council

This clause makes a consequential amendment due to the reduction of Deputy Chancellors to one under this Bill.

Clause 14: Amendment of section 12—Constitution of Council

This clause provides for three new *ex officio* members of the Council, namely the presiding member of the Academic Board, the presiding member of the Students Association of the University of Adelaide Incorporated and the presiding member of the Graduate Association.

The clause provides for two new Council members to be elected from the graduates of the University, replacing the members previously elected by the Senate.

The clause also:

- makes a consequential amendment by removing the provision for members to be elected by the now-abolished Senate
- reduces the number of members elected from the academic staff to two
- reduces the number of members elected from the student body to two
- amends the term of certain members
- makes other minor technical and consequential amendments.

Clause 15: Amendment of section 13—Casual vacancies

This clause inserts a new subsection (3a) into section 13 of the principal Act dealing with a casual vacancy in the office of a member appointed under proposed section 12(1)*(h)*.

Clause 16: Amendment of section 14—Saving clause

This clause clarifies section 14 by providing that a decision or proceeding of the Council is not invalid simply because of a defect in the appointment of any member of the Council.

Clause 17: Insertion of sections 15 to 17B

This clause inserts proposed sections 15, 16, 17, 17A and 17B. These proposed sections reflect amendments to the *Public Corporations Act 1993* currently before Parliament, and provide for a greater level of honesty and accountability in respect of Council members, in keeping with the increasingly commercial nature of the operations of the Council. Contraventions of the proposed sections carry a maximum penalty of a fine of $20 000 and, in the case of proposed section 16, imprisonment for four years.

Clause 18: Repeal of sections 18 and 19

This clause repeals sections 18 and 19 of the principal Act.

Clause 19: Amendment of section 21—The Adelaide University Union

This clause provides that the Adelaide University Union must provide certain financial information to the Council, and the dates by which that information must be provided. This enables the

Council to ensure that the fees set by the union are appropriate. The clause also provides that the union must not set fees except with the approval of the Council.

Clause 20: Amendment of section 22—Statutes and rules

This clause makes consequential amendments by removing references to the Senate. The clause also provides the Council with the power to constitute and regulate the Academic Board, and other boards of the University. The clause further provides that the Council can specify that certain offences be tried by a tribunal established by statute or rule of the University.

This clause also clarifies the procedure for variation or revocation of a statute or rule, and clarifies that a statute does not come into operation until confirmed by the Governor.

The clause also removes the reference to "regulations" from section 22.

Clause 21: Amendment of section 23—By-laws

This clause clarifies certain by-law making powers in relation to traffic control and trespassers. The clause also provides that a by-law must be sealed with the seal of the University, and transmitted to the Governor for confirmation. The clause also inserts new subsection (5), which states, for the avoidance of doubt, that section 10 of the *Subordinate Legislation Act 1978* applies to a by-law made under section 23.

Clause 22: Amendment of section 24—Proceedings

This clause provides that a staff member, as well as a student, may be tried by a tribunal established by statute of the University.

Clause 23: Amendment of section 25—Report

This clause removes the reference to "regulation" in section 25.

Schedule—Transitional Provisions

The Schedule makes transitional provisions in relation to the members of the Council whose offices are to be vacated, and the members of the Council who are to assume office.

The Hon. DEAN BROWN secured the adjournment of the debate.

STANDING ORDERS SUSPENSION

The Hon. L. STEVENS (Minister for Health): I move:

That standing orders be so far suspended as to enable the following procedure in relation to the Prohibition of Human Cloning Bill and the Research Involving Human Embryos Bill:

(a) one second reading debate to be undertaken regarding the two bills;

(b) separate questions to be put on each bill at the conclusion of that debate; and

(c) the bills to be considered in one Committee of the Whole House, if necessary.

The DEPUTY SPEAKER: As there is not an absolute majority of the whole number of members of the house present, ring the bells.

An absolute majority of the whole number of members being present:

The DEPUTY SPEAKER: Order! A majority is present. Does the honourable minister wish to speak in support of the suspension motion?

The Hon. L. STEVENS (Minister for Health): Yes, sir. I would just like to say that, bearing in mind that we have two bills, largely on the same broad topic, with two slightly different tacks, we believe that it would not only save time but it would also be practical to handle it in this way so that we have one second reading speech covering both bills and then, if required, we have the ability in committee to take each bill separately, deal with the clauses of each bill and therefore handle the matter in a most expeditious way while still allowing people to have their say on anything they wish to speak on. I understand, from information from the Clerk, that this procedure has been used in the past to handle such matters.

Mr MEIER (Goyder): I understand what the minister is seeking to achieve and, in fact, I believe that the lead speaker for the opposition put this as a suggestion. My principal concern is how it will work in relation to paragraph (c) of the motion for suspension, that the bills be considered in one committee of the whole house if necessary. There are 31 clauses in the first bill and 36 clauses in the second bill, plus schedules in both cases. Does that mean that we will consider the first bill through the 31 clauses and then the second bill through the 36 clauses plus the respective schedules, or is there an alternative?

I also wish to point out that, whilst we have this suspension motion to incorporate them as one bill, as Opposition Whip, I assume that, because it is a conscience matter, pairs is something we probably cannot consider unless the respective people who are absent from the house arrange which way they want to vote themselves. I want to put very clearly on the record that there is no come back on either of the whips.

The DEPUTY SPEAKER: I clarify for the member for Goyder and others that there will be no curtailment in respect of the committee process dealing with these matters. Member for Goyder, we go into committee but we deal with one bill and then the other bill.

Motion carried.

PROHIBITION OF HUMAN CLONING BILL

RESEARCH INVOLVING HUMAN EMBRYOS BILL

Adjourned cognate debate on second reading.

(Continued from 19 February. Pages 2327 and 2331 respectively.)

The Hon. DEAN BROWN (Deputy Leader of the Opposition): We have two bills before us. Both bills now are being debated as a cognate debate, so I will deal with both bills. I do so on a personal basis as members of the Liberal Party have a conscience vote on this issue. I appreciate that this is a sensitive matter. It is an issue on which people invariably have very strong views one way or the other, and we have seen that already in the debate that has occurred nationally, from the debate that has occurred in the federal parliament, from the debate that has occurred within our own state and the very considerable correspondence that has been received by members of parliament.

I do not intend to speak at length, because I think the arguments have been well debated in the community already. This issue was the subject of a COAG meeting involving the Prime Minister and the various state premiers at which a position was agreed. I agree with the position that was put down at that COAG meeting. Legislation has been passed through the federal parliament, and this is complementary legislation now at a state level. Federal legislation covers all federal agencies, it covers all privately incorporated bodies or publicly incorporated bodies. This legislation will cover those state instrumentalities in South Australia.

It is, I think, an appropriate step to ensure that we do have complementary legislation so that we have uniformity around the whole of Australia. In relation to issues such as this, it does not make sense for one parliament or one state to try to stand out against the rest of Australia, or for one state to try

to stand out against the commonwealth, not that that in any way should be the basis on which someone is forced to vote for this legislation. I believe that people need to look at the ethical issues involved and make their own decisions on those issues. I respect any honourable member who might oppose particularly the second bill (Research Involving Human Embryos Bill) because of the personal views they would hold. I can understand that.

Before getting into the details of the bill, I want to applaud the role taken by the South Australian Council on Reproductive Technology in South Australia. For more than four years I was the minister and I had the opportunity and privilege to work fairly closely with that council. I always appreciated the very considerable effort and work that it put into issues that arose. In particular, I appreciated the way in which Dr Andrew Duttney, chair of the council, and the various members handled the issues. Although the council handled very controversial issues, the members worked hard to be able to consider each other's point of view and they respected each other's point of view, and I felt that, in many ways, that led to a very professional outcome.

We have had the Reproductive Technology Act. We are one of three states in Australia which banned cloning and which put down very strict legislation to put that into effect. Whilst I was minister, in fact, we broadened the regulations in terms of the Reproductive Technology Act to tighten the definition of cloning further. The reason was that technology was ever creating new frontiers and it was extremely important that we embraced those new frontiers to put down a standard. Our standard in this state has been that no embryo technology research could be carried out on those embryos and, certainly, that standard has been very closely adhered to within this state.

These two bills, of course (and this is the fundamental issue here), for the first time will allow surplus embryos created prior to 5 April 2002 to be used for stem cell research. It will set down very strict ethical standards under which that needs to be done under the guidance of the National Health and Medical Research Council, for which I have a great deal of respect. I have a great deal of respect also for the ethical standards that Australia has adopted across a whole range of areas of medical research. It is fair to say that internationally our medical researchers are seen as perhaps the pinnacle researchers around the world, and our ethical standards that have applied in Australia are equally seen at the pinnacle for medical research around the world.

I have a great deal of confidence in the National Health and Medical Research Council with its National Health and Medical Research Council Embryo Licensing Committee. It will issue licences, and then that same committee will take into account the local human ethics research committee assessment of the project and the requirement to restrict the number of excess embryos that are likely to be necessary for this research.

I believe that significant advances will be made in medical technology in the coming decades in terms of overcoming many of the diseases within our community. There is no doubt that huge advances have been made in the past 10 years. The mapping of the human genome has allowed a far greater understanding of, first, how many genes there are and the role of many of those genes, although not all of it is fully understood at this stage. Also, it has allowed research to focus on why specific illnesses occur within our community.

We know that certain types of breast and bowel cancer are genetically linked, and this will help identify those at risk within the community and ensure that they take perhaps more frequent and earlier screening programs to identify possible cancers. We can see that there will be enormous breakthroughs with this continuation of medical research.

However, the use of stem cells has certainly broken into a whole new area of potential medical technology and the benefits that may come from that. We have heard that eventually it may be possible to treat Alzheimer's disease. Any hope of that being done in the next few years is no more than pie in the sky. My assessment is that any of this technology, even after it is identified, is likely to take up to 10 years to go through the appropriate clinical trials and before the research is able to be used beneficially across a broad area of the community. We are a long way from that. However, it is important that this sort of research be allowed to be undertaken and that we continue to progress these issues. These two bills will do that, with strict conditions applying on the type of research that can be carried out.

I stress that this still does not allow cloning to occur under this legislation, so the ban we have had on cloning in South Australia will continue. One of the advantages of the legislation is that the ban on cloning will now apply around the whole of Australia, whereas it has not applied in some states of Australia in the past. I support both bills. I imagine that most members of the house will support the Prohibition of Human Cloning Bill as it simply carries on the prohibition which has applied up until now and which this state has supported very strongly indeed.

However, the controversy will be over the Research Involving Human Embryos Bill. That is the area in which we are breaking new ground and taking this out of the Reproductive Technology Act and allowing national uniformity to apply through these bills. I support the measure and urge all members to take an open approach to some of the benefits that can be achieved through this, whilst at the same time respecting their individual beliefs and views, many of which are Christian and/or other religious beliefs, or maybe even the personal beliefs that people have. Some members of this place feel very strongly on those issues.

I wish to acknowledge one person. I have been to a briefing on these bills and to numerous other briefings on stem cell research, and I have heard the arguments for and against, but the person who I thought best put down these facts for me and clarified the real issues was Prof. Grant Sutherland. I pick up one point he made in attempting to clarify what we are trying to achieve here.

These surplus embryos under our existing state law would need to be destroyed within 10 years if not used. They are surplus embryos. You cannot produce surplus embryos willy-nilly in South Australia. There are strict guidelines for the production of any embryos, and any researcher who is trying to produce a significant number of additional surplus embryos will be brought to question very quickly indeed.

Grant Sutherland pointed out with significant clarity that you are taking surplus embryos that would otherwise be destroyed in 10 years and using them in terms of highly ethical medical research; you are not using them to try to clone a human being. Rather, you are using them to allow research to be carried out which may identify ways in which you may be able to overcome a number of illnesses within our community, which ultimately may be able to be treated by the use of genetic material being implanted in specific cases where there has been a breakdown in the genetic material that has contributed to that illness.

Professor Sutherland highlighted the fact that it is not as though you are doing anything to these embryos that otherwise would not occur through having to destroy them at the end of 10 years at any rate. It is more a matter of whether you think it is more appropriate that with these surplus embryos you simply raise the temperature on the embryos, let them thaw out and come to a natural death, or allow them to be used for this type of medical research, with some ongoing benefit to mankind. I support that stance that Professor Sutherland has put down.

Our medical researchers have taken a very conservative approach and stance in arguing their case. My background is in animal work, and I did two years of animal genetics, most of which is now well and truly forgotten. I have done my stint at having to count drosophila fly and their various characteristics and understanding their breeding cycles and characteristics. However, I appreciate the enormous breakthroughs that have been achieved and the potential benefit that may come from this.

I could never come to support some of the work that is allegedly being done overseas, where people are trying to produce or claim they have produced cloned human beings. I think that is absolutely inappropriate. We only have to look at our two cloned sheep—the one that was developed here in South Australia and the one that was developed in Scotland—to understand that we still do not fully understand the implications, particularly on the ageing process, of cloning. That is why I would continue to take a very conservative approach to ensure that when it comes to cloning we do not try to break through and create new boundaries because, frankly, the implications of that may be very serious and significant indeed if we do not fully understand what we are doing. I think the last thing we would want to do is create a generation of people who may be like the thalidomide children through not understanding the ramifications of what was being done and only coming to understand afterwards the huge consequences it had on individuals later in life. I support the bill and look forward to listening to the rest of the debate, because I think it will be a very interesting debate indeed.

Mr RAU (Enfield): I also do not want to be too lengthy in my remarks about this matter, but I must say that from my point of view it is a great delight to see that in the parliament today we are debating a matter where each and every member of the parliament is able to bring an entirely fresh mind to this matter. If I might be permitted a small lament, it is that we do not have more opportunities of this type, whether it is in the form of debating a bill such as is the case here or whether we are dealing with a matter of public importance, as we did some weeks ago when we addressed, perhaps somewhat irrelevantly, the question of what was going on in Iraq. It is something that as a new member of the chamber I would like to see more of, because I am sure that on both sides of the parliament in this place there are talents that are not as fully developed as they might be and that members of the public do not get the value from us as their representatives that they should get, because there are so many bills and procedures in this parliament where a great degree of inflexibility, if I can use a neutral term, tends to flatten out those matters.

This topic of reproductive technology is a very difficult subject for anybody who cares to think about it. I must say that, speaking entirely for myself, I have great difficulty with a system which enables the state to sponsor the contrivance of a pregnancy in circumstances where there was never any intention, let alone the possibility, of a child having a mother and a father. I personally find that very difficult. I also am concerned about why it is that the system that we have presently in the reproductive technology field produces so much of this surplus material, if I can use a very bland expression, as to make the debate that we are now having one that we need at all. I do not pretend to be a scientist, but it seems to me that a lot of genetic material has been produced that is now to be either the subject of experimentation or thrown in the bin. Either way, it will be destroyed. The question I ask rhetorically is: why is so much of this material produced in the first place? Had we perhaps thought a little ahead earlier on, the problem that we are now confronting might not necessarily have existed, although I acknowledge that what I perceive to be a problem may by others be perceived to be an opportunity.

The issue that I would like to address more particularly is this national scheme. I am a practical person and I understand that a national scheme in this field is desirable, inasmuch as it means that there are not anomalies in the law across jurisdictions. The federal parliament can pass a law which has effect on corporations, but it cannot deal with state government institutions, state public hospitals or other private institutions which are not subject to commonwealth power.

I can see that there is some sense in having a uniformity across those particular different types of arrangements. However, what does concern me—and I think it should concern all members of this parliament—is that these two bills are a good example of what ultimately will spell the end of this parliament. This parliament (the parliament of the state of South Australia), just as the parliament in all the other states of Australia, is increasingly becoming a rubber stamp for federal action, whether through ministerial councils or the economic carrot and stick approach that we see with so-called national competition policy, which I think sooner or later somebody has to wake up to.

I cannot believe that I am the only person who sees a problem with it, and I see nodding heads on the other side of the chamber. I say to members opposite: please tell your federal colleagues that they need to understand. Please tell them that Mr Samuel should not be telling us what we do with our shopping hours.

What business is it of Mr Samuel—or any other nabob from Canberra—to be telling us what our shopping hours should be? How dare they tell us that, if we do not institute 'reform,' they will deny us funds necessary for the administration of this state. This is an outrage.

I object to this bill in a particular fashion—and I will explain that shortly—but I object more generally to what, in my short time in this parliament, have been a number of propositions brought into this parliament from ministerial councils where we are told that this has been signed up to at a national level and we must pass it. That is incorrect. We do not have to pass anything. We pass what we want to pass. The longer all of us suffer this nonsense, the lower we will fall in the esteem of the public, the more irrelevant we will seem and the more likely it is that sooner or later we will not be asked to come here and instead just sit at home and collect our cheques. At the beginning of each year we could sign a form saying, 'Whatever the commonwealth says is good enough for me,' or we could pass an omnibus bill saying, 'All matters are delegated to the federal minister; see you next year,' and perhaps we will have dinner with the Governor along the way. I for one did not come here to do that.

I know that members on both sides of this chamber are here to do some work, not to become ciphers for federal

bureaucrats. Nor are we here to do as we are told by Mr Samuel, or any other nabob. I have to say that I think it is a disturbing trend that ministers—of all persuasions—from state governments go to ministerial councils and participate to some degree in the process. I have never been a minister, so I do not know how they participate. However, I know that the federal bureaucrats who control the process—who have the secretariat usually in their hands—have the most power in the process. Ultimately, they are the ones who get their agendas up. They are the ones who draft the template legislation. The good ministers are able to tinker at the edge. Then they bring this present back to us, they come to our party rooms and they say, 'Here it is; we have signed up for it.' Who has signed up for it?

The Hon. G.M. Gunn interjecting:

Mr RAU: Not this parliament, and not even the party room opposite or my party room. A group of people, not elected by the people of South Australia, except for one minister, make a decision, bring it back here and drop it in our laps and say, 'You have to go for it'. Of course, there are lots of reasons why we have to go for it: 'It will be good for the country'; 'I have said so and I will look silly if we don't'; or 'Mr Samuel will take away all our money.' Quite frankly, the time is coming where we should say to Mr Samuel, or his successor, if he moves on from the job, 'Look, try us on. You withhold the money and then you explain to the people of South Australia why we are going to lose $50 million if we do not do what you want us to do about shopping hours.'

It is about time we stood up for ourselves because we all are collectively responsible for reducing ourselves to irrelevance. I know this bill is not about federal-state relations and I know this bill is not about Mr Samuel. The relevance to this bill is this: the bill, which deals with embryo research, has a clause 36. Madam Acting Speaker, I know you are an experienced legal practitioner, a parliamentary counsel and a person of great knowledge in these areas. Clause 36 provides that this bill will come to an end—it has a sunset clause. It will come to an end on a particular day and that day is 5 April 2005. So far, so good; I do not have a problem with that. Then it provides that, if some unrepresentative group, namely, COAG—I say unrepresentative in the sense it is not this parliament, although it has a representative of this parliament on it—determines, for reasons completely irrelevant to us and completely without consultation with us, that it shall finish sooner, then it will.

In my small way, I will later move an amendment, which I hope will be the beginning of things to come; where we stand up for ourselves and say, 'Bad luck, we are seizing control of this agenda. It is not for you to tell us what to do. We will fix our own sunset clause and that will be the end of the matter'. If there is going to be a change to the sunset provision, or if we are going to end it because it suits COAG to end it, COAG will have to ask this parliament and this parliament will either agree or disagree with its proposition. Although it is a small step forward, I think the Great Helmsman said that a journey of 1 000 miles begins with one small step. Perhaps this is it. Hopefully, this is the beginning of a point where there will be a revolution in this chamber and we all will stand up for ourselves as legislators, instead of going on meekly with this template rubbish.

The other example I draw to the attention of the chamber is a similar matter. In Australia, as a matter of constitutional law, unlike the United States, the executive arm of government is able to sign international covenants. The executive arm of government in Australia is able to sign a treaty with another country or an international organisation and that then becomes law. In the United States it must be ratified by the congress. The President cannot do it by himself. For example, in relation to the League of Nations, Woodrow Wilson was full-on for the League of Nations—he established it—but he could not join. He could not join—perhaps wrongly as it turns out in the light of history—because Congress did not let him.

I give due credit to John Howard because he has at least said that he will let the parliament debate the matter before they do it but, at the end of the day, the federal parliament does not have the authority to stop the federal government signing up to treaties. Those treaties have serious ramifications, not just for international relations but within the states. Presently, there is a dark figure on the horizon: it is called a free trade agreement with the United States. This dark figure is looming somewhere behind the smoke and dust of the Iraqi war. It will start in earnest in the form of negotiations in May this year, as I understand it, with a view to the federal government signing up to this treaty (whether or not we like it) by the end of the next calendar year.

This is another example of where executive government should be bringing matters back to the parliament (the representative of the people). We do not want to have our Barley Board destroyed just because some nabob in Canberra could not bother working out the impact on our single desk arrangements here. We want to have some say in what is going on.

I come back now through this long rambling presentation to the bill, to which I will move a simple amendment. My amendment seeks to bring this bill back home, to take ownership of the bill back from COAG, saying, 'This is our bill; this is our parliament; we make the decisions about these matters in our jurisdiction, and this is the way the matter will proceed.' As for the actual detail of the matter, as I have already said I will listen with great interest to what other people have to say about the bill.

Although I have some unease about the detail of the bill, at the end of the day the destruction of genetic material by throwing it in a bin does not seem to me to be much more or less meritorious than sticking it under a microscope and poking it. Either way you are destroying it. If there is some benefit obtained from sticking it under a microscope and poking it, I am inclined to the view that as it will be destroyed anyway, so what? But I am open to be persuaded otherwise.

I have become so fixated on our state's maintaining its sovereignty and its relevance and this parliament actually doing some work for the people of South Australia and not abdicating its responsibility that I suppose one might say I have missed the main game. I am looking forward to learning about the main game whilst I pursue my hobbyhorse by way of an amendment.

The Hon. D.C. KOTZ (Newland): I rise to support the Prohibition of Human Cloning Bill, but I indicate to the house that I will vote against the research involving the human embryos bill. I take this opportunity to acknowledge Mr Wayne Arbon, who assisted my research into this whole issue. I understand that no matter how a person votes on these particular bills, particularly the human embryo bill, this legislation will be enabled by the overriding powers of the commonwealth. This is a major bill of considerable importance. It takes a futuristic leap into unknown areas which are mainly uncharted by the scientific community. In this instance, I remain unconvinced about what I can only assess

as somewhat hysterical assumptions coming from certain areas of the scientific community.

We are being asked to take part in a debate, the outcome of which has already been decided. I have major objections to being placed in that position. I also have a major objection to the sunset clause which the member for Enfield just spoke about, which seeks to repeal the protocols and restrictions on the use of embryos created before 5 April 2002 and to repeal the restriction of embryos after 5 April 2005, but it also says that it could be lifted earlier should COAG recommend a shorter time period. Removing those restrictions will obviously enable a far greater pool of embryos to be utilised for research. If John Rau has already foreshadowed an amendment that will remove COAG's part in an earlier lifting of those restrictions, I am certainly one member on this side of the chamber who will support it. The debate surrounding stem cell research has certainly been a very long and contentious issue. After years of arguments for and against, many researchers are no closer to definitive answers on the best approach to such research—embryonic stem cell research or adult stem cell research.

But first it is important to know just what a stem cell is. Put very simply, stem cells have the ability to divide for indefinite periods in culture and to give rise to specialised cells—a type of blank cell that can grow to become the different types of specialised cells needed by different areas of the body. Stem cells have been lauded as the miracle cure for many diseases, from spinal trauma to diabetes and cancer, and proponents of embryonic stem cell research have, indeed, cried that this is the only way in which research will go forward—to culture embryonic stem cells. Indeed, embryonic stem cells are quite remarkable. They can be changed into any one of the cells of the body. But they are not a cure-all, and they are not the only avenue of stem cell research.

Embryonic stem cells are considered by some to be the ultimate stem cell because of their dual ability to proliferate and to differentiate into all the cells and tissues of the body. But they are ethically contentious, because five-day old embryos have to be destroyed to derive them. That is the crux of the matter, and the reason why we should be legislating against embryonic stem cell research, not introducing stop gap measures aimed simply at licensing and procedures and fees. Why even consider the distasteful practice of experimenting on days old human embryos if, in the long term, we can get the same, or similar, results from adult stem cells? The adult stem cells show promise as an ethically preferable alternative that must be weighed just as importantly as the medical advantages. It is not enough to say that the end justifies the means.

Embryonic stem cells have a major medical disadvantage, because they are not genetically identical to the patient. The patient's body could reject stem cell therapy and, in fact, attack the newly implanted cells. Embryonic stem cells have other disadvantages. A major disadvantage is that transplanted cells sometimes grow into tumours. Tissue matched transplants could be made by either creating a bank of stem cells from more human embryos or by cloning a patient's DNA into existing stem cells in an effort to customise them. This is laborious and ethically contentious. These problems could be overcome by using adult stem cells taken from the patient. They are treated to repair problems and then put back. But, until now, some researchers were not convinced that adult stem cells could, like embryonic ones, make every tissue type.

However, in the United States, a team of scientists has isolated a stem cell from adult human bone marrow that can produce all tissue types. These findings were first revealed in the press in January 2002. They have now undergone scrutiny by other scientists, and the details have been published. The team isolated a rare cell in bone marrow from mouse, rat and human. They injected the mouse cells into mouse embryos. The cells' descendants turned up in almost every tissue, including blood, brain, muscle, lung and liver. Stuart Orkin of Harvard Medical School in Boston, Massachusetts, said:

> People didn't think such cells could be generated.

Professor Bob Williamson, of the Murdoch Children's Institute, on a recent episode of the ABC's *Catalyst* program, said:

> The whole experimental drive at the moment is to find out how one can take an adult stem cell that is destined to make a liver and use it in order to form nervous tissue or heart or skin or some other type of tissue. When we learn how to do this there will be very little need for continuing with embryonic stem cells.

Adult derived stem cell therapies have more advantages. For example, adult stem cells offer the opportunity to utilise small samples of adult tissues to obtain an initial culture of a patient's own cells for expansion and subsequent implantation into the same person. This process avoids immune rejection by the recipient, and it also protects the patients from viral, bacterial or other contamination from another individual.

According to a discussion paper from the United States National Institutes of Health in May 2000, there had previously been little evidence in mammals that cells, such as blood cells, could change course and produce skin cells, liver cells or any cell other than a blood stem cell or a specific type of blood cell. However, research in animals, is certainly leading scientists to question that view. A recent discussion paper states:

> In animals, it has been shown that some adult stem cells previously thought to be committed to the development of one line of specialised cells are able to develop into other types of specialised cells. For example, recent experiments in mice suggest that when neural stem cells were placed into the bone marrow, they appeared to produce a variety of blood cell types. In addition, studies with rats have indicated that stem cells found in the bone marrow were able to produce liver cells. These very exciting findings suggest that even after a stem cell has begun to specialise, the cell may, under certain conditions, be [much] more flexible than first thought.

The paper also states:

> If we could isolate the adult stem cells from a patient, coax them to divide and direct their specialisation and then transplant them back into the patient, it is unlikely that such cells would be rejected.

The use of adult stem cells for such cell therapies would certainly reduce or even avoid the practice of using stem cells that were derived from human embryos or human foetal tissues, sources that trouble many people on ethical grounds.

Aside from the medical issues surrounding the debate between adult and embryonic stem cells, the major problem in this debate continues to be one of ethics. Human embryos, whether surplus or not, are all members of the human family with all the attributes, physical and mental. All of us began as human embryo and there may be no reason to use such stem cells given the multitude of other sources stem cells are available from, such as adult stem cells, the umbilical cord blood, placental tissue and bone marrow.

However, another major issue is how far we go. At this early stage in the development of viable treatments derived from embryonic stem cells, scientists want to conduct

research using 'surplus' human embryos. What happens if somewhere down the track this surplus is not enough? What is the demand for surplus embryos? Do they far outweigh the supply? Will they far outweigh the supply? What will happen then? Will research be scaled down to suit the supply or will other avenues be explored such as the growing of embryos specifically for research?

In an article in the Adelaide *Advertiser* on 20 February this year, Southern Cross Bioethics Institute Deputy Director, Greg Pike, said:

> This research bill undermined 'respect for human life' and advanced the 'slippery side' toward even more questionable use of human embryos.

Dr Pike said that the proposed laws, related to research on surplus in-vitro fertilisation embryos, could lead to legal changes to allow active production of embryos for research and cloning. In the same article, the Minister for Health said:

> This bill was necessary to bring the state in line with federal legislation passed last year.

I should have hoped that the debate on such an important topic would be far more substantial than just to ensure that South Australia had the same laws as everyone else. There are many Australians and South Australians who are opposed to this issue on ethical grounds, and among them the Australian Family Association in a press release on 25 June last year states:

> The bill provides for the destruction of human embryos across the widest range of possibilities. It allows live human embryos to be used for—
> · The better understanding of embryonic development and fertilisation.
> · The derivation of embryonic stem cells.
> · Toxicology studies with live human embryos.
> · Testing new drugs on humans rather than animals.
> · The examination of gene expression patterns of developing embryos.
> · Testing improvements in artificial reproductive technologies.
> · Training clinicians in microsurgical techniques.
>
> Far more embryos will be used for these reasons than for embryo stem cell research for treating human ailments. In any case, when it comes to clinical applications, adult stem cells are delivering a continual stream of human therapies, whereas embryo stem cells are delivering no treatments at all.

The media release continues:

> This bill involves a serious violation of human rights. Once we accept that some members of the human family may be used as a disposable laboratory resource, it may well be that it is even easier to determine that other members of the human family, such as older embryos and foetuses, can also be treated as a reservoir of human tissue.

It concludes as follows:

> This bill challenges our deepest moral convictions about the respect due to all members of the human family. When it is passed, Australia will become a very different society from the one that we have always been, and this ought to cause serious concern in the community.

Another possible problem with this bill is the leniency of the fines structure in relation to the possible monetary outcomes of successful embryonic stem cell research. If a company used embryonic stem cell research and, say, suddenly discovered a procedure to lessen the effects of a disease, such as Parkinson's disease (a cure which may also be found through research using adult stem cells), how much would that discovery be worth? Would it be worth millions? Would it be worth billions?

In some cases today, we know that this type of chemical discovery can also be placed in the tens of billions of dollars. But if such a discovery were to be worth billions of dollars, what effect would the threat of a $10 000 fine have? What would be the deterrent for a company contemplating using illegal means to further its research into the possibilities of stem cells? Because stem cell research is a new, emerging area of research, this should be the time when we look long and hard at all the possible outcomes and, certainly, the repercussions.

It is not enough to say, quite simply, that we will set up guidelines and structures on fees, regulations and such matters. In this state, we have not been given the opportunity to decide whether such research should have taken place in the first instance. We have been presented with a fait accompli. No matter what happens to the bill here, there is overriding commonwealth legislation.

In the first instance, I said that I find it offensive that our opportunity to debate this very significant issue is quite irrelevant in the scheme of what will be developed after we have debated and passed these bills in this house because, no matter what we come up with, the commonwealth legislation overrides state legislation in this instance.

Finally, I believe that research from the University of Minnesota and other United States institutions already undermines the argument that we need to experiment on embryonic stem cells.

Mr SNELLING (Playford): 'A person is a person, no matter how small,' says Dr Seuss in a book that I read to my four and five year old daughters. It is remarkable that this simple fact is so easily understood by my daughters but is so challenging for the rest of us. My argument against the Research Involving Human Embryos Bill is simple. The human embryo is a human being, and as such it has an inherent dignity that obliges this parliament to protect it from destructive research. Not to do so has profound implications.

Let me state at the outset that I have no ethical problem with the use of adult or embryonic stem cells to treat illnesses. Indeed, there is nothing in our law to prevent the use of stem cells in clinical treatment. Our existing laws protect embryos from destructive research. We are here because of a decision of the premiers and the Prime Minister that South Australian law must be changed to meet the demands of some scientists that so-called surplus embryos be available for experimentation.

Whether or not an embryo is a human being is not in contention—it unquestionably is. It is the result of the union between human sperm and a human egg. Humans can only beget human beings and nothing else. The question then for this house is: does the mere fact of being human oblige the law to protect? There are two schools of thought. The first draws a distinction between humanity and personhood. Biologically, a being may be human, but this does not entail rights unless that being has either reached a certain state of development or attained certain faculties or characteristics. Not until this is reached is the state obliged to recognise rights.

I point out that in this school there is no agreement about when or what characteristics endow a human being with rights. The Prohibition of Human Cloning Bill draws the line at 14 days after conception; some draw it after the first trimester of development in the womb; for some it is birth; and for those such as Peter Singer, it is some years after birth when the child develops such abilities as self-awareness and sociability. My girls are four and five, and when they are particularly badly behaved I wonder, albeit momentarily, whether they are persons. I imagine that, when they turn 14,

I will wonder whether they have relapsed into some sort of subperson existence. Other members will know what I am talking about.

The important point is that there is no agreement among the adherents to the attainment model as to when a human becomes endowed with rights or which characteristics are definitive, and this is problematic for law makers. In contrast, the other school of thought holds that all human beings, by the fact of them being human, have an inherent dignity and rights that must be protected. Skin colour, race, religion, ability and age are irrelevant; the state has to protect the innocent, regardless. This school happens to be the universal declaration of human rights, and, in 1988, this parliament placed itself firmly in this school by protecting human embryos from destructive research. Tonight, I ask the house to remain in the second school; to uphold the dignity of all members of the human family. To make arbitrary decisions of when a human has rights and when he does not is a path to moral anarchy.

I recognise that some members will not share my view that a human embryo, by virtue of its being a member of the human species, shares the same innate dignity as the rest of us. Admittedly, it is hard to bring oneself to the conclusion that an organism of only a cluster of cells and barely visible to the naked eye should be treated with the same respect as a new born child, an adult or an elderly person. The fact that something is difficult to conceptualise, however, does not make it untrue.

Some years ago it was hard to conceptualise that the world might be round or that the earth moved around the sun rather than vice versa. I doubt any of us can really understand subatomic particles or travelling faster than the speed of sound, but we do not deny the reality of something merely because it is hard for us to comprehend. Surely then it is better to err on the side of caution and recognise the dignity of all members of the human family. To do otherwise and exclude certain members of the human family from protection fractures a critical tenet of the law.

There are those who would happily have us exclude certain members of the human family from protection. Professor Peter Singer advocates rights only being afforded after a person achieves a certain stage of development. He believes that a newborn child lacks personhood unless the child satisfies certain criteria, including a sense of the past, present and future.

The Hon. M.J. Atkinson: That was the Greens' Senate candidate.

Mr SNELLING: It was indeed. He believes that infanticide in certain cases should be permitted, especially where a newborn child is severely handicapped. Professor Michael Tooley goes further, arguing that no newborn is a person and that, to be consistent with abortion on demand, the state should agree to a parent's request to kill even a healthy child. In short, when we establish a regime where some humans are protected by the law and some humans are not, human beings become hostages to the arbitrary philosophical opinions of those who do not consider them persons.

At the heart of the Research Involving Human Embryos Bill is the question: do we protect all members of the human family from exploitation or do we afford protection only to certain humans? Doing the latter, as this bill does, solves no moral problems. Rather, it opens a raft of new ones. The Prohibition of Human Cloning Bill does not allow an embryo to be developed beyond 14 days, but what happens when we discover ways of nurturing embryos out of the womb? What do we decide if the brain tissue of foetuses is found to cure diseases such as Parkinson's and Alzheimer's disease? Will the house allow anencephalic babies, that is, babies born with very limited neural development, to be used as living organ donors?

The questions do not end here. This is merely the beginning. When you tamper with the Rubik's cube of life, it is very hard to reassemble. Every time you think you have solved one side of the puzzle, you discover that in doing so you have disturbed the delicate equilibrium of all the other sides. Make no mistake. This is not the end of the matter. These issues will re-present themselves because the boundaries of science will keep getting pushed back further and further.

There are members who have no moral objection to abortion and who will ask: why protect the embryo when abortion occurs at a much later stage of development? I make no secret of my opposition to legalised abortion, but I do concede that the advocates of legal abortion have a point when they say that in abortion there is a clash between the rights of the foetus and the rights of the mother. The divide in abortion is how to resolve a clash between the right of the foetus to live and the right of a pregnant woman to control her own body.

However, with destructive research on embryos, there exists no such clash. A so-called surplus embryo is not a burden on anyone. It is not a threat to anyone's way of life. What is proposed here that does not happen in abortion is that embryos are being turned into a resource. Embryos would be turned into a basin of stem cells to be plundered and a lab rat for the testing of pharmaceuticals and IVF techniques.

The member for Finniss raised the issue that these embryos are going to die anyway and said that he could see no moral distinction between allowing an embryo to succumb and actually experimenting on it. He says, 'Well, they are going to die anyway, why do you not allow them to be experimented on?' I put this point: we are all going to die anyway, but that does not mean that we can be arbitrarily experimented on, especially to our detriment. I cannot understand how a member of the parliament who opposed euthanasia—where exactly the same ethical distinction exists—could support this bill and support the destructive research on embryos.

The protection of the weak from arbitrary exploitation by the strong is the main reason for the rule of law. It is the difference between civilisation and barbarism. G.K. Chesterton said:

> Never be nearly on the side of barbarism for it always means the destruction of all that men have ever understood by men who do not understand it.

History is littered with occasions when societies ignored their duty to protect the weak (especially in the last century) with disastrous consequences. When the humanity of the weak is not obvious and the benefits of their exploitation large, it is convenient to make exceptions. Civilisation is built on counter-intuitive restraints which, at first sight, are not obvious. By passing the second bill tonight we retreat from the demands of civilisation into the temptations of techno-barbarism. I urge members to vote against the bill.

Dr McFETRIDGE (Morphett): Every member in this place knows that I have just come from 20 years of veterinary practice. Vets have been involved in IVF treatments of many types over many years. We have been super-ovulating cattle and flushing embryos, collecting sperm from what are

considered genetically superior bulls, doing in-vitro fertilisation, selecting embryos, sexing the embryos and then putting them back into recipients to speed up genetic progress in cattle. That is a fairly straightforward procedure with respect to animals. I am led to believe that in humans the procedure could be dealt with in a similar way.

The problem we have when we cross that boundary between animals and humans is the ethics of it all. The church becomes involved and starts ruling people's lives. My job as a member of parliament is to represent the broad spectrum of my community. Some people in my community of Morphett are staunch orthodox Christians who, like the member for Playford, believe that life begins when the sperm and the egg meet. Other people are total atheists and believe that any form of manipulation of biological tissue—whether it is animal or human—is quite acceptable.

We are talking about the prohibition of human cloning and the non-destructive use of human embryos. These bills are not about the pluses and minuses of adult stem cells versus embryonic stem cells: they are really about our ethical mores and what we are going to do with spare tissue (for want of a better description) from IVF or, in this case, ART, accepted reproductive tissue or accredited reproductive technology treatments

The thing we need to do with this legislation before us is not lock ourselves away from techniques that are going to be of benefit to all humankind. Let us just lock away the churches' point of view because, unfortunately, the little bit of research that I have been able to find on what the churches have come to consensus on shows a spectrum of views. The Anglican Church states:

> While the church will always uphold the sanctity of human life, the debate deals with what constitutes human life and when it begins. The Anglican Primate Peter Carnley has led the debate, suggesting that, because conception is a 14 day process, stem cell research could be conducted in a controlled fashion within 14 days of an embryo's fertilisation.

That is from the April 2002 edition of *The Churches*. I have other information here from the Australian Catholic Bishops' Conference. We know what the Catholic bishops think. I appreciate their point of view and I will defend their right to express their points of view. They believe that life begins when the sperm meets the egg. Those of the Jewish faith believe that ensoulment is at 30 days post conception. Muslims believe that ensoulment is at the end of the first trimester. As I have said, Anglicans believe that ensoulment is a 14 day process.

If you believe that ensoulment happens the moment the sperm and egg unite, what happens when you have that fertilisation and you have your first cellular division and then that egg splits to form two identical zygotes that develop from there? Does one of those have a soul and one not? I am not going to enter into that ethical debate here tonight. What we need to do is recognise the fact that, with the ability nowadays to collect eggs from women who are not able to have children and then fertilise those eggs outside the body, in many cases there are going to be spare embryos. What you do with those embryos is the big problem. Who owns those embryos?

What range of activities are you going to allow those embryos to be put to? Are you going to say that we are going to try and use them only for the initial purpose of implanting the woman from whom the eggs first came and you are just going to allow the others to succumb, I think the legislation says. That is a very nice way, a very soft way of putting allowing them to perish, to die, whatever term you want to use. To me that is a tragedy. I personally do not believe that a cluster of tiny cells that are bathed in a physiological solution, totally maintained by that physiological solution, are a human being. I do not believe that anyone can show me a valid reason why those cells should not be used for the benefit of the human race.

I see no difference between allowing stem cells from embryos to be used to develop cell lines and if the technology is there to go on and develop tissue lines, possibly even more developed organ systems than just tissue lines. I see no difference between that and my having on my driver's licence that I am an organ donor. What is life? Life at a cellular level is something very complex. As I have said, we have a small sphere of eggs with an inner cell mass, which are stem cells. They are bathed in a physiological solution and, taken out of that physiological solution, they are not going to survive.

If you take a cell out of any part of your body, that cell has a cellular level of life—your blood, skin or any organ has a cellular level of life—but is that level of cellular life different from the cell you have taken out of an embryo? At a cellular level it is no different. You need that physiological atmosphere, surroundings and environment for those cells to be maintained and to continue to develop. That is the start of where this argument is coming from: what is life and what value do you put on that initial start of the whole reproductive procedure?

The opponents of cloning say that it is unnatural and certainly in higher organisms it is an unusual form of reproduction, but that is how invertebrates and bacteria reproduce all the time. The most common way of animals cloning in an almost natural fashion is a process called parthenogenesis. I believe research is being undertaken to allow an unfertilised egg to continue to develop into whatever it is predetermined to become, whether a human or animal. In early embryology it is very difficult for an untrained person to look at a series of early embryos and say whether it is a human, a chook, a fish, a cow or a dog. We all have gills and tails at an early age. We all come from a similar basic development, and I hope the member for Adelaide will be able to reinforce some of this information.

The big worry about cloning is the junk science that people associate with it—that the Frankenstein scientists of this world will turn around and develop a whole army of super heroes, or that we will have another Hitler. It will not and cannot happen. Even if you were able to get the same genetic material and clone it, you have the total environment—the genotype and phenotype. You have the genetic material and the environment involved here. It is not as straightforward and clear cut as some opponents would have you believe.

People ask whether you could develop a heart or liver or something outside the body. I am not sure of that—at this stage I do not think you can. You can develop cell lines such as cardiac muscle, skin or liver cells. Skin cells are being used to treat burn victims, and nobody would complain about that. If the original cellular line came from stem cells from embryonic tissue, I would find it difficult to say that we should not be treating burn victims with 'artificially' derived skin.

I will not go back into any theological arguments here because I have said it before in relation to twins. People ask the question about identical twins. Identical twins really are clones and it is a natural form of cloning, but nobody would ever say that—they are brothers or sisters. That is an ideal

example of how phenotype—their surroundings and the environment in which one is brought up—alters the final character of the human being.

I cannot emphasise enough that we should not miss the opportunity and neglect the ability to use human embryos to develop stem cell lines. It will not be quick, easy or simple. Everybody knows about Dolly the sheep. She was a clone—she was not developed from stem cell lines, which is different again. I hope that people are not confused between cloning and using stem cell lines, because there is a big difference.

To answer the Attorney-General's previous question, I am in favour of therapeutic cloning. If there is an opportunity to take cells from a sick human being and use them to develop a cell line—and I admit that at the moment the technology is not there and I do not know how far away it is—which can then be used to cure a disease or heal a fault for people such as Christopher Reeve, I do not see any problem. You are not trying to develop another human being: you are developing some tissue that will help repair a fault, and that is all it is.

We have been extending life at both ends for a long time. We bring up the theological debate all the time about what we should and should not do—it is God's will. But we need to remember that, if we did not have intensive care neonatal units and intensive care units in hospitals, there is no way that those individuals would survive, because that is a totally artificial environment. Harvesting cells from individuals and undertaking therapeutic cloning is something that many people may not agree with, but I think it is something we should be looking at. The hardest part of grappling with complex issues such as cloning and the use of embryos is always the emotive theological argument—and there is nothing wrong with that—but let us remember who we are and what we are supposed to be doing in this place. We are supposed to be representing all of our constituents.

In relation to the bill for the prohibition of human cloning, I have a few problems that I would like explained later. I refer to the definitions of 'human embryo clone' and 'human reproductive material', which talk about embryos, sperms, eggs and 'a thing declared by the regulations to be human reproductive material'. I would like that explained later.

I have problems with the commercial use of this tissue. When is consent given and when is consent to use tissue for research discussed? Is it discussed at the start of any IVF treatment or is it discussed at the end when you have a bunch of spare embryos? It will be very interesting to see how the legislation will control the commercial use of this tissue. Are we going to patent particular techniques and cell lines in the same way that people are trying to patent the human genome?

I notice that it will be an offence in this legislation to create a human embryo for a purpose other than achieving pregnancy in a woman. With present technology, you will always end up with spare embryos, so we need to ensure that we do not end up with a commercial market, and I believe there is one such market overseas. If inspectors come into an IVF or ART set-up and seize embryos, what are they then going to do with those embryos and how are they going to allow those embryos to succumb?

That is another problem I have. Who actually owns the embryos? The commercial realities of life will be a real problem for us. Another area that we should be looking at is altering the genetic make-up of embryos. If a woman is able to produce embryos by an IVF method I see no problem with examining those embryos for the benefit of that person or those donors and others, because the embryos are being examined to make sure that the potential parents are able to have a pregnancy that will continue for full term. I would imagine that there is nothing more disappointing than having implant after implant. Perhaps you need to look at those embryos and determine why the implantation process is not taking place, so destructive use of an embryo may be something that we have to look at there. This legislation is seeking to eliminate that process, as I understand it. This is not an easy problem to solve or to get around for anybody, and certainly in this short time I have not delved into it anywhere near as deeply as I might like to, but it is important that the house realise that members are not just representing their religious constituents: they are representing the whole broad spectrum of society. I ask that they support these bills.

The Hon. M.J. ATKINSON (Attorney-General): I move:

That the time for moving the adjournment of the house be extended beyond 10 p.m.

Motion carried.

The Hon. J.D. LOMAX-SMITH (Minister for Tourism): I rise to contribute something to this debate, having been fascinated to hear the diversity of opinions and the deeply held views of so many of the previous speakers. I speak particularly because I think I have some experience in this area, having had as my original degree a degree in embryology. That early interest is one whereby I followed the development of the egg from gamete through the whole period of development to birth. As a pathologist I have been involved in late foetal autopsies and examining abortuses, miscarriages and other materials which include human embryos. One of the problems involved in this debate is the view that this is to do with research on small babies or humanoid creatures. The word 'embryo' is one that perhaps conjures up a view of a small human with arms, legs, eyes or a brain. In fact, as we discuss the beginning of cloning—which no sane or reasonable person in this parliament could really support—or research involving human embryos, the organism we debate tonight is small and, let me say it, flushed in menstrual blood regularly in many women around the world and lost, not just to humanity but to research.

The idea that one piece of human tissue is more worthy than another is one that I find extraordinary. Many of us deal in our daily lives with people who have had transplants and tissues removed and put into other people, and those adult transplants, whether they be of human blood, adult kidneys or lungs or hearts, are accepted as a therapeutically valid way of saving lives and a means of extending the life of another individual. What we are really debating is the opportunity to save lives.

There are good things to say about the opportunities for scientists and their careers, and what would be lost to this state if this sort of research could not be carried out. There are valid arguments about equity in the knowledge that the Australian IVF programs involve a diversity of ethnic and cultural backgrounds, and about there being a group of people more widespread than in places such as the United States, allowing you a better chance of getting embryos more readily and, consequently, more diverse cell lines. Whilst you might argue that there are financial opportunities to be gained for our state by falling into line with opportunities for human embryo research and the use of embryonic stem cells, the genuine argument should be around the opportunities to save lives and help individuals. I personally see no difference between the use of an embryonic stem cell which would

otherwise be wasted, adult tissues that are transplanted and a whole range of opportunities which range now quite commonly from foreskin fibroblasts from young infants to cord blood which can be used to save lives, and a whole range of tissues which we accept as valid ways to treat those people who have a range of medical problems.

I do not believe that 'exploiting'—which is a word that has been used—accurately represents an opportunity to save a life. To exploit an otherwise wasted resource seems to me to be a good thing rather than a sin. The opportunities to save lives have been polarised by some groups saying, 'You do it all with adult stem cells and there is no need to use embryonic stem cells,' when in reality the technological advances required to reach the new areas of usage can be achieved only if there is research across the whole spectrum of scientific endeavour. In fact, some of the opportunities and experiences learnt from working with adult stem cells may well produce advantages in embryonic stem cell research. It is only by allowing a multitude of experimental activities that we can hope to make the sort of advances that are likely to affect people with neural damage, with diabetes and even with coronary infarcts, because the opportunity to give myoblasts to someone with an infarct would seriously affect the course of all our lives.

Most of us in this chamber will not have neural damage or get diabetes but a fair number of us will have infarcts. The sort of advances possible with the use of embryonic stem cells will alter our lives and our family's lives. We should contemplate what an embryo is, what a small piece of human tissue it represents, and not elevate those cells to any more importance than we attach to thinking of human blood, fibroblasts or adult transplant material which saves lives. I suggest that we recognise the opportunity to save lives, reduce morbidity and perhaps protect our children from otherwise devastating disease.

If the second bill we are debating this evening, that on the ability to work with embryonic stem cells, does not pass this house—and I sincerely hope it will—then we will be putting our state in the position of being the most backward, non-innovative and scientifically restricted state in the commonwealth. We will also damage the careers of many scientists and, worse than that, we will damage the medical expectations and hopes of our children, families and loved ones. This is a medical issue. Whilst you cannot divorce ethics from medical issues, the ethics involved in this matter are quite straightforward. If you have the opportunity to save a life and you choose not to do it, you are deeply culpable. I do not want to have that on my conscience.

Ms CHAPMAN (Bragg): This evening I advised the house that I will be supporting the passage of the two bills before us. I have appreciated listening to members this evening, and I look forward to hearing other members present their views, which are clearly diverse. That is not unique in debates such as this. It is replicated by similar debates in our commonwealth parliament, and I expect it will be replicated around the country as other states deal with this matter.

I record my appreciation for the briefings and numerous submissions that have been received. I do not doubt that other members, also, have received them. I especially thank Dr Grant Sutherland and Father John Fleming, both of whom have been extremely active in the presentation of quite diverse views during the course of briefings.

I have read with interest the commonwealth debates and I think that, again, the diversity of views is quite clear. They range from those who say, 'Make haste and let us develop immediately opportunities for future humans in allowing the research,' to the other end of the spectrum, which includes claims by persons such as the Melbourne Catholic Archbishop, Dennis Hart, who launched a very clear attack on the use of IVF embryos for stem cell research when he described it as follows:

> . . . using the logic of darkness to justify cannibalising embryos for spare parts.

Unlike other members who have presented submissions and participated in this debate, I do not feel, in my own assessment, that I am impeded by the human embryo's being a human being that should be treated in the same manner as a human otherwise defined, that is, crystallising life at birth. I think that a human embryo, as described for the purpose of this legislation, is human tissue. While there are diverse views about that, which I respect, I fully appreciate the fact that those who hold a view different from mine will be severely impeded in supporting in any way the second bill because of that view. I think that view should be respected and I, for one, do so.

I have been mindful of other aspects of this debate. I think it is fair to say that, for those who are old enough, nearly 30 years ago we were talking about IVF development in this country, and certain undertakings were given during those debates because concern was raised, even then, by those who are strongly against IVF programs. Of course, they were presented with passion in their time. An undertaking was given in those debates that spare embryos would not be used for any purpose other than specifically for the purposes of IVF and providing an opportunity for the specific childless couple. I feel some sympathy for those who raise that and say, 'Here we are some 30 years later and, just as we predicted, we face the destruction of embryos about which we were so concerned.' I fully respect that view.

I might say that opposition to medical research is not new. Some reference to this was made tonight in the submission to support opposition of the bill. I will give some examples. Nearly 400 years ago, the English physician, William Harvey, met with hostility when he started to dissect cadavers to help him discover the function of heart and lungs and how blood circulated through the body.

In the same era, the Italian mathematician and astronomer, Galileo, was tried by the Inquisition in Rome for showing that the earth orbits the sun. In the 1920s, Fred Banting and Charles Best were attacked in some quarters following the discovery of insulin—a discovery which has saved millions of lives. This is nothing new, and we have a challenge to look at this with some foresight. I note the preceding speaker's comments in relation to ensuring that we treat this as an opportunity.

I fully concede that I do not have any personal expertise in relation to the medical aspects, so I have had to rely on a number of other authorities. My only experience has been in dealing with some of these aspects and the ethics relating to the consequences of pioneering research. In IVF alone we have had to meet challenges in family law as to how we have dealt with the consent of parents; who are the parents; who should have rights in relation to children born of IVF programs, and so on. These are serious challenges. We have had international cases where the decision as to who owns embryos in the current frozen state seems to be particularly attractive litigation when the potential guardians of those embryos (if frozen) have a potential inheritance of substantial

wealth, which is one case that comes to mind. I am also mindful that, in my previous life, I had to deal with a dispute between the parents of embryos frozen in South Australia and kept in storage here. It was necessary to obtain a High Court determination on the opportunity for one party to keep an embryo and have the use of it for subsequent potential fertilisation when the other parent had withdrawn consent. These aspects produce complications and major ethical considerations and serious challenges for us.

I have heard the debate in relation to the research for diseases and the argument that it would be sufficient to allow the research into adult stem cells to continue; that, although they might be difficult to identify and isolate using current techniques, we ought to follow that path; and that, in that way, we could protect embryos from being used for research. I have listened to these arguments with considerable interest. I am mindful of the fact that (as I am told), although we discovered embryonic stem cells in mice 20 years ago, it has only been in the past five years or so that human embryo stem cells have been discovered. So, this is new and pioneering technology and an indication of scientific advancement.

I have considered other reports, including the report of the Select Committee on Stem Cell Research from the United Kingdom Parliament. I would like to quote some of that report which has given me some guidance. It says:

> There are morally weighty reasons for doing research that may lead to therapies for many serious and common diseases, and the concept of respect for persons can also be invoked on this side of the argument. A commitment to respect for persons is fundamental to many areas of life, not least the practice of medicine, in which help and assistance to those in need is a guiding principle. Here, respect for persons may take the form of developing treatments for serious degenerative diseases, and there can be few causes more worthwhile than to relieve the suffering caused by these diseases. We received a good deal of evidence from people suffering from such diseases, particularly Parkinson's disease, which illustrated this. It would be wrong not to seek such therapies for such diseases, which necessarily involves undertaking the fundamental research that may make those therapies possible.

The report goes on to detail the early stages of the development of the embryo from fertilisation. It explains how the zygote undergoes a series of cell divisions starting about 36 hours after the beginning of fertilisation. Up until the eight-cell stage, the cells are identical, and all have the potential, if placed in the right environment, to develop into an individual. When the developing embryo reaches about 100 cells and is still smaller than a pinhead, it is known as a blastocyst. At this stage, it is a tiny ball of relatively undifferentiated cells. Many of these cells go on to develop into non-embryonic tissue or umbilical cord.

Contrary to some arguments, this blastocyst in its entirety is not an underdeveloped human being. It is from the inner cell mass that embryonic stem cells can be derived, and it is from these cells that the embryo develops. About a week after fertilisation, implantation of the blastocyst in the uterus takes place. If the implantation does not take place—and it is estimated that up to 75 per cent do not—the blastocyst does not develop further and cannot become a foetus. The environment, nourishment and hormonal influences of the mother's uterus are essential for embryonic development.

I have attached some weight to that information and formed my view about whether we are dealing with a human being or human tissue. Ultimately I have decided on the latter. But, as I indicated earlier, I fully respect those who have formed another view. I also indicate that, whilst the IVF program (to which I have referred) has developed, and has benefited many childless couples, one of the consequences is that excess embryos have been created. Other speakers tonight have asked the question: why is there such an excess? As I understand it, from what I have been told, there is not yet the capacity to identify one, two, four or 10 embryos for the purposes of the research, so we will have an excess. I am informed that they are taken into storage and allowed to die, and that between 3 000 and 5 000 are destroyed this way each year, or they can be used for research to potentially benefit others by extending and improving the quality of life for those with diseases such as Parkinson's and diabetes, as well as those suffering from spinal injuries. That is the option we have tonight if we pass these bills.

I have indicated that a number of people have argued, and presented to me, that we should proceed to advance the research in relation to adult stem cells, but I am certainly told by the scientific community that that simply will not produce the pool necessary for the purposes of the research that is needed—and I accept that advice—and, furthermore, that we should not wait until that possibility is available at a future undefined time.

The reality is that, whilst the debate in some way has been, I suppose, highlighted in the argument for the affirmative—the importance of making provision for research to assist in the curing or, at least, arresting of degenerative diseases in the neurological area, in particular—I am informed, as a result of my inquiry with respect to this matter, that most of the embryonic stem cells that will become available if this legislation is passed will be used for fertility research. I think that is important because, probably like many others, I have been guided and influenced significantly by the opportunity for research into diseases from which our fellow human beings suffer. We clearly all have sympathy for them. I think that we need to acknowledge in this debate that a very substantial number of these stem cells will be used for fertility research and, if we support that—and I do—that we should be honest about it and allow that to occur.

In South Australia we have the Reproductive Technology Act, which effectively already bans cloning. As I understand our current South Australian legislation, the position is that, in the absence of a licence, none of this research can be undertaken and, more importantly, the only research that can be undertaken at present must be for the exclusive benefit of that embryo. Obviously, any destruction of it cannot be deemed to be for the benefit of that embryo, and so that is prohibited. And, of course, there are very strict rules in relation to the keeping of embryos, which must be disposed of at the expiration of 10 years. We have a very strict regime in South Australia, and we have heard the arguments presented by other speakers about the importance of having some complementary legislation.

I am also sympathetic to a submission that already has been put in this evening's debate, that is, that we have been all too willing to enter into COAG agreements. Our Premier and ministers from other parliaments have met with the Prime Minister. We have heard of that commitment. That in itself should not be the basis upon which we support this legislation. There must be a substantive argument that is assessed by parliament as justifying that development. That is a view which I share, and which increasingly concerns me. I have been a member of parliament only for a short time, yet two major pieces of legislation have come before us where we have had an expectation of cooperation and support because of the decision of eight people in a room, none of whom has any direct commitment to this parliament except either the Premier or the minister responsible.

In relation to the need for amendment—and I think it is important to acknowledge this—I have mentioned the fact that we have discovered human embryonic stem cells only in the last five years. So, of course, as technology advances and the opportunities expand, we have to address these important and difficult issues, and we need to amend, accommodate and protect in legislative form where necessary. There are two bills before us tonight, one is the bill in relation to prohibited practices, which includes human cloning. In relation to that, I will be interested to hear the minister's response in committee on the powers of inspectors. Again, this is an area which I think is, in some ways, clumsy and some aspects are untidy, and we need to clarify them.

I cannot see why any person, even including an accompanying police officer, ought to have access to a property with or without displaying cards or anything else, unless there is a reasonable suspicion that an offence is being committed or is about to be committed. I feel that these are areas that I can cover at the committee stage, but I flag that for the purposes of the minister's addressing that issue. To give due respect to what we are talking about—and I have indicated that, in my view, we are talking about human tissue—I feel some degree of offence at the description, throughout the Prohibition of Human Cloning Bill, of the material under discussion as a 'thing'. I think that shows a level of disrespect in relation to what we are dealing with. At the very least, we are dealing with human tissue.

In my view, we are not dealing with a piece of property per se. Whilst it does not have the status of a human being or a child, to describe it as a 'thing' is really offensive and we should endeavour to try harder to have a description which is more respectful, and it is a matter that I think the minister ought to consider at the committee stage. In my view, when we describe human tissue for the purposes of protecting it (as we are in human cloning), it ought to be described as 'human tissue' or 'human material', but the minister may have a better term.

In relation to the Research Involving Human Embryos Bill 2003, I flag a number of matters. I am satisfied that there are consent procedures which enable both the embryo parents to give their necessary consent and that certain processes are to be undertaken. That is absolutely critical. I am satisfied that what has been outlined in the bill will suffice. As to the surplus and otherwise to be destroyed, I can deal with that issue at the committee stage. It is necessary to deal with this application because, although we have talked about the threat of the commonwealth, in my view, there is the problem of how we deal with an individual South Australian who is currently not covered by the law and who may incorporate to attempt to come under the commonwealth law. That is an issue I would like considered.

Finally, I support the proposed sunset clause to 5 April 2005. I have heard the proposed amendment that has been flagged to delete the balance of the sunset clause. I will support that amendment for the reasons that have been outlined. It is very important that we maintain (as we are entitled to) control of the agenda in relation to this debate: it should rightly remain in this chamber and not be left to a council of eight people from outside this state.

Debate adjourned.

MATTERS OF PRIVILEGE

The SPEAKER: Without wanting to unduly or improperly interrupt the deliberations of the house—

Members interjecting:

The SPEAKER: Order, the honourable member for West Torrens and other members! Without wanting unduly to interrupt the debate, I have carefully examined matters relating to privilege arising from remarks made by the Minister for Health and brought to the attention of the house by the member for Finniss, the honourable Deputy Leader of the Opposition.

On the question of privilege raised by the member for Finniss, the honourable deputy leader, on 20 February, arising from remarks to the house by the Minister for Health and her answers to questions and other statements to the house, it is the duty of the chair to determine whether anything constitutes a prima facie case which would require the establishment of a privileges committee.

The chair has now decided that a more efficient way to deal with such matters in the interests of the house and the use of its resources, particularly the precious time of honourable members, is for the chair to decide if, prima facie, privilege has been breached. I remind all honourable members that the words 'prima facie' in legal terms mean 'on the face of it', and that, in layman's terms, means 'if there is a case to answer'. It does not mean that anyone is guilty just because (prima facie, that is) it has been found that there is a case to answer.

If there is a prima facie case, the Speaker's role is to enable the house to decide whether a privileges committee should be established to determine, where necessary, in any particular case, what happened, how it happened and why it happened, and report its findings to the house. The house will recall that the chair has determined that the house itself cannot investigate these matters and discover events, scrutinise evidence and determine the nature of any such inquiries as may be necessary to reveal to itself what kind of breach of privilege may have been committed, the reasons for it and such like details. The house is far too cumbersome in its numbers and procedures to do that.

In the Westminster model, the house establishes a committee to do that, providing that committee with the necessary powers and authority to do it with expedition, to do it with certainty and to report back to the house. May I also remind the house and all citizens, whether public servants or not, that the powers and privileges delegated to its committees are the same as those of the house itself.

Equally, I remind them—that is, all citizens—that the seriousness of telling lies or otherwise misleading the committee in any way, shape or form is a more serious crime than perjury in any other court. Hence, the whole house—and all members of it—is then able, as it must be able, to rely on the integrity of the information provided to it by its servant, the committee. It will then be necessary for the house to decide whether the breach was of material consequence to the proceedings of the house.

In this case, I find that the concerns of the Deputy Leader of the Opposition were entirely justified, given that he was not aware of all the communications between the subject organisation, the Australian Nursing Homes and Extended Care Association (known as ANHECA), and the Minister for Health. Equally, against the background of all the communications between the minister and ANHECA and the context in which she was otherwise responding to what she quite rightly believed was the generic nature of the inquiries—that is, the questions being asked by the Deputy Leader of the Opposition—the minister's statements to the house were factual, relevant and not at all misleading.

So that honourable members and the public at large can better understand the context of the events which give rise to my opinion of this outcome, let me now quickly but adequately and accurately walk them through those events. During the debate on the Health and Community Services Complaints Bill 2002 on 18 February 2003, there was an exchange between the Minister for Health and the Deputy Leader of the Opposition regarding the status of the aged care sector within the framework of the bill. I refer honourable members to pages 2271 and 2272 of *Hansard* for that day. The minister stated:

> We have had a lot of support from the aged care sector. I will put some of that on—

The Deputy Leader of the Opposition then interjected and said:

> They prefer our amendment to yours.

The minister then continued:

> Your amendment is to take them out. . . This is not what is said in letters to me, and I will put a couple of them on the record.

The minister then read into *Hansard* a range of correspondence from groups and organisations from the aged care sector, including a letter signed by Michelle Lensink of ANHECA. The minister spoke on that occasion with understandable confidence in her belief about the general support there was for the bill from the aged care sector organisations, including ANHECA, as the testaments recorded in *Hansard* indicate. On the other hand, it appears to the chair that the Deputy Leader of the Opposition was expressly focused in his attention upon the position of ANHECA as it had been communicated to him by them.

However, the chair is satisfied that the Deputy Leader of the Opposition did not have all the correspondence between ANHECA and the minister's office about this matter, which gave rise to the minister's legitimate belief and statement to the house on that occasion. She had included communications with ANHECA as those of one organisation in the aged care sector which was (overall) in support of the propositions contained in the government's bill.

The chair has reviewed the relevant details of the communications between ANHECA and the minister's office from 18 October 2002 to 7 November 2002, which is the relevant period. The chair notes that at no time in these exchanges did Ms Michelle Lensink, the Executive Officer of ANHECA, inform the minister or her advisers that, despite discussions and 'compromises', ANHECA was remaining with its 'preferred position' of having commonwealth-funded aged care facilities removed from the jurisdiction of the Health and Community Services Complaints Bill. Nor did Ms Lensink at any time indicate that ANHECA preferred the shadow minister's amendments to this effect, which were tabled in the house on 24 October.

Honourable members should note the following. On Friday 18 October, a delegation from ANHECA, consisting of Ms Michelle Lensink (Executive Officer), Mr Viv Padman (Chair) and Mr Paul Varcoe (Director), met with Mr Danny Broderick, the adviser to the minister, to discuss the HCS bill. At that meeting, Mr Broderick explained and clarified several aspects of the bill and also indicated that the minister might be willing to consider further amendments concerning aged care facilities, which would clarify the interaction between the commonwealth Aged Care Complaints Scheme and the proposed HCS ombudsman.

The chair has satisfied itself of the record Mr Danny Broderick has of that meeting. Mr Broderick invited ANHECA to provide some suggested wording for the minister's consideration. On Sunday 20 October, Ms Lensink emailed Mr Broderick some suggested wording of an amendment for the minister's consideration. On Tuesday, 22 October, Mr Broderick replied by email to Ms Lensink indicating the minister's response about an amendment which was being put to parliamentary counsel. He informed Ms Lensink as follows:

> With regard to the bill, I discussed these issues with the minister and with parliamentary counsel and she has approved the following amendments. Firstly, 'nursing home' has been changed to 'aged care facility' and with regard to the substantive matter. . . the following is what the PC—

parliamentary counsel—

> advised and what has gone forward. . .

The email went on to detail the amendment and concluded with the words:

> Please call me if you wish to discuss this further.

On Wednesday 23 October, Ms Lensink replied by email to Mr Broderick in the following manner:

> . . . We are thrilled that our concerns have been taken into consideration and will write to the minister along those lines as soon as practicable! I am personally very pleased that we have been able to find a mutual way through our concerns as I can never be sure whether my political experience is any assistance or a major hindrance in my new position. I also feel for you guys as it's a very stressful job and I am pretty sure I don't miss government.
>
> Thanks again and all the best,
>
> Michelle Lensink

Also on Wednesday 23 October, Mr Broderick replied by email to Ms Lensink in the following manner:

> Michelle, I'm glad we've been able to come to a clear understanding and a workable solution. I will convey your thanks to the minister. . .

Further quoting to the house from that communication is not relevant. On Thursday 24 October, the next day, there are two further emails between Mr Broderick and Ms Lensink on other matters. At no point did Ms Lensink indicate that ANHECA was adhering to its original position during these exchanges of views.

In a hard copy letter dated 7 November, some time later, Ms Lensink, on behalf of ANHECA, wrote to the minister, and the salient part of that letter states:

> I would like to take this opportunity to express our gratitude for the recent opportunity to meet with your adviser Mr Danny Broderick regarding the Health and Community Services Complaints Bill 2002. Danny was most accommodating and we are very pleased that a compromise was reached which will provide a sound approach towards providers under the commonwealth Aged Care Act 1997.

In summary then, honourable members will note that the deputy leader asked the question on 20 February, in which he quoted from an ANHECA letter from Ms Lensink of that same day (two days after the conclusion of the debate), which contained statements of which the deputy leader has, from his understanding, quite properly complained in relation to the minister's answer. He was not in a position to know any differently. Yet it was not the minister who led him into that mistaken understanding.

In the circumstances, I urge all members to make use of standing order 141 and the conventional role of the Speaker in the exercise of that standing order, especially as it relates to the prevention or prompt resolution of quarrels between members.

PROHIBITION OF HUMAN CLONING BILL

RESEARCH INVOLVING HUMAN EMBRYOS BILL

Debate resumed.

The Hon. R.B. SUCH (Fisher): I wish to make a very brief contribution and indicate that I support both bills. The matter of using surplus embryos for medical research (and that is 'surplus' as defined in the bill) is very important. The stem cell research that is being conducted currently, both here in South Australia and in other parts of Australia, in my view is vital in terms of improving the wellbeing of our population. We are on the threshold of a new era in medical science, new discoveries, new treatments and possibly cures, and the use of stem cell research is a critical part of that process, as well as the often forgotten contribution that will be made possible by nanotechnology. The stem cell research about which we are aware is important because those generic cells become the specialised cells that constitute the body and form in particular specialised organs. From my understanding, reading and so on, there is no substitute for the use of those stem cells in medical research.

It has not been demonstrated that alternative cells are as good or as appropriate as stem cells in terms of the potential of those cells to advance medical science. I certainly respect the views of those who, for religious or other reasons, oppose the use of embryos in medical research. That is their right. Conversely, I ask them to respect the views and opinions of those who do support the use of stem cells in research. I have a particular interest in the Research Involving Human Embryos Bill, because some of those embryos almost certainly represent the involvement of my wife, Lynette, and me in the IVF program a few years ago.

I notice that the cut-off date given in the bill is April 2002, so some of those surplus embryos would almost certainly be the result of our participation in the IVF program a few years ago. I am not sentimental about embryos. I think that we should talk about embryos and deal with them in a respectful, considered way, but I do not accept the argument that they have human status. I regard them as not taking an advanced human form or having an advanced human status, although I acknowledge that some take a contrary view. I commend both bills to the house, as I say, particularly the bill focusing on human embryos.

I believe it is important that, as a state, we are involved in that research, that we continue to be involved in that research and that we do not try to stifle medical research and the advancement of science. There is always a risk in any scientific endeavour because you can never be quite sure of the outcome, but that cannot and should not stop us from engaging in the process of discovery. I do not believe there are many people who have a legitimate argument to advance in support of human cloning. I guess that many of us would like to make an exception in our own case, but that, I think, is pandering to our own egos.

We can see in the Middle East—and I am not trying to trivialise this matter—the creation of multiple dictators in the Iraqi area, but I do not believe that is as a result of cloning: I think that is the result of ego. These two measures deserve the support of this house. I trust they will get speedy passage because they are both important in terms of advancing the welfare of the people of this state.

Mr HAMILTON-SMITH (Waite): I rise to put my personal view on the record in regard to these two bills but I also to speak as shadow opposition spokesperson for innovation and information economy, which picks up the majority of biotechnology issues within the state. I indicate to the house that I will be supporting both bills before us today. I assess the key issues to be partly scientific, partly ethical and partly process.

I listened carefully to the contribution by the member for Playford in regard to some of the ethical issues involved in these two bills, and I have some sympathy for the arguments that he presented. The nub of the issue is whether or not one considers the embryos to be human beings. I prefer the view put by the member for Adelaide and by other members that these embryos should not be regarded as human beings; that they are not a life form; and that therefore we are not killing a life by allowing these bills to pass.

I also listened to the contribution from the member for Enfield in regard to his concerns about the primacy of federal legislation, the overriding of the state's right to legislate on behalf of the people of South Australia. I note his amendment and indicate that I again understand and can relate to his concerns, but I will not be supporting his amendment. The issues he raised have been raised since Federation about the relationship between the federal government and the states and, in respect of these two bills, there is a need for a common and standard set of arrangements across Australia.

The two bills cover all the key issues. I note in regard to the Prohibition of Human Cloning Bill that in its four parts it provides adequately for the prevention of human cloning within a state. I can hardly imagine the circumstance in which anyone would want to invent and create a human clone. I think this bill is an adequate protection against that prospect. I am sure that it will happen somewhere in the world very soon and it will happen more than once, but I think it is a step forward that we should prohibit it in this state and, indeed, that it should be prohibited across the Australian jurisdiction.

My real interest is in the Research Involving Human Embryos Bill, a much larger bill which raises the issues of experimentation and the use of human embryos for scientific purposes. As has been mentioned by other speakers, we are here today debating these bills because of actions initiated by the commonwealth and, in particular, the commonwealth Prohibition of Human Cloning Act and its Research Involving Human Embryos Act, which were passed in the federal parliament in December 2002. Those acts provide a very strict and competent basis upon which the state acts are now before us.

The rules that are set in Australia for research using embryos are set out in those bills and, of course, the South Australian bills seek to enact those federal intentions into state law. The reproductive technology that will be enabled, particularly by the Research Involving Human Embryos Bill, has been supported by two codes of ethical practice that regulate clinical and research practice. Of course, there is already existing legislation, as has been pointed out by other speakers, in this state, which this new legislation will amend.

As has been pointed out by other speakers, there are about 70 000 embryos in storage across Australia, mostly stored by couples for their own infertility treatment, and embryos in South Australia can only be frozen or stored for 10 years, after which they have to be discarded by law. There is a risk that they may deteriorate if left longer.

In 2000 in South Australia, 2 500 embryos were frozen and stored and over 2000 were subsequently used in treat-

ment to achieve pregnancy. Of course, these bills enable couples to donate their excess embryos to other infertile couples, but also to make them available for therapeutic research. The regulatory and licensing arrangements set out in the Research Involving Human Embryos Bill in my view are adequate. I am persuaded by the arguments given in briefings and by the proponent of the bill that they should be enacted into law.

There are, of course, good reasons for passing both these bills. I am inclined as opposition spokesperson for innovation and biotechnology to remind the house of the advantages that are offered by embryonic stem cell research. These advantages can be practically and realistically accessed and evaluated. Embryonic stem cells grow indefinitely and controllably. They make all of the 200 tissue cell types needed by science. There are disadvantages: the ethical sensibilities I mentioned earlier; the potential to form tumours or teratomas; and, rejection. These remain prospects using embryonic stem cell, and scientific development in this area is still incomplete. It may take years to perfect.

I also remind the house of the problems with adult stem cell technology. There are no ethical issues of the same dimension in regard to adult stem cells as they do not form the tumours or teratomas I have mentioned, but there are disadvantages in comparison with embryonic stem cells. Most of these cells cannot be practicably accessed. They are not identified or defined for most organ systems, cannot be expanded indefinitely and do not make all 200 tissue cell types. Plasticity and transdifferentiation are under real challenge; rejection remains a possibility; and patient benefit is often overstated. There are serious problems and unknown areas of science with regard to adult stem cell scientific research: it is not an answer in itself.

Embryonic stem cell does offer a unique possibility to the human race to make this world a far better and safer place. I remind the house that embryonic stem cell research offers amazing steps forward in regenerative medicine and cell transplants. The central nervous system stands to be a prime focus of research. Diabetes, heart disease and the liver are areas that will follow, and complex organ research is linked to all of these. Embryonic stem cell science is leading to new drugs, and unravelling stem cell science will lead to new discoveries and new approaches that will enable those suffering to live better lives and enable people to live rather than to die, and all sorts of possibilities in the way of intervention that will make humanity more humane.

I am persuaded by the argument put by the member for Adelaide—and I recognise her expertise in this area—that the parliament should pass and support both these bills, but in particular the Research Involving Human Embryos Bill, on the basis that it will save lives and improve the quality of life for thousands. On a practical note, and as the shadow spokesperson for biotechnology, all of us need to recognise a little bit of commonsense in this debate. Clearly embryonic stem cell research will occur. It will occur in other countries and in other states of Australia within the context and the parameters of the federal legislation. South Australia's choice is whether it will be part of that new research and new wave of opportunity. We can bury our heads in the sand and we can take what some would regard as a purely ethical view. We can say to the biotechnology companies in South Australia, 'No, move elsewhere', or we can be part of this new science and bring to the world that which we have to offer.

I remind the house that Australia and South Australia already have some leading and very capable researchers and companies working in this field. I speak particularly of the company called BresaGen which has, of course, at the very heart of its purpose for being, stem cell and embryonic stem cell scientific objects. Australia in many ways has the potential to be a powerhouse in these scientific fields. Australia and South Australia have world leading standards in IVF practice, ethics, access and regulation. Three of the world's five to eight credible embryonic stem cell companies are Australian companies. High IVF standards in this country enable the storage of embryonic stem cells that already meet international standards. We also have access to a wide racial and ethnic population in respect of our IVF programs which offer the potential for multiple therapeutic embryonic stem cell lines. In effect, Australia is a unique human laboratory which offers the prospect for unique steps forward in regard to this science.

We can bury our heads in the sand or we can take part in this exciting science that offers to change the world. I argue that we should support the bill not only because it is morally and ethically acceptable, but also because it offers South Australia a chance to pioneer, as we have done so often before, an area of science that will make the world a better place in which to live. I support both bills and commend them to the house.

Mr KOUTSANTONIS (West Torrens): I am a model of decorum and restraint in this house, despite the member for Croydon's best attempts to incite and provoke me into a tirade. I disagree with half of what the member for Waite said and hope that members opposite will accept my reasoning for supporting the banning of human cloning and my opposition to embryonic stem cell research. The member for Playford made a very good point. What is life? When do we define a human as existing? What is life? When do we afford people rights that we find here in this place inalienable? I have the right, despite some people's best efforts, to exist and to speak, and I have the right to live and breathe unfettered in our society. These rights are accorded to me by the rule of law.

In regard to embryonic stem cell research, I am pleased that the member has assured us that if there is to be embryonic stem cell research—which I will vote against—the consent of both parties responsible for the embryo being in existence will be required. That is a huge step forward, and I applaud the minister for defending that right for those couples. I do not stand here in judgment on those who will vote for stem cell research on embryos; I believe they are acting in the best possible light they feel is available for great gains in medicine, but I also ask for the same respect and tolerance for those of us who believe that this is nothing more than the destruction of life for medical research. I am always surprised at certain organisations campaigning quite heavily against testing cosmetics and other pharmaceuticals on animals, while those same people would be quite in favour of embryonic stem cell research. I find the two arguments, although not the same, to be similar. Why is it okay to end the existence of an embryo but not okay to research ground breaking medicine on an animal? I do not agree with researching medicine or the latest techniques on live animals; nor do I agree that we should use embryos for research.

I believe that future generations may look back with contempt for the decision we will probably make here tonight to allow stem cell research. I believe we are showing a level of imperialism toward those who are weak and not able to speak up for and defend themselves. I believe we are showing a level of disdain for the dignity of a human life if we take

away that prospective life and use it for research. There are people who argue that embryos are nothing but a group of cells that have divided to a certain level and have the potential for life. That is their right and I will defend their right to say that. I disagree.

I am not afraid to say that, based on my faith as an Orthodox Christian, I believe that life begins at conception. As someone who believes that life begins at conception I was warned by people that when I made my speech I should not use my faith as an argument against embryonic stem cell research, because somehow it devalues the argument against stem cell research. I disagree. I think that we in this place bring to the debate our morality, our ethics and our beliefs.

There are people who believe in stem cell research so passionately that they do not see what I see as an abuse. I am not saying they are abusing or acting recklessly; I think they believe they are acting in the best interests of humanity by calling for this research, and I respect them for that. But those same people often ridicule those of us who oppose stem cell research because we base our opposition not entirely on our faith, but using our faith as a foundation. I unashamedly say that I use my faith when I legislate on issues of conscience. I am not afraid to say that my church, of which I am a proud member—the Orthodox church—does not support embryonic stem cell research, and I support the church's decision on this. That is not my sole reason for opposing stem cell research. I will not go into the technical arguments, because—I will be honest—I do not understand them all. I am not someone who can come in here and say that I am an expert on what stem cell research will give humanity in the future.

I have seen actors and celebrities go before the United States Congress and argue, and there are people here who argue quite passionately, for stem cell research and quite unfairly use those who are less fortunate than us and who suffer from debilitating diseases such as Parkinson's or some sort of mental illness. I believe they use these people unfairly to further their cause. When I see people like Christopher Reeve sitting in that wheelchair relying on a machine to breathe I feel just as much sympathy as the next person for that man's cause.

I would like to see every advance in medicine help benefit that person, but not at the expense of others. Ultimately, it involves a principle that is as old as the ancient Greeks—doctors take a sacred oath to do no harm. They still take that oath today. Medical graduates from the Adelaide University take that oath—that they will cause no harm. The debate we have here today is: where does life begin? It is a difficult question. There are people in this chamber and the community who believe that life does not begin until you exit the womb. There are those who would argue that, even after that, life does not really exist.

An honourable member interjecting:

Mr KOUTSANTONIS: I will not point out any individuals, because I do not think that is what this debate is about; it is above that sort of issue. There are those who believe that, unless you have the ability to conceptualise the past, the present and the future, and to feel emotion, you are not really alive and you do not really exist. Therefore, a one or two year old baby is not really alive and does not have a consciousness and, therefore, does not have rights. I disagree with that assumption. In fact, I will go further. I disagree with the assumption that a baby in the womb has no rights; I believe it does.

We have a responsibility to the innocent—whether they are embryos, foetuses or babies, or at whatever the stage of development—to do what we can to protect them. I know I am in the minority in the chamber with this view, and I accept that. What I do not accept, however, is the ridicule and the tainting of people who hold the same view as I as being religious zealots who do not understand the advances in science that could benefit humanity.

The Hon. M.J. Atkinson: By people like the member for Morphett.

Mr KOUTSANTONIS: I can't comment on the member for Morphett's contribution. I did not hear it, so I will have to read the *Hansard*. We will have to answer not only to our constituents but also to those who follow us for the decisions we make here today. If we wish to live in a civilised world that respects the dignity of life no matter how old or young, it is—

An honourable member interjecting:

Mr KOUTSANTONIS: Yes, but that is not a question for all those in here. Some of us do not accept that. We have to answer to our community, the generations that are here now and the generations to come. I for one will never take away the right to exist from any citizen or prospective citizen of this country simply for the benefit of science. We have been told by science time and again to get out of the way of its advances and that, by moralising, we get in the way of how it tackles these issues.

My brother, an academic, is someone with whom I have constant arguments about these issues. He is a fervent supporter of embryonic stem cell research. I rang him last night to ask his advice, because I was not quite sure what I was going to say here today. He is a lot older than I am and probably more handsome, too, although I doubt that. My mother thinks I am more handsome!

An honourable member: Don't go there.

Mr KOUTSANTONIS: We won't go there. When I asked my brother, George, his views, he said, 'Tom, you are just taking this Catholic DLP view into parliament, which is disgraceful. You have to evolve.' He told me that I needed to evolve to a higher level—to a level of academia. He quoted Robert Kennedy to me.

Mr Snelling interjecting:

Mr KOUTSANTONIS: Just wait a second. He said to me:

> Some people see things as they are and ask why not? I dream things that never were and say why not?

I quoted Kennedy back to him and said:

> Our world on this earth, as the ancient Greeks said, is to make gentle the life of this world and tame the natures of man.

A great Greek philosopher, who was Kennedy's favourite philosopher, argued against the excesses of man. I believe fervently that this bill, which allows embryonic stem cell research, is an example of the excesses of man. It is pushing the envelope of science too far and we will pay for it. Maybe not today, maybe not tomorrow, but maybe in 100 years from now generations will look back at the way in which we treated our unborn.

I read the Reproduction Technology Bill and I wondered, when it was introduced in 1988, what assurances were given to the house about IVF by the minister who introduced the bill. I have read the second reading explanation, and it contains all manner of assurances about how this technology would be used.

The Hon. M.J. Atkinson interjecting:

Mr KOUTSANTONIS: As the member for Croydon says, they were not worth the paper they were written on. Indeed, even the courts will not accept second reading explanations as evidence of the intention of an act. When we have changes to acts or bills brought into this place, we are given all sorts of assurances.

The Hon. M.J. Atkinson: They do.

Mr KOUTSANTONIS: I have been told they cannot—

The Hon. M.J. Atkinson: Only in the case of ambiguity.

Mr KOUTSANTONIS: I will not begin speaking Latin to discuss this issue. We are given all sorts of assurances. I might be speaking out of turn here, but in the last parliament I was given an assurance by both the government minister and the opposition spokesperson that a certain piece of legislation would not be changed. The moment we entered government, it was changed with bipartisan support. I will not mention what it was because I am a loyal soldier. Another Kennedy, one who died on 22 November 1963, said that it was the responsibility of every citizen of the world to defend their country from its government. I believe I am doing the right thing by voting against embryonic stem cell research. I hope I am proved wrong.

I think the bill will pass, and I hope this technology will bring relief to those who are suffering. I hope it will bring great advances to medical science. I hope it will change the world in which we live. But I have heard this before. I have heard this in relation to wars we have waged, taxes we have raised and election campaigns. I have heard this in relation to a number of matters and I am only 31 years old—but I am a fast learner. When I hear a politician tell me that this new technology will change the way in which we interact in the world, it will change the nature of medical science, forgive me for being sceptical; forgive me for being a recalcitrant; and forgive me for not believing all I see and half of what I read. I believe that we will be punished for what will happen here today. I do not mean that in the biblical sense but, rather, a judgmental sense from those who will follow us in future generations. I believe that one day we will reach a higher awareness of what life is and how precious it is.

As the member for Mount Gambier told me, while bombs are dropping on the city of Baghdad, while innocent civilians are being maimed in a cause for freedom, we are here in virtual peace and serenity legislating to end life. I find the whole procedure abhorrent. I never contemplated on entering the parliament that I would be part of a decision—even though I will vote against it—whereby we would collectively decide that it was okay to experiment with the potential for human life. I cannot express the pain I feel because of this. As the member for Croydon said in the last parliament in terms of the rights of the unborn, in this state procedures are now carried out to terminate pregnancies after seven or eight months, and now—

The Hon. M.J. Atkinson interjecting:

Mr KOUTSANTONIS: He did. Now in this chamber we are debating using surplus unwanted embryos as if they are discarded waste, and potentially in the future specifically created embryos for stem cell research. The member for Heysen shakes her head. Remember what I said earlier: this is just the beginning. I am certain that before I leave this place there will be another bill asking us to approve specifically created embryos for research.

Mr Rau interjecting:

Mr KOUTSANTONIS: I will not repeat that, but I am sure it is exactly the same. It is like the arguments for abortion, that it would only be used for those who were mentally incapable of having a baby or if it would risk the mother's life. We all know that abortion is now used as a form of contraception. Whether that is right or wrong is up to the individual's conscience, but I would rather people were honest with us about how this is going to be used.

I humbly submit to the parliament that I will vote for the ban on human cloning and against stem cell research. I will vote against the second reading. I will vote for the amendments of the member for Playford. If those amendments are successful, I will then consider my position, but ultimately I will vote against the bill.

Mr SCALZI (Hartley): I, too, wish to make a contribution on these very important pieces of legislation. We have before us two bills: the Prohibition of Human Cloning Bill and the Research Involving Human Embryos Bill. There will not be much discussion about the banning of human cloning because I do not think any member here would support research into (or allow) human cloning. Despite some arguments, if we follow the scientific view and want to better things and extend science, that in itself could make up an argument that it should take place. I oppose that, and I am sure that the majority of us here will as well.

What is in dispute is the second bill which deals with human embryos. I note that we are talking not just about tissue but about human embryos. The classification of 'human' comes before 'embryo', so there is some recognition that parts of humanity—no matter how we want to define them and whether or not we believe that life begins at conception—are important and of value.

I agree with the member for Bragg, when she referred to the banning of human cloning, that we should address some of the language. And I agree with the member for Enfield, and others who have spoken previously, that these debates are important. We are not here debating along party lines; we are not debating as part of a particular group, or pressure group. We are exercising our consciences. It is good to recognise that we have the ability to do that in our democratic system. May that long continue, and may it be extended to other areas of debate. Restricting debate on important issues, I think, really diminishes us as representatives. Therefore, I am attracted to the argument put forward by the member for Enfield that, irrespective of where we stand on this issue, there is an argument that, by supporting this legislation, we are abdicating our rights as state legislators. We are giving the power (and I know it is not automatic) to an unelected body to make decisions on our behalf. I have difficulty with that, and I look forward to the member for Enfield's amendment to see what can be done to clarify that problem, which is an issue of concern for us all.

There was very little disagreement about the use of adult stem cells—in fact, that argument was put forward by opponents of this bill—if with them we can achieve the same benefits. I have listened to these arguments. I have attended the briefings. I was a member of the Social Development Committee's biotechnology inquiry, and we have heard this before. I must admit that I am still not well versed in my understanding of this area. It only stands to reason that our understanding cannot be as thorough as that of Professor Sutherland or, indeed, as sophisticated as the argument put forward by Father John Fleming and others. But, as legislators, we have to make a decision. We have to decide whether we want to mirror the federal legislation. I understand, from my limited knowledge, that even if we opposed this bill and it did not pass, the federal legislation would encompass most

of this, and those areas under government control—state government institutions and universities—could incorporate and bypass what we pass here tonight. I understand that. Despite that, I believe that this is, basically, a position about where we stand as individuals: what are our fundamental beliefs?

I found the contribution of the member for West Torrens refreshing. It is important that we are honest and put forward where we are coming from. He has done that. There is no reason why we cannot say openly that it is based on our faith, moral standing and philosophy.

In fact, when I went to the United States for the National Prayer Breakfast, I noticed with what ease legislators were able to talk about 'God' and the use of 'God bless America'. As Australians, we find that is not the way in which people in public office often express themselves, but perhaps we should not be so critical of people who use that terminology. Faith is important: it is an important part of our life. It is an important part of my life.

I oppose the use of surplus embryos. It is not solely based on faith: I have come to that conclusion for many other reasons as well. I believe that there is a problem with defining things as 'surplus'. As an economics teacher, I used to find that whenever we talked about a surplus one of the first things that happened was that the price went down. Whenever you talk about a surplus it gets devalued. I hope that is not the case in this instance. I know that the current legislation in South Australia did protect the status of so-called surplus embryos, whereas if we pass the bill tonight it will facilitate and precipitate the greater use of these embryos for research.

I believe that we also should reflect on the intent that is involved. What was the intent of creating these embryos? It was intended that these embryos were to be used for procreation—for producing human beings. I do not believe you can change the intent so easily without really shifting from the initial status. I believe it all boils down to the first premise, that is, whether or not you believe it has a status at that stage.

All the arguments can be put before us. I can come up with examples of research about medical achievements with adult stem cells which show that you can have the same medical benefits and assist people with illnesses such as Parkinson's disease, and so on. For example, on 5 January 2003, a Parkinson's breakthrough occurred at Cedars-Sinai Medical Centre, and in this respect an article stated:

> A Parkinson's patient's own brain cells were chemically encouraged to change form. They became neurons that secrete dopamine, a critical substance lacking in Parkinson's patients. Patients experienced 80 per cent improvement in mobility. At trial stage and expanding.

I believe others have given better examples than I can rattle off here at this late stage. I know the other arguments that, at this stage, embryonic stem cells are more able to change and be more therapeutic and fight against disease.

I note that the member for West Torrens mentioned Christopher Reeve. I, too, have often seen him in his wheelchair with his breathing apparatus. In some ways, people suffering in that way can be manipulated. In our obsession to find perfection in this life, I believe that we devalue the whole essence of life. Whilst we must do everything we can to support research, to improve life and to assist people who are suffering and in pain, we must also have the balance that we can never achieve perfection, although we must aim for it. We will never alleviate all illnesses, and that race itself concerns me. We have only to watch our television screens to see this race in certain areas, yet we do not have basic primary care for many of the world's children.

I cannot judge other individuals, and I respect their views, wherever they are on that continuum of belief or definition of what is human and what is not. But let us not think that there is a panacea, that some day we will live forever: we will not. Not accepting that there is an end is a problem in itself, and it concerns me that research is skewed. We have only to look at the reports on the health status of South Australians. We have only to look at the status of people in different areas, in different groups and at the life expectancy of indigenous Australians (20 years less than the average). Why does someone born in Port Adelaide have less of a chance than someone in another area? Let us put everything into perspective.

Tonight, we will not do a cost benefit analysis on all these issues; yet, ultimately, the money that we put into one area of research comes from another. It is simple economics: it is called 'opportunity costs'. Some have said that, if we do not support this legislation, we will lose the opportunity of supporting research in South Australia and becoming a world leader; that it will not be fair to our scientists; and that we will lose economically.

All these arguments can be put but, ultimately, it boils down to what we think is the status of the embryo. I believe that the status that we have had to this new legislation is correct. For those reasons, I cannot be convinced otherwise. I will not pretend that I have come to the conclusion that I believe that adult stem cells will be the panacea and that we will reap all the benefits by using them. I understand the arguments of some members that research should be in all areas. But, in all conscience—and this is a conscience vote, and I am glad that I have that conscience vote—I cannot support this bill.

I look forward to the member for Enfield's proposed amendment to take away the right from a national unrepresentative body and put it back in South Australians' hands, with parliament making the decision. That makes sense. Research is progressing at such a fast pace, as we have found over the last 20 years. This is the case not only in relation to embryonic stem cell research but also in other areas of gene technology. Introducing changes should be the responsibility of parliament and not of someone who is not representative of the people in whose interests we are debating this legislation tonight. For those reasons, I oppose embryonic stem cell research and, like the rest of my colleagues, I support the prohibition of cloning.

Mrs REDMOND (Heysen): I rise to support both these bills and to place on the record very briefly my thinking about the matter. In fact, the first thing I want to place on the record is my very strong objection to the fact that we are here at this time of night and having to rush this matter through when I think it deserves a more considered debate. It should not be pushed through at this pace, given that we have spent all week so far on the River Murray Bill, which has taken up a considerable amount of members' time.

Like the member for Enfield, I also express some concern that the terms of this legislation are being imposed by the commonwealth when the commonwealth really only has power to regulate us in relation to the matter of corporations. Anyone wishing to obtain the coverage of the legislation could simply corporatise, in my view, and thus obtain the coverage of the commonwealth legislation.

I also support the member for Enfield's comments in large measure generally and in particular his proposal to stop the Council of Australian Governments from taking the ultimate power away from this parliament in deciding whether to remove the sunset clause, which is built in by clause 36 of the legislation. I indicate that I will be supporting his proposed amendment in that regard.

Like the member for Finniss, I found that the best explanation of the technical side of this was that offered by Dr Grant Sutherland at a briefing I attended some months ago. Certainly, I could not now recite the details of that briefing, but I was clear at the time that I was satisfied that there were definite advantages in terms of the ease of gathering and accessing embryonic stem cells, which made their use preferable to the use of adult stem cells. I do not agree with the assertion as a statement of fact offered by the member for Playford when he said:

> Whether the embryo is a human being or not is not in contention: it unquestionably is.

While I respect his views and those of other members who have spoken in a like manner, I do not share that view. In my view, we are dealing with a tiny cluster of cells. Indeed, I share the view of the member for Adelaide in saying that it really needs to be treated as any other part of human tissue or blood and so on. It has already been recited by a number of members during this debate that different religions, for instance, approach the matter differently, some seeing human life as beginning at conception and others seeing it at one month, three months and, indeed, even at birth. At the end of the day, like the member for Enfield, I believe that we are dealing with embryonic stem cells which are going to be destroyed in any event.

In my view, the legislation contains sufficient protection to ensure that what we have is only surplus embryonic stem cells. In that category, only those that were already created prior to 5 April—and, given the support for the member for Enfield's proposed amendment, I think it will stay at that date until the closure of the sunset clause without any possibility of change—and only when those parties who have an involvement, whether they be mother, father or donor, have given a fully informed consent to the use, and then only if those stem cells are surplus to requirements can they be used for ethical research.

I believe it is better to use them for that purpose than to simply allow them to be discarded and pass out of existence anyway, which is what is going to happen to them. To paraphrase what the member for Enfield said, if they are going to be put in the garbage bin and be destroyed or put under a microscope and be of some use before they are destroyed, the latter is the better option.

In relation to human cloning, I have not heard in the debate so far any real discussion that indicates that anyone will support the existence of human cloning. Like the member for Finniss, I think that, given what happened with Dolly the sheep and other cloning experiments thus far, it seems that more questions have been raised than have been answered. It would be incredibly unsafe to proceed into the area of human cloning without knowing a whole lot more about what went wrong with those other cloning experiments.

With those few remarks, because I promised I would be brief at this late hour, I place on the record my support for these bills and my thinking as to why I have reached that conclusion.

Mr GOLDSWORTHY (Kavel): I commence my speech by saying that I support the Prohibition of Human Cloning Bill, but I want to make some comments about the Research Involving Human Embryos Bill. I have a fundamental concern about the destruction of human life for the purpose of scientific research. Ever since microscopes, scientists have said that human beings are conceived when an egg is fertilised by a sperm. Every modern embryology textbook says that a new individual member of the human species is conceived at fertilisation.

If you accept that an embryo is human from the time of fertilisation, it then flows logically that destroying an embryo is ethically wrong and should not be permitted, even for the ostensibly beneficial purpose of medical research. A civilised society would never countenance medical research on a live human being if it caused that person's death. Given that an embryo is human, exactly the same moral principle applies to an embryo. The response of embryo research proponents is to argue that embryos surplus to IVF will die anyway, so they might as well be used for research. That is an argument with which I have a disagreement.

The profound ethical difference between killing and letting die has been, and still is, an essential component of our legal and moral understanding of the way we deal with each other. It is difficult to understand why people who can see this clearly for most human beings apparently fail to see it when embryonic human beings are concerned. If a human being has a terminal illness, we do not permit other people to kill that human being for research purposes, no matter how vital that research may be or what utopian cures such research may promise.

If we do permit some human beings to be killed in order to conduct scientific research, we are surely on a slippery slope to expanding the categories of humans who are going to die anyway on whom research could be conducted. My fundamental premise is that embryos are human and they are human from fertilisation. If an embryo is not needed for an IVF process, it is ethical for that embryo to be left to succumb, which is the moral equivalent of turning off a life support machine; but actively destroying the embryo, for whatever purpose, is ethically wrong.

The proponents of embryo research have been able to perpetrate a number of myths about it, and I want to deal with this. One of these myths is that destructive research on embryos will lead to cures for a number of serious diseases. The proponents argue that embryonic stem cell research will lead to cures for Alzheimer's, Parkinson's, motor neurone disease, diabetes, quadriplegia, and so on.

I find it repugnant that sufferers of many of these conditions are being misled by the proponents of embryonic stem cell research who say that a cure is around the corner. Professor Peter Rowe, Director of the Children's Medical Research Institute in Sydney, said:

> I think the public. . . has been grossly misinformed as to the potential. . . I feel that there is a lot of work that could be done on human embryonic stem cells, but to what end? Because I do not think that we are ever going to use them in any form of treatment, not in the next foreseeable 20 or 30 years, if even then.

In June last year, Professor Rowe told the *Australian* newspaper:

> . . . some stringent rules have to be applied to restrict the activities of individuals, often with doubtful scientific credentials, who will be seeking to gain commercial benefit from their work while claiming to pursue altruistic goals.

Embryonic stem cells have not yet produced a single clinical treatment. There are few and limited successes in animal models, and problems of immune rejection, tumour formation and genomic instability continue to be unresolved. The most that the proponents of this form of research can say is that one day, in a few decades time, it may be that embryonic stem cell research will yield deliverable benefits. Given that we are proposing the destruction of human embryos, that is just not good enough, in my view, for this parliament.

There is much greater potential for benefit from adult stem cell research, which I do support. I am not opposed to stem cell research. I just believe that it should be restricted to adult stem cells about which there is no moral or ethical dilemma as there is with embryonic stem cell research.

Another point of consideration is that the sanctity of human life is the fundamental principle upon which civilisation of law is based. It cannot be denied that civilised human society is full of contradictions. However, given those contradictions, much harder ethical questions need to be considered. I refer, for example, to the value of the human pre-brain development entity and, given that embryos in question are never destined for natural gestation, what is the relevance of their surplus status? Also, should embryonic potential be part of the moral and ethical argument and, if so, does the surplus embryo's fragility, vulnerability and lack of potential for viability reduce its inherent moral value?

The scientific case in favour of embryonic stem cell research is not compelling, in my view, whereas alternative forms of research in adult stem cells continue apace with exceptionally impressive results. Issues of our humanity and ethical science are paramount, and I find the moral and ethical arguments opposed to embryonic stem cell research and the use of foetal tissue to develop stem cell lines very persuasive. Additionally, there is a substantial discrepancy and polarisation of views within the scientific community itself, while the rest of the community lags a long way behind in its understanding of this science. In my view, now is the time to draw the line.

If I surveyed my electorate I expect that more than 50 per cent would support the use of embryos for medical research. However, I have spoken to a number of people who I believe are community leaders in our Hills district and, in particular, a number of Lutheran pastors and others, who are strongly opposed to the use of embryos for stem cell research. I have also had other people approach me, both supporting and opposing embryos for medical research, and I believe that those opposing it would be in the greater number. However, notwithstanding that, this is a conscience issue.

As I said previously, I believe in the sanctity of life and that an embryo is a human life from the time of fertilisation. This is all about what an individual fundamentally believes in. It is also a matter of faith, as other members have spoken about. I might well lose support from some of my electors for taking the stance that I am, which is not necessarily easy. However, I have to do what I believe is morally and ethically correct. As such, I do not support the bill.

Debate adjourned.

HEALTH REVIEWS

The Hon. L. STEVENS (Minister for Health): I seek leave to make a personal explanation.

Leave granted.

The Hon. L. STEVENS: On 27 March, in answer to a question about the number of reviews established in my portfolio, I informed the house that there were five reviews established in the first year of government. That period was incorrect, as I was referring to information provided in answer to an estimates question on 15 January 2003 on the number of reviews for the period 5 March 2002 to 29 July 2002.

PROHIBITION OF HUMAN CLONING BILL

RESEARCH INVOLVING HUMAN EMBRYOS BILL

Debate resumed.

Mr BRINDAL (Unley): I would love to support the member for Playford in his amendment but, since he thinks I seem to be some sort of clone out of an Austin Powers movie, I am not sure that he is not himself somewhat ambivalent and confused. I, like many members on this side of the house, find it a confusing and perplexing issue. On the issue of cloning I have severe ethical reservations. To actually interfere with the natural evolutionary processes to which all species are subjected since the beginning of time is very dangerous and can lead—and I mean this quite respectfully—God only knows where. I am minded of a debate of a briefing we had, I think shared with members on both sides of the house. It may well have been on crops and genetic modification of them, and I remember being confused because part of the discussion was on the use of organs of pigs and other animals for human transplantation. One of the things that shocked me was that the person briefing us basically said that in us all—in our DNA—there are strands that we do not know are there.

They described DNA as a sort of ever complex evolutionary thing that kept building up; there were all these bits and pieces, and they did not quite know what some of them were for. They thought that some of them may well have been immunities to diseases that existed in the past—all sorts of things—but the fear, real or imagined, was that, if you got an organ from, say, a pig and modified it so that it would go into a human and that organ started doing its work, the combination of DNA could be such as to relink viruses that the human species have dealt with in the past, eradicated and moved on from, and those new or mutant viruses could be created in a different form.

It is fanciful and frightening, but when Aldous Huxley wrote *Brave New World* many years ago it was considered a matter of science fiction. What we are debating tonight is very much the possibility of whether legally we should be able to create the very thing that made Aldous Huxley's famous book so frightening. I am afraid that I cannot support human cloning. I think it is unethical, immoral and wrong.

The other issue of stem cell research I find an even more vexing issue. I find myself unable to resolve what for me is always a dilemma. I think that all members know that in this house, I hope ever since I have been here—and I hope for as long as I have the privilege to serve this house—I have always tried to act on the premise that life is sacred. I have said in the context of other debates that I have met no priest, no ethicist, no physician, no scientist who can tell me the moment at which a group of cells becomes a human being.

On that assumption a very wise man, in fact the member for Kavel's father, once told me, 'Lad'—and he was old enough to call me 'lad', and I can now call his son 'lad' because he is young and timorous—'if you ever get a

dilemma in this place remember that South Australia is essentially a conservative community, you are a member of a party which is (and despite my best efforts remains) a conservative party, and if you are ever unsure of a position you should err on the side of conservatism. In this instance, my tendency is to err on the side of caution—that is, if I cannot decide and if no-one whose judgment I trust (be they scientist, priest, ethicist or physician) can tell me when life becomes human, then to interfere with something that is human is immoral, illegal and wrong. Therefore, I will not support stem cell research: I have a great problem with it.

I can say to members who support it that it vexes me in some ways that I cannot. I can see that, if it was possible—and I am sure other members agree with this—and if we could be sure in our consciences that we were not interfering with anything that might constitute human life, it might be a great step forward. It might be that people such as the member for Playford, others and I are the neanderthals and the Luddites here, but we may not be, and we will never know that. This is a conscience vote, and all we can do is the best we can with the limited abilities available to us—and they are limited abilities. None of us knows the perfect truth: none of us knows the answers. We can only do the best we can.

I hope, for my part, that in 30 years' time my vote reflects that I was right, but I am sure that those on the other side of the argument will equally hope that in 30 years' time they will be seen as the people who are correct. So all we can do tonight is to vote and hope that we do it for all the right reasons, hope that parliament in its infinite wisdom produces the best result and hope like crazy, whether we are on the winning or the losing side, that the decision made by this house in 30 years' time is the right decision.

The Hon. W.A. MATTHEW (Bright): Like my colleague the member for Heysen, I initially rise in this place to express my objection to the way in which this bill is being rushed through the parliament. As the member for Heysen clearly put to this house, it has been a very long week focusing on the River Murray debate and now, just before the hour of midnight, the house is focusing on a bill of fundamental importance, a bill that is subject to a conscience vote and a bill that will be subject to numerous amendments, no doubt, through its course.

From 1989 to 1993 under the previous Labor government I certainly witnessed the obscene haste with which important legislation was forced through the parliament late at night, and it would seem that the leopard has not changed its spots on coming back into government. Having said that, I am no hypocrite and I recognise that there have been times when Liberal governments have been guilty of pushing through bills in this way. It is a practice that I objected to to my colleagues and it is a practice that I continue to object to. I believe that it is bad legislative practice and bad parliamentary practice, and such bad practice results inevitably in bad laws and needs the re-convention of the parliament to rectify the unfavourable consequences of those bad laws. Nevertheless, I recognise that I have no control over that direction at this time, and it would appear that debate it at this time we must.

I would like to initially reflect on how it is that this bill came to be before the house. It goes back, of course, to legislative processes of the federal parliament and, indeed, in December last year the royal assent given to two bills passed by the federal parliament, one enacting a comprehensive ban on human cloning and the other allowing so-called surplus embryos (a terminology which, frankly, I find repugnant) stored as a result of IVF procedures to be the subject of scientific research in the extraction of human embryo stem cells—a process that I would argue to this house destroys human life.

I wish to put very firmly on the record the view that is held not just by me but also by many of my constituents and colleagues. Indeed, a number of my colleagues have already put very firmly on the record the view that the process of life is very precious and that that process begins at the stage of fertilisation. The embryo is clearly a human being at that time. I recognise that others differ from that point of view, and it may be that I cannot convince them otherwise, but it is a view that I and many people who have complained to me about the effect of one of these bills express.

Effectively, there are those in some quarters who suggest that, because the embryos in question which have been extracted for IVF processes will not be used, they are surplus and will die anyway, and some convenience might be made of the death of these human beings by using them for scientific research. I put to those people that it is one thing to allow something to die: it is yet another thing to deliberately set about to kill that living organism—in this case, a human being in its infancy. I find repugnant the process that could follow: the possibility that excess human embryos be created by those wishing to have greater numbers available to them for scientific research as they would therein become surplus.

It concerns me that important issues such as this, which go to the very fabric of what sort of society we are and which go to the very fabric of the creation of human being life, are being debated at this time in this chamber as a conscience vote at a time when not all members will be able to contribute to this debate and at the tail end of a very long parliamentary sitting week. One could be cynical and wonder whether perhaps it was deliberately tailored to be at this end of the parliamentary sitting week.

The Labor Party may well say that the parliamentary legislative timetable has gone beyond that which was originally put forward, but the timetable that was originally put forward the opposition expressed to the government as involving an unrealistic and unachievable time frame. The government knew full well at the start of proceedings this week that that timetable was not achievable and, indeed, would not be achieved, simply by virtue of the controversy surrounding the issues that it sought to bring forward in this house.

I recognise that some members of the government share the views that I and my colleagues are putting forward, and I encourage those members of the government to ensure that their viewpoint prevails in the caucus and that this sort of thing does not occur again, because South Australians expect and deserve better in the way in which their legislation is debated.

I remain to be convinced, based on information I have seen, briefings I have been involved in and speaking to scientists at length, that there is any need at all for embryonic stem cell research. I am certainly not against research or progress. My background before I came into politics in a sphere that is very much of the moment and the future ought in itself be enough to convince people that I am very open minded and have a scientific and logical approach to things I undertake, for that was my career path before politics. I seek leave to continue my remarks.

Leave granted; debate adjourned.

ADJOURNMENT

At 12 midnight the house adjourned until Thursday 3 April at 10.30 a.m.